

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

**(Councillors Simpson, Reilly, Bell, Chambers, L
Dirveiks, Hayfield, Henney, Jarvis, Jenns,
Morson, Phillips, Smitten, Sweet, Symonds and
A Wright)**

For the information of other Members of the Council

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and electronic accessible formats if requested.

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

PLANNING AND DEVELOPMENT BOARD AGENDA

5 FEBRUARY 2018

The Planning and Development Board will meet in
The Council Chamber, The Council House, South Street,
Atherstone, Warwickshire CV9 1DE on Monday 5
February 2018 at 6.30 pm.

AGENDA

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

ITEMS FOR DISCUSSION AND DECISION (WHITE PAPERS)

4 Corporate Plan 2018 – 19 - Report of the Chief Executive

Summary

The Corporate Plan is updated on an annual basis. The purpose of this report is to seek the Board's approval for the Corporate Plan Key Actions for which it is responsible and to agree the 2018-19 Service Plans for Development Control and Forward Planning.

The Contact Officer for this report is Jerry Hutchinson (719200).

5 General Fund Fees and Charges 2018/2019 - Report of the Assistant Director (Corporate Services) and the Assistant Chief Executive and Solicitor to the Council

Summary

The report covers the fees and charges for 2017/18 and the proposed fees and charges for 2018/19.

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

6 General Fund Revenue Estimates 2018/19 - Report of the Deputy Chief Executive

Summary

This report covers the revised budget for 2017/18 and an estimate of expenditure for 2018/19, together with forward commitments for 2019/20, 2020/21 and 2021/22.

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

7 Planning Applications – Report of the Head of Development Control.

Summary

Town and Country Planning Act 1990 – applications presented for determination

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

- 8 **Planning and Fire Safety** – Report of the Head of Development Control.

Summary

The report provides a summary of the different roles of a number of respective Regulatory regimes. It was prepared as a consequence the Grenfell Tower incident.

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

- 9 **Appeal Update** – Report of the Head of Development Control.

Summary

The report provides a summary of recent appeal decisions for Members.

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

- 10 **The Cedars at Coton Road, Nether Whitacre** – Report of the Head of Development Control.

Summary

This report seeks confirmation of action taken under emergency powers by the Chief Executive in respect of an enforcement notice at this site.

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

- 11 **Progress Report on Achievement of Corporate Plan and Performance Indicator Targets April - December 2017** – Report of the Head of Development Control.

Summary

This report informs Members of the progress with the achievement of the Corporate Plan and Performance Indicator targets relevant to the Planning and Development Board for April to December 2017.

The Contact Officer for this report is Robert Beggs (719238).

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

Recommendation:

That under Section 110A(4) of the Local Government Act 1972, the public and press be excluded from the meeting for the following item of business, on the grounds that it involves the likely disclosure of exempt information as defined by Schedule 12A to the Act.

EXEMPT INFORMATION (GOLD PAPERS)

13 **The Ansley Appeal** – Report of the Head of Development Control.

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

JERRY HUTCHINSON
Chief Executive

Agenda Item No 4

Planning and Development Board

5 February 2018

Report of the Chief Executive

Corporate Plan 2018 - 19

1 Summary

- 1.1 The Corporate Plan is updated on an annual basis. The purpose of this report is to seek the Board's approval for the Corporate Plan Targets for which it is responsible and to agree the 2018-19 Service Plans for Development Control and Forward Planning.

Recommendation to the Executive Board

- a That those Corporate Plan Targets as set out in Appendix A to the report for which the Planning and Development Board is responsible be agreed; and**

Recommendation to the Board

- b That the Service Plans as set out in Appendix B to the report be agreed.**

2 Report

- 2.1 Corporate Plan Targets and Divisional Service Plans are normally agreed in the January/February cycle of meetings and adopted by Full Council in February at the same time as the Budget.

- ... 2.2 Appendix A sets out proposals for those Corporate Targets which fall within the remit of the Planning and Development Board. Members are requested to recommend to the Executive Board that the Corporate Targets set out in Appendix A are agreed.

- 2.3 A report will be presented to Boards/Sub-Committees after the end of the financial year to show the year end out-turn on the 2017-18 Key Actions. Proposals for 2018-19 will form part of the 2018-19 Corporate Plan which covers the Council's top level priorities.

2.4 It is also important, however, that Members are aware of and agree the significant amount of work carried out within the Divisions to provide services to local people. This information appears in a single document for each Division, the Divisional Service Plan, which is the key management tool for ensuring that services deliver their annual work programme.

... 2.5 The Service Plans for Development Control and Forward Planning comprise Appendix B to this report, as most of these programmes relate to work carried out for this Board.

2.6 Where there are any budget implications for another Board/Sub-Committee arising out of this work programme, those implications will be drawn to the attention of the relevant Board/Sub-Committee in the Budget report going to this cycle of meetings. Similarly, any budgetary implications for this Board from Divisional Plans being reported to other Boards/Sub-Committees are dealt with in the Budget Report also on this agenda.

2.7 Once the Corporate Plan Targets and Divisional Service Plans have been agreed, they will all be subject to the following reporting procedures for monitoring performance:-

- Monthly reports are considered by Management Team;
- A traffic light warning indicator is used:-
 - Red – target not likely to be achieved.
 - Amber – target currently behind schedule and requires remedial action in order to be achieved.
 - Green – target currently on schedule to be achieved;
- Progress reports to each Board/Sub-Committee meeting.

3 Report Implications

3.1 Finance and Value for Money Implications

3.1.1 Where possible, Targets and indicators for 2018-19 will be achieved from within existing Board/Sub-Committee resources. Details of any additional funding are included in the right hand column of the table in Appendix A and in the Budget report and will be in appropriate cases, the subject of reports to the Board.

3.2 Risk Management Implications

3.2.1 The main risk is ensuring that the Council prioritises its resources to enable it to deliver its priorities. The performance monitoring arrangements set out above provide the mechanism to ensure that remedial action can be taken to review progress and ensure that priority outcomes are delivered.

3.3 Other Report Implications

3.3.1 Any further implications resulting from the proposals in Appendix A will be the subject of further reports to the Board.

3.4 Links to Council's Priorities

3.4.1 These are set out in the Appendices.

The Contact Officer for this report is Jerry Hutchinson (719200).

Background Papers

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

Background Paper No	Author	Nature of Background Paper	Date

PRIORITIES AND KEY ACTIONS

<p>PRIORITY 3</p> <p>PROTECTING OUR COUNTRYSIDE & HERITAGE</p>	<p>Protecting and improving our countryside and heritage in times of significant growth challenges and opportunities.</p>
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Target	Board/Lead Officer	Additional Training/ Financial Implications
<p>To continue to:-</p> <p>(a) Manage development so as to deliver the priorities on the Council's Corporate Plan and in the Sustainable Community Strategy;</p> <p>(b) Use the Design Champions to ensure the best achievable designs are implemented and developed so as to reflect setting and local character;</p> <p>(c) To seek to secure the protection of the best of the Borough's built and rural heritage; and</p> <p>(d) To continue to work with North Warwickshire Heritage Forum to protect, promote and develop the heritage and tourism of North Warwickshire.</p> <p>To report on Growth pressures on the Borough, how to protect the Green Belt as far as possible and sustain the rurality of the Borough by February 2019 and at least annually thereafter.</p>	<p>Planning & Development Board/ Design Champions/ACE&StC</p>	<p>To be met within existing budgets.</p>

Target	Board/Lead Officer	Additional Training/ Financial Implications
<p>(a) Whilst continuing to oppose the route of HS2 Phase 2b in principle, to press for maximum mitigation and benefits for the Borough, required as a consequence of the HS2 proposal, in partnership with other affected Councils and community action groups; and</p> <p>(b) To continue to oppose the principle of Opencast Mining and Mineral Extraction.</p>	Executive Board/ACE&StC	Should any additional funding be required, this will be subject to further report.
<p>(a) To maintain a very high standard of street cleanliness (95%) throughout the Borough and to continue to raise awareness (both of the public and other agencies) of the problems of litter, fly-posting and dog fouling.</p> <p>(b) Tackle fly-tipping in line with the Council's Action Plan through joint-working and cross-border co-operation with all relevant stakeholders and through increased promotion, monitoring, investigation and enforcement.</p>	<p>Community & Environment Board/AD (S)/ AD (H)</p> <p>Safer Communities Sub-Committee/AD (S)</p>	<p>Any requirement for additional funding will be reported.</p> <p>Progress against the fly-tipping action plan will be regularly reported to the Safer Communities Sub-Committee.</p>

Target	Board/Lead Officer	Additional Training/ Financial Implications
To work in partnership with the Highways Authority, Highways England and other partners to improve both the appearance and safety of the Borough's main roads (see also Safer Communities priorities).	Community & Environment Board/AD (S)/ Safer Communities Sub-Committee/CE	Any financial implications will be reported as part of the decision-making process.
To progress the Local Plan through Inquiry towards adoption by October 2018.	Executive Board/Planning & Development Board/LDF Sub-Committee/ACE&StC	To be met within existing budgets.
To continue to take action to reduce the Council's carbon footprint and carbon emission in the Borough, in accordance with the Climate Change Strategy and Action Plan, and to report annually in March on progress. This will include acting on any Government led initiatives for domestic properties.	Community & Environment Board/ACE&StC	To be met within existing budgets.

<p>PRIORITY 6</p> <p>SUPPORTING EMPLOYMENT & BUSINESS</p>	<p>Supporting employment and business to grow the local economy in terms of access to work, skills improvement and wider business development opportunities.</p>
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Target	Board/Lead Officer	Additional Training/ Financial Implications
<p>To continue to work with partner organisations in the Coventry, Warwickshire and Hinckley Joint Committee and to consider further options for joint work in the light of Central Government proposals for greater devolution, if this proves beneficial to the local economy.</p>	<p>Executive Board/CE/ACE&StC</p>	<p>To be identified as part of the negotiating process.</p>

Target	Board/Lead Officer	Additional Training/ Financial Implications
<p>To:-</p> <p>(a) Work with the County Council, Job CentrePlus and other partners to provide and promote apprenticeships/ training opportunities; and</p> <p>(b) Administer funding provided by developers and through other funding sources to maximise opportunities for employment of local people including employment engagement activity, development of work clubs and bespoke training.</p> <p>To work with the County Council, Town/Parish Councils and other partners to maximise section 106/CIL contributions for infrastructure, biodiversity offsetting and community improvements.</p>	<p>Planning & Development Board/ACE&StC</p>	<p>Use of Section 106 funding and any financial implications identified in the report on employing apprentices.</p>
<p>In partnership with the Local Action Group and Hinckley & Bosworth Borough Council, to continue to ensure the successful delivery of the LEADER programme (2015 to 2020) in accordance with the priorities identified in the approved Local Development Strategy and Business Plan and to report on progress by March 2019.</p>	<p>Community & Environment Board/AD (L&CD)</p>	<p>LEADER is a predominantly externally funded programme.</p>

Target	Board/Lead Officer	Additional Training/ Financial Implications
Look at ways to improve transport links, including cycle links, footpath links, public transport and HGV parking to local employment and report on progress by March 2019.	Planning & Development Board/ACE&StC	Section 106 funding.
To develop a North Warwickshire Transport Strategy, together with Warwickshire County Council, by March 2019.	Executive Board/ACE&StC	Section 106 funding, external funding and as to be identified by the Strategy.
To work to improve broadband access for the people and businesses of North Warwickshire through the work of the Council and specifically the Coventry, Solihull and Warwickshire BDUK Project and report on progress by December 2018.	Resources Board/AD (CS)	BDUK funding and approved Council matched funding.

Development Control Service Plan 2018/19

Introduction – Summary of 17/18

The last year (17/18) has seen a rise in the number of applications received. Agency staff have filled vacant posts and caseloads have grown. However, performance remains very good compared with internal targets as well as when we benchmark with similar sized rural authorities. Delegated decisions remain in line with national figures. The nature of development proposals however is changing with more major cases, particularly with residential schemes. Planning fee income therefore remains higher than in recent years and this is likely to be sustained with the emerging growth agenda.

The main change in approach to the larger applications is focussing on how these developments can be managed and thus master planning and infrastructure delivery are becoming new focus points in the service. Section 106 contributions are thus increasing in significance together with more joint working with other Agencies on agreeing that infrastructure.

The service has not dealt with many appeals this year, but more are anticipated. To date we have not had significant costs awards made against us.

Heritage issues are increasingly being dealt with in-house again.

Enforcement activity remains significant with cases at appeal and in the Courts. We have successfully provided cover as a consequence of a vacancy.

The Building Control Partnership is working far more efficiently than before with a less than anticipated contribution from the Council.

Review of Last Year

What has gone well?

- Overall performance remains strong
- Significant planning decisions being made.
- Variety of applications submitted remains very wide
- Significant increase in the number of residential applications submitted
- Consequential high fee income
- Agency cover is working well
- Joint working on infrastructure delivery beginning to have an impact
- Section 106 Agreements now bringing in significant contributions for infrastructure
- Draft Development Management Policies subsumed into the new draft Local Plan
- High profile enforcement work – still very active caseload.
- Speaking at Planning Board is positive
- Member engagement with applications is working well
- Member involvement in design issues is effective
- Heritage issues increasingly being covered in-house
- Building Control Partnership is working well
- Successful cover resolved for vacant posts
- No Ombudsman investigations
- Audio and Visual experiment for Inquiries worked very well

What has not gone well?

- Increased workload resulting in officer case-loads higher than seen in last few years
- Significant delays in receiving consultation responses from the County Council
- Recruitment for Enforcement Officer not successful

Staffing

- Successful contract cover resolved for a Planning Officer and the Enforcement Officer
- Professional heritage training for an officer continues and is yielding results

1. Service Plan for Next Year

External Assessments

- Designation Regime widened and made more stringent

New Legislation

- The Housing and Planning Act 2016 – more housing and re-definition of affordable homes
- Changes to the NPPF to follow next year
- Permissions in Principle introduced
- Five Neighbourhood Plans now part of the Development Plan
- Introduction of the GDPR Regulations

New Practice or Codes

- Nothing introduced in the year

Value for Money/Efficiency

- Fee income remains high and likely to be sustained
- 106 Contributions becoming more significant and infrastructure oriented.
- Planning fees to be increased and that increase ring fenced for planning

Performance Indicators

- Targets remain
- Well established audit systems remain in place
- Quarterly reports to Planning Board
- Annual performance Report on a wide range of measures

Use of Technology

- Protocols for procedures with Statutory consultations
- Further digital plotting of constraints – e.g. HS2 safeguarding
- Electronic Submission still at 60%

- Looking to hand held technology for out of office working

Risk Management

- Annual Moderation of Service Risks
- Risks identified in Board reports
- Fraud Awareness training
- Data Protection issues being explored

Customer Surveys/Consultations

- Nothing formal undertaken but anecdotal feed-back is positive
- No Ombudsman cases
- Several complaints have gone to Stage Two but no need to change practice

Corporate Working

- Close links with other services in the delivery of Corporate services – affordable housing/open space/access to jobs/ refuse bins
- Regular Meetings held with these services to run through infrastructure requirements
- Corporate Plan objectives – links to Council priorities – protection of rural character; access to job opportunities and affordable housing to the forefront.
- Very close links to forward planning with progression of the new draft Local Plan
- Infrastructure Planning and Master planning beginning to take a more pronounced role

Sustainable Community Strategy 2009 – 2026

- Raising Aspirations – regular use of Section 106 for skills training and opportunities
- Developing Healthier Communities – Design of new developments/use of 106 contributions and master planning
- Improving Access to facilities – 106 contributions in particular.

Vision/Strategies

- Delivery of Corporate and Community Plan priorities
- Master Planning for new communities and Places
- Delivery of the Core Strategy
- New draft Local Plan

Climate Change

- Core Strategy policies
- Renewable energy in developments
- Sustainable Drainage systems.

Workforce Planning Issues

- Overall sickness record is very good
- Exceptionally experienced staff
- New staff have settled in very well
- Succession planning remains an issue
- Case-loads are very high – increased pressure
- Skills Gap – Climate change; Master Planning and Infrastructure Delivery

Process and Policy

- Continuing legislative reform and change
- Increased pressure to deliver the growth agenda

Health and Safety

- No significant issues

Equalities

- Issues covered where appropriate in Board reports

Data Quality

- Written procedures for all indicators with audit checks
- Written procedures for use of software
- Digital constraints mapping
- New Data Protection legislation is leading to reviews of data management

Communications

- Weekly List of applications – a virtual list too
- Accessible Web site
- Press releases

- Public Speaking at Planning Board
- Special Board Meetings for specific high profile cases
- More pre-application consultation by prospective applicants

Previous Year 2017/18

- Action 1 – To work towards adoption of the Development Management Policies. The draft policies have now been agreed with changes by Board and are to be included in the new draft Local Plan. Progress therefore made and action completed.
- Action 2 – To continue to introduce Master Planning and Infrastructure Delivery within the service. Significant progress has been made – joint internal meetings with other service heads/far better and more meaningful contact with other Agencies/ joint working with neighbouring Authorities where delivery needs coordination.
- Action 3 – To continue to develop the heritage role in the team. Significant progress in being made. An officer will complete a Masters degree in 2018 and has already become the “lead” on heritage issues in dealing with many applications.

Resources Implications

- Sustained fee income and likely to increase further - extra 20% from increased fees
- Significant contributions now coming forward for infrastructure delivery
- High Profile cases and particularly public inquiries are very resource hungry

2. Performance Indicators for 2018/19

3. Our current PI's reflect our past performance against the former National Indicators of the times taken to determine planning applications. These are 60% of all major applications in 13 weeks; 80% of all minors in 8 weeks and 90% of all others within 8 weeks.

These should be retained given the continuing high case-loads and existing staffing levels.

**PLANNING AND DEVELOPMENT DIVISION
SUMMARY SERVICE PLAN 2018/19**

Action	Corporate Priorities	Lead Officer	Start Date	End Date	Priority	Measurement of Success	Resource/Training Implications
1) To continue to introduce Master Planning and Infrastructure Delivery into the service	Promoting Sustainable Communities	Head of Development Control	Already underway	Summer 2018	1	<ul style="list-style-type: none"> • Involvement of Agencies as early as possible • Regular Section 106 meetings with providers • Section 106 Monitoring • Design Guides and Master Plans 	<ul style="list-style-type: none"> • No unusual implications • Consider calling on the 20% increase in planning fees
2) To review the impact of a 20% increase in planning fees	Sustainable Communities Value for Money	Head of Development Control Forward Planning Manager	Spring 2018	Summer 2018	1	<ul style="list-style-type: none"> • Action Plan agreed • Overall Performance improved • Infrastructure Delivery 	<ul style="list-style-type: none"> • Dependant on the introduction of the 20% increase and its longevity
3) To review Enforcement Policy	Countryside and Heritage	Head of Development Control	Autumn 2017	Spring 2018	1	<ul style="list-style-type: none"> • New Policy adopted and in action 	<ul style="list-style-type: none"> • No unusual implications
4) To review Personal Data retention	Resource and Financial Management	Head of Development Control	Winter 2017	Summer 2018	1	<ul style="list-style-type: none"> • Audit undertaken • Recommendations of consultants reviewed 	<ul style="list-style-type: none"> • No unusual implications • Training and briefing

Workforce Implications of the Corporate and Service Plan

Workforce Area	Long Term Objectives	Objectives 2018/19	Action By	Performance Measure	Milestone Dates
Skills	<ul style="list-style-type: none"> • All staff more knowledgeable • Better resilience • Widen range/base of knowledge/skills 	<ul style="list-style-type: none"> • Greater general planning knowledge in Central Support 	Within 2018/19	<ul style="list-style-type: none"> • Less avoidable contact 	
Jobs and Job Roles	<ul style="list-style-type: none"> • Greater variety of work 	<ul style="list-style-type: none"> • Involvement by different members of staff 	Within 2018/19	<ul style="list-style-type: none"> • Explore job satisfaction in staff appraisals 	
Equalities					
Recruitment & Retention	<ul style="list-style-type: none"> • Retain experienced staff • Challenge staff • Delegation of responsibilities • Widen skills base 	<ul style="list-style-type: none"> • Look at “management skills” for the service 	Within 2018/19	<ul style="list-style-type: none"> • Appraisals 	
Learning & Development	<ul style="list-style-type: none"> • Training integral to work • Training focused on known gaps 	<ul style="list-style-type: none"> • Focused Training Plan 	Within 2018/19	<ul style="list-style-type: none"> • Training completed • Evidence of knowledge in reports 	

Workforce Implications of the Corporate and Service Plan

Workforce Area	Long Term Objectives	Objectives 2018/19	Action By	Performance Measure	Milestone Dates
Succession & Career Planning	<ul style="list-style-type: none"> • Challenging work • Increase variety 	<ul style="list-style-type: none"> • Increase variety and challenge • Introduce “management skills” 	Within 2018/19		
Employee Relations					
Health Safety & Welfare	<ul style="list-style-type: none"> • Safe office environment • Safe out of office procedures • Annual risk assessments 	<ul style="list-style-type: none"> • Regular safety audits 	Within 2018/19	<ul style="list-style-type: none"> • Annual Risk Assessments 	
Pay & Rewards					
Flexible Working	<ul style="list-style-type: none"> • More flexible working (in office) • Electronic case files 	<ul style="list-style-type: none"> • Expand electronic case files • On-site hand held technology 	Within 2018/19		

Forward Planning & Economic Strategy Team Service Plan 2018

Summary

2017 has brought many different challenges from providing evidence and being an expert witness at appeals to making progress on the Local Plan. It has, however, still been a fruitful year in that it has been agreed to go out for consultation on the Draft Submission version of the Local Plan as well as a number of Neighbourhood Plans coming in to force.

1 A Review of Last Year (2017)

What went well?

- 1.1 The focus for 2017 was the progression of the Local Plan.
- 1.2 The list of work for 2017 has included:
 - Continuation of the consultation for the Draft Local Plan
 - Preparation and distribution of leaflet on Draft Local Plan to all houses in the Borough
 - Undertaking a further 11 consultation drop-in exhibitions to publicise the Draft Local Plan
 - Attending and preparing for hearings for other Local Plans
 - Meeting with various infrastructure providers to inform the ongoing work to update and refine the Infrastructure Delivery Plan
 - Preparing to be and then being an expert witness for Daw Mill Inquiry
 - The Commissioning and delivery of water cycle strategy for NWBC and other LPA's from Warwickshire, historic environment work and strategic transport assessment
 - Sustainability Appraisal to accompany the Local Plan
 - Continued meetings with stakeholders, landowners and agents
 - Working with ATLAS (part of the HCA) to take forward the growth agenda
 - A successful bid was made to the HCA for funding from the Housing Capacity Fund. This funding is aimed at the delivery of housing. This funding has enabled additional resources to assist with capacity and delivery of the larger housing sites.
 - Assisting the progression of a number of Neighbourhood Plans
 - Referenda for a number of Neighbourhood Plan
 - Formal consultations Neighbourhood Plans
 - Servicing and attending the LDF Sub-committee
 - Continuing to seek ways of achieving economies of scale to reduce pressure on the budget
 - Continued input into regional and sub-regional working with particular reference to the Duty to Co-operate and the Joint Committee
 - Work on HS2 at national, sub-regional and local levels
 - Negotiating of issues with HS2
 - Working with the LEP through the Growth Hub and the Planning & Business Group

**Forward Planning & Economic Strategy Team
Service Plan 2018**

- Timely responses to planning applications
- Input into and being main witness on Planning Appeals
- Monitoring completed on time
- National and regional figures completed on time
- Five year housing supply updated for housing
- Assistance in the negotiation of S106 especially for affordable housing and open space provision

What has not gone quite so well?

- 1.3 Although there have been many success in the past year there have been some issues. These are:
- Staff resources were reduced for part for the year
 - Staff capacity to keep on top of all the current work as well as changes in legislation and aspirational work
 - Information relating to infrastructure is not always easily to arrive at
 - No progress on Conservation Area Appraisals

Work for the coming year

- 1.4 The list below gives an indication of the work expected to be delivered by the team during 2018:
- Consultation on the Draft Submission version of the Local Plan
 - Submission of the Local Plan
 - Progression of the examination, including hearing sessions, for the Local Plan
 - Further refinement and development of the Infrastructure Delivery Plan
 - Preparing and publishing a Brownfield Register
 - Delivery of Concept and Master Plans for Strategic Housing allocations
 - Monitoring developments throughout the Borough to ensure delivery
 - Continuing work on HS2
 - Continued work on HS2 phase 1
 - Work on Phase 2b, including submission of comments on Phase 2b of HS2 Environmental Statement
 - Securing funding for infrastructure to accompany the allocations
 - Start to consider the work to consider whether a new settlement is feasible for the next plan period and the infrastructure required
- 1.5 If capacity allows then:
- Work proactively with Economic Development partners to consider the economic development role of the Borough and to develop a strategy to achieve the desired outcomes
 - Continue to develop projects that can be put forward for a range of funding sources
 - Publication and, if required, an examination into the CIL charging schedule. Will then work with finance, development control and central services to ensure a smooth introduction.

**Forward Planning & Economic Strategy Team
Service Plan 2018**

Staffing

- 1.6 The resource issues of 2017 have been resolved by staff returning to work and the secondment of a member of staff from development control on a short term basis as well as buying in resources using external funding.
- 1.7 As there continues to be a high work load it is important to keep under review the capacity of staff to keep the momentum going and ensuring the timely delivery of projects.

2 Service Plan for the coming Year

External Influence

- The development of a Combined Authority could have an impact either directly or indirectly in how we work with partners within the sub-regional and wider area.

External Assessment

- None expected

New legislation

- Continuing understanding of National Planning Policy Framework
- Neighbourhood Planning
- Community Infrastructure Levy
- Changing funding opportunities for a range of projects including infrastructure and economic projects.

New Practice or Codes

- The RTPi / Planning Advisory Service continually updating their Best Practice Guidance which will need to be reviewed on a continual basis.

Resource implications

- A lot of changes expected over a relatively short time
- Infrastructure Delivery Plan will need to be kept under review and updated on a regular basis
- Neighbourhood Planning is more staff resource intensive

Value for Money/Efficiency

- Continuing to seek partnership working to reduce costs wherever possible.

Resource Implications

- Implications on the need to maintain in-house monitoring resources

**Forward Planning & Economic Strategy Team
Service Plan 2018**

Performance Indicators

Table 1: National Indicators that apply to the Service

Number of additional homes provided (net)	2016-17	363
Number of affordable homes delivered (gross)	2016-17	120
Supply of ready to develop housing sites	As at 31 March 2017	5.1 years

Table 2: NWBC will be monitored on but reported elsewhere

Flood and coastal erosion risk management	Environment Agency
Improved local biodiversity – active management of local sites	Local Sites Partnership

Table 3: *Local Targets*

Has the local planning authority met the milestones which the current Local Development Scheme (LDS) sets out?	Yes
Percentage of new homes built on previously developed land.	2.6%

Use of Technology

- The Local Plan 2006 is interactive on-line but could be improved and hosted on Council's own servers. For the emerging Local Plan the issue is that GIS is no longer updated and cost of bringing back Local Plan in a printable version.
- New web pages have been finalised and web links extended
- On-line consultation response form is used where possible
- Events and consultations are advertised on twitter and Facebook
- Critix is being used by the whole team to allow working from home on a regular basis.

Risk Management

- Annual Moderation of Risks

Customer Surveys/Consultation

- Consultations will be carried out in relation to the development of the various Planning Policy documents but not directly about the service that Forward Planning provides. These will be both formal consultation periods as well informal meetings with key stakeholders.
- There are resource implications in terms of staff time that it takes to organise and then run events. The Local Plan budget covers the financial costs.

Corporate Working

- Close links with other teams and departments in delivery of Corporate priorities – affordable housing, open space, other planning policy documents as well as development and delivery of projects

Forward Planning & Economic Strategy Team Service Plan 2018

- Member training
- Future corporate work will be around the introduction of the Community Infrastructure Levy

Community Plan

- The three key themes are interlinked to the work of the team

Vision

- The teams work is cross cutting
- Forward Planning cuts across practically all of the Council's current seven priorities if objectives are to be delivered.

Strategies

- The service is grounded in long term strategic planning most of which shapes Council activity
- It heeds and takes up internal Corporate Strategies
- Its focus is external strategic working and linkages
- The service links with all Corporate Priorities

Workforce Planning

- Sickness levels have generally improved although this year has seen a long term absence. This is not an issue looking forward.
- The amount and pressure of the momentum of work needs to be assessed on a regular basis to ensure that team morale is not adversely affected.

Process and Policy

- LDS (Local Development Scheme) updated programme needs to be agreed on a regular basis with the LDF Sub-committee
- Electronic service delivery programme in place but could be improved
- Identified gap in respect of climate change issues being addressed

Health and Safety

- Risk Assessments undertaken
- Audits need to be undertaken

Communication

The Forward Planning Team have the Statement of Community Involvement (adopted January 2007), which it uses when consulting the public, stakeholders and other organisations. As a result of comments made during the consultation of the Core Strategy and Site Allocations Plan improvements have been made to the processes undertaken.

Climate Change

The relevant evidence base takes into account issues that climate change may bring.

Forward Planning & Economic Strategy Team Service Plan 2018

Previous Years

As the work of the team is long ranging most actions from the previous year need to be carried forward

Resources

The team is busy. Work is escalating in all areas and in particular with the Draft Local Plan and Neighbourhood Plans as well as HS2 work. Realistic timescales therefore need to be ensured to maintain a good delivery rate that means work is accurate and delivered on time. This means that the timetable for the team needs to have an element of flexibility within it.

**Forward Planning & Economic Strategy Team
Service Plan 2018**

SUMMARY ACTION PLAN

Action	Community Plan / Corporate Priorities	Lead Officer	Start Date	End Date	Priority	Measurement of Success	Resource/Training Implications
1 To take Draft Local Plan through Examination process	<ul style="list-style-type: none"> • Community Plan: All priorities • Corporate Plan 	Forward Planning & Economic Strategy Manager	2016	2018	1	<ul style="list-style-type: none"> • Approval of the Local Plan by an Inspector • Delivery of sites for development 	<ul style="list-style-type: none"> • This will take up a lot of staff time
2 To bring forward Neighbourhood Plans in a timely manner	<ul style="list-style-type: none"> • Community Plan: All priorities • Corporate Plan 	Forward Planning & Economic Strategy Manager	2012	Ongoing as Plans progress	1	<ul style="list-style-type: none"> • Success referendums and approved Plans 	<ul style="list-style-type: none"> • This will take up a lot of staff time from both the team and Democratic Services
3 To review and keep the Infrastructure Plan up to date	<ul style="list-style-type: none"> • Community Plan: All priorities • Corporate Plan 	Forward Planning & Economic Strategy Manager	Underway	Ongoing	1	<ul style="list-style-type: none"> • Regular updates be presented to Board 	<ul style="list-style-type: none"> • Staff time initially
4 To bring forward CIL	<ul style="list-style-type: none"> • Community Plan: All priorities • Corporate Plan 	Forward Planning & Economic Strategy Manager	October 2013	Summer 2019	1	<ul style="list-style-type: none"> • Implementation of scheme 	<ul style="list-style-type: none"> • Staff time initially but will require consultancy assistance

**Forward Planning & Economic Strategy Team
Service Plan 2018**

5	Monitoring, including keep under review the five year housing supply	Community Plan: <ul style="list-style-type: none"> Improving access to services Corporate Plan	Forward Planning & Economic Strategy Manager		Ongoing basis	1	<ul style="list-style-type: none"> Maintaining a robust evidence base Maintaining information on our five year supply 	<ul style="list-style-type: none"> Keeping up to date with changing monitoring requirements both nationally and regionally Staff time
6	Cross-Border Partnership	Community Plan: <ul style="list-style-type: none"> Raising aspirations, educational attainment and skills Improving access to services Corporate Plan	Forward Planning & Economic Strategy Manager		ongoing	2	<ul style="list-style-type: none"> Delivery of projects that deliver results hitting the SCS targets 	<ul style="list-style-type: none"> Staff resource and possible future budget issues
7	Maintain advice on planning control matters including policy advice	<ul style="list-style-type: none"> Community Plan: All priorities Corporate Plan 	Forward Planning & Economic Strategy Manager		ongoing	1	<ul style="list-style-type: none"> 	<ul style="list-style-type: none">
8	Involvement in specialist projects such as HS2, Tame Valley Partnership.	<ul style="list-style-type: none"> Community Plan: All priorities Corporate Plan 	Forward Planning & Economic Strategy Manager		ongoing	1/2	<ul style="list-style-type: none"> 	<ul style="list-style-type: none">

**Forward Planning & Economic Strategy Team
Service Plan 2018**

Workforce Implications of the Corporate and Service Plan

Workforce Area	Long Term Objectives	Objectives 2013/14	Action By	Performance Measure	Milestone Dates
Skills	<ul style="list-style-type: none"> • All staff more knowledgeable • Better resilience • Widen range of knowledge / skill 	<ul style="list-style-type: none"> • Continued understanding of policy changes 	All	Training undertaken	Within 2018
Recruitment & Retention	<ul style="list-style-type: none"> • Retention of experienced staff • Challenge staff • Delegation of projects • Widen skills base 	<ul style="list-style-type: none"> • Look at work and opportunities within it 	D Barratt	Appraisals	Within 2018
Learning & Development	<ul style="list-style-type: none"> • Training integral to work • Training focused on known gaps 	<ul style="list-style-type: none"> • Focused training plan 	All	Training completed Evidence of knowledge in reports	Within 2018
Health & Welfare	<ul style="list-style-type: none"> • Safe office environment • Annual risk assessments 	<ul style="list-style-type: none"> • Regular safety audits 	All	Annual Risk Assessments	Within 2018
Flexible Working	<ul style="list-style-type: none"> • To ensure the health & wellbeing of the team 	<ul style="list-style-type: none"> • To continue to allow working from home 	All	To improve the sickness records even further	Within 2018

Agenda Item 5

Planning and Development Board

5 February 2018

Report of the Assistant Director (Corporate Services) and the Assistant Chief Executive and Solicitor to the Council **General Fund Fees and Charges 2018/2019**

1 **Summary**

- 1.1 The report covers the fees and charges for 2017/18 and the proposed fees and charges for 2018/19.

Recommendation to the Board

That the schedule of fees and charges for 2018/19, set out in the report be accepted.

2 **Introduction**

- ... 2.1 Attached for the Board's consideration at Appendix A are details of present and proposed fees and charges for the financial year 2018/19. Prices for Street Naming and Numbering and Local Land Charges have generally been increased by 3% in line with the budget strategy for 2018/22 agreed by the Executive Board in September. Some of the prices will have been rounded to either the nearest £0.10 or £1.00.
- 2.2 Although Planning Control is under the control of this Board, the fees and charges have not been included in this report as they are set nationally by Government. The Government announced that on 17 January 2018 all planning fees will increase by 20%, which is expected to equate to £125,000. This has been built in to estimates contained in Deputy Chief Executive's report on the General Fund estimates 2018/19.

3 **Report Implications**

3.1 **Financial Implications**

- 3.1.1 The pricing structure contained in this report is expected to generate an additional £1,890 of income on Street Naming and Numbering and Local Land Charges in 2018/19. A 20% increase in planning fees has been allowed for. The revised fees are contained within the Deputy Chief Executive's report on the General Fund estimates 2018/19, presented elsewhere within the agenda for this meeting.

3.1.2 A 1% change in income generated by Street Naming and Numbering and Local Land Charges would result in an increase or decrease in income of £630.

3.2 Risk Management Implications

3.2.1 Changes to fees and charges may impact on the level of demand. However, this has been considered in proposing the revised charges.

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

Background Papers

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

Background Paper No	Author	Nature of Background Paper	Date

NORTH WARWICKSHIRE BOROUGH COUNCIL
PLANNING AND DEVELOPMENT BOARD
FEES AND CHARGES FROM 1 APRIL 2018

	2017/2018 TOTAL CHARGE	2018/2019 TOTAL CHARGE	VAT RATING
LAND CHARGES			
Official Land Charges Register search (LLC1)	33.00	34.00	Outside Scope
Each additional parcel of land	3.00	3.00	"
Con29 R Search	104.00	107.00	Standard
Each additional parcel of land	10.00	10.00	"
Additional Question (CON29O / CON29 R) - first question	21.00	22.00	Standard
Each additional question	1.20	1.20	"
Common Land Enquiry (if submitted as part of search)	14.70	15.00	Standard
Personal searches by appointment	Free	Free	N/A

Registered Common Land and Town or Village Green (question 22) submitted in isolation should be sent to Warwickshire County Council

STREET NAMING & NUMBERING

Add a new property name	60.00	62.00	Outside Scope
Correct an address anomaly	30.00	31.00	"
New development (per plot up to 10 plots)	120.00	124.00	"
New development (per plot above 10 plots)	15.00	15.00	"
Rename/renumber	60.00	62.00	"
Name a new street	120.00	124.00	"
Amend development layout (per plot)	30.00	31.00	"
Commercial property (per unit)	30.00	31.00	"
Rename a street	Price upon request	Price upon request	"
Building conversions per unit (minimum charge 2 units)	60.00	62.00	"
Confirmation letters to solicitors/others	25.00	26.00	"

PLANNING AND ADVERTISEMENT APPLICATIONS

These charges are set by central government and are contained within the Town and Country Planning Regulations.

Details of current charges can be obtained from the Council's Development Control section :

Telephone	01827 715341
Fax	01827 719363
e-mail	planningcontrol@northwarks.gov.uk
Web site	www.northwarks.gov.uk

Agenda Item No 6

Planning and Development Board

5 February 2018

Report of the
Deputy Chief Executive

General Fund Revenue Estimates
2018/19

1 Summary

- 1.1 This report covers the revised budget for 2017/18 and an estimate of expenditure for 2018/19, together with forward commitments for 2019/20, 2020/21 and 2021/22.

Recommendation to the Board

- a To accept the revised budget for 2017/18; and
- b To accept or otherwise vary the Estimates of Expenditure for 2018/19, as submitted, for them to be included in the budget to be brought before the meeting of the Executive Board on 12 February 2018.

2 Introduction

- 2.1 In consultation with other Assistant Directors, the Assistant Director (Finance and Human Resources) has prepared an estimate of net expenditure for 2018/19 and this, together with a revised budget for 2017/18, appears in Appendices A and B. To provide a more complete picture of the spending pattern of the service, the actual figures for 2016/17 are shown.

- 2.2 At its meeting in September, the Executive Board agreed the budget strategy for 2018-2022 which required savings of £1.6 million over a four year period. This required budget savings of £500,000 in 2018/19 with additional savings of £400,000, £350,000 and £350,000 in 2019/20, 2020/21 and 2021/22 respectively. Some limited provision for growth was built into the strategy in specific areas.

- 2.3 Assistant Directors were asked to identify areas where savings could be made, either by a reduction in expenditure or through the generation of additional income.

- 2.4 A subjective analysis of the Board's requirement is shown below:

	Approved Budget 2017/18 £	Revised Budget 2017/18 £	Original Budget 2018/19 £
Employee Costs	474,440	405,040	486,170
Supplies and Services	119,880	186,320	151,290
Earmarked Reserves	-	(36,980)	-
Gross Expenditure	594,320	554,380	637,460
Income	(636,700)	(963,060)	(814,920)
Net Controllable Expenditure	(42,380)	(408,680)	(177,460)
Departmental Support	105,500	158,700	102,570
Central Support	173,370	171,900	173,310
Capital Charges	16,390	16,390	16,390
Net Expenditure	252,880	(61,690)	114,810

- 2.5 The Council values all of its assets using a five year rolling programme, and this can affect the level of capital charges that are made to services and can therefore significantly affect the net service cost. Although few assets are used for the services within this Board, changes in net service expenditure that are as a result of increases or decreases in capital charges are shown below net operating expenditure in the following pages.

3 **Comments on the 2017/18 Revised Budget**

- 3.1 The revised budget for 2017/18 is estimated to be (£61,690); a decrease of £314,570 on the approved provision. The main reasons for variations are set out below:

3.2 **Planning Control (£343,930)**

- 3.2.1 The income from planning fees is expected to increase by £339,000 as a result of two larger than expected applications and a reduction of £10,000 in software maintenance due to the timing of payments. However professional services have increased by £76,480, of which £65,033 relates to Daw Mill, with the remainder relating to increases in planning applications. An earmarked reserve of £36,980 set aside last year has been used to offset the costs for Daw Mill. Salaries have decreased by £35,760 due to vacant posts which have been covered by agency staff contained within departmental support.

3.3 **Conservation and Built Heritage (£22,040)**

- 3.3.1 Salaries have reduced by £33,890 as the Heritage and Conservation Officer Post remained vacant. This meant that work was not completed for Nuneaton and Bedworth Borough Council, so the anticipated income was not achieved.

3.4 **Departmental and Central Support £51,730**

3.4.1 Departmental support recharges have increased as a result of vacancies being covered by agency and professional services in Planning Control.

4 Comments on the 2018/19 Estimates

4.1 The 2018/19 estimate has been prepared, taking into account the following assumptions:

- A 2% pay award from 1 April 2018;
- An increase in income to reflect the increases included in the fees and charges report elsewhere on this agenda

4.2 The total estimated net expenditure for 2018/19 is £114,810; a decrease of £138,070 on the 2017/18 approved budget and an increase of £176,500 on the revised 2017/18 budget. The main variations from the revised estimate are given below.

4.3 Planning Control £208,460

4.3.1 The budgets for software maintenance and earmarked reserves have reduced, returning to the level included in the 2017/18 original budget. Professional fees were reduced back to original 2017/18 levels, but have been amended to include some provision for an appeal. Planning Fee income has decreased by £150,000 due to the removal of two larger applications received in 2017/18 for £275,000, partially offset by a £125,000 inflationary increase of 20% in planning fees. There has been an increase of £56,510 in salaries to reflect the reinstatement of vacant posts.

4.4 Conservation and Built Heritage £24,360

4.4.1 The salary for the Heritage and Conservation Officer post has been reinstated for 2018/19.

4.5 Departmental and Central Support (£54,720)

4.5.1 Departmental support recharges have decreased as a result of employee budgets reinstated for vacant posts previously covered by agency and professional services in Planning Control.

5 Growth Items

5.1 A provision for growth was not built into the Council's Budget Strategy, approved in September 2017 by the Executive Board. There are no growth items relating to the services covered by this board.

6 Risks to Services

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

- The need to hold Public Inquiries into Planning Developments. Inquiries can cost the Council around £50,000 each.
- A change in the level of planning applications received. A fall in applications would lead to a reduction in planning income, whilst an increase in applications would increase the pressure on staff to deal with applications in the required timescales.
- The Government require all planning applications to be dealt with within 26 weeks. If this is not achieved, the costs of the application must be borne by the authority. Whilst the Planning team deal with almost 100% of current applications within this time, there is a potential that some may slip, leading to a decline in the Planning income level.
- There are potential additional costs for the Council in carrying out its planning function. If the Council loses a planning appeal, an award of costs can be made against the Council (the appellant's costs for the appeal). If the Council consistently loses appeals it will become a designated authority, which means that prospective applicants can submit their applications directly to the planning directorate. This would mean the Council would lose the accompanying planning fee.

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

7 Future Year Forecasts

7.1 In order to assist with medium-term financial planning, Members are provided with budget forecasts for the three years following 2018/19. The following table provides a subjective summary for those services reporting to this Board:

	Forecast Budget 2019/20 £	Forecast Budget 2020/21 £	Forecast Budget 2021/22 £
Employee Costs	496,200	509,220	522,520
Supplies and Services	135,230	135,230	137,930
Gross Expenditure	631,430	644,450	660,450
Income	(831,270)	(847,910)	(864,920)
Net Controllable Expenditure	(199,840)	(203,460)	(204,470)
Departmental Support	102,750	104,150	105,900
Central Support	176,580	180,610	184,970
Capital Charge	16,390	16,390	16,390
Net Expenditure	95,880	97,690	102,790

7.2 The forecasts given above have used a number of assumptions, which include pay awards of 2% in 2018/19 to 2021/22, increases in contracts and general increases in supplies and services of 3% in 2019/20. In total, net

expenditure is expected to decrease by 16.34% in 2019/2020, due to the removal of a one off legal costs relating to appeals and to increase by 1.89% in 2020/21 and by 5.22% in 2021/2022.

- 7.3 These forecasts are built up using current corporate and service plans. Where additional resources have already been approved, these are also included. However, these forecasts will be amended to reflect any amendments to the estimates, including decisions taken on any further corporate or service targets.

8 Report Implications

8.1 Financial Implications

- 8.1.1 As detailed in the body of the report.

8.2 Environment and Sustainability Implications

- 8.2.1 Continuing the budget strategy will allow the Council to manage its expected shortfall in resources without disruption of essential services.

8.3 Risk Management Implications

- 8.3.1 There are a number of risks associated with setting a budget, as assumptions are made on levels of inflation and demand for services. To minimise the risks, decisions on these have been taken using past experience and knowledge, informed by current forecasts and trends. However, the risk will be managed through the production of regular budgetary control reports, assessing the impact of any variances and the need for any further action.

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

NORTH WARWICKSHIRE BOROUGH COUNCIL

PLANNING AND DEVELOPMENT BOARD

SUMMARY OF GENERAL FUND REVENUE ESTIMATES

Code	Description	Actual 2016/2017 £	Approved Budget 2017/2018 £	Revised Budget 2017/2018 £	Original Budget 2018/2019 £
4009	Planning Control	30,218	(72,210)	(416,140)	(207,680)
4010	Building Control	1,629	20,000	20,000	20,000
4012	Conservation and Built Heritage	42,934	32,090	10,050	34,410
4014	Local Land Charges	(35,579)	(23,180)	(23,510)	(24,900)
4018	Street Naming and Numbering	(4,382)	920	920	710
	Net Controllable Expenditure	34,820	(42,380)	(408,680)	(177,460)
	Departmental Support	78,126	105,500	158,700	102,570
	Central Support	168,573	173,370	171,900	173,310
	Capital Charges	2,780	16,390	16,390	16,390
	Planning and Development Board Total	284,299	252,880	(61,690)	114,810

4009 - PLANNING CONTROL

A statutory service which determines planning and listed building applications submitted to the Council and the enforcement of contraventions of the Planning Acts.

DESCRIPTION	ACTUALS	APPROVED BUDGET	REVISED BUDGET	ORIGINAL BUDGET
	2016/2017	2017/2018	2017/2018	2018/2019
Employee Expenditure	423,578	418,490	382,730	439,240
Supplies and Services	148,474	72,380	138,110	103,080
Earmarked Reserves	815,352	-	(36,980)	-
GROSS EXPENDITURE	1,387,404	490,870	483,860	542,320
GROSS INCOME	(1,357,186)	(563,080)	(900,000)	(750,000)
NET CONTROLLABLE EXPENDITURE	30,218	(72,210)	(416,140)	(207,680)
Departmental Support	73,114	78,830	132,500	76,720
Central Support	135,286	140,350	139,170	140,120
Capital Charge	2,780	13,090	13,090	13,090
NET EXPENDITURE	241,398	160,060	(131,380)	22,250

Contributes to corporate priorities :

- Protecting our countryside and heritage
- Promoting sustainable and vibrant communities
- Supporting employment and business

KEY PERFORMANCE INDICATORS

Number of Planning Applications		1153		900		1146		1000
Gross cost per application	£	1,384.05	£	788.94	£	659.28	£	759.16
Net cost per application	£	209.37	£	177.84	-£	114.64	£	22.25
Caseload per officer		214		167		212	-	185

4010 - BUILDING CONTROL

A statutory service which ensures the health and safety of the occupants of buildings by achieving acceptable standards of building work through the enforcement of the Building Regulations. The Building Control service has been provided in Partnership with Nuneaton and Bedworth Borough Council since November 2007.

DESCRIPTION	ACTUALS	APPROVED BUDGET	REVISED BUDGET	ORIGINAL BUDGET
	2016/2017	2017/2018	2017/2018	2018/2019
Supplies and Services	1,629	20,000	20,000	20,000
NET CONTROLLABLE EXPENDITURE	1,629	20,000	20,000	20,000
Departmental Support	1,960	1,570	1,880	1,630
Central Support Services	17,193	17,230	13,760	13,810
NET EXPENDITURE	20,782	38,800	35,640	35,440

Contributes to corporate priorities :

- Protecting our countryside and heritage

4012 - CONSERVATION AND BUILT HERITAGE

This service looks to maintain the historical built heritage within the Borough

DESCRIPTION	ACTUALS	APPROVED	REVISED	ORIGINAL
	2016/2017	BUDGET 2017/2018	BUDGET 2017/2018	BUDGET 2018/2019
Employee Expenditure	42,934	43,890	10,000	34,360
Supplies and Services	-	50	50	50
GROSS EXPENDITURE	42,934	43,940	10,050	34,410
GROSS INCOME	-	(11,850)	-	-
NET CONTROLLABLE EXPENDITURE	42,934	32,090	10,050	34,410
Departmental Support	(21,725)	9,680	7,760	7,640
Central Support	5,280	5,030	4,960	5,090
NET EXPENDITURE	26,489	46,800	22,770	47,140

Contributes to corporate priorities :
- Protecting our countryside and heritage

4014 - LOCAL LAND CHARGES

The Council is obliged to maintain a register relating to its area which includes any details of developments, road proposals, closing orders etc., which may affect properties and details of any charge (financial or otherwise) that is registered against each property. In addition the Council provides details on enquiries made by solicitors acting on behalf of prospective purchasers. The income received from search fees is based upon charges that the Council is free to set itself.

DESCRIPTION	ACTUALS	APPROVED	REVISED	ORIGINAL
	2016/2017	BUDGET 2017/2018	BUDGET 2017/2018	BUDGET 2018/2019
Employee Expenditure	-	12,060	12,310	12,570
Supplies and Services	19,275	18,380	19,090	19,090
GROSS EXPENDITURE	19,275	30,440	31,400	31,660
GROSS INCOME	(54,854)	(53,620)	(54,910)	(56,560)
NET CONTROLLABLE EXPENDITURE	(35,579)	(23,180)	(23,510)	(24,900)
Departmental Support	16,986	7,900	8,800	8,660
Central Support	9,865	9,890	13,020	13,300
Capital Expenditure	-	3,300	3,300	3,300
NET EXPENDITURE	(8,728)	(2,090)	1,610	360

KEY PERFORMANCE INDICATORS

Number of Local Land Charge Searches	605	530	570	550
Gross cost per search	£ 76.24	£ 91.00	£ 93.37	£ 97.49
Net cost per search	-£ 14.43	-£ 3.94	£ 2.82	£ 0.65

4018 - STREET NAMING & NUMBERING

This function covers naming and numbering of new and existing properties and streets, to ensure consistency and reliability of addressing, which then feeds into the Council's Land and Property Gazetteer.

DESCRIPTION	ACTUALS	APPROVED	REVISED	ORIGINAL
	2016/2017	BUDGET 2017/2018	BUDGET 2017/2018	BUDGET 2018/2019
Supplies & Services	4,473	9,070	9,070	9,070
GROSS EXPENDITURE	4,473	9,070	9,070	9,070
GROSS INCOME	(8,855)	(8,150)	(8,150)	(8,360)
NET CONTROLLABLE EXPENDITURE	(4,382)	920	920	710
Departmental Support	7,791	7,520	7,760	7,920
Central Support	949	870	990	990
NET EXPENDITURE	4,358	9,310	9,670	9,620

Contributes to corporate priority :
- Creating safer communities

Appendix C

Risk Analysis

	Likelihood	Potential impact on Budget
Need for public enquiries into planning developments	Medium	Medium
Decline in planning applications leading to a reduction in Planning Income.	Low	Medium
Applications not dealt with within 26 weeks, resulting in full refund to applicant.	Low	Medium
Implications of losing planning appeals, resulting in appellant costs awarded against the Council or loss of Planning Income	Medium	Medium

Agenda Item No 7

Planning and Development Board

5 February 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, 5 March 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/2017/0519	5	Land South Of Flavel Farm Bungalow, Warton Lane, Austrey, Change of use of land to a mixed use site, to continue the equestrian use and add residential use for two Gypsy families. Site to contain two static caravans, two touring caravans, parking for four vehicles with associated hardstanding and water treatment plant	General
2	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	General
3	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)	General
4	DOC/2013/0020	51	Plot 1 Ocado, Phase 2, Danny Morson Way, Birch Coppice Business Park, Dordon, Approval of details required by condition 13 of permission PAP/2010/051, dated 4 March 2011, relating to a noise impact assessment of external activities at the premises.	General
5	CON/2018/0001	97	K S D Recycled Aggregates, Lichfield Road, Curdworth, Sutton Coldfield, Restrospective application for steel portal frame workshop	General
6	PAP/2017/0237	107	Land Rear Of 1 To 6, Copeland Close, Warton, Approval of reserved matters for the erection of 29 dwellings with associated access, parking and landscaping	General

7	PAP/2017/0465	141	Clinic And Welfare Centre, Coventry Road, Kingsbury, Ground floor space for two commercial units covering the following uses; shops (use class A1) and financial and professional services (use class A2), and two one bed first floor apartments (use class C3)	General
8	PAP/2017/0675	158	51, Long Street, Atherstone, Erection of 4 no: craft/retail units	General
9	PAP/2018/0005 & PAP/2018/0006	170	Aston Villa Training Ground, Bodymoor Heath Lane, Bodymoor Heath, Phase 1 - change of use involving formation of replacement football pitches (including one artificial floodlit pitch) together with new access and car/coach parking; provision of changing rooms and new floodlit show pitch Phase Two – Change of use involving replacement football pitches together with diversion of private road and bridleway	General

General Development Applications

(1) Application No: PAP/2017/0519

Land South Of Flavel Farm Bungalow, Warton Lane, Austrey,

Change of use of land to a mixed use site, to continue the equestrian use and add residential use for two Gypsy families. Site to contain two static caravans, two touring caravans, parking for four vehicles with associated hardstanding and water treatment plant, for

Mr James Connors

Introduction

This case was referred to the Board's January meeting but determination was deferred to enable Members to visit the site. This visit has now taken place and a note of that visit will be circulated at the meeting.

This report will address the additional information and amended response submitted by the Highway Authority that was not included in January's Board report.

For convenience the last report is attached at Appendix A.

Observations

a) Highway Safety

The Highway Authority has removed its original objection to the proposal. It was concerned that the last speed survey undertaken at the site was three years old and that since then there had been a number of residential schemes approved in Austrey and the surrounding villages. As such the numbers and speeds of vehicles may have increased along Warton Lane, which does have a speed limit of 60mph. Any increase in speeds along this stretch of road would require greater visibility splays to be provided.

The Highway Authority confirms that speed surveys have been carried out outside the site by the applicant's Highway agent. These surveys were undertaken between Friday 15 and Thursday 21 December 2017 inclusive. The observed results from the Automatic Traffic Counters (ATCs) were 85th percentile speeds of 33.49 mph northbound/37.9 mph southbound at Site 1 and 29.8 mph northbound/29.5 mph southbound at Site 2.

The Highway Authority conclude that the results of the speed surveys show that the visibility splays that were conditioned as part of planning permission ref: PAP/2014/0056 for an equestrian use at the site would also be suitable for the proposed change of use to residential. The County's Highway Engineer confirms that the visibility splays were re-measured on site in the presence of a representative of Austrey Parish Council. The visibility splay looking left from the vehicular access to the site was measured as 92 metres to the nearside kerb and the visibility splay looking right was measured as 60 metres. A splay of 70 metres can be achieved which will require a section of the hedge to be removed. It is accepted however that a visibility splay of 60 metres is suitable in this location based on the latest speed surveys.

The County's Highway Engineer also states that a splay of 60 metres is suitable for a bus to stop. It considers that retaining inter-visibility between the site access and the sharp corner is better than providing a shorter splay, as drivers approaching the site will have greater time to react.

The Highway Authority recommend that based on the recent speed surveys and the measurements achievable on site that a planning condition requiring a visibility splay distance looking right from the vehicular access to the site of 60 metres and a visibility splay distance looking left of 90 metres should be imposed on any consent granted.

Based on the above, the original recommended second reason for refusal, based on the highway safety of users of Warton Lane through the intensification of this vehicular access, is withdrawn.

b) Reasonable Safe Walking Distance of a Settlement Development Boundary

The applicant's Highway Engineer has presented a case that Warton Lane should be classed as a "Quiet Lane", where the surface can be shared between pedestrians and traffic. For a lane to be classed as a Quiet Lane, it needs to have an average daily flow of around 1,000 vehicles with traffic speeds below 35 mph.

It is not agreed that Warton Lane can be classed as a "Quiet Lane." Warton Lane is a C Class classified road being the main road into Austrey. It would not be possible to discourage through traffic using Warton Lane especially as it is a bus route. From the speed surveys provided the average daily flow of vehicles is above 1,000 vehicles and the average speed is above 35 mph. On this basis, Warton Lane does not meet the criteria of a "Quiet Lane" and has not been categorised as a Quiet Lane.

The applicant's agent has also provided a case that the site is well served by public transport. The 785/786 bus service which travels along Warton Lane operates a hail and ride service and so will stop along Warton Lane in a safe location. Being located near to a sharp bend it is considered by the Council that the site is not in a safe location for a bus to stop near to the site or for someone to wait for a bus near to the site. In addition to this, although it is possible to complete a round-trip to Polesworth from Austrey, this service stops at Austrey Main Road eight times a day Monday-Friday, but not before 1015 hours, except on weekends. It is concluded that this bus service is limited and would not allow someone to rely on such a service.

Based on the above, it is recommended to the Board that the application is refused for the following amended reason for refusal:

Recommendation

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

- 1) Policy NW8 in the Core Strategy 2014 states that sites will be permissible within a reasonable safe walking distance of a settlement development boundary. The proposed site is some 0.5km from the settlement boundary of Austrey and reached along a classified road which is unlit and does not have any footpaths or pavements. It is not considered that this provides a reasonable safe walking distance for pedestrians and in particular children and those with mobility issues. Although it is acknowledged that a bus service passes the proposed site, the nearest bus stop is some 0.77km from the site and it is not considered that such a bus service could be hailed safely from anywhere near to the proposed site. To allow such a proposal would be contrary to essential criteria contained within Policy NW8.

BACKGROUND PAPERS

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

Planning Application No: PAP/2017/0519

Background Paper No	Author	Nature of Background Paper	Date
1	Applicant's Highway Engineer	Letter to WCC	31/12/17
2	Highway Authority	Consultation response	8/1/18
3	Highway Authority	Consultation response	15/1/18

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) Application No: PAP/2017/0519

Land South Of Flavel Farm Bungalow, Warton Lane, Austrey,

Change of use of land to a mixed use site, to continue the equestrian use and add residential use for two Gypsy families. Site to contain two static caravans, two touring caravans, parking for four vehicles with associated hardstanding and water treatment plant, for

Mr James Connors

Introduction

The application is reported to the Planning and Development Board for determination under the Council's adopted Scheme of Delegation at the discretion of Assistant Chief Executive and Solicitor to the Council in view of the public interest in this application.

The Site

The site is situated some 500 metres south-west of the settlement of Austrey. It is located outside of any defined settlement boundary and within an area of open countryside. The land has a lawful use for an equestrian use along with a stable block, a store and menage situated in the northern corner of the site.

The application site is part of a wider site which comprises a field measuring some 1.35 hectares. The application site does not include any buildings. Vehicular access to the site is directly onto Warton Lane.

Adjoining the site to the north is a farm complex comprising of a bungalow, saddlery workshop and agricultural/equestrian buildings.

The site plan is shown below.



The Proposal

The proposal is to change the use of the land edged red on the site location plan above for the stationing of caravans for residential purposes together with the construction of an area of hardstanding. The proposal seeks permission for two pitches comprising one static caravan and one touring caravan on each pitch. The statement accompanying this planning application confirms that occupation of these caravans will be restricted to Gypsies and Travellers.

An amended block plan has been submitted during the course of the application showing alterations to the vehicular access as required by the Highway Authority. An amended location plan has also been submitted showing a larger application site which incorporates part of the menage.



Background

Planning permission was granted in 2014 under ref: PAP/2014/0056 for the change of use of this agricultural land to an equestrian use. This permission also included the erection of a barn/stable building measuring some 18.3m x 6.7m x 3m to the eaves and 3.9 m to its ridge. The permission also included the construction of a menage measuring some 40m x 20m and a vehicular access with gates set back 12 metres from the highway.

Permission was granted in 2015 to vary conditions on the above consent to allow for the erection of floodlighting and the construction of a horse exercise walker and car parking area.

Development Plan

The Core Strategy 2014 - NW1 (Sustainable Development); NW2 (Settlement Hierarchy), NW7 (Gypsy and Travellers), NW8 (Gypsy and Travellers Sites), NW10 (Development Considerations) and NW13 (Natural Environment)

Saved Policies of the North Warwickshire Local Plan 2006 - ENV13 (Building Design); ENV14 (Access Design and TPT3 (Access and Sustainable Travel and Transport)

Austrey Neighbourhood Plan 2014-2029: - AP1 (Existing Hedgerows, Ditches and Mature Trees) and AP8 (Sustainable Transport)

Other Relevant Material Considerations

The National Planning Policy Framework 2012 – (NPPF)

National Planning Policy Guidance 2014

Planning Policy for Traveller Sites August 2015 - DCLG

The Gypsy, Traveller and Travelling Show People Accommodation Assessment: North Warwickshire and Nuneaton and Bedworth - June 2013

Draft Submission Version of the Local Plan for North Warwickshire 2017 – LP2 (Settlement Hierarchy); LP6 (Amount of Development) and LP10 (Gypsy and Travellers)

Consultations

Highway Authority – It originally objected to the proposal for the following reasons:

- The proposed access to the site is not considered suitable for an intensification of use;
- The proposed layout and manoeuvring area do not appear suitable for the purpose intended; and,
- It has not been demonstrated that the existing visibility splays from the site are suitable for an increased use of the site.

Following the submission of an amended plan showing alterations to the vehicular access, the Highway Authority confirms that although the amended layout overcomes objection reasons 1 and 2, there is still concern about the intensification of this vehicular access for a residential use. As such it continues to object to this proposal, until a comprehensive speed survey is undertaken which proves that the available visibility splays are adequate.

Environmental Health Officer – If planning permission is granted then a residential site caravan licence will be required and the burning of waste on site should be prohibited.

AD (Streetscape) - An area of hardstanding will need to be provided within the curtilage of the site and next to the public highway, so that refuse bins can be collected.

Representations

Austrey Parish Council – It objects to the proposal. The objection letter is accompanied by a petition signed by 1051 residents who state that they fully endorse the objections being raised by Austrey Parish Council. These objections relate to the following issues:

- Although there remains a requirement for 3 pitches in North Warwickshire, the site is not an appropriate location for this proposal.

- Although it is accepted that Gypsy/Traveller sites can be acceptable in the rural area, the site needs to have a good relationship with sustainable settlements.
- The sight lines at the access point are not adequate and represent a potential safety concern. The visibility splays are just 60m in either direction whereas they should be in excess of 215m. An intensification of this access point would present highway safety issues.
- The site does not benefit from immediate access to methods of sustainable public transport, limiting occupiers of the site to travel by private car, bicycle or by foot. There are no footpaths or pavements that would allow safe travel by bicycle or foot into Austrey.
- Austrey has no immediate access to medical services as the nearest is Polesworth surgery some 3.2 miles away.
- It is accepted that the continuation of the equestrian use is appropriate for a rural setting.
- More suitable locations for Gypsy and Traveller sites are those which are close to settlements higher up in the settlement hierarchy.
- The proposal does not address the potential impact of light spill on the adjacent residential property which could likely emanate from this residential use.
- To walk to Austrey's settlement boundary takes at least 7 minutes and to walk to the sustainable transport connections takes at least 10 minutes along a carriageway with no footpath or pavement.
- This proposal will have an impact on the open, rural nature of the landscape.

Newton Regis, Seckington and No Mans Heath Parish Council – It objects to this proposal for the following reasons. The proposed access to the site is located on a double bend where visibility is limited in both directions. There is no footpath for children to access the school and no street lighting. It considers that the chances of an accident occurring around this access is high and comments that as NWBC has a five year land supply for Gypsy and Travellers, there are no grounds to grant this application.

Shuttington Parish Council – It supports Austrey Parish Council's objection to this proposal. It states that they have Alvecote Travellers' site within their Parish. They ask whether this site proposed will be self-governed or will it be overseen by another governing body? They also question how waste will be processed on site and whether there will be any burning of waste on site? They raise concerns about the use of this vehicular access which is located on a bend where visibility is not good.

Austrey Residents' Association – They strongly object to this application for the following reasons:

- The site is in an isolated rural location and is not within a reasonable walking distance of a settlement boundary.
- There are no public footpaths or street lighting to enable a safe walk to the nearest settlement or to public transport.
- This proposal does not represent sustainable development.
- The site is in an exposed location near the junction of Warton Lane and Cinder Lane where the topography and low level hedgerow will mean that the development will be highly visible to road users.
- Two static and two touring caravans are not sympathetic to the rural location and would be contrary to Policy NW13.

- The use of this access with its poor visibility will be contrary to Saved Policy TPT3.
- The Borough has a land supply in excess of requirements which is a material consideration of substantial weight.
- The Austrey Neighbourhood Plan sets out criteria for further development in Austrey and this application fails to meet this criteria.

85 letters of objection to the proposal have been received raising the following issues:

- Highway safety from the intensification of this substandard access.
- Impact on the rural setting of this countryside location.
- New houses are not allowed in this countryside location, so why are caravans?
- Warton Lane has a lot of traffic on it travelling at speed. This is not a suitable road for walking along to reach the settlement of Austrey.
- Questions raised about the drainage proposed for this residential use.
- Questions about the application form which states that waste will be collected on site.

One letter of support has been received signed by three residents. This states that as residents of Warton, they have recently received a flyer through their door requesting residents to object to this application. They confirm that they wish to register their support for this application as they can see no legitimate reason for opposition. The development is very limited to two families in a location removed from both Austrey and Warton. Given the paucity of suitable accommodation for Traveller families, it is their view that the applicants are to be congratulated for proposing provision and they wholeheartedly reject the implicit racist nature of this leaflet campaign.

Observations

The site lies outside of any Development Boundary and so within an area of open countryside as defined within Policy NW2 in the Core Strategy 2014.

This proposal for additional Gypsy and Traveller pitches in the Borough needs to be assessed against the following issues:

a) Need for Gypsy and Traveller Pitches

Policy NW7 (Gypsy and Travellers) in the Core Strategy allocates the number of pitches required for Gypsy and Travellers in the Borough. This Policy states that between 2011 and 2028, nine residential pitches need to be provided within the Borough. Six pitches have been granted planning permission since 2011. These pitches have been completed. As such the Council can demonstrate a five year supply of deliverable Gypsy and Traveller sites in the Borough. The Borough Council can also demonstrate a five year land supply for housing. However, in light of the technical adjustment made by Government to the NPPF, this prevents Gypsy and Travellers from relying on the lack of a five year supply of deliverable housing sites to show that relevant policies for the supply of housing are not up-to-date. As the Development Plan is not absent or silent in this case, and the relevant Gypsy and Traveller policies in the adopted Core Strategy are not out-of-date, the tilted balance from paragraph 14 of the NPPF does not apply.

In accordance with Policy NW7 there is a need for three additional pitches to be allocated during the Local Plan period. There are no Gypsy and Traveller sites allocated in the Submission Version of the Local Plan 2017. As such there is an unmet need during the Plan period for the provision of three residential pitches within the Borough. It is important to look at this application in more detail to establish whether this proposal will fulfil this unmet need.

Policy NW8 (Gypsy and Travellers Sites) provides a criteria based policy against which to assess windfall sites. This proposal for the change of use for the stationing of caravans has the potential to conflict with Policy NW8 (Gypsy and Travellers Sites) which states that site suitability will be assessed against a number of criteria including:

"The size of the site and number of pitches is appropriate in scale and size to the nearest settlement in the settlement hierarchy and its range and of services and infrastructure, limited to a maximum number of 5 pitches per site."

A condition specifying the maximum number of caravans is necessary to limit the scale of the development as the description refers to the number of families and this will not be enforceable under the tests laid out in Planning Policy Guidance. The description further goes on to state that the maximum number of static caravans to be placed on site are two and that the maximum number of touring caravans to be placed on site at any one time are two. For the size of the site proposed and its location it is recommended that not more than two pitches are provided on the site. Each pitch should comprise no more than one static caravan and one touring caravan at any one time. As such this proposal would provide two of the three additional pitches required in the Borough during the Local Plan period.

As stated in Policies NW2 and NW8, residential development of this site would be treated as an exception site and so it is necessary that any permission granted is subject to a condition limiting occupancy to Gypsy and Travellers to ensure that such a proposal continues to meet this unmet need. The definition of Gypsy and Travellers is as defined in Government Guidance:

"Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling showpeople or circus people travelling together as such."

As stated above, there is an unmet need in the Emerging Local Plan period for the provision of three residential pitches within the Borough for Gypsy and Travellers. This proposal would provide two of the pitches required. This is a material consideration of significant weight in favour of the proposal.

b) Site's Suitability as a Gypsy Site

Government advice in its Planning Policy for Traveller Sites document states that local planning authorities, when considering planning applications for traveller sites, should consider locally specific criteria to assess applications that may come forward on unallocated sites. Policy NW8 in the Core Strategy provides criteria based policy against which to assess windfall sites. One of the criteria in this Policy states that sites would be permissible inside, adjoining or within a reasonable safe walking distance of a settlement development boundary outside of the Green Belt. The site is 0.5km from the

development boundary of Austrey. Austrey is classed as a Category 4 settlement (Other Settlement with a development boundary) under Policy NW2 in the Core Strategy. It is considered that the site is a reasonable walking distance from the settlement boundary of Austrey being approximately a 7 minute walk.

However, it is important to expand on the policy wording of Policy NW8 - "safe walking distance." Warton Lane is a 'B' classified road with a national speed limit of 60 mph. This road is used by cars, buses and HGVs as the main road into Austrey from Warton, Atherstone and Polesworth. The road does not have any footpaths or pavements and is unlit for the whole of this 0.5km length up to the settlement boundary. The primary school is located within the settlement of Austrey. It is not considered that this stretch of Warton Lane offers safe walking into Austrey particularly for young families or people with mobility issues.

The wording in Policy NW8 further expands on this definition of "safe, reasonable walking distance" by stating that the site should be suitably located within a safe, reasonable walking distance of a public transport service, with access to a range of services including school and health services. As stated above, the development boundary of Austrey is 0.5 km away. It is accepted that the settlement of Austrey does have a primary school, church, public house and a local shop with post office. Although the bus travels along Warton Lane, the nearest bus stop to this site is along Bishops Cleeve which is some 0.77 km away or approximately a 10 minute walk. There are no health services within Austrey with the closest being in Polesworth. The closest secondary school to the site is in Polesworth which is some 7.4km from the site. Again, it is not considered that this stretch of Warton Lane offers safe walking distance to public transport services or to schools and health services in the area.

Policy AP8 in the Austrey Neighbourhood Plan states that any new development should strive to achieve a five minute walkable neighbourhood encouraging the use of sustainable, active transport (walking and cycling). As such it is considered that the location of the application site is not acceptable in principle and in the context of Gypsy and Traveller sites, is not in a sustainable location as any residents here would be highly dependent on private transport. This is a view shared by Austrey Parish Council and by many of the objectors who have written to the Local Planning Authority. Many of the authors of these letters will have direct experience of using Warton Lane for walking and cycling as well as driving along this road or being a passenger on the bus service.

It is considered that the site is not located within a sustainable location in the context of the provision of Gypsy and Traveller sites in the Development Plan. In particular it is considered that the location of this site is contrary to the criteria in Policy NW8 which states that the site should be within a reasonable safe walking distance of a settlement development boundary outside of the Green Belt and within a safe, reasonable walking distance of a public transport service with access to a range of services including school and health services. This is a material consideration of substantial weight against the proposal.

c) Highway Access

Saved Policy TPT3 (Access and Sustainable Travel and Transport) in the North Warwickshire Local Plan 2006 requires that development will not be permitted unless its siting, layout and design makes provision for safe and convenient pedestrian and vehicular access and circulation. Policy NW10 (Development Considerations) in the Core Strategy also states that development should provide for proper vehicular access.

The Highways Authority objected to the original proposal. Following the submission of an amended plan to address some of the issues raised by the Highways Authority with regards to the width of the access road, the manoeuvring area and the position of the gates they have confirmed that they no longer have any objections to the access road being proposed.

However, the Highway Authority confirms that they continue to object to the proposal to intensify the use of this site. They are concerned that the vehicular access granted permission in 2014 for an equestrian use cannot accommodate the additional traffic which would be generated by a mixed use of equestrian and two residential pitches. They consider that the additional residential use will not only generate more trips to and from the site but also result in longer vehicles using the access including towing vehicles. The previous speed survey was carried out three years ago. Since then, planning permission has been granted for additional residential properties in Austrey and Warton. These permissions will not only generate traffic from occupiers of the new dwellings but will also generate construction traffic using Warton Lane.

Warton Lane is a classified road with a national speed limit of 60mph. The Highway Authority maintains its objection to the visibility splays available for this access from and fronting the vehicular access onto Warton Lane. The access is located on the inside of a sharp bend in the road. As such the visibility splays are significantly below the standards required for a 60mph speed limit.

To allow such an intensification of this vehicular access in the absence of an up-to-date comprehensive speed survey has the potential for wholly inadequate visibility splays to be provided onto Warton Lane. This is a view shared by Austrey Parish Council and by a number of the objection letters received by the Local Planning Authority many of whom have been written by people with experience of using this stretch of Warton Lane. As such the proposal would be contrary to Policy NW10 (Development Considerations) which requires development to provide for proper vehicular access and contrary to Saved Policy ENV14 (Access Design) in the North Warwickshire Local Plan 2006 which states that development will only be permitted where vehicular access to the site is safe and the local road network is able to accommodate traffic to and from the development. This is a material consideration of significant weight against the proposal.

d) Impact on the setting of the open countryside

Policy NW13 (Natural Environment) states that the quality, character, diversity and local distinctiveness of the natural environment will be protected and enhanced. The Site Block Plan indicates that the proposal comprises two static caravans and two touring caravans. No utility buildings are proposed for the residential use.

The residential use is shown to be contained within the area of land alongside the access road and the adjoining residential property known as Flavel Farm Bungalow. The remainder of the land (which is the open land to the south west) is shown to continue to be used for equestrian uses. It is considered that the siting of the residential pitches will have a minimal impact on the setting of the open countryside in this location. The height of a caravan is relatively low. Views from the north and the south of the proposal will be set against the built development adjoining the site. Views from Warton Lane will be restricted by the mature hedgerow in place and by the equestrian building located along the eastern boundary with Warton Lane. It is not considered that the proposal will have a detrimental impact on the setting of the open countryside in this location.

e) Impact on neighbouring properties

Policy NW10 (Development Considerations) states that development should avoid and address unacceptable impacts upon neighbouring amenities through overlooking, overshadowing, noise, light, fumes or other pollution. The proposed site adjoins a residential property and associated outbuildings. An amended plan has been submitted which sites the caravans further away from the northern boundary with this neighbouring residential property. There is a hedgerow between the site and the neighbouring property. The applicant has agreed to erect a close boarded fence on the outer edge of this hedgerow if required.

In view of the small scale of this development proposed and the re-siting of these caravans it is not considered that this proposal will have an unacceptable impact upon neighbouring amenities for the adjoining residential property.

f) Other Material Considerations

In 2015 a Written Ministerial statement was issued which makes intentional unauthorised development a material consideration to be weighed in the determination of applications. It appears that hard surfacing has been laid on the site where the horse exercise walker previously stood. This new hard surfacing is not lawful. It is not clear whether this unauthorised development was intentional, but even if this were the case, the inclusion of this hardstanding in an area alongside built development and the manege would not adversely affect the character of the area.

There are no personal considerations put forward for this application. As such personal considerations do not need to be taken into account in the overall balance and so a personal occupancy condition or a temporary permission do not need to be imposed.

The site will generate domestic waste arising from these two residential pitches. There are no proposals to store any commercial waste on the site. There is a need to store this domestic waste close to the vehicular access onto Warton Lane and a refuse vehicle would collect such waste from Warton Lane and would not enter the site. The Environmental Health Officer has commented that a planning condition should be imposed to ensure that there is no burning of waste on the site.

The proposal includes the provision of a package treatment plant for the disposal of foul water. Building Regulations will be required for the installation of this plant. It is not considered that such an installation will cause an environmental issue in this location.

Conclusions

Based on the above it is considered that although the site will provide two of the pitches required under Policy NW7 (Gypsy and Travellers), it will not meet all of the criteria as laid out in Policy NW8 (Gypsy and Travellers Sites) for assessing unallocated sites. In particular, the application site is not located within a reasonable safe walking distance of a settlement boundary and is not located within a reasonable safe walking distance of a public transport service. The Highway Authority has also raised objections to the intensification of this vehicular access until it has been demonstrated that the available visibility splays are adequate for the average speed limit of Warton Lane outside of the site as presently it is their professional opinion that the visibility splays are not adequate for the speed of traffic using Warton Lane.

To conclude, although it has been found that the proposal will provide two of the Gypsy and Traveller pitches required in the Borough, it would have little harm on the setting of this countryside location and little harm on the residential amenity of the neighbouring property. Greater weight is given to the substantial harm to the safety of future pedestrian users of Warton Lane and to users of the vehicular access into and out of the site.

Recommendation

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

- 1) Policy NW8 in the Core Strategy 2014 states that sites will be permissible within a reasonable safe walking distance of a settlement development boundary. The proposed site is some 0.5km from the settlement boundary of Austrey and reached along a classified road which is unlit and does not have any footpaths or pavements. It is not considered that this provides a reasonable safe walking distance for pedestrians and in particular, children and those with mobility issues. The proposed site is also some 0.77km from the public transport network and again the majority of this distance is along a classified road which is unlit and does not have any footpaths or pavements. To allow such a proposal would be contrary to some of the essential criteria contained within Policy NW8.
- 2) Warton Lane is a classified road with the national speed limit. The access road into the site is located on the inside of a sharp bend. It has not been demonstrated that the available visibility splays from and fronting the vehicular access to the site are in accordance with the speeds of approaching vehicles. To allow the intensification of this access for a residential use with towing caravans in addition to the lawful equestrian use has the potential to have a detrimental impact on the highway safety of road users of Warton Lane. As such the intensification of this access is contrary to Policy NW10 in the Core Strategy 2014 and to Saved Policy ENV14 in the North Warwickshire Local Plan 2006.

Notes

Notwithstanding this refusal, the Local Planning Authority has worked with the applicant in a positive and proactive manner through seeking to resolve planning objections and issues, through suggesting amendments to the proposal and through meeting the applicants to overcome reasons for refusal. However despite such efforts, the planning objections and issues have not been satisfactorily addressed. As such it is considered that the Council has implemented the requirement set out in paragraphs 186 and 187 of the National Planning Policy Framework.

BACKGROUND PAPERS

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

Planning Application No: PAP/2017/0519

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	22/9/17
2	Environmental Health Officer	Consultation	28/9/17
3	Waste & Transport Manager	Consultation	28/9/17
4	Senior Pollution Control Officer	Consultation	9/10/17
5	Newton Regis Parish Council	Objection	26/10/17
6	Shuttington Parish Council	Objection	6/11/17
7	Highways Authority	Consultation	6/11/17
8	Austrey Parish Council	Objection and Petition	6/11/17
9	Austrey Residents Association	Objection	3/11/17
10	Agent	Amended block plan	13/11/17
11	Highways Authority	Consultation	23/11/17
12	S Wilkinson	E-mail to Agent	23/11/17
13	Agent	Amended site plan	27/11/17
14	Local Residents	85 objection letters	
15	Local Resident	1 Support letter	

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.

(2) 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

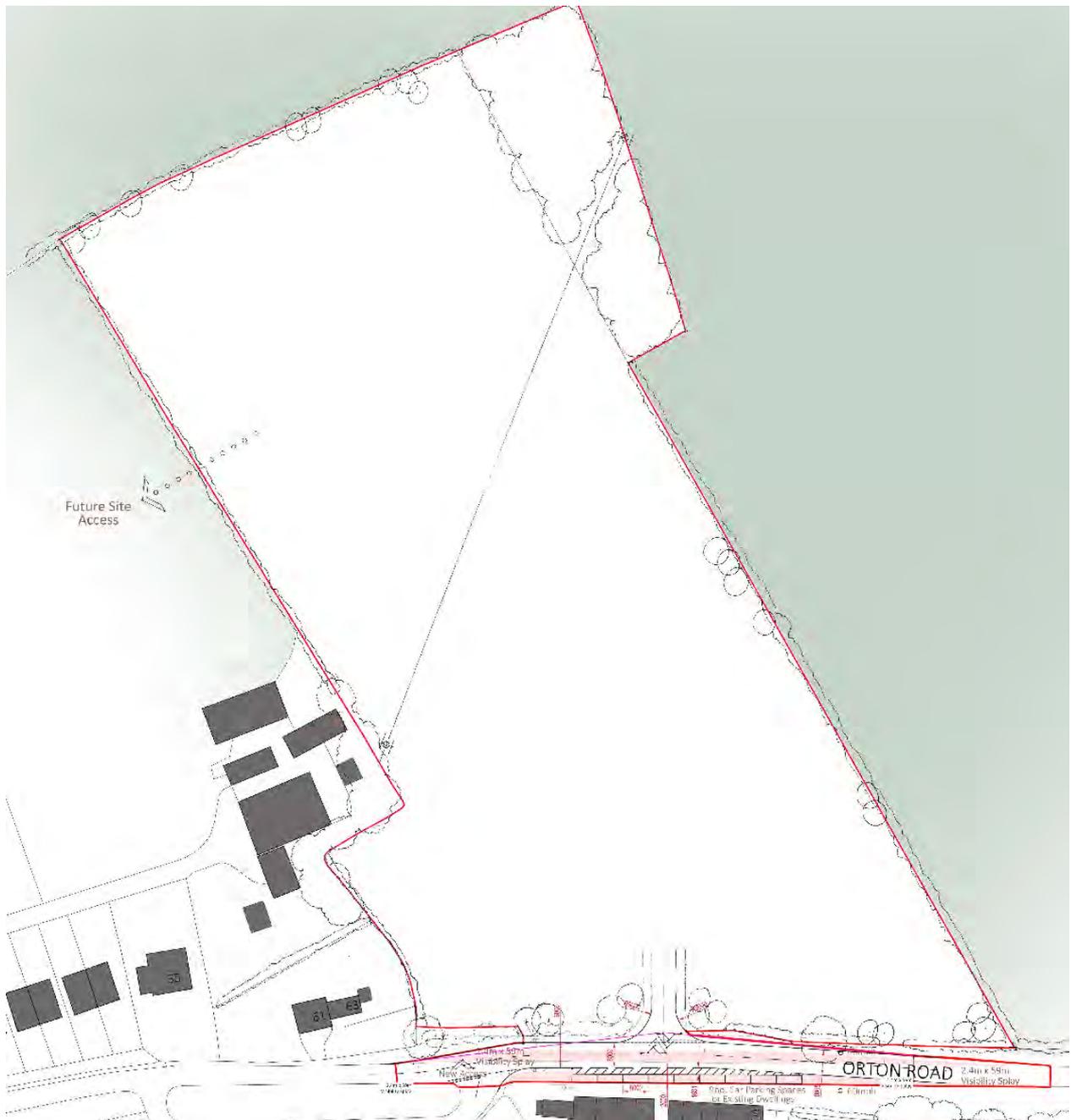
This application is reported to the Planning and Development Board in accordance with the Council's Scheme of Delegation as the proposal is for a major planning application on land owned by Warwickshire County Council.

The Site

The application site involves 2.73 hectares of land and is located on the eastern periphery of the village of Warton. The land is currently in agricultural use with an area to the south used for allotments. A hedgerow forms the northern boundary with fields beyond. Trees and fields beyond form the eastern boundary whilst Orton Road forms the southern boundary with residential properties on the opposite side of the road. The western boundary adjoins a residential dwelling which fronts onto Orton Road along with agricultural buildings and fields. The majority of this land to the west is included within a planning application - reference PAP/2017/0202 - also for a proposed residential development.

The site has a single access point along Orton Road. The topography of the site is relatively flat with a gradient increase from Orton Road into the site.

The outline of the site is shown below.



The Proposal

The application has been submitted in outline format, but for 72 residential dwellings with full details of the proposed vehicular access off Orton Road. The proposal includes the provision of a car park with 16 spaces and a recycling point off Orton Road along with a pedestrian access point and a new pedestrian link across Orton Road. The proposal includes the provision of on-site public open space along with additional planting on site.

The following documentation has been submitted with the application:

- A Design and Access Statement
- A Flood Risk Assessment
- Phase 1 Ecological survey
- Archaeological Assessment
- Plan showing 40% of the units as affordable units.

The proposal would be the subject of a Section 106 Agreement with the following draft heads of terms:

- The provision of 40% affordable housing with 65% of these units as affordable rented units and 35% as shared ownership units. The proposed mix of affordable rented units would be:

Affordable Rented Units: - 21% 2 bed bungalows; 58% 2 bed houses and 21% 4 bed houses

The mix of shared ownership units is unspecified.

- £187,503 towards education provision at Warton C.E. Primary School.
- £104,477.04 towards off-site open space provision and/or community facilities in Warton.
- Works to provide a pedestrian crossing over Orton Road; road improvements to Orton Road and provision and management of the car park and recycling centre for residents of Orton Road.
- Retention, maintenance and management of the woodland areas, hedgerows and open space within the site as shown on the attached plan.
- Maintenance and management of any surface water balancing pond required.
- £ 41,507 for the George Eliot Trust for the provision of additional health care services to meet patient demand.
- A Biodiversity Off-setting Scheme

Development Plan

North Warwickshire's Core Strategy 2012: 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)

Consultations

Environmental Health Officer - An informative should be included in the grant of any permission about the model aircraft flying club situated nearby and so noise mitigation may be required. With regards to the working pig farm to the west then it would be advisable for an earth bund or acoustic fence to be installed. It should be noted that this working pig farm is the subject of a separate application for residential development under ref: PAP/2017/0202.

Warwickshire Museum – It confirms that it is probable that this area has been in an agricultural use since at least the medieval period. Evidence of a possible Roman settlement has been recorded to the north-west of the site. As such there is potential for archaeological features associated with the use of this area during the pre-medieval period to survive across this site. Although there is no objection to this proposal, further archaeological works will be required to be submitted prior to the submission of any reserved matters application for any phase of development.

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

Warwickshire County Council as Lead Local Flood Authority – 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.

Warwickshire County Council as Highway Authority – It originally objected to the details of the proposed access into the site which is being considered as part of this outline application. There were concerns about visibility; existing on-street parking, lack of speed survey information and no road safety audits. Following the receipt of further information and amended plans, the Highway Authority has confirmed that it now has no objection to the amended proposal subject to highway safety conditions being imposed on any consent granted. These conditions relate to the need for detailed technical drawings along with a supporting Road Safety Audit to be submitted and the need for a Construction Management Plan.

Green Spaces Officer - An off-site financial contribution of £104,477 is required towards enhancing open space in Warton.

Severn Trent Water Ltd – No objection to the proposal subject to the imposition of a standard condition.

George Eliot NHS Trust – It provides calculations which show that this proposed housing scheme will generate on average 20 emergency admissions and on average 20 hospital based emergency admissions. As a consequence a contribution of £41,507.00 for the provision of additional health care services to meet patient demand is required.

Warwickshire Wildlife Trust – It recommends that further bat surveys are completed on this site. With regards to biodiversity, the Trust estimates that there will be a net loss of 2.74 biodiversity units and a further loss of 2.96 linear units (hedgerows). This is

contrary to the NPPF and to Development Plan policies. As such the proposed layout should be amended to incorporate more green infrastructure into the site and where this is not possible a Biodiversity Offsetting Scheme will need to be provided to compensate for this loss of biodiversity by way of a Section 106 Agreement.

Warwickshire County Council as Education Authority - It confirms that Warton Primary School currently has six classes for the seven year groups. They have already seen an increase in pupil numbers which has been welcomed. The School has also recently opened a nursery. As such they welcome the proposed development in the village and encourage the Council to require levels of affordable housing to meet the needs of young families. However, they do express concern about the lack of resources at the school for these additional children. They will require a further classroom to accommodate one class per year throughout the school. Using a generic formula they calculate that 72 dwellings will require an additional 15 places. The Warwickshire funding for Primary expansion is circa £12,401 per pupil. As such this proposed development of 72 houses will require a contribution to the school of £187,503.

Representations

Eleven letters of objection have been received raising the following matters:

- The lack of reference to the impact this development on already stretched resources such as schools, healthcare, sewers and the busy roads around Warton.
- It's too big
- The loss of car parking along Orton Road.
- This part of Warton has a beautiful landscape and 72 houses will have a tremendous impact on this small village.
- The hedgerow along Orton Road will be destroyed. Wildlife also uses the site and there are extensive badger setts within half a kilometre of the site.
- The lack of open space in this application and the lack of village facilities within the proposed housing scheme.
- Potential future site access into land to the west.
- Traffic calming measures are needed in Orton Road as well as cycle paths to Little Warton Road.
- The loss of allotments
- The land in question is prime agricultural land and is on a slope so surface water drainage will flow from these houses onto Orton Road.
- The loss of existing views from neighbouring properties and the potential for adverse impacts on residential amenities from noise, disturbance, overlooking, loss of privacy and overshadowing.
- A comment on Human Rights is also made along with a question raised about the retention of the occupied pig units immediately to the west of the site.

Observations

Core Strategy Policy NW1 (Sustainable Development) states that planning applications which accord with the policies in the Core Strategy will 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 Orton Road. However, the site has been identified as an allocated housing site in Policy LP39 as part of housing site H26 (Land north of Orton Road) in the North Warwickshire Local Plan Draft Submission November 2017.

The site will have direct vehicular and pedestrian access onto Orton Road. Little Warton Road has a bus shelter less than 20 metres from the proposed site entrance with a bus service between Tamworth and Atherstone. There is a shop and post office in Warton and a primary school further along Little Warton Road on Maypole Road. These pedestrian linkages 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 proposed site is located north of Orton Road which is a classified road and whose speed limit alters from 30mph to 60mph in front of the site. On the south side of Orton Road there is an existing row of terraced properties where there is on street parking in front of the houses and also at 90 degrees to Orton Road on the north side within the highway verge. The application originally lacked a Transportation Statement. There are two new vehicular accesses proposed as part of the development; however no Stage 1 road safety audit was undertaken when the application was first submitted. The Highway Authority also requested that a speed survey be undertaken due to the change in speed from 60mph to 30mph.

Additional information and amended plans have been submitted for this proposal. The amended scheme shows the widening of Orton Road to create nine parking bays outside the nine cottages on Orton Road which currently lack any off-street parking provision. Additional parking and a recycling centre for these residents is also shown within a separate community car parking area located to the west of the site which contains approximately 17 car parking spaces and recycling bin storage area. This proposed car park is shown to be accessed directly off Orton Road. A Road Safety Audit Stage 1 has not been provided to support the access arrangements. The Highway Authority has confirmed that they have no objections to the amended proposal subject

to highway safety conditions being imposed on any consent granted. They confirm that their assessment has been based on the proposal, accident records within the vicinity of the access and consideration of policies in the Warwickshire County Council Local Transport Plan. The conditions they suggest relate to the need for detailed technical drawings along with a supporting Road Safety Audit to be submitted and the need for a Construction Management Plan.

It is considered that the amended access arrangement with suitable mitigation will allow the impact of the proposed development on the existing network to be adequately managed. Provided the highway conditions are imposed on any consent granted then the proposal to widen Orton Road to create parking bays for the residents opposite the site along with a community car park and to create an access into this proposed residential site will comply with Policy NW10 (Development Considerations) in the Core Strategy and with Policies TPT1, TPT3 and TPT6 in the North Warwickshire Local Plan 2006.

c) Loss of Biodiversity

The site consists of arable land surrounded by hedgerows including in-hedge trees to the boundaries on the west and a significant oak tree on the southern boundary with Orton Road. Warwickshire Wildlife Trust raises concern about the loss of biodiversity through the development of this site. Through the use of WCC's Biodiversity Impact Assessment calculator, the original plans show a loss to biodiversity of 2.74 biodiversity units and a further loss of 2.96 linear units (hedgerows) resulting from this development.

This is as a result of the loss of moderate grassland and trees being removed.

Paragraph 118 of the NPPF states that when determining planning applications, Local Planning Authorities should aim to conserve and enhance biodiversity by applying the principle of if significant harm resulting from a development cannot be avoided, adequately mitigated or as a last resort, compensated for, then planning permission should be refused.

The opportunities for enhancement lie in three areas:

- Retention and enhancement of value of existing mature tree and hedgerows e.g. supplementary planting with native species within the boundary hedge features, particularly where there are gaps within the hedge-line; increasing the area of this valuable and priority habitat and to improve connectivity for wildlife and the introduction of bat and bird friendly native planting schemes,
- The introduction of bat and bird boxes on suitable trees.
- The selection of wildlife-friendly planting species as part of the terrestrial landscaping scheme within the development.

These matters can be taken up through planning conditions and through a Section 106 Agreement. As such the detail can be considered at reserved matters stages.

As such it is considered that in accordance with the requirements of the NPPF, significant harm to biodiversity is reduced if mitigation measures are incorporated into the scheme both onsite and offsite as part of an appropriately worded Section 106 Agreement.

d) Archaeology

The historic maps show that this plot has been static in the landscape for a long period of time. Indeed, the boundaries are traceable back through the Ordnance Survey depictions to 1886 almost without change. However between 1886 and at least 1970, the field is notable for two long linear paths which are probably grass paths and which served 'allotment gardens' as depicted on maps between 1924 and 1970. This is a plot which has been both ploughed in recent years for arable crops, before which it was dug over repeatedly for horticultural purposes between at least 1886 and 1970.

The Planning Archaeologist confirms that it is probable that this area has been in agricultural use since at least the medieval period. Evidence of a possible Roman settlement has been recorded to the north-west of the site and undated cropmarks of possible archaeological origin are visible on aerial photographs to the west and east of the site. Metal detecting in the locality has also identified material dating to the Roman period. As such, they conclude that there is a potential for archaeological features associated with the use of this area during the pre-medieval period to have survived and so a planning condition is recommended to ensure that a programme of archaeological evaluative work is undertaken prior to the commencement of any development on the site.

It is the case for the applicant is that there is no evidence that the site contains any archaeology at all and is unlikely to given the prolonged agricultural, and particularly the horticultural use, of the site. However, considering the evidence provided by the Planning Archaeologist and the Historic Maps of the area it is considered that in this location the site has the potential to contain items of archaeological interest which should be investigated before any intrusive ground works commence. Such a requirement is wholly in accordance with Policy NW14 (Historic Environment) in the adopted Core Strategy 2014.

e) Residential amenity

With regards to the residents to the south and south west 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 a buffer strip along the road side frontage with Orton Road to allow a hedgerow to be planted which will soften the impact of the proposal on the cottages opposite the site. The proposed separation distance between the cottages and the new dwellings is shown as around 25 metres on the indicative layout. The boundary treatment with the existing properties to the south west of the site, being numbers 61 and 63 Orton Road is shown to remain. To the east of these properties and so within the proposed site, the indicative layout shows this land to be used for car parking and recycling purposes for the residents in Orton Road. As such it is not intended to construct housing on this area of land.

With regards to the proposal for the land to the west to be used for residential purposes, the indicative layouts for both of these proposed housing schemes demonstrates how the two sites could be developed without having a detrimental impact on the occupiers of these new units.

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

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 Council's Housing Officer has stated that 65% of these required affordable housing units should be affordable rented units and 35% of these units should be shared ownership units. The proposed mix of affordable rented units requested is set out in the proposals section. This is in accordance with the requirements of Policy NW6.

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. A request is sought for Warton Primary School and towards the maintenance of off-site open space provision and/or community facilities in Warton.

The George Eliot Trust requires a contribution for the provision of additional health care services to meet patient demand for the sum of £41,507.00.

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).

Conclusions

It is recommended that this outline proposal (with details of access) for residential development is supported. This site forms part of a larger allocated site for housing under Emerging Policy LP39 (Housing Allocations) of the Draft Submission Version of November 2017. It has been demonstrated that the application site can be developed with up to 72 dwellings in accordance with the policies in the Development Plan.

Recommendation

That subject to the signing of a Section 106 Agreement covering the draft Heads of Terms as set out in this report, Outline planning permission be **GRANTED** with the following conditions:

- 1) Details of the appearance, access, 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 plan 7450 150F received by the Local Planning authority on 12 July 2017 and no more than 72 dwellings shall be constructed on the site.

REASON

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

- 5) Prior to the commencement of development, detailed technical drawings, with a supporting Road Safety Audit, in accordance with preliminary drawing no: DWG-05 shall be submitted and approved in writing by the Local Planning Authority.

None of the housing hereby approved shall be occupied until the approved highway access works have been implemented in accordance with the approved plans and as evidenced by the issuing of a Certificate of Substantial Completion.

REASON

In the interests of highway safety.

- 6) Prior to the commencement of development, detailed technical drawings shall be submitted showing an adopted footpath crossing the western boundary of the site into the neighbouring site currently known as Suttons Pig Farm. Such an adopted footpath shall be provided for full use within an area of open space prior to the occupation of any of the units hereby permitted.

REASON

To ensure that this residential development is connected to the site to the west as both sites are part of one allocated housing site known as H26 in emerging Policy LP39.

- 7) 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 a possible Roman settlement to the north-west of the site and undated cropmarks of possible archaeological origin being visible some 950 metres to the west of the site.

- 8) 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;
 - 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.

- 9) Prior to the commencement of any development on site full details of how the land shown as public open space and the trees and hedgerows shown to be retained as contained on the Landscape Strategy Drawing within the Design and Access Statement received by the Local Planning Authority on 13 May 2016 shall be submitted to the Local Planning Authority for their approval in writing. The approved details shall then be implemented in full on site.

REASON

In the interests of protecting the biodiversity of the site and retaining areas of open land.

- 10) 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) Retention of the area of woodland and hedgerows within land designated as public open space as shown on the Landscape Strategy Drawing contained within the Design and Access Statement received by the Local Planning Authority on 13 May 2016.
 - 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 accordance with the approved details.

REASON

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

- 11) No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles, the approved FRA and SuDs Strategy 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:

- Undertake 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.
- 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 4.37 l/s for the site.
- Provide provision of surface water attenuation storage as stated within the SUDs Strategy of 1296 cubic metres and/or in accordance with 'Science Report SC030219 Rainfall Management for Developments.'
- Surface water is to be provided via a minimum of two trains of treatment using the proposed above ground drainage features within the proposed drainage design.
- Demonstrate that the surface water drainage system(s) are designed in accordance with 'The SuDs Manual,' CIRIA Report C753.
- Demonstrate detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details of any attenuation system, and outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.
- Provide evidence to show an agreement from Severn Trent Water to connect to the existing surface water network.
- Provide an overland/exceedance flow routing plan to demonstrate any overland/exceedance flows are directed away from buildings.
- Provide a maintenance plan to the Local Planning Authority 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, improve and protect water quality, improve habitat and amenity and ensure the future maintenance of the sustainable drainage structures.

- 12) 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.

Notes

- 1) In accordance with the Protection of Badgers Act (1992) precautionary measures that should be taken to minimise disturbance and interference with badgers include:
 - Ensure that all those in work are aware of the potential for setts or badgers to be encountered, and the actions to be taken if these are discovered at anytime.
 - Trenches and excavations are to be covered at the end of each working day, or include ramps as a means of escape for any animal falling in.
 - Any temporary exposed open pipe system should be capped to prevent badgers gaining access
 - Immediately prior to the commencement of the works the developer undertakes to have all site rechecked by an ecologist with experience of dealing with badgers.
- 2) The hedgerows and scrub on site are particularly suitable for breeding birds and potentially will have a number of nests during the breeding season. Therefore, all site clearance should ideally take place outside of the bird breeding season. Bird breeding season is between mid-March and mid-July, although certain species can breed outside these months and if breeding birds are found then work should cease and the advice of an ecologist sought. If clearance is undertaken within the bird breeding season then all site features should preferably be checked immediately prior to clearance by a suitably qualified ecologist.
- 3) There is a model aircraft flying club operating near to the proposed site and a working farm which lies to the west of the site. Both of these uses have the potential to generate noise. The developer should consider the noise potential from these uses and mitigate accordingly.
- 4) 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.
- 5) Surface water run-off should be controlled as near to its source as possible through a sustainable drainage approach to surface water management. 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 approached which involve piping water off-site as quickly as possible.
- 6) Severn Trent Water advise that although our statutory sewer records do not show any public sewers within the area, 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.

- 7) In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner through pre-application discussions, 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.



1. View of the site from Orton Road access, looking north



2. View across the site from close to Orton Road hedgerow, with allotment, looking west

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	The Applicant or Agent	Application Forms, Plans and Statement(s)	14/9/16
2	E Knight	Objection	23/9/16
3	E Sparshott	Objection	22/9/17
4	Atherstone Herald	Press Notice	22/9/16
5	E Sparshott	Objection	21/9/16
6	R & W Parker	Objection	20/9/16
7	A Christer-King	Comments	20/9/16
8	R McGowan	Objection	20/9/16
9	M Hewetson	Objection	6/10/16
10	L Phipps	Objection	7/10/16
11	K Brown	Objection	6/10/16
12	A Newton	Objection	6/10/16
13	Pollution Control Officer	Consultation response	6/10/16
14	Water Officer	Consultation response	6/10/16
15	Snr Pollution Control Officer	Consultation response	6/10/16
16	Planning Archaeologist	Consultation response	3/10/16
17	G Roberts	Consultation response	28/9/16
18	Highway Authority	Consultation response	16/9/16
19	Forward Planning Officer	Consultation response	Undated
20	Warton Nethersole's School	Letter	13/10/16
21	Highway Authority	Consultation response	14/11/17
22	Agent	E-mail	14/11/16
23	L Phipps	Objection	16/9/16
24	M Williams	Objection	13/10/16
25	Severn Trent Water Ltd	Consultation response	26/10/16
26	A Newton	E-mail	28/10/16
27	Highway Authority	Consultation response	12/1/17
28	S Wilkinson	E-mail	11/4/17
29	WCC LLFA	Consultation response	17/5/17
30	G Roberts	Objection	2/6/17
31	A Newton	Objection	4/6/17
32	M Hewetson	E-mail	4/6/17
33	Snr Pollution Control Officer	Consultation response	16/5/17
34	M Williams	Objection	14/7/17

35	G Roberts	Objection	17/7/17
36	WWT	Consultation response	17/5/17
37	WCC LLFA	Consultation response	6/6/17
38	Highway Authority	Consultation response	2/8/17
39	Highway Authority	Consultation response	20/12/17

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/2017/0202

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), for

Walton Homes

Introduction

This application is reported to the Planning and Development Board at the discretion of the Head of Development Control in view of the objections received and the accompanying Section 106 Agreement. It also is adjacent to another proposed housing site which is on the same agenda.

The Site

The application site comprises an agricultural field some 1.55 hectares in size located to the east of Little Warton Road. A number of agricultural buildings are grouped around the south east corner of the site. Along the southern and western boundaries of the site are the existing residential properties on Orton Road and Little Warton Road; on the northern boundary of the site lies agricultural fields and on the eastern boundary of the site lies a proposed residential development site. The planning application for this adjoining site (ref: PAP/2016/0280) has yet to be determined and is reported elsewhere on this agenda.

The site generally falls in a southerly/south-easterly direction from a height of approximately 81.7m AOD to 78.0m AOD at the southern boundary.

Vehicular access to the site is presently provided from Little Warton Road via an access track in between numbers 47 and 49.

The outline of the site is shown at Appendix A and the aerial view is shown below.



The Proposal

Outline planning permission was originally sought for the erection of up to 57 dwellings with associated works. An amended description has now been submitted for the scheme which seeks approval for up to 56 dwellings with associated works. This provides a development with a density of some 36 dwellings per hectare. Approval is sought at this stage for the point of access to the site from Little Warton Road through the widening of the existing access track by demolishing number 47 Little Warton Road.

An illustrative layout has been submitted with the application. However, all matters of detail except for the access are reserved for the subsequent approval by the Local Planning Authority.

The application is accompanied by the following supporting documentation:

- Design and Access Statement
- Ecological Appraisal
- Flood Risk Assessment
- Transport Statement
- Phase I and II Ground Investigation Report
- Topographical Detail and Level Survey
- Indicative Layout showing how 56 units would fit onto the site and including 40% of these units being affordable housing units

The proposal would be the subject of a Section 106 Agreement with the following draft heads of terms:

- 40% of the units being affordable with 65% of these being affordable rented units and 35% being shared ownership. The agreed mix is as follows:
- Of the affordable rented units: 29% 2 bed bungalows; 43% 2 bed houses; 28% 3 bed houses.
- Of the shared ownership: 50% 2 bed units; 50% 3 bed units.
- £1451.07 per unit towards enhancements to the public open space at Abbey Green, Polesworth.
- £32,283.00 to be paid to the George Eliot Trust for the provision of additional health care services to meet patient demand.
- £13,500 to be paid to Warwickshire County Council for the provision of a replacement bus shelter.
- Biodiversity Offsetting

Development Plan

The Core Strategy 2014 – NW1 (Sustainable Development); NW2 (Settlement Hierarchy), NW4 (Housing Development), NW5 (Split of Housing Numbers), NW6 (Affordable Housing Provision), NW10 (Development Considerations), NW11 (Renewable Energy and Energy Efficiency), NW12 (Quality of Development), NW13 (Natural Environment), NW14 (Historic 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 - (“the NPPF”)

National Planning Practice Guidance

The Draft Submission Version of the Local Plan for November 2017

Consultations

Environmental Health Officer – Hours of construction should be restricted to between 0800 to 1800 hours during weekdays and 0800 to 1300 on Saturdays given the proximity of the site to residential properties. A dust management plan is also required.

Warwickshire Wildlife Trust – The Trust confirms that the site currently consists of moderately species rich grassland, scattered trees and boundary hedgerows with trees alongside the built area. These habitats have moderate value to wildlife and are all proposed to be lost. There will thus a net loss of bio-diversity, which is contrary to the NPPF. As such green infrastructure should be incorporated into the development layout. Amended plans have been submitted reducing the number of units on the site and

including a small area of public open space. Planting is also now proposed along the access roads.

Assistant Director (Housing) – There is a need in Warton for two bed houses and bungalows together with three bed houses with two reception rooms which could be adapted to a bedroom if required and four bed houses for the affordable housing mix.

Warwickshire County Council as Highway Authority – There is no objection in principle to the proposals. However, the original proposals were deemed not to be acceptable on highway grounds as the access road needed to comply with the WCC standards; an updated Stage 1 Safety Audit was required and the radius kerbs for the site access should not extend across the existing driveway for number 45 Little Warton Road. Amended plans have now been submitted showing the internal road layout redesigned to maintain a 5m carriageway with a 2m footway. The service strip has been reduced to 0.5m. The visibility splays shown on the amended plans have an ‘x’ distance of 2.4m and a ‘y’ distance of 64m to the west and 59m to the east. A Stage 1 Road Safety Audit has been submitted. Revised comments on the amended plans and Technical Note from the Highways Authority are awaited.

Warwickshire Police – There is no objection to the proposal.

Warwickshire County Council’s Infrastructure Team – A contribution is sought towards a replacement bus shelter along Little Warton Road and its subsequent maintenance totalling £13,500 and a contribution towards library services of £1,116.

Warwickshire County Council as Flood Authority – Additional information on the proposed surface water management on the site is required but conditions should suffice at this outline stage.

George Eliot NHS Trust – It provides calculations to show that the proposed housing scheme will require additional patient demand and so a sum of £32,283.00 is required for the provision of additional health care services.

Representations

Five letters of objection from local residents have been received regarding:

- The impact of this scheme on the surrounding road networks which cannot cope with this additional traffic as some of the roads are single tracked.
- The access into this site is very close to the junction with Orton Road and will be hazardous to this busy junction.
- This scheme will cause noise pollution and ruin this landscape.
- The public services, schools and doctors cannot cope and neither can the local sewers.
- The existing dwellings along Little Warton Road and Orton Road will be severely impacted by this residential development by virtue of overlooking, loss of privacy and overshadowing.
- The affordable housing should be pepper potted throughout the site and not clustered next to the existing housing along Little Warton Road and Orton Road.
- Bats inhabit the area as well as hedgehogs.
- The hedgerows are important around this site.
- This site is located outside the Development Boundary for Warton and so conflicts with the Core Strategy.

- The proposed development is over-bearing, out-of-scale and out of character in terms of its appearance compared with existing properties in the vicinity.
- Some of the houses on Little Warton Road are set 1.5 metres lower than the field. These properties have always had an open outlook which will be lost.
- 57 houses is too high a density for this site.
- The human rights of the surrounding residents need to be considered. Construction activity will have a detrimental impact on the surrounding residents.
- Two letters of comment state that the land is clay some 500/600mm below ground level. Additional houses could cause flooding to the surrounding area. During heavy rainfall the junction of Little Warton Road and Orton Road has flooded.

Observations

a) The Principle of Development

The site lies outside of, but is adjacent to 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 is not located within the Green Belt.

This proposed site lies adjacent to the development boundary for Warton as the development boundary includes Little Warton Road and a proportion of Orton Road. The site has however been identified as a preferred housing site in the Draft Submission Version of the Local Plan for North Warwickshire 2017 under Policy LP39 (Housing Allocations) as part of a larger housing site H26 – Land north of Orton Road.

The site will have direct vehicular and pedestrian access onto Little Warton Road. Little Warton Road has a bus shelter less than 20 metres from the proposed site entrance with a bus service between Tamworth and Atherstone. There is a shop and post office in Warton and a primary school further along Little Warton Road on Maypole Road. These pedestrian linkages 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 and is thus acceptable in principle.

The main impacts of approving residential development now need to be considered.

b) Highways

Policy NW10 (6) in the Core Strategy requires development to provide for proper vehicular access in accordance with adopted standards. The Highway Authority has expressed concerns about the design of the proposed access to be created onto Little Warton Road. However it confirms that there is no objection to the principle of a vehicular access in this location. The concerns relate to the northern radius abutting the vehicular access to no.45 Little Warton Road as highway users could be confused

thinking drivers indicating will turn into the development site rather than turn into no. 45. This could result in shunt collisions or drivers pulling out when not safe to do so. Amended plans have been submitted to address this issue. The Highway Authority has provided comments to the applicant's agent which has been forwarded to the Council. The County's Highway Engineer considers that the risk of possible conflicting movements here are not considered to be "severe" based on the number of vehicle movements as existing or proposed. Members will know that the test set out in the NPPF for a refusal based on highway reasons is that the risk has to be shown to be "severe".

The Highway Authority also raised concerns that the swept path provided into the site was not suitable to cater for refuse vehicles. The amended plan has led to the withdrawal of this objection.

Other concerns raised by the Highway Authority relate to the footway along the access into the site being located on the southern side whereas most pedestrian movements out of the site will be northwards. Amended plans have been submitted to the Highway Authority showing a footpath along the northern side of the proposed access. There is also a need for a Road Safety Audit. For the adjoining housing site ref: PAP/2016/0280 the Highway Authority agreed to the imposition of a planning condition to require the submission of a Road Safety Audit. It is considered that such a condition along with full details of the access road into the site could form part of an appropriately worded condition.

Subject to the Highway Authority confirming that it formally removes its previous objections with the submission of the amended plans, it is considered that an amended scheme with appropriately worded conditions will ensure that a proper vehicular access is provided in accordance with adopted standards in accordance with Policy NW10 (Development Considerations) in the Core Strategy.

c) Surface Water Drainage

Warwickshire County Council has objected to the proposed drainage for surface water from this residential scheme. The issue relates not to the principle of surface water drainage but to the precise design of the surface water system and the extent to which this system might be adopted or alternatively maintained by a management company. This application however is submitted in outline, with all matters except vehicular access reserved for later consideration. It is accepted that the design of the system should be determined alongside the layout of the development. Should land be required for the construction of above ground surface water attenuation, then the number of units provided on site can be lowered as part of any reserved matters proposal as the proposal is for up to 56 residential units.

In view of the principle of surface water drainage being accepted, it is considered that a proportionate and wholly reasonable way forward is for the design of the surface water system to be submitted as part of a planning condition requiring these detailed design drawings and calculations to be submitted before any development takes place on the site. These detailed drawings will then determine the layout which will be applied for under any reserved matters application. Such an approach is considered to be in accordance with the requirements of Policy NW10 (11) in the Core Strategy 2014.

d) Loss of Biodiversity

Warwickshire Wildlife Trust raises concern about the loss of biodiversity through the development of this site. Through the use of WCC's Biodiversity Impact Assessment calculator, the original plans showed a loss to biodiversity of 4.05 biodiversity units. This is as a result of the loss of moderate grassland and trees removed.

Paragraph 118 of the NPPF states that when determining planning applications, Local Planning Authorities should aim to conserve and enhance biodiversity by applying the principle that if significant harm resulting from a development cannot be avoided, adequately mitigated or as a last resort, compensated for, then planning permission should be refused.

The amended plans submitted include a small area of open space and tree planting along the access road. The maximum number of units proposed has decreased by one to accommodate this additional planting. This reduces the nett loss of bio-diversity units but not totally. The Trust therefore recommends that Biodiversity Offsetting is included in any Section 106 Agreement requiring an appropriate mitigation to be provided either through the payment of a commuted sum made payable to Warwickshire County Council or by off-site mitigation on land owned by the applicants. In addition to this Biodiversity Offsetting, the Trust also recommends that planning conditions are imposed on the need for a construction environment management plan; a Landscape and Ecological Management Plan and a Lighting Design Strategy for light-sensitive biodiversity to be submitted. Inclusion within a legal agreement and compliance with these conditions will protect the biodiversity value of this site.

As such it is considered that in accordance with the requirements of the NPPF, significant harm to biodiversity is reduced if the development plateau is reduced in area to allow these areas to be set aside for biodiversity enhancements.

e) Residential Amenity

With regards to the residents to the south and west 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 have their rear gardens backing onto any rear gardens of these existing residential properties. The proposal to reduce the heights of dwellings proposed close to existing properties so that they are single storey units will reduce the impact on the residents of Orton Lane. The loss of views of the countryside is not a material planning consideration.

As such it is not considered that there will be a significant loss of privacy or loss of light from the proposal for the residents to the south and west of the site. The proposal thus complies with Policy NW10 (Development Considerations) in the Core Strategy 2014.

f) Affordable Housing

Policy NW6 (Affordable Housing Provision) requires 40% of the dwellings to be affordable units. This can be required through a Section 106 Agreement whereby 40% of the dwellings are affordable units, with 65% of these being socially rented units and the remainder being shared ownership. The Housing Officer has recommended the mix of affordable rented units to meet the requirements of those requiring housing in Warton. This mix includes bungalows.

It is considered that the inclusion of the above within a Section 106 Agreement will meet the requirements of adopted Policy NW6.

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. Warwickshire County Council has not asked for any contributions towards education from this proposal. A contribution is required towards the provision and improvement of open space in Polesworth. A contribution has also been requested from the George Eliot Trust for additional health care provision. These contributions sought are in accordance with Policy NW22 (Infrastructure) in the Core Strategy.

Recommendation

That subject to the Highway Authority removing its objection to the proposal and subject to completion of a Section 106 Agreement covering the draft Heads of Terms as set out in this report, outline planning permission be **GRANTED** with the following conditions:

1. Details of the appearance, access, 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 Location Plan received on 24 April 2017 and no more than 56 dwellings shall be constructed on the site.

REASON

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

5. No development shall take place until detailed design drawings and calculations for the disposal of foul and surface water have been submitted to and approved in writing by the local planning authority. Only the approved details shall then be implemented on site. No sewage discharge shall be in operation until the approved works have been completed.

REASON

To ensure a suitable foul and surface water drainage system is constructed on site.

6. Prior to the commencement of development, detailed technical drawings shall be submitted showing an adopted footpath crossing the eastern boundary of the site into the neighbouring field currently owned by Warwickshire County Council. Such an adopted footpath shall be provided for full use within an area of open space prior to the occupation of any of the units hereby permitted.

REASON

To ensure that this residential development is connected to the site to the east as both sites are part of one allocated housing site known as H26 in emerging Policy LP39.

7. 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:

- Details of the location of storage compounds and car parking for site operatives and visitors;
- Details of the hours of working and the hours of delivery of goods, plant and materials;
- Wheel washing facilities and any dust suppression measures;
- Noise control during construction;
- Site lighting details;
- Measures for the protection of trees that are to be retained;
- Details of household refuse from occupied dwellings during construction; and,
- Details of the contact for any local concerns with the construction activities on the site.

REASON

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

8. 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) Description and evaluation of features to be managed.
 - b) Aims and objectives of management.
 - c) Appropriate management options for achieving the aims and objectives.
 - d) An up-to-date Biodiversity Impact Assessment demonstrating that 'no net loss' to biodiversity has been achieved.
 - e) A work schedule, including an annual work plan capable of being rolled forward over a five-year period.
 - f) 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 accordance with the approved details.

REASON

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

9. Prior to the commencement of any development on site full details of how the land shown as public open space and the trees and hedgerows shown to be retained shall be submitted to the Local Planning Authority for their approval in writing. The approved details shall then be implemented in full on site.

REASON

In the interests of protecting the biodiversity of the site and retaining areas of open land.

10. 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.

11. Highway conditions requested by the Highway Authority

Notes

1. In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner through pre-application discussions, 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.

BACKGROUND PAPERS

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

Planning Application No: PAP/2017/0202

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	25/4/17
2	Pollution Control Officer	Objection	2/5/17
3	Mrs Sparshott	Objection	8/5/17
4	WWT	Consultation response	10/5/17
5	The Herald	Press Notice	4/5/17
6	M Williams	Objection	24/5/17
7	C Hunt	Comments	24/5/17
8	D Hughes	Comments	24/5/17
9	Snr Pollution Officer	Consultation response	22/5/17
10	G Roberts	Comments	19/5/17
11	S Wright	Objection	19/5/17
12	S French	Objection	3/7/17
13	G Roberts	Objection	30/7/17
14	WCC Flood Risk Manager	Consultation response	23/5/17
15	Highways Authority	Consultation response	2/5/17
16	Warwickshire Police	Consultation response	15/5/17
17	WCC Infrastructure Team	Consultation response	21/6/17
18	Agent	Amended plans and technical note	6/9/17
19	George Eliot Trust	E-mail	28/9/17
20	Agent	E-mail	19/1/18
21	Agent	E-mail	22/1/18

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.

(4) Application No: DOC/2013/0020

Plot 1 Ocado, Phase 2, Danny Morson Way, Birch Coppice Business Park, Dordon, B78 1SE

Approval of details required by condition 13 of permission PAP/2010/051, dated 4 March 2011, relating to a noise impact assessment of external activities at the premises, for

Ocado Ltd

Introduction

This application is referred to the Board at the request of local Members in light of the impact of noise emissions experienced from the site.

Background

Outline planning permission was granted in 2010 to extend the then existing Birch Coppice Business Park to the south-east towards Lower House Lane. Subsequent reserved matters permissions followed for the construction of the buildings on this extended land. One of the buildings erected was occupied then by Ocado Ltd.

A condition attached to the 2010 consent – condition 13 – requires the submission of a Noise Impact Assessment for the external activities undertaken within the development. This is a requirement for each of the new buildings within the extended site. Because noise impacts are bespoke to each occupier depending on their operational arrangements, the condition requires the scope for that Assessment to be agreed with the Council and for recommendations to be made for measures to mitigate any adverse noise impacts identified by the Assessment. The condition also requires that there is no occupation of the buildings until mitigation measures are first agreed by the Council; that they are installed on site and that they are adhered to.

This application therefore deals with the discharge of this condition as it affects the building occupied by Ocado Ltd. A location plan is attached at Appendix A such that the site can be seen in the wider context not only of the Birch Coppice Business Park but also in the wider locality. In this regard, attention is drawn to the location of Manor Close at Baddesley Ensor and to Stone Cottage towards the south of the extended Birch Coppice Park. For the benefit of Members, the residential properties in Manor Close are some 850 metres from the Ocado site boundary and Stone Cottage is some 240 metres from the site boundary. The Ocado premises are at a much lower level than the properties at Manor Close and also in regard to Stone Cottage by some 22 metres.

Members should be aware that not only are all of the buildings permitted under the 2010 consent now constructed and occupied, but a third phase of the Park is also now built and operational. The noise “climate” is thus different to that which existed in 2012 when Ocado first began operating.

The Proposals

The building constructed under the 2010 permission for Ocado's occupation was completed in 2012 and came into use in that same year. A Noise Impact Assessment was submitted with an application to discharge condition in respect of the Ocado building in May 2013. It concluded that overall there was unlikely to be noise impacts above ambient noise levels. It set out that the dominant noise source was associated with larger HGV's and that noise from fixed plant was not noticeable. Nevertheless the report did recommend reduced HGV speed limits; engines to be turned off rather than left to idle, refrigerated vehicles to be parked on the northern part of the site, doors on the building not to be left open and radios to be turned off.

The Council's Environmental Health Officer raised concerns about this Assessment particularly in respect of Stone Cottage and it became apparent too, that other local residents were lodging complaints about noise emissions with the Council – notably from Manor Close.

As a consequence a local Noise Action Group was instigated and there followed a series of meetings with ongoing review of noise sources on the site; new mitigation measures introduced, trialled and monitored, as well as alternative measures being investigated. This resulted in a series of further updated Noise Assessment Reports.

That Group has not met for over twelve months and Ocado now has submitted a Noise Report which summarises the history and requests that the measures now installed be agreed in order to discharge the condition.

A copy of this report is attached in full at Appendix B.

Whilst this details the noise issues since 2013, it is worthwhile summarising Ocado's account of the measures installed on site as consequence:

- The plant room – see Appendix D - has been modified to include sound-attenuating louvres on its front façade.
- Idling refrigerated trailers are parked in the north yard – see Appendix D - with the spaces closest to the building prioritised to maximise the degree of acoustic screening from the trailers themselves
- Vans use thermostatically controlled chiller units and are no longer pre-chilled.
- Building compressors rotational speed is reduced at night from 1200 rpm to 1000rpm
- Ocado vehicles do not use reversing alarms at night time and
- Ad hoc vehicle maintenance takes place to the north of the building – see Appendix D.
- Ocado will introduce electric hook up points on every goods-in dock leveller from early 2018

The report says that the measures to the plant room in 2015 have reduced noise from that room by as much as 16dB and that the noise emitted is now indistinguishable from the general noise levels experienced over the whole of the Birch Coppice site.

This change together with the others set out above are said to have led the noise situation at the site to satisfy the relevant British Standard BS4142: 2014, and evidence was submitted to the Council to evidence this conclusion.

The final point of the above measures is considered to be significant too. This installation would mitigate the need for refrigerated trailers docked in the goods-in area to run off their own diesel engines thus further reducing noise emissions from this source. The alternative was the construction of very tall noise barriers.

The report points out that a variety of acoustic barrier designs and locations around the south-west portion of the site closest to Stone Cottage and within the service yard itself were considered throughout the last few years. However in order to have any significant impact they would need to be “impractically tall”. The point is made that in respect of site boundary barriers, then both Stone Cottage and Manor Close are elevated above the ground levels of the Ocado premises, and thus for barriers to be effective they need to break the line of sight between the noise source and the receptor – the house. As Stone Cottage is some 22 metres higher than Ocado any boundary fence would need to be at least this tall. Other barriers within the site would also need to be tall – perhaps up to 13 metres. However as indicated above, the prospect of electric hook up points together with the change to the plant room and the parking at the rear are cumulatively considered to be a provide more effective mitigation .

The report also addresses other matters that have been raised since occupation. In respect of wind direction then the technical notes and assessments have looked at worst case scenarios and in terms of “probity” then the Councils officers have themselves been able to verify all of the survey result and the assumptions involved.

The report therefore sets out in one document, a summary of all of the acoustic survey and mitigation work investigated and undertaken by Ocado in order to discharge the condition. It concludes that the installed measures represent the best practical means of reducing noise emissions and have minimised the likelihood of adverse impacts.

Representations

At the time of preparing this report two objections have been received - one from a resident of Manor Close and the other from the occupier of Stone Cottage. Both are copied in full at Appendix C. Any others received will be reported verbally.

In summary one says that:

- The HGV’s are still not solely using the north car park;
- An alternative to a tall barrier could be tall tree planting
- The noise assessments should be done at different seasons and by an independent acoustician
- The noise from the compressors can still be heard.
- Other occupiers are on site with no noise assessments undertaken

The second refers to:

- Reductions in noise levels are “barely noticeable”
- The main issue is the compressors and the wind direction has a material effect on impacts
- The acoustic barrier is considered to be impractical because of “financial” reasons and not for other matters
- Because of the noise impacts, other action may have to be considered if this condition is discharged.

Consultations

Environmental Health Officer - A substantial amount of work has been undertaken over several years. He has been fully involved with the applicant and with the Action Group in monitoring noise emissions and discussing mitigation measures. He agrees with the conclusions of the report and would support the discharge of condition 13. The division has received no complaints about the site for over twelve months. Actionable noise emissions can always be dealt with under the appropriate legislation.

In respect of the matters raised in the objections he responds by saying that noise levels that are heard do not amount to statutory nuisance and that a large number of site visits and monitoring have taken place in the summer months both during the day and particularly at night. This substantial evidence base has led him to conclude that there is no demonstrable evidence to refuse the discharge of this condition. He reiterates that the Council will investigate future noise complaints whether arising from this site or any other at Birch Coppice.

Development Plan

The Core Strategy 2014 – NW10 (Development Considerations)

Other Material Planning Considerations

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

The relevant British Standards

World Health Organisation Guidance

Observations

a) Introduction

Members are reminded that this is an application to discharge a planning condition and thus has to be determined by reference to the Development Plan. The relevant policy here is NW10 (9) of the Core Strategy 2014. This says that new development should avoid and address unacceptable impacts on neighbouring amenities including amongst other matters – noise. The central issue here therefore is whether the measures introduced “avoid and address unacceptable impacts”. Officers would point out that this does not mean that all outdoor activity should be inaudible, but that unacceptable noise impacts are appropriately mitigated.

The NPPF states that planning decisions should “avoid noise from giving rise to significant adverse impacts on health and quality of life” and “mitigate and reduce to a minimum, adverse impacts arising from noise through the use of conditions”. Again the emphasis is on mitigation.

As it happens there is a significant catalogue of technical guidance on noise impacts and these provide a set of national standards against which to assess “unacceptable” and “significant” impacts. Applicants, Environmental Health Officers and indeed Planning Inspectors use these standards as objective guidance in their recommendations and thus by which to assess the impact of mitigation measures.

b) The Evidence

Whilst it is understood that noise impacts are subjective, the technical background referred to above becomes essential in providing common and objective ground between different parties. It was considered that the applicant’s initial assessment required additional analysis. Indeed as local residents experience of site operations on the premises became apparent, it was clear that the scope of additional work had to be widened particularly to look at individual noise sources. The resultant record of the subsequent technical studies involved and the substantial amount of monitoring undertaken by officers in association with the residents is fully outlined in the applicant’s summary report. It is considered that substantial weight should be afforded to that summary report as it is based on nationally accepted standards and has been revised and reviewed over time using direct on-site experience. It is also material that the Environmental Health Division has not received a complaint for over twelve months. The weight of evidence, when assessed against the wording of the relevant planning policy and guidance, clearly in the view of officers, leads to the discharge of this condition.

c) Other Matters

Should there be evidence of a statutory noise nuisance arising from this site or any other at Birch Coppice, then the Council will follow that matter through. Similarly it is considered that communication channels should remain open between residents and Ocado in order to investigate noise issues that might occur, especially if they are not sufficient to give rise to more formal action.

Recommendation

That the report dated January 2018 prepared by Resound Acoustics Ltd be Approved in Full Discharge of condition 13 of PAP/2010/0102 dated 19/8/10

BACKGROUND PAPERS

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

Planning Application No: DOC/2013/0020

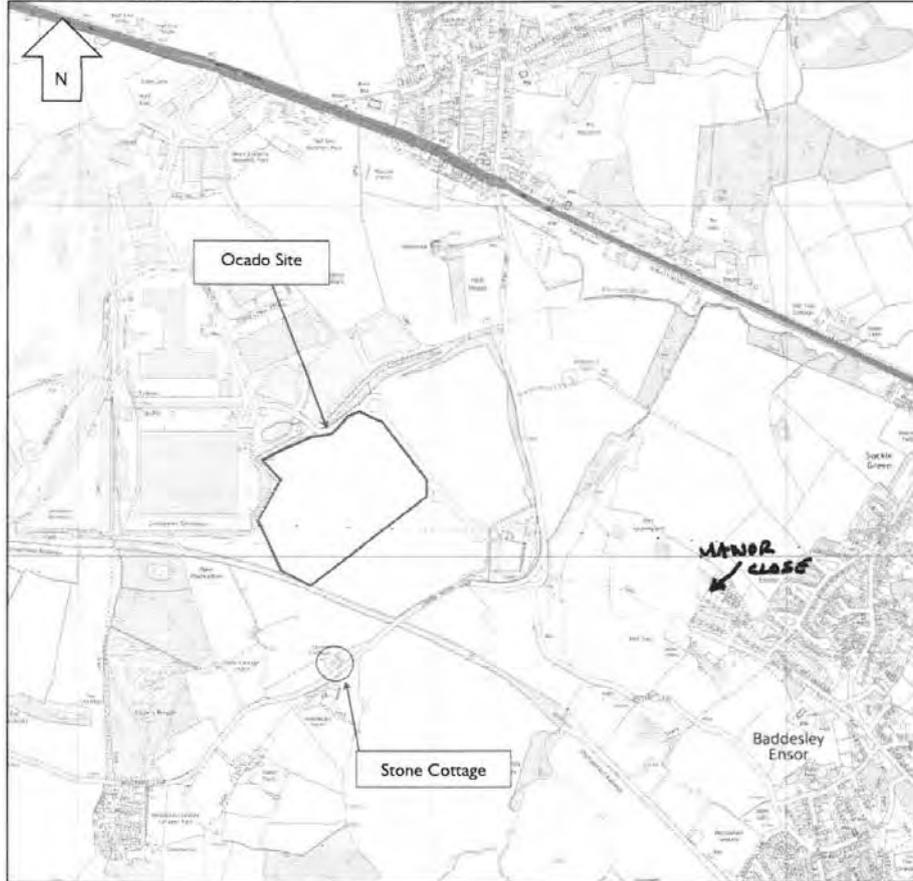
Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	3/5/13
2	Applicant	Noise Report	3/1/18
3	Environmental Health Officer	Consultation	8/1/18
4	Mr McCabe	Objection	18/1/18
5	Mr Cole	Objection	22/1/18

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: Site Plans

Figure B.1: Site location Plan



A Noise Report
for Ocado, Dordon

On behalf of Ocado Operating Limited

January 2018



A Noise Report
for
Ocado, Dordon

On behalf of
Ocado Operating Limited

Report Reference: RA00327 – Rep 4



Resound Acoustics Limited is a
Member of the Association of Noise Consultants

This report has been prepared by Resound Acoustics Limited with all reasonable skill, care and diligence, and taking account of the manpower and resources devoted to it by agreement with the client. Information reported herein is based on the interpretation of data collected and has been accepted in good faith as being accurate and valid.

This report is for the exclusive use of Ocado Operating Limited; no warranties or guarantees are expressed or should be inferred by any third parties. This report may not be relied upon by other parties without written consent from Resound Acoustics Limited.

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Resound Acoustics Limited

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Appendices

Appendix A	Introduction to Noise and Glossary of Terminology
Appendix B	Site Plan
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I INTRODUCTION

- 1.1 Ocado Operating Limited has appointed Resound Acoustics Limited to produce a summary noise report setting out an overview of the noise assessments undertaken at its distribution facility at Birch Coppice Business Park, Dordon, Warwickshire.
- 1.2 The report is to set out in one place, a summary of all of the acoustic assessment work undertaken at the site, to assist North Warwickshire Borough Council (NWBC) in determining whether to discharge Condition 13 of the planning permission for the site.
- 1.3 This report sets out a summary of all mitigation measures considered at the site, identifying those measures that have been installed, and those that have been considered but not implemented, with reasoning provided.
- 1.4 Whilst reasonable efforts have been made to produce a report that is easy to understand, it is technical in nature; to assist the reader, an introduction to noise and an explanation of the terminology used in this report is contained in Appendix A.
- 1.5 Further information contained in the appendices includes a site location plan in Appendix B, and figures relevant to the various assessments undertaken in Appendix C.

2 SITE DESCRIPTION

Existing Site Conditions

- 2.1 Birch Coppice Business Park is located off the A5 Watling Street, a short distance from Junction 10 of the M42 motorway, in North Warwickshire.
- 2.2 Ocado is located within Phase 2 of the business park, immediately to the south of Phase 1. It is bordered by two distribution centre buildings to the south-east and by a dismantled railway line to the south-west. A new development plot that will form part of Birch Coppice Business Park is currently under construction to the immediate east.
- 2.3 The closest noise-sensitive receptors to the south of the site are residential properties on Lower House Lane, the nearest of which is Stone Cottage, approximately 240 metres from the Ocado site boundary. There are further residential properties approximately 850 metres to the east of the site at Baddesley Ensor.
- 2.4 A site location plan and a site layout plan are provided in Appendix B.

Planning Permission

- 2.5 Planning permission for the development was granted under Reserved Matters consent PAP/2010/0514, dated 4th March 2011. The permission was subject to a number of conditions, one of which, Condition 13, related to noise, stating:

"13 The development hereby approved shall not be occupied for business purposes until the scope of an impact assessment of the noise associated with external activities to be undertaken at the premises, including noise associated with vehicle reversing manoeuvres, has first been submitted to the Local Planning Authority. This report shall make recommendations for measures to mitigate any adverse noise impacts identified by that report. The premises shall not be brought into business use until such time as these or other appropriate mitigation measures have been approved in writing and installed on site. All such measures shall be complied with at all times."
- 2.6 This report has been prepared to assist NWBC in determining whether to discharge Condition 13.

3 OVERARCHING SUMMARY

- 3.1 This report sets out a summary of all mitigation measures considered at the site, identifying those measures that have been installed, and those that have been considered but not implemented, with reasoning provided.

Installed Mitigation

- 3.2 The following mitigation measures have been installed by Ocado to reduce noise emissions from their site:
- the plant room has been modified to include sound-attenuating louvres on its front façade;
 - idling refrigerated trailers are now parked in the north yard, with the spaces close to the building prioritised to maximise the amount of acoustic screening from the trailers themselves;
 - vans utilise thermostatically controlled chiller units and are no longer pre-chilled;
 - reduced the rotational speed of the building compressors at night from 1,200 rpm to 1,000 rpm;
 - Ocado vehicles do not use tonal reversing alarms during the night-time; and
 - ad-hoc vehicle maintenance, such as changing tyres, now takes place to the north of the building.
- 3.3 In addition, Ocado has committed to installing electric hook-up points on every goods-in dock leveller. It is understood that these will be operational by the middle of February 2018.
- 3.4 The mitigation measures for the plant room were installed at the site in February 2015. The March 2015 technical note set out the results of measurements made to determine the effect of the installed mitigation. The measurements suggested that the mitigation measures had reduced noise from the plant room by approximately 16dB. A subjective assessment at Stone Cottage determined that noise from the plant room was subjectively indistinguishable from general noise from Birch Coppice and the wider area. It was understood that this is a noticeable improvement on the situation prior to the mitigation measures being installed.
- 3.5 The effect of the plant room mitigation and the other installed mitigation measures outlined above were set out in the June 2015 noise report. An assessment in accordance with British Standard 4142: 2014 determined that the rating levels due to the operation of the Ocado facility were calculated to be equal to the background level during the daytime and +3dB above the background sound level during the night-time. BS4142: 2014 states that a rating level of equal to or below background is indicative of a low impact. The rating level during the night-time is below the +5dB threshold that BS4142: 2014 states is likely to indicate an adverse impact.
- 3.6 The February 2017 and April 2017 technical notes suggested noise barriers in the goods-in area were likely to be ineffective in reducing noise emissions, unless they were impractically tall. Subsequent to the production of these technical notes, and in discussion with NWBC, Ocado agreed that as an alternative strategy they could install electrical hook-up points to all goods-in dock levellers. This would mitigate the need for

refrigerated trailers docked in the goods-in area to run off their own diesel engines, reducing noise emissions from these sources.

Mitigation Considered But Not Installed

- 3.7 The effects of a variety of acoustic barriers at the site were considered in the August 2014 draft noise report, the September 2014 draft letter, the February 2017 technical note and the April 2017 technical note.
- 3.8 The August 2014 draft noise report considered acoustic barriers along the south-western edge of the service yard adjacent to the lorry parking area, to the south-west of the site, and along the northern boundary of Stone Cottage. However, it was found that these barriers would need to be impractically tall to have any significant effect.
- 3.9 The September 2014 draft letter also considered a number of barrier options, including in and around the van parking area and around the southern trailer parking area. Although these barriers provided some reduction for individual sources, the effect on overall noise emissions from the site was minimal.
- 3.10 The February 2017 technical note and the April 2017 technical note considered barriers in the goods-in yard. However, it was found that barriers of significant height would be required to give meaningful reduction in noise from the goods-in yard at Stone Cottage. When considering the overall noise levels from the site, these barriers would provide a minimal effect.
- 3.11 The key limitation to barriers at the Ocado Dordon site is the elevated position of Stone Cottage, and of other receptors in and around Baddesley Ensor. For noise barriers to be effective, they need to break the line of sight between source and receiver.
- 3.12 The ground level at Stone Cottage is approximately 22 metres higher than the ground level at the site, so any barriers located on or near the site boundary would need to be impractically tall to break the line of sight to an upper floor window.
- 3.13 It is also understood that barriers in and around certain parts of the site, for example, around the van parking area, are impractical for other non-noise reasons, for example security.

4 SUMMARIES OF PREVIOUS ASSESSMENTS

Acoustic Associates Noise Report

- 4.1 A noise assessment was prepared in June 2012 by Acoustic Associates to discharge Condition 13 of a Reserved Matters application for the site (planning reference PAP/2010/0514). The report, titled *Noise Impact Assessment of Proposed Ocado Distribution Centre in Dordon*, and referred to in this assessment as 'the Acoustic Associates noise report', contained predicted operational noise levels at the noise-sensitive receptors closest to the site, and assessed the impact of these noise levels against national guidelines and standards.
- 4.2 The Acoustic Associates noise report set out calculated sound levels at four receptors around the site, which were:
- nearest residence to the south, on Lower House Lane, known as Stone Cottage;
 - in front of the residences on Boulters Lane;
 - The Beanstalk, off Gypsy Lane; and
 - in front of residences on Watling Street.
- 4.3 The Acoustic Associates noise report concluded that:
- 2.1 The dominant noise source is associated with the oversized goods vehicle (OGV) traffic. The noise contribution of the fixed plant is negligible.*
- 2.2 The existing background noise includes industrial noise from the Birch Coppice Business Park, e.g. vehicle movements, plant hum, cranes moving containers, etc. The activities on the proposed new site are of the same nature. The introduction of new activities on the Ocado site will not cause an increase in the ambient noise levels.*
- 2.3 The predicted daytime noise levels are below the WHO guidance threshold of 'moderate annoyance' in external amenity areas (gardens).*
- 2.4 Assuming the windows are partially open, the estimated night time noise levels inside the nearest residences are considered 'reasonable' in accordance with the BS 8233 guidance. The noise levels will be significantly lower when the windows are closed."*
- 4.4 Section 3 of the Acoustic Associates noise report set out the following recommendations to control noise from the Ocado site:
- "Best practical means of minimising the noise impact from the site should be adopted by the employees and managers, including but not limited to:*
- *Reducing the speed when approaching the site. It is recommended that a 10 mph speed limit is established on site.*
 - *Engines should not be left on idling when vehicle has stopped.*
 - *Any refrigerated lorries should park on the trailer parking on the northern part of the site. Doors to the distribution centre building should not be left open unnecessarily.*
 - *Radios should be turned off on site.*
- 4.5 No physical mitigation measures, for example acoustic barriers, were recommended.

- 4.6 The Acoustic Associates noise report notes that its findings were predicated on the following:

“The oversized goods vehicle traffic is likely to be the dominant noise source related to the proposed site. The noise emissions were based on a traffic model. It should be noted that this assessment is based on the predicted maximum hourly traffic. Therefore this model considers a worst case scenario.”

- 4.7 Of particular note for this report were the operational noise levels predicted at Stone Cottage in the Acoustic Associates noise report. These are shown in Table 3.1, which is a reproduction of the relevant parts of Table 5 of the Acoustic Associates noise report. The Acoustic Associates noise report states that the noise levels were predicted at 1.5 metres above ground level, i.e. at ground floor level.

Table 3.1: Predicted noise levels in the Acoustic Associates report for Stone Cottage

Predicted daytime noise level $L_{Aeq,T}$ dB	Predicted night time level $L_{Aeq,T}$ dB
49.3	47.7

- 4.8 It is understood that NWBC did not discharge Condition 13 as a result of the Acoustic Associates noise report.

August 2014 Draft Noise Report

- 4.9 Resound Acoustics undertook a noise assessment of Ocado's Dordon facility in August 2014. The assessment was set out in a report titled *A Noise Assessment for Ocado, Dordon* (reference RA00327 – Rep 1, dated 1st August 2014). This report, which was issued in draft, is referred to in this report as the 'August 2014 draft noise report'.
- 4.10 The August 2014 draft noise report was prepared to assess whether noise barriers could form an effective mitigation strategy to reduce noise emissions from the site, with particular emphasis on reducing noise at Stone Cottage.
- 4.11 As part of the assessment, Resound Acoustics undertook operational noise measurements at Ocado's Dordon facility to establish typical sound levels for their activities. This included measurements of vehicle movements, refrigerated trailers, and noise emissions from the plant room.
- 4.12 The sound levels from each individual source at the site were used as input data into noise modelling software to calculate the overall sound emissions from Ocado's Dordon facility at Stone Cottage, which is the closest noise-sensitive receptor to the site. The predicted noise levels are shown below in Table 3.2, which is a reproduction of Table 5.4 of the August 2014 draft noise report.

Table 3.2: Predicted noise levels, free-field $L_{Aeq,T}$ dB

Receptor	Period	Predicted Noise Levels, $L_{Aeq,T}$	
		Ground Floor	First Floor
Stone Cottage	Daytime (07:00-19:00)	47.3	51.9
	Evening (19:00-23:00)	47.2	51.7
	Night-time (23:00-07:00)	48.0	52.6

- 4.13 Comparing the ground floor noise levels in Table 3.2 with the values predicted by Acoustic Associates, as shown in Table 3.1, it can be seen that the two sets of values correlate well. The calculation methodology and noise emission predictions used in the August 2014 draft noise report, and subsequent assessments, were therefore considered to be robust.
- 4.14 The August 2014 draft noise report considered a number of noise barrier options to reduce noise emissions at Stone Cottage:
- Option 1: along the south-western edge of the service yard adjacent to the lorry parking area;
 - Option 2: to the south-west of the site, along the top of the northern edge of the dismantled railway; and
 - Option 3: along the northern boundary of Stone Cottage.
- 4.15 The noise barrier locations are shown in Figures C.1, C.2 and C.3 in Appendix C respectively.
- 4.16 For each barrier tested, noise levels were calculated for three operational scenarios:
- total noise emissions;
 - noise emissions from vehicles only; and
 - noise emissions from fixed plant only.
- 4.17 This approach was adopted so that the potential noise reductions were tested for the geographical spread of noise sources. For example, noise from vehicles is spread over a wide area, but is close to ground level, whereas noise from the plant room is contained in a smaller area, but has elements at an elevated position.
- 4.18 A particular barrier may therefore be particularly effective at reducing vehicle noise, but less effective at reducing plant noise. By breaking the calculations down into these three elements, it was clear where the strengths and weaknesses are for a particular barrier. It was important to understand how each barrier affected each source when determining their efficacy.
- 4.19 The August 2014 draft noise report set out the predicted changes in noise emissions at Stone Cottage for each barrier option, for barrier heights of 4, 5 and 6 metres above local ground level.
- 4.20 The predicted changes in noise levels due to barrier Option 1 are shown in Table 3.3, which is a reproduction of Table 5.5 of the August 2014 draft noise report.

Table 3.3: Predicted changes on noise levels at Stone Cottage, Option 1, dB

Barrier Height	Predicted Change		
	All Emissions	Vehicles Only Emissions	Fixed Plant Only Emissions
4 metres	-1.0	-1.0	-0.9
5 metres	-1.0	-1.0	-0.9
6 metres	-1.0	-1.3	-0.9

- 4.21 The predicted changes in noise level due to barrier Option 2 are shown in Table 3.4, which is a reproduction of Table 5.6 of the August 2014 draft noise report.

Table 3.4: Predicted changes in noise level at Stone Cottage, Option 2, dB

Barrier Height	Predicted Change		
	All Emissions	Vehicles Only Emissions	Fixed Plant Only Emissions
4 metres	-1.6	-1.5	-1.6
5 metres	-2.1	-2.3	-2.0
6 metres	-2.8	-3.2	-2.6

4.22 The predicted changes in noise level due to barrier Option 3 are shown in Table 3.5, which is a reproduction of Table 5.7 of the August 2014 draft noise report.

Table 3.5: Predicted changes in noise level at Stone Cottage, Option 3, dB

Barrier Height	Predicted Change		
	All Emissions	Vehicles Only Emissions	Fixed Plant Only Emissions
4 metres	-5.4	-5.1	-5.5
5 metres	-5.8	-5.7	-5.7
6 metres	-6.8	-7.3	-6.5

4.23 The August 2014 draft noise report noted that barrier Option 3, along the northern edge of Stone Cottage, would be the most effective in terms of noise reduction. However, a barrier in this location could affect the occupants' views and light, and as a large structure in an elevated position, there were likely to be significant wind loading issues, which would need to be taken into account in the barrier design.

4.24 The August 2014 draft noise report concluded that a key limitation to the use of noise barriers at the Dordon site is the elevated position of Stone Cottage, and of other receptors in and around Baddesley Ensor. For noise barriers to be effective, they need to break the line of sight between source and receiver, and the topography makes this difficult to achieve without utilising substantial structures.

4.25 The ground level at Stone Cottage is approximately 22 metres higher than the ground level at the site, so any barriers located on or near the site boundary would need to be impractically high to break the line of sight to an upper floor window. For example, to provide a similar reduction as Option 3, Option 1 would need to be approximately 16 to 20 metres high, and Option 2 would need to be approximately 10 to 15 metres high.

4.26 The August 2014 draft noise report stated that reducing noise at source would be a more practical mitigation solution, for example reducing noise from the plant room using acoustic louvres, installation of electrical hook-up points to avoid the need to use engines on refrigerated vans or trailers, and localised screening close to individual noise sources, for example around the trailer parking areas.

4.27 Paragraph 5.58 of the August 2014 draft noise report made the following recommendations in terms of noise control at the site:

"To reduce noise emissions from the site, it is suggested that the following options be considered:

- *reduce noise from the plant room using either acoustic louvres, or a barrier placed close to it, or a combination of the two;*

- *install electric hook-up points to avoid the need to use the engines on refrigerated trailers or vans;*
- *barriers in and around the service yard close to individual noise sources, for example around trailer parking areas."*

September 2014 Draft Letter

- 4.28 Resound Acoustics undertook calculations of further mitigation options for Ocado's Dordon facility in September 2014. The calculations were set out in a letter dated 22nd September 2014 (reference RA00327 – Let 1). This letter, which was issued in draft, is referred to in this report as the 'September 2014 draft letter'.
- 4.29 The potential noise reduction from various mitigation options were calculated, these included:
- relocating the loaded refrigerated trailers to western yard;
 - not running trailer refrigeration units when trailers are docked;
 - noise barriers in the van dispatch area;
 - noise barriers around the southern trailer parking area;
 - acoustic enclosure for the plant room.
- 4.30 Indicative target levels of reduction of 5dB for plant noise and 7dB for vehicle noise were adopted, based on a request from an Environmental Health Officer at North Warwickshire Borough Council (NWBC).
- 4.31 Relocating loaded refrigerated trailers, with their diesel engines idling, from the southern yard to the western yard was found to achieve a 6.9dB reduction in noise level from refrigerated trailers at Stone Cottage. By also amending operating procedures so that trailers did not need to be pre-chilled prior to loading, this would increase the reduction to 7.8dB.
- 4.32 The effect of installing barriers between the van dispatch parking bays was also assessed, with the assessed barrier alignments shown in Figure C.4 in Appendix C. It was found that barriers 2 metres in height would provide a reduction in van noise at Stone Cottage of 1.7dB, and barriers of 3 metres in height would provide a reduction in van noise of 1.9dB.
- 4.33 The effect of installing barriers around the southern trailer parking area was also tested, to determine the effect they may have on shunter and HGV movements in that area. The assessed barrier alignments are shown in Figure C.5. It was found that barriers of 2 metres in height would provide a reduction in shunter and HGV noise at Stone Cottage of 1.5dB, and 3 metre high barriers would provide a reduction of 1.7dB.
- 4.34 It was found that although the above measures could provide noticeable reductions for each individual source, the overall reduction in vehicle emissions with all measures in place would be 3.2dB. However, other sources at the site, such as plant noise, would offset this reduction.
- 4.35 The September 2014 draft letter also considered noise emissions from the plant room. The effect of an acoustic enclosure around the lower level of the plant room was tested, and it was found that this would reduce noise levels from the plant room by 7.4dB at Stone Cottage.

- 4.36 The analysis in the September 2014 draft letter initially considered vehicle noise and plant room noise separately. However, in practice, the overall effect of each mitigation measure on the overall noise emissions is likely to be lower than the individual calculations suggest. Therefore, the total noise reductions were calculated, taking account of all of the noise at the site, as shown in Table 3.6.

Table 3.6: Predicted change in total noise levels, dB

Yard Mitigation	Plant Room Mitigation	
	None	Lower Plant Room Enclosure
None	0	-2.3
Loaded refrigerated trailers stored in west yard	-0.4	-3.4
Loaded refrigerated trailers stored in west yard, docked trailers chilled by warehouse	-0.6	-4.0
Loaded refrigerated trailers stored in west yard, docked trailers chilled by warehouse, 2m van despatch bay barriers	-1.0	-5.0
Loaded refrigerated trailers stored in west yard, docked trailers chilled by warehouse, 2m van despatch bay barriers, 2m southern trailer bay barriers	-1.1	-5.2

- 4.37 The reductions shown in Table 3.6 indicated that the mitigation in the yard on its own, i.e. with no plant room mitigation, was relatively ineffective, suggesting that noise from the plant room dominated the overall noise emissions, and should be targeted first.
- 4.38 The September 2014 draft letter concluded that an iterative approach may be needed, where as each source is addressed, the next loudest becomes the most important to address.
- 4.39 The September 2014 draft letter stated that the most effective mitigation strategies were considered to be:
- moving all refrigerated trailers to the western yard when their refrigeration units are running;
 - using the temperature of the warehouse to chill docked trailers, avoiding the need to pre-cool the trailers; and
 - attenuating noise emissions from the plant room using acoustic enclosures and screens.

November 2014 Draft Letter

- 4.40 Resound Acoustics undertook an evaluation of specific plant room enclosure proposals in November 2014. The evaluation was set out in a letter dated 10th November 2014 (reference RA00327 – Let 2). This letter, which was issued in draft, is referred to in this report as the 'November 2014 draft letter'.
- 4.41 Plant enclosure proposals were provided by EEC Ltd and IAC Ltd, with both manufacturers proposing enclosures with three sides and roof. The dimensions were similar, with EEC's being 18 metres long by 2.6 metres deep by 7 metres high, and IAC's 17.7 metres long and 3 metres deep. IAC did not state the height of its proposed enclosure, however, it appeared to be a similar height to EEC's from IAC's drawings.

- 4.42 Sound reduction data was received from the manufacturers and the potential overall sound reduction was calculated.
- 4.43 EEC Ltd proposed using the following materials:
- LA1/30/HP acoustic louvres to the front elevation;
 - 50mm AEP/50 panelwork to the sides and roof.
- 4.44 EEC Ltd also provided the option of using LA2 acoustic louvres.
- 4.45 IAC Ltd proposed using the following materials:
- SL-150 Slimshield acoustic louvres to the front elevation;
 - 100mm thick Moduline panelwork to the sides and roof.

- 4.46 The November 2014 draft letter set out the calculated noise reductions from each of the proposed enclosures, as shown below in Table 3.7, which is a reproduction of Table 3 of the November 2014 draft letter.

Table 3.7: Calculated noise reduction for Dordon enclosures

Proposed by	Calculated Noise Reduction, dB
EEC	10 to 12dB ⁽¹⁾
IAC	8 to 10dB

Notes:

⁽¹⁾ – Value shown is for the LA1 louvre. A greater reduction of 15dB was calculated for the LA2 louvre

- 4.47 The November 2014 draft letter stated that EEC's proposal was marginally more effective than the IAC proposal.
- 4.48 The November 2014 draft letter also set out a cost-benefit analysis, and concluded that the EEC proposal was slightly cheaper per decibel of reduction.
- 4.49 Subsequent to the November 2014 draft letter being produced, the EEC enclosure was installed at the site in February 2015.

March 2015 Technical Note

- 4.50 Resound Acoustics undertook noise measurements in around Ocado's Dordon site in March 2015 to determine the effect of the sound-attenuating measures that had been installed on the plant room. The results of the measurements were set out in a technical note (reference RA00327 – TNI, dated 25th March 2015), which is referred to in this report as the 'March 2015 technical note'.
- 4.51 The noise measurements, which were carried out on the evening of Tuesday 10th March 2015 by Mike Brownstone of Resound Acoustics, with Paul O'Sullivan of Ocado and Dean Walters of NWBC in attendance, made at the following locations:
- close to the plant room at Ocado; and
 - in the garden of Stone Cottage.
- 4.52 Analysis of the sound-attenuating louvres was conducted by comparing the measurements made close to the plant room and measurements made at the same position in June 2014.

before modifications of the plant room had taken place. This comparison is shown below in Table 3.8, which is a reproduction of Table 2 of the March 2015 technical note.

Table 3.8: Comparison of pre- and post-mitigation plant room noise levels

Location	Measured Noise Levels, $L_{Aeq,T}$ dB		Difference
	June 2014: Pre-Mitigation	March 2015: Post-Mitigation	
4m from plant room	83.2	67.3	-15.9

- 4.53 The measurements suggested that the sound attenuating louvres had reduced noise from the plant room by approximately 16dB.
- 4.54 During the measurements at Stone Cottage, the compressors and condensers within the plant room were switched off at various points. However, it was subjectively difficult to distinguish the plant noise from other general noise in and around Birch Coppice.
- 4.55 Noise levels at Stone Cottage due to plant room noise were determined by subtracting the measured levels when the plant was not operating from the noise levels when it was. It was noted in the March 2015 technical note that this calculation was sensitive to small changes in noise from extraneous sources, which could lead to larger apparent level changes for the source of interest when in reality that source is constant. The noise levels at Stone Cottage are shown in Table 3.9, which is a reproduction of Table 3 of the March 2015 technical note.

Table 3.9: Ocado plant room noise levels at Stone Cottage, free-field dB

Noise Source	$L_{Aeq,T}$
<i>Averaged Measured Values</i>	
Residual / no plant operating	38.6
All plant operating	41.1
Just condensers operating	41.4
<i>Calculated Values</i>	
Calculated noise level for all plant	37.5
Calculated noise level for condensers only	38.2

- 4.56 The sensitivity of the calculation to changes in extraneous sources can be seen from Table 3.9, where the noise due to just the condensers is shown as marginally higher than the noise level for the compressors and condensers together. Clearly, this is not possible; it is explained by noise from extraneous sources being marginally higher during the period where only the condensers were operating.
- 4.57 Notwithstanding this, the noise levels due to the plant room were taken to be in the region of 38dB at Stone Cottage.
- 4.58 To corroborate this value, the March 2015 technical note set out a calculation of the noise level at Stone Cottage, based on the measurements close to the plant room. These calculations suggested a noise level of 35 to 38dB, depending on the amount of soft ground assumed between the plant room and Stone Cottage (these calculated values were for 100% soft ground and 50% soft ground respectively). The calculation suggested that the measured noise level was approximately correct.

4.59 The March 2015 technical note stated that at Stone Cottage noise from the plant room was subjectively indistinguishable from general noise from Birch Coppice and the wider area. It was understood that this was a noticeable improvement on the situation prior to the sound-attenuating measures being installed.

June 2015 Noise Report

4.60 Resound Acoustics undertook a noise assessment of Ocado's Dordon facility in June 2015. The assessment was set out in a report titled *A Noise Assessment for Ocado, Dordon* (reference RA00327 – Rep 2, dated 2nd June 2015), which is referred to in this report as the 'June 2015 noise report'.

4.61 The assessment was prepared to discharge Condition 13 of the reserved matters approval for the site (reference PAP/2010/0514). Condition 13 required the submission of an assessment of the noise impact associated with external activities at the site, with recommendations made to mitigate any adverse noise impacts.

4.62 The sound levels from operations at the site were calculated using the same methodology used in the August 2014 draft noise report, in conjunction with source data measured on site in June 2014 and March 2015, supplementary source data typical of vehicle activities taken from similar but unrelated developments and source data set out in the Acoustics Associates noise report.

4.63 The following mitigation measures that had been installed by Ocado since the August 2014 draft noise report were also included in the calculations:

- the plant room has been modified to include sound-attenuating measures, as described in the November 2014 draft letter and March 2015 technical note;
- idling refrigerated trailers were now parked in the north yard, with the spaces close to the building prioritised to maximise the amount of acoustic screening from the trailers themselves;
- vans utilised thermostatically controlled chiller units and were no longer pre-chilled;
- reduced the rotational speed of the building compressors at night from 1,200 rpm to 1,000 rpm;
- Ocado vehicles do not use tonal reversing alarms during the night-time.

4.64 The noise levels due to operations at the site were predicted at Stone Cottage, and are shown below in Table 3.10, which is a reproduction of Table 5.4 of the June 2015 noise report.

Table 3.10: Predicted specific sound levels, June 2015 noise report, free-field $L_{Aeq,T}$ dB

Receptor	Period	Specific Sound Levels, $L_{Aeq,T}$		
		Vehicles only	Plant only	Total ⁽¹⁾
Stone Cottage	Daytime (07:00-23:00)	38	35	40
	Night-time (23:00-07:00)	39	35	41

Note: ⁽¹⁾ the total specific sound level is the logarithmic sum of the vehicle and plant specific sound levels

- 4.65 The total specific sound levels from the proposed development were assessed using the methodology set out in BS4142: 2014.
- 4.66 The specific sound levels were converted to rating levels by a correction of +2dB, to account for tonal characteristics of reversing alarms being just perceivable at Stone Cottage. The BS4142 assessment is shown in Table 3.11, which is a reproduction of Table 5.5 of the June 2015 noise report.

Table 3.11: BS4142 assessment, June 2015 noise report, free-field dB

Receptor	Period	Background Sound Level, L_{A90}	Rating Level, $L_{Ar,Tr}$	Difference
Stone Cottage	Day	42	42	0
	Night	40	43	+3

- 4.67 The rating level was calculated to be equal to the background level during the daytime and +3dB above the background sound level during the night-time. BS4142: 2014 states that a rating level of equal to or below background is indicative of a low impact. The rating level during the night-time is below the threshold that BS4142: 2014 states is likely to indicate an adverse impact.
- 4.68 The June 2015 noise report also stated that rating levels at receptors in Baddesley Ensor were predicted to be approximately 10dB lower than those at Stone Cottage, suggesting the outcome of a BS4142: 2014 assessment would be no worse than that shown in Table 3.11.
- 4.69 The June 2015 noise report also stated that maximum noise levels due to a shunter or heavy goods vehicle picking up a trailer, or slamming car doors, were unlikely to exceed the 60dB criterion set out in the World Health Organisation's *Guidelines for Community Noise* at sensitive receptors.
- 4.70 The June 2015 noise report concluded that the mitigation measures installed at the site by June 2015 had been effective in reducing the noise emissions from the site, and suggested that Condition 13 of the planning permission could be discharged. However, NWBC did not discharge Condition 13.

August 2016 Draft Technical Note

- 4.71 Resound Acoustics undertook noise measurements at Stone Cottage in August 2016. The results of the measurements were set out in a technical note (reference RA00327 – TN2, dated 24th August 2016), which is referred to in this report as the 'August 2016 draft technical note'.
- 4.72 The measurements were made in response to a complaint from the occupants of Stone Cottage, Mr and Mrs Cole, who had complained about the noise at their property due to the operations of Ocado's facility, in particular the operation of the refrigeration plant. It was understood that Mr and Mrs Cole had a particular issue when the wind was blowing from Ocado to their property, i.e. in the arc from north-west to north-east.
- 4.73 The measurements were unattended except between 22:30 and 23:00 hours on the evening of 15th August 2016, when Andrew Moseley of Resound Acoustics, Stephen Whiles of North Warwickshire Borough Council, and Mr and Mrs Cole attended site. The timing of the attended measurements was at Mr and Mrs Cole's request.

- 4.74 The survey results suggested there was a correlation between wind direction and noise levels. During intervals in which the wind was blowing in the arc from south-west to south-east, i.e. from Stone Cottage towards the site, noise levels were generally lower. When the winds were noted to be blowing from the north-east, i.e. from the site to Stone Cottage, noise levels generally appeared to be higher.
- 4.75 However, the draft August 2016 technical note stated that, without attending the site during north-easterly wind conditions, it was not possible to determine whether Ocado was the source of the increase, or whether other sources such as the A5 road or other premises at Birch Coppice Business Park contributed.

October 2016 Technical Note

- 4.76 Resound Acoustics undertook further noise measurements to the rear of Stone Cottage in September 2016. The results of the measurements were set out in a technical note (reference RA00327 – TN3, dated 4th October 2016), which is referred to in this report as the 'October 2016 technical note'.
- 4.77 The measurements were a further investigation of how the wind direction affects the noise levels at Stone Cottage. The measurements were made at short notice in response to appropriate wind conditions, and were made without the occupants of Stone Cottage being aware that they were taking place.
- 4.78 The noise survey was carried out between 22:54 and 23:59 hours on Tuesday 13th September 2016, with both Resound Acoustics and Dean Walters of NWBC in attendance throughout. The wind was blowing in a direction from Ocado's site to the receiver, broadly a northerly or north-north-easterly wind.
- 4.79 The sources noted during the survey included:
- plant, considered likely to be from Ocado's plant room, although the exact source could not be determined;
 - occasional vehicle movements, some from Ocado, some from other sites;
 - occasional reversing alarms, considered to not come from Ocado;
 - heavy goods vehicle horns on the estate road;
 - pneumatic torque wrench, which appeared to be located close to the southern boundary of the site;
 - occasional cars passing on local roads; and
 - general 'industrial' hum.
- 4.80 It was noted that the M42 motorway was closed between Junction 10 and 11 during the survey, and there were roadworks on the A5. As a result, the level of road traffic noise during the survey may have been lower than might otherwise have been the case.
- 4.81 The overall sound levels at the monitoring location were taken to be 47dB $L_{Aeq,45mins}$ and 45dB $L_{A90,45mins}$. It was not possible to isolate sound from Ocado's plant as other sources occurred too frequently.
- 4.82 It was noted that while plant was audible, it was a reasonably broadband sound and served to mask some of the intermittent sources of the sound from the business park.

- 4.83 It was not clear if the pneumatic torque wrench was in use by Ocado or by one of the other businesses at Birch Coppice Business Park.
- 4.84 As a result of the October 2016 technical note, Ocado undertook a review of their vehicle maintenance regime, and committed to carrying out noisy tasks, such as changing wheels using pneumatic torque wrenches, on the northern side of the building to obtain maximum acoustic screening effect.

November 2016 Draft Noise Report

- 4.85 Resound Acoustics undertook further noise measurements at Stone Cottage in October and November 2016, again, to investigate the effects of Ocado's activities on the acoustic climate at the property. The survey was timed to coincide with a partial shut-down at Ocado over a single night-time period, which is a rare occurrence. Measuring the noise levels before, during and after the shut down would provide valuable information on how Ocado's activities contribute to the acoustic climate at Stone Cottage.
- 4.86 The results of the noise survey were set out in a report titled *A Noise Survey for Ocado, Dordon* (report reference RA00327 – Rep 3, dated 30th November 2016). This report was issued in draft, and is referred to in this report as the '*November 2016 draft noise report*'.
- 4.87 The November 2016 draft noise report set out the results of measurements undertaken between Wednesday 26th October 2016 and Thursday 24th November 2016.
- 4.88 The report concluded that the gathered noise data and associated weather data suggested some correlation between higher noise levels and winds from a more northerly direction.
- 4.89 During the survey it was also understood that Ocado undertook an operational shut-down overnight between Saturday 29th and Sunday 30th October 2016.
- 4.90 The November 2016 draft noise report stated that based on the measurement trace, there was a noticeable drop in noise level for all noise indices between approximately 23:00 hours on Saturday 29th and approximately 06:00 hours on Sunday 30th October 2016. The reduction in noise level was particularly clear for the L_{eq} , L_{70} and L_{10} noise indices. There was no comparable reduction on either the previous Friday night or the following Sunday night, when Ocado was operating as normal. The increase in noise level at around 06:00 hours on Sunday 30th October was quite steep, suggesting a significant source of sound was switched on.
- 4.91 The November 2016 draft noise report concluded that on the basis of the noise measurements, noise emissions from Ocado were a prominent component of the overall noise climate at Stone Cottage.

February 2017 Technical Note

- 4.92 Following discussions with NWBC to identify which areas of the site could benefit from further noise control, Resound Acoustics undertook further calculations to test the benefit that noise barriers around the goods-in yard at Ocado's Dordon facility.

- 4.93 The results of the calculations were set out in a technical note produced in February 2017 (reference RA00327 – TN4, dated 23rd February 2017), which is referred to in this report as the 'February 2017 technical note'.
- 4.94 The alignments of the barriers tested in the February 2017 technical note are shown in Figure C.6 in Appendix C.
- 4.95 A number of barrier heights were modelled, as well as different barrier configurations, for example, barriers with a cantilevered top section that leans over the yard. A hypothetical 15 metre high building was also modelled to provide a benchmark as to the level of sound reduction that could be achieved with such a structure.
- 4.96 The potential noise reduction was calculated for two scenarios:
- the reduction likely to be achieved for the sources in the good-in yard only;
 - the overall reduction likely to be achieved, when all sources at the site were considered.
- 4.97 The barriers tested were:
- straight barrier at heights of 4, 5, 6, 7 and 8 metres;
 - cantilevered barrier at heights of 5, 6 and 8 metres, with varying degrees of overhang.
- 4.98 The calculated noise reductions for the sources in the goods-in area only are shown in Table 3.12, which is a reproduction of Table 1 of the February 2017 technical note. The ranges of reduction shown relate to differing receptor heights at Stone Cottage.

Table 3.12: Calculated noise reductions for goods-in area only, dB

Barrier Type	Height	Range of reduction, dB
Straight Barrier	4m	-0.2 to -2.8
	5m	-1.0 to -4.3
	6m	-1.5 to -5.3
	7m	-1.6 to -5.3
	8m	-1.0 to -4.6
Cantilevered barrier ⁽¹⁾	5m	-1.1 to -4.3
	6m	-1.3 to -4.7
	8m	-1.5 to -4.7
Building	15m	-3.4 to -7.1

Notes: ⁽¹⁾ – cantilever modelled as 2m vertically, 1m horizontally for 5m high barrier, and 3m vertically and 3m horizontally for 6 and 8m barriers

- 4.99 It could be seen that a barrier around the goods-in area could elicit a reduction of approximately 4 to 5dB at Stone Cottage. Constructing a cantilevered barrier showed little benefit in relation to the added structural complexity.
- 4.100 The effects of the same barriers were recalculated, but including all of the noise sources at the site, as shown in Table 3.13, which is a reproduction of Table 2 of the February 2017 technical note.

Table 3.13: Calculated noise reductions for all sources, dB

Barrier Type	Height	Range of reduction, dB
Straight Barrier	4m	0 to -0.2
	5m	-0.1 to -0.3
	6m	-0.2 to -0.4
	7m	-0.1 to -0.3
	8m	-0.1 to -0.3
Cantilevered barrier ⁽¹⁾	5m	-0.1 to -0.3
	6m	-0.2 to -0.4
	8m	-0.2 to -0.4
Building	15m	-0.8 to -1.6

Notes: ⁽¹⁾ – cantilever modelled as 2m vertically, 1m horizontally for 5m high barrier, and 3m vertically and 3m horizontally for 6 and 8m barriers

- 4.101 The overall effect of the various barriers was considerably reduced when all noise sources at the site were factored in.

April 2017 Technical Note

- 4.102 Following further discussions with NWBC, Resound Acoustics undertook further calculations to refine the assessment of barriers around the goods-in yard at the site. NWBC requested calculations to determine what height of barrier would elicit a 3dB reduction at Stone Cottage.
- 4.103 The results of the calculations were set out in a technical note (reference RA00327 – TN5, dated 27th April 2017), which is referred to in this report as the 'April 2017 technical note'.
- 4.104 The alignment of the barrier tested in the April 2017 technical note is shown in Figure C.7 in Appendix C. This was a modified barrier alignment from that considered in the February 2017 technical note, as a result of constraints identified by Ocado that would prevent those previously considered barriers being erected.
- 4.105 The potential noise reduction was calculated for three scenarios:
- Scenario 1: the reduction likely to be achieved for the sources in the good-in yard only;
 - Scenario 2: the overall reduction likely to be achieved, when all sources at the site were considered;
 - Scenario 3: the reduction likely to be achieved when the dispatch elements of the site were not operating.
- 4.106 In terms of these scenarios, Scenario 1 was considered to represent the theoretical maximum performance of the barrier, which will never occur in practice. Scenario 2 was likely to occur for approximately 19.5 hours per day. Scenario 3 was likely to occur for approximately 4.5 hours per day between 16:00 hours and 20:30 hours, when the dispatch elements of the site do not operate.
- 4.107 The barriers tested were:
- straight barrier at heights of 3, 4, 4.5, 5, 6, 7, 8, 9 and 10 metres;
 - cantilevered barrier at heights of 8, 11 and 13.5 metres, with the same degree of overhang.

- 4.108 The calculated noise reductions for the sources in the goods-in area only are shown in Table 13.14, which is a reproduction of Table 1 of the April 2017 technical note. The ranges of reduction shown relate to differing receptor heights at Stone Cottage.

Table 13.14: Calculated noise reductions for goods-in area only – Scenario 1, dB

Barrier Type	Height	Range of reduction, dB
Straight Barrier	3m	-0.1 to -1.9
	4m	-0.1 to -2.7
	4.5m	-0.7 to -3.7
	5m	-1.0 to -4.2
	6m	-1.3 to -4.6
	7m	-1.3 to -4.7
	8m	-1.5 to -4.7
	9m	-1.5 to -4.8
	10m	-1.8 to -4.9
Cantilevered barrier ⁽¹⁾	8m	-1.5 to -4.7
	11m	-2.1 to -5.8
	13.5m	-3.0 to -6.7

Notes: ⁽¹⁾ – cantilever modelled as 1m vertically, 2m horizontally.

- 4.109 The calculated noise reductions for all sources are shown in Table 13.15, which is a reproduction of Table 2 of the April 2017 technical note. The ranges of reduction shown relate to differing receptor heights at Stone Cottage.

Table 13.15: Calculated noise reductions for all sources – Scenario 2, dB

Barrier Type	Height	Range of reduction, dB
Straight Barrier	3m	0 to -0.2
	4m	0 to -0.2
	4.5m	-0.1 to -0.3
	5m	-0.1 to -0.3
	6m	-0.2 to -0.4
	7m	-0.1 to -0.2
	8m	-0.1 to -0.3
	9m	-0.1 to -0.3
	10m	-0.2 to -0.3
Cantilevered barrier ⁽¹⁾	8m	-0.2 to -0.4
	11m	-0.3 to -0.4
	13.5m	-0.3 to -0.4

Notes: ⁽¹⁾ – cantilever modelled as 1m vertically, 2m horizontally.

- 4.110 The calculated noise reductions for all sources except dispatch are shown in Table 13.16, which is a reproduction of Table 3 of the April 2017 technical note. The ranges of reduction shown relate to differing receptor heights at Stone Cottage.

Table 13.16: Calculated noise reductions for all sources except dispatch – Scenario 3, dB

Barrier Type	Height	Range of reduction, dB
Straight Barrier	3m	0 to -0.6
	4m	0 to -0.8
	4.5m	-0.2 to -1.0
	5m	-0.3 to -1.0
	6m	-0.4 to -1.1
	7m	-0.4 to -1.1
	8m	-0.5 to -1.2
	9m	-0.5 to -1.2
Cantilevered barrier ⁽¹⁾	10m	-0.6 to -1.3
	8m	-0.5 to -1.2
	11m	-0.7 to -1.4
	13.5m	-1.0 to -1.6

Notes: ⁽¹⁾ – cantilever modelled as 1m vertically, 2m horizontally.

- 4.111 The April 2017 technical note concluded that to achieve a 3dB reduction in noise from just the goods-in area at the first-floor level of Stone Cottage, a 4.5 metre high barrier would be required. To achieve a 3dB a reduction at both ground and first floor level, a 13.5 metre high cantilevered barrier would be required.
- 4.112 The difference between the requirements for the ground and first floor level was considered to have been due to the ground floor at Stone Cottage already benefiting from acoustic screening as a result of the local topography. Therefore any further screening, such as from barriers erected on the Ocado site, would be less effective for receptors at ground floor than first floor. However, the technical note stated that in practice, noise from the goods-in area would never occur in isolation, and when factoring in from other areas of the site, the effectiveness of the barriers was considerably reduced.
- 4.113 Despite not finding the goods-in barrier to be particularly effective, through discussions with NWBC, Ocado committed to installing electrical hook-up points at each dock leveller in the goods-in yard. No commitment could be made to install similar points along the trailer parking bays on the opposite side of the yard, as the cost and practical considerations of supplying power to that side of the yard would be prohibitive.
- 4.114 It was not possible to quantify the potential benefit of installing electrical hook-up points as the number of supplier vehicles that have the requisite equipment to use them will vary on a daily basis. However, using the hook-up points where the trailers are equipped to do so will generate an acoustic benefit to some degree.

5 CONCLUSION

- 5.1 Ocado Operating Limited has appointed Resound Acoustics Limited to produce a summary noise report setting out an overview of the noise assessments undertaken at its distribution facility at Birch Coppice Business Park, Dordon, Warwickshire.
- 5.2 The report is to set out in one place, a summary of all of the acoustic assessment work undertaken at the site, to assist North Warwickshire Borough Council (NWBC) in determining whether to discharge Condition 13 of the planning permission for the site.
- 5.3 This report sets out a summary of all mitigation measures considered at the site, identifying those measures that have been installed, and those that have been considered but not implemented, with reasoning provided.
- 5.4 This report concludes that the installed mitigation measures represent the best practicable means of reducing noise emissions from the site, and have minimised the likelihood of adverse impacts at the nearby noise sensitive receptors. On this basis, it is our opinion that Condition 13 should be discharged.

Appendices

Appendix A – Introduction to Noise and Glossary of Terminology

Noise is defined as unwanted sound. The human ear is able to respond to sound in the frequency range 18Hz (deep bass) to 18,000Hz (high treble) and over the audible range of 0dB (the threshold of perception) to 140dB (the onset of pain). The ear does not respond equally to different frequencies of the same magnitude, but is more responsive to mid-frequencies than to lower or higher frequencies. To quantify noise in a manner that approximates the response of the human ear, a weighting (filtering) mechanism is used. This reduces the importance of lower and higher frequencies, approximating the response of the human ear.

Furthermore, the perception of noise may be determined by a number of other factors, which may not necessarily be acoustic. Noise can be perceived to be louder or more noticeable if the source of the noise is observed; e.g. roads, trains, factories, building sites etc. In general, the impact of noise depends upon its level, the margin by which it exceeds the background level, its character and its variation over a given period of time. In some cases, the time of day and other acoustic features such as tonality may be important, as may the disposition of the affected individual. Any assessment of noise should give due consideration to all of these factors when assessing the significance of a noise source. Various noise indices have been derived to describe the fluctuation of noise levels that vary over time. Usually, these noise indices relate to specific types of noise, and as such different noise indices are used to describe road traffic noise, background noise, construction noise, etc.

The weighting mechanism that best corresponds to the response of the human ear is the 'A'-weighting scale. This is widely used for environmental noise measurement and the levels are denoted as dB(A) or L_{Aeq} , L_{A10} , etc, according to the parameter being measured.

Noise is measured on the decibel scale, which is logarithmic rather than linear. As a result of this, a 3dB increase in sound level represents a doubling of the sound energy present. Judgement of sound is subjective, but as a general guide a 10dB(A) increase can be taken to represent a doubling of loudness, whilst an increase in the order of 3dB(A) is generally regarded as the minimum difference needed to perceive a change. Table A.1 sets out examples of noise levels typically experienced during everyday activities. Table A.2 sets out an explanation of the terminology used in this report.

Table A.1: Typical sound levels found in the environment

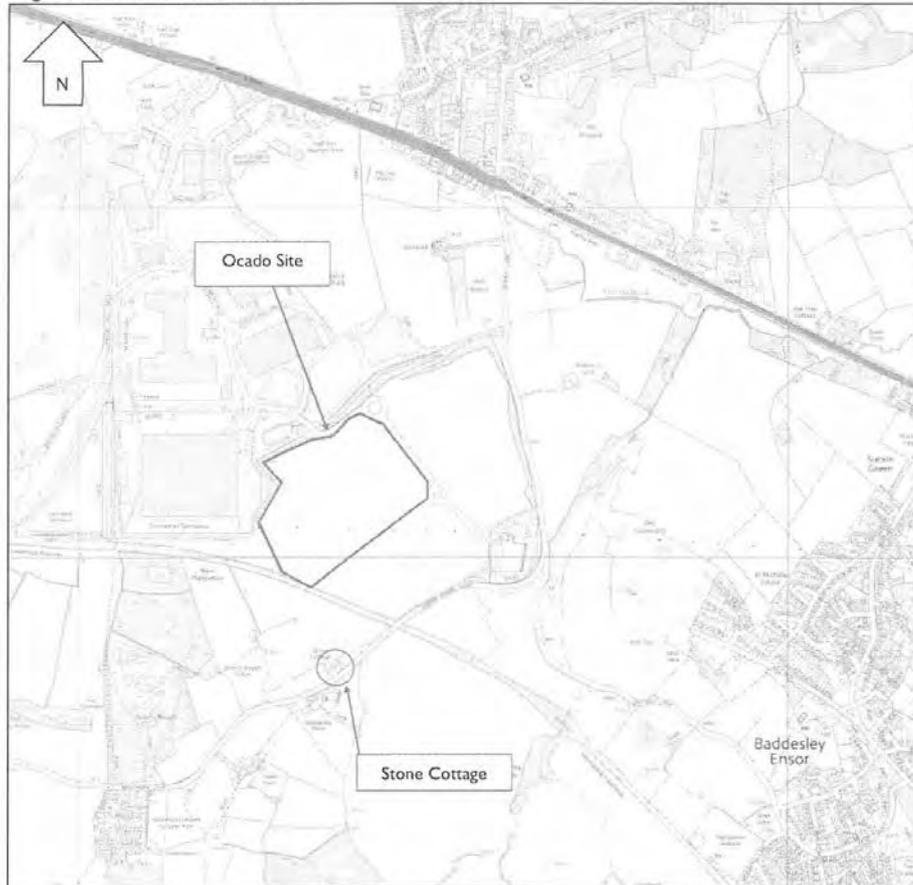
Sound Level	Location
0 to 10dB(A)	Threshold of hearing
10 to 20dB(A)	Broadcasting studio
20 to 30dB(A)	Quiet bedroom at night
30 to 40dB(A)	Living room during the day
40 to 50dB(A)	Typical office
50 to 60dB(A)	Inside a car
60 to 70dB(A)	Typical high street
70 to 90dB(A)	Inside a factory or noisy pub
100 to 110dB(A)	Burglar Alarm at 1m
110 to 130dB(A)	Pneumatic drill at 1m away
140dB(A)	Threshold of Pain

Table A.2: Terminology relating to noise

Sound Pressure	Sound, or sound pressure, is a fluctuation in air pressure over the static ambient pressure.
Sound Pressure Level (Sound Level)	The sound level is the sound pressure relative to a standard reference pressure of 20 μ Pa (20x10 ⁻⁶ Pascals) on a decibel scale.
Decibel (dB)	A scale for comparing the ratios of two quantities, including sound pressure and sound power. The difference in level between two sounds s_1 and s_2 is given by 20 log ₁₀ (s_1/s_2). The decibel can also be used to measure absolute quantities by specifying a reference value that fixes one point on the scale. For sound pressure, the reference value is 20 μ Pa.
A-weighting, dB(A)	The unit of sound level, weighted according to the A-scale, which takes into account the increased sensitivity of the human ear at some frequencies.
Noise Level Indices	Noise levels usually fluctuate over time, so it is often necessary to consider an average or statistical noise level. This can be done in several ways, so a number of different noise indices have been defined, according to how the averaging or statistics are carried out.
L_w	The L_w , or sound power level, is a measure of the total noise energy of a source.
$L_{eq,T}$	A noise level index called the equivalent continuous noise level over the time period T. This is the level of a notional steady sound that would contain the same amount of sound energy as the actual, possibly fluctuating, sound that was recorded.
$L_{max,T}$	A noise level index defined as the maximum noise level during the period T. L_{max} is sometimes used for the assessment of occasional loud noises, which may have little effect on the overall L_{eq} noise level but will still affect the noise environment. Unless described otherwise, it is measured using the 'fast' sound level meter response.
$L_{90,T}$ or Background Noise Level	A noise level index. The noise level exceeded for 90% of the time over the period T. L_{90} can be considered to be the "average minimum" noise level and is often used to describe the background noise.
$L_{10,T}$	A noise level index. The noise level exceeded for 10% of the time over the period T. L_{10} can be considered to be the "average maximum" noise level. Generally used to describe road traffic noise.
Free-field	Far from the presence of sound reflecting objects (except the ground), usually taken to mean at least 3.5 metres
Façade	At a distance of 1 metre in front of a large sound reflecting object such as a building façade.
Fast Time Weighting	An averaging time used in sound level meters. Defined in BS EN 61672.

Appendix B: Site Plans

Figure B.1: Site location Plan



Appendix C – Assessment Figures

Figure C.1: August 2014 draft noise report - noise barrier option 1

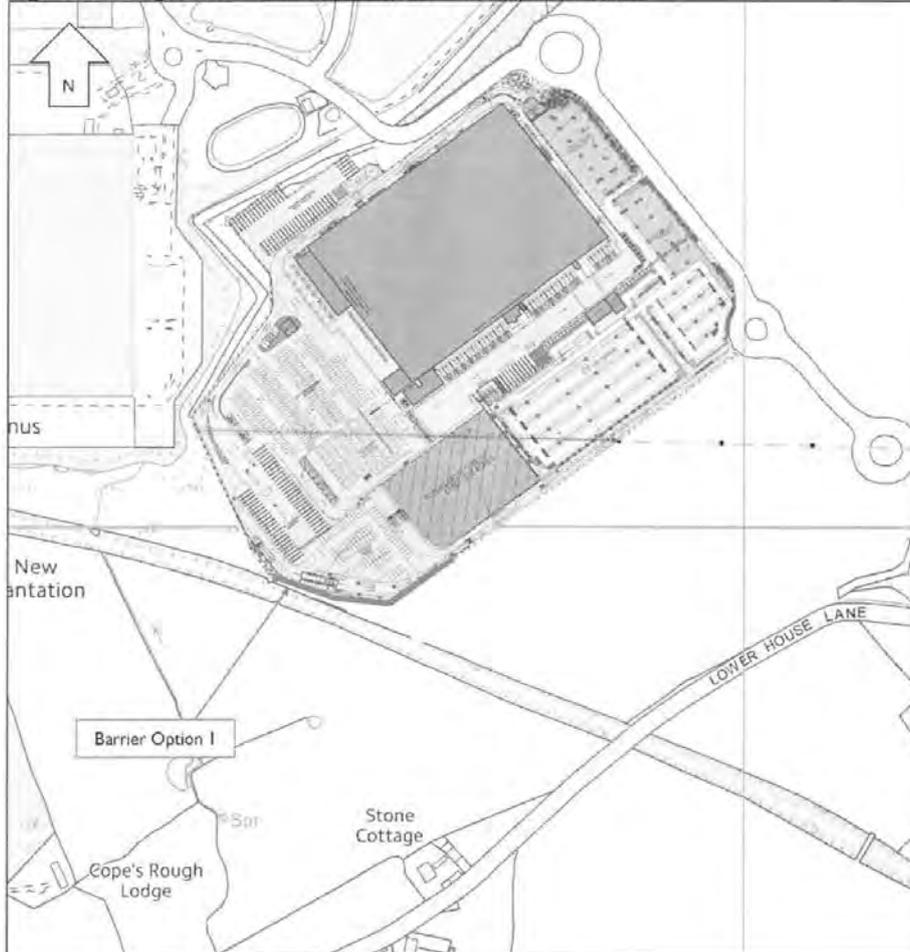


Figure C.2: August 2014 draft noise report - noise barrier option 2

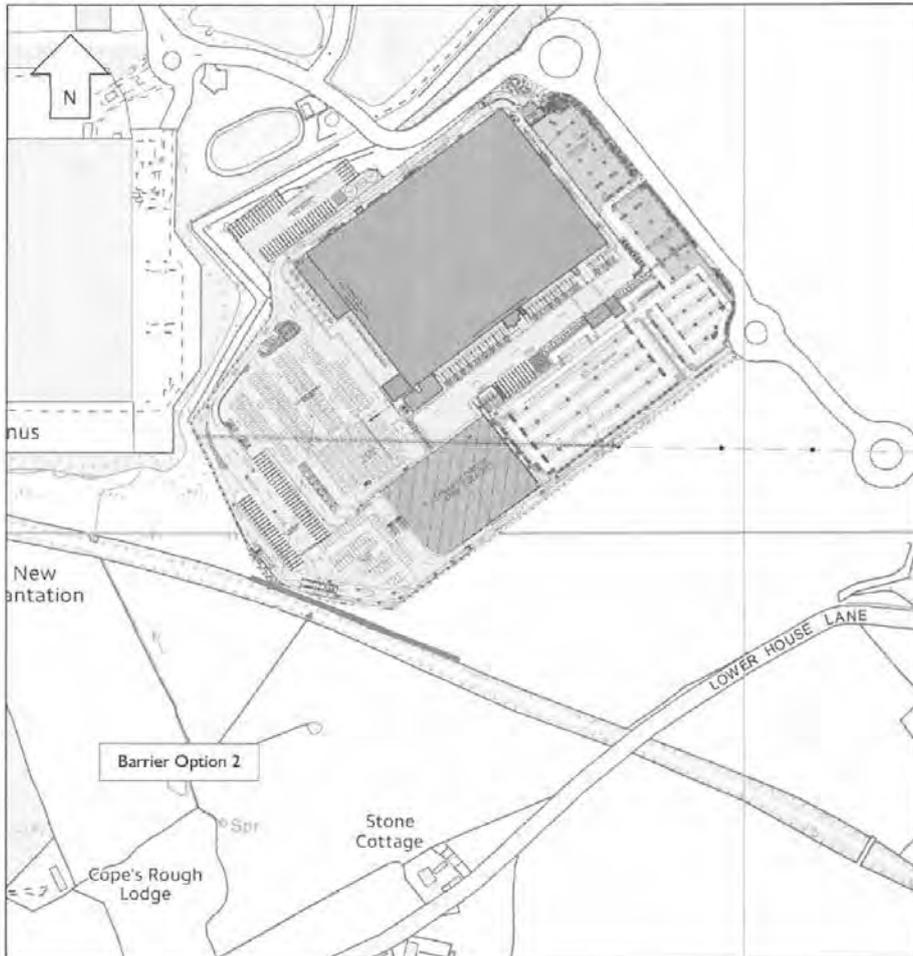


Figure C.3: August 2014 draft noise report - noise barrier option 3

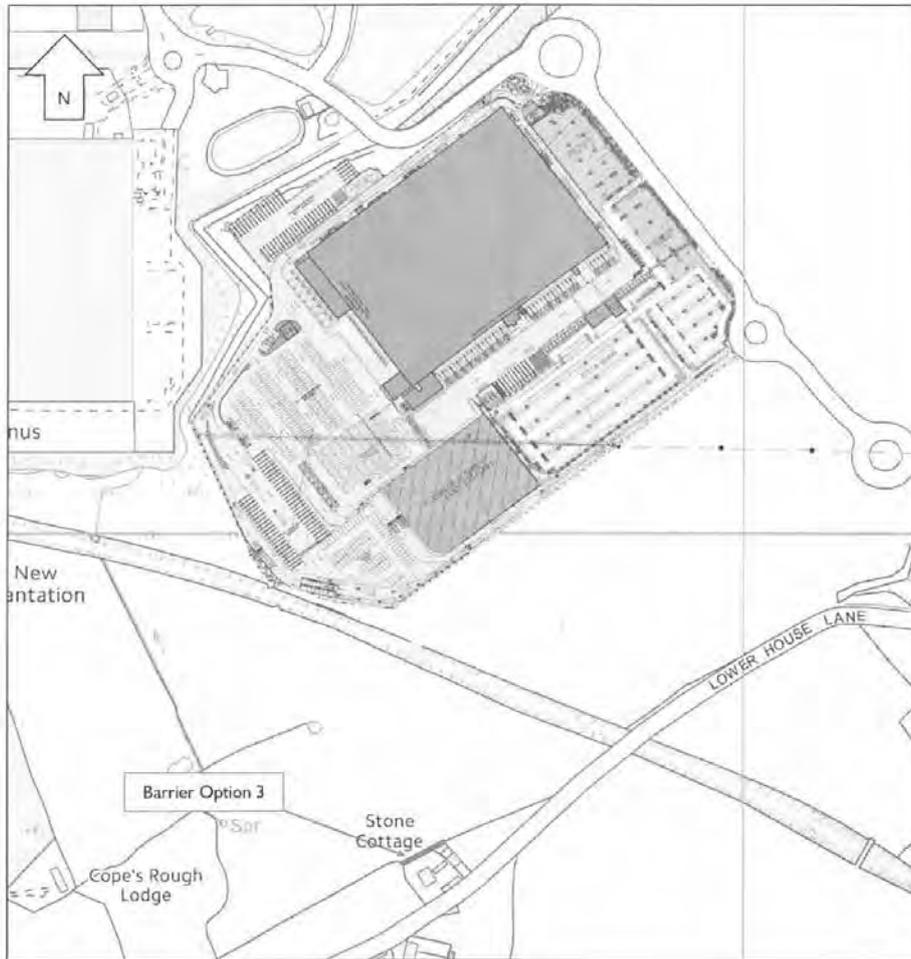


Figure C.4: September 2014 draft letter – van parking barriers

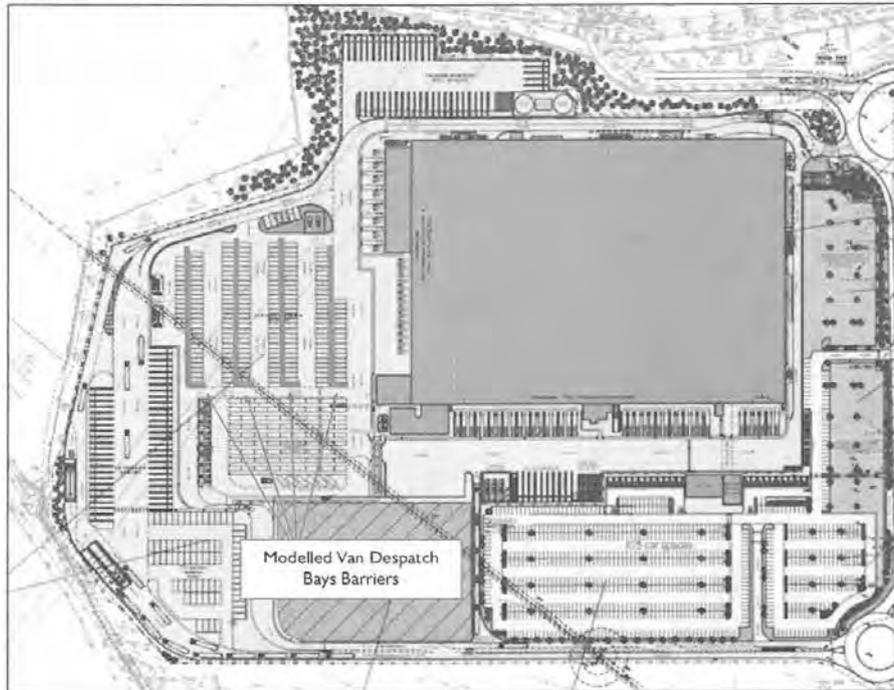


Figure C.5: September 2014 draft letter – southern trailer parking barriers

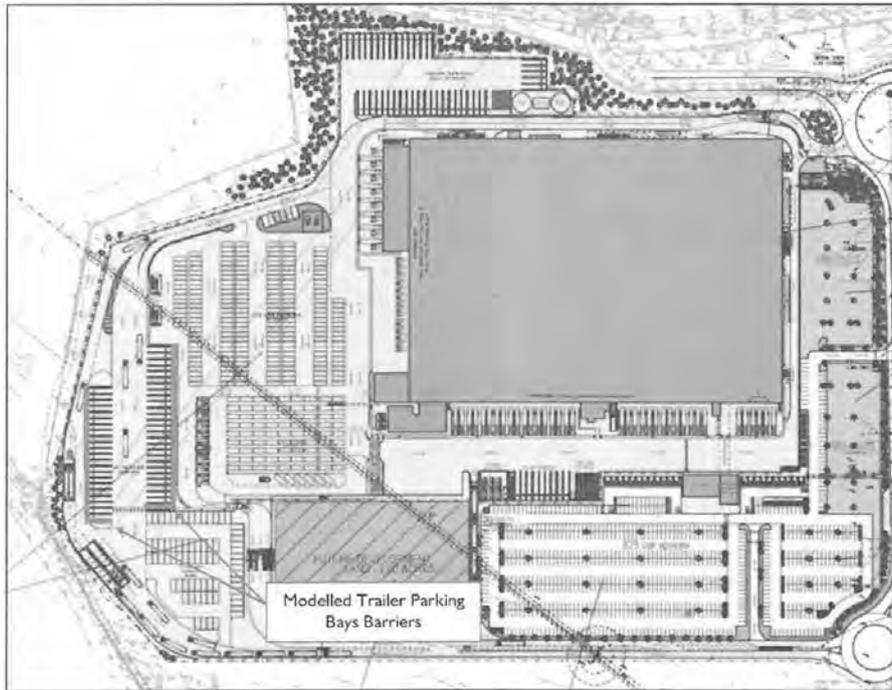


Figure C.6: February 2017 technical note – goods-in barriers

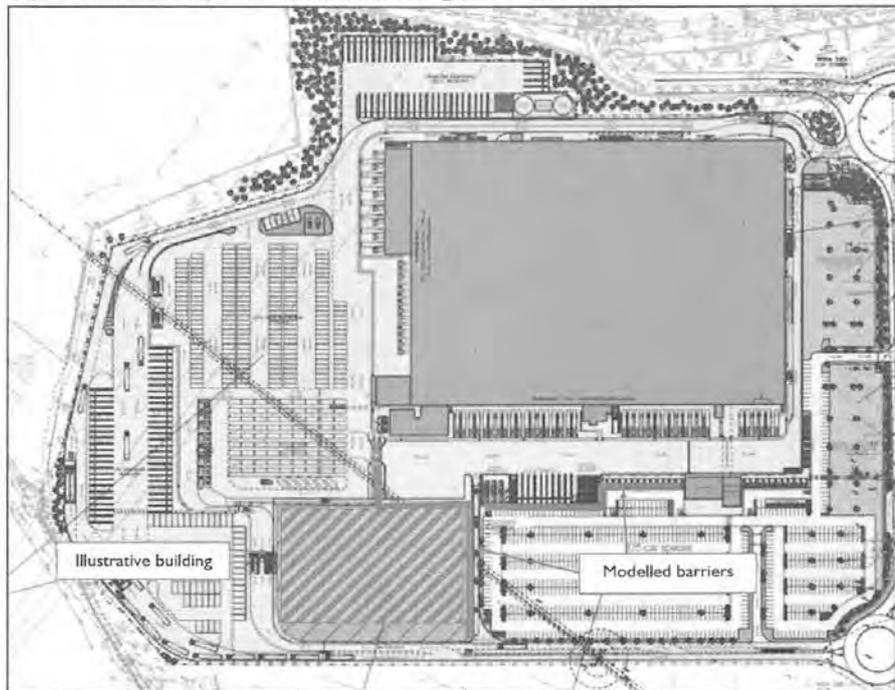
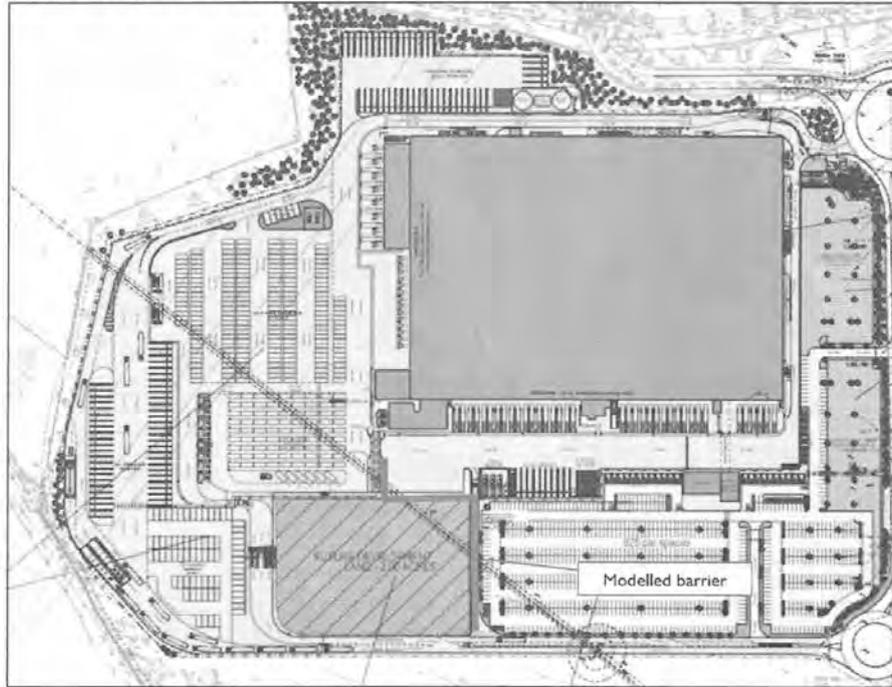


Figure C.7: April 2017 technical note – goods-in barrier



Ocado Noise Issues

Dear Mr Brown

I have seen the document produced by Resound Accoustics regarding the noise issues at the Ocado operation at Birch Coppice Business Park Dordon.

I understand that Ocado would now like Section 13 of the original Planning Permission, relating to noise, to be discharged.

Since its inception Birch Coppice has generated noise at levels way beyond the accepted limit and as such has been operating outside the current guidelines to this day.

The 37 page report by Resound Accoustics outlines measures introduced in an attempt to reduce the noise to an acceptable level.

The simple reality is the "reduction" is barely noticeable at Stone Cottage.

Resound did set up noise monitoring equipment in the back garden of Stone Cottage.

As is generally known the main protagonist at Birch Coppice is the compressors at Ocado.

The noise generated is variable depending on the plant operation.

The other main issue is of wind speed and direction, which determines which community is the most affected at any one time.

During noise testing the prevailing wind inevitably blew away from Stone Cottage thereby negating the effect.

One measure looked at has been the erection of an Acoustic barrier along the boundary of Ocado and the disused railway line.

Because of the height of the structure required it is concluded to be "Impractical".

However, structures such as these are in successful operation in various sensitive sites in the UK.

Rather than Impractical I suspect the financial implication to be the main factor in Ocado's reluctance to fix the problem once and for all.

If North Warwickshire Borough Council sees fit to accept Ocado's efforts to date and discharges Section 13 prematurely, at Stone Cottage we will have to consider our options.

My Wife's health has been steadily declining due, in significant part, to Sleep Deprivation.

This can be directly attributed to the excessive noise generated by the Ocado building.

Due to our limited options and the significant reduction in the value of Stone Cottage since the redevelopment of Birch Coppice, were a financial offer be made available to us, with a heavy heart, we would have to give it due consideration.

Birch Coppice has the potential to become an impressive Legacy for North Warwickshire Borough Council.

It would be lamentable indeed, if this were to be tarnished by a decision to sanction Ocado's continued deficient operation contrary to clear Planning Law.

Regards

Dear Mr Brown

As a resident of Manor Close, Baddesley Ensor I would like to respond to the document provided by Ocado to the planning office regarding the discharge of the condition.

I would like to point out that the lorries are still being charged on the west side of their property and not the north as they have stated. You only have to walk the public footpath behind their premises to see and hear them being charged.

Regarding the acoustic fencing mentioned and the fact that it would not be high enough to be effective in noise prevention, it was discussed at a NAG meeting to plant high growing trees in front of the old railway line at a high level to reduce the noise to private properties nearby. After receiving communication from Ocado, Merevale estates have asked for plans as to where the trees would be planted but they did not hear from Ocado again.

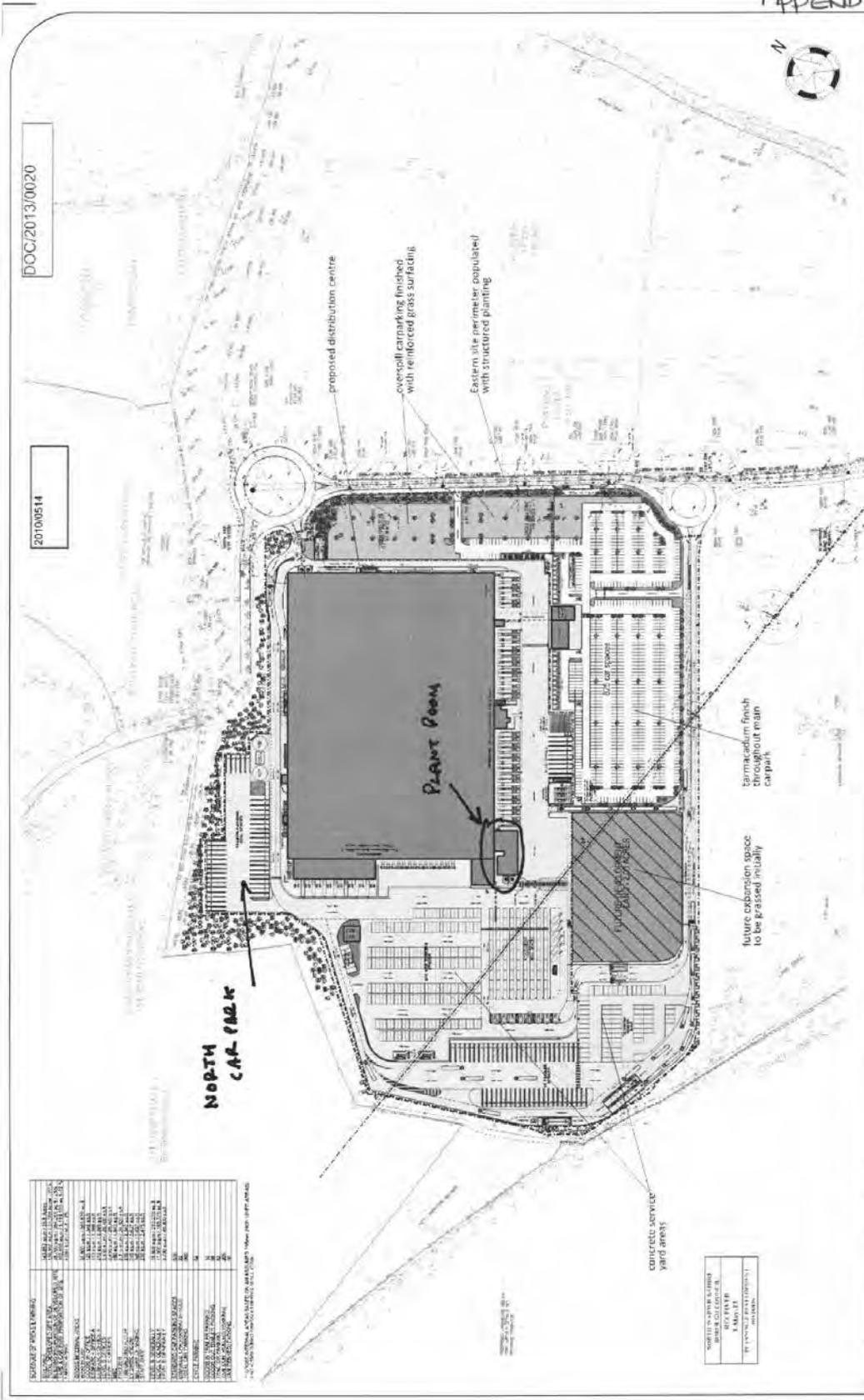
The decibel reading does not seem acceptable for the public to be able to enjoy their garden and outside relaxation time. This noise would be classed as a nuisance noise likely to happen anytime 24/7 at that level.

Why were the readings done in March instead of the summer months when the compressors would be working at full capacity and showing the highest level the public have to endure at any one time.

If an independent company has been used by Ocado, would it not be appropriate for the public to have a similar reading done during the summer months on their behalf by the borough council?

As I live at [REDACTED] I can still hear the compressors whenever they are running when I am outside my property even in the winter months.

We still have not received an explanation from the council as to how some companies on the Birch Coppice site can operate without a noise impact assessment before they are given a license to operate.



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 APPROVED BY: [Name]

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ashtonsmith

NEW DISTRIBUTION CENTRE
PROJECT LAST MILE 2

SITE PLAN

DATE: 18/01/11
 PROJECT NO: G
 DRAWING NO: AT
 DRAWING TITLE: PLANNING

1. NAME OF THE DEVELOPER	...
2. NAME OF THE ARCHITECT	...
3. NAME OF THE ENGINEER	...
4. NAME OF THE LANDSCAPE ARCHITECT	...
5. NAME OF THE PLANNING CONSULTANT	...
6. NAME OF THE SURVEYOR	...
7. NAME OF THE PHOTOGRAPHER	...
8. NAME OF THE PAINTER	...
9. NAME OF THE SIGNAGE CONTRACTOR	...
10. NAME OF THE FURNITURE CONTRACTOR	...
11. NAME OF THE LIGHTING CONTRACTOR	...
12. NAME OF THE HEATING CONTRACTOR	...
13. NAME OF THE COOLING CONTRACTOR	...
14. NAME OF THE ELECTRICAL CONTRACTOR	...
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NORTH WARWICKSHIRE
BOROUGH COUNCIL
RECEIVED
18-Jan-11
PLANNING & DEVELOPMENT
DIVISION

landlake - 35.5 acres



(5) Application No: CON/2018/0001

K S D Recycled Aggregates, Lichfield Road, Curdworth, Sutton Coldfield, B76 0BB

Restrospective application for steel portal frame workshop, for

Warwickshire County Council

Introduction

This is an application submitted to the Warwickshire County Council as Waste Planning Authority and the Borough Council has been invited to submit its representations to the County.

The Site

Members will be familiar with this former mineral extraction site, now used as a materials recycling facility just south of Dunton Island on the A446 between it and the Hams Hall estate – see Appendix A.

The Proposals

The application seeks retrospective planning permission for the erection on site of a new workshop. This is located within the centre of the site and is shown on the attached aerial photograph at Appendix B. Photos of the building are at Appendix C and the applicant's description is at Appendix D.

Development Plan

The Core Strategy 2014 – NW3 (Green Belt) and NW10 (Development Considerations).

Warwickshire Waste Core Strategy – DM1 (Protection of the Environment); DM6 (Flood Risk) and DM8 (Re-instatement and Restoration)

Other Material Planning Considerations

The National Planning Policy Framework 2012

The National Planning Policy for Waste

Observations

The site is in the Green Belt and thus the new building is not appropriate development here given the content of the National Planning Policy Framework. There is thus a presumption of refusal given that inappropriate development is harmful to the Green Belt. The development could be considered to involve the partial redevelopment of previously developed land. But if this is to be taken as satisfying that exception, it has to have no greater impact on the openness of the Green Belt than the existing situation. That is not the case here as despite the nature and extent of the activities and other structures within the quarry outline and thus surrounding the building, it is large and it

introduces new built form where there was none until recently. There will thus be a lessening of openness of the Green Belt. As a consequence this proposal remains as inappropriate development. The applicant suggests that it should perhaps be treated as an engineering operation or a mineral working, which might alter this view, but this approach is not accepted. It is a new building.

Members will therefore be aware that the Board should assess the actual Green Belt harm here as well as the definitional harm. In this case, although the building is quite large, it is considered that there is limited harm to the openness of the Green Belt. This is because of its location and setting are within a very busy and active minerals recycling site with other plant and structures and because it cannot be seen outside of the quarry and is thus within a visually contained site.

The planning considerations put forward by the applicant that it considers would outweigh this harm relate to its operational links to the lawful use of the site; the need for the building within this context, that the building would to some degree improve working operations on the site and that it has no other harm.

It is agreed that there is no other recognisable harm caused here and that to some degree it offers an improvement in that some vehicle and plant maintenance and storage would be undercover.

Overall it is accepted that because of the limited level of actual Green Belt harm and the nature of the association with the lawful use of the land, that the considerations put forward by the applicant should amount to sufficient weight to outweigh the limited harm caused. However because of the time limited nature of the lawful use, the County Council should be requested to ensure the removal of the building on the expiry of the lawful use of the land.

Recommendation

That the Borough Council has **No Objection** for the reasons outlined in the report but that the County Council be asked to time limit the building to that of the life of the site.

BACKGROUND PAPERS

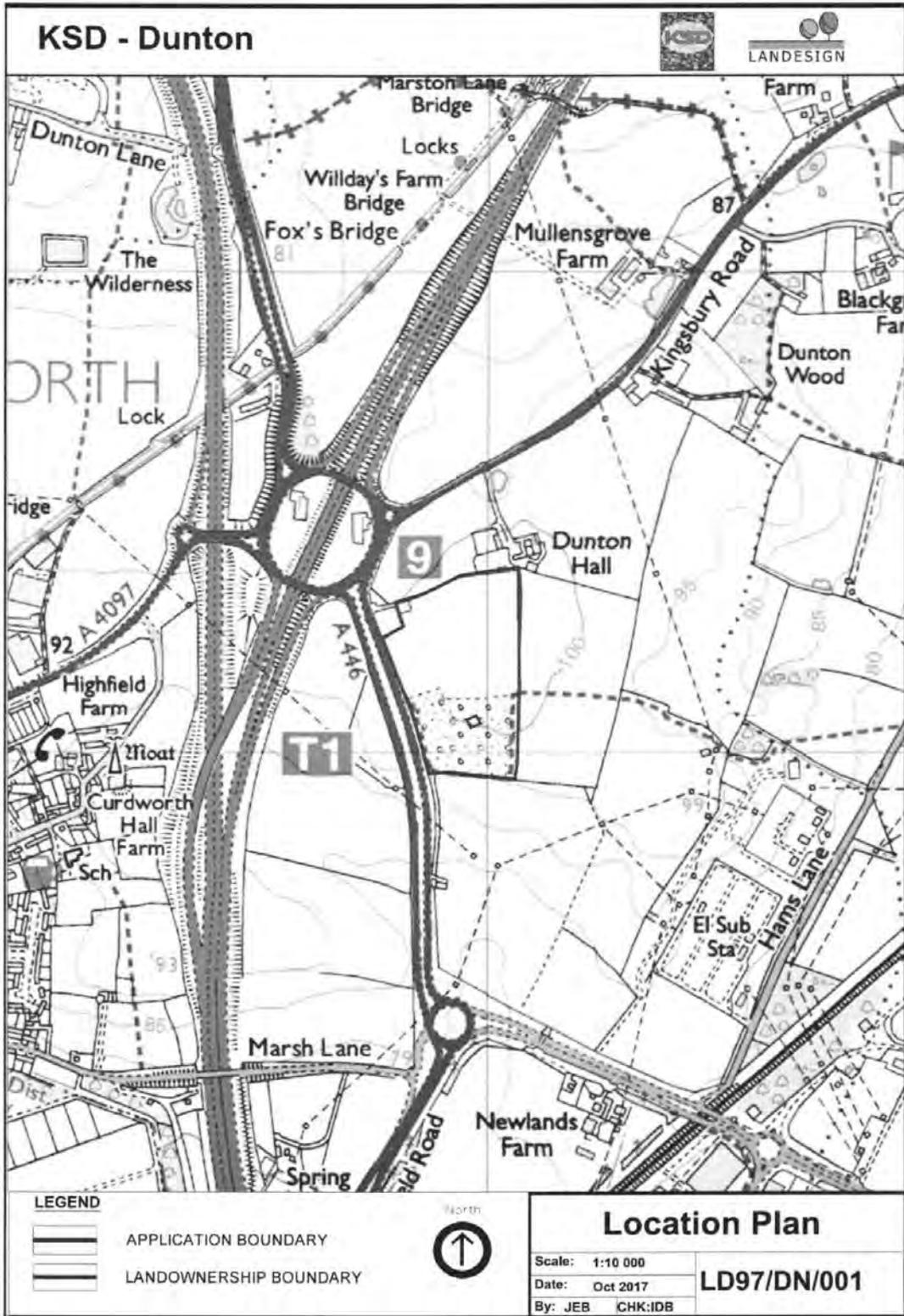
Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Planning Application No: CON/2018/0001

Background Paper No	Author	Nature of Background Paper	Date
1	Warwickshire County Council	Letter	5/1/18

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.





- LEGEND**
- APPLICATION BOUNDARY
 - LANDOWNERSHIP BOUNDARY
 - BUILDINGS AND STRUCTURES
 - SCREEN BUND



LANDESIGN
 PLANNING & LANDSCAPE

Site		Dunton	
Title		Site Layout	
Scale	Date	Drawing No.	
A1:51	1 JPC2	08/2017	
0:40/14	188	Checked by: JDB	LD97/DN/002

12 Photographs



Figure 12.1 Southern Façade of Workshop



Figure 12.2 Northern and Eastern Façade of Workshop

6 Proposed Development

The Proposed Development

- 6.1 KSD has installed a workshop (the Workshop) within the existing site in a location to the east of the main fixed processing plant. The Workshop location is shown on plan LD097/DN/002.
- 6.2 Plan LD097/DN/003 shows the layout and sections of the Workshop. Section 12 of this statement shows photographs of the Site and the Workshop.
- 6.3 This design comprises a single storey rectangular building to provide a covered workshop and store area for repairing and maintaining site equipment, plant, machinery and delivery vehicles.
- 6.4 Prior to the Workshop being built all such maintenance work was done on site in the open air and staff were subjected to the vagaries of the weather. The new structure therefore provides a significant improvement in working conditions for site staff and a central facility for storing site maintenance equipment and materials.

- 6.5 The building comprises three separate compartments as follows: -
- Main workshop
 - Store room
 - Lean to for vehicle maintenance.
- 6.6 The Workshop is constructed from a simple steel portal frame construction with metal cladding for the walls and roof, with incorporated frosted windows to provide good levels of natural lighting within the Workshop.



Figure 6.1 Internal view of the main workshop area

- 6.7 Access is provided from a high roller shutter door on the southern façade of the main building and a small single pedestrian door on the northern side; whilst the lean-to on the western façade is open fronted and large enough to accommodate a fixed body 4 axel tripper lorry.



Figure 6.2 Southern façade showing shutter door and lean to with lorry.

- 6.8 The construction comprises a pitched roof building with a lower level lean to and store room on the western façade. The lean-to sits on the southern end of

the building and is open at the southern end. This is designed to accommodate a standard road going HGV (see Figure 12.2.) The store room is formed from the northern extension of the lean-to but has a sloped roof and is accessed from the workshop main building via an internal door within the main building.

- 6.9 The height of the tallest part of the building is the ridge of the main pitched roof which stands at 7m.
- 6.10 The central location of the building within the Site means that the existing perimeter screening bunds completely hide the Workshop from outside views. Furthermore, the surrounding plant and operations means that the openness of the Green belt is not adversely affected.
- 6.11 As the Workshop does not generate any traffic and the only noise generated is that associated with normal maintenance operations, it is not considered that any unacceptable adverse environmental effects will arise from the Workshop.

Access

- 6.12 The Workshop will not require any special access arrangements as it is there solely to support the existing site operations. Use of the existing site access facilities and internal roads will remain unchanged.

Water Management.

- 6.13 Surface rainwater water is collected and fed into the existing site water catchment system with water ultimately being collected at the southern limit of the Site in the water collection tanks, where it is recycled and re-used in processing and washing operations.
- 6.14 This approach takes a sustainable approach to water management and seeks to utilise as much surface run off as is practical within the Site processes.

Hours of Operation.

- 6.15 The Workshop only operates when the existing business is operational. The Site currently operates to normal working hours and runs between 0700 and 1900 Monday to Friday and 0700 to 1300 on Saturdays.

Employees

- 6.16 The Site employs 1 person in the Workshop.

(6) Application No: PAP/2017/0237

Land Rear Of 1 To 6, Copeland Close, Warton,

Approval of reserved matters for the erection of 29 dwellings with associated access, parking and landscaping, for

for Cameron Homes

Introduction

The application is reported to Board in light of a local Member concerned about the impacts on neighbouring occupiers.

The Site

The site lies on the southern side of Warton, with Copeland Close and Ivycroft Road lying to the north west and north east and Barn End Road Lying to the south west. The site has a partial frontage to Barn End Road and it is from Barn End Road that all site access would be achieved. The site location and proposed site layout are shown on the plan extract below.



The Proposal

This is an approval of reserved matters application following an earlier outline permission for 29 new dwellings. The proposed accommodation will be as shown below:

Accommodation Schedule

Plot No.	Name	Type
Plot 1	Ellerdine	4 Bed Detached
Plot 2	Rusdale	4 Bed Detached
Plot 3	Exeter	4 Bed Detached
Plot 4	Exeter	4 Bed Detached
Plot 5	Ellerdine	4 Bed Detached
Plot 6	Exeter	4 Bed Detached
Plot 7	Ritchie 6	2 Bed Bungalow
Plot 8	Ritchie 6	2 Bed Bungalow
Plot 9	Exeter	4 Bed Detached
Plot 10	Ellerdine	4 Bed Detached
Plot 11	Dallington	4 Bed Detached
Plot 12	Cambridge	4 Bed Detached
Plot 13	Ritchie 3	3 Bed Semi Detached
Plot 14	Ritchie 5	2 Bed Semi Detached
Plot 16	Ritchie 5	2 Bed End Terrace
Plot 17	Ritchie 5	2 Bed Terrace
Plot 18	Ritchie 5	2 Bed End Terrace
Plot 19	Bodmin	4 Bed Detached
Plot 20	Bodmin	4 Bed Detached
Plot 21	Ritchie 5	2 Bed End Terrace
Plot 22	Ritchie 5	2 Bed Terrace
Plot 23	Ritchie 5	2 Bed Terrace
Plot 24	Ritchie 3	3 Bed End Terrace
Plot 25	Bodmin	4 Bed Detached
Plot 26	Dallington	4 Bed Detached
Plot 27	Dallington	4 Bed Detached
Plot 28	Bodmin	4 Bed Detached
Plot 29	Rusdale	4 Bed Detached
Plot 30	Ellerdine	4 Bed Detached

Examples of the elevational treatment of the proposed housing are shown below:



Proposed Front Elevation
[Scale 1:50]



Proposed Front Elevation
[Scale 1:50]



Proposed Front Elevation
[Scale 1:50]



Proposed Front Elevation
[Scale 1:50]



Proposed Front Elevation
[Scale 1:50]



Proposed Front Elevation
[Scale 1:50]



Proposed Front Elevation
[Scale 1:50]

Proposed Front Elevation
[Scale 1:50]



Proposed Front Elevation
[Scale 1:50]

Proposed Front Elevation
[Scale 1:50]

Plots 7 and 8



Proposed Front Elevation
[Scale 1:50]

Plots 13 and 14

A boundary treatment plan confirms that the existing boundaries will remain unaltered, including the retention of existing boundary hedgerows. A combination of brick walls and fencing will form boundaries on the interior of the site.



A materials schedule has been supplied. The materials will be a mix of the following:

Bricks	SR - Smooth Red - Class B
	CHEL - Forterra Chelsea Red
	OAK - Forterra Oakthorpe Red
	WELL - Ibstock Welbeck Red Mixture
	LENT - Ibstock Lenton Dark Multi
Heads / Cills	Brick to heads as shown on working drawing - OAKWOOD MULTI as Contrasting Brick
	Reconstituted Stone cills as shown on working drawing
Render	All render monocouche smooth, colour Ivory

Main Roof tiles	BROWN - Russells Highland Peat Brown
	GREY - Russells Highland Slate Grey
Lower Roof Tiles	To match colour of main roof (concrete plain tile)
Gutters	PVCU Half Round Black

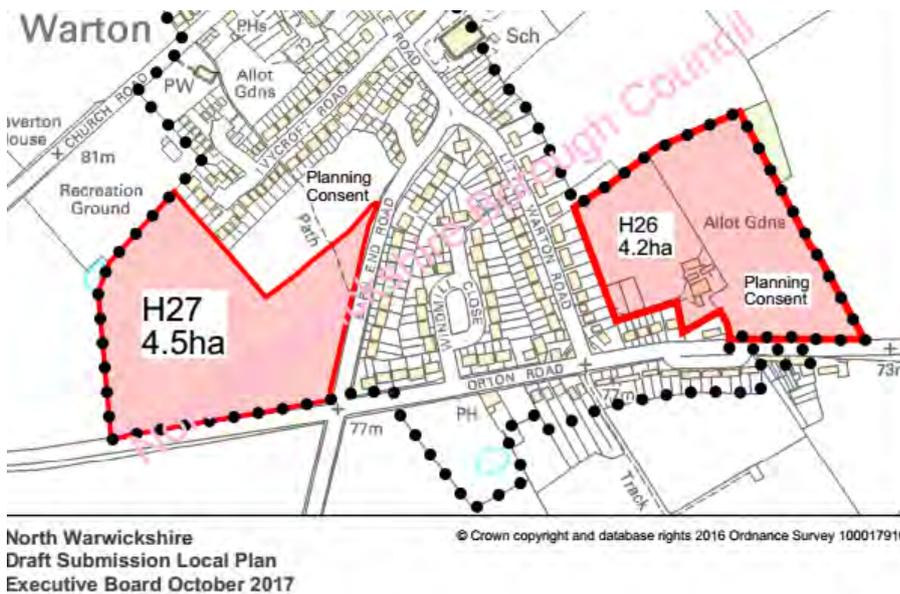
Windows	White
Doors	Black
Fascia / Barge	UPVC
Driveway finish	BP - Block Paving - Colour to be Brick Multi with Charcoal Delineation

Background

Outline planning permission was granted in April 2015 as at that time the site had been identified in part for housing development in the Site Allocations Plan (Draft Pre-Submission June 2014) as WAR 6, see extract below.



The site is shown in the Emerging New Local Plan (Submission Version as agreed at Full Council 7 November 2017) as having planning permission and the land surrounding it is shown allocated for housing development – see Site H27 below. An outline planning application has recently been received which proposes 100 dwellings on H27 (bordering the south western and south eastern edges of this site). That application however is undetermined at this stage.



There is a companion application to this which seeks the discharge of conditions attached to the outline planning permission. It has the reference number DOC/2017/0042 and proposes the approval of details required by condition no's: 13,14,15, 20,21,22,23,24,25 of planning permission PAP/2014/0257 dated 29/04/2015 relating to construction management statement, WSI from Warwickshire archaeology, engineers details, drainage management, tree protection plan and landscaping plan & boundary treatments plan. The matters relating to these conditions are also the subject of consideration in this report.

Development Plan

The 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) and NW22 (Infrastructure)

Other Relevant Material Considerations

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

New Local Plan (Submission Version as agreed at Full Council 7 November 2017).

Consultations

Warwickshire County Council Highways Authority - No objection

Lead Local Flood Authority – No objection.

Warwickshire Wildlife Trust – No objections.

Environmental Health Officer – No objection. He concurs with the findings of the Phase II investigation.

Warwickshire Fire and Rescue - No objection subject to conditions

Warwickshire Police Design Out Crime Officer - No objection.

Rights of Way Team Warwickshire County Council – Notes that public footpath AE11 crosses the application site, as shown on the attached extract of the Definitive Map, the legal record of public rights of way. The Proposed Site Layout plan shows this public footpath accommodated along its current recorded alignment. I note that part of public footpath is proposed to be enclosed by property fences. The gap between these fences shown on the site plans appears to be adequate to accommodate the public footpath but to ensure that the public footpath does not become a narrow enclosed alleyway we would seek a condition on any consent, if granted, requiring that a gap of at least 3 metres is provided between any fences enclosing public footpath AE11. Given that the section of public footpath crossing the site would be serving the proposed residential development we 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.

Waste and Transport Manager, North Warwickshire Borough Council – No objection. He recommends that all properties have a purpose built bin storage are capable of holding a minimum of 3 x 240 litre wheeled bins. This can be addressed in a planning condition.

Representations

Polesworth Parish Council points out that there have been a lot of drainage and flooding issues in this area of Warton. Any further development in the area needs to have extra drainage and flood alleviation measures put in place prior to building.

Ten letters of objection have been received from local residents raising the following concerns:

- The village is too small to take an additional 30 houses. It has only one shop and one school.
- Houses in Copeland Close would be looking directly at the new dwellings.
- Surrounding land has a pre-existing problem with surface water flooding at times of heavy rainfall. The proposed development will exacerbate existing problems.
- A borehole relating to Copeland Close is on the site.
- There is a belief that there is a soakaway on the application site serving neighbouring properties.
- 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. One giant mass of housing which would lose the close knit feel of a village community and community spirit is very strong in Warton.
- The village has already had the required housing development as per your published and current local plan and therefore this proposed development exceeds the identified housing requirement for the village.
- The layout will impact on adjacent property in terms of loss of light. The new properties will cast a permanent shadow on neighbouring properties and gardens.
- The development will devalue homes.
- The development will adversely affect standards of living.
- The development will result in loss of view.
- The habitable rooms (bedrooms) to the rear of my property overlook the habitable rooms of plot 4 (Bedroom 1 and 4) in the proposal. This combined with the elevation of my property over plot 4 as seen in the proposed site sections page suggests that this distance be increased where there is a height differentiation which would increase the loss of privacy due to overlooking.
- The development will cause highway danger at the site access and in relation to car parking at the village primary school.
- The site is a former unlicensed tipping and was previously a landfill. Gases generated by the landfill will cause ill health and if the land is disturbed residents will be at risk.
- The ground may not be stable for building.
- The overall position of the affordable housing within the site is a disgusting example of stereotyping, the affluent houses are at the top of the development, the 3 bed are in the middle of the site and the affordable houses have been clustered in a corner and the bottom of the site. This goes completely against Good Practice to pepper-pot properties on mixed tenure developments. Systematic analysis should determine the type and number of affordable homes required. And evidence of this systematic analysis should be made available for review by all.

- There is no need for this kind of open market housing in the village. Warton has within the last five years seen an increased supply of housing already and has enough houses and affordable housing for residents who work locally.
- The objections are supported by paragraph 64 of the National Planning Policy Framework which states that permission should be refused for a development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- Existing hedgerows should be retained.
- Urges the LPA to consider your responsibilities under the Human Rights Act in particular Protocol 1, Article 1 which states that a person has the right to peaceful enjoyment of all their possessions which includes the home and other land.
- Article 8 of the Human Rights Act states that a person has the substantive right to respect for a person's home which includes their private and family life. The location of Plot 16 directly adjacent to our rear fence with a bathroom window overlooking our garden is considered wholly inappropriate. Private and family life therefore encompasses not only the home but also the surroundings.
- Our garden currently receives light throughout the day and we have a tortoise that requires UV radiation which lives in the garden part of the year in a specially constructed, UV-penetrating, enclosure. The shadow cast by the development of Plot 16 with a ridge height of 8m from finished floor level located approximately 12 m from the rear elevation of our house would cast a shadow across our garden for the majority of the day at the best of times (i.e. in summer when the sun is at its highest) and completely during winter months depriving us of direct sunlight.
- Photographs have been supplied to illustrate shadowing cast from buildings and fences



- An invasive plant is growing on the site boundary and this needs to be addressed.
- Two residents indicate a desire to talk at Board if the application is reported.

Observations

This is an application following the grant of outline planning permission for the development of this land with up to thirty dwellings. The application seeks approval for

the reserved matters of layout, scale, appearance and landscaping. The principle of development has therefore already been agreed and it is only the matters of detailed design and layout that are for consideration here.

a) Design and Layout and Impact on Amenity

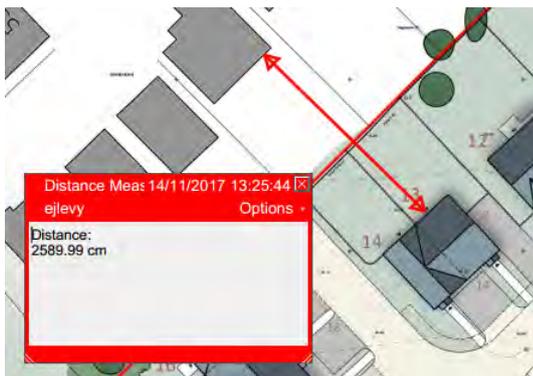
The scheme has been designed having regard to a number of constraints at the site - it contains a former quarry area at the northern side, a public footpath and a public sewer cross it, a borehole is on the site and there are pre-existing ecology and landscape constraints. The northern side of the site therefore lends itself to a less dense layout to accommodate the ground conditions and the necessary construction methods, whilst the middle section layout needs to 'work around' the footpath and sewer and lends itself to a middle density of development and the more southerly, less constrained, side of the site lends itself to a higher density.

The proposed houses are of a pleasing design, having an appropriate mix of traditional materials, and a variety of design features, including the incorporation of chimneys, porches and gable features.

Though the scheme appears to segregate the house types there are site specific constraints that justify the layout. Some redesign has been achieved to mix the housing in the central portion of the site and the inclusion of bungalow units will create a more mixed appearance to the built form. Common design features and materials across the different house types will give visual continuity.

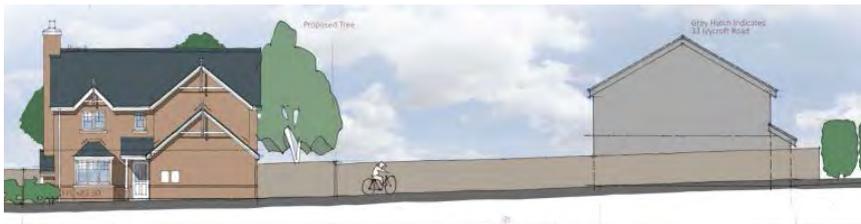
Occupiers of adjacent properties express concern that the development will result in loss of privacy and overshadowing of their properties, particularly residents of Ivycroft Road.

In a number of instances, the existing and proposed dwellings are separated by two rear gardens; achieving separation distances of approximately 25 metres (see illustration below). Though there will be windows to habitable rooms facing each other, this separation distance will be adequate to ensure no undue loss of privacy or overlooking. This is an arrangement commonplace in residential estates.

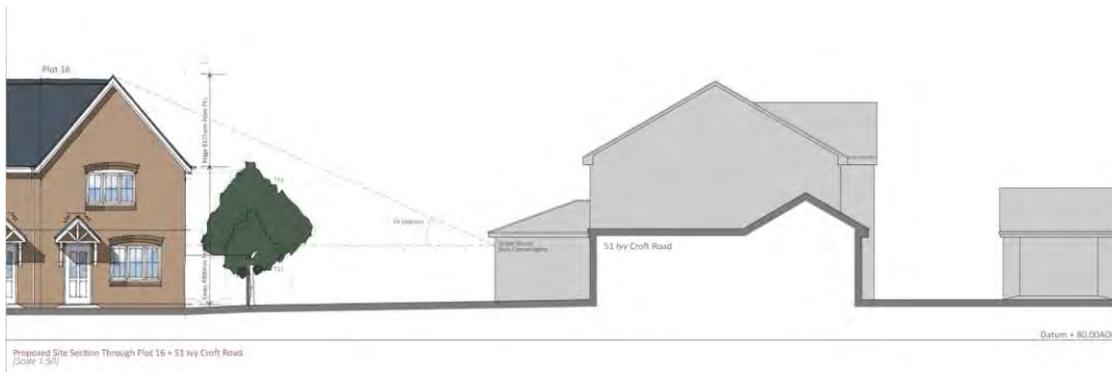


In other instances dwellings are proposed in positions relatively close to the rear boundaries of the gardens of properties on Ivycroft Road, commonly achieving separation distances of 13.5m – 16m. In these instances there are both differences in land levels, an omission or limitation of windows to habitable rooms in the facing elevations of the new dwellings, the setting of units at indirect angles and the hipping of roofs to lessen impact – see illustrations below. These measures will ensure that overlooking and loss of privacy should not result at unreasonable levels. Though there

may be some shadowing of gardens that did not formerly exist, it is not considered that the shadowing would be so severe that the living conditions of neighbouring occupiers would be significantly harmed or justify the refusal of planning permission.



The cross section below illustrates the separation between number 51 Ivycroft Road and the dwelling proposed at Plot 16. It includes reference to lighting impact (see angulated projection towards the proposed dwelling from the extended part of the existing dwelling)



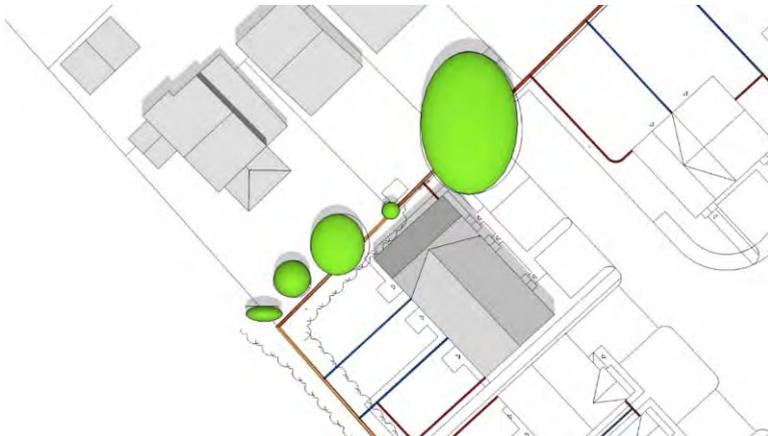
Given the strong concerns expressed by the occupier of this dwelling that the proposal would have a significantly detrimental impact from overshadowing, the applicant has been requested to carry out a more in depth analysis of impact. The section drawing above enables calculations from the sunlight and daylight indicators to be carried out to consider this point. The test demonstrates that there is no significant loss of sunlight or daylight to the property. This is based upon the Building Research Establishment daylight and sunlight indicators and an extract is enclosed at Appendix 1 to this report setting out the test undertaken. In summary the section shows that there is no harmful loss of skylight to No 51; as where the defined angle is less than 25 % there is no substantial effect on skylight to the existing building. To check sunlight the same principal applies and where there is no obstruction within an angle of 25% there is no adverse impact.

In addition to the above test the architects have used modelling software to produce shading plans for both the summer and winter at 9am, 12am and 3pm.

21 June 9am



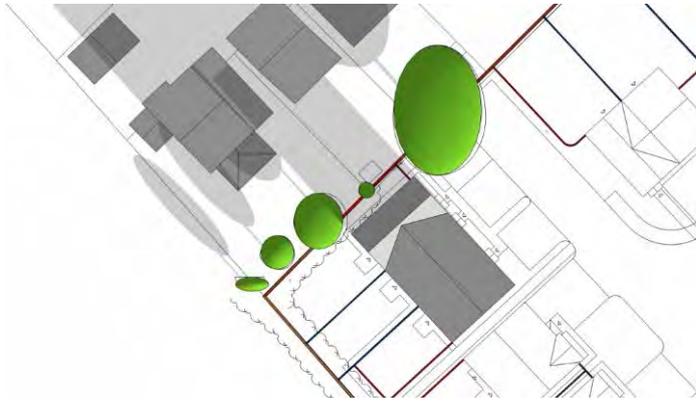
21 June 12am



21 June 3pm



21 December 9am



21 December 12am



21 December 3pm

These show the relationship and any shadow cast from the proposed plot 16 and the existing trees in the garden to number 51 onto the rear gardens and elevations of number 51, 49 and 47 Ivy Croft Road.

Due to the relative angles and the sun's path from east to west the proposal does not impact upon the rear of the properties for the majority of the day except for at 9am on the 21st December, where if there were full sun then a shadow is cast. It is however

worth noting that this is not upon number 51s conservatory but more to the side and the neighbouring property. Any shadowing to number 51's conservatory at this time is caused by the existing trees in their garden, (this impact will however be lowered by reduced leaf cover in winter).

On this basis it is considered that the proposal is not going to have an adverse impact upon sunlight and daylight to the existing properties. The conclusion demonstrated from the sections and shadow plans is that the light levels will remain good to the rear of the existing properties as confirmed by the skylight test undertaken in line with Building Research Establishment guidelines

The occupier of number 49 Ivycroft Road identifies a particular concern about the effect of the loss of light to his rear garden. To address this, in part, the scheme has been revised to alter the roof design to a hipped roof rather than a full gable end elevation. The juxtaposition is now that there is a separation of 16.5 metres between the property and the tallest part of the nearest dwelling (illustration below). The new dwelling will not be positioned across approximately half of the width of the rear of the property. Nevertheless there will still be some overshadowing of the rear garden of a varying degree for different times of day any times of the year. In common with other adjacent dwellings, whilst there will be some shadowing of the garden that did not formerly exist it is not considered that the shadowing would be so severe that the living conditions of the occupiers would be significantly harmed to the degree that refusal of planning permission would be justified. He points in particular to the effect of loss of uv light on the welfare of a pet tortoise. Whilst it is acknowledged that there may be some diminution of optimal conditions for the keeping of the pet it is unlikely, particularly in this country, to have a devastating impact on the health and wellbeing of the pet (it is understood that supplementary artificial uv is commonly required). In any event, though a material consideration, it is a matter which is of very limited weight in the determination of the application.



It is considered that the site is of an adequate size to accommodate the proposed 29 dwellings with amenity space and off street car parking, without causing undue harm to the occupiers of adjacent properties and allowing for appropriate living conditions for the occupiers of new dwellings. The design and layout are considered acceptable.

The loss of a view and devaluation of property are not appropriate reasons to decline planning permission.

Given that the site is surrounded by existing housing it would be appropriate to control the hours of construction to protect amenity but this has been addressed by condition on the associated outline planning permission.

b) Foul and Surface Water Proposals

Local residents reported a pre-existing difficulty with surface water flooding at times of heavy rainfall and express concern that the proposed development will exacerbate existing problems. They also expressed a belief that there is a soakaway on the application site serving neighbouring properties. This matter has been the subject of considerable investigation. In consultation and discussion with the Highway Authority and the Lead Local Flood Authority, and with the consent of occupiers of adjacent property where relevant) physical works have been undertaken to identify and remedy, or at least alleviate, the current problem. The surface water drainage scheme has been designed to intercept surface waters at the site boundary (with a 0.75m deep slip trench along the boundary with Ivycroft Road) and involves the containment and slow release of surface waters from the site through an attenuation scheme.

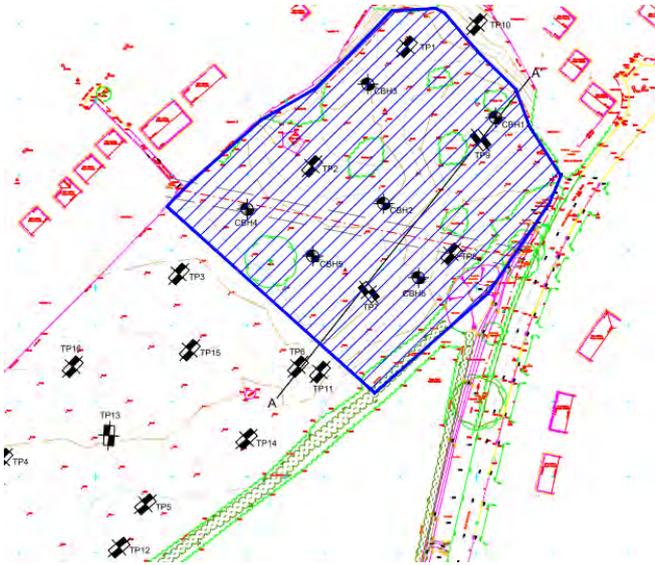
Following an investigation of the possibility of discharging surface waters to overland drainage systems, in accord with the preferable drainage hierarchy, Severn Trent and the Lead Local Flood Authority have agreed that there is no practicable solution to drainage in that manner and STW has issued consent to discharge both foul and surface waters to the existing foul sewer on Barn End Road.

There is therefore confidence that the designed attenuation and disposal scheme will cause no adverse impacts on existing drainage systems. All surface water discharge from the site is to be controlled to the existing equivalent greenfield run-off. Surface water run-off from the site is to be attenuated such that it does not exceed for 1 in 100-year storm events (plus 40% for climate change) (it is to be noted that the outline planning only required 30% for climate change; however, the developer, in consultation with the Local Lead Flood Authority (LLFA), has agreed to accommodate this recent increase).

Moreover, the investigation of existing drainage systems and the associated works are likely to have improved the pre-existing surface water drainage problem.

c) Ground Conditions

At outline stage it was acknowledged by the applicant and the Council's Environmental Health Officer that the site was a former landfill and that it would need to be investigated and remediated should contamination be found. The application is accompanied by the required Phase II report following investigation. Ground investigation suggests that properties in the northern half of the site should be constructed using pile foundations, with the southern half having strip/trench fill foundation. It is also proposed to apply gas protection to the properties constructed on the hatched area shown below.



The Environmental Health Officer was of the opinion that it would be precautionary to extend gas protection to the whole site but sought confirmation from consultants as to whether this is a necessary requirement or not. The consultants confirm that the Georisk Management; Remediation Statement and Validation Plan (Report ref: 14107/Remediation Statement; Dated: 8th December 2017) presents an appropriate remediation strategy which makes provision for the validation of imported materials for clean cover. It found that the gas membrane proposals were suitable, negating the need for further gas monitoring, and that the garden areas of plots 9, 10 and 28 located close to the margin of the area of original Made Ground will be inspected to confirm if any mixing has taken place.

There are no known or likely issues of ground stability that would not be addressed through the application of standard building regulations.

d) Highway Safety

The Highway Authority offered no objection to the proposed development and its access arrangements at the outline planning application stage. It expressed no objection concerning the scale of traffic generated or its impact in capacity terms. There has been no change in circumstances since the grant of outline planning permission that would justify a different stance now. The access is proposed in the same position and there is no objection arising from this.

e) Affordable Housing

The outline application was accompanied by a Section 106 Agreement which secured, the policy compliant, 40% of the development as affordable housing. The applicant has evidenced with a Viability Appraisal, independently verified by the District Valuer, that 40% provision would render the development unviable. Extra ordinary costs such as remedying ground conditions, contributes to the viability difficulties. In these circumstances, the Assistant Director (Housing) confirms that the following provision would be appropriate to the settlement, meeting the particular identified needs:

- Plots 13 and 14 as two rented properties
- Plots 16, 17 and 18 as three shared ownership properties

A Deed of Variation to the existing S106 Agreement has been signed to that effect. The Borough Council and/or another Registered Provider of Social Housing will be partners in the delivery of the affordable housing.

The scale of the site and the nature of the affordable housing provision does not lend itself to pepper potting. For ease of management for the registered social landlord, the three shared ownership properties logically form a terraced row and the two rented properties logically take the form of a pair of semi-detached dwellings. These homes would be indistinguishable from the remaining smaller sized units in their near vicinity.

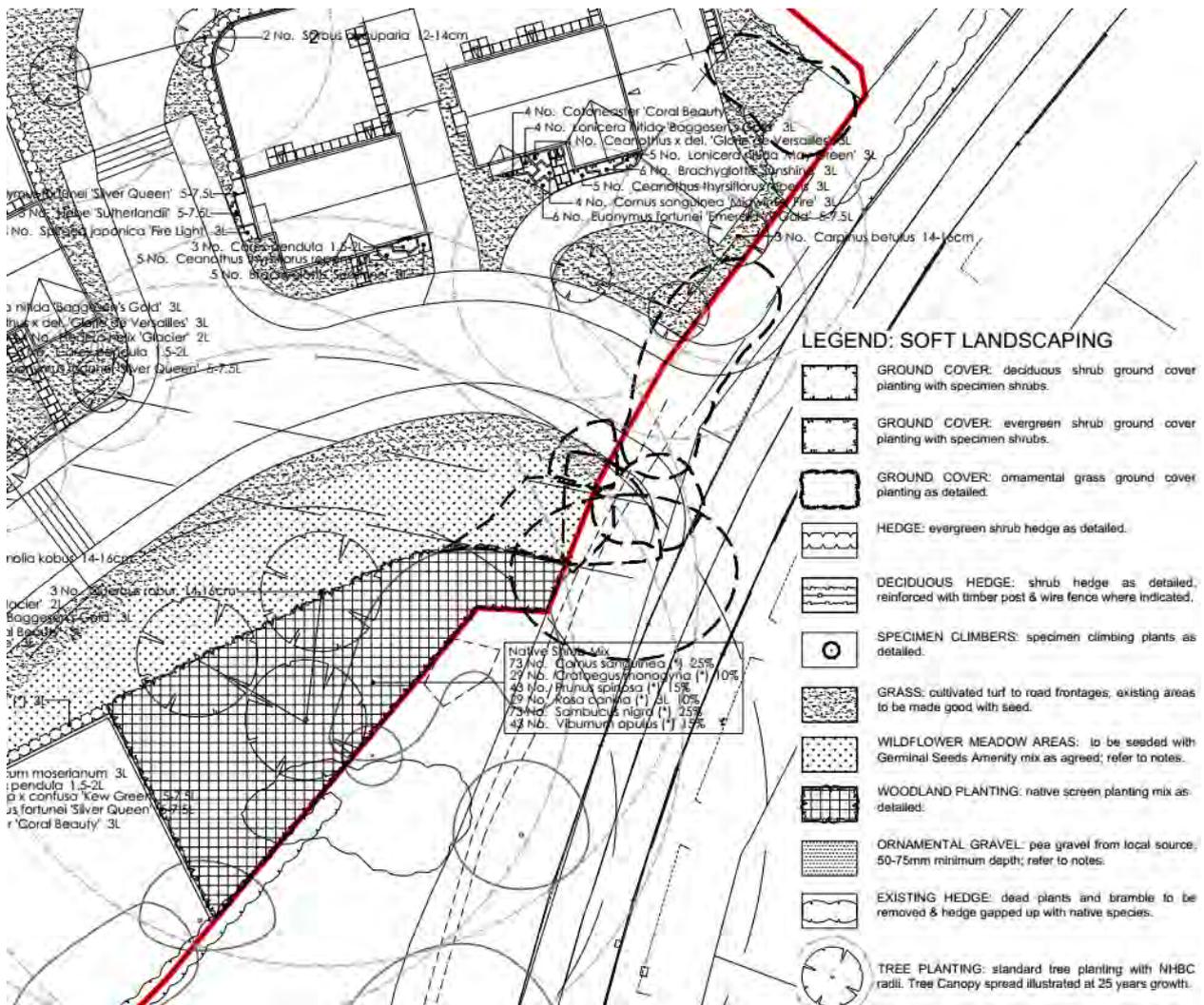
f) Other Matters

In respect of conditions necessary to control the development, many matters are already addressed by the outline permission. A copy of the outline decision is appended for reference.

Given the following it is considered appropriate to attach a condition removing permitted development for the construction of new garden buildings and extensions to dwellings:

- that the ground conditions at the site indicate a need to ensure the incorporation of appropriate protection measures in the construction of new buildings
- that the density of development is high in places and that new built form, whether by way of extension to dwellings or construction of garden buildings, could impact on the occupiers of adjacent existing and proposed dwellings
- that new built form could impact on ecology at the site

The landscaping proposals detailed in the companion Discharge of Conditions application are acceptable. A desirable open landscaped frontage to Barn End Road will assist in tying the new development into the street scene to provide attractive urban design. Though some concern has been expressed locally about the extent of hedgerow removed, a stretch of hedge has been permitted to be removed by virtue of the outline planning permission, the small additional stretch of hedge was not in good condition and will in due course be compensated for by the landscaping scheme which introduces new tree planting and a native shrub belt in the vicinity of the new access (see plan extract below).



The applicant advises that he has addressed the issue of the invasive plant.

The application may be supported.

Recommendation

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

1. The development hereby approved shall not be carried out otherwise than in accordance with the plan numbered 7503_150i received by the Local Planning Authority on 24 January 2018, 16-075-05B and 16-075-06B received by the Local Planning Authority on 5 January 2018 7503_260C received by the Local Planning Authority on 20 October 2017, the plan numbered 7503_151B received by the Local Planning Authority on 24 October 2017, the plans numbered 7503_252C, 7503_253C, 7503_261C, 7503_262C, 7503_263A and 7503_269 received by the Local Planning Authority on 21 August 2017, the plans numbered 7503_250C, 7503_251C, 7503_254B, 7503_255C, 7503_256B, 7503_257B, 7503_258B, 7503_259C, 7503_265B, 7503_266B, 7503_267C and 7503_268 received by the Local Planning Authority on 4 August 2017 and the plans numbered 7503_100, 7503_264B and 7503_450B received by the Local Planning Authority on 9 May 2017.

REASON

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

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

REASON

In the interests of the amenities of the area.

3. The development hereby permitted shall not 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 approved scheme shall be implemented in full prior to occupation of any dwelling to the satisfaction of the Local Planning Authority.

REASON

In the interests of fire safety

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

REASON

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

5. A gap of not less than 3 metres shall be provided between fences enclosing public footpath AE11 and shall be maintained at that separation distance at all times thereafter. The surface of the footpath shall be maintained as a tarmacadam surface at all times and shall be constructed as such prior to the occupation of any dwelling hereby approved.

REASON

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

6. A scheme for the low level lighting of the footpath route shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of any dwelling hereby approved. The approved scheme shall also be implemented prior to the occupation of any dwelling hereby approved.

REASON

In the interests of pedestrian safety and in the interests of the amenity of the area

7. The development hereby approved shall be implemented in full compliance with the provisions of the Badger Method Statement Produced by Absolute Ecology dated July 2017, as supplemented by the email from James Porter of Absolute Ecology to Philip Davey dated Tue 19 December 2017 at 14:00 hours.

REASON

In recognition of the presence of protected species.

8. The development shall take place in accord with the Remediation Method Statement by Georisk Management dated 8 December 2017 received by the Local Planning Authority on 11 December 2017.

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.

9. Within three months of the completion of measures identified in the approved remediation scheme, a validation report (that demonstrates the effectiveness of the remediation carried out) must be submitted to 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.

Notes

1. The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:

www.gov.uk/government/organisations/the-coal-authority.

2. 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.

The applicant must make good any damage to the surface of public footpath AE11 caused during construction.

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.

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.

3. There may be bats present at the property that would be disturbed by the proposed development. You are advised that bats are deemed to be European Protected species. Should bats be found during the carrying out of the approved works, you should stop work immediately and seek further advice from the Ecology Section of Museum Field Services, The Butts, Warwick, CV34 4SS (Contact Ecological Services on 01926 418060).
4. The submitted plans indicate that the proposed works come very close to, or abut neighbouring property. This permission does not convey any legal or civil right to undertake works that affect land or premises outside of the applicant's control. Care should be taken upon commencement and during the course of building operations to ensure that no part of the development, including the foundations, eaves and roof overhang will encroach on, under or over adjoining land without the consent of the adjoining land owner. This planning permission does not authorise the carrying out of any works on neighbouring land, or access onto it, without the consent of the owners of that land. You would be advised to contact them prior to the commencement of work.
5. You are recommended to seek independent advice on the provisions of the Party Wall etc. Act 1996, which is separate from planning or building regulation controls, and concerns giving notice of your proposals to a neighbour in relation to party walls, boundary walls and excavations near neighbouring buildings. An explanatory booklet can be downloaded at <https://www.gov.uk/guidance/party-wall-etc-act-1996-guidance>

6. In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner through pre-application discussions, seeking to resolve planning objections and issues and suggesting amendments to improve the quality of the proposal. As such it is considered that the Council has implemented the requirement set out in paragraphs 186 and 187 of the National Planning Policy Framework.

APPENDIX 1

Building Research Establishment Report

Site layout planning for daylight and sunlight: a guide to good practice

P J Littlefair, MA, PhD, CEng, MCIBSE

Building Research Establishment
Garston
Watford
WD2 7JR

In some cases, for example with a standard house design, window positions may already be known. The vertical sky component can then be calculated at the centre of each window. In the case of a floor-to-ceiling window, such as a patio door, a point 2 m above ground on the centre line of the window may be used. Again, a vertical sky component of 27% or more indicates the potential for good daylighting. The interior daylighting of the building can then be checked easily using the method described in Appendix C.

Where space in a layout is restricted, interior daylighting may be improved in a number of ways. An obvious one is to increase window sizes. The best way to do this is to raise the window head height, because this will improve both the amount of daylight entering and its distribution within the room (Figure 5).

Improving external surface reflectances will also help. Light-coloured building materials and paving slabs on the ground may be used. However, maintenance of such surfaces should be planned to stop them



Figure 5 In Georgian streets the small spacing-to-height ratio is compensated for by tall windows. Note how window-head height increases for the lower floors which are more heavily obstructed.

discolouring. Often the benefits will not be as great as envisaged, partly because of ageing of materials and partly for geometrical reasons. An obstructed vertical building surface will receive light from less than half the sky. Even if it is light coloured its brightness can never approach that of unobstructed sky.

Finally, one important way to plan for good interior daylight is to reduce building depth (window wall to window wall). Even on a totally unobstructed site there is a limit to how deep a room can be while remaining properly daylight. The presence of obstructions may reduce this limiting depth still further. Appendix C gives details of how to calculate these limiting room depths for good daylighting.

Summary

In general, a building will retain the potential for good interior diffuse daylighting provided that on all its main faces:

- (a) no obstruction, measured in a vertical section perpendicular to the main face, from a point 2 m above ground level, subtends an angle of more than 25° to the horizontal;

or

- (b) if (a) is not satisfied, then all points on the main face on a line 2 m above ground level are within 4 m (measured sideways) of a point which has a vertical sky component of 27% or more.

2.2 Existing buildings

In designing a new development or extension to a building, it is important to safeguard the daylight to nearby buildings. A badly planned development may make adjoining properties and their gardens gloomy and unattractive, annoying their occupants and even, in some cases, infringing rights to light (see later in this Section). The guidelines given here are intended for use with adjoining dwellings and any existing non-domestic buildings where the occupants have a reasonable expectation of daylight; this would normally include schools, hospitals, hotels and hostels, small workshops and most offices. Gardens and open spaces are dealt with in Section 3.3.

Note that numerical values given here are purely advisory. Different criteria may be used, based on the requirements for daylighting in an area viewed against other site layout constraints.

A modified form of the procedure adopted for new buildings can be used to find out whether an existing building still receives enough skylight. First, draw a section in a plane perpendicular to each affected main window wall of the existing building (Figure 6). Measure the angle to the horizontal subtended by the

In the winter heating season, solar heat gain can be a valuable resource, reducing the need for space heating. Good design can make the most of this. This aspect of sunlight provision is dealt with in Section 4; here we concentrate on the amenity aspects of sunlight.

Site layout is the most important factor affecting the duration of sunlight in buildings. It can be divided into two main issues, orientation and overshadowing.

Orientation

A south-facing window will, in general, receive most sunlight, while a north-facing one will receive it on only a handful of occasions (early morning and late evening in summer). East- and west-facing windows will receive sunlight only at certain times of the day. A dwelling with no main window wall within 90° of due south is likely to be perceived as insufficiently sunlit. This is usually an issue only for flats. Sensitive layout design of flats will ensure that each dwelling has at least one main living room which can receive a reasonable amount of sunlight. In flats and houses a sensible approach is to try to match internal room layout with window wall orientation. Where possible, living rooms should face the southern or western parts of the sky and kitchens towards the north or east.

Overshadowing

The overall access to sunlight of a new development can be considerably enhanced if the layout of new buildings is designed with care so that they overshadow each other as little as possible (see Figure 22 in Section 4). At a simple level, access to sunlight can be improved by:

- Choosing a site on a south-facing slope, if possible, rather than a north-facing one
- Having taller buildings to the north of the site with low-rise buildings to the south, but care must be taken not to overshadow neighbouring property (Section 3.2)
- Having low-density housing (semi-detached and detached) at the southern end of a site, with terraced housing to the north
- Placing terraces on east-west roads (so that one window wall faces nearly south) with detached and semi-detached houses on north-south roads
- Opening courtyards to the southern half of the sky
- Having garages to the north of houses
- Avoiding obstructions to the south, such as protruding extensions or other buildings, where window walls face predominantly east or west
- Having low-pitched roofs on housing

For interiors, access to sunlight can be quantified. The British Standard¹ recommends that interiors where the occupants expect sunlight should receive at least one quarter of annual probable sunlight hours, including at least 5% of annual probable sunlight hours during the winter months, between 21 September and 21 March. Here 'probable sunlight hours' means the total number of hours in the year that the sun is expected to shine on unobstructed ground, allowing for average levels of cloudiness for the location in question. The sunlight availability indicator in Appendix A can be used to calculate hours of sunlight received.

At the site layout stage the positions of windows may not have been decided. It is suggested that sunlight availability be checked at points 2 m above the lowest storey level (Figure 1) on each main window wall which faces within 90° of due south. The building face as a whole should have good sunlighting potential if every point on the 2 m high reference line is within 4 m (measured sideways) of a point which meets the British Standard criterion already mentioned¹ for probable sunlight hours. If the access to sunlight changes rapidly along a facade, it is worthwhile trying to site main windows, particularly of living rooms, where most sunlight is available.

If window positions are already known, the centre of each main living room window can be used for the calculation. In the case of a floor-to-ceiling window, a point 2 m above ground on the centre line of the window may be used.

It is not always necessary to do a full calculation to check sunlight potential. It can be shown that the British Standard¹ criterion is met provided either of the following is true:

- The window wall faces within 90° of due south and no obstruction, measured in the section perpendicular to the window wall, subtends an angle of more than 25° to the horizontal (Figure 2 in Section 2.1). Obstructions within 90° of due north of the reference point need not count here.
- The window wall faces within 20° of due south and the reference point has a vertical sky component (Section 2.1) of 27% or more.

The British Standard¹ is intended to give good access to sunlight for amenity purposes in a range of situations. However, in some circumstances the designer or planning authority may wish to choose a different target value for hours of sunlight. This is especially relevant for passive solar buildings, for which Section 4 gives guidance. If sunlight is particularly important in a building, for whatever reason, a higher target value may be chosen, although care needs to be taken to avoid overheating. Conversely, if in a particular development sunlight is deemed to be less important but still worth checking

APPENDIX 2



North Warwickshire
Borough Council

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Tamworth
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Jeff Brown BA Dip TP MRTPI
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The Council House
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Telephone: (01827) 715341
Fax: (01827) 719225
E Mail: PlanningControl@NorthWarks.gov.uk
Website: www.northwarks.gov.uk

Date: 29 April 2015

The Town & Country Planning Acts
The Town and Country Planning (Listed Buildings and
Conservation Areas) Act 1990
The Town & Country Planning (General Development)
Orders
The Town and Country Planning (Control of
Advertisements) Regulations 1992 (as amended)

DECISION NOTICE

Smallscale Major - Outline Planning Application

Application Ref: **PAP/2014/0257**

Site Address

Land Rear Of 1 To 6, Copeland Close, Warton,

Grid Ref: Easting 428341.39
Northing 303445.06

Description of Development

Outline application (access only) for the residential development

Applicant

Mr Vince Wetton

Your planning application was valid on 16 June 2014. It has now been considered by the Council. I can inform you that:

Planning permission is **GRANTED** subject to the following conditions:

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

REASON

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

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

Authorised Officer: 

Date:

29 April 2015



REASON

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

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

REASON

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

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

REASON

In the interests of safety on the public highway.

5. Access for vehicles to the site from the public highway Barn End Road shall not be made other than at the position identified on the approved drawing number 7268/150B, at a position whereby the visibility splay requirements stated in condition 1 will be satisfied.

REASON

In the interests of safety on the public highway.

6. The development shall not be occupied until an access for vehicles has been provided to the site not less than 5 metres in width for a minimum distance of 7.5 metres, as measured from the near edge of the public highway carriageway.

REASON

In the interests of safety on the public highway.

7. The access to the site for vehicles shall not be used in connection with the development until it has been surfaced with a bound material for a minimum distance of 7.5 metres as measured from the near edge of the public highway carriageway.

REASON

In the interests of safety on the public highway.

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

REASON

In the interests of safety on the public highway.

Authorised Officer:



Date:

29 April 2015

9. The gradient of the access for vehicles to the site shall not be steeper than 1 in 20 for a distance of 7.5 metres, as measured from the near edge of the public highway carriageway.

REASON

In the interests of safety on the public highway.

10. The development hereby approved shall not be occupied until such time as the footway extension has been provided in accordance with details shown on the drawing no. 7268/150B.

REASON

In the interests of safety on the public highway.

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

REASON

In the interests of safety on the public highway.

12. The development shall not be occupied until the turning areas have been provided within the site so as to enable the largest vehicle likely to enter the site, to leave and re-enter the public highway in a forward gear.

REASON

In the interests of safety on the public highway.

13. The development shall not be commenced until space has been provided within the site for the parking/loading/unloading of vehicles in accordance with details to be approved in writing by the Local Planning Authority.

REASON

In the interests of safety on the public highway such space needs to be provided before the commencement of development.

14. The Applicant/Developer shall install suitable measures to ensure that mud and debris will not be deposited on the highway as result of construction traffic leaving the site. Prior to the commencement of the development, the details of these measures (including type, method of operation and control of use) shall be submitted in writing to the Local Planning Authority for their approval in consultation with the Highway Authority.

REASON

In the interests of safety on the public highway.

15. No development whatsoever shall commence until a Written Scheme of Investigation (WSI) for a programme of archaeological evaluative work across this site has been submitted to and approved in writing by the Local Planning Authority.

Authorised Officer: 
Date: 29 April 2015

REASON

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

16. Prior to the commencement of development the programme of archaeological evaluative work and associated post-excavation analysis, report production and archive deposition which has been detailed in a previously the approved WSI, shall be fully undertaken and a report detailing the results of the fieldwork shall be submitted to and approved in writing by the Local Planning Authority.

REASON

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

17. Prior to the commencement of development an Archaeological Mitigation Strategy document 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 shall incorporate proposals for post-excavation analysis, publication of results and archive deposition. Dependent upon the results of the evaluative fieldwork, this may include further archaeological fieldwork and/or the preservation in situ of any archaeological deposits worthy of conservation.

REASON

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

18. No development shall take place until any fieldwork detailed in the approved Archaeological Mitigation Strategy document has been completed to the satisfaction of the Planning Authority in writing.

REASON

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

19. Within three months of the completion of development the post-excavation analysis, publication and archive deposition shall be undertaken in accordance with the approved Mitigation Strategy document.

REASON

To ensure the recording of any items of archaeological interest.

20. Prior to the commencement of development a scheme for the disposal of foul and surface waters shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall address and achieve the following matters.

- a) The rate of surface water run-off generated by the site shall be limited to discharge at no more than the existing Greenfield rate.
- b) Attenuation of surface water on site to the 1 in 100 year flood event standard plus an allowance of 30% for climate change, using SuDS.

Authorised Officer: _____

Date:

29 April 2015

- c) The preferred method of disposal for surface water run-off is through the use of at-source sustainable drainage methods such as a soakaway as detailed in Approved Document Part H of the Building Regulations 2010, and BRE Digest 365 - Soakaway Design. The site porosity tests and contamination testing shall be undertaken and submitted to indicate the suitability of the ground for infiltration purposes. A Phase 2 risk assessment to confirm leachability and potential contamination of the groundwater environment for the former quarry shall be completed and results submitted.
- d) A fully labelled network drawing showing all dimensions of all elements of the proposed drainage system including any on/offline control devices and structures.
- e) Detailed network calculations that correspond to the above drawing.
- f) Modelled results for critical storms, including as a minimum 1yr, 30yr, and 100yr +30% cc events of various durations. A submerged outfall should be used for the modelling.
- g) Detailed drawings showing plan and sections of the proposed SuDs features.
- h) Evidence of overland flood flow routing in case of system failure or overtopping. This should include the hydraulic modelled flow routes with depths/velocities of the flow. the applicant shall install cut-off drain or trench soakaway or swale along all boundaries with the exception of southeast boundary.
- i) All ditches on the boundary of the site are to be cleared and be fully functional, prior to the completion of the development.

REASON

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

21. No works shall commence on site until detailed design drawings and supportive calculations for the disposal of foul and surface water sewage have been submitted and approved by the Local Planning Authority. No sewage discharge shall be in operation until the drainage works in accordance with the approved drawings have been completed.

REASON

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

22. No works shall commence on site until a Surface Water Maintenance Plan giving details on how the entire surface water system shall be maintained and managed after completion for the duration of the life of the development has been submitted to and approved by the Local Planning Authority in writing. The plan shall include the name of the maintenance company and a contact for who will be responsible for the site on an ongoing basis.

REASON

To prevent flooding and pollution of the water environment and to ensure that an integrated design solution addresses the water environment.

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

REASON

In the interests of the amenities of the area and to avoid any harm to the existing landscape and ecology of the site.

Authorised Officer: _____



Date:

29 April 2015

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

REASON

In the interests of the amenities of the area and to ensure that an integrated design solution addresses the incorporation of appropriate landscaping.

25. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of screen walls/fences/hedges to be erected. The approved screen walls/fences shall be erected before the dwellings hereby approved are first occupied and shall subsequently be maintained. Any trees or plants which, within a period of 5 years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

REASON

In the interests of the amenities of the area and to ensure that an integrated design solution addresses the treatment of site boundaries.

26. The approval of reserved matters referred to in condition 1 shall include drawings to show existing and proposed levels, incorporating finished floor levels, eaves and ridge heights for both the proposed development site and on neighbouring land for comparison.

REASON

In the interests of the amenities of the area.

27. No work relating to the construction of the development hereby approved, including works of preparation prior to operations, shall take place other than between 7am and 6pm weekdays and 8am to 1pm on Saturdays. There shall be no working at all on Sundays or Bank Holidays.

REASON

To protect the amenities of the occupiers of nearby properties during the construction period.

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 www.communities.gov.uk/publications/planningandbuilding/partywall.

Authorised Officer: _____ 

Date: 29 April 2015

3. This Decision Notice must be read in conjunction with a Planning Obligation completed under the terms of Section 106 of the Town and Country Planning Act 1990 (as amended). You are advised to satisfy yourself that you have all the relevant documentation.
4. There may be bats present at the property that would be disturbed by the proposed development. You are advised that bats are deemed to be European Protected species. Should bats be found during the carrying out of the approved works, you should stop work immediately and seek further advice from the Ecology Section of Museum Field Services, The Butts, Warwick, CV34 4SS (Contact Ecological Services on 01926 418060).
5. This permission does not authorise the diversion of the public footpath in the area of the application site.
6. 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/ 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.

APPEALS TO THE SECRETARY OF STATE

1. If you are aggrieved by the decision of the Local Planning Authority to grant permission subject to conditions, you can appeal to the Department for Communities and Local Government under Section 78 of the Town and Country Planning Act 1990.
2. If you want to appeal against your local planning authority's decision, then you must do so within 6 months of the date of this notice.
3. Appeals must be made using a form which you can get from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN, or online at www.planning-inspectorate.gov.uk and www.planningportal.gov.uk/pcs.
4. The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
5. The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
6. The Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based their decision on a direction given by him.

PURCHASE NOTICES

1. If either the Local Planning Authority or the Department for Communities and Local Government grants permission to develop land subject to conditions, the owner may claim that he/she can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
2. In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his/her interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

Authorised Officer: _____

Date:

29 April 2015

Page 7 of 8

NOTES

1. This decision is for the purposes of the Town and Country Planning Act only. It is not a decision under Building Regulations or any other statutory provision. Separate applications may be required.
2. A report has been prepared that details more fully the matters that have been taken into account when reaching this decision. You can view a copy on the Council's web site via the Planning Application Search pages <http://www.northwarks.gov.uk/planning>. It will be described as 'Decision Notice and Application File'. Alternatively, you can view it by calling into the Council's Reception during normal opening hours (up to date details of the Council's opening hours can be found on our web site <http://www.northwarks.gov.uk/contact>).
3. Plans and information accompanying this decision notice can be viewed online at our website <http://www.northwarks.gov.uk/planning>. Please refer to the conditions on this decision notice for details of those plans and information approved.

Authorised Officer: _____

Date:

29 April 2015

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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/2017/0237

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	Various
2	S Cutler	Representation	17/5/17
3	M Chagger	Representation	18/5/17
4	J Davies	Representation	26/5/17
5	L Clinton/Mr & Mrs Clinton	Representation	26/5/17 15/12/17
6	C Bushnell	Representation	31/5/17
7	G Andrews	Representation	1/6/17
8	R Reuter	Representation	31/5/17
9	T Weston	Representation	22/6/17
10	NWBC Streetscape	Consultation Response	15/5/17
11	Polesworth Parish Council	Consultation Response	15/5/17
12	Warks Police	Consultation Response	18/5/17
13	NWBC Housing	Consultation Response	22/5/17
14	Warwickshire Wildlife Trust	Consultation Response	19/5/17 26/5/17 7/6/17 21/12/17
15	Fire and Rescue	Consultation Response	25/5/17
16	WCC Footpaths	Consultation Response	1/6/17
17	Lead Local Flood Authority	Consultation Response	9/6/17 19/7/17 30/10/17
18	Environmental Health Officer/ Environmental Health Consultant	Consultation Response	16/6/17 20/11/17
19	Applicant and others	S106 Deed of Variation	

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.

(7) Application No: PAP/2017/0465

Clinic And Welfare Centre, Coventry Road, Kingsbury, B78 2LN

Ground floor space for two commercial units covering the following uses; shops (use class A1) and financial and professional services (use class A2), and two one bed first floor apartments (use class C3), for

Mrs Estelle Turnbull

Introduction

This application was referred to the Board's January meeting but determination was deferred in order to enable Members to visit the site. That has now occurred and a note of that visit will be circulated at the meeting.

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

Additional Information

As Members are aware, Councillor Moss requested that his observations be made known to the Board and these were circulated after publication of the January agenda. It is copied here at Appendix B.

Recommendation

That the recommendation set out in Appendix A be agreed

(3) Application No: PAP/2017/0465

Clinic And Welfare Centre, Coventry Road, Kingsbury, B78 2LN

Ground floor space for two commercial units covering the following uses; shops (use class A1) and financial and professional services (use class A2), and two one bed first floor apartments (use class C3), for

Mrs Estelle Turnbull

Introduction

The application has been brought to the Board, following a request from a local Member with concerns over car parking.

The Site

This is an area of land adjacent to Tamworth Road, and next to Jubilee Court, which contains a row of shops with residential uses above. The site is surrounded by a mix of commercial properties and residential properties and is sited within the centre of Kingsbury.

The previous use of the site was a health centre which has now relocated. The site has nearby access to public transport and a range of services and facilities. A parade of shops lies to the east, with a nearby large car park and the Kingsbury Community and Youth Centre to the east. To the south of the site the area is essentially of a residential nature. To the south east is a further public car park off Pear Tree Avenue.

The general location is shown at Appendix A

The Proposal

This would provided ground floor space for two commercial units covering the following two uses,shops (use class A1) and financial and professional services (use class A2) with two one bed first floor apartments at first floor. The main openings are to the front elevation with one first floor side and rear facing window.

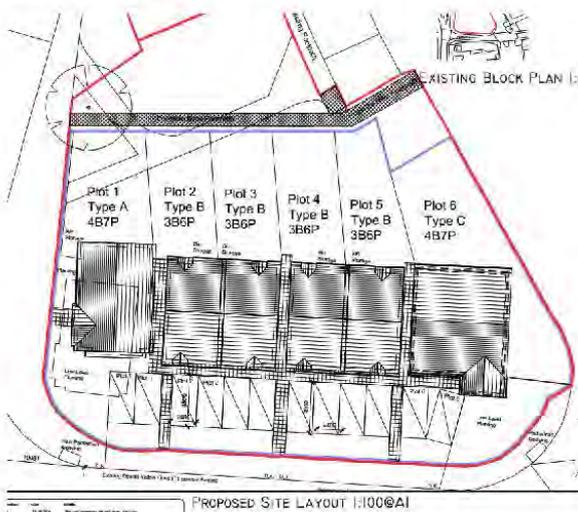
The building is sited on land to north of a former clinic building, which has been demolished and housing is currently being built. The pedestrian access to the building would be taken off the existing paving path. Materials are proposed to be brick, render and tiles. No parking is provided within the scheme, but the area does contain parking areas. The plans below show the location and layout. In Appendix B full plans can be viewed and there are photographs at Appendix C.





Background

The application was a former health centre uses of the building. In 2016, the building was granted consent to be demolished and in 2017 consent was given for 6 dwellings on the land to the south of the application site. The site plan is below for information of the 6 dwellings.



Development Plan

North Warwickshire Core Strategy 2014 – NW1 (Sustainable Development); NW2 (Settlement Hierarchy), NW4 (Housing Development), NW5 (Split of Housing Numbers), NW6 (Affordable Housing Provision), NW10 (Development Considerations), NW12 (Quality of Development) and NW20 (Services and Facilities)

Saved Policies of the North Warwickshire Local Plan 2006 - Core Policy 2 (Development Distribution) and policies ENV6 (Land Resources); ENV12 (Urban Design), ENV13 (Building Design), ENV14 (Access Design), TPT2 (Traffic Management and Traffic Safety); (TPT3 (Access and Sustainable Travel and Transport), TPT6 (Vehicle Parking), ECON5 (Facilities related to Settlement Hierarchy) and ECON12 (Services relating to category 3 and 4 settlements)

Other Relevant Material Considerations

The National Planning Policy Framework 2012

The Draft Submission Version of the Local Plan for North Warwickshire 2017

Consultations

Environmental Health Officer – No objection but recommends conditions covering construction hours.

Warwickshire County Council as Highway Authority - No objection subject to conditions.

Representations

Two letters have been received referring to the following matters:

- Shortage of parking spaces in the area, which will be made worse when the 6 houses to the south of the application site are finished.
- If proposal leads to a café or restaurant then this could impact upon existing parking problems, which have become worse in recent years in the area.
- The proposal will lead to parking pressures in the area.
- Should be private parking for the site.

Kingsbury Parish Council has raised the following comments:

- Kingsbury Parish Council wishes to confirm concerns regarding delivery/parking access to the proposed shops and to the first floor apartments.
- A major concern is where the delivery drivers would park when delivering stock to the shop, as there are double yellow lines on the main road and the car park at the rear caters for car spaces only. The nearest car spaces to the shop, in the car park, are two disabled spaces, and Councillors would not like to lose either of these. The layout of the car park to the rear is such that a lorry pulling into here would block access into and out of the car park while it was unloading.

Observations

There are several components to this case. In summary as explained below there is no objection in principle to the uses proposed here and the main issues are going to revolve around detailed considerations.

a) Housing

The proposal for two additional dwellings within the development boundary for Kingsbury clearly accords with the Development Plan. Whilst the site is not an identified site there is no objection in principle to what is an infill and windfall site. The scheme does not require any affordable housing as it is below the threshold.

b) The Commercial Uses

It should be made clear that the application as submitted has been altered such that the "commercial" units now only include retail and office uses. These again are entirely acceptable within the centre of Kingsbury where there are similar uses and within a settlement of the status of the settlement in the settlement hierarchy. If permission is granted the Notice will specifically not refer to other uses

c) Neighbour Amenity

The site is on the edge of a residential area and contains a mix of commercial and residential uses. The site is adjacent to the main road that runs through Kingsbury and is visible from the public realm. The proposal is around 20 metres from the new dwellings being built to the rear, which would not result in unacceptable loss of amenity or privacy. To the east side of the site is a row of shops with dwellings above. It is considered on balance the proposal would not cause any additional or material adverse amenity impact on these neighbours, beyond what they presently experience.

The occupiers of the apartments could be affected by the uses below, however conditions can cover opening hours and under separate building regulations, insulation requirements would need to be met. The situation of retail/commercial with residential above is not unique in North Warwickshire, and also provides mixed use living which is encouraged.

To the west of the site is a public house and pedestrian crossing, with dwellings beyond. The development is not considered to harm these buildings. The users of the footpaths surrounding the site are not considered to be harmed. The existing rear footpath is proposed to be revised in its location, thus maintaining a link from the rear of the shops to the front of the shops and to the pedestrian cross over the main Tamworth/Coventry Road.

d) Design and Appearance

The proposed design is in keeping with the surrounding area and general appearance of the street scene. There has been no reference to this issue in dealing with the proposal.

e) Parking

This is the main concern. It is material that the Highway Authority has not objected to the proposal. The County Council considers that visitors travelling to the site by vehicle can make use of the existing parking in the vicinity of the site. There is a public carpark at the rear which serves a community building, shops and residential units. On the opposite side of Pear Tree Avenue, there is also a public car park with time restrictions and to the front is a layby, with short term day time parking restrictions and overnight allowances for vehicles. The site is on a bus route with links to nearby larger settlements.

It is considered that given the existing shops and commercial area, the proposal would not result in a material and thus unacceptable increased level of vehicle movements. Members will be aware of the guidance set out in the National Planning Policy Framework which recommends that refusals should only be contemplated if highway

impacts are "severe". This is not the case here. Moreover the uses now proposed are not those which lead to significant traffic generation – e.g. a takeaway or café use. They are more likely to involve longer term car parking – e.g. office use. Delivery arrangements would be similar to the existing shops in Jubilee Court and given the small floor-space of the units, the number and type of delivery's expected to be small.

f) Other issues

The footpath route has been considered by the approved proposal for the six dwellings at the rear of the site. A neighbour raised concerns that a café or restaurant use would lead to parking issues in the area, however these uses are no longer part of the scheme. The proposed use can be conditioned, and if alternative uses are proposed a formal application would be required and would be considered on its own merits.

Recommendation

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

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

REASON

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

2. The development hereby approved shall not be carried out otherwise than in accordance with the plans numbered T346 (BR) 200 REV C received by the Local Planning Authority on 24 October 2017.

REASON

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

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

REASON

In the interests of the amenities of the area.

4. Before the occupation of the development, a landscaping scheme shall be submitted to the Local Planning Authority for approval. There shall be no occupation of the development hereby approved, until a landscaping scheme has been submitted to the Local Planning Authority, and approved in writing. The scheme shall particularly address the areas around Plots 1 and 6 on the approved plan.

REASON

In the interests of the amenities of the area.

5. No work relating to the construction of the development hereby approved, including works of demolition or preparation prior to operations, shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The approved plan shall remain in operation during the length of construction.

REASON

In the interests of the amenities of the area.

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

REASON

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

7. No additional opening shall be made other than shown on the plan hereby approved, nor any approved opening altered or modified in any manner.

REASON

To protect the privacy of the occupiers of adjoining properties.

8. Any bathroom windows shall be permanently glazed with obscured glass which shall provide a minimum degree of obscurity equivalent to privacy level 4 or higher and shall be maintained in that condition at all times. For the avoidance of doubt privacy levels are those identified in the Pilkington Glass product range. The obscurity required shall be achieved only through the use of obscure glass within the window structure and not by the use of film applied to clear glass.

REASON

To protect the privacy of the adjoining property and to prevent overlooking.

9. All planting, seeding or turfing comprised in the details of landscaping condition 4 shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which, within a period of 5 years from the date of planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

REASON

In the interests of the amenities of the area.

10. No work relating to the construction of the development hereby approved, including works of demolition or preparation prior to operations, or internal fitting out, shall take place before the hours of 0800 nor after 1800 Monday to Friday, before the hours of 0800 nor after 1300 Saturdays and no work on Sundays or recognised public holidays.

REASON

To protect the amenities of the occupiers of nearby properties during the construction period.

11. The footpath as covered by condition 14 of PAP/2016/0572 shall be kept open at times during construction and after construction, so to allow pedestrian access between Tamworth Road to Jubilee Court.

REASON

In the interests of the amenities of the area.

12. Notwithstanding the plans submitted no off-street parking provision shall be provided within the application site.

REASON

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

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

REASON

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

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

REASON

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

15. The A1 Shop use or A2 Financial and Professional Services on the ground floor shall only be open to the general public between 08:00 and 18:00 hours Monday to Sunday.

REASON

To prevent disturbance to the occupiers of nearby properties.

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

REASON

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

Notes

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

2. You are recommended to seek independent advice on the provisions of the Party Wall etc. Act 1996, which is separate from planning or building regulation controls, and concerns giving notice of your proposals to a neighbour in relation to party walls, boundary walls and excavations near neighbouring buildings. An explanatory booklet can be downloaded at www.communities.gov.uk/publication/planningandbuilding/partywall

3. In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner through seeking to resolve planning objections and issues and by suggesting amendments to improve the quality of the proposal, along with negotiations. As such it is considered that the Council has implemented the requirement set out in paragraphs 186 and 187 of the National Planning Policy Framework.

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

5. 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: www.gov.uk/government/organisations/the-coal-authority

6. The applicant is advised that to comply with the condition relating to the standard of works to trees, the work should be carried out in accordance with British Standard BS 5837:2012 "Trees in relation to design, demolition and construction - Recommendations".

7. 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.

8. Advertisement Consent is required under a separate procedure of the Town and Country Planning Act 1990. Should any advertisements, signs, name boards, or other devices to attract attention, be intended in respect of this development, the Local Planning Authority will be pleased to advise you on all associated aspects prior to the erection of any such advertisements, and provide you with application forms.

BACKGROUND PAPERS

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

Planning Application No: PAP/2017/0465

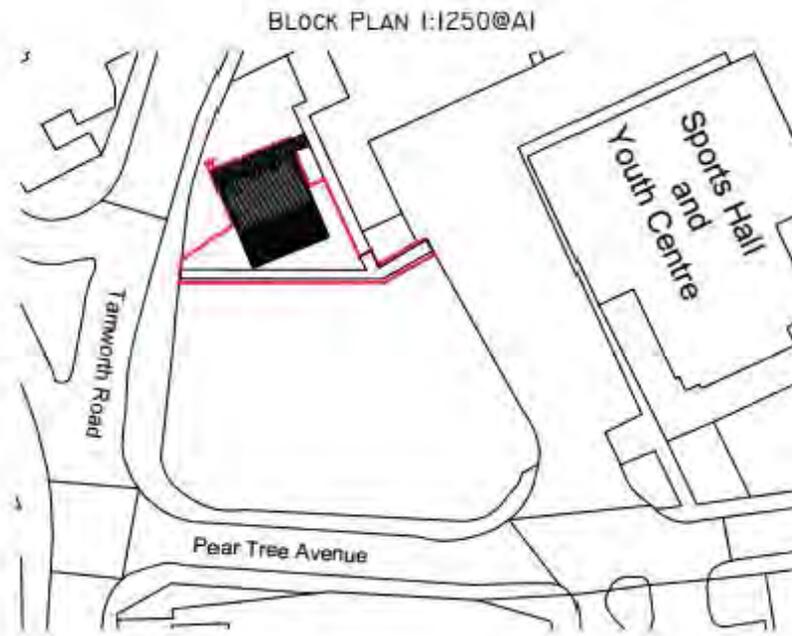
Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	22/08/2017
2	NWBC Environmental Health	Consultation response	12/09/2017
3	WCC Highways	Consultation response	20/09/2017
4	Kingsbury Parish Council	Consultation response	21/09/2017
5	Councillor Moss	Application comments	30/10/2017
6	Kingsbury Parish Council	Consultation response	02/11/2017
7	Neighbour – Jubilee Court	Representation	21/09/2017
8	Neighbour – Jubilee Court	Representation	03/11/2017
9	Case officer	Email to Kingsbury Councillors	11/09/2017
10	Case officer and Kingsbury Councillors	Exchanges of emails	11/09/17 - 13/09/17
11	Case officer	Email to agent	20/09/2017
12	Case officer	Email to Councillor Moss	20/09/2017
13	Case officer	Email to agent	21/09/2017
14	Case officer and agent	Exchange of emails	21/09/2017
15	Case officer and agent	Exchange of emails	24/10/17 – 25/10/17
16	Case officer	Email to Kingsbury Councillors	24/10/2017
17	Case officer	Email to Forward plans officer	24/10/2017
18	Case officer	Email to Councillor Moss	30/10/2017
19	Case officer and agent	Exchange of emails	30/10/17 – 31/10/17
20	Case officer	Email to Councillor Moss	01/11/2017
21	Case officer	Email to agent	02/11/2017
22	Kingsbury Councillors	Emails	08/11/2017
23	Case officer and agent	Exchange of emails	08/11/2017
24	Case officer	Email to Kingsbury Councillors	08/11/2017
25	Case officer	Email to WCC Highways	10/11/2017
26	Case officer and agent	Exchange of emails	14/11/2017
27	Case officer	Email to Kingsbury Councillors	15/11/2017
28	Case officer and agent	Exchange of emails	22/11/2017

29	Agent	Extension of time email	25/10/2017
30	Agent	Extension of time email	14/11/2017
31	Case officer	File note	10/11/2017
32	Case officer	Councillor consultation emails	17/11/17 – 20/11/17
33	Case officer	Extension of time email to agent	24/11/2017
34	WCC Highways	Consultation response	24/11/2017

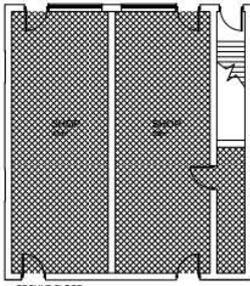
Note: This list of background papers excludes published documents which may be referred to in the report, such as The Development Plan and Planning Policy Guidance Notes.

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.

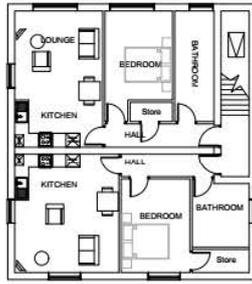
Appendix A – Location Plan



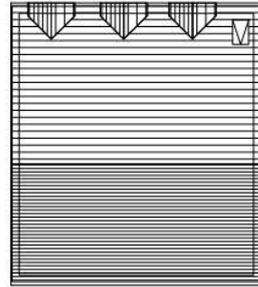
Appendix B - Plans



PROPOSED GROUND FLOOR



PROPOSED FIRST FLOOR



PROPOSED ROOF PLAN



PROPOSED FRONT ELEVATION



PROPOSED REAR ELEVATION



PROPOSED SIDE ELEVATION



PROPOSED SIDE ELEVATION

Appendix C – Photos





PAP/2017/0465 Former Kingsbury Clinic – Local member observations



The officer's report photograph shows the Pear Tree Car Park at between 9-00 a.m. and 10-00 p.m. when most customers for the shops and other facilities will not have arrived. I took this photo at 14-21 on 23rd December when all 46 spaces were occupied. I am strongly of the opinion that County Highways did not do enough due diligence when submitting their observations such as the fact that the car park is subject to an off-street parking order. There is a difference between people who might visit the car parks for shopping and the community centre / sports hall. These may occupy a parking space for between, say 20 minutes and two hours. However residents of the proposed dwellings who have no private parking space attached to their dwellings may park for many hours on end and may exceed the requirements of the off-street parking order. At first the case officer told me that the County asserted that the upper car park belonged to them and could put it to whatever use they wished. I checked and found that the car park belonged to NWBC. There are other potential development sites in the area. Are we to permit them all to dispense with dedicated parking spaces and merely park in a nearby car park? (We only have two such parks in the whole of Kingsbury.) For the first time in many years all the shops which belong to NWBC are occupied and seem to be performing well. If customers arrive by car and can find no parking space then they can easily drive on to Dosthill and Tamworth. This could have a deleterious effect on the local traders as well as the hairdresser and dentist etc.

I would hope that officers would go back to the Highways Officer seeking answers to the above observations and also delay determination of the application until members have undertaken a site visit.

Cllr Brian P. Moss, member for Kingsbury Ward.

(8) Application No: PAP/2017/0675

51, Long Street, Atherstone, CV9 1AZ

Erection of 4 no: craft/retail units, for

The Friends Of Atherstone Heritage

Introduction

The application is reported to Board as a Local Member has submitted the application on behalf of the applicant.

The Site

The property lies on the south side of Long Street and within the Development Boundary and Conservation Area for Atherstone. The building presently comprises a single ground floor unit with a lawful "D1" use as a Heritage Centre and an office to the first floor. The proposal seeks to erect a linear building comprising 4 craft/retail units in the yard to the rear of the premises. The proposed layout of the building would be as shown below, with the context of the site and its surroundings available at Appendix A.

The Proposal

This is for the erection of four craft/retail units.

Background

The unit has been a long established retail unit since the 1970's and until recently the site has been used as a Heritage Centre. It recently gained permission for a new traditional shop front.

The proposed retail courtyard is at the rear of No. 51 Long Street and would be an extension of the recently approved heritage centre and visits would be enhanced by information boards telling Atherstone's story. The rear yard area to the site is reminiscent of the traditional burgage plot form – where backs of buildings and burgage plots are still highly visible throughout the Town. The burgage plots would have had tiny back-to-back houses. These became known as the 'Yards' and they were lived in until the 1960s. A yard existed here - known as the 'Swan with Two Necks' yard. When looking at historic mapping to the present form of the site, there were clearly buildings in situ as illustrated at Appendix B.

An archaeological dig in February 2006 discovered evidence that the yard had, at one time, contained a small hat making workshop as well as cottages and outdoor privies. The yard is currently overgrown with weeds and virtually land-locked. It is not overlooked and cannot be seen from Long Street or Station Street, but it affords an uninterrupted view of the empty shell of Wilday's Hat Factory and the unmistakable chimney.

The purpose of the proposed building in this hidden yard would give access to a view that would have been very familiar to the hatters of Atherstone during 150 years and is a very important part of the history of the town and offering work space to craftspeople

at a start-up rent would encourage visitors to the town to come into the yard accessed through the alleyway between No. 49 and 51 Long Street, which is in the ownership of the heritage centre. The only change visible in the Conservation Area will be signage above the alley in keeping with the heritage centre's shopfront.

Development Plan

The Core Strategy 2014 - NW1 (Sustainable Development); NW2 (Settlement Hierarchy), NW9 (Employment), NW10 (Development Considerations), NW12 (Quality of Development), NW14 (Historic Environment), NW18 (Atherstone) and NW20 (Services and Facilities)

Saved Policies of the North Warwickshire Local Plan 2006 - ENV12 (Urban Design); ENV13 (Building Design), ENV15 (Heritage Conservation, Enhancement and Interpretation), ECON5 (Facilities Relating to the Settlement Hierarchy) and TPT1 (Transport Considerations in New Development)

Other Relevant Material Considerations

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

The draft Submission Version of the Local Plan for North Warwickshire 2017 - LP1 (Sustainable Development); LP2 (Settlement Hierarchy), LP15 (Historic Environment), LP22 (New Services and Facilities), LP31 (Development Considerations) and LP32 (Built Form)

Representations

Atherstone Town Council – No objection

WCC Museum – No archaeological objection subject to condition

Observations

The main consideration is whether the principle of the re-use of a former yard for the four craft/retail units is acceptable in a town centre location and whether any implications, such as the impact of the use on amenity or the setting of the Conservation Area and design or parking issues, would arise.

a) Principle

The development of a new building of single storey height for these units does not result in the loss of a retail unit within the core retail frontage of Atherstone, but instead contributes to the retail floorspace in the town centre. The units are relatively small in scale and therefore would be suitable for start-up businesses or craft rooms and so would not affect with other well established retail businesses in Atherstone Town Centre. Policy NW18 of the Core Strategy supports the continued regeneration of Atherstone to create jobs and by improving the historic environment by maintaining distinctiveness and respecting historic settlement morphology. Furthermore merging policy LP22 of the Draft Local Plan identifies that new shopping space should be directed towards town centres, commensurate in scale and nature with the role and function of the settlement. Therefore these policy requirements would be fulfilled at the application site.

The site is in a wholly sustainable location with access to transport links and Town Centre parking and so is a suitable location for retail provision in the form of start-up units or craft centre provision supporting the role of the heritage centre which operates out of 51 Long Street. The proposal is therefore fully in compliance with policy NW1 of the Core Strategy.

Overall, given the sites location, the nature of its neighbours being a mix of retail, hairdressing, shops and food outlets then the principle of the use is entirely appropriate for this site and is not considered to be detrimental to the functioning of the Town Centre as it would not be negative on the range or quality of employment sites available in the settlement concerned as Long Street has a thriving retail economy.

b) Design

The design of the units comprises a single height brick and tile building. The design is illustrated at Appendix C. It is of a relative proportion to the plot size, limited by the width and length of the burgage plot. The building is designed with brick arch headers to the windows and doors. Windows would be a timber casement design, with all units to match and having a symmetrical appearance. Doors would also be in timber. Detailed design would include three course dentil eaves with rise and fall guttering and plain roofing tiles. Overall the size of the building is approximately 18.9 metres in length by 3.7 metres in width at its narrowest point, 4.5 metres in width at its widest point with a maximum height of 4.5 metres. A small WC building measures 2.5 metres by 2.5 metres and is detached from the craft/retail building. The layout of the site allows for sufficient circulation capacity with block paving and some landscaping. The proposed layout of the site is at Appendix D.

c) Amenities

The site is not directly overlooked by any neighbouring uses, given the yard area is relatively private and that the proposal is of single storey height then it does not have an adverse impact upon any privacy of neighbouring uses or cause a light reduction given the yard is enclosed. The yard is under the ownership of the site, so there should not be any amenity issues with the neighbouring retail unit of No. 49 Long Street, who do not appear to use the rear yard. The location of the development does not harm how the neighbouring retail unit would use their rear access door or their limited rear space. In any case no neighbouring objections have been received to this proposal. Overall such a proposed use is not considered to impact on the amenity of the neighbouring occupiers. The opening hours would generally match those of the uses along Long Street.

d) Vehicular parking

Given that the use is located within the town centre then the requirement for parking to serve the use of the yard development is not required. The site is located within a sustainable settlement and therefore the majority of users would be locals on foot, who may be using sustainable modes of transport to access the town centre or who may park their vehicles within the designated parking areas within Atherstone. The construction phase of the development would be limited in terms of how materials can be delivered to the rear of the site, there would be reliance on the alleyway between No. 49 and 51 Long Street, this would however have a short term impact until the use of the

building can be implemented. Disturbance would be limited to certain time of the day enforced by Environmental Health.

In terms of pedestrian access to the craft/retail yard then only the alleyway would serve provision for pedestrian access. The site is constrained in that respect. Though the yard can also be visited through the Heritage Centre which would have a new DDA entrance design given a recent shop front layout has been approved, there is a rear door through the Heritage Centre. There will remain a pedestrian escape route through to Station Street.

e) Conservation

The development would not be visible from views in or out of the Conservation Area given that the development is tucked away in the rear yard area. There are no listed buildings in the immediate vicinity and the site backs onto the rear of Aldi supermarket. In terms of historic plot layout then this space would have been an active yard – the burgage plots were a hive of activity, the proposal re-enforces that tradition and so is therefore considered to be acceptable particularly given the yard is effectively a parcel of ground in a poor condition. Therefore there is no conservation harm by the development of the rear yard for a use that is compatible with the Heritage Centre. The Conservation enhancement is that visitors to the yard will experience access to an operational yard akin to how a historic yard would have appeared, there is also the benefit of opening up views of the rear of the hat factory to the public and so a sense of place can be enhanced.

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.

It is considered that the development here would lead to less than significant harm to the Conservation Area. 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 benefit of achieving four units with a craft/retail provision in a town centre location, would amount to public benefit.

Policy NW14 (Historic Environment) of the North Warwickshire Core Strategy sets out that the quality of the historic environment, including Conservation Areas, will be protected and enhanced, commensurate to the significance of the asset. Policy NW12 of the Core Strategy sets out that all development proposals must demonstrate a high quality of sustainable design that positively improve the individual settlement's character; appearance and environmental quality of an area and sustain, conserve and enhance the historic environment. Furthermore Policy ENV15 of the saved Local Plan, 2006 indicates that development will not be permitted in a Conservation Area if it would have a harmful effect on the character or appearance of the area.

The proposed works would be considered to be in keeping with the character and distinctiveness of the Conservation Area, where it is not visible from surrounding views. It allows an enhancement to other heritage assets being the rear of the hat factory. As such, the development would not be contrary to the provisions of Policies NW12 and

NW14 of the North Warwickshire Core Strategy or saved policies ENV12, ENV13 and ENV15 of the North Warwickshire Local Plan 2006.

Summary

The development of the rear yard for craft/retail units is considered to be of an acceptable form of development where there would be no harm on the significance of the Heritage designation, and there are no design, amenity or traffic implications arising from such a use. The proposal is therefore acceptable subject to conditions.

Recommendation

That the application 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 elevation plan, the area site plan and the proposed site layout plan and 1:1250 location plan received by the Local Planning Authority on 15 December 2017.

REASON

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

3. The new works shall be carried out with facing brick – Warwickshire Olde English Multi Brick (Ibstock) or similar and plain clay roofing tiles. For the avoidance of doubt, the window frames and doors shall be of timber construction as detailed by Condition 2. The surfacing materials shall be of a permeable surface.

REASON

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

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

REASON

In the interests of recording items of archaeological interest given the historic context of the site.

5. All windows and doors shall be recessed by a minimum of 50mm into their openings and all external joinery shall be painted and not stained.

REASON

In order to respect the location of the building in a Conservation Area.

6. All rain water goods shall be in cast iron or painted aluminium.

REASON

In order to respect the location of the building in a Conservation Area.

7. The Landscaping scheme and boundary fence required by Condition 2 shall be implemented prior to the occupation of the units 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 the interests of the amenities of the area.

Notes

1. You are recommended to seek independent advice on the provisions of the Party Wall etc. Act 1996, which is separate from planning or building regulation controls, and concerns giving notice of your proposals to a neighbour in relation to party walls, boundary walls and excavations near neighbouring buildings. An explanatory booklet can be downloaded at www.communities.gov.uk/publications/planningandbuilding/partywall.
2. 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.
3. Radon is a natural radioactive gas which enters buildings from the ground and can cause lung cancer. If you are buying, building or extending a property you can obtain a Radon Risk Report online from www.ukradon.org if you have a postal address and postcode. This will tell you if the home is in a radon affected area, which you need to know if buying or living in it, and if you need to install radon protective measures, if you are planning to extend it. If you are building a new property then you are unlikely to have a full postal address for it. A report can be obtained from the British Geological Survey at <http://shop.bgs.ac.uk/georeports/>, located using grid references or site plans, which will tell you whether you need to install radon protective measures when

building the property. For further information and advice on radon please contact the Health Protection Agency at www.hpa.org.uk. Also if a property is found to be affected you may wish to contact the North Warwickshire Building Control Partnership on (024) 7637 6328 for further advice on radon protective measures.

4. 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.
5. In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner through pre-application discussions. As such it is considered that the Council has implemented the requirement set out in paragraphs 186 and 187 of the National Planning Policy Framework.

BACKGROUND PAPERS

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

Planning Application No: PAP/2017/0675

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	19/12/17
2	NWBC EHO	No comments	9/1/18
3	Atherstone TC	No objection	18/1/18
4	WCC Museum	Comments	23/1/18

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.

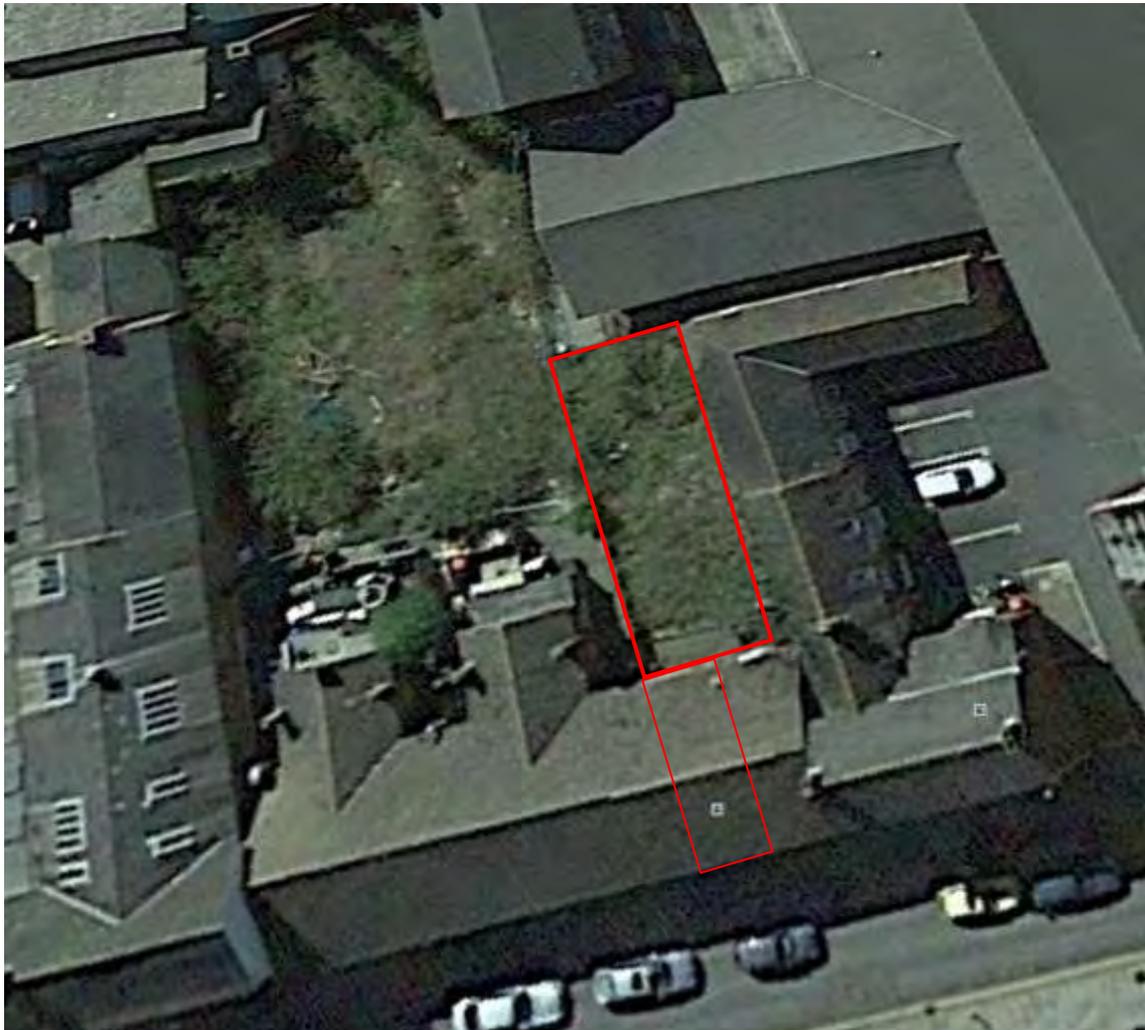
A background paper will include any item which the Planning Officer has relied upon in preparing the report and formulating his recommendation. This may include correspondence, reports and documents such as Environmental Impact Assessments or Traffic Impact Assessments.

Appendix B



Historic mapping taken from 1881 – 1890 shows that the outline of the previous Swan with Two Necks yard in relation to the urban grain today.

Context of application site today



(9) Application No: PAP/2018/0005 and PAP/2018/0006

Aston Villa Training Ground, Bodymoor Heath Lane, Bodymoor Heath, B78 2BB

Phase One – Change of Use involving formation of replacement football pitches (including one artificial floodlit pitch) together with new access and car/coach parking; provision of changing rooms and new floodlit show pitch

Phase Two – Change of use involving replacement football pitches together with diversion of private road and bridleway

both for Aston Villa Football Club

Introduction

These applications are reported to the Board for information at this time. Members have already been made aware of the proposals through a pre-application presentation to Members at the end of October last year. A note of that meeting is attached at Appendix A.

The proposals are very broadly in line with the content of that presentation, but with some detailed changes following further research by the Club. The proposals are also submitted as two phases as described generally above.

Members are aware that the applications have arisen as a consequence of the impact of HS2 on the present site and its layout and playing arrangements.

This report will outline the content of the applications; describe the supporting documentation, identify the relevant Development Plan policies together with any other material planning considerations.

A full determination report will be brought back to the Board in due course once the consultation period has expired.

The Site

The present training ground is at the junction of Bodymoor Heath Lane and the B4091 Tamworth Road about a kilometre north of the “Belfry” roundabout junction of the B4091 and the A446. It amounts to some 30 hectares of land and comprises a large number of football playing areas, both lit and unlit; associated buildings and the much larger Academy building with its indoor playing surface, car parking and significant areas of woodland.

All vehicular access is off Bodymoor Heath Lane.

The site itself is bounded by a significant landscaped bund along its road frontages as well as substantive woodland to the north – Coneybury Wood – which extends north towards Middleton Hall as well as towards the east. There is a further access onto the Lane and this runs along the eastern boundary of the present site giving access to former mineral workings and to the RSPB Middleton Lakes reserve at Middleton Hall.

These former mineral workings are now being restored and there is thus some activity on them presently together with some retained buildings and structures. The workings are also regenerating naturally.

The site is surrounded by open countryside.

There is a private residential property close to the access on the Lane and a couple of cottages further to the east approaching the small hamlet of Bodymoor Heath. A farm is located to the east of the present holding.

The combined application sites amount to around an additional 20 hectares of land beyond and to the north of the present premises as described above, running practically up to Middleton Hall. The Phase One proposals cover the great majority of this land, whereas the Phase Two proposals are towards the southeast of the overall application site.

The combined sites in summary comprise the whole of the former mineral workings together with some adjoining poor quality grazing land and significant areas of woodland. Coneybury Wood is excluded, as it is to be retained.

The sites are relatively flat and comprise both restored land and naturally regenerating land.

The proposals include the replacement of one of the remaining buildings associated with the former mineral workings.

An overall site location plan is attached at Appendix B.

Background

The existing Academy and the current layout of the site was granted planning permission in 2002. Since then there have been minor amendments and additions to development at the site.

The HS2 project carries compulsory purchase measures which will take effect in 2018 in respect of the existing site.

The application sites were worked for mineral extraction under a series of planning permissions granted by the Warwickshire County Council as Minerals Planning Authority since the 1950's. These in general terms allow for the natural regeneration of the land following extraction; the removal of the plant and structures as well as landfilling. These operations are now practically complete

The public bridleway – the T21 - crosses part of the proposed second phase of the proposals here but it is proposed to divert it around the development.

The Proposals

Whilst two applications have been submitted they are to be treated jointly. The main Phase One application relates to the relocation of academy pitches to the north of the existing premises and indeed north of Coneybury Wood. The second application would provide two replacement pitches to the east of the main premises. It is submitted separately due to the need to divert a public footpath/bridleway.

The overall proposals arise directly as a consequence of the construction of the HS2 rail project. The route that runs north of Birmingham has a direct impact on the existing Academy premises resulting in the loss of four pitches and the sole means of access

into the site. However the Club considers that there will be a substantial impact too on the ability to use other pitches because of the consequential noise and vibration impacts of the trains. These matters are the subject of full Noise Assessments which have formed a large part of the case put by the Club to HS2 Ltd. The Club's conclusion is that as a consequence of this Assessment, the continued use of other pitches not directly affected by the construction of the line will also be adversely impacted. The Club therefore, in order to retain its existing Category 1 Academy status seeks to replace these too. There are currently nine grass pitches of various sizes plus one floodlit 3G artificial pitch. All are proposed to be re-located outside of the critical noise areas.

The Academy was granted planning permission in 2002 and since then the Football Association has significantly updated and increased its specifications for Academy playing conditions and facilities for those Clubs wishing to retain Category 1 Academy status. All Premiership and Championship Clubs are required to achieve this status. Hence, whilst the main driver for the application is indeed the impact of HS2, the Club has taken the opportunity to review its Academy provision in order to continue to meet the mandatory FA specifications.

Together the two applications propose twelve pitches – two would be floodlit – with the retention of just two pitches on the current premises. These are illustrated on the plan at Appendix C. The two floodlit pitches would be sited together within centre of the proposals.

This plan also conveniently illustrates the closure of the existing site access – as a direct consequence of the HS2 construction and associated road works – and its replacement with substantial improvement to the former mineral access-way alongside the eastern boundary of the current site. Additional connections would be made to the those parts of the retained service road within the existing site. Enhanced cycle and pedestrian routes are also to be provided – noticeably through Coneybury Wood. Replacement car and coach parking is thus also required – amounting to some 185 spaces to be located within the centre of the site. The plans also illustrate perimeter landscaping and bunding. Of note is a spectator viewing seated area covered with a cantilevered roof. This would overlook what is called the “show pitch” and would lie between the two floodlit pitches. It would measure some 75 by 7 metres with a roof height of around 7 metres. This is at Appendix D.

There would be two floodlit pitches and these are located within the centre of the Phase One site. Each would have six metre tall perimeter lighting columns and there would be two 18 metre columns attached to the spectator seating area's cantilevered roof with luminaries directed towards both pitches. The show pitch would be lit to 500 lux and the second to 200 lux. There would nine lighting columns in the associated car and coach parking areas providing 10 lux lit areas. The proposed walkway through Coneybury Wood would be lit with “street” lights each with an 11lux value.

In order to manage these facilities, an existing building – formerly used in connection with the mineral workings – would be demolished and rebuilt to the same footprint (485 square metres) and height (nine metres) in order to provide changing and other ancillary accommodation. This is illustrated at Appendix E.

A number of supporting documents have also been submitted.

A Transport Assessment begins by pointing out that all existing vehicular access into the present site will be lost as a consequence of the accommodation works required for the HS2 construction and road alterations. The use and upgrading of the former mineral access alongside the eastern boundary is the response. The Assessment concludes that this can provide a safe and appropriate new access. This would be improved to provide 12 metre radius turnouts; a 6.1 metre carriageway but with a 7.3 metre width for its first 60 metres and 2.4 by 120 metres visibility splays.

A Flood Risk Assessment concludes that the risk of flooding is low and that the mitigation measures proposed being a series of perimeter ditches; attenuation ponds and reuse of existing water features would not lead to flooding consequent upon the proposals. Additionally both the grass and artificial pitches will reduce rapid surface water run-off and subsurface irrigation construction will allow water retention and filtration.

An Arboricultural Assessment of the whole site concludes that there would be limited harm to existing trees and those that are considered to be good quality. Those to be removed can be replaced within the extensive proposed planting and landscaping areas such that it is likely that there will be an overall positive enhancement in terms of tree provision. The trees to be retained as well as the new are more likely to be properly managed, which has not been the case whilst the mineral working and restoration measures were being undertaken.

An Ecology Report provides an extensive description of the current ecology of the whole area. Whilst in general terms there was evidence of some bat activity, the site showed good potential for bird populations as well as for great crested newts and invertebrates. There was also potential on site for otters, water voles and reptiles. It is therefore recommended that both Ecological and Landscape Management Plans are prepared in order to enhance many of the habitats found. The Middleton Pool SSSI which is some 200 metres to the north is unlikely to be affected. Coneybury Wood is an area of Ancient Woodland and there other such "stands" in the neighbourhood. As such full protection plans are recommended during construction as well as for ongoing maintenance. This has the potential to safeguard these areas as well as enhance their diversity through proper management. The report concludes with a number of species specific mitigation measures.

A Noise Assessment draws attention to national guidance for acoustic design of schools where outdoor sports and teaching are undertaken and uses this as a base-line in order to assess the noise impact of the use of the new HS2 line. The pitches that would remain after rail construction and when the line is brought into full use would fail to meet this guidance. The proposed site layout would conform with the guidance.

A Design and Access Statement describes the overall proposals and provides more detail on the replacement building and the new seating area which required under FA requirements for Academy status.

A Planning Statement draws together the technical issues and identifies a number of impacts. The planning policy background is identified and the Club's arguments are set out as to how the proposals accord with this planning background.

Development Plan

The Core Strategy 2014 - NW1 (Sustainable Development); NW3 (Green Belt), NW10 (Development Considerations), NW12 (Quality of Development), NW13 (The Natural Environment), NW14 (The Historic Environment), NW15 (Green Infrastructure)

Other Material Planning Considerations

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

National Planning Practice Guidance

The draft Submission Version of the Local Plan for North Warwickshire 2017

Observations

The existing Academy and its associated playing pitches were approved in 2002. The Council was able to accept the case made by the Club for its proposals within the Green Belt. It was considered at that time that there were planning considerations of such weight, to amount to the very special circumstances to clearly outweigh the harm caused by the inappropriate development. Members will be aware that from the description of the proposals above, the Academy building and its indoor playing area is to remain and that the bulk of the proposals are new playing pitches and significant areas of new bunding and landscaping as well as replacement car and coach parking areas. The amount of new building operations is limited to a replacement building, a new spectator stand and associated infrastructure – lighting columns. The Board will again have to consider the scope of these proposals against Green Belt policy, as that has not altered since 2002. The degree of harm will have to be assessed against the impact on the openness of the Green Belt and the purposes of including land within it. Other harm will also require assessment. In this case that in particular will need to focus on visual impacts; potential harm to the bio-diversity of the area, impact on the heritage assets at Middleton Hall and the potential for traffic impacts.

Members have already visited the site and thus will have a better understanding of its setting and its capacity or otherwise to absorb these proposals and to assess the potential impacts.

A full determination report will be brought to the Board once consultations have been completed

Recommendation

That the applications 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/2018/0005 and PAP/2018/0006

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	2/1/18

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.

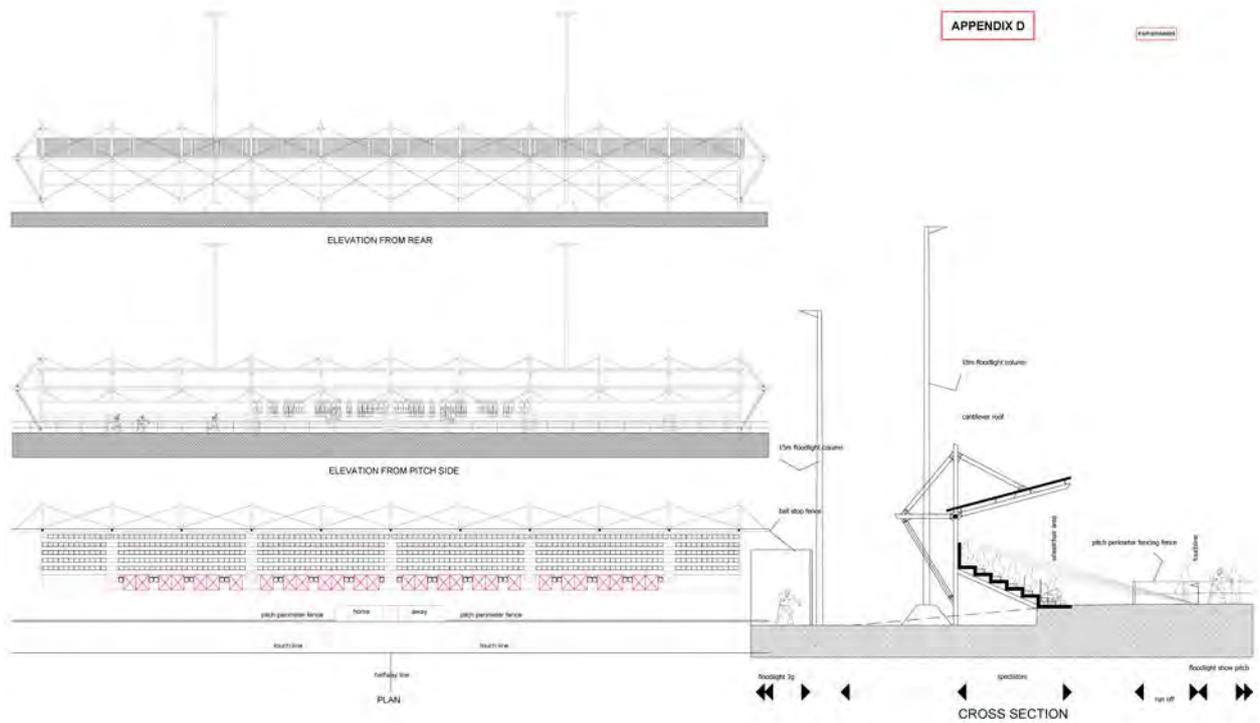
Aston Villa Academy

Member Site Visit

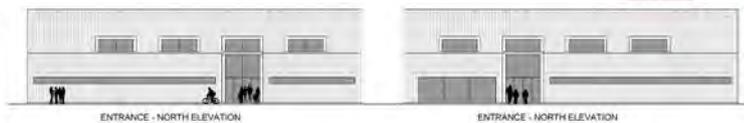
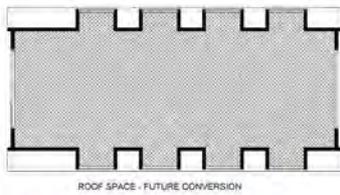
Saturday 28th October 2017 at 1030

Present: Councillors Farrell, Jenns, Lea, Moss, Phillips, Reilly, Simpson, Smitten, Sweet, Symonds and A Wright together with S Powell (AD (L and CD)) and J Brown from NWBC as well as a representative from the RSPB. The Club was represented by S Darke and D Swain.

1. The Club had requested a pre-application presentation for Members in respect of a proposed planning application for replacement pitches consequential to HS2 works running through their existing site.
2. Members were given a presentation outlining the reasons for the application; the thinking behind the proposals and the prospective timescale. The acquisition of additional land was discussed together with the Club's assessment of alternatives. The issues of the early closure of the existing access; the presence of Ancient Woodland and the connections to the RSPB reserve at Middleton Hall were all referred to. A short video presentation was also shown as this had been submitted to the House of Lords during the Club's petitioning stage.
3. Members were then taken on a tour of the proposed site. First they were shown the existing Academy pitches and the location of the line of HS2 was pointed out. The group then went into the existing access that provided access to the RSPB reserve and the land the subject of the application. They were shown the site of the existing plant for the extraction area that was being filled and restored as well as driving around to the existing final area of restoration. They were also shown the existing building that was to be refurbished into the "satellite" centre for the pitches together with the site of the associated car parking areas. The extent of the Coneybury Wood was pointed out.
4. The tour then continued through the site to Middleton Hall and the RSPB reserve car park just beyond.
5. On returning to the Academy, Members were given a short outline of the importance to the Club of the Academy and its standing in the prospective development plans for FA approval in the country. In this, there was an outline of how the club might engage with the Council in promoting community use.
6. The visit concluded at around 1230



AVFC TRAINING GROUND - PHASE 1 - PROPOSED SPECTATOR AREA



PROPOSED MATERIALS:
 WALLS AND ROOF - BLACK GLAZING SYSTEM
 WINDOWS - BLACK COLOUR COATED ALUMINIUM CURTAIN WALL/LAG SYSTEM

DETAILS OF PROPOSED RELOCATED BUILDING
 CHANGED USE TO ACADEMY CHANGING ROOMS AND PARENTS/REFRESHMENT AREA
 EXISTING BUILDING - GROSS EXTERNAL FLOOR AREA 485 sqm
 PROPOSED BUILDING - GROUND EXTERNAL FLOOR AREA 485 sqm

ENTRANCE - NORTH ELEVATION

AVFC TRAINING GROUND - PHASE 1 - PROPOSED BUILDING DETAILS

Agenda Item No 8

Planning and Development Board

5 February 2018

**Report of the
Head of Development Control**

Planning and Fire Safety

1 Summary

- 1.1 The report provides a summary of the different roles of a number of respective Regulatory regimes. It was prepared as a consequence the Grenfell Tower incident.

Recommendation to the Board

That the report be noted.

2 Background

- 2.1 Since the Grenfell Tower incident there has been a lot of attention given to how fire risk is controlled when planning applications are submitted for planning permission, either to build new structures or to refurbish existing buildings. Many Local Planning Authorities and indeed Planning Committee Members have been asking about roles and responsibilities under different Regulatory legislation. At present these questions have not arisen in the Board's assessment of planning applications, but it is anticipated that there is a strong interest in better understanding the position.

- 2.2 As a consequence of the clear concerns, the Royal Town Planning Institute (RTPI) has prepared a summary note for the benefit of its Members. It is quite understandable that Planning Officers will want to share this with all Councillors, but particularly those that sit on the Planning and Development Board. To this end, that summary note is attached in full at Appendix A.

...

3 Observations

- 3.1 It is not proposed to repeat the content of this note here, but there is need to pick up on a few points.
- 3.2 The paper emphasises the role of the different regulatory regimes in acting separately and not overlapping or straying into each other's remits. Members on the Planning Board are familiar with this basic tenet of their decision making. There have been recent appeal decisions which support the position that that "fire precautions" are not material planning considerations.

- 3.3 However, as the paper says there is some overlap between planning and fire safety. It provides examples of this. The first is that the Board has to assess provision for emergency fire service access and water supply. Members will regularly have seen the consultation responses from the Warwickshire Fire and Rescue Service in the Board reports and the conditions as recommended by that Agency being translated into planning conditions on approvals. The Service receives the weekly planning list and it responds directly where it considers that it has an interest. Members will recall too that on occasion, a specific “fire” issue may arise and officers will then consult with the Service specifically on that issue. The second is the need for close cooperation with Building Control Surveyors – particularly in the use of cladding materials and in fire escape arrangements. Members may be concerned about the aesthetics of a particular cladding material on the street scene, but that preference might not be appropriate under the Building Regulations in respect of fire resistance. Similarly fire escape arrangements often arise when dealing with internal works in Listed Buildings – the compartmentalisation of internal space may well compromise the architectural significance of a heritage building. As always, early discussion and forewarning of these issues is the key to understanding how solutions can be agreed that might necessitate the need for compromise. It may be that Fire Assessment Impacts are required at submission stage in some circumstances, just as Noise or Lighting ones are part of the normal process at present.

4 Report Implications

4.1 Finance and Value for Money Implications

- 4.1.1 Planning decisions have to be made within the remit of relevant planning legislation and consideration of other planning considerations. Provided these decisions are proportionate and reasonable in these circumstances then potential costs awards against the Council or matters of compensation should be capable of defence.

4.2 Legal and Human Rights Implications

- 4.2.1 Council planning decisions are always subject to the right of appeal or to Judicial Review. Legal advice can and is sought if appropriate for the benefit of Members. Equality issues can certainly arise in respect of fire safety – access for the disabled for instance – but appropriate guidance and proportionate responses with legal advice will mitigate implications.

4.3 Environment and Sustainability Implications

- 4.3.1 As described above there is often the need for a balanced decision in respect of planning and fire safety issues. The assessments within this balance should always be made explicit.

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

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

Background Paper No	Author	Nature of Background Paper	Date
1	The RTPI	Summary Note	November 2017

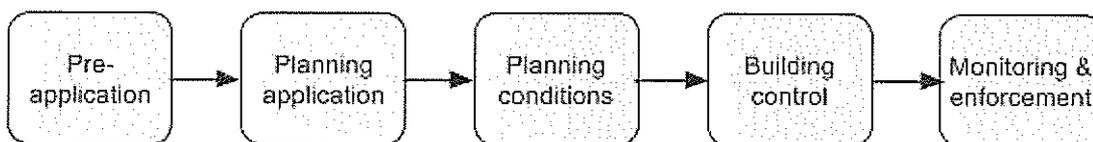
Summary: responsibility for fire safety during the development application process in England

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Since Grenfell there has been lots of attention on how fire risk is controlled when developers and others apply for permission for building or refurbishment. RTPI has put together this short briefing to clarify who is responsible for what in England.¹²³

The application process

Each development goes through several stages and consent regimes before it can be completed. This diagram highlights the main ones relevant to this discussion in a simplified form:



Decisions based on fire safety are mostly made at the building control stage.

Building control

The Building Act 1984 tasks building control with "securing the health, safety, welfare and convenience of persons in or about buildings and of others who may be affected by buildings or matters connected with buildings". This includes fire safety. The applicant can choose to commission either local authority building control, or 'approved inspectors', who will first agree that plans meet fire safety legislation and guidance and then ensure that development is completed in line with the requirements of the Building Regulations.

The Fire Service

The fire service can be consulted by both planning and building control to ensure that plans support their fire safety efforts. As far as planning is concerned, this especially relates to access for firefighters, and water supply. They do not however have powers to sign off applications as fire safe.

Planning

Local planning authorities (LPAs) are involved from pre-application consultations to the planning conditions stage. This spans initial discussions between the LPA and applicant to negotiating the final requirements of the planning permission. This involvement largely precedes consideration of fire safety and LPAs have no powers or responsibilities around the fire safety of buildings or materials. However in some circumstances, LPAs may be able consult with building control and the fire service where considerations around fire safety have planning implications. This might, for example, include access for fire engines or the aesthetic implications of changing materials for example cladding.

¹ This briefing was published in October 2017

² This is advisory only and should not be taken to constitute legal advice. There is some variation around the country in how particular areas manage processes around fire safety and the application process.

³ RTPI is currently developing an equivalent briefing for Scotland



Briefing: responsibility for fire safety during the development application process in England

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Introduction:

This briefing explains the role planning plays in fire safety in England. It also explores the roles of other key actors in fire safety during development management, and their interactions with planning. In general the planning system is not tasked with assessing, inspecting or approving fire safety, which is primarily the responsibility of building control. However local authority planning departments do interact with fire safety management in several ways.

This briefing was put together in response to concerns and questions, including from some planning committee councillors⁴, about the role of planning in certifying fire safety. Even before Grenfell, issues around clarifying the respective roles of planning and other parts of development management had been raised, with planning and building control singled out.⁵ Whilst confusion on these roles is not common amongst most of those who engage with planning on a regular basis, it is important that planners can provide clear and evidenced responses to questions about their roles. It is also important that the public understands how the system works.

The content of this briefing was informed by consultation with expert RTPI members, as well as with a selection of other experts in development management and fire safety. It also draws on key policy and guidance and RTPIs long engagement with communities engaged in or affected by planning through Planning Aid England (PAE).

Roles in fire safety during development management

Building control bodies have legal responsibility for ensuring applications conform to building regulations. Fire safety is a part of building regulations, so building control plays the main role in approving fire safety in developments. This can be local authority building control, or 'approved inspectors' working outside local authorities. Local planning authorities (LPAs) and fire and rescue authorities also have some limited roles, however they do not have legal powers to challenge applications based on fire risk. The rest of this briefing provides more detail on each of their respective roles and responsibilities.

The development management process

There are five main types of development permissions: planning permissions, heritage consents, building regulations permission, environmental consents, and licensing.⁶ As the title makes obvious, planners are responsible for planning permissions. They are also largely responsible for heritage consents. However, they are not primarily responsible for the other three. This is important because fire safety falls under building regulations.

When developers apply for planning permission for buildings or refurbishments they have two options. They can seek a full planning permission from the local planning authority. Or they can first seek outline planning permission concerning the principle of development, then deal with the details by submitting a reserved matters application as a second stage. After this, most non-minor development will need full plans permission from building control. After work starts the development will also be inspected by various consenting regimes in order to check work is being carried out in accordance with the

⁴ Planning Officers Society (20/06/17), 'POS issues statement regarding fire safety in tall buildings,' available at <http://bit.ly/POS-Grenfell>

⁵ National Planning Forum (2010), 'Improving the connection', <http://bit.ly/NPF-ITC>

⁶ Planning Aid England have produced a handy guide on the planning system available here: <http://bit.ly/PAE-HG>

approved plans. Following completion of the development, planning carry out monitoring and enforcement activities in response to reports of breaches of the permission.

Figure 1: Simplified development management process:



For fire safety assessment, the most important stage is building control. At this stage the fire risk of the development must be proved to be in line with building regulations, which provide guidance on relevant legal standards. This means ensuring key parts of the design such as building materials, means of escape, and fire-stopping comply with fire safety guidance outlined in Approved Document B of the Building Regulations.⁷

However whilst legal responsibility for assessing fire safety during development lies with building control, other systems, including planning, have roles to play.⁸ The rest of this section sets out the respective roles and limitations in scope of each key player in this process, starting with planning.

Planning

Most built development including new buildings, refurbishments, engineering operations and changes of use will require planning permission unless defined as 'permitted development' in legislation. Most decisions will be made by local planning authorities (LPAs), who are part of local authorities (county councils, district councils, unitary authorities, metropolitan districts, or borough councils).

The planning system is tasked with promoting sustainable development. This is development that delivers social, economic and environmental value. In practice this means considering things like jobs, environmental impacts, community needs and heritage. Planning takes a 'spatial' view deciding what should go where, an aesthetic view regarding how things should look, and a community view concerning the relevant planning needs and desires of the local community and stakeholders.

Planning does not have powers to assess the fire safety of building materials nor most elements of building design. Fire precautions covered by building regulations are not part of material planning considerations on which planning decisions must be based.⁹ For the Grenfell Tower refurbishment, the LPA gave permission for the cladding, but this decision was correctly made only on information about the aesthetics.

Moreover building control professionals have expertise and information that makes them better placed to assess fire safety than planners. At planning permission stage there would rarely be enough information in the application and submitted plans to make informed decisions on planning conditions regarding fire safety. Over many years, Government has repeatedly emphasised that consenting regimes (such as planning and building control), should avoid overlap wherever possible:

- English planning policy is collected in the National Planning Policy Framework (NPPF), which states LPAs should assume other regimes will operate effectively.¹⁰
- Paragraph 206 of NPPF says: "Planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects".

⁷ Department for Communities and Local Government (DCLG) (2010), 'Fire Safety: Approved Document B,' available at <http://bit.ly/CLG-ADB>

⁸ The Royal Institute of British Architects (RIBA) the Association for Specialist Fire Protection (ASFP) are producing a detailed 'Plan of Work' on fire safety, available early 2018.

⁹ Paragraph 2 of the NPPF sets out the basis for planning decisions: <http://bit.ly/NPPF-p07>.

See also RTPI's list of material considerations: <http://bit.ly/RTPI-MCs>

¹⁰ DCLG, NPPF <http://bit.ly/NPPF-p29>.



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- National Planning Practice Guidance says: "conditions requiring compliance with other regulatory requirements will not meet the test of necessity and may not be relevant to planning".¹¹
- The Pretty Review recommended that "there needs to be a clearer recognition of the limits of the planning system" and that government should "remove duplication with other regulatory regimes".¹²

However, there is some overlap between planning's spatial and consultative approach and fire safety. This means planning has a limited set of responsibilities around fire safety, and a larger set of considerations that might be considered best practice:

- LPAs must assess provisions for emergency fire service access, and water supply. These are material planning considerations. This assessment may require or benefit from consultation with the fire service.
- It is good practice for planning to work with building control, for example where decisions made regarding the fire safety of certain materials will have planning implications, such as changing the look of the development. This might involve early or even pre-application consultation where useful, and where the information is available. This may be less practical where compliance with Building Regulations is to be provided by an approved inspector (*more below*).
- Due to the public consultation built into planning it is often perceived as the public face of the whole process of development management. Thus, although it has no legal powers around fire safety, some LPAs and especially councillors might still feel the need to address local concerns. One example would be encouraging developers to set out their plans for fire safety from an early stage or putting a note on the application reiterating the need for full plans building control approval. Planners ideally need to be able to access expertise from other stakeholders and help coordinate responses to concerns raised by the public. However this will not extend to basing permissions or refusals on fire safety.

Building control: local authorities and approved inspectors¹³

The applicant can choose to seek building regulations approval either through local authority building control officers or by 'approved inspectors' who have been certified by CICAIR (the government appointed certifier). 'Building control' is used to refer to both in this briefing. The Building Act (1984) tasks building control with "securing the health, safety, welfare and convenience of persons in or about buildings and of others who may be affected by buildings or matters connected with buildings". This includes responsibilities specific to fire including:

- structural measures to resist the outbreak and spread of fire and to mitigate its effects,
- services, fittings and equipment designed to mitigate the effects of fire or to facilitate fire-fighting,
- means of escape in case of fire and means for securing that such means of escape can be safely and effectively used at all material times.

Full plans applications to building control generally come after planning permission. The local authority or approved inspector can either approve, specify amendments for, give conditional approval to, or reject the application. Local authority building control must respond within 8 weeks, though this limit does not apply to approved inspectors. Building Control have a legal responsibility to make sure applications conform to building

¹¹ DCLG, National Planning Guidance 'Use of Planning Conditions'. Available at <https://www.gov.uk/guidance/use-of-planning-conditions>

¹² Killian, J., & Pretty, D. (2008). Planning Applications: A Faster and More Responsive System—A Call for Solutions, DCLG. Available at <http://bit.ly/KP-review>

¹³ LABC produced 'Guidance on External Fire Spread Standards' for their members, which talks about building control processes in more detail, including a useful flow chart



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regulations. The legislation is not totally prescriptive, normally specifying 'reasonable provisions'. The Government also produces 'approved documents' (14 in total) to say what is reasonable. Approved Document B¹⁴ covers fire safety.

Building control also work with other groups, either as statutory consultees or informally:

- Consulting with the Fire and Rescue Authority on how the plans will affect the fire service's ability to fight fires at the property
- As discussed above, consulting with planning where changes may have planning implications. This includes requiring alterations to planning permissions already granted, which can potentially require an amended permission or a whole new permission if the required changes are significant enough. This can lead to delays and wasted effort.

Fire and Rescue Authorities

When there is a new development both planning and building control can consult with the fire service. The Fire and Rescue Services Act 2004 says that Fire and Rescue Authorities must provide "advice, on request, about— (i) how to prevent fires and restrict their spread in buildings and other property; (ii) the means of escape from buildings and other property in case of fire." The Fire and Rescue Authority is made up of a committee of local councillors, and their geographic scope is sometimes but not always equivalent to local authority areas.¹⁵ In practice it consultation requests go to the local fire service. In London the authority is the 'London Fire and Emergency Planning Authority', which is closely related to the London Fire Brigade (LFB).

Fire services do not have powers to refuse applications based on fire safety of building design or materials. After Grenfell, LFB made it clear they do "not have any legal powers to inspect cladding or structural changes to buildings", and said "We do not 'sign off' refurbishment and we only have legal powers to act where we see internal fire safety problems such as compromised fire doors and combustible materials on staircases."¹⁶

The main ways the Fire Service engages with development applications are:

- Considering access and facilities for the fire service, and water supply, in planning applications¹⁷
- Consulting with building control on the details of how to deal with fires while they are burning. For example means of escape and fire extinguishers.

Fire Services are sent each application and have 2 weeks to respond. However they are not compelled to provide information and can just respond 'no comment'. Shropshire Fire and Rescue Service (SFRC) advise that the main goal of providing advice to building control is to help the applicant ensure building work complies with the Regulatory Reform and Fire Safety Order (2005).¹⁸

The Grenfell Tower fire made it clear to everyone involved in the built environment that improving fire safety must be a priority . You can read more about our views on this at www.bit.ly/RTPI-improving-fire-safety

¹⁴ DCLG (2010), 'Fire: Safety: Approved Document B,' available at <http://bit.ly/CLG-ADB>

¹⁵ See full list of Fire and Rescue Authorities: <http://bit.ly/FRA-list>

¹⁶ London Fire Brigade (2017), 'Response to BBC story on Grenfell,' available at: <http://bit.ly/LFB-Grenfell>

¹⁷ See Shropshire Fire & Rescue Service (SFRC), 'Commercial and Domestic Planning Applications,' available at <https://www.shropshirefire.gov.uk/safety-at-work/planning-applications>

¹⁸ SFRC, 'Protection – Business Fire Safety: Building Regulations 2010'. Available at <https://www.shropshirefire.gov.uk/safety-at-work/buildings-regulations-2010>

Agenda Item No 9

Planning and Development Board

5 February 2018

**Report of the
Head of Development Control**

Appeal Update

1 Summary

1.1 The report provides a summary of recent appeal decisions for Members.

<p>Recommendation to the Board</p> <p>That the report be noted.</p>

2 Background

2.1 Members have been receiving regular summaries from time to time following receipt of appeal decisions. Three more have been received since the last report a few meetings ago.

3 Decisions

3.1 Redlands, New Street, Baddesley Ensor

3.1.1 This proposal was for the erection of a new house on land adjacent to this existing house in New Street Baddesley with access from Jean Street. Members visited this site prior to the refusal of planning permission. They will recall that the concerns were to do with the impact on on-street car parking and the proximity to the access to the junction of New Street with Jean Street. The appeal was allowed and planning permission granted with conditions. The Inspector considered that as the proposal had two off-street spaces there would be no increased pressure on street car parking; that there was very little traffic in Jean Street and that the Highway Authority had not objected in respect of the adequacy of the road junction. The decision is again a reminder that if on-site car parking is provided, there is little scope for a refusal reason based on car parking issues. The decision letter is attached at Appendix A.

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3.2 Newton Farm, Main Road, Newton Regis

3.2.1 This proposal was for the erection of up to six houses on the south side of Main Road opposite Newton Farm on open agricultural land. The site had already been the subject of refusals. The key reasons for refusal revolved around the adverse heritage impact on the village's Conservation Area and the adjoining Listed Buildings. The Inspector agreed and dismissed the appeal. Importantly too the Inspector considered that the heritage issue was sufficient to outweigh the housing need. Members will welcome this decision as it shows that there are other matters beyond that of just increasing housing supply, but those matters do have to cause significant harm that can be fully evidenced. The decision letter is at Appendix B.

3.3 Land at Pooley Lane, Polesworth

3.3.1 This was a proposal for up to 40 dwellings on land east of Pooley Lane on the west side of Polesworth. Members will recall their site visit prior to refusal. That was very largely based on the potential impact on landscape character and the significance of the Conservation Area. The decision letter is at Appendix C. The Inspector has dismissed the appeal. However the decision letter makes it clear that the substantive reason behind the decision is the lack of clarity on affordable housing delivery on the site. This is explained in paragraphs 5 to 9 of the letter. In respect of the visual impact then the Inspector notes that there is no landscape designation. However she assesses the site against the Borough's Landscape Character Appraisal and concludes that it would not be too prominent as a sky line feature being seen as an extension to The Lynch. She considered that Pooley Lane is the "natural barrier" here, not the canal – paras 10 to 13. In respect of the Conservation Area then she comes to the same conclusion, but considers that appropriate conditions on finished ground levels would need to be imposed if a permission was granted in order to mitigate any potential harm – paras 16 to 22. In respect of the Meaningful Gap, then the Inspector concludes that the site would not encroach into that Gap or interject into the open countryside in a way that would undermine the separate identities of the settlements. The scale of the proposal would not risk an amalgamation of Tamworth and Polesworth such that the appeal site has to remain open - paras 14 to 15.

3.3.2 This decision on face value is welcome, but the actual reasons for dismissal are disappointing. The comments on how the Inspector dealt with the Meaningful Gap policy will need to be considered, as these will be taken up by other applicants to promote their cases.

4 Report Implications

4.1 Environment, Sustainability and Health Implications

4.1.1 The decisions show that cases are site specific and that it is important to have strong demonstrable evidence to support a refusal based on "harm" to the environmental and sustainable objectives of the Council, even if those are outlined in its Development Plan.

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

Background Papers

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

Background Paper No	Author	Nature of Background Paper	Date



Appeal Decision

Site visit made on 9 October 2017

by **S Jones MA DipLP**

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

Decision date: 9th November 2017

Appeal Ref: APP/R3705/W/17/3179378

Land Adjacent to Redlands, New Street, Baddesley Ensor, Atherstone CV9 2DL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Gary Morton against the decision of North Warwickshire Borough Council.
 - The application Ref PAP/2016/0643, dated 15 November 2016, was refused by notice dated 16 May 2017.
 - The development proposed is erection of a three bedroom house with vehicle parking.
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Decision

1. The appeal is allowed and planning permission is granted for erection of a three bedroom house with vehicle parking at land adjacent to Redlands, New Street, Baddesley Ensor, Atherstone CV9 2DL in accordance with the terms of the application, Ref PAP/2016/0643, dated 15 November 2016, subject to the conditions in the attached schedule to this decision.

Preliminary Matter

2. The application form was amended to clarify that it refers to a three bedroom house under application ref PAP/2016/0643. That amendment is reflected above.

Main Issue

3. The main issue is the effect of the development on parking and highway safety in the area.

Reasons

4. The plot of land lies between the rear of Redlands, a large 1970s style detached house currently being redeveloped, and another detached house alongside the site on Jean Street, a small cul-de-sac lined with a variety of housing. A new three bedroom house would be constructed on the plot accessed off Jean Street facing towards the bungalows opposite the site.
5. There is no regular passing traffic because Jean Street is a cul-de-sac. It has pavements in part and a tarmac roadway and I do not consider it to be below a reasonable standard for this type of road. I can appreciate that because it is relatively narrow and there is no specific turning circle that there would have been concerns regarding vehicles, in particular parking congestion. However, a

single new house would not be likely to significantly impact traffic levels. At my afternoon site visit New Street which is a short distance down Jean Street and runs along in front of the bungalows was largely clear of cars, although I accept this may not reflect peak use. Furthermore, with regard to parking, in Jean Street many of the dwellings including the bungalows opposite have a parking area outside the frontage so that parking is not restricted to onstreet parking only. Some of the frontages have sufficient parking to accommodate more than one car per dwelling. There are no parking restrictions or yellow lines in Jean Street, New Street, or the immediate vicinity of streets surrounding the site. Furthermore the design and layout of the proposed three bedroom house would allow space for two vehicles alongside the development, meaning that the onstreet demand would be unlikely to increase significantly if at all as a result of the development.

6. On the above basis I am satisfied that the development would not significantly contribute to parking congestion. Consequently the loss of some onstreet parking due to the development would not have an unacceptable effect on onstreet parking in the area because many households have alternatives to onstreet parking in any event, and the availability of other onstreet parking within a relatively short distance is generally not restricted.
7. The onsite parking would also allow for vehicles from the site to reverse out and face forwards when leaving Jean Street and exiting onto the through road at New Street where there is two way passing traffic. This is similar to arrangements for many existing households in Jean Street and would not exacerbate that situation. Conflict with emergency vehicles was raised as a concern, however there was little evidence before me to substantiate that. Given the offstreet parking provision at the development it would be unlikely to make access for emergency vehicles more difficult than at present.
8. Although the proposed development might not completely accord with the preferred highway standards for new development in general because of the existing constraints in Jean Street, there were no objections from the local Highway Authority, subject to suitable conditions being imposed, including visibility splays.
9. I am satisfied that the onsite parking provided, the lack of local parking restrictions, the availability of onstreet parking in the general area, and the conditions required by the highway authority are material considerations that overcome any conflict with Policy NW10 (6) of the North Warwickshire Local Plan Core Strategy 2014.

Conditions and Conclusion

10. The Council proposed a number of conditions which I have considered against the advice contained in the Planning Practice Guidance. I have made some minor amendments in the interest of clarity and enforceability. I consider that the condition restricting permitted development rights would not be necessary because the circumstances in this case are not exceptional enough to justify its imposition in accordance with the Guidance.
11. Conditions have been imposed about commencement and approved plans in the interests of certainty. Further conditions have been imposed to ensure a satisfactory standard of development in terms of materials, boundary treatments, landscaping, obscure glazing, and control of openings to protect

the character and appearance of the area and the living conditions of neighbouring residents. The site has a listed building nearby so a condition regarding the possibility of archaeological remains is necessary to ensure recording should anything be uncovered.

12. A condition securing a Construction Management Plan and conditions about hours of working and removal of debris are necessary to ensure there are no significant adverse impacts on the living conditions of nearby residents or the highway during any part of the development. Conditions regarding parking areas, visibility splays and location of access are necessary to ensure highway safety and its longterm efficacy.
13. For the reasons given above I conclude that the appeal should be allowed and planning permission granted subject to these conditions.

S Jones

INSPECTOR

APP/R3705/W/17/3179378

Land adj to Redlands, New Street, Baddesley Ensor, Atherstone CV9 2DL

Schedule of 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.
2. The development hereby approved shall not be carried out otherwise than in accordance with the plan numbered 375/216/02 REV E received by the Local Planning Authority on 14 March 2017.
3. No development shall be commenced before details of the facing bricks, roofing tiles, external render, external materials and surfacing materials to be used have been submitted to and approved by the Local Planning Authority in writing, and development shall be carried out in accordance with the approved details.
4. No additional opening shall be made other than shown on the plan hereby approved, nor any approved opening altered or modified in any manner.
5. The ground floor WC window and the first floor bathroom windows shall be permanently glazed with obscured glass which shall provide a minimum degree of obscurity equivalent to privacy level 4 or higher and shall be maintained in that condition at all times. For the avoidance of doubt privacy levels are those identified in the Pilkington Glass product range. The obscurity required shall be achieved only through the use of obscure glass within the window structure and not by the use of film applied to clear glass.
6. Before occupation of the dwellinghouses a landscaping scheme shall be submitted to the Local Planning Authority for approval. The scheme shall include boundary treatments.

7. All planting, seeding or turfing comprised in the approved details of landscaping as covered by condition 6 shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and the landscaping scheme agreed under condition 6 shall be permanently retained thereafter.
8. No work relating to the construction of the development hereby approved, including works of preparation prior to operations, shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The approved plan shall remain in operation during the length of construction and amongst other things will cover:
 - a. Deliveries and collections associated with the construction of the proposed development shall not occur during peak periods on the highway network (08:00 - 09:00 and 17:00 - 18:00 weekdays).
 - b. The development hereby permitted shall not commence or continue unless measures are in place to prevent or minimise the spread of extraneous material onto the public highway by the wheels of vehicles using the site and to clean the public highway of such material.
9. No work relating to the construction of the development hereby approved, including works of demolition or preparation prior to operations, or internal fitting out, shall take place before 0700 nor after 1900 Monday to Friday, or before 0800 nor after 1300 Saturdays or at all on Sundays or recognised public holidays
10. All materials obtained from demolition shall be permanently removed from the site within twenty eight days of demolition being commenced.
11. No development shall commence until full details of the surfacing, drainage and levels of the car parking and manoeuvring areas as shown on the approved plan have been submitted to and approved in writing by the Council. The development shall not be occupied until the areas have been laid out in accordance with the approved details and such areas shall be permanently retained for the parking and manoeuvring of vehicles, and shall not be constructed in such a manner as to reduce the effective capacity of any highway drain or permit surface water to run off the site onto the public highway.
12. Access for vehicles to the site from the public highway shall not be made other than at the positions identified on the approved drawing, number 375/216/02 Rev E, and shall not be used unless public highway footway crossings have been laid out and constructed in accordance with the standard specification of the Highway Authority.
13. The development shall not be occupied until visibility splays have been provided to the vehicular access to the site, passing through the limits of the site fronting the public highway, with an 'x' distance of 2.0 metres and 'y' distances of 24.0 metres looking left and 19 metres looking right to the near edge of the public highway carriageway. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed

at maturity, a height of 0.6 metres above the level of the public highway carriageway.

14. The development shall not be occupied until pedestrian visibility splays have been provided to the vehicular access to the site with an 'x' distance of 2.4 metres, and 'y' distances of 2 metres, as measured to the near edge of the public highway footway. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway

15. No development shall take place until:

- a) A written scheme of investigation (WSI) for a programme of archaeological evaluative work has been submitted to and approved in writing by the local planning authority.
- b) The programme of archaeological evaluative work and associated post-excavation analysis, report production and archive deposition detailed within the approved WSI has been undertaken. A report detailing the results of this fieldwork shall be submitted to the local planning authority.
- c) An Archaeological Mitigation Strategy (AMS) document (including the WSI) has been submitted to and approved in writing by the local planning authority. This should detail a strategy to mitigate the archaeological impact of the proposed development and should be informed by the results of the archaeological evaluation.
- d) The development and any archaeological fieldwork, post-excavation analysis, publication of results and archive deposition detailed in the AMS shall be undertaken in accordance with the approved AMS.

The first part of the document discusses the importance of maintaining accurate records of all transactions. It emphasizes that every entry should be supported by a valid receipt or invoice. This ensures transparency and allows for easy verification of the data.

In the second section, the author details the various methods used to collect and analyze the data. This includes the use of specialized software tools and manual data entry techniques. The goal is to ensure that the data is both accurate and comprehensive.

The final part of the document provides a summary of the findings and conclusions. It highlights the key trends observed in the data and offers recommendations for future research or improvements in the current process. The author concludes by expressing confidence in the reliability of the data presented.



Appeal Decision

Site visit made on 16 October 2017

by **Beverley Wilders BA (Hons) PgDurp MRTPI**

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

Decision date: 27 November 2017

Appeal Ref: APP/R3705/W/17/3179126

Newton Farm, Main Road, Newton Regis B79 0NE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr T Smith (Sibson Mill Properties) against the decision of North Warwickshire Borough Council.
 - The application Ref PAP/2017/0067, dated 11 February 2017, was refused by notice dated 11 April 2017.
 - The development proposed is described as outline application for up to 6 no. dwellings with all matters reserved land south of Newton Farm, Main Street, Newton Regis, Warwickshire B79 0NE.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The proposal is for outline planning permission for up to 6 dwellings with all matters reserved. I have determined the appeal accordingly.
3. The Council's reason for refusal refers to Policy LP15 of the Draft North Warwickshire Local Plan (DLP). As the DLP has not been adopted, in reaching my decision I have afforded limited weight to this policy.
4. Outline planning permission has previously been sought and refused for dwellings on the appeal site with subsequent appeals having been dismissed (Refs APP/R3705/A/13/2208891 & APP/R3705/A/14/2228761). I have been provided with copies of these appeal decisions and have had regard to them insofar as they are relevant to the proposal.

Main Issue

5. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

6. The appeal site comprises part of an agricultural field located on the edge of the village of Newton Regis, adjacent to the boundary of the Newton Regis Conservation Area (CA) which runs along Main Road to the north of the site. It is bounded by agricultural fields to the south and west, by a small single storey garage block and modern semi-detached houses to the east and by the traditional farmhouse and associated buildings at Newton Farm on the opposite

side of Main Road to the north. The front boundary of the site adjacent to the road is marked by a low level brick wall with a similar brick wall on the opposite side of the road to the front of the farmhouse at Newton Farm. A field gate providing vehicular access to the site is located adjacent to the wall fronting onto Main Road. The site is located at one of the key entrance points to the village and the CA and significantly contributes to its rural setting.

7. The planning application form states that the proposal is for up to 6 dwellings though the appellant's statement suggests that this number could be reduced. The statement also refers to the existing vehicular access being utilised in order to retain the existing wall and boundary treatments, though as stated, the proposal is in outline form with all matters being reserved and no indicative details have been provided regarding access.
8. The boundary wall, the one opposite and the farmhouse at Newton Farm are non-designated heritage assets within the CA, all of which contribute positively to the character and appearance of the CA at a key entrance point to the village. There is no substantive evidence to demonstrate that the existing vehicular access to the site could be utilised for the proposed dwellings without significant alteration or without detriment to the character and appearance of the boundary wall and the wider area. In the absence of this and having regard to the findings of the Heritage Consultation Report prepared on behalf of the Council and to the findings of the Inspectors dealing with the two previous appeals, I consider it likely that the formation of a safe and suitable access to the site suitable for residential dwellings would be harmful to the setting of the CA and to the character and appearance of the area.
9. In addition the proposal would involve the erection of up to six dwellings on the appeal site in an open and prominent undeveloped agricultural field on the edge of the village. The field is an integral part of the countryside which forms the setting of the village and the CA and the erection of dwellings on the site, however sensitively designed would result in an inappropriate and significantly harmful incursion of built development into the countryside.
10. My attention has been drawn by the appellant to a site at Manor Farm where I understand that outline planning permission has been granted for a residential development within the CA and near to listed buildings. However I am unaware of the details or particular circumstances of this case and how it compares with the proposal. In any event I must determine the proposal before me on its own merits.
11. Taking the above matters into consideration, I consider that the harm to the setting and therefore the significance of the CA that would result from the proposal would be less than substantial and that the proposal would have a significant adverse effect on the character and appearance of the area more generally.
12. The proposal would fail to preserve the setting of the CA and would not meet the requirements of section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act). For the same reasons it would not accord with paragraph 132 of the National Planning Policy Framework (the Framework) or with the development plan, in particular policies NW12 and NW14 of the North Warwickshire Local Plan Core Strategy (CS), policies ENV15 and ENV16 of the North Warwickshire Local Plan adopted 4 July 2006 (LP). These policies seek, amongst other things, all development proposals to

demonstrate a high quality of sustainable design that positively improve the individual settlement's character and sustain, conserve and enhance the historic environment including conservation areas and non-listed buildings of historic value. The proposal is also contrary to Policy LP15 of the DLP which similarly seeks to conserve the historic environment.

13. I have attached considerable importance and weight to the desirability of avoiding any such harmful effect on the CA in accordance with Section 72 (1) of the Act. Paragraph 134 of the Framework states that where a proposal would lead to less than substantial harm to the significance of a heritage asset, this harm should be weighed against the public benefits of the proposal. I will return to this matter below.

Other Matters and Planning Balance

14. There is disagreement between the main parties as to whether the Council can demonstrate a five year supply of deliverable housing sites. The Council's most up to date five year housing land supply position dated 31 March 2017 and published on 5 July 2017 states that the Council has a 5.1 year supply of deliverable housing sites. However if the appellant's figures were to be used, then a five year housing land supply could not be demonstrated.
15. The appeal site is located outside the settlement boundary of Newton Regis. Though not referred to in the Council's reason for refusal, my attention has been drawn to CS Policy NW2. This policy sets out a settlement hierarchy and states that where necessary, changes to development boundaries will be made in the appropriate development plan document, or once development has taken place, whichever is the earlier.
16. Newton Regis is a Category 4 settlement; 'Other Settlements with a development boundary'. In this category it is stated that development will be limited to that identified in the plan, or has been identified through a neighbourhood or other locality plan. CS Policy NW5 states that Newton Regis will cater for 15 houses usually on sites of no more than 10 units and at any one time depending on viability. I understand from the evidence that since the CS was adopted 9 dwellings have been constructed in Newton Regis at Secklington Lane and that outline planning permission has been granted for 14 dwellings at Manor Farm.
17. Paragraph 49 of the Framework states that housing applications should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites. Paragraph 14 of the Framework states that where relevant policies are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the Framework taken as a whole; or specific policies in the Framework indicate development should be restricted.
18. The proposal would provide up to 6 housing units and would contribute to the supply of housing in the Borough, supporting the Governments ambition to boost significantly the supply of housing. However this contribution would be small and attracts moderate beneficial weight in the planning balance. Given the scale of the proposal, any economic benefit arising from the construction of

the scheme would also be moderate as would any additional spend in the locality.

19. In reaching my decision I have had regard to the fact that the appellant is a local developer, that the site is available and deliverable and that the appellant is agreeable to the timescale for the submission of the reserved matters to be reduced to one year. In addition I acknowledge the findings of the Inspector who granted planning permission for a residential development at Ansley (Ref APP/R3705/W/16/3149572) and the advice contained within the Government's Housing White Paper: Fixing our broken housing market February 2017.
20. Considerable importance and weight is to be given in the planning balance to any harm to the significance of a heritage asset. Even though I have found that the harm to the heritage asset is less than substantial, it is not to be treated as a less than substantial objection to the proposal. The public benefits of the proposal would not in my view outweigh the great weight to be given to the harm to the heritage asset. As such the proposal would not comply with paragraph 134 of the Framework. In addition I have found significant harm to the character and appearance of the area more generally.
21. There is disagreement between the main parties about whether the Council can demonstrate a five year supply of deliverable housing sites. However even if I were to conclude that there is a shortfall in the five year housing land supply on the scale suggested by the appellant and that relevant policies for the supply of housing should not be considered up to date, having regard to my findings on the main issue above and to footnote 9 of the Framework, I find that the final bullet point of paragraph 14 of the Framework is engaged, as specific policies in the Framework indicate that development should be restricted. Therefore, the proposal would not represent sustainable development.
22. The harm that would be caused to the character and appearance of the area also leads me to conclude that the proposal would conflict with the development plan. In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, and as set out in paragraph 12 of the Framework, development that conflicts with the development plan should be refused unless material considerations indicate otherwise. In this case there are no material considerations which indicate that the proposal should be determined other than in accordance with the development plan.

Conclusion

23. For the above reasons and having regard to all matters raised, I conclude that the appeal should be dismissed.

Beverley Wilders

INSPECTOR



Appeal Decision

Site visit made on 6 November 2017

by **Rachel Walmsley BSc MSc MA MRTPI**

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

Decision date: 19th January 2018

Appeal Ref: APP/R3705/W/17/3179922

Land east Pooley Lane, Polesworth B78 1JB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr K Holloway, N P Holloway and Son against the decision of North Warwickshire Borough Council.
 - The application Ref PAP/2016/0213, dated 15 April 2016, was refused by notice dated 4 April 2017.
 - The development proposed is outline application (access only) for the residential development of up to 40 dwellings land east of Pooley Lane, Polesworth, B78 1JB.
-

Decision

1. The appeal is dismissed.

Procedural matters

2. The description of development referred to in the header above has been taken from the planning application form. This forms the basis on which the appellant applied for the development proposed. I note that the local planning authority altered this description for its decision notice, however, in the absence of any evidence to demonstrate that the appellant agreed to this wording, I have used the description on the planning application form.
3. The application was submitted for outline planning permission with matters relating to layout, appearance, landscaping and scale reserved. I have dealt with the appeal on that basis, treating all plans as illustrative, except where they deal with the matter of access.

Main Issues

4. These are:
 - (i) whether appropriate provision is made for affordable housing; and,
 - (ii) the effect of the proposal on the character and appearance of the landscape and Polesworth Conservation Area.

Reasons

Affordable housing

5. Policy NW6 of the Core Strategy¹ seeks affordable housing, on site, for developments of 15 or more dwellings. There is no dispute between the parties that the appeal proposal should, and can, comply with this policy.
6. During the course of the appeal parties were in agreement to a planning condition to secure affordable housing. However, the Planning Practice Guidance (PPG) makes it clear that planning permission should not be granted subject to a condition that requires the applicant to enter into an obligation. Equally, a condition that leaves the method of securing affordable housing vague would not meet the tests set out in paragraph 205 of the National Planning Policy Framework (the Framework), not least because the condition would not be precise and, therefore, unenforceable.
7. For affordable housing to be provided effectively, arrangements must be made to, not least, transfer it to an affordable housing provider, ensure that appropriate occupancy criteria are defined and enforced, and ensure that the development remains affordable to first and subsequent occupiers. The legal certainty provided by a planning obligation makes it the best means of ensuring that these arrangements are effective. Prior to my determination of the appeal, I raised concerns about the use of a planning condition and gave parties the opportunity to provide a suitably robust planning obligation to address the above matters.
8. Consequently I received a signed and dated Unilateral Undertaking. However, this legal agreement is deficient in a number of details needed to secure affordable housing effectively, not least details on the distribution of affordable housing and a plan with regards to land transfer and measures required to secure a registered provider. The Unilateral Undertaking, therefore, would not make appropriate provision for affordable housing.
9. Given the above I must conclude that the development would not make an appropriate provision for affordable housing and as a result would be contrary to policy NW6 of the Core Strategy.

Character and appearance

10. The appeal site is not afforded the protection of any landscape designation such as those referred to within paragraph 115 of the National Planning Policy Framework (the Framework). However the site is within the Anker Valley Character Area, as set out in the North Warwickshire Landscape Character Assessment (2010). This character area is described as being a visually open and broad valley landscape, becoming steeper and more defined closer to the urban area of Polesworth.
11. The appeal site is an open grassed area, bound by an area of housing, (The Lynch, to the south), Pooley Lane to the west and woodland to the north and east. Combined with the mature landscaping on its boundaries, the site is largely obscured from view, albeit that a footpath which runs through and

¹ North Warwickshire Local Plan, Core Strategy, Adopted October 2014

along the edge of the site provides public access into it. This context contributes to the wider verdant and rural character of the area, which is appreciated within immediate views, from surrounding roads and footpaths, and from longer distance views from Polesworth and its wider environs.

12. The visually open and broad valley landscape offers long distance views of the site, from positions beyond the urban area of Polesworth. The site forms a small part of a much larger panoramic composition; one of a broad valley tops, interspersed with verdant landscaping and housing. Within long distance views the development would be visible, most notably the rooftops of the houses which no degree of landscaping would obscure. However, the height of the rooftops would not exceed the line of the horizon or the height of the trees visible within long distance views, such that it could be considered an incongruous or dominant feature on the skyline. To the contrary, the development would be appreciated as an extension of The Lynch and, therefore, would not detract from the existing settlement pattern of small towns in a rural landscape.
13. The Council refers to the area to the east of the site, which accommodates the canal, as being a natural barrier between Polesworth and the open countryside. Indeed, this area, covered with trees and on land that slopes steeply up to the appeal site, is a notable barrier between the settlement and open land further west. However, it was apparent from my site visit that the appeal site continues the steep gradient of this land, up to Pooley Lane, beyond which the land then falls away towards the motorway and Tamworth. Pooley Lane, therefore, serves as a more natural barrier between Polesworth and the open countryside beyond.
14. In addition to this natural barrier, the appeal site is within an area which policy NW19 of the Core Strategy seeks development that respects the separate identities of Polesworth, Dordon and Tamworth and maintains a meaningful gap between them. The appeal site occupies an area between existing development, to the north and south, and would be set in from other areas of Polesworth that extend further west. Together with being east of Pooley Lane, as described above, the new housing would not encroach into the 'meaningful gap' or interject into the open countryside in a way that would undermine the separate identities of the settlements described or their separation from each other.
15. I recognise the possibility that Tamworth's built envelope will be extended further east in the future. However, there is nothing within the evidence before me to suggest that the scale of this development would risk an amalgamation of Tamworth and Polesworth such that the retention of the appeal site in its current form becomes imperative.
16. The natural barrier between settlements forms a backdrop to the Polesworth Conservation Area (PCA). The character and significance of the PCA derives, in part, from this 'green backdrop', defined by trees on higher ground. Interspersed amongst these trees are buildings, including those at The Lynch. The appeal site is outside the PCA and behind the natural barrier described and therefore does not contribute to the significance or character of the Polesworth Conservation Area (PCA) overall. Nevertheless, given the proximity of the

development to the green backdrop, the development could impact on the setting of the PCA depending on the form of the development proposed.

17. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. The National Planning Policy Framework (the Framework) states that when considering the impact of a proposal on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 137 of the Framework states that proposals that preserve elements of setting that makes a positive contribution to, or better reveal the significance of an asset, should be treated favourably. Equally, the Framework acknowledges that significance can be harmed or lost through development. The Council's policies on heritage within the Core Strategy, notably policies NW12 and NW14 support this approach, seeking development that sustains, conserves and enhances the historic environment.
18. The new housing would not encroach physically onto the 'green backdrop' and nor, therefore, onto the setting of the PCA. A landscaped buffer along the eastern edge of the site would guarantee this. However, given the lie of the land, the houses would sit higher than the canal and behind existing trees. Being an application for outline consent, details of existing and proposed landscaping, to include heights and species of plants, are earmarked for the reserved matters stage of planning. Details of finished site and ground floor levels would also be for consideration at the reserved matters stage. The exact position of the houses in relation to the existing topography and trees, therefore, is unknown. Nevertheless, from my observations on site and the evidence before me, I consider that at worst, from within the PCA looking west, the housing would be seen on the skyline, against a foreground of trees and alongside existing built development, though in the winter time when the leaves have fallen from the trees, the development would be more noticeable.
19. Taking the houses at The Lynch as a reference point, there is nothing before me to suggest that the development would exceed the height of these properties or existing trees to appear incongruous or overly dominant within the local landscape. Equally, given the presence of built form within local views, a more exposed view of the development in the winter would not have any greater visual effect.
20. Nevertheless, this judgement is made on the assumption that the heights of the houses proposed would not be insensitive to the presence of existing built form and to local views from the PCA. This certainty will be borne out of details at the reserved matters stage concerning the heights of the houses in relation to site levels. The importance of this detail to the development proposed means that it would be reasonable to secure any planning permission with conditions to ensure the submission and approval of finished site and ground floor levels. It is on the basis of my findings and this condition proposed, together with the less than significant contribution the site makes to the PCA, that I conclude that the proposal would leave the character of the PCA and its setting unharmed, that is to say preserved. The proposal would not, therefore, be contrary to policies NW12 and NW14 of the Core Strategy, nor paragraphs 132 and 133 of the Framework.

21. Within shorter distance views, the development would be seen from Pooley Lane and surrounding footpaths. Pooley Lane has a semi-rural character, defined by built development along sections of the lane and noise from motorway traffic, complemented by verdant landscaping including hedges and trees. As an extension of The Lynch and with a landscaped buffer east and west of the site, the development would combine built form with landscaping to complement the semi-rural character of the area.
22. There is no doubt that developing the site would change its character to a more urban one, which would be most notable from Pooley Lane and the footpath along the eastern edge of the site. The layout plan shows that there would be space for an area of landscaping between the lane and the new housing so that the development would be congruent with the semi-rural character of the area.
23. Walkers would experience a material change in their surroundings. The impression of walking in the countryside would be undermined by the presence of houses. However, the illustrative layout plan before me shows that access along Pooley Lane and the footpath would be retained. This would comply with policy NW12 of the Core Strategy, which seeks to protect existing rights of way. Furthermore, the landscaped buffer proposed would create a pleasant walking environment and would ameliorate any adverse visual effects the development may have on walkers' experience of the local area.
24. Therefore, on the basis of my findings and a landscaping and levels condition, I find that the development would not be visually intrusive on the character and appearance of the PCA to cause harm, nor would the development be harmful to landscape character. The development would not, therefore, be contrary to policies NW12, NW14, NW19 or to policy NW13, which seeks development that protects and enhances the character of the natural environment.

Other matters

25. Based on the evidence before me I am unable to come to a definitive conclusion on whether the Council has a 5 year housing land supply. Nevertheless, even if I were to conclude that there is a shortfall in the five-year housing land supply and that relevant policies for the supply of housing should not be considered up-to-date, the adverse impact of granting permission, being the substantial harm arising from a lack of appropriate means of securing affordable housing provision, would significantly and demonstrably outweigh the benefits of any additional market housing provided.
26. The Council states that the development would have a harmful effect on a Grade 2 listed building, Pooley Hall, but it doesn't substantiate its claim. There is nothing within the evidence before me, nor was it apparent from my observations on site, that there is a physical, visual or historical connection between the appeal site and the listed building. As such the development would not have a harmful effect on the setting of the listed building and as a result does not influence my decision on the appeal in this regard.

Conclusion

27. I have found that the development would not have an adverse impact on the character and appearance of the landscape or upon Polesworth Conservation Area. Nonetheless, these factors would be outweighed by the harm arising from the lack of appropriate provision for securing affordable housing. It is on

this basis that I find that the appeal proposal would fail to accord with the development plan when taken as a whole. For the reasons given above, and taking all other matters into consideration, I conclude that the appeal should be dismissed

R Walmsley

INSPECTOR

Agenda Item No 10

Planning and Development Board

5 February 2018

**Report of the
Head of Development Control**

**The Cedars at Coton Road
Nether Whitacre**

1 Summary

- 1.1 This report seeks confirmation of action taken under emergency powers by the Chief Executive in respect of an enforcement notice at this site.

Recommendation to the Board

- a That the emergency action taken by the Chief Executive be confirmed; and**
- b That officers be requested to bring a further report to the Board outlining the planning situation at this site.**

2 Background

- 2.1 Members will recall that a little while ago, authority was given to the Council's Assistant Chief Executive and Solicitor to the Council to serve an Enforcement Notice on land to the north of this site in Coton Road, Nether Whitacre. The Notice alleged the unauthorised change of use of land from an agricultural use to a mixed use comprising both B1 and B8 uses, together with the erection of an office and engineered bunding. The Notice was duly served and a subsequent appeal was lodged with the Inspectorate. Statements of Case were exchanged and a date set for the appeal to be heard at an Inquiry on 16 January 2018.
- 2.2 The receipt of the appellant's Statement included fresh factual evidence which had not previously been seen by the Council. It related to the extent of the land covered by the Notice. Legal advice was taken which clearly indicated that the Notice should be withdrawn. In view of the approaching Inquiry date and the Christmas/New Year holiday period, the Notice was withdrawn using the Chief Executive's emergency powers. The Chairman of the Board was consulted and agreed with this course of action
- 2.3 Members are asked to confirm this action.
- 2.4 As indicated above, it is clear that the fresh evidence affects the extent of land covered by the Notice, not the substance of the Notice – the alleged unauthorised use. The discrepancy in the area of land involved is small. As a

consequence, officers will prepare a fresh report with a view to seeking Authority to re-serve the Notice but with a different site plan.

2.5 In light of this matter and given that there have been other issues arising on this site; the Chairman has requested a further report to the Board.

3 Report Implications

3.1 Finance and Value for Money Implications

3.1.1 As the Council have withdrawn the Enforcement notice, normally the Inspectorate could consider a costs application from the appellants, if the Council had acted unreasonably. In this case, discussions were held with the appellant and both parties agreed that it was a reasonable approach to ensure all matters are considered, before any further action is considered or taken. Therefore the appellants have given a written undertaking to the Council that they will not in this instance apply for any costs. Therefore there are no material costs or implications involved in making this decision.

3.2 Legal, Data Protection and Human Rights Implications

3.2.1 If a further Notice is authorised, the land owner will have the opportunity to appeal and the local community will again be able to be involved

3.3 Environment, Sustainability and Health Implications

3.3.1 The Council can still pursue enforcement action in order to achieve its environmental objectives as set out in the Development Plan.

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

Background Papers

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

Background Paper No	Author	Nature of Background Paper	Date

Agenda Item No 11

Planning and Development Board

5 February 2018

Report of the Chief Executive and the Deputy Chief Executive

Progress Report on Achievement of Corporate Plan and Performance Indicator Targets April - December 2017

1 Summary

- 1.1 This report informs Members of the progress with the achievement of the Corporate Plan and Performance Indicator targets relevant to the Planning and Development Board for April to December 2017.

Recommendation to the Board

That Members consider the performance achieved and highlight any areas for further investigation.

2 Consultation

- 2.1 Consultation has taken place with the relevant Members and any comments received will be reported at the meeting.

3 Background

- 3.1 This report shows the third quarter position with the achievement of the Corporate Plan and Performance Indicator targets for 2017/18. This is the third report showing the progress achieved so far during this year.

4 Progress achieved during 2017/18

- 4.1 Attached at Appendices A and B are reports outlining the progress achieved for all the Corporate Plan targets and the agreed local performance indicators during April to December 2017/18 for the Planning and Development Board.
- 4.2 Members will recall the use of a traffic light indicator for the monitoring of the performance achieved.

Red – target not being achieved (shown as a red triangle)

Amber – target currently behind schedule and requires remedial action to be achieved (shown as an amber circle)

Green – target currently on schedule to be achieved (shown as a green star)

5 Performance Indicators

- 5.1 The current performance indicators have been reviewed by each division and Management Team for monitoring for the 2017/18 year.

6 Overall Performance

- 6.1 The Corporate Plan performance report shows that 100% of the Corporate Plan targets and 67% of the performance indicator targets are currently on schedule to be achieved. The report shows the individual targets that have been classified as red, amber or green. Individual comments from the relevant division have been included where appropriate. The table below shows the following status in terms of the traffic light indicator status:

Corporate Plan

Status	Number	Percentage
Green	7	100%
Amber	0	0%
Red	0	0%
Total	7	100%

Performance Indicators

Status	Number	Percentage
Green	2	67%
Amber	1	33%
Red	0	0%
Total	3	100%

7 Summary

- 7.1 Members may wish to identify any areas that require further consideration where targets are not currently being achieved.

8 Report Implications

8.1 Safer Communities Implications

- 8.1.1 Major applications are considered by the Police Architectural Liaison Officer who is looking to ensure that Secure by Design principles are applied for new developments.

8.2 Legal and Human Rights Implications

8.2.1 The national indicators were specified by the Secretary of State for Communities and Local Government. They were replaced by a single list of data returns to Central Government from April 2011.

8.3 Environment and Sustainability Implications

8.3.1 Improvements in the performance and quality of services will contribute to improving the quality of life within the community. The actions to improve apprenticeships, training and employment opportunities and transport links for local residents is contributing towards the raising aspirations, educational attainment and skills priority of the North Warwickshire Sustainable Community Strategy 2009 – 2026.

8.4 Risk Management Implications

8.4.1 Effective performance monitoring will enable the Council to minimise associated risks with the failure to achieve targets and deliver services at the required performance level.

8.5 Equality Implications

8.5.1 The action to improve employment opportunities for local residents is contributing to equality objectives and is a positive impact in terms of the protected characteristics for age through the young people employment programme.

8.6 Links to Council's Priorities

8.6.1 There are a number of targets and performance indicators included relating to supporting employment and business, protecting countryside and heritage, and promoting sustainable and vibrant communities.

The Contact Officer for this report is Robert Beggs (719238).

Background Papers

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

Background Paper No	Author	Nature of Background Paper	Date

NWCP Planning and Development Board 17/18

	Action	Priority	Reporting Officer	Quarter 1	Quarter 2	Quarter 3 Update	Status	Direction
NWCP 012	Manage development so as to deliver the priorities on the Council's Corporate Plan and in the Sustainable Community Strategy and report by March 2018	Protecting our Countryside & Heritage	Jeff Brown	A report will be brought to the Board in May 2018	A report will be brought to the Board in May 2018	A report will be brought to Board in May 2018	Green	
NWCP 013	To report on Growth pressures on the Borough, how to protect the Green Belt as far as possible and sustain the rurality of the Borough by February 2018 and at least annually thereafter	Protecting our Countryside & Heritage	Jeff Brown	A report will be brought to the Board in May 2018	A report will be brought to the Board in May 2018	A report will be brought to Board in May 2018	Green	
NWCP 014	Use the Design Champions to ensure the best achievable designs are implemented and developed so as to reflect setting and local character and report by March 2018	Protecting our Countryside & Heritage	Jeff Brown	A report will be brought to the Board in May 2018	A report will be brought to the Board in May 2018	A report will be brought to Board in May 2018	Green	
NWCP 111	To seek to secure the protection of the best of the Borough's built and rural heritage	Protecting our Countryside & Heritage	Jeff Brown	A report will be brought to the Board in May 2018	A report will be brought to the Board in May 2018	A report will be brought to Board in May 2018	Green	
NWCP 051	a) Work with the County Council, Job CentrePlus and other partners to provide apprenticeships/training, including reporting by December 2017 on the feasibility and cost of directly employing more apprentices; b) administer funding provided by the developers and through other funding sources to maximise opportunities for employment of local people including employment engagement activity, development of work clubs and bespoke training; and c) to work with the County Council, Town/Parish Councils and other partners to maximise section 106/CIL contributions for infrastructure, biodiversity offsetting and community improvements	Supporting Employment & Business	Steve Maxey/Bob Trahern	A number of contributions from developers has been collected and a number of training activities delivered. Focus for upcoming work is digital skills due to demand from employers. The ability to develop apprenticeship opportunities and training is being reviewed as to whether the Council is in a position to support these. The Council continues to work closely with the Jobcentre to promote work opportunities and a Jobs Fair is again planned for October following last years successful event	A number of contributions from developers has been collected and a number of training activities delivered. Focus for upcoming work is digital skills due to demand from employers. The ability to develop apprenticeship opportunities and training is being reviewed as to whether the Council is in a position to support these. The Council continues to work closely with the Jobcentre to promote work opportunities and a Jobs Fair is again planned for October following last years successful event	A number of contributions from developers has been collected and a number of training activities delivered. Focus for upcoming work is digital skills due to demand from employers. Options are being explored to establish a number of code clubs in North Warwickshire and make links with the Digital School House at Coleshill Secondary school. The ability to develop apprenticeship opportunities and training is being reviewed as to whether the Council is in a position to support these. The Council continues to work closely with the Jobcentre to promote work opportunities. A successful Jobs Fair was held in October 2017.	Green	
NWCP 070	Look at ways to improve transport links, including cycle links, footpath links, public transport and HGV parking to local employment and report on progress by March 2018	Supporting Employment & Business	Jeff Brown	This is dealt with through the processing of applications – particularly by increasing connectivity to existing facilities and in master planning a site	This is dealt with through the processing of applications – particularly by increasing connectivity to existing facilities and in master planning a site	This is dealt with through the processing of applications – particularly by increasing connectivity to existing facilities and in master planning a site	Green	
NEW	To continue to work with North Warwickshire Heritage Forum to protect, promote and develop the heritage and tourism of North Warwickshire	Protecting our Countryside & Heritage	Jeff Brown	This is a material planning consideration where appropriate –eg the Belfry application	This is a material planning consideration where appropriate –eg the Belfry application	This is a material planning consideration where appropriate –eg the Belfry application	Green	

NWPI Planning Board 17/18

Ref	Description	Section	Priority	Year End Target 2017/18	Outturn 2016/17	April - Dec Performance	Traffic Light	Direction of Travel	Comments
@NW:NI157a	Processing of planning applications in 13 weeks for major application types	Development Control	Countryside and Heritage	60%	95.00%	90.00%	 Green		Consistent decision making against the target
@NW:NI157b	Processing of planning applications in 8 weeks for minor application types	Development Control	Countryside and Heritage	80%	87.00%	78.00%	 Green		Slight improvement
@NW:NI157c	Processing of planning applications in 8 weeks for other application types	Development Control	Countryside and Heritage	90%	86.00%	84.00%	 Amber		slight decrease in this quarter due to increasing demands

Agenda Item No 12

Planning and Development Board

5 February 2018

**Report of the
Chief Executive**

Exclusion of the Public and Press

Recommendation to the Board

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

Agenda Item No 13

The Ansley Appeal - Report of the Head of Development Control

Paragraph 3 – by reason of the need to consider the financial implications

The Contact Officer for this report is David Harris (719222).