

Agenda Item No 6

Planning and Development Board

10 July 2017

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, 7 August 2017 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.

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General Development Applications

(1) Application No: PAP/2016/0679

Land South of 1 To 7 The Beeches, Laurel Avenue, Polesworth, B78 1LT

Outline application for erection of up to 31 no: dwellings and associated works (with details of point of access), for

Mr N Misselke - Elford Homes

Introduction

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

Since June's meeting, a response has been received from the Highways Authority and this report will address the detail raised in that reply.

For convenience the last report is attached at Appendix A.

Highways

A copy of the County Council's letter is at Appendix B

In short Warwickshire County Council has removed its original objection to the proposal. They confirm that a Transport Statement has been provided with the proposal which provides further data in relation to existing vehicle flows and speeds on the surrounding network. In this Transport Statement, surveys have been taken on Common Lane. The average speed recorded is 26mph northbound and 27mph southbound and therefore access arrangements of 2.4m by 43m visibility splays are required.

The traffic generation assessment calculates a vehicle trip generation of 17 vehicles in the morning peak, 15 in the afternoon peak and a 12 hour prediction of 139 additional vehicle movements. The Highways Authority states that personal trips are higher than these levels and therefore sustainable access to the site is going to be important.

A Stage 1 Safety Audit has also been undertaken for the scheme and has been reviewed by the County's Road Safety team. They have raised concerns about the lack of footpath proposed to the south of the site in front of proposed plots 1 to 3. Indeed, Laurel Avenue currently does not comply with the Council's adoptable highway standards which require a highway to be 5 metres wide and a footway to be 2 metres wide.

As such, and in order to overcome the County Council's concerns it will require the following to be incorporated into a revised site layout plan at the detailed reserved matters stage:

- A two metre wide footway adjacent to the entire development site frontage on Laurel Avenue;

- Two metre wide footways on both sides of the new site access road and around the turning head,
- A carriageway width of 5.5 metres,
- Site parking provision to fully comply with the Council's adopted parking standards and,
- The provision of an accessible route to local bus facilities on Bardon View Road.

Since the application was reported to the Planning and Development Board in June, two further objection letters have been received from local residents regarding the highway network and pedestrian footpaths being unsuitable for these additional dwellings.

The highway improvements required by the Highways Authority can be included in a suitably worded condition to ensure that the full details of the footway along the development side of Laurel Avenue and the accessible route to the public footpath leading to Bardon View Road are provided. Based on the recommendations of the Highway Authority and the amendments required to the scheme at the reserved matters stage, it is considered that the amended proposal will address the requirements in Saved Policy TPT3 in the North Warwickshire Local Plan 2006 and that the development will make provision for safe and convenient pedestrian and vehicular access and circulation. As such there is no significant and demonstrable highway harm that can be evidenced to show that this would amount to "severe" harm, which is the test set out in the NPPF for highway impacts.

Affordable Housing

The applicant has asked if the Board would consider agreeing to the affordable housing provision requirement being incorporated into an appropriately worded condition rather than being included in the Section 106 Agreement. The reason for this request is that discussions with the majority of Social Registered Landlords have indicated that they prefer the affordable housing to be secured by a planning condition, as this increases the amount of funding that is available to them. The Board has agreed to affordable housing being secured by a planning condition for other schemes in the Borough so it is considered that a condition can be used in this instance.

Recommendation

That subject to the signing of a Section 106 Agreement covering the draft Heads of Terms (but omitting affordable housing) that planning permission be approved with the conditions included in June's report to the Planning and Development Board along with the additional highway conditions:

"13) Prior to the commencement of development, a plan detailing the provision of vehicular and pedestrian access to the site including a footway along the full length of the site frontage along Laurel Avenue shall be submitted to and approved in writing by the Local Planning Authority. The submission shall include a Stage 1 Safety Audit and swept paths. The dwelling houses hereby permitted shall not be occupied until the access has been laid out and hard surfaced in accordance with the approved details and made available for use and retained as such thereafter.

REASON

In the interests of the safety of pedestrians using Laurel Avenue.

14) Prior to the commencement of development, visibility splays shall be 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. 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.

REASON

In the interests of highway safety.

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

REASON

In the interests of highway safety.

16) At the reserved matters stage a revised site layout plan for the development to show the following information shall be submitted to and approved in writing by the Local Planning Authority:

- A two metre wide footway adjacent to the entire development site frontage on Laurel Avenue
- Two metre wide footways on both sides of the new site access road and around the turning head,
- A carriageway width of 5.5 metres,
- Site parking provision to fully comply with the Council's adopted parking standards and
- The provision of an accessible route to local bus facilities on Bardon View Road.

REASON

In the interests of highway safety.

17) The development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme. The scheme shall include:

- i. the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 40% of housing units being affordable housing of which 65% of these units shall be affordable rented units and 35% of these units shall be shared ownership units;
- ii. the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing
- iii. the arrangements for the transfer of the affordable housing to an affordable housing provider; and,
- iv. the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

REASON

To provide a suitable mix of affordable housing units as required by Policy NW6.

Additional Notes

2) Condition numbers 13, 14 and 15 require works to be carried out within the limits of the public highway. Before commencing such works the applicant/developer must serve at least 28 days' notice under the provisions of Section 184 of the Highways Act 1980 on the Highway Authority's Area Team.

This process will inform the applicant of the procedures and requirements necessary to carry out works within the Highway and, when agreed, give consent for such works to be carried out under the provisions of Section 184. In addition, it should be noted that the costs incurred by the County Council in the undertaking of its duties in relation to the construction of the works will be recoverable from the applicant/developer.

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

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

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

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

BACKGROUND PAPERS

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

Planning Application No: PAP/2016/0679

Background Paper No	Author	Nature of Background Paper	Date
1	Highways Authority	Consultation response	28/4/17
2	Mr Exley	Objection	14/6/17
3	Mr Hall	Objection	14/6/17
4	Agent	E-mail	5/6/17

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.

APPENDIX A

General Development Applications

(#) Application No: PAP/2016/0679

Land South of 1 To 7 The Beeches, Laurel Avenue, Polesworth, B78 1LT

Outline application for erection of up to 31 no: dwellings and associated works (with details of point of access), for

Mr N Misselke - Elford 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.

The Site

The proposed development site lies to the south of the settlement of Polesworth. The site is bound by properties along The Beeches to the north; the road known as Common Lane to the east, the property known as Laurel End and an agricultural field to the south and properties along Laurel Avenue to the west.

The site measures some 1.04 hectares in size and is bound by a mature hedgerow along all of the boundaries. The gardens of the properties on The Beeches form the northern boundary.

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



The Proposal

The scheme relates to the development of this field with residential units. It is submitted in outline format along with the details of the vehicular access from Laurel Avenue. The indicative layout submitted with the proposal shows that the majority of the site is to be developed with a maximum of 31 dwellings.

The following documentation has been submitted with the application:

- Flood Risk Assessment
- Proposed Streetscenes
- Phase One Preliminary Ecological Appraisal
- Site Survey
- Coal Mining Risk Assessment
- Transport Statement

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

- 40% of the units being affordable housing units with 65% of these units being affordable rented units and 35% being shared ownership.
- £1451.07 per unit towards enhancements to the Public Open Space in Abbey Green, Polesworth.
- Maintenance and management of the hedgerows within the site.
- Maintenance and management of the surface water attenuation features.

Development Plan

The Core Strategy 2014 - NW1 (Sustainable Development); NW2 (Settlement Hierarchy), NW4 (Housing Development), NW5 (Split of Housing Numbers), NW6 (Affordable Housing Provision), NW9 (Employment), NW10 (Development Considerations), NW11 (Renewable Energy and Energy Efficiency), NW12 (Quality of Development), NW13 (Natural Environment), NW14 (Historic Environment), NW15 (Nature Conservation), NW16 (Green Infrastructure), NW19 (Polesworth and Dordon) 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”)

The National Planning Practice Guidance

The Council’s Draft Local Plan for North Warwickshire Consultation Document 2016

The Ansley Appeal Decision – reference:: APP/R3705/W/16/3149573

Consultations

Warwickshire Police – It confirms no objection to this proposal, however advice is offered on design and layout to ensure that residents do not become victims of crime or anti-social behaviour.

Warwickshire County Council as Highway Authority – The County originally objected to the proposal as the application was not accompanied by a Stage 1 Road Safety Audit along with concerns about swept paths for refuse vehicles and visibility splays and the access arrangements into the site were substandard and too narrow. A Transport Statement has now been submitted and revised comments from the Highways Authority are awaited.

Severn Trent Water Ltd – It confirms no objections to the proposal subject to the imposition of a drainage condition.

Warwickshire County Council as the Lead Flood Authority – The County confirms that following receipt of a Flood Risk Assessment, it now has no objection to the proposal.

However, it is recommended that a planning condition is imposed on any consent granted.

Environmental Health Officer – It is confirmed that hours of construction should be restricted to 0800 to 1800 during weekdays and 0800 to 1300 on Saturdays. A dust management plan is also recommended to be submitted for approval. A ground investigation survey will be needed.

Warwickshire Fire and Rescue Service – It confirms no objection to this proposal subject to the imposition of a planning condition.

Warwickshire Museum - It confirms no objections to the proposal. However, as the site lies within an area of archaeological potential, then some archaeological work will be required as part of a planning condition.

Warwickshire County Council's Infrastructure Team – It confirms that contributions towards sustainable travel packs and libraries are required from this scheme.

Warwickshire Wildlife Trust – No comments received

Representations:

Polesworth Parish Council – They object to this proposal as the site is not allocated in the current Local Plan.

County Councillor Dave Parsons – He supports the representations made below as the access is inadequate. Common Lane and in particular Laurel Avenue are narrow with lots of parked cars. The residents of Laurel Avenue are deeply concerned about this problem. This application should be rejected or suspended until the full picture of future development in this area becomes clear.

50 letters of objection from local residents regarding:

- Unsuitable vehicular access onto Laurel Avenue and The Beeches.
- Increase in traffic using Laurel Avenue and the junctions leading up to the proposed access.
- There are a lot of parked cars along Laurel Avenue and so it is narrow in places.
- The footpath along Laurel Avenue is only on one side of the road and does not stretch along the complete length of the road. Concerns are raised about the safety of pedestrians using Laurel Avenue.
- This will add to the traffic congestion onto the A5 and the B5000 which is already congested.
- The Draft Local Plan states that the building of homes and businesses cannot be carried out unless infrastructure is provided alongside it including health, education, flooding and drainage, traffic and shops and community centres. This infrastructure is not being provided alongside this development.
- The central area of Polesworth is already very congested and cannot cope with any increase in population.
- This site lies outside of the development boundary for Polesworth and should not be allowed.
- The site has surface water drainage issues and the stream which runs alongside the eastern boundary has been flooded several times; this proposal will increase the flooding in the area.

- There are issues with the capacity of the sewers along Laurel Avenue and the top of Common Lane; the sewers cannot cope with this proposed increase in dwellings in the area.
- By reason of its size, depth, width, height and massing the proposed development will result in overlooking and loss of privacy for the existing neighbouring properties.
- The scale of the development will be visually overbearing and the impact on neighbouring properties in The Beeches and Laurel Avenue will be unacceptable. It will block light and cause overlooking.
- The development will compromise the character of the area and ruin the rural nature of the current setting.
- The proposal only includes two car parking spaces per dwelling which is not adequate.
- The proposal lacks any public open space.
- This proposal will remove hedgerows including the hedgerow along Laurel Avenue.
- There is no Biodiversity Offsetting required for the scheme.

One letter of no objection in principle has been received. The author does raise questions about how the roads will cope with the additional traffic particularly Goodere Avenue and Common Lane.

Observations

a) Introduction

Members are aware that the recent appeal decision at Ansley is a material planning consideration of significant weight in the determination of this case. This appeal related to the issue of whether the Borough has a 5-year housing land supply.

This report will assess this proposal against the Development Plan policies in the Core Strategy and the weight to be given to these policies as a result of the Appeal decision.

b) The Principle of Development

The site lies outside of the Development Boundary for Polesworth. Policy NW2 in North Warwickshire's Core Strategy seeks to develop a broad distribution pattern for development with more than 50% of the housing and employment requirements being provided in or adjacent to the Market Towns outside of the Green Belt and their associated settlements. Polesworth with Dordon are identified as one of these Market Towns.

This proposed site lies adjacent to the development boundary for Polesworth as the development boundary includes the western side of Laurel Avenue and the southern side of The Beeches. As such, the proposal accords with this Policy.

The site has a street frontage to Laurel Avenue and The Common. There is a public footpath which runs from Laurel Avenue onto Bardon View Road next to the parade of shops and the bus stop for the hourly service between Tamworth and Atherstone. 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.

The site has been identified as a preferred housing allocation for Polesworth in the Council's Draft Local Plan 2016. As such it is considered that the site proposed is in a sustainable location being located adjacent to Polesworth and so complies with the settlement hierarchy as laid out in Policy NW2 and the criteria in Policy NW10.

In addition to this, the Inspector involved in the recent appeal decision at Ansley gave weight to the more recent housing need evidence from 2015 for the Coventry and Warwickshire housing market area 2011-2031, which shows that the Council's objectively assessed need has increased to 5280. It is acknowledged that this new requirement is set out in Policy LP6 of the emerging North Warwickshire Local Plan. As such, the Inspector concluded that on the evidence before them, the Council's five year housing land supply figure was closer to 3.5 years than 5 years.

The Council has produced a revised housing land supply figure which demonstrates that the Council has a 4.5 year housing land supply. This is less than the required 5 year land supply and so paragraph 49 of the NPPF is engaged. In short the housing provision policies in the Core Strategy are out of date. As such, bullet point 4(1) of paragraph 14 of the Framework is thus triggered. Paragraph 14 states that Councils should:

“where the development plan is absent, silent or relevant policies are out of date, grant permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessing against the policies in the Framework taken as a whole.”.

As such there is a therefore a presumption that the principle of residential development is accepted in this sustainable location at the present time. However, the test that needs to be fulfilled in accordance with paragraph 14 is whether the adverse impacts of granting a planning permission here for housing would significantly and demonstrably outweigh the benefits.

The main impacts of approving residential development in this location are:

- The impact on the highway Infrastructure.
- The impact on the character and appearance of the area.
- The impact on residential amenity.
- The impact on the surface and foul water drainage in the area.

c) Highway Infrastructure

The proposal involves a new priority controlled T-junction to be provided on the eastern side of Laurel Avenue. The Highway Authority had objected to the original submission due to a lack of information on swept paths for refuse vehicles, visibility splays and the absence of a Stage 1 Safety Audit. Concerns were also raised about the inadequate access arrangements proposed involving a substandard access road; no footways on the site frontage and private driveways being too narrow with substandard aisle widths.

To address this objection the applicant has submitted a Transport Statement with a Stage 1 Safety Audit. The amended proposal shows Laurel Avenue being widened to 5.0 metres as it fronts the site along with a 2.0 metre footway provided on the eastern side of Laurel Avenue between the proposed development and the existing footway on the southern side of The Beeches. To accommodate this, existing lamp columns in the eastern verge will be repositioned at the back of the proposed footway. Visibility splays

of 2.4m x 43m are provided and this may require the relocation of three lamp columns/electricity poles. The layout has been subjected to a Stage 1 Road Safety Audit as requested by the County Council and no issues have been identified by that Council.

At present there are 34 dwellings on Laurel Avenue. The existing traffic flows and speeds in the area are low. Over a 12 hour period, the development is predicted to generate 139 two-way vehicle trips. During the peak periods the proposal is anticipated to generate circa 17 two-way movements. This equates to one extra vehicle every 3 minutes during peak periods. As such the Transport Statement concludes that the predicted traffic to be generated from the site will not be material and would not have any significant impact on the local highway network. The overall flows on Common Lane would remain less than 60 vehicles per hour which is well within the capacity of a cul-de-sac road where the Manual for Streets confirms at para 7.2.14 that shared spaces are appropriate in cul-de-sacs where the volume of vehicular traffic is below 100 vehicles per hour which it is and will be in this case.

A resident has drawn Officer's attention to some of the assumptions made in the Transport Statement and questioned whether these assumptions and calculations are correct. Their correspondence has been passed onto the Highways Authority as well as the Highway Engineer responsible for producing this report for consideration.

As stated above, the Highways Authority has been consulted on the amended plan and additional information. No response has been received to date. The additional information and amended plan should address their concerns with regards to the lack of information submitted and the need for a footpath link and swept paths. Observations received from the Highways Authority will be reported verbally to the Planning and Development Board.

d) The impact on the character and appearance of the area

The proposed site comprises two enclosed fields. When viewed from the east on Common Lane looking to the west, the site is obscured by mature trees and a hedgerow. From views from the south, views of the site are again obscured by a mature hedgerow. The properties of The Beeches and Laurel Avenue are generally set at a higher level than the development site.

The loss of open countryside and open fields would amount to some harm to the character of the area. Policy NW12 of the Core Strategy is predominantly a design policy and states that all development proposals must demonstrate a high quality of sustainable design that positively improves the individual settlement's character, appearance and quality of an area. The policy is relevant to the determination of the proposal and there would be some conflict with it.

The Phase 1 Ecology Report demonstrates that the majority of the site is of 'low ecological value.' However, the hedgerow boundaries have been identified as having moderate wildlife value, and these would be retained as far as possible. A condition can be imposed to ensure that apart from the section of hedgerow which needs to be removed to provide the vehicular and pedestrian access and the necessary visibility splays, the remaining hedgerow is to be retained and protected during the construction activity.

The Site Survey submitted with the application shows that the site is set at a lower level compared to the housing surrounding its northern and western boundaries. As such, development here would appear as an extension of the existing residential development introducing a well-defined edge to the development boundary allowing development on both sides of Laurel Avenue and to the western side of Common Lane. It is thus considered that development on this site would have a minimal impact on the character and appearance of the countryside in this locality.



e) The Impact on Residential Amenity

With regards to the residents to the north and south of the site, the application is submitted in outline format and so any reserved matters application can look at the possibility that all of the units are orientated to have their rear gardens backing onto any rear gardens of these existing residential properties. The dwellings can be limited in height to two-storey only and by virtue of Laurel Avenue and The Beeches being constructed on higher ground for parts of the site, many of these new dwellings will appear as being the height of single storey dwellings.

The loss of a view is not a material planning consideration. By retaining and enhancing the majority of landscaping around the site, the obstruction of views into and out of the site will be reduced.

A number of the objections focus on the high density proposed for this site. The density proposed is 31 dwellings per hectare which is a similar density to the housing estate which lies to the north and west of the site.

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 north and south of the site. The proposal thus complies with Policy NW10 (Development Considerations) in the Core Strategy 2014.

f) The impact on the surface and foul water drainage in the area

Policy NW10(11) in the Core Strategy 2014 states that development should protect the quality and hydrology of ground or surface water sources so as to reduce the risk of pollution and flooding, on site or elsewhere. The application is accompanied by a Flood Risk Assessment. Residents have commented on the site flooding around the drainage ditch in the middle of the two fields. Although this shown to lie within an area at low risk of flooding from all sources it is recommended that the ditch running through the site be piped assuming permission from Severn Trent Water can be granted. Similarly, permission to divert the 100mm pipe shown on sewer maps to run across the site to the north of the ditch should also be sought, assuming the location of the pipe is found to be correct following further ground investigations.

The proposal includes:

- An outfall to the existing ditch running adjacent to the site with flows controlled by a Hydrobrake system limited to 5 litres per second.
- Drainage runs demonstrating that the site can be drained to the outfall by gravity
- The inclusion of permeable paving beneath portions of the proposed access road and driveways to reduce the amount of impermeable area on site.
- Attenuation of surface water for all storm events up to and including the 1 in100-year event plus an additional 40% to account for climate change within cellular attenuation tanks located beneath areas of proposed permeable paving (providing a total of 145m³).

In the absence of soakaway testing the drainage strategy assumes that infiltration is not feasible at the site. Should infiltration be an option for draining at least part of the site attenuation then volumes will be reduced.

Residents have also reported issues with foul water flooding in the area. The Flood Risk Assessment report also recommends that although not related to the risk of flooding, further investigation and consultation with Severn Trent should be undertaken to ensure that there is no cross-connection along the sewer network upstream of the site following these reports of sewage along the ditch running adjacent to the site. Severn Trent Water has commented on the proposal and stated that having reviewed their sewer records and the enclosures provided, they have no objections to the proposal.

Warwickshire County Council as Local Lead Flood Authority has also confirmed that they have no objections to the proposal subject to the imposition of a planning condition requiring the submission of details of the surface and foul water drainage schemes for the site.

On the basis that the statutory consultees on surface and foul water drainage have no objections to the proposal, it is considered that the site can be developed so as to accord with Policy NW10(12) of the Core Strategy 2014.

g) Affordable Housing

Policy NW6 (Affordable Housing Provision) requires that 40% of the dwellings shall be affordable units. The applicant has agreed that this can be included in the Section 106 Agreement whereby 40% of the dwellings are affordable units with 65% of these units being socially rented units.

h) Impact on the Archaeological Value of the Site

The site lies within an area of archaeological potential. Warwickshire County Council's Planning Archaeologist has commented that whilst little direct evidence for pre-medieval activity has been identified from the immediate vicinity of the site, this may be a reflection of a lack of previous investigations across this area, rather than a lack of archaeological remains. The Planning Archaeologist confirms that there is no objection to the principle of development, however, some archaeological work will be required if consent is forthcoming. They recommend that a planning condition be imposed on any consent granted.

As such it is considered that as the application is submitted in outline format, any concerns raised about the potential for development on this site to impact on the setting of the heritage assets in the locality can be dealt with through the additional survey work taking place.

i) 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 Abbey Green open space in Polesworth. There have been no objections raised by the NHS regarding the provision of medical services in the area.

Conclusions

The scheme involves the development of two fields in the open countryside. Although Policy NW2 encourages the development of land adjoining the development boundaries of the Market Towns outside of the Green Belt, there are other policies in the Core Strategy which the development of this site needs to be assessed against. The weight given to these other policies in this report has been assessed as minimal.

Members have also been made aware of the implications of the recent appeal decision in the Borough and how it impacts on the determination of this application. Whilst the Council cannot demonstrate a five year housing land supply, there is a presumption to approve sustainable development without delay unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

It is considered that the development of this site and the indication that the proposal would accommodate 31 dwellings would cause a minimal level of harm to the character and appearance of Polesworth and to the landscape character and visual receptors. This harm in this location is thus not considered to be significant.

As such it is recommended that subject to the Highways Authority having no objections to the additional information and amended plan submitted, planning permission is approved subject to the following conditions:

Recommendation

Subject to the Highways Authority having no objections to the additional information and amended plan submitted, it is recommended that planning permission be **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.

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 hereby approved shall not be carried out otherwise than in accordance with the Location Plan numbered 1000-174 101 received by the Local Planning Authority on 28 November 2016 and the plan numbered 1000-174 150C received by the Local Planning Authority on 27 April 2017 which shows the site boundary and the approved access road into the site. For the avoidance of doubt, the site layout and housing types shown on plan numbered 150C are not approved.

REASON

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

- 5) The development hereby permitted shall not be commenced until a scheme for the provision of adequate water supplies and fire hydrants, necessary for firefighting purposes at the site has been submitted to and approved in writing by the Local Planning Authority. The development shall not then be occupied until the scheme has been implemented to the satisfaction of the Local Planning Authority.

REASON

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

- 6) No development shall take place until detailed surface and foul water drainage schemes for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, have been submitted and approved in writing by the Local Planning Authority. The scheme shall be subsequently implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall:
- a) Infiltration testing, in accordance with BRE 365 guidance, to be completed and results submitted to demonstrate suitability (or otherwise) of the use of infiltration SuDS
 - b) Demonstrate that the surface water drainage system(s) are designed in accordance with CIRIA C753
 - c) Evidence that the discharge rate generated by all rainfall events up to and including the 100 year plus 40% (allowance for climate change) critical rain storm has been limited to the QBAR runoff rates for all return periods
 - d) Demonstrate detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details of any attenuation system, and outfall arrangements. Calculations should demonstrate the performance of the drainage 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.
 - e) Demonstrate the proposed allowance for exceedance flow and associated overland flow routing.
 - f) A foul water drainage scheme including evidence from Severn Trent Water that there is adequate capacity within their sewerage assets for this development.
 - g) Provide a Maintenance Plan to the Local Planning Authority giving details on how the entire surface water and foul 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, for the maintenance of all features within the communal areas onsite (outside of individual plot boundaries) shall be provided to the Local Planning Authority.

REASON

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

- 7) Prior to the commencement of development a dust management scheme shall be submitted to the Local Planning Authority for their approval in writing. The approved scheme shall then be implemented on site.

REASON

In the interests of the residential amenity of the neighbouring dwelling houses.

- 8) No development shall take place until:
- 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, 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 Written Scheme of Investigation 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 the site's location within an area of archaeological potential.

- 9) In advance of any construction works taking place as part of this consent, a site investigation of the nature and extent of contamination, based on a Phase 1 Assessment for the application site, shall be submitted to and approved in writing by the Local Planning Authority. If any unacceptable contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The report shall include a validation plan to be followed in order to demonstrate how the remediation has achieved relevant objectives. The site shall be remediated in accordance with the approved measures before development commences.

REASON

In the interests of the health and safety of the occupiers of these residential units.

- 10) Within three months of the completion of the measures identified in the approved remediation scheme as required under condition 9, a validation report (that demonstrates the effectiveness of the remediation carried out) shall be submitted to the Local Planning Authority.

REASON

In the interests of the health and safety of the occupiers of these residential units.

- 11) There shall be no more than 31 dwellings constructed on this site and none shall have a height greater than two-storeys.

REASON

In the interests of the amenities of the area.

- 12) Prior to the commencement of development on the site, details of how the hedgerow around the site is to be retained, protected and enhanced during the development of this site shall be provided for the written approval of the Local Planning Authority. The details shall exclude the section of hedgerow which needs to be removed to provide the vehicular and pedestrian access and to provide the necessary visibility splays. The approved details shall be implemented in full on site and the hedgerow shall then be retained at all times.

REASON

In view of the ecological value of this hedgerow.

- 13) Any Highway Conditions

Notes

The hours of construction shall be restricted to 0800 to 1800 hours during weekdays and 0800 to 1300 on Saturdays.

BACKGROUND PAPERS

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

Planning Application No: PAP/2016/0679

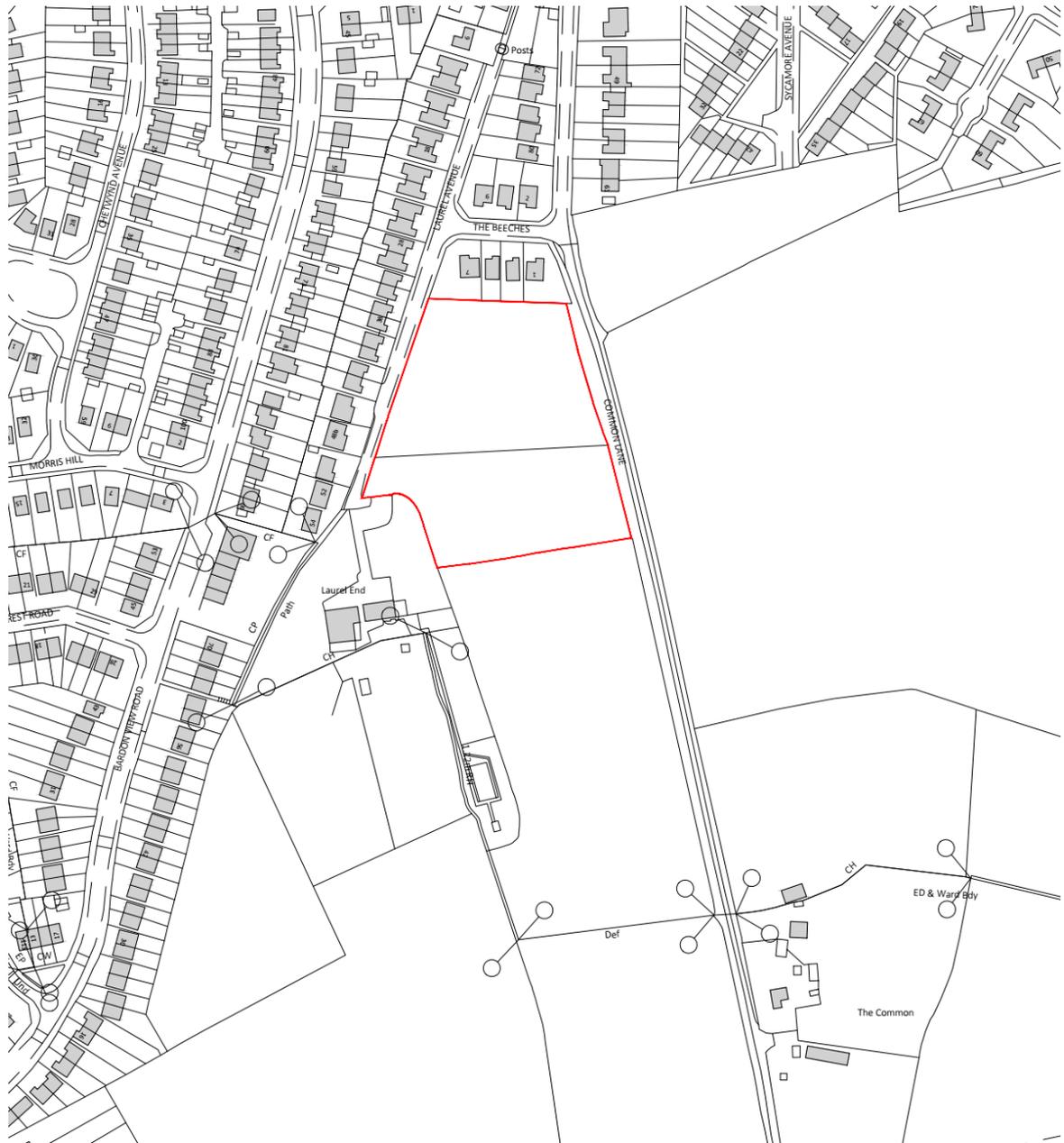
Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	28/11/16
2	Atherstone Herald	Press Notice	8/12/16
3	Polesworth Parish Council	Objection	8/12/16
4	Pollution Control Officer	Consultation response	22/12/16
5	Mr Beach	Objection	18/12/16
6	Ms Sansom	Objection	18/12/16
7	Mrs Parker	Objection	19/12/16
8	Mrs White	Objection	19/12/16
9	Mr Smith	Objection	19/12/16
10	Unknown	Objection	19/12/16
11	Ms Williams	Objection	20/12/16
12	M and S Eaton	Objection	21/12/16
13	County Councillor Parsons	Objection	21/12/16
14	A and J Pratt	Objection	21/12/16
15	Ms Webster	Objection	15/12/16
16	Mrs Dorrell	Objection	16/12/16
17	B Wall	Objection	13/12/16
18	Mr Bassford	Objection	13/12/16
19	Mr Cresswell	Objection	13/12/16
20	Warwickshire Fire and Rescue	Consultation response	13/12/16
21	Mr Giles	Objection	12/12/16
22	Mrs Bassford	Objection	14/12/16
23	Polesworth Group Homes	Objection	14/12/16
24	Mrs Beach	Objection	14/12/16
25	G O'Brien	Objection	26/12/16
26	K O'Brien	Objection	17/12/16
27	M Etheridge	Objection	18/12/16
28	L Briscoe	Objection	18/12/16
29	L Cresswell	Objection	10/12/16
30	R Oak	Objection	10/12/16
31	J Webster	Objection	11/12/16
32	Mr Pointon	Objection	11/12/16
33	Mrs Roe	Objection	11/12/16
34	P Roe	Objection	11/12/16
35	S Wright	Objection	8/12/16
36	B Briscoe	Objection	5/12/16
37	D Webster	Objection	2/12/16
38	A Cox	Objection	5/12/16
39	D Webster	Objection	2/12/16

40	Mr Starkey	Objection	2/12/16
41	Mr Webster	Objection	2/12/16
42	Mr and Mrs Hall	Objection	7/12/16
43	N Whitlock	E-mails	7/12/16
44	L Adamson	Objection	8/12/16
45	L Robinson	Objection	11/12/16
46	Mr K Burton	Objection	11/12/16
47	K Burton	Objection	11/2/17
48	B Wood	Objection	9/3/17
49	L Crow	Objection	17/3/17
50	S Walsgrave	Objection	21/3/17
51	Mrs Dorrell	Objection	2/5/17
52	B Pointon	Objection	11/5/17
53	R Oak	Objection	6/5/17
54	Mr and Mrs Crockford	Objection	14/5/17
55	Polesworth Group Homes	Objection	14/5/17
56	Mrs Parker	Objection	12/5/17
57	C Parker	Objection	12/5/17
58	WCC Infrastructure	Consultation response	
59	Severn Trent Water Ltd	Consultation response	7/2/17
60	Severn Trent Water Ltd	Consultation response	28/3/17
61	Pollution Control Officer	Consultation response	8/3/17
62	WCC Museum	Consultation response	5/1/17
63	Snr Pollution Control Officer	Consultation response	12/12/16
64	WCC LLFR	Consultation response	17/1/17
65	WCC LLFR	Consultation response	6/3/17
66	Highways Authority	Objection	30/11/16

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 Location Plan



Your ref: PAP/2016/0679
My ref: 160679
Your letter received: 28th April



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Mr J Brown
Head of Planning
NORTH WARWICKSHIRE BOROUGH COUNCIL
PO BOX 6, The Council House
South Street, Atherstone
CV9 1DE

FAO : Sharron Wilkinson

6th June 2017

Dear Mr Brown

PROPOSAL: Outline application for erection of 31 no dwellings and associated works (outline point of access)
LOCATION: Land south of 1 to 7 The Beeches, Laurel Avenue, Polesworth, B78 1LT
APPLICANT: Mr N Misselke, Elford Homes

Warwickshire County Council, hereby known as the 'Highway Authority' has undertaken a full assessment of the planning application and the supporting information which has been submitted. Based on our assessment the Highway Authority has **no objection** to the application on highways grounds subject to conditions and planning obligations.

POLICY

The development proposals have been assessed in line with the following national policy and guidance documents:

- National Planning Policy Framework published by Department for Communities and Local Government in March 2012;
- Guidance on Transport Assessment published jointly by Department for Transport and Department for Communities and Local Government in March 2007;
- North Warwickshire Local Plan adopted July 2006.

*Working for
Warwickshire*

The justification for this decision is provided below:

ANALYSIS

It is the Highway Authorities understanding that the proposals are an outline application for 31 new dwellings and associated works (outline for point of access).

The submitted information details the provision of 31 dwellings in an indicative layout with units accessed off a main access from Laurel. The application form states that there are no new public roads proposed within the site but that 64 proposed car parking spaces are suggested.

The application form states that the proposals are for 5 number 2 bedroom dwellings, 13 no 3 bedroom dwellings and 13 no 4 bedroom dwellings. To meet the Councils car parking standards 2 car parking spaces are required for each dwellinghouse.

Whilst the site is bounded by Common Lane it is noted that there is no vehicle or pedestrian access proposed from Common Lane, all accesses to the site are proposed to be taken from Laurel Avenue.

A Transport Statement has been provided for the site which provides further data in relation to existing vehicle flows and speeds on the surrounding network. Surveys were undertaken on Common Lane though rather than Laurel Avenue where the access is proposed to be taken from. 85th percentile speeds were recorded as being approximately 26mph northbound and 27mph southbound and therefore access arrangements would require 2.4m x 43m visibility splays on this basis. Whilst the submitted TS indicates visibility splays, they are set back incorrectly at approximately 7.5m back and therefore are required to be amended.

A TRICS assessment has been undertaken for the site based on multi-modal data for private owner occupied housing. Scotland, Ireland and London were excluded from the assessments and the trip rates calculated were 0.533 for the AM peak and 0.486 for the PM peak which is broadly acceptable. The calculated vehicle trip generation for 31 dwellings is proposed as 17 vehicles in the AM peak, 15 in the PM peak and a 12 hour prediction of 139. Person trips are higher than these levels and therefore sustainable access to the site is exceptionally important.

The submission of plans indicating the required visibility splays for a 30mph road 2.4m back from nearside highway edge and in either direction to the nearside edge of the public highway for 43m. No planting higher than 0.6m should be provided within the visibility splay which should extend over the public highway or within land controlled by the applicant. Visibility splays have been provided within the Transport Statement application however, this would require the cutting back or removal of the existing hedge which could potentially encourage parking on the frontage and therefore there may need to be features installed to discourage parking along this frontage.

A revised plan has been submitted which proposes to install a footway along the Laurel Avenue frontage. However, both the carriageway and footway on Laurel Avenue are substandard and a site visit has confirmed that there is parking on street in an evening which could compromise access to the site with a narrow highway. An existing street lighting column is proposed to be resited, however electricity power poles may also require relocation and there may be the requirement for further street lighting as a result of the proposals.

New vehicular accesses require the provision of a Stage 1 Safety Audit. A Stage 1 Safety Audit has been undertaken which raised no concerns. The Safety Audit has been reviewed by the WCC Road Safety team who are concerned that there is no footway proposed to the south of the site in front of plots 1 to 3 and are also concerned that

Swept paths have been provided for a four axle refuse vehicle at the site access and the vehicle is shown turning within the site, however, it seems to clip the kerblines in the design and therefore the proposed access road will require minor amendments.

Plots 1-3 on the indicative layout are proposed to have direct pedestrian access off Laurel Avenue with no footway proposed which is a concern on pedestrian safety grounds as partially sighted pedestrians will walk out onto the carriageway as a result of the proposals. Furthermore, the Highway Authority questions where bins will be stored and collected for these units. This will need to be addressed within the reserved matters application.

The development would increase flows of traffic along Laurel Avenue which does not currently comply with the Council's adoptable highway standards which would require a highway width of 5m and footways 2m wide. Furthermore, site visits have noted vehicles parked on Laurel Avenue within this stretch and the Highway Authority is concerned that driveway access would be restricted by vehicles parking on the highway or pavement in the vicinity of the site.

The Highway Authority requires a 2m wide footway to be provided along the site frontage to ensure that a safe right of passage is provided for pedestrians to link into the surrounding highway network.

There is a Public Right Of Way (Number AE44) located between Laurel Avenue and Bardon View Road which allows access to local bus services. The current proposals do not look to create safe and accessible access from the site to this PROW from the site and improvements would be necessary to comply with NPPF.

Whilst the application is outline for access only a indicative layout has been submitted and the Highway Authority has reviewed this layout and is concerned that the proposed highway arrangements are substandard and would not be acceptable on highways grounds. It is likely that the size or number of proposed units would be required to reduce in order to support an acceptable highway layout.

Issues within the site noted:

- Aisle widths are substandard, 6m are required
- Swept paths for MPV's required as drive and turning arrangements are substandard and too tight in many locations.
- Accesses need to be located 15m back from the site access
- Tandem drives are required to be 10m length or 10.5m length if set behind a garage to allow for door opening.
- Driveways are required to be 3m wide to enable pedestrian access past parking vehicles and for rear garden access.
- Bin storage should be demonstrated and bins should not be located further than 55m from the public highway.
- Parking for plot 31 is too remote from the dwelling to be useable.
- On private drives 4.1m width is required in order to enable two cars to pass, however if located on a bend in the access road, widths will need to increase.
- Pedestrian visibility splays will need to be considered and provided
- Driveways are required to be located at 90 degrees to the kerb
- The parking behind plots 2 and 3 is restricted in visibility due to fence lines and the car parking area to the rear has a lack of turning areas to enable access and egress in forward gear.
- Many substandard driveway arrangements proposed including plot 13's driveway which is too tight and located at an oblique angle with restricted visibility.

The Highway Authority therefore revises its view to one of no objections to subject to the following conditions and financial obligations:

Conditions:

1. Prior to the commencement of the development a plan detailing the provision of vehicular and pedestrian access to the site including a footway along the full length of the site frontage shall be submitted to and approved in writing by the Local Planning Authority and the Highway Authority. The submission should include a Stage 1 Safety Audit and swept paths. The development shall not be occupied until the access has been laid out and hard surfaced in accordance with the approved details and made available for use and retained as such thereafter.
2. The development shall not be commenced until visibility splays have been provided to the vehicular accesses 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. 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.
3. The development hereby permitted shall not commence 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.

271
301

4. At reserved matters stage a revised site layout plan for the development to show the following information shall be submitted to and approved in writing by the Local Planning Authority:
 - A 2 metre wide footways adjacent to the entire development site frontage on Laurel Avenue;
 - 2 metre wide footways on both sides of the new site access road and around the turning head;
 - A carriageway width of 5.5m;
 - Site parking provision to fully comply with the Councils adopted parking standards;
 - The provision of an accessible route to local bus facilities on Bardon View Road
5. The notional trips associated with the site shall not exceed the levels set out in the Submitted Transportation Statement which states 17 no two way trips in the AM peak and 15 no two way trips in the PM peak.

Notes:

- a. Condition numbers 1, 2 and 3 require works to be carried out within the limits of the public highway. Before commencing such works the applicant / developer must serve at least 28 days notice under the provisions of Section 184 of the Highways Act 1980 on the Highway Authority's Area Team.

This process will inform the applicant of the procedures and requirements necessary to carry out works within the Highway and, when agreed, give consent for such works to be carried out under the provisions of S184. In addition, it should be noted that the costs incurred by the County Council in the undertaking of its duties in relation to the construction of the works will be recoverable from the applicant/developer.

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

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

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

- c. 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.

FINANCIAL OBLIGATIONS

For developments in excess of 10 dwellings a contribution of £75 per dwelling will be required for sustainable welcome packs.

Yours sincerely

Michelle Zenner

Michelle Zenner
Development Group

** FOR INFORMATION ONLY
**COUNCILLOR PARSONS – POLESWORTH **

(2) Application No: PAP/2016/0734

Land 180 Metres North East Of Ambleside, Hill Top, Arley,

Erection of stable block, new vehicular entrance. Erection of timber boundary fence, improvement to existing entrance, for

Mr A Morris

Introduction

This application was reported to the June meeting but determination was deferred in order to enable Members to visit the site. That has now taken place.

A copy of the previous report is attached for convenience at Appendix A and a note of the visit will be circulated prior to the meeting.

Observations

There is nothing further to add to the previous report by way of an update.

Recommendation

That planning permission be **GRANTED** subject to the conditions as set out in Appendix A.

General Development Applications

(#) Application No: PAP/2016/0734

Land 180 Metres North East Of Ambleside, Hill Top, Arley,

Erection of stable block, new vehicular entrance. Erection of timber boundary fence, improvement to existing entrance, for

Mr Andrew Morris

Introduction

This application is reported to the Board at the discretion of the Head of Development Control in view of representations that have been made.

The Site

The site is a triangular field, known as Lion View, measuring 1.45 hectares, and is bounded on two sides by the Oakridge Golf Course and on the remaining side by Arley Lane. The site lies within the Green Belt, approximately 300 metres north-east of a residential property known as Ambleside and 120 metres south-west from the access to Oakridge Golf Club.



The Proposal

It is proposed to erect a small stable block with a new improved vehicular entrance. With associated timber boundary fencing.

Background

There is no planning history for the site, however the applicant has used permitted development rights to erect fencing around the perimeter of the site. Storage containers and domestic paraphernalia such as a post box and house name have been introduced. It is understood that horses have previously been grazed on this land, however its current authorised use is agricultural.

The original submission was a proposal for a stable for 6 horses but this was reduced to a stable for a single horse during the processing of the application.

Development Plan

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

Other Relevant Material Considerations

Government Advice: National Planning Policy Framework (NPPF).

Supplementary Planning Guidance: British Horse Society Guidance for Horse Welfare

Representations

Neighbours – No responses have been received.

Arley Parish Council – The previous owner kept three horses on the site but there was no stable block. There are also issues regarding smell from the muck heap and pest control that could affect nearby residents and users of the golf course (extracted).

Consultations

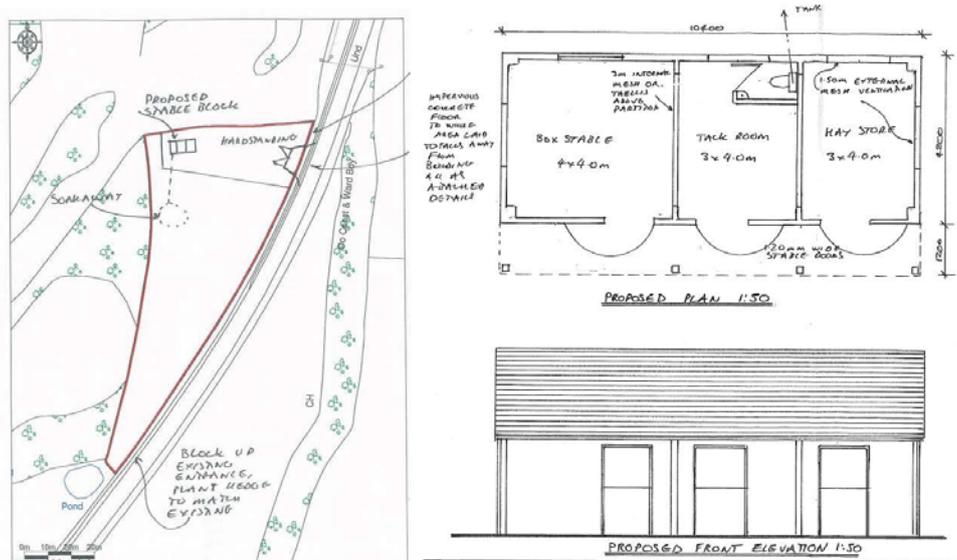
Warwickshire County Council as Highway Authority – No objection to the reduced proposal subject to conditions.

Environmental Health Officer – No response

Observations

The site is in the Green Belt where new buildings are defined as being not appropriate. However there are exceptions and one of these is where buildings are appropriate for outdoor recreation and sports. This would be the case here particularly too as one of the reasons for including land within the Green Belt is to provide opportunities for outdoor sport and recreation. Members will also be aware that agricultural buildings are appropriate in the Green Belt. In these circumstances and given the reduction in the scale of the proposal and that stables are regularly approved elsewhere in the Borough even in the Green Belt, it is not considered that there is a refusal in principle here. Green Belt harm is also considered to be limited in terms of the proposals' impact on the openness of the Green Belt.

During the processing of the application there have been negotiations to improve and significantly reduce the scale of the application. On the advice of the Council's Rural Planning Consultant and in accordance with The British Horse Society Guidelines for Horse Welfare, the size is adequate for the keeping of one horse. As the applicant does not currently own a horse the dimensions will suit any horse and allow for adequate tack and hay storage, including a dry rest room for the applicant whilst caring for the horse.



Although a number of objections were initially received from statutory consultees, these related specifically to the keeping of six horses on the site. There are no outstanding objections, although the use needs to be closely conditioned to ensure that it does not become a nuisance to neighbours or impact on local amenity, particularly given its Green belt location.

Representations have been made informally about other elements of the site.

The containers that currently occupy the site are not permitted development. However they do form part of the application plans as a feature to be removed prior to occupation of the proposed stable building. It is understood that construction tools and materials are stored in the containers.

The applicant has erected a 1800mm high close boarded fence around the perimeter of the site. Whilst the design of the fence has an urbanising effect on the surrounding countryside, it is as a matter of fact "permitted development" and is thus lawful.



There has been local speculation about the future use of the site. Members will fully understand that this has to have no bearing on the application presented. However officers will be able to respond to calls from the local community and investigate whenever appropriate.

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 floor plan and front elevation and the floor construction and drainage details received by the Local Planning Authority on 20 March 2017, and the site plan, rear and side elevations, and the proposed new entrance details received by the Local Planning Authority on 12 April 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 white low maintenance silicone through-colour render on 100mm blockwork, with matching air bricks, and grey/brown concrete interlocking roof tiles.

REASON

In the interests of the amenities of the area and the building concerned, and to ensure the suitability for the equestrian use.

4. The construction of the stable building hereby approved shall not be occupied until all parts of the existing access within the public highway not included in the permitted means of access has been closed and the kerb, footway and verge has been reinstated,; including the removal of gates, gravel surfacing and domestic paraphernalia and the hedge reinstated with new or replanted hedgerow from the Arden Forest Mix all to the written satisfaction of the Local Planning Authority.

REASON

To ensure adequate grazing land, and highway safety, and to prevent unauthorised access and the continuity of the hedgerow.

5. Prior to the occupation of the development, visibility splays of 2.4m x 215m on Arley Lane shall be provided at the new site access and retained as such thereafter. Nothing shall be subsequently erected or allowed to grow to a height in excess of 0.6 metres within the splays.

REASON

In the interest of highway safety.

6. The proposed access to the site for vehicles shall not be used until it has been surfaced with a bound macadam material for a distance of 5 metres as measured from the near edge of the public highway.

REASON

In the interest of highway safety and to minimise ongoing extraneous materials on the highway.

7. Gates erected at the entrance to the site shall not be hung so as to open over the public highway and shall be set back 5m from the near edge of the public highway.

REASON

In the interest of highway safety.

8. The stable building and use of the site hereby approved shall be used solely for equestrian purposes for the stabling and grazing of a single horse and for no other purposes whatsoever.

REASON

In the interests of the amenity of the locality and preventing the unauthorised use of the site.

9. There shall be no vehicles parked on the site overnight except for any such vehicle whose sole purpose is for the welfare of the horse kept on this site (i.e. a horse box).

REASON

In the interest of the amenity of the locality and the prevention of unauthorised use.

10. Prior to any occupation of the stable building hereby approved all containers and any other storage provisions shall be fully removed from the site.

REASON

In the interest of the amenity of the locality and preserving the openness of the Green Belt.

11. The stables shall not be used for any commercial riding, livery, breeding or training purposes.

REASON

In the interests of the amenities of the area.

12. No burning of any materials whatsoever shall be permitted. All waste materials are to be removed to suitable and where appropriate licensed disposal sites. Waste materials shall not be permitted to build up on the site so as to cause odour or pest infestations.

REASON

In the interest of the amenity of the area and animal welfare.

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. The granting of Planning Permission does not give the Applicant / Developer consent to carry out works on the Public Highway (verge, footway or carriageway). To gain consent from the Highway Authority, not less than 28 days notice shall be given to the County Highways Area Team – Tel 01926 412515, before any work is carried out, this shall include for materials and skips which are stored within the highway extents. A charge will be made for the carrying out of inspections and the issue of permits.

3. In accordance with Traffic Management Act 2004 it is necessary for all works in the Highway to be noticed and carried out in accordance with the requirements of the New Roads And Streetworks Act 1991 and all relevant Codes Of Practice. Before commencing any Highway Works the applicant / developer must familiarise themselves with the notice requirements, failure to do so could lead to prosecution.

Applications should be made to the Street Works Manager, Budbrooke Depot, Old Budbrooke Road, Warwick, CV35 7DP. For works lasting ten days or less, notice will be required. For works lasting longer than 10 days, three months notice will be required.

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. 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.

6. 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

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, 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/2016/0734

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	12/04/2017
2	Paul Rhodes	Report	01/2017
3	Highways Authority	Consultation Response	08/05/2017

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.

(3) Application No: PAP/2016/0738

Land rear of Ansley United Reform Church, Birmingham Road, Ansley,

Phase 2 development, erection of 15 dwellings, for

A R Cartwright Ltd

Introduction

This application was referred to the Board's May meeting but determination was deferred. The Board sought to request an amendment to the proposed dwellings on plots 37 and 38 in order to reduce their impact on the residential amenity of neighbouring occupiers in Birmingham Road. It was suggested that bungalows would be preferred.

A copy of the May Board report and a subsequent supplementary report are attached at Appendix A.

Amended Plans

The proposed dwellings on plots 37 and 38 were two storey gable end properties – see Appendix B .The amended plans alter these two dwellings with hipped roofs – see Appendix C.

Representations

The residents who objected to the loss of privacy as a consequence of the proposed houses on these two plots have been notified and retain their objection saying that the change is no improvement over the original proposal.

Observations

These changes are an improvement over the plans as previously reported to the Board as they reduce the massing of the two houses. However it is agreed that in general terms there would still be two storey houses here.

The previous reports covered the planning issues here recommending that whilst there would be some impacts on neighbouring residential property, that was not significant and thus not of a degree to warrant refusal. Members will now have to consider the amended plans. This issue is whether there is significant and demonstrable harm caused, which can be evidenced. It is suggested that there is not.

Recommendation

That planning permission be **GRANTED** subject to the conditions set out in Appendix A; the substitution of plan numbers to accommodate the amendments reported here and the completion of the Section 106 Agreement.

(8) Application No: PAP/2016/0738

Land rear of Ansley United Reform Church, Birmingham Road, Ansley,

Phase 2 development, erection of 15 dwellings, for

Mr A Cartwright - Cartwright Homes

Introduction

This application is reported to the Board for determination at the discretion of the Head of Development Control in view of the recent appeal decision in Ansley and its impact on the considerations affecting this proposal.

The Site

This is a half hectare of pasture land at the northern end of Ansley on the east side of the Birmingham Road behind numbers 53 to 35. There are hedgerows around the boundaries to the north and east where there is open agricultural land. The site is relatively flat.

The site is illustrated at Appendix A.

The Proposals

Planning permission was granted in late 2016 for the erection of 34 houses on land immediately to the south of this site. Access to this estate is from a new point between the Village Hall and the former URC building directly onto Birmingham Road. The current application is described as Phase 2 as it would be an extension of this estate onto the land to the north. Fifteen houses are proposed with all access through the newly permitted site by way of an extension of two proposed cul-de-sacs.

All detached houses are proposed with their appearance matching that of the 2016 permitted site. 200% car parking is proposed with all surface water draining to the approved arrangements and the balancing pond in phase one. The peripheral hedgerows would be retained.

Eight affordable homes were approved under phase one and a further three are proposed in phase 2 to make a total of eleven - 25 % of the combined site's houses.

The application is accompanied by several documents.

A Tree Schedule looks at all of the hedgerow trees around the site concluding that all are in a poor or indifferent state of health.

A Flood Risk Assessment concludes that finished floor levels should be 150mm above adjacent hard standings and that surface water is to be attenuated through the proposed arrangements for the recently consented estate immediately to the south.

An Ecological Study concludes that the site has no statutory or non-statutory designations affecting it or its setting. The site itself has low to moderate existing ecological interest being semi-improved grassland with some stable buildings. The hedgerows and a pond have some higher value. The buildings have low potential for bat roosting and the hedgerows similarly have low potential for foraging. No badgers have

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been found and the pond is of low value as a habitat for newts. Some survey work should be carried out.

An Archaeology desk based assessment shows low potential but that survey work should be undertaken at pre-commencement stage and appropriately targeted on the site.

A Design and Access Statement describes how the layout and house design has been arrived at.

A Planning Statement draws everything together in both national and local planning policy terms.

The proposed layout is at Appendix B.

Representations

Ansley Parish Council – The Parish Council objects because the site is outside of the current development boundary and with recent planning permissions the size of the village has grown with no infrastructure provided or planned. The proposal does not accord with Development Plan policy. Additionally access is not considered to be safe due to parked cars in Birmingham Road impeding the visibility at the new junction.

There is historic flooding too in the area of Birmingham Road.

Four objections have been received referring to the following matters:

- The proposals do not accord with Development Plan policy NW6 on affordable housing provision
- More cars and more houses in the village will exacerbate existing traffic and highway problems
- The village has poor services and facilities.
- The proposal does not accord with Development Plan policies NW2 and NW5 as too many houses are being proposed beyond those already approved outside of the development boundary.
- Specific details need to be made known – boundary treatments etc.

Consultations

Warwickshire County Council as Highway Authority – Originally submitted an objection based on the geometry of the internal layout but this has been overcome with the submission of amended plans.

Warwickshire County Council as Flood Authority – No objection subject to conditions.

Environmental Health Officer – No comments to make.

Warwickshire Museum- No comments to make.

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

Severn Trent Water Ltd – No objection.

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Warwickshire Police (Architectural Liaison) – No objections.

Development Plan

The Core Strategy 2014 – NW1 (Sustainable Development); NW2 (Settlement Hierarchy), NW5 (Split of Housing Numbers), NW6 (Affordable Housing Provision), NW10 (Development Considerations) and NW13 (Natural Environment)

Saved Policies of the North Warwickshire Local Plan 2006 – ENV12 (Urban Design) and ENV13 (Building Design)

Other Material Planning Considerations

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

The National Planning Practice Guidance 2014

The Draft North Warwickshire Local Plan 2016

The Appeal decision APP/R3705/W/16/3149572 dated 6/1/17

Observations

The site is not in the Green Belt but it is neither in the development boundary of Ansley as defined in the Development Plan. It does however adjoin that boundary along its western edge at the rear of the Birmingham Road frontage.

The Core Strategy sets out how the future housing requirements for the Borough is to be dealt with in a sustainable way. Policy NW1 sets out the general principle. In order to meet the strategic objectives of the Strategy, policy NW2 sets out that growth will be accommodated in line with a settlement hierarchy. In short, the larger the existing settlements have the widest range of local services and facilities and thus are more likely to be able to accommodate a greater proportion of the growth. This provides a sustainable approach to new development – endorsed by the NPPF.

Ansley is required to provide a minimum of 30 dwellings in the plan period through policy NW5.

In order to supplement NW5, the Council published its preferred options for draft site allocations throughout the Borough. In the case of Ansley two sites were identified. One of these is at Village Farm which lies on the opposite side of the Birmingham Road to the application site. The second site is that covered by the 2016 planning permission for 34 houses immediately to the south of the application site. Together these two sites were estimated to deliver around 57 houses. Planning permissions on part of the Village Farm site and the site to the south of the current site have now been granted for 43 houses.

The Council however has had to review its Core Strategy in the light of recent new evidence of housing growth particularly emerging from its surrounding urban neighbours. This is substantial. As a consequence, the Council has published a draft Local Plan which has recently completed a period of consultation. It increases the housing requirement from 3650 to 5280 by the year 2031. The draft Plan has also

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subsumed the draft Preferred Site Allocations referred to above and has responded to the new housing target by reviewing those preferred sites and now allocates additional land in order to deliver this additional growth. These are illustrated in the draft Local Plan. No change is made therein to the position in Ansley.

The draft Local Plan is however at the beginning of its progress towards adoption. It carries limited weight.

Because of this new evidence, speculative planning proposals are coming forward for land which is not allocated in either the Core Strategy or the draft Local Plan. The applicants' argument is that these sites are in sustainable locations and would not cause harm. As such they should be approved without delay (such as waiting for the draft Local Plan to be adopted) in order to "significantly boost" housing supply as required by the NPPF and to meet the new North Warwickshire evidence based growth agenda. This approach has recently been effective in Ansley with the grant of an outline planning permission at appeal for 79 houses off Tunnel Road to the south of the village in January 2017. This is now a material planning consideration of substantial weight. It will have a material impact on the determination of this current proposal for a further fifteen houses. The Inspector found no significant adverse harm, but that because the land was adjacent to existing built development and because he was not convinced that there was a five year housing supply that the weight should be in favour of granting the permission. This decision confirms that the Council's housing policies in the Core Strategy are out of date.

This decision is therefore of substantial weight in this current case. This is because the Council has been found not to have a five year land supply – the appeal decision outlines this conclusion. The Council's Development Plan housing policies are thus considered to be "out of date" because of the wording of the NPPF. If a housing development is now submitted and it is considered to be in a sustainable location and does not cause significant or demonstrable harm, then the NPPF presumption is that it should be approved. This therefore is the approach that should be taken with the current application for 15 houses.

The site is adjacent to both existing and permitted development. The consultation responses indicate that there is no heritage harm; no drainage harm, no environmental health harm and no landscape harm. There is neither any highway harm. Whilst there are highway concerns the County Council has not objected and the NPPF makes it very clear that highway refusals should only be considered when the impacts are "severe" and cannot be mitigated in an appropriate way. In all of these considerations it is concluded that there is not the substantive technical evidence available to show demonstrable or significant harm. Given the appeal conclusion that the housing policies of the Core Strategy are out of date, this lack of significant and demonstrable harm does not weigh in support of a refusal. A recommendation of approval is made below because of these changed circumstances.

Whilst the planning policy objections from the local community are understood, the situation has materially changed in respect of all housing applications throughout the Borough, following the recent Ansley appeal decision –i.e. the Core Strategy housing policies are considered to be out-of-date.

Recommendation

That subject to the completion of a Section 106 Agreement in respect of the provision of on-site affordable housing, planning permission be **GRANTED** subject to the following conditions:

1. Standard Three year condition
2. Standard Plan numbers – the Nightingale, Lapwing 2, Swallow, Redwing 2 and Woodlark house types received on 23/12/16 and the Waxwing 2 house type received on 23/1/17; the location plan 12/22/14A received on 23/1/17 and the layout plan 12/22/13C received on 7/4/17

Pre- commencement conditions

3. No development shall commence on site until a detailed surface water drainage scheme for the site based on sustainable drainage principles and an assessment of the hydrological and geo-hydrological context of the development has first been submitted to and approved in writing by the Local Planning Authority. Only the approved scheme shall then be implemented on site.

REASON

In order to reduce the risk of flooding.

4. No development shall commence on site until details of a scheme for the provision of adequate water supplies and before hydrants necessary for fire-fighting purposes at the site has first been submitted to and approved in writing by the Local Planning Authority. Only the approved scheme shall then be implemented on site.

REASON

In the interests of public safety

5. No development shall commence on site until a drainage scheme for the disposal; of foul water from the site has first been submitted to and approved in writing by the Local Planning Authority. Only the approved scheme shall then be implemented on site.

REASON

In the interests of reducing the risks of flooding and pollution.

6. No development shall commence on site until details of a landscaping scheme have first been submitted to and approved in writing by the Local Planning Authority. Only the approved scheme shall then be implemented on site.

REASON

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In the interests of the visual amenities of the area.

7. No development shall commence on site until details of all facing and roofing materials together with boundary treatments to be used have first been submitted to and approved in writing by the Local Planning Authority. Only the approved materials shall then be used on site.

REASON

In the interests of the visual amenities of the area.

8. No development shall commence on site until a Construction Method Statement has first been submitted to and approved in writing by the Local Planning Authority. The measures agreed shall be adhered to throughout the construction. It will provide for:
 - a) The parking of vehicles for site operatives and visitors
 - b) Loading and unloading of plant and materials,
 - c) Storage of plant and materials.
 - d) Wheel washing facilities
 - e) Dust emission measures
 - f) A waste recycling scheme
 - g) Working and delivery hours
 - h) Contact details of a site manager

REASON

In the interests of the residential amenities of the area and to reduce the risk of pollution.

Other Conditions

9. The internal finished floor levels shall be set at least 150mm above the adjacent external ground levels.

REASON

To reduce the risk of flooding.

Notes

1. The Local Planning Authority has met the requirements of the NPPF in this case through seeking resolution of technical issues via the receipt of amended plans.
2. Condition (3) above will require evidence whether or not infiltration type drainage is appropriate in accordance with BRE 365 guidance; demonstration of compliance with CIRIA Reports C753,C697,C687 and National Suds guidance; that discharge rates generated by all rainfall events will be limited to greenfield runoff rates, compliance with attenuation in accordance with Science Report SC030219, detailed designs and calculations of the scheme and outfall

arrangements together with confirmation of how the scheme will be managed in perpetuity.

3. Severn Trent Water advises that there may be sewers in the area and advice and guidance should be sought.
4. Attention is drawn to Sections 149, 151, 163 and 184 of the Highways Act 1980; the Traffic Management Act 2004, the New Roads and Street Works Act 1991 and all relevant Codes of Conduct.

BACKGROUND PAPERS

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

Planning Application No: PAP/2016/0738

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	23/12/16
2	Mr Spence	Objection	12/1/17
3	Mrs Spence	Objection	12/1/17
4	Environmental Health Officer	Consultation	10/1/17
5	Warwickshire Police	Consultation	10/1/17
6	Agent	E-mail	16/1/17
7	Warwickshire Fire Services	Consultation	17/1/17
8	Warwickshire Flooding	Consultation	19/1/17
9	R Harrison	Objection	19/1/17
10	Warwickshire Museum	Consultation	23/1/17
11	Ansley Parish Council	Objection	23/1/17
12	Environmental Health Officer	Consultation	25/1/17
13	Mr and Mrs Vardy	Objection	26/1/17

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.

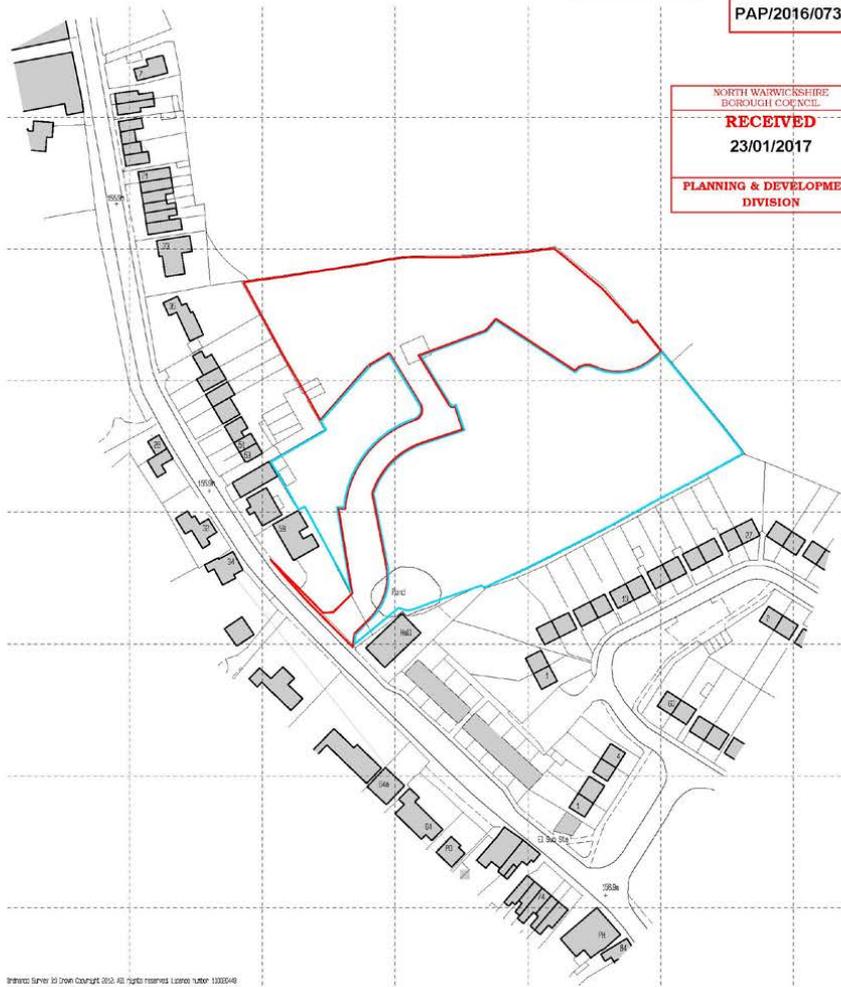
APPENDIX A

PAP/2016/0738

NORTH WARWICKSHIRE
BOROUGH COUNCIL

RECEIVED
23/01/2017

PLANNING & DEVELOPMENT
DIVISION



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REVISIONS
A - boundary behind No.33 added Jan 2017



Cartwright Homes Ltd		hayward	
proposed residential development		ARCHITECTS LTD	
1 : 1250	12/22	110 Station Road	
Dec 2016		Hinckley and	
location plan - Ph2	14A	Leicestershire	
JRH	A3	LE10 1AW	
		www.hayward-architects.co.uk	

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PLANNING AND DEVELOPMENT BOARD

15th MAY 2017

SUPPLEMENTARY REPORT

PAP/2016/0738

Land at the rear of Ansley United Reform Church, Birmingham Road, Ansley

Phase 2 development; erection of fifteen dwellings for

Mr A Cartwright – Cartwright Homes

Introduction

This item appears on the agenda of the Board's meeting for the 15th May (page 4/177).

It has come to our attention that an objection to the proposed development has not been recorded in the written report. As a consequence it is recorded in this supplementary report which will be circulated to Members in advance of the meeting and be referred to verbally at the meeting.

The Objection

The objection is submitted by Mrs White who lives at number 33 Birmingham Road as identified on the attached plan. This plan is reproduced in the printed report at Appendix A. It can be seen that there is a roughly triangular area of land at the rear of number 33. This is now part of the rear garden to number 33. Unfortunately this has not been followed through into Appendix B which illustrates the proposed layout. A revised plan is also attached to this report.

The objection relates to several matters:

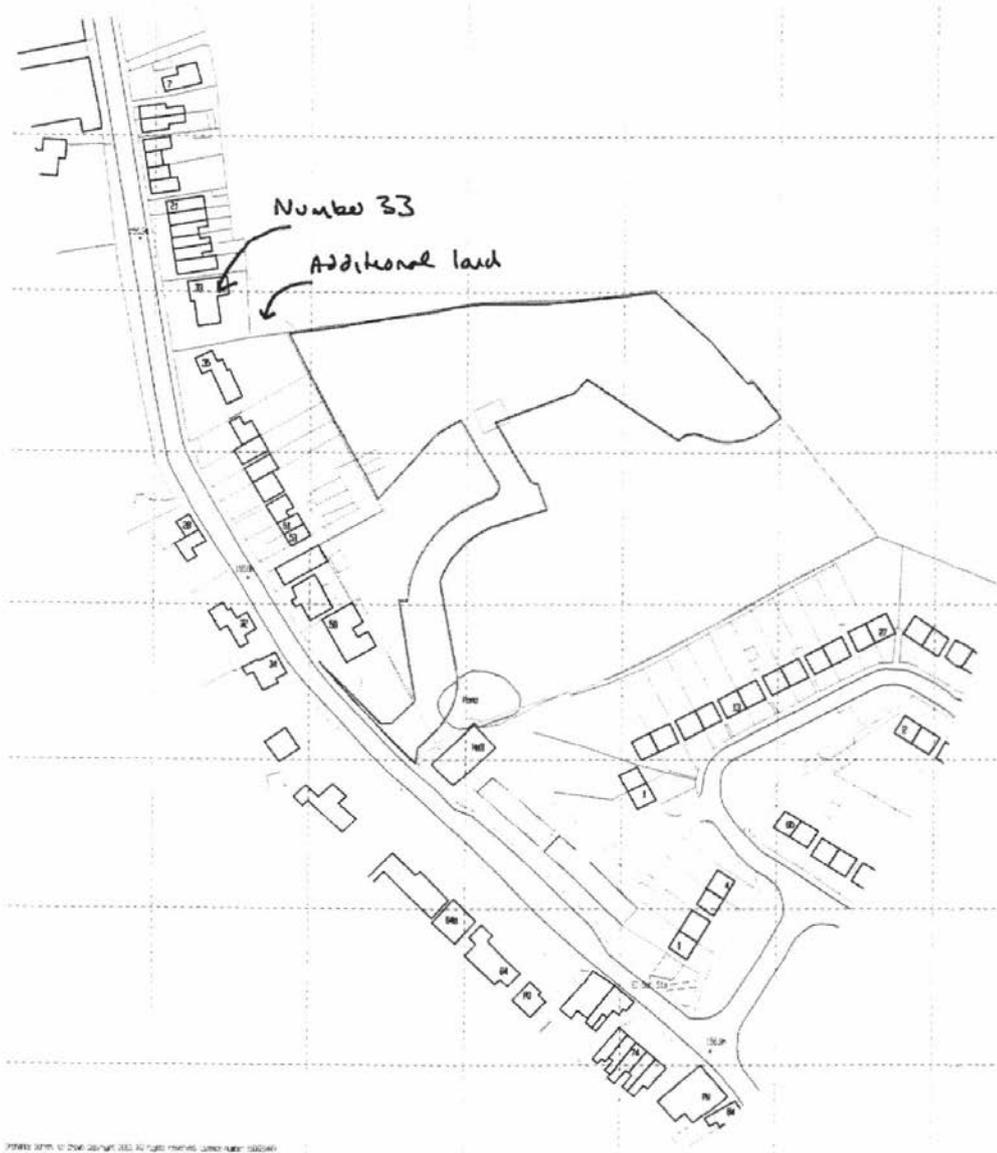
- The omission of the extended rear garden on the proposed drawings.
- The rear elevation of the house proposed on plot 37 will overlook number 33 Birmingham Road – the rear lounge, bathroom, two bedrooms and garden will thus be denied the present levels of privacy.
- There will be a loss of light and midday sun
- Wildlife will be affected
- The proposed vehicular access onto Birmingham Road is not safe
- This is over-development of the village.

Observations

The final three points of this objection are covered within the existing written report. Members will need to take a view on those relating to loss of residential amenity. In considering this matter, Members should note that the separation distances between number 33 and plot 37 vary between 35 and 40 metres; that the two properties are not back-to-back, that existing properties are already overlooked by neighbours and that plots approved at numbers 36 and 35 have similar separation distances.

It is agreed that there will be degree of overlooking here and that the present situation will change, but the issue is to whether that would give rise to "significant and demonstrable harm" as explained in the existing written report.

For the benefit of Members, officers would not change the recommendation as set out in the published report.



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REVISIONS
 A - boundary behind No.33 added Jan 2017

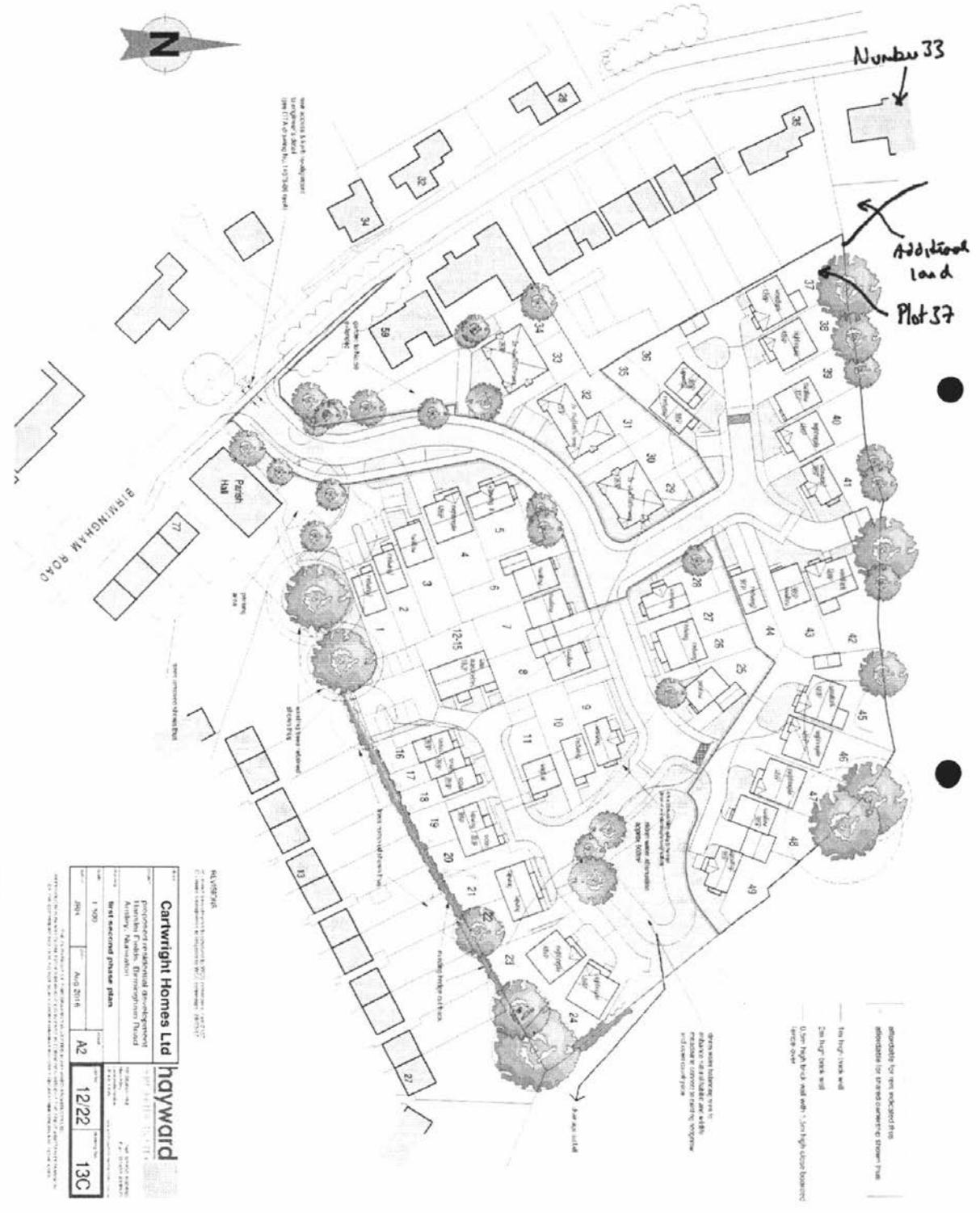
Client Cartwright Homes Ltd			
Project proposed residential development Birmingham Road Ansty Nuneaton	Drawn 1:1250	Scale 12/22	
Phase location plan - Ph2	Date Dec 2016	Drawn by JRH	Checked by A3
			Sheet No 14A

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 ARCHITECTS LTD

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 LE17 0 1AW

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APPENDIX A

PAP/2016/0738



Plots 37, 42, 45
Woodlark

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Leicestershire
LE10 1AW
Tel: 01455 638 865
Fax: 01455 618 871
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Cartwright
Homes Ltd

proposed development
Hansel Fields,
Birmingham Road,
Nuneaton

Planning drawing

1:100

Oct 2016 ZLM A3

12/22 01

PLANNING

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23/12/2016
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DIVISION

PAP/2016/0738



First Floor
1:100



Front Elevation
1:100



Rear Elevation
1:100



Ground Floor
1:100



Side Elevation
1:100



Side Elevation
1:100



Nightingale
Plot 4, 24, 38, 40, 46&47

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Fax: 01455 618 871
www.hayward-architects.co.uk

CLIENT
Cartwright Homes Ltd

PROJECT
proposed residential development
Hansel Fields, Birmingham Road,
Anstley, Nuneaton

DRAWING
Planning drawing

SCALE (A2)
1:100

DATE
22/10/15

JOB NUMBER
12/22 1

SHEET SIZE
A2

AUTHOR
ZLM

DRAWING NUMBER
1

REVISION
B

PLANNING

RECEIVED
23/12/2016
PLANNING & DEVELOPMENT
DIVISION

GIA = 119.9sqm /
1291.3sqft

PLANNING



First Floor
1: 100



Front Elevation
1: 100



Rear Elevation
1: 100



Ground Floor
1: 100



Side Elevation
1: 100



Side Elevation
1: 100

GIA = 119.9sqm /
1291.3sqft

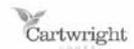


Nightingale
Plot 38

hayward
ARCHITECTS LTD

12 Station Road
Birmingham
B15 2JL
0121 708 0100
www.haywardarchitects.co.uk

Cartwright Homes			
proposed residential development Handel Fields, Birmingham Road Ansty, Nuneaton			
Drawing title		Drawing No.	
Planning drawing		A2	
Date	Scale	Author	Check
12/22	1:100	ZJM	01
PLANNING			



Plot 37
Woodlark

hayward
ARCHITECTS LTD

12 Station Road
Birmingham
B15 2JL
0121 708 0100
www.haywardarchitects.co.uk

Cartwright Homes Ltd			
proposed development Handel Fields, Birmingham Road Nuneaton			
Drawing title		Drawing No.	
1:100		A3	
Date	Scale	Author	Check
Oct 2016	1:100	ZJM	01
PLANNING			

(4) Application No: PAP/2017/0154

19, Edward Road, Water Orton, B46 1PG

Variation of condition no:- 3 of planning permission PAP/2012/0283 relating to pizza delivery only; in respect of retain mixed use A1 and hot food pizza delivery service on permanent basis, for

Mr Naveed Malik

Recommendation

The application is brought before the Planning and Development Board as the application property is owned by the Borough Council.

The Site

The building is an existing convenience shop, which was granted planning permission in 2012 to be used as a shop together with an additional pizza delivery service. It is sited within an existing housing estate which is to the east of the centre of Water Orton. The shop has car parking to the front and is surrounded by houses. To the side is an access to a garage block.

Background

The building was constructed at the same time as the surrounding estate. In 2011 (PAP/2011/0270), planning permission was granted for a one year temporary use of the building for mixed use as A1 retail together with a pizza delivery service. This expired on 30 September 2012. Permanent permission was then granted in 2012 as no complaints or concerns had been raised. Condition 3 of that consent says that the permission solely relates to the delivery of pizzas and not to a pizza take-away service.

The Proposal

This proposal is to retain the 2012 use but add telephone orders to condition 3 thus effectively becoming a take-away.

Development Plan

The Core Strategy 2014 - NW10 (Development Considerations)

Other Relevant Material Considerations

The National Planning Policy Framework 2012

Representations

No responses have been received from any neighbour

Consultations

Environmental Health Officer – No objection

Observations

It is important to note that the site already contains an existing convenience shop and that this is sited within a residential area. The nearest other shop or takeaway is either in Coleshill or in the parade of shops close to the centre of Water Orton. However, another Pizza Delivery business has been approved nearby and the applicant says that this has put pressure on the ongoing viability of his business.

The existing mixed use has run since it was approved in August 2011 and no complaints have been received in respect of opening hours, noise or smell.

The proposal will enable customers telephoning their order and then coming to the shop to collect their orders pizza in addition to the existing pizza delivery service.

The operating hours proposed for the pizza collection service align with the existing delivery service which is from 1000 until 2200 hours, which matches those of the shop. It is considered that consistent hours would help all parties here and be of overall environmental benefit. It is also considered that as the main use of the ground floor would still function as a shop to serve local residents

It is material that there is an existing lawful use for the premises as a convenience store with all of its attendant comings and goings and the longer than usual opening hours. There are a number of existing take away premises in Water Orton, but competition between different occupiers is not a planning matter. The cumulative impact of having a number of takeaways sited together might well justify a refusal if it can be shown that a further such use would exacerbate existing adverse impacts arising directly from such uses. This is not the case here, as the other takeaways in Water Orton and the nearby settlement of Coleshill are some distance from the application site.

The site does lie within an existing residential area, and it is understood that there were issues related to the previous tenants. However the Borough Council owns the property and as landlord could terminate the use or indeed the tenancy if considered appropriate, notwithstanding the planning situation.

The impact of noise, amenity and impact upon the neighbouring properties is an important consideration. Members are reminded that the lawful use of the building is as a shop and therefore the number of vehicles that turn up cannot be controlled or assumed at any part of the day. There is existing car parking to the front of the shop for customers with two spaces to the side for the staff and one space to the side of the building close to the entrance to the garages for the pizza delivery vehicle. This is considered adequate for the existing use and indeed for the continued mixed use.

Above the shop is a flat and the occupier's residential amenity has to be considered. Given the noise and odour control of the proposal and given that the ground floor is an existing shop, the proposal is considered to be acceptable in this case. More importantly the building is already a shop, which is open for a number of hours each day and which closes at 2200. It could attract numbers of car born customers regardless of whether the pizza collection service is introduced or not. Indeed a Tesco Express or similar could operate here without the need for any planning application and this could lead to significant car born custom. This is a significant "fall-back" position. The front of the shop has space for up to five vehicles and this is not proposed to be affected. The

premises becoming a takeaway service, is not considered to be a concern, given that firstly the existing use itself could attract significant car born traffic particularly if its nature changed; secondly the use of planning conditions can be imposed and thirdly, the property is owned by the Borough Council. The proposal is considered to be in accordance with the National Planning Policy Framework 2012. The application is thus recommended for approval, but subject to conditions. These in particular would relate to control over the use; the opening hours, and that the store building is only used for storage.

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

1. The development hereby approved shall not be carried out otherwise than in accordance with the planning statement, location plan, block plan and floor plan 766/01, received by the Local Planning Authority on 24 March 2017.

REASON

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

2. There shall be no pizza delivery service operated from these premises between 2200 hours and 1000 hours on any day.

REASON

To prevent disturbance to the occupiers of nearby properties.

Notes

1. In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner through positively determining the application. As such it is considered that the Council has implemented the requirement set out in paragraphs 186 and 187 of the National Planning Policy Framework.

BACKGROUND PAPERS

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

Planning Application No: PAP/2017/0154

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	24/3/17

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.

(5) Application No: PAP/2017/0267 and PAP/2017/0268

St Andrews, 37 Blythe Road, Coleshill, B46 1AF

Reinstate St Andrews to a single dwelling with residential annex, and construct 10 no: 2 bed dwellings, comprised of a building replacing the original coach house as two dwellings, and 8 dormer bungalows, for

Father Hudsons Society

Introduction

These are identical applications to those considered by the Board at its May meeting.

At that time the Board deferred determination of the applications as it considered that the significance of St Andrews as a single dwelling should be enhanced through amended design.

The Board authorised representatives to meet with the applicant.

Following that deferral, the applicant submitted appeals with the Secretary of State against the non-determination of those applications. A decision on these will thus now be taken by a Planning Inspector. However in view of the Board's request, the applicant has re-submitted the proposals exactly as reported to the May Board, so that discussion could continue. These are the applications now reported to the Board. The applicant has indicated a willingness to withdraw the appeals if agreement can be reached in respect of the Board's concerns.

For convenience the full Board report from the May meeting is attached at Appendix A.

A missing paper was circulated separately to that meeting and this is at Appendix B.

Discussions

Councillors Simpson and Sweet met with the applicant's agent on 6 June in order to express the Board's concerns about the viability of retaining St Andrews as a single house within the design of the layout as promoted. That meeting has resulted in an amended plan which has now been submitted. This is at Appendix C.

The changes are two-fold:

- There was concern about the outlook to the north from St Andrews overlooking the proposed car park and bungalows together with the proximity of the boundary here. The ground floor windows in St Andrews are to a kitchen, a laundry room and a dining room. However the principal windows to that dining room face towards the east not the north. In order to improve the outlook, the car parking area has been re-designed so as to have more space for landscaping here as well as less car parking space. The overall number of car park spaces remains the same; there is just a re-alignment of them.

- The shared access off Blythe Road serving both St Andrews and the new Coach House building remains, but there is now a physical separation within the site so as to clearly demarcate two distinct curtilages. That boundary would be an iron railing with a sliding gate.

Development Plan and Other Material Planning Considerations

The previous report, at Appendix A, sets out the relevant Development Plan policies. Members are advised that the Coleshill Neighbourhood Plan was adopted on 12 June and thus it now becomes part of the Development Plan. The relevant policies that the Board now has to consider as part of its consideration of these applications are HNP1 (Housing Allocations) and HNP2 (Integration of New Housing).

There have no changes to any other material planning considerations since the previous meeting.

Representations

The Coleshill Town Council has no objection thus reinforcing compliance with the Neighbourhood Plan.

A letter of support has been submitted.

Consultations

There is no change in respect of technical considerations with these re-submissions as the changes do not affect highway; drainage, ecological or archaeological interests. Earlier responses from the consultant agencies can thus be carried forward and they will carry full weight.

Observations

There has been no change in the planning policy background to these resubmissions since the May meeting. The proposals accord with the Coleshill Neighbourhood Plan policies referred to above. As such there remains no objection in principle to the proposals.

The central issue is thus to assess the impact of these amendments on the significance of the heritage assets – The Grade 2 Listed St Andrews House and the Coleshill Conservation Area. There is considered to be no additional impact or effect on the significance of the town's Conservation Area. There will however be an impact on the setting of St Andrews House. The additional landscaping and re-location of some of the car parking provision at the rear is a benefit to the setting as it enhances the privacy of the area at the rear of the House. The sub-division at the front does harm the openness of the setting of the House as it is at the front and will be visible from the public domain. However, that harm is less than substantial because the boundary would be an iron railing and thus would not be a visual barrier and secondly because it is easily reversible. As a consequence these amendments would not alter the overall assessment that was reached with the previous applications and reported to the Board. Overall there is harm to the heritage asset here but that is less than substantial. There is however a greater public benefit which outweighs that harm in that St Andrews would be brought back into use as a single dwelling – its' preferred and its original use – and

that outcome is enhanced through these latest changes. The applications, as amended, can thus be supported.

Recommendations

That planning permission and listed building consent be granted subject to the conditions and notes set out in Appendix A together with the substitution of plan numbers so as to refer to those attached at Appendix C.

BACKGROUND PAPERS

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

Planning Application No: PAP/2017/0267 and 2017/0268

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	23/5/17
2	Head of Development Control	Letter	17/5/17
3		Note of meeting	6/6/17
4	Mr Axe	Representation	7/6/17
5	Coleshill Town Council	Representation	7/6/17
6	Environmental Health Officer	Consultation	15/6/17

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.

(6) Application No: PAP/2016/0659 and PAP/2017/0660

Planning and Listed Building Applications for the re-instatement of St Andrews to a single dwelling with a residential annex and the construction of ten two bedroom dwellings comprising a building replacing the original coach house as two dwellings and eight dormer bungalows with associated parking and landscaping and a new access point off Chestnut Grove for

The Father Hudson's Society

Introduction

The receipt of this application was reported to the December Board meeting but determination was deferred to enable a site visit. That took place in February and the matter is now reported back to the Board.

The previous report is attached for convenience at Appendix A and the site visit note is at Appendix B.

Amended Plans

Although the scale and nature of the proposal here has not altered since the December Board, the applicant has amended the design of the new buildings – the Coach House and the rear bungalows. Additionally the number of parking spaces for the eight bungalows has increased to 16.

A copy of the overall layout is attached at Appendix C and the latest elevations are at Appendix D.

It can be seen that the bungalows reflect a more traditional appearance whereas the Coach House attempts to reflect the appearance of St Andrews itself, but this has led to the introduction of a rear flat roof feature.

Additionally the applicant has submitted a letter concluding that the proposed new building would not be likely to have a negative impact on the marketing of St Andrews as a large single dwelling – see Appendix E.

Representations

A letter of support has been received welcoming the plan to secure the future of the building and to provide new houses in Coleshill. It adds that there needs to be a pedestrian access from the bungalows to Blythe Road.

Six letters of objection have been received referring to the following matters:

- Increased traffic will arise on Blythe Road where there are already long peak hour tailbacks.
- Lack of capacity on the local facilities
- On-street car parking will spill over into Chestnut Grove.

- Details of boundary treatments need to be agreed.

Coleshill Civic Society – No objections

Coleshill Town Council – No response received

Consultations

Warwickshire County Council as Flood Authority – It originally objected requiring additional detail. This has been submitted and the objection has been withdrawn subject to conditions.

Warwickshire Police (Architectural Liaison) – No objection

Environmental Health Officer – No objection

Warwickshire Museum – No objection

Warwickshire County Council as Highway Authority – It originally objected to the proposal seeking more information which has since been provided. It had not responded to this at the time of preparation of the report. The recommendation below recognises this situation.

Heritage Consultant – Following the amended plans there is no objection from a heritage point of view to the overall development or to the design of the new bungalows. However there are issues with the design of the new Coach House because the rear roof design lacks integrity as a development within the setting of a listed building.

Observations

As indicated in the previous report there is no objection to these proposals in principle as the site is within the development boundary of Coleshill as defined by the Development Plan. The town is also one where new housing is supported. The proposal is thus located within a sustainable location. The issues to look at in this case are therefore the detailed considerations of the likely impacts – particularly the highway and heritage impacts.

a) Heritage Impacts

There are two matters to address – the impact on St Andrews as a Listed Building and its setting and secondly the impact on the town's Conservation Area.

In respect of the first then St Andrews is a Grade 2 Listed Building dating from around 1820 but built in the Regency style thus exhibiting both internal and external design characteristics of that period. There is a separate service/servants quarters extension and there used to be a detached coach house to the west. It was occupied as a single dwelling by different owners up to 1949 when the Father Hudson's Society acquired it for use as a boys home as an annex to the Society's main campus at the southern end of the town. This use ended in the 1980's when the building was converted to self-contained flats occupied by other of the Society's residents. The historical record shows that its principal elevation faced towards the east away from Blythe Road and that its related garden and curtilage ran west/east along this frontage. The former orchard at the rear and now vacant land was not part of the original curtilage as it was acquired at a later date and included within the Society's land holding. The significance

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of this heritage asset lies in the retention of a relatively unaltered mid -19th Century single dwelling house detailed in the Regency revivalist style.

In terms of the impact of the proposal on this significance then the Council's Consultant agrees with the applicant that it would be beneficial. Not only will the house be put back into its original use as a single dwelling but the changes will remove inappropriate partitions and alterations that would not affect the original built form, internal layout or the contemporaneous fittings and fixtures. External changes would re-instate original openings and window design. As such the scheme would be entirely beneficial in this respect rather than harmful. The re-instatement of the Coach House too would be appropriate historically and thus no harm in principle would be caused as the location would match that of the original siting.

The main issues are therefore around the impact of the proposals on the setting of the Listed Building. As indicated above there is no issue in principle with the reinstatement of the Coach House. In principle there is neither an objection to the introduction of new development in the former orchard at the rear. This is because this land was not part of the historic curtilage of St Andrews and it therefore had no direct association with the building apart from a recent ownership connection. There is thus no objection in principle to its development. In this case that development is neither considered to be harmful to the building. This is because of the low height of the proposed buildings; them being at a lower ground level, they have an alternative access not breaching the curtilage of St Andrews and the pronounced break of slope between the two parts of the site being retained. As a consequence the proposal is considered to have less than substantial harm on the setting of the listed building.

It is neither considered that the proposed appearance of the new buildings here would alter these conclusions. The bungalows to the rear have a different style to that of St Andrews and because of that and their simple design there would be no direct harm caused. The Coach House has been designed so as best to reflect the style of St Andrews without causing harm, but this has introduced a rear flat roof feature which doesn't sit well within the setting of the Listed Building. However this feature would not be visible and the weight of the dissatisfaction with this feature would thus be lessened.

In all of these respects therefore it is considered that the proposals in their entirety would have less than substantial harm to the setting of the Listed Building and that they would have benefits in respect of the building itself.

In terms of the Conservation Area then its significance can be described as reflecting the evolution of the town with the range retaining the variety of different architectural styles and the growth of the town along a pronounced ridgeline. The application site is not in the Conservation Area and neither does it adjoin it. It is considered that the proposals here have no impact on the significance of the Area as set out above.

The Council has a statutory duty to have special regard to the desirability of preserving Listed Buildings, their settings and any features of special architectural or historic interest. It also has to have special regard to the preservation or enhancement of the character and appearance of a Conservation Area. In this case in overall terms the proposals have less than substantial harm on the setting of St Andrews and no harm on the significance of the Conservation Area. This conclusion will have to be placed in the final planning balance. That will have to assess whether the less than substantial harm is outweighed by the public benefits of the overall scheme.

b) Highway Impacts

The Highway Authority originally objected but not in terms of highway capacity or the adequacy of the off-site junctions. It was concerned with the detailed geometry of the internal layout. This has now been resolved through the submission of amended plans. The County Council is fully aware of the highway concerns expressed by the objectors as it has had to deal with other applications that lead to increased traffic using Blythe Road. However it has not objected to the principle of the development and this carries substantial weight. Members will be aware that the NPPF advises a highway refusal reason only if the impacts are severe. That is not the case here.

c) Other Matters

There are no other matters that would cause adverse harm and the details submitted are acceptable subject to final clearance through conditions.

There has been some concern expressed about the long term future of St Andrews in that whilst this proposal represents the best outcome for the property, the market may well not respond to this project either initially or in the future. In this regard there may be proposals in the future to sub-divide the property again should no future purchasers be found for the large single dwelling. Members will, be aware that speculation is not a material planning consideration and that commercial and market considerations are not planning considerations. Future proposals will need to be considered on their merits dependant on the planning considerations at the time of determination. In order to assist however two planning conditions are recommended. One is to ensure that the refurbishment works to St Andrews are completed first such that the heritage asset is fully realised and thus available for occupation as a single dwelling. The second would restrict sub-division in order to show intent, but as indicated this may not prevent the submission of future applications to vary the condition.

d) Conclusions

There is no objection in principle to this proposal as a whole and it carries significant benefits. It is located in a sustainable location and has the benefit of increasing housing supply in that respect, thus assisting with the Council's five year housing supply. There is also a significant benefit in enabling the refurbishment of a Listed Building in a way that is preferred, as it re-establishes the original single dwelling with separate annexe accommodation without any internal or external adverse heritage impact. Members will have to assess whether there is any harm caused that is sufficient to outweigh these benefits in a final planning balance.

In this respect there is no harm other than the less than substantial harm caused to the setting of the Listed Building and the less than substantial harm caused by the design of the rear element of the new Coach House building. Individually or taken together it is not considered that this level of harm is sufficient to clearly outweigh the benefits arising here within the final planning balance.

Recommendations

a) PAP/2016/0659

That planning permission be **GRANTED** subject to there be no objection from the Highway Authority and to the following conditions together with other that might be required by that Authority:

1. Standard Three year condition
2. Standard Plan numbers –

Defining Conditions

3. There shall be no occupation of any of the eight bungalows hereby approved until such time as the whole of the proposed refurbishment works to St Andrews House hereby approved, have been fully completed to the written satisfaction of the Local Planning Authority.

REASON

In order to ensure that the works to the heritage asset are prioritised.

4. There shall be no internal sub-division of St Andrews House once the refurbishment works hereby approved have been fully completed and neither shall there be any sub-division of the whole of its curtilage.

REASON

In order to retain the heritage asset

Pre-commencement Conditions

5. No development shall commence on site until a full landscaping scheme for the whole site has first been submitted to and approved in writing by the Local Planning Authority. Only the approved scheme shall then be implemented on site.

REASON

In the interests of the visual amenities of the area

6. No development shall commence on site until full details of all facing, roofing and surface materials to be used throughout the site and details of all boundary treatments including the dividing retaining wall between St Andrews and the bungalows have first been submitted to and approved in writing by the Local Planning Authority. Only the approved materials shall then be used on site.

REASON

In the interests of the visual amenities of the area.

7. No development shall commence on site until full details of the surface water and foul water disposal from the site have first been submitted to and approved in writing by the Local Planning Authority. Only the approved measures shall then be implemented on site.

REASON

In order to reduce the risks of flooding and pollution.

8. No development shall commence on site until full details of the measures to be implemented on site to protect trees to be retained have first been submitted to and approved in writing by the Local Planning Authority. Only the approved measures shall be implemented on site and these shall remain on site until construction is completed

REASON

In the interests of the visual amenities of the area and to protect bio-diversity.

9. No development shall commence on site until a Construction Management Plan has first been submitted to and approved in writing by the Local Planning Authority. This Plan shall remain in force throughout the construction period. It shall include details of:

- a) The parking of vehicles for site operatives and visitors
- b) Loading and unloading of plant and materials
- c) Storage of plant and materials
- d) The erection of security hoarding/fencing
- e) Wheel washing facilities
- f) Dust emission measures
- g) A waste recycling scheme
- h) Working and delivery hours
- i) Contact details for the site manager

REASON

In the interests of the residential amenities of the area and to reduce the risk of pollution.

Notes

The Local Planning Authority has met the requirements of the National Planning Policy Framework in this case through pre-application discussion and no-going negotiation in order to address planning and heritage issues.

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b) PAP/2016/0660

That Listed Building Consent be **GRANTED** subject to the following conditions:

1. Standard three year condition.
2. Standard Plan numbers condition – plans per condition (i2) in PAP/2016/0659

Defining Conditions

3. There shall be no occupation of any of the eight bungalows hereby approved until such time as the whole of the proposed refurbishment works to St Andrews House hereby approved, have been fully completed to the written satisfaction of the Local Planning Authority.

REASON

In order to ensure that the works to the heritage asset are prioritised.

4. There shall be no internal sub-division of St Andrews House once the refurbishment works hereby approved have been fully completed and neither shall there be any sub-division of the whole of its curtilage.

REASON

In order to retain the heritage asset

Pre-Commencement Conditions

5. No development shall commence on site until a full landscaping scheme for the whole site has first been submitted to and approved in writing by the Local Planning Authority. Only the approved scheme shall then be implemented on site.

REASON

In the interests of the visual amenities of the area.

6. No development shall commence on site until full details of all facing, roofing and surface materials to be used throughout the site and details of all boundary treatments including the dividing retaining wall between St Andrews and the bungalows have first been submitted to and approved in writing by the Local Planning Authority. Only the approved materials shall then be used on site.

REASON

In the interests of the visual amenities of the area.

7. No development shall commence on site until full details including scaled elevations and cross sections of all windows and external doors throughout the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall then be implemented on site

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REASON

In the interests of the historic and heritage value of the site and its setting.

Other Conditions

8. All windows and doors throughout the development hereby approved shall be recessed back into their openings by a minimum of 75mm

REASON

In the interests of the historic and heritage value of the site and its setting.

- 9 All new doors and windows throughout the development hereby approved shall be constructed in wood and maintained as such thereafter.

REASON

In the interests of the historic and heritage value of the site and its setting.

Notes

The Local planning Authority has met the requirements of the National Planning Policy Framework in this case through pre-application discussion and on-going negotiation to resolve the heritage issues arising from the proposal.

BACKGROUND PAPERS

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

Planning Application No: PAP/2016/0659

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	23/11/16
2	Mr and Mrs Axe	Support	24/11/16
3	WCC Flooding	Consultation	29/11/16
4	Mr and Mrs Gascoigne	Objection	29/11/16
5	Mr Briody	Representation	30/11/16
6	Warwickshire Police	Consultation	2/12/16
7	Mr and Mrs Gainsley	Objection	4/12/16
8	Environmental Health Officer	Consultation	6/12/16
9	Warwickshire Museum	Consultation 9/12/16	9/12/16
10	T Bond	Representation	11/12/16
11	D Griffiths	Objection	13/12/16
12	S Peachey	Objection	13/12/16
13	Coleshill Civic Society	Support	23/12/16
14	Heritage Consultant	Consultation	Dec 2016
15	WCC Highways	Objection	18/1/17
16	Site Visit	Note	4/2/17
17	Agent	Letter	16/2/17
18	WCC Highways	Consultation	6/4/17
19	Heritage Consultant	E-mail	5/4/17
20	Agent	E-mail	28/4/17

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.

(9) Application No: PAP/2016/0659 and PAP/2016/0660

St Andrews Home, 37 Blythe Road, Coleshill, B46 1AF

Planning and Listed Building Applications for the re-instatement of St Andrews to a single dwelling with a residential annex and the construction of ten two bedroom dwellings comprising a building replacing the original coach house as two dwellings and eight dormer bungalows with associated parking and landscaping and a new access point off Chestnut Grove for

The Father Hudson's Society

Introduction

This application is reported to the Board for determination at the discretion of the Head of Development Control. This however is an introductory report which will describe the site; outline the proposals and identify the relevant Development Plan background.

The recommendation is that the Board visits the site prior to determination.

The Site

This comprises just under a half hectare of land on the north side of Blythe Road to the east of the town centre. It is essentially made up of two sections. The front half lies behind a heavily landscaped road frontage which is marked by a brick wall. Several of these trees are protected by Order. The House sits behind, with an area of car parking space and it has its own access onto the road. The rear half is divided from the front by an obvious bank which runs the whole width of the site. This lower half is best described as a paddock and runs down to the northern boundary. There is a gated access in the far north-eastern corner linking to the cul-de-sac head of Chestnut Grove.

The site is surrounded by other traditional two storey residential property. That on the western boundary however is a three storey terrace with a blank gable facing the site.

The site is not in nor does it adjoin the Coleshill Conservation Area but the boundary is close by. The site is on higher ground with extensive open views to the north

The site's location is illustrated in Appendix A.

St Andrews House is a Grade 2 Listed Building dating from around 1820, built in the Regency style thus exhibiting both internal and external design characteristics of that period. There is a service/servants quarters extension and there used to be a detached coach house to the west. It was occupied as a single dwelling by different owners up until 1949 when the Fathers Hudson's Society acquired it for use as a boys home as an annex to the Society's main campus at the southern end of the town. This use ended in the 1980's when the building was converted to self-contained flats occupied by other of the Society's residents. It has however been vacant since 2013.

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The Proposals

It is proposed to return the main house to a single dwelling with six bedrooms and to convert the servant's quarters to a residential annex associated with the main house. Very little in the way of change is involved internally apart from the removal of the partitioning that was installed when the Society converted it to apartments. External alterations are minor comprising new windows. All access would be from the existing Blythe Road access and six car parking spaces are proposed.

Appendix B illustrates the internal layout as proposed and Appendices C and D illustrate the external changes.

The remainder of the proposals involve the erection of ten additional two storey dormer bungalows. Two of these would be semi-detached and would be located roughly in the location of the former coach house to the west of the main building and would be 7 metres to their ridge. Materials would be a mixture of render; facing brickwork and cement fibre slate roofing tiles. The front elevation replicates coach doors. Four car parking spaces are to be provided. The remaining eight bungalows would be in two blocks - one of five and the other of three - comprising linked dormer units set around a communal area on the lower ground to the north with its own parking area providing 12 spaces. They would be 7 metres to their ridge and use the same materials as before. Vehicular access to these eight bungalows would be from the gate onto Chestnut Grove. The existing break in slope would remain across the site marked by an iron field railing set onto a brick retaining wall.

No affordable housing is being proposed either on-site or by way of an off-site contribution as the applicant considers that as there are ten new units being proposed, the development comprises a small development thus exempt from such provision following recent case-law.

The overall site layout is illustrated at Appendix E and illustrations of the new dwellings are at F and G.

Supporting documentation includes the following reports.

An Ecology Study concludes that the site as a whole has poor bio-diversity but that the tree frontage and perimeter hedgerows provide some ecological value. Further surveys are needed to establish the presence of bats in the trees.

A Day Time Bat survey suggests that the construction of the present House would preclude the presence of bats and that there were no signs of bat roosts in the trees.

A Transport Assessment concludes that the development would not cause adverse highway impacts that would amount to "severe", so as in the terms of the NPPF to warrant refusal.

A Preliminary Drainage Assessment recommends that sustainable drainage arrangements on site would ensue that surface water was contained and that discharge would not be greater than green field run-off.

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A Tree Survey describes the trees and hedgerows around the perimeter of the site. The most significant are those along the Blythe Road frontage comprising a mature Cedar, acacia, maple, holly and sycamore. The Survey shows that all of these are worthy of retention as are others along this frontage. Some management is needed and those trees to be removed are those of poor quality and in poor condition. The works in and around the house would not affect the trees to be retained provided appropriate root protection measures are introduced. The remainder of the site would be enhanced through new planting.

A Design and Access Statement explains the setting of the site and how the design, layout and appearance of the new buildings have been arrived at.

A Heritage Impact Assessment has been submitted and this describes the history of the site and provides a detailed architectural description of each of the rooms. The report confirms that there were service quarters in the south west corner of the site. The House stood in grounds that extended parallel to the road extending further to the east with its access further to the east – hence explaining why the main front elevation of the house now faces away from the road. The land to the north of the application site was an orchard but was physically distinct and separate from the House and its gardens. Much of the orchard has now been developed but the remainder of the site is now the paddock land as seen today. However the Report makes it clear that historically there was no connection between the House and the land – it only becoming linked probably when the Society acquired the site and the remaining orchard land. The Assessment concludes that the works to the House itself are not harmful and actually enhance the heritage significance by bringing the property back into use as a single dwelling – the preferred use. In respect of the new range to the south west then this would not significantly affect the setting of the house and also enable a re-instatement of the historic built form. The bungalow development to the north however will impact on the setting of the Listed Building. But the assessment points out that the setting has already been “severely compromised” with original gardens to the House lost and redeveloped such that the linear form running parallel to the road has been lost; the former orchard and gardens being historically distinct and physically separated and because the north elevation of the House is in fact not the principal elevation. The impact of the development on the present setting is thus limited. In terms of the impact on the Conservation Area then again harm is considered to be limited.

A Planning Statement brings all of these matters together arguing that there should be no objection in principle because of the sites location inside the town's development boundary and it being sustainable development. With no harm arising from highway, ecological or drainage impacts the main consideration revolves around heritage impacts. The Statement draws on the Heritage Assessment to conclude that any impacts would be outweighed by the greater public benefit in bringing the house back into its preferred and original use as a single dwelling.

The applicant also draws attention to a public exhibition which was held in September.

Development Plan

The Core Strategy 2014 – NW1 (Sustainable Development); NW2 (Settlement Hierarchy), NW5 (Split of Housing Numbers), NW6 (Affordable Housing Provision), NW10 (Development Considerations), NW12 (Quality of Development) and NW14 (Historic Environment)

5/230

4/127

6/77

Saved Policies of the North Warwickshire Local Plan 2006 – ENV4 (Trees and Hedgerows); ENV12 (urban Design), ENV13 (Building Design), ENV14 (Access Design), ENV15 (Conservation), ENV16 (Listed Buildings) and TPT6 (Vehicle Parking)

Other Material Planning Considerations

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

The National Planning Practice Guidance 2014

The Coleshill Conservation Area Designation Report 1969

Observations

The site is wholly inside the development boundary for Coleshill as defined by the Core Strategy and thus there is no objection in principle here. The town is allocated for a minimum of 275 new dwellings in the plan period and the emerging Local Plan does not alter the significance of the town as a location for new housing. The development is thus sustainable development and the presumption is therefore one of support unless material planning considerations indicate otherwise.

Members will be aware that such considerations revolve around looking at the impact of the proposals on a range of matters. The next report will explore these – highway, drainage, arboricultural and ecological impacts. The effect on the residential amenity of the adjoining householders will also need to be examined. However as Members are aware from this report it is likely that the two most significant issues that they should look at are the impact on the heritage assets (the Listed Building and the Conservation Area) as well the quality of the design and appearance of the proposed new dwellings.

In this regard the recommendation below is that the Board visits the site in order to better understand its setting prior to making a determination.

Recommendation

That the Board visits the site

BACKGROUND PAPERS

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

Planning Application No: PAP/2016/0659

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	21/11/16

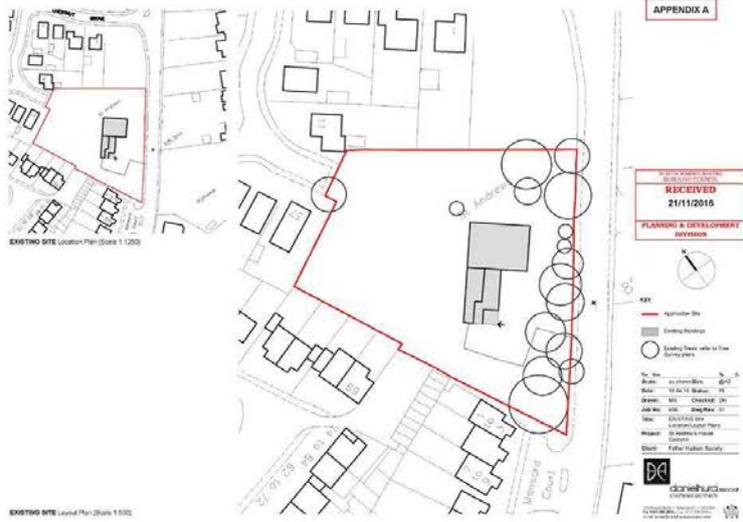
Note: This list of background papers excludes published documents which may be referred to in the report, such as The Development Plan and Planning Policy Guidance Notes.

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.

5/232

4/129

6/79

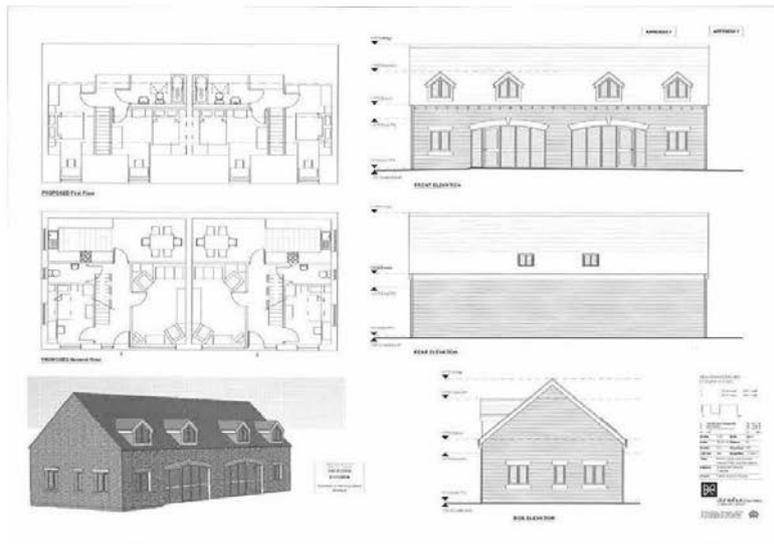




5/234

4/131

6/81



5/235

4/132

6/82

PAP/2016/0659

St Andrews House, Coleshill

Member Site Visit – Saturday 4th February 2017 at 1045

Present: Councillors Bell, L and N Dirveiks, Hayfield, Henney, Humphries, Jenns, Jones, Reilly, and Simpson with J Jowitt (Agent for the applicant) and J Brown

1. Members were shown the proposed plans and layout. The main house and its "wing" were noted as well as the buildings to be demolished.
2. Members were shown a historic plan outlining the position of the house and its original curtilage. The position of the former coach house was seen on the plan.
3. Whilst at the front of the house Members noted the access; the tree lined frontage, the location of the proposed two semi detached houses and the side gable of the properties to the west.
4. They then proceeded to walk around St Andrews House. They saw the main front elevation noting its aspect. The position of new windows was outlined in the northern elevation.
5. Whilst here Members saw the open land to the north noting the position of surrounding houses and their rear gardens. The position of the new access off Chestnut Grove was noted. The position of the new boundary feature dividing the house from the new build area was noted. In particular Members noted the slope towards the north and the nature of the proposed layout.
6. Members then went inside the house and were able to look at the main ground floor circulation space as well as the original kitchen. The room layout was explained as well as the position of the cellar and the staircases.
7. Members left the site at around 1110.



APPENDIX B



MILLER BRIGGS & CO

Chartered Valuation Surveyors • Auctioneers • Estate Agents

Charles Bradley Miller FRICS
Consultant: Alexander Smith FRICS

Date 15th February 2017

Our Ref: CBM/LMB/7111

Your Ref:

Mr. N. Stubbs
Father Hudsons Care
St Georges House
Gerards Way
Coleshill, B46 3FG

Dear Noel,

Re: St Andrews, Blythe Road, Coleshill, B46 1AF

Further to our recent telephone conversation and your email of last week I note that following a meeting between your architect and NWBC Planning Committee one issue that was raised was whether the number and proximity of units would have a detrimental effect on the marketing of St Andrews as a single dwelling house.

I would advise that the property has been marketed since 2013 by Miller Briggs & Co, as joint agents with Reeves & Partners, during which time there was very little interest received for the property as a single dwelling, only for the development opportunity offered by the whole of the site. This was partly due to the condition of repair of the property, its Listing status and the established use as a residential care home. Hence the marketing of the property was not successful in finding a buyer.

Having examined various options for the development of the site and the refurbishment of the house, the use as a single property has proved to be most cost effective and we do not consider that the proximity of the new build would have a significant adverse affect on the marketing of the property.

The two dormer windows are located to the rear of St Andrews whilst the bungalows will be located on land which slopes gently down to the Chestnut Grove cul-de-sac and will not therefore be over intrusive as viewed from St. Andrews.

I look forward to hearing that the planning process has been satisfactorily concluded and if I can be of any further assistance then please do not hesitate to contact me.

Kind regards.

Yours sincerely,

CHARLES MILLER FRICS

Clinton House, High Street, Coleshill, B46 3BP

Tel: 01675 462355 Fax: 01675 466197 DX 15053 Coleshill

Email: Charles@miller-briggs.com www.miller-briggs.com



(6) Application No: PAP/2017/0278

Land at, Nuneaton Road, Mancetter, CV9 1NL

Outline application for erection of up to 115 dwellings with public open space, landscaping and sustainable drainage system (Suds) and vehicular access point from Nuneaton Road. All matters reserved except for means of access, for

Gladman Developments Ltd

Introduction

The receipt of this application is reported to the Board in view of its significance to the settlement of Mancetter, such that Members can understand the proposal and the issues involved prior to its determination at a later meeting. Consultations and notifications are underway and responses will be reported to the Board in due course when the application is reported for determination. These consultations include local residents as well as the usual range of Agencies and infrastructure providers.

A recommendation is also made for Members to undertake an accompanied site visit as the majority of the site is not accessible to the public.

The Site

The application site comprises two arable fields measuring approximately 8.6 hectares in size and lies on the south east edge of the settlement of Mancetter. The site is bounded to the north by a local road known as Quarry Lane; to the east by Nuneaton Road, to the south by a hedgerow and an agricultural field and to the west by an embankment associated with the West Coast Main Line railway. At the centre of the site is a small stream lined by a hedgerow and block of woodland.

The larger outline site is illustrated at Appendix A.

The Proposal

This outline application is for the erection of up to 115 dwellings with all matters reserved except for means of access. The proposal is accompanied by an Initial Development Framework which shows the following:

Potential developable area = 3.33 hectares

Public Open Space = 1.06 hectares

Informal Open Space = 3.3 hectares

Landscape Mitigation = 0.75 hectares

Drainage Basin = 0.19 hectares

The application is supported by a large amount of accompanying Information which comprises of:

- 1) Design and Access Statement
- 2) Landscape and Visual Impact Assessment
- 3) Transport Assessment
- 4) Travel Plan

- 5) Ecological Appraisal
- 6) Arboricultural Assessment
- 7) Preliminary Risk Assessment (Phase 1 Site Investigation)
- 8) Flood Risk Assessment Report
- 9) Foul Drainage Analysis Report
- 10) Air Quality and Odour Screening Report
- 11) Noise and Vibration Assessment Report
- 12) Archaeological Desk Based Assessment
- 13) Geophysical Survey Report
- 14) Statement of Community Involvement
- 15) Planning Statement
- 16) Socio-Economic Statement

There is potential to create new pedestrian footways and access points off Nuneaton Road and Quarry Lane via new and existing field gateways.

The following Draft Heads of Terms for a Section 106 Agreement are submitted:

40% affordable housing provision which equates to up to 46 affordable dwellings on site with a mixture of affordable rented units and shared ownership units.

Other possible financial contributions that may be required by statutory consultees towards:

- Education
- Health Services
- Public Open Space
- Biodiversity Offsetting
- Public Transport and Highway Works

Development Plan

North Warwickshire's Core Strategy Adopted 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), 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

National Planning Policy Framework 2012

National Planning Practice Guidance 2016

The Council's Draft Local Plan 2016

Observations

The site lies outside of the Development Boundary for Mancetter. Policy NW2 in North Warwickshire's Core Strategy states that residential development for Market Towns such as Atherstone with Mancetter, will be considered where sites adjoin the development boundary. Policy NW18 (Atherstone) in the Core Strategy goes on to state that further growth of the Atherstone and Mancetter area, outside of the current boundaries, will be focused in the broad direction north of Holly Lane Industrial Estate and South of the Anker Valley floodplain. This site has not been identified as a preferred housing allocation for Atherstone/Mancetter in the Council's 2016 Draft Local Plan.

The proposed development of this green field site highlights the following key issues which will need to be addressed:

- 1) Sustainability** - That the sustainability of the site is assessed to ensure that residential development is appropriate for this site and that such a development scheme will be easily assimilated into the neighbouring settlement of Mancetter. Nuneaton Road does have a regular bus service with two bus stops within 150 metres of the site. These stops are served by the No.48 service between Leicester and Coventry and the No. 767 local service between Tamworth and Nuneaton. However, at present, the public footpath along Nuneaton Road does not extend up to this site.

The site adjoins Mancetter's settlement boundary. Policy NW2 (Settlement Hierarchy) in the Core Strategy identifies Mancetter with Atherstone as being a Category 1 Market Town settlement. The site is located within approximately 1.5km from a wide range of community facilities including a nursery/pre-school, a primary school, a secondary school, a special needs school, an adult day care facility, a church, a village hall, a scout group headquarters, a public house, a convenience store, a post office, a park with play and sport pitches and a garden centre.

- 2) Infrastructure** - That the existing infrastructure is able to accommodate this level of development in this location. In particular, there is an issue that the proposed development scheme may impact on the highway safety of road and pedestrian users along Nuneaton Road and with the junction onto the A5 Trunk Road. The proposal involves the creation of a new vehicular access onto Nuneaton Road. As previously mentioned, there is not a public footpath along the frontage of this site. Policy NW10 and Saved Policies ENV14 and TPT3 stress the importance of ensuring that the vehicular access to the site is safe and the need to demonstrate that priority is given to pedestrians, cyclists and those using public transport.
- 3) Impact on the Setting of the Scheduled Ancient Monument and the Roman Fort** – There are no designated heritage assets within the application site boundary. There are two Scheduled Monuments in close proximity to the application site being the Roman Camp which is scheduled in three locations being 20 metres north-west, 100 metres north and 200 metres north of the proposed site and the Manduessedum Roman Villa and settlement with associated industrial complex located 160 metres north-east of the application site. Policy NW14 (Historic Environment) in the Core Strategy states that such assets will be protected and enhanced, commensurate to the significance of the asset. Development on this site has the potential to affect the Scheduled

Monument either directly or indirectly. The site also has the potential to contain below-ground heritage assets within and around the site. In addition to this, Mancetter's Conservation Area lies approximately 30 metres to the north-west. An Archaeological Desk-Based Assessment has been submitted with this application for consideration.

- 4) Loss of Ecology** - The proposal involves the loss of a green field site and the loss of vegetation. The proposed development will require the removal of a lot of the site's hedgerows including the felling of trees. None of the trees are protected by a Tree Preservation Order. Policy NW15 (Nature Conservation) states that development should help ensure that there is a net gain of biodiversity and geological interest by avoiding adverse impacts first then providing appropriate mitigation measures and finally seeking positive enhancements wherever possible. An Ecology Appraisal and an Arboricultural Report have been submitted with the application.
- 5) Surface Water Drainage Issues** – The site includes a brook. The site is located within Flood Zone 1. However, an element of surface water flooding is shown on the maps held by Warwickshire County Council. A Flood Risk Assessment has been submitted with the application. The proposal is to construct a surface water attenuation pond on the site.
- 6) Visual Impact on the Surroundings** – A topographic survey of the site has been undertaken. The site falls from approximately 85m AOD at the southern corner, to approximately 73.5m AOD at the lowest extent of the eastern boundary. The final site levels and ground floor levels of dwellings have not yet been determined. The proposed access would join Nuneaton Road at around 75m AOD. A Design and Access Statement and a Landscape and Visual Impact Assessment accompany the application.
- 7) Ground Contamination** – The site is generally classed as a low risk from potential contamination to human health, vegetation and ground water. Areas of moderate risk have been identified on the site for example, adjacent to the rail embankment. An area of high risk has been identified where a shed with an asbestos roof stood. A Phase 1 Site Appraisal has been submitted investigating the former uses of the land. This report recommends that a targeted Phase 2 site investigation and risk assessment is undertaken focussed on the areas of moderate and high risk.
- 8) Residential Amenity** - The proposed development scheme has the potential to impact on the residential amenity of neighbouring properties by virtue of overlooking, loss of privacy and disturbance due to traffic. The proposal adjoins the West Coast Main Line. The proposal also adjoins the site where planning permission has been granted at appeal for the erection of a 40,001 bird broiler unit. Policy NW10 seeks to ensure that development proposals avoid and address unacceptable impacts upon neighbouring amenities for adjoining residential properties and for the occupiers of the proposed dwellings through overlooking, overshadowing, noise, light, fumes or other pollution. An Air Quality and Odour Screening Report and a Noise and Vibration Assessment Report have been submitted for consideration.

9) Affordable Housing - The proposed development scheme does include a commitment to provide affordable housing provision of 40% of the dwelling houses as required under Policy NW6 (Affordable Housing Provision). The provision will include rented housing as well as shared ownership. The mix of housing types and tenures will need to be agreed with the Housing Officer. A Statement of Community Involvement and a Socio-Economic Statement has been submitted with the application.

Recommendation

That the application be noted and that Members agree to undertake a site visit.

BACKGROUND PAPERS

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

Planning Application No: PAP/2017/0278

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	26/5/17

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.

APPENDIX A – SITE LOCATION PLAN



APPENDIX B – PROPOSED DEVELOPMENT LAYOUT





(7) Application No: PAP/2017/0314

The Council House, South Street, Atherstone, CV9 1DE

Works to trees in Conservation Area, for

Mr Andrew Watkins

Introduction

These trees are within the ownership of the Borough Council and therefore in line with the Council's Scheme of Delegation, the application is referred to the Board for determination.

The Site

The trees concerned are located in and adjacent to the garden adjoining the Council House at its northern end.

There are three trees involved – two Robinias and a lime tree.

The plan at Appendix A identifies their location.

The Proposals

It is proposed to remove deadwood from both of the Robinias and to fell the lime tree. The Council's tree officer has provided an arboricultural assessment to evidence the works proposed – particularly the felling of the lime. This is at Appendix B. This is a direct consequence of the leakage of salt from the ongoing storage of salt bags under the tree. The report also highlights the Council's responsibility in view of the public accessibility of the garden and the nearby private car park.

Background

The three trees are protected by way of their location within a Conservation Area. There is no legal requirement for the Council to submit an application for works to its own trees in these circumstances. The application has thus been made voluntarily in the public interest. As a consequence there are limitations as to the remit of the Council here acting as Local Planning Authority. It either makes a Tree Protection Order in respect of any of the trees, or it does not. It cannot require the planting of a replacement tree.

The consultation period for this application expires on 4 July which is after this report was prepared. Any representations received will thus be reported verbally at the meeting.

Observations

The two Robinias are part of the publically accessible garden here and thus have a public amenity value. They are protected by virtue of the location within the Conservation Area and because of them being in public ownership. The assessment here shows clear public responsibility and a proportionate approach. It is agreed that

the works should proceed and that Orders are not required because of the circumstances as set out here.

There is little that can be added to the assessment in respect of the lime tree. It is fatally damaged and has to be removed. There is no case here for an Order.

Members however, whilst understanding the limitations of the legislation here, may understandably wish to see a suitable replacement tree. This would have to be the subject of discussion with the Tree Officer to understand how much damage may have been done to the ground conditions here and the proximity of other built structures. It may be that a replacement has to be planted elsewhere in the garden.

Recommendation

- a) That the works as set out in the application can proceed.
- b) That discussions continue with the Tree Officer about a potential replacement tree.

BACKGROUND PAPERS

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

Planning Application No: PAP/2017/0314

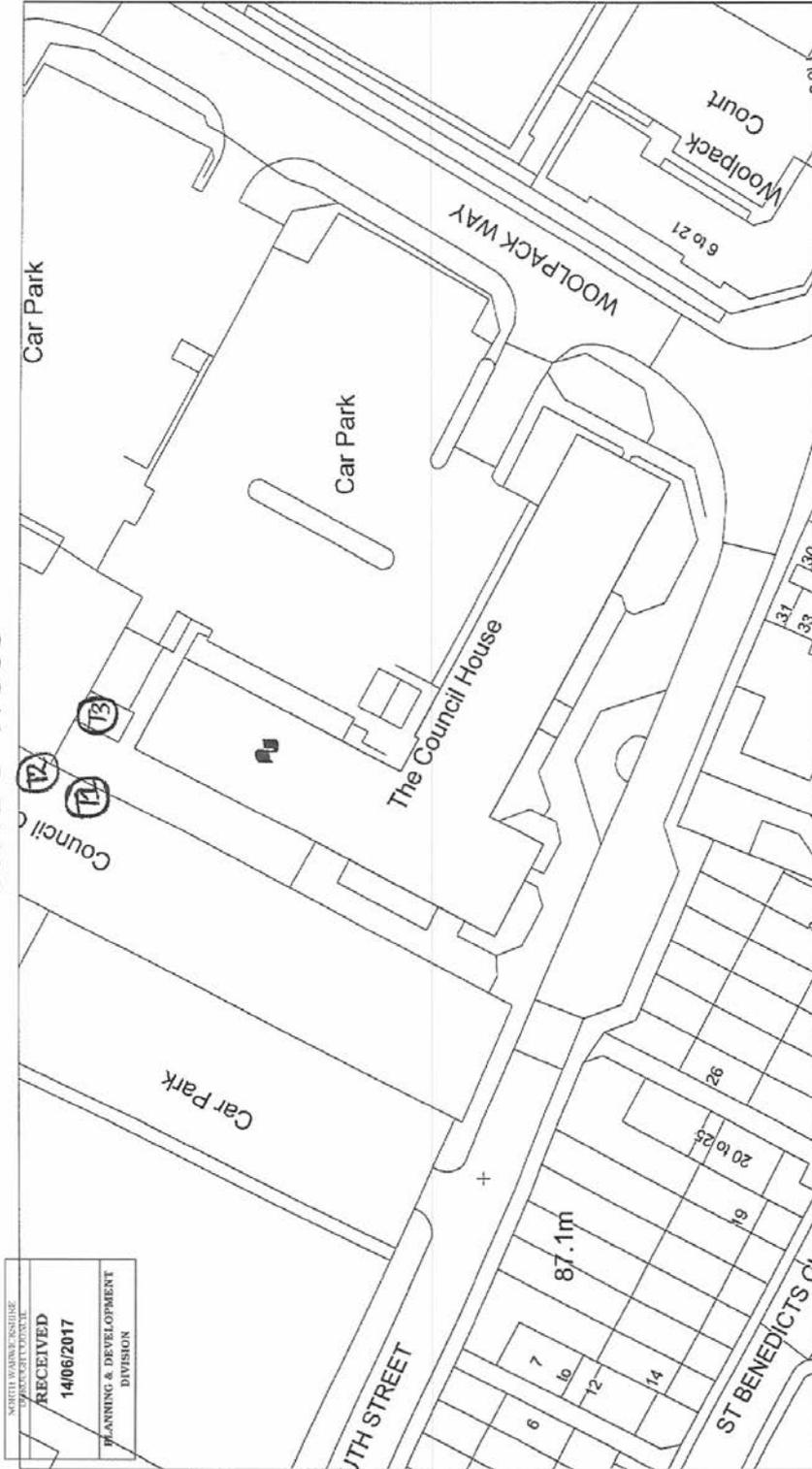
Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	14/6/17

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.

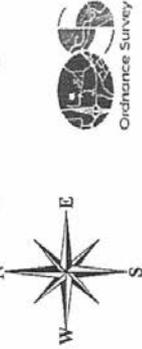
PAP/2017/0314

NWBC Trees



NORTH WARWICKSHIRE
UNIVERSITY
RECEIVED
14/06/2017
PLANNING & DEVELOPMENT
DIVISION

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T1 - ROBINIA
T2 - ROBINIA
T3 - LIME
North Warwickshire
Borough Council

Date: 06/06/17
Scale: 1:625



ARBORICULTURAL APPRAISAL /INSPECTION/TREE REPORT

- **NWBC Ref No :** NWBC Trees 6.6.17
- **Site Address:** The Council House, NWBC, South Street, Atherstone, CV9 1DE
- **Prepared by :** Andrew Watkins
- **Prepared for :** Planning Application
- **Date of Inspection :** 05/06/2017
- **Date of Report :** 13/06/2017

Works applied for:

- Works to trees within a Conservation Area.
- T1 & T2 Robinia. Deadwood.
- T3 Lime. Fell.

Observations:

- The trees within this report are located upon the grounds of North Warwickshire Borough Council (NWBC). This building and associated area is within the Atherstone Conservation Area. This application follows the scheduled inspection of the trees by the Green Space Officer (Trees) and author of this report.
- **T1/T2. Robinia.** These specimens both seen to be mature in age class, the canopies of the trees have a medium to high amount of deadwood at the time of the survey. A high proportion of the deadwood is over 50 millimetres in diameter and being of an average length of over 300 millimetres. The trees are in close proximity to a designated footpath (NWBC grounds) and car park (privately owned). These areas are expected to experience a medium to high amount of pedestrian traffic throughout the working day. The car park area is again expected to experience frequent use and can be accessed at all times (the Council gardens are subject to restricted access after the working day and weekends). The trees are devoid of fungal infection and are seen to be structurally sound at the time of the inspection. The trees are an important feature within the garden area and their foliage is quite distinctive when compared with other trees in this location. Their retention is recommended and the works requested are a precautionary measure to prevent damage or injury.
- **T3. Lime.** This tree is showing severe signs of damage and decline associated with salt contamination. It must be noted that over 30% of the canopy has been either lost or in decline (the area beneath the tree has been used as a storage area with sealed material placed upon the root plate, it would appear that a number of the packages are no longer intact and sodium concentrate has leached into the soil in this location). The tree has continued to lose canopy over a number of weeks, this progressive loss noted by the

Andrew Watkins Tech Cert (Arbor A) Cert Arb (RFS) Green Spaces Officer (Trees)

North Warwickshire Borough Council Tel: 01827 719212 Mob: 07875700111

author of this report. Salt damage of this extent is irreversible and causes desiccation of the effected root plates, this desiccation will reduce the amount of nutrient the tree is able to extract from the area and will also severely reduce the structural integrity of the root plate, with root plate failure and complete organism failure being the natural progression of the salt damage (1).

- It must be noted that in relation to the Occupiers Liability Act of both 1957 and 1984 (2) an occupier with control over premises (which can be gardens and woodland) is liable to take such care that is "reasonable" to see that either the visitor (under the 1957 part of the Act) or trespasser (under the 1984 part of the Act) will be reasonably safe. A higher standard of care is owed to a visitor than for a trespasser and a higher standard still is required for a child compared with an adult. The removal of the deadwood from T1 and T2 is deemed to be a reasonable response to the hazard. The requested felling of T3 is also seen as a reasonable and required action due to the nature of the expected failure of the tree and it's positioning.

- **Recommendations:**

- Arrange secure and contained storage for the salt in this location (i.e. banded).

- **Modifications (if any):**

- None

Appendices

References

1. Diagnosis of ill-health in trees. R.G. Strouts and T.G. Winter
2. The Occupiers Liability Act (1957 and 1984).

Andrew Watkins *Tech Cert (Arbor A) Cert Arb (RFS) Green Spaces Officer (Trees)*

North Warwickshire Borough Council Tel: 01827 719212 Mob: 07875700111

(8) Application No: PAP/2017/0329

The Belfry Hotel, Lichfield Road, Wishaw, B76 9PR

Outline application for extensions and alterations to the existing buildings to create a new self-contained water entertainment area; enhanced conference and banqueting facilities; a new spa, hotel rooms and conference space, for

TB Resort Operations Limited

Introduction

Members will be aware of these proposals as a consequence of presentations made to them prior to submission and also because of the pre-application consultation with local residents a couple of months ago.

The purpose of this introductory report is to describe the proposals and to outline the relevant Development Plan policies that will need to be considered at a later date when a determination is made.

At this stage Members should be aware that this is a “departure” application as the scale of the proposed new building is over the threshold set out in the 2009 Direction in respect of development in the Green Belt. As such the Council cannot approve the development. If it is minded to support the proposals, then the case has to be referred to the Secretary of State to see if he wishes to “call-in” the application for his own determination. The Board is however free to refuse planning permission without referral.

There is no Environmental Statement accompanying the application following a Screening Opinion made under the Environmental Assessment Regulations which concluded that the proposals would not give rise to significant environmental impacts.

The Site

The Belfry Hotel with its three golf courses amounts to just over 200 hectares of land between the A4091 Tamworth and the A446 Lichfield Roads about a kilometre north of Junction 9 of the M42 Motorway, and to the north-east of the M6 Toll Road. Middleton is some three kilometres to the north. It is set in open countryside with a scatter of residential and agricultural properties in the area. The general location is illustrated at Appendix A.

The main hotel complex is concentrated at the southern end of the land holding with access off the A446. This comprises 320 hotel rooms; conferencing accommodation; a leisure centre, a golf driving range, the offices and training facilities for the PGA and the Bel-Air night club. There are significant wooded areas around the road frontages to this area as well as throughout the whole holding.

The main range of buildings here is a mix of three and four storey linked extensions that have been added at various times. In general terms they surround a couple of courtyards. The Bel-Air night club; the driving range and the PGA’s training centre stand a little outside of this main area. Together all of the buildings have a complete variety of built form and appearance which reflects the respective dates of their construction. The latest alterations and adaptations were completed very recently.

The Proposals in Outline

In short these comprise a significant refurbishment of the existing complex involving major extensions and some redevelopment.

The applicant has set out the reasons for these proposals within a covering statement. In essence this is to expand the type of accommodation provided at the Belfry by widening the range of opportunities offered and to enhance existing accommodation.

The proposals are in outline but comprise four main elements:

- Development within the existing closed courtyard to provide a new indoor water entertainment area together with a 72 bedroom hotel extension, a single storey conference room and connecting links to existing hotel space and corridors.
- An extension to the south–west corner of the existing built form to accommodate a new 500 seated capacity ballroom and conference facility, with associated re-configuration of the main access into the hotel entrance.
- The conversion and extension of the Bel-Air nightclub to create a spa and 40 new guestrooms
- Additional car parking to be provided on the former tennis courts on the east side of the main complex. There would be a net gain of around 37 spaces on site. There are presently just under 1000 spaces.

The general location of these proposals is illustrated at Appendix B.

Indicative sections are provided at Appendices C, D, E and F.

The Proposals – The Planning Case

In short the applicant acknowledges that the site is within the Green Belt and thus that the proposals are not appropriate within the terms of the NPPF. He considers that the degree of Green Belt however is not significant and that there is no other harm. The planning considerations put forward include the significant economic and tourism benefits that would be delivered and the continued reputation of the Belfry in terms of its national and international status. He considers that an additional 100FTE jobs would be provided and that there would be local additional visitor expenditure locally of around £6 million. It is his conclusion that these matters clearly outweigh the combined harm caused in order to amount to the very special circumstances necessary to support the development.

The application is accompanied by supporting documentation.

A Transport Assessment concludes that the new proposals would generate just under 50 two way movements in the morning and evening peak hours. However given the potential for combined trips; for length of stay and for check in and out times not coinciding with peak hours the report concludes there would not be a significant increase in traffic. The report believes that the existing access has the capacity to handle this increase.

A Travel Plan has a number of objectives including the reduction of single occupancy car journeys; encouraging different modes of transport and reducing business/visitor travel

A Landscape and Visual Impact Assessment has been submitted. This identifies the site as being within the “Middleton to Curdworth – Tame Valley farmland” Landscape Area. Here the key characteristics of this landscape are identified as being gently undulating and open arable slopes with a number of small watercourses; predominantly agricultural with large open fields, a sparsely populated area with a scatter of small hamlets, villages and farms, a few quiet and winding narrow lanes with several busy A roads connecting to the M42 and M6 Toll road junction and the presence of several golf courses. The Assessment concludes that the proposals would not adversely impact on this overall description as they could be successfully absorbed within the landscape. A similar judgement is made in respect of the visual impact on the proposals.

An Archaeological Assessment suggests that there would be less than substantial harm to heritage assets but that a degree of investigation should be undertaken prior to construction.

A Tree Report concludes that there will be little if no impact on the surrounding woodland areas to the south and west of the hotel complex.

An Ecology Appraisal indicates that there is little prospect of harm due to the setting of the developments within the existing built complex.

An Air Quality Assessment concludes that the increased traffic generated by the proposal would have an overall negligible impact on local air quality. Construction impacts would need mitigating through a Construction Management Plan.

Noise has also been assessed and it is recommended that appropriate planning conditions are imposed in conjunction with the advice from the Council’s Environmental Health Officers.

Flood Risk and Drainage Issues are assessed. Existing arrangements would be used and enhanced for the disposal of surface water – i.e. through existing irrigation and balancing ponds/lakes - but a new foul water treatment plant will be needed to take flows from the expanded facilities. This will be on the site of the existing plant.

Ground Conditions are looked at. It is not anticipated that there will be any significant issues, but a full site investigation should be undertaken.

A Lighting Assessment concludes that there would be no overall difference to the amount of light that would be emitted outside of the Belfry complex. Conditions are recommended for any grant of planning permission.

A Design and Access Statement explains how the location and scale of the proposed new buildings were arrived at in the context of the existing setting and layout.

A Statement of Community Involvement describes the pre-application public consultation event. This was held in Middleton and attracted 20 visitors. Six feedback forms were returned. The concerns related to there being sufficient car parking provision on site and the impact on the local highway network.

Finally a Planning Statement draws all of these matters together and concludes with the planning case as summarised above.

Development Plan

The Core Strategy 2014 – NW1 (Sustainable Development); NW2 (Settlement Hierarchy), NW3 (Green Belt), NW10 (Development Considerations), NW11 (Renewable Energy and Energy Efficiency), NW12 (Quality of Development), NW13 (Natural Environment), NW14 (Historic Environment), NW15 (Nature Conservation) and NW17 (Economic Regeneration)

Saved Policies of the North Warwickshire Local Plan 2006 – ENV4 (Trees and Hedgerows); ENV9 (Air Quality), ENV12 (Urban Design), ENV13 (Building Design), ENV14 (Access Design), ECON10 (Tourism), ECON 11 (hotels and Guest Houses), TPT1 (Transport Considerations), TPT3 (Sustainable Travel) and TPT6 (Vehicle Parking)

Other Material Planning Considerations

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

The National Planning Practice Guidance 2017 – (the “NPPG”)

The Draft North Warwickshire Local Plan 2016

Warwickshire Visitor Economy Framework 2013 – 2018

Observations

This is a significant application. The site is in the Green Belt and the proposed development described above amounts to development that is not appropriate in this location by virtue of the NPPF. As such there is a presumption of refusal here from the outset. Members however will be aware that this presumption has to be tested. The NPPF provides the background for that assessment and again Members will be familiar with the approach that has to be taken. Firstly the level of actual Green Belt harm has to be determined followed by the identification of any other harm and an overall weight has to be attached to this cumulative harm side of the balance. Secondly the planning considerations put forward by the applicant as the “benefits” of the proposals have to be identified and weighted. Finally the planning balance between harm and benefits has then to be concluded. Members will recall that the “test” here is that the considerations put forward by the applicant have to “clearly outweigh” the cumulative harm caused, such that it can be said that they provide the “very special circumstances” necessary to override the initial presumption of refusal. This approach will be followed in the later determination report.

The proposals will also need to be considered against the Development Plan as a whole. The site is not within a named settlement and in a countryside location. Other potential conflicts with the Development Plan will need to be identified and weighted – e.g. harm to heritage assets; to ecological interest in the site, to highways impacts and to the impact on the landscape of a large amount of new building. Whilst in outline, Members will also have to decide if they have sufficient detail on which to make an assessment of the design and appearance of the proposals such that in the event of

support, they feel confident to look at a number of defining planning conditions – e.g. maximum building heights and general locations of the new built form.

As the application is now submitted there is a period of consultation and Members are invited to look at the application and its supporting documentation on-line using the planning application reference. Alternatively, there are hard copies of the reports available on request.

Before determination is made, it is suggested that Members should visit the site. It is a little while since they last visited and this was before the recent set of improvement works was permitted. The visit will enable a better understanding of the nature of the setting here and thus there should be a better understanding of the impact of the development on the openness of the Green Belt.

Recommendation

That the receipt of the application is noted and that a site visit is undertaken prior to determination

BACKGROUND PAPERS

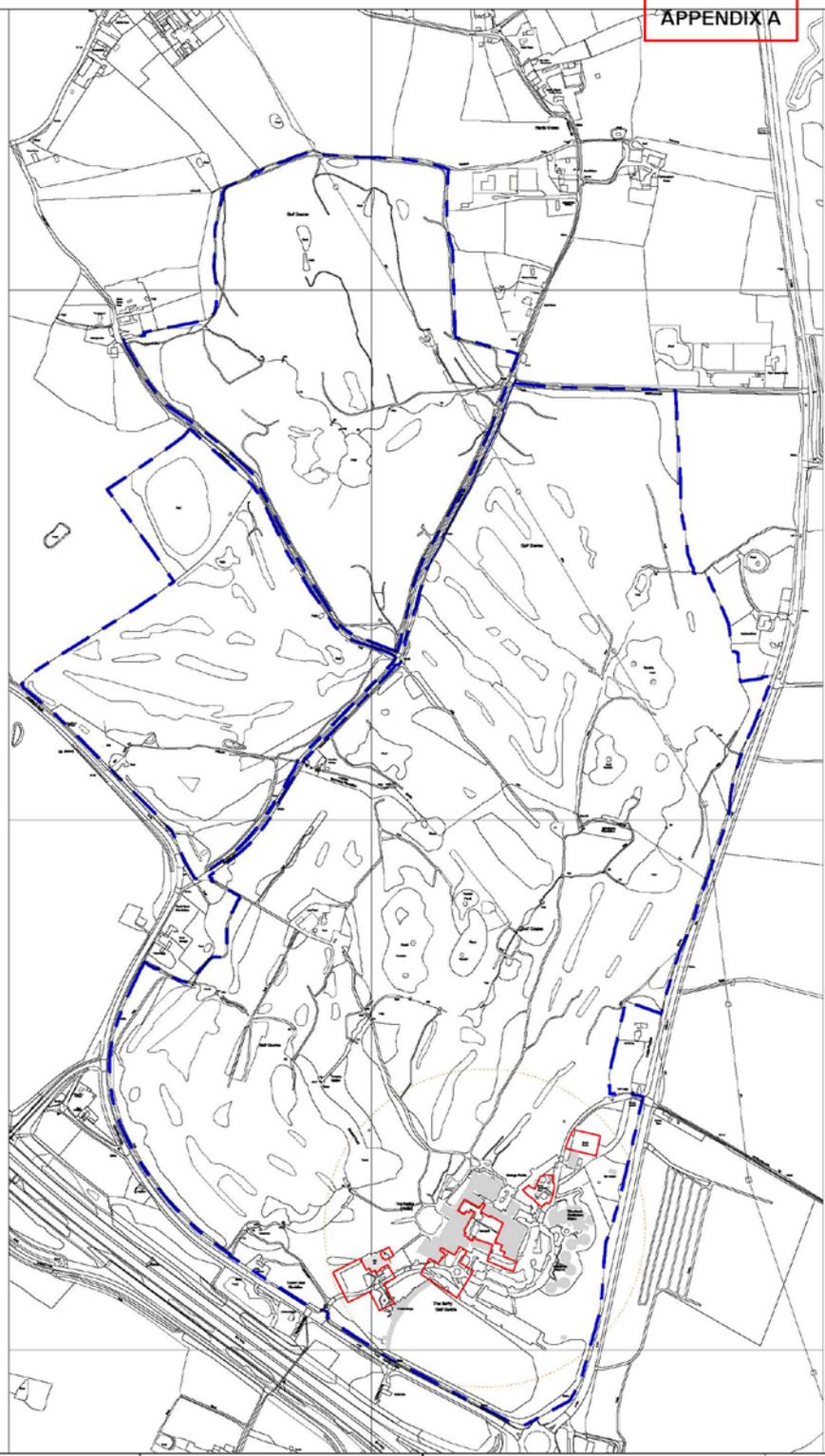
Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Planning Application No: PAP/2017/0329

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	23/6/17

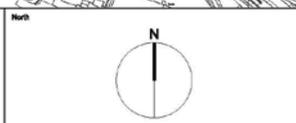
Note: This list of background papers excludes published documents which may be referred to in the report, such as The Development Plan and Planning Policy Guidance Notes.

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.



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Keyplan
 - indicates extent of applicant's ownership
 - Refer to drawing 10501-T-00-0000-Z00 for existing site plan showing application boundary
 - indicates application boundary



Notes:
 1. Do not scale
 2. Contractor to Check all dimensions and report omissions and errors to the Architect

03. Boundary line updated for PLANNING	21.06.17 SD
02. Issued for PLANNING	09.06.17 SD
01. Issued in 2014	19.05.17 SD
No Revision	
Date	Issued By

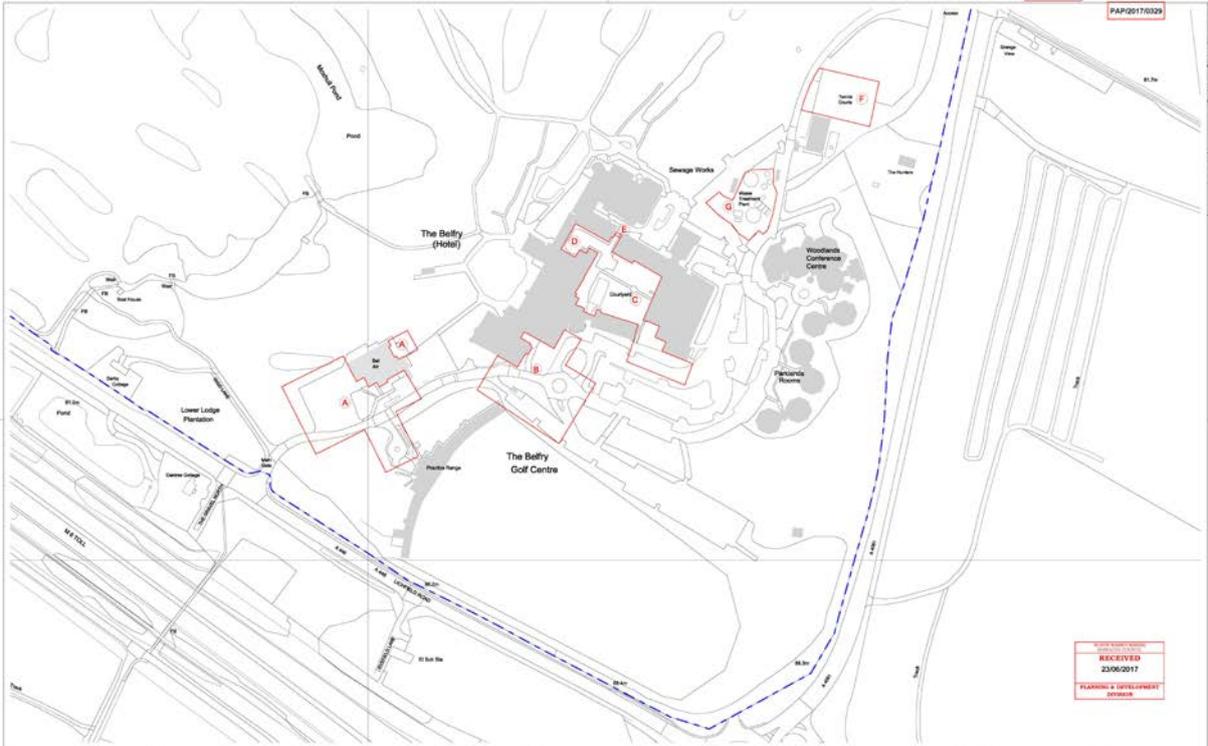
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 architects
 30 Millbank
 London SW1P 4DU
 +44 (0) 20 7632 7600
 www.epr.co.uk

The Betty's Resort Expansion Project
 North Warwickshire
 Existing Location Plan

PLANNING	1: 7500 @ A3	24.04.17
Project No.	Type	Rev
10501-T-00-0000-ZXX	03	

B:\10501\Plan\DWG\T-00-0000-Z00.dwg

21/06/17



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<p>Scale: 1:1000</p> <p>North Arrow</p>	<p>Author: Planning Services (2016) 01/16</p> <p>Drawn: J. Smith</p> <p>Checked: J. Smith</p> <p>Approved: J. Smith</p>	<p>Client: The Belfry Hotel</p> <p>Project: The Belfry Hotel Expansion Project</p> <p>Phase: Planning & Environment</p> <p>Revision: 01</p>	<p>Author: Planning Services (2016) 01/16</p> <p>Drawn: J. Smith</p> <p>Checked: J. Smith</p> <p>Approved: J. Smith</p>	<p>Client: The Belfry Hotel</p> <p>Project: The Belfry Hotel Expansion Project</p> <p>Phase: Planning & Environment</p> <p>Revision: 01</p>	<p>Author: Planning Services (2016) 01/16</p> <p>Drawn: J. Smith</p> <p>Checked: J. Smith</p> <p>Approved: J. Smith</p>	<p>Client: The Belfry Hotel</p> <p>Project: The Belfry Hotel Expansion Project</p> <p>Phase: Planning & Environment</p> <p>Revision: 01</p>
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