

(7) Application No: PAP/2016/0686

Land at Delves Farm to rear of, 21a-33 Boulters Lane, Wood End, CV9 2QF

Outline application for erection of 14 dwellings. Access to be considered with all matters reserved, for

Mr Ken Simmons

Introduction

This application had not been determined within its time period and thus the applicant has elected to lodge an appeal against non-determination. This means that the application will now be determined by the Planning Inspectorate on behalf of the Secretary of State.

The Council will still have to set out its case. As a consequence this report is brought to the Board in order that it can set out what the Council would have done, if it had determined the case. In this way the Council's case at appeal will carry more weight.

The Site

This is agricultural land on the north side of Boulters Lane behind a line of frontage residential development. It amounts to some 0.65 hectares and is part of a larger field that extends to the west of a private access/track that serves Delves Farm off Boulters Lane. There is open land to the north and to the west. To the east is a small collection of stable buildings.

Appendix A illustrates the location.

Background

Planning permissions have recently been granted for the erection of five houses fronting Boulters Lane in front of the application site and for the erection of a further seven houses to the east of the Delves Farm access as a frontage development. The access to the farm would be improved to adoptable standard so as to provide vehicular access to both of these sites.

A recent application exactly equivalent to the current case was refused planning permission in February 2016 and an appeal was dismissed in November 2016.

The appeal letter is attached at Appendix B.

The Proposals

It is proposed to extend the access as referred to above, back into the field and for this to give access to the application site – an outline application for 14 dwellings. All other matters are reserved other than access. Appendix A illustrates this.

The applicant has also submitted a Unilateral Undertaking in order to provide a contribution of £131,000 towards affordable housing within North Warwickshire.

The applicant is claiming that the publication of the draft North Warwickshire Local Plan for consultation purposes in August 2016 amounts to a material change in circumstances. He says that because of the new higher housing figures there-in, our Core Strategy is out of date and therefore very little weight should be given to that Core Strategy. He cites the recent Ansley appeal decision in this regard too. As such his conclusion is that the appeal dismissal in late 2016 now carries no weight. The Ansley appeal decision is at Appendix C.

Representations

Three letters of objection has been received. These refer to the land being outside of the development boundary; to the impact on residential amenity of neighbouring occupiers and on increased traffic through the village.

Consultations

Warwickshire Police – No objection subject to standard advice on architectural design so as to reduce the opportunity for crime.

Warwickshire Museum – No comments

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

Warwickshire Infrastructure Team - No requests for contributions

Environmental Health Officer – No objection

Severn Trent Water Ltd – No objection

Warwickshire County Council as Flood Authority – An objection was submitted due to the lack of details being submitted.

Warwickshire County Council as Highway Authority – Objection because of the lack of technical detail relating to swept curves; visibility splays and the need for a Road Safety Audit.

Development Plan

The Core Strategy 2014 – NW1 (Sustainable Development); NW2 (Settlement Hierarchy), NW4 (Housing), NW5 (Split of Housing Numbers), NW6 (Affordable Housing Provision), NW100 (Development Considerations), NW12 (Quality of Development) and NW13 (Natural Environment)

Saved Policies of the North Warwickshire Local Plan 2006 – ENV4 (Trees and Hedgerows); ENV12 (Urban Design) and TPT6 (Vehicle Parking)

Other Material Planning Considerations

The National Planning Policy Framework 2014 – (the “NPPF”)

The draft North Warwickshire Local Plan 2016

Observations

a) Introduction

The very recent appeal decision here provides the starting point against which to determine this application. The issue is whether there are any new material planning considerations which might alter this decision. There are three. The first is the new draft Local Plan, now out to consultation. The question is whether this is of sufficient weight to provide a new planning consideration that outweighs that appeal decision. The second is the recent appeal decision for housing in Ansley which concluded that the Council did not have a five year supply of housing land. Again the issue will be whether this has weight to review the recent appeal decision on the application site. The third is the Undertaking to contribute towards affordable housing provision.

b) The Recent Wood End Appeal Decision

The Inspector found that the appeal proposal would have an adverse impact on the character and appearance of the area. It would thus conflict with policy NW12 of the Core Strategy because the development would not positively improve the character of the settlement. There is no change in respect of the current proposal. However he did find that the location accorded with Core Strategy policies NW2 and NW5. He also noted that the land supply was well over the five years. However in the final balance the harm to the settlement's character would outweigh any benefits.

c) The Draft Local Plan

The applicant is arguing that the new draft Local Plan significantly changes the housing needs of the Borough illustrating a substantial increase in numbers. The draft Local Plan however has only recently been placed out for consultation - until March 2017 - and thus carries limited weight. The draft plan does include allocations. However the appeal site is not included and there is limited growth for Wood End. In other words its place in the settlement hierarchy does not alter from the Core Strategy.

d) The Ansley Appeal Decision

The Council was found not to have a five year land supply because of the new evidence on housing need which had been objectively assessed and agreed by the Council. The new evidence superseded the Core Strategy housing requirements. As a consequence there is no five year supply because of the higher housing target. As a consequence the appeal decision concluded that the Core Strategy is out of date in respect of relevant housing policies. In these circumstances paragraph 14 of the NPPF comes into play. This says that a proposal should be approved without delay unless significant and demonstrable harm is caused.

e) Discussion

The Ansley appeal decision is material in that the Council was found not to have a five year housing land supply. This conclusion is dated November 2016 and supersedes the Wood End appeal decision of August 2016. The Ansley Inspector concluded that the figure was around 3.5 years. This figure has been updated since the date of that decision and it is now calculated at 4.5 years. It is still below five years. As a consequence the Council's housing supply policies should be considered to be "out-of-date" by virtue of paragraph 49 of the NPPF. This means that, according to paragraph 14 of the NPPF, planning permission should be granted "unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF as a whole". The determination of this application therefore rests on the outcome of this consideration.

Members should be aware that there are benefits here. Additional houses would be approved thus assisting the five year supply and that an added benefit would be an affordable housing contribution. The issue is whether there is significant and demonstrable harm in giving these benefits overriding weight. It is considered that there is.

The recent appeal Wood End appeal decision clearly identifies harm to the settlement's character – paragraphs 5 to 8 of Appendix B. As such the Inspector concluded that the development was not sustainable development and that this outweighs any benefits – paragraph 17 of Appendix B. This degree of this harm has not altered at all as the current proposal is exactly the same as that giving rise to that conclusion in Appendix B.

The issue is whether that harm still is of such weight to outweigh the benefit of increasing housing supply in light of there being no five year housing supply. It is considered that it does for the following reasons.

Firstly the NPPF includes a core planning principle which says that planning should "take account of the different roles and characters of different areas". The Inspector in the Wood End decision found that the village in the location of the appeal site was characterised by ribbon development with no perception of development in depth and that this pattern was re-enforced by the recent frontage development. The proposal was seen as "backland" development which would be incongruous and unrelated to the village standing well proud of existing dwellings and at odds with the strongly linear form. This is substantial evidence to show that the role and character of this part of Wood End has not been taken account of.

Secondly, Core Strategy Policy NW12 requires all development to positively improve a settlement's character, appearance and environmental quality. The Inspector's conclusion was that the proposal does not do this.

Thirdly, the site is in the Wood End to Whitacre Landscape Character Area where Hurley and Wood End are described as having cores of older vernacular buildings but with more recent expansion, which has not generally markedly detracted from traditional settlement character. The proposal has been found not to accord with this character by the recent appeal decision.

As a consequence there is significant weight to be given to this harm and that is demonstrable through the Inspector's decision and the Character Appraisal. Paragraph 14 of the NPPF requires the decision maker to look at the NPPF "as a whole". In other words non-compliance with the five year land supply is not an automatic approval. The assessment here shows that the proposal offends other clauses of the NPPF in a significant way – paragraphs 17 and 58 as reflected through policy NW12. As such it is considered that that harm still outweighs the Council's lack of a five year housing land supply.

f) Other Matters

The representations recorded above allude to the Core Strategy. As Members can see from this report, this matter is no longer necessarily a reason for refusal given the Ansley decision, given that the relevant housing policies of the Core Strategy are out of date.

The Highway Authority has objected but this is not an objection in principle. It doesn't relate to the capacity of the local road network or to the scheme prejudicing the implementation of the approved new access from Boulters Lane. It is concerned with design and adoption details which can be covered by condition should a planning permission be approved. The same issue arose in the recent appeal and the Inspector had to consider the matter as he was made aware of a similarly phrased objection at the time of that appeal. He did not refer to this matter at all in his decision. As a consequence it would be unreasonable to add a highway refusal reason here.

Similarly the objection from the Flood Authority did not carry any weight in the appeal as the matter revolved around the absence of surface water design measures at outline stage. These can be conditioned.

Recommendation

That the Board would have **REFUSED** planning permission if it had determined the case, for the following reason:

"1. The proposal does not accord with policy NW12 of the North Warwickshire Core Strategy in that the development does not positively improve the settlement's character or the appearance and quality of the area. This is because the site is an incongruous addition to the built form of the settlement causing significant harm to the distinctive character of the settlement. It is not considered that this harm is outweighed by the housing supply position as the Core Strategy and the NPPF have to be considered as a whole. Significant and demonstrable harm will be caused here and thus the proposal is not sustainable development".

BACKGROUND PAPERS

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

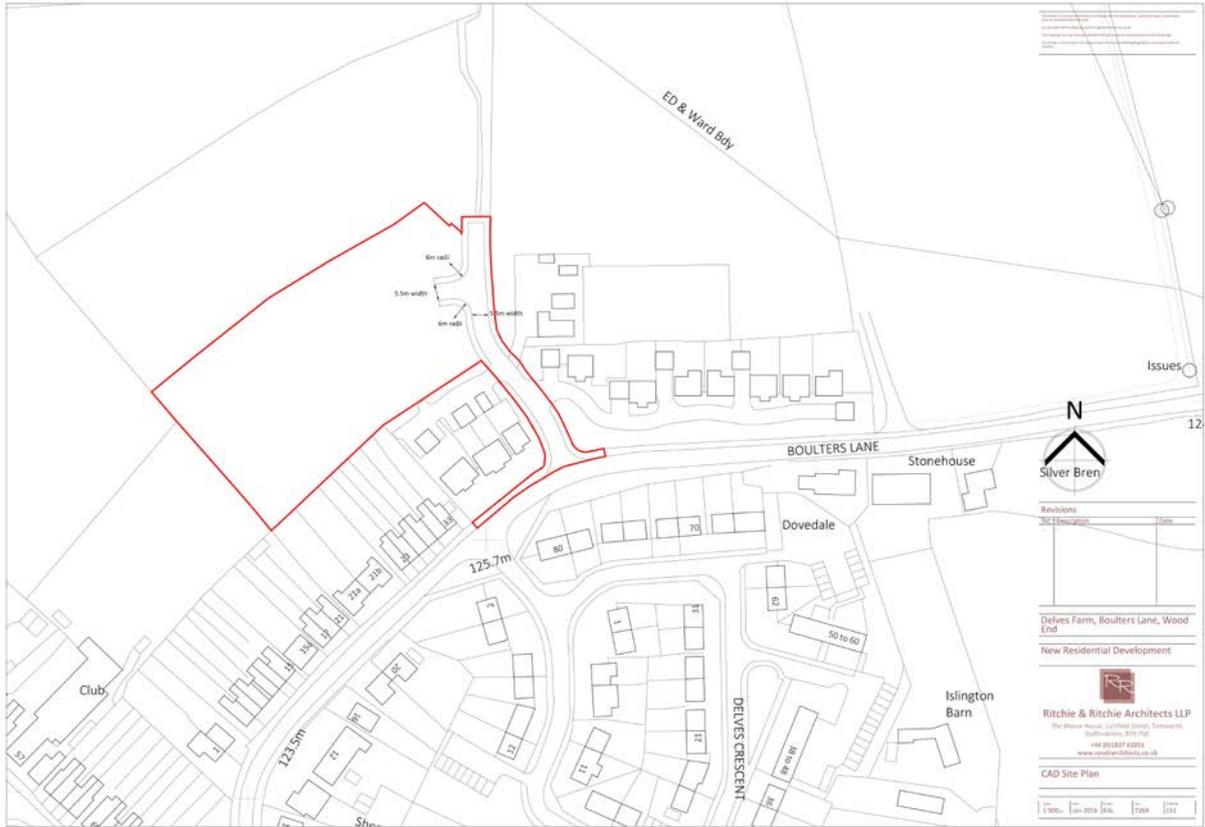
Planning Application No: PAP/2016/0686

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	29/11/16
2	Warwickshire Police	Consultation	5/12/16
3	P Holland	Objection	7/12/16
4	Warwickshire Fire Services	Consultation	13/12/16
5	D Holt	Objection	19/12/16
6	E Price	Objection	19/12/16
7	Environmental Health Officer	Consultation	21/12/16
8	Warwickshire Museum	Consultation	3/1/18
9	Severn Trent Water Ltd	Consultation	29/12/16
10	WCC Flooding	Consultation	22/12/16
11	Unilateral Undertaking	Submission	17/2/17
12	WCC Highways	Consultation	21/2/17
13	WCC Infrastructure	Consultation	23/2/17

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





Appeal Decision

Site visit made on 8 August 2016

by **Richard Schofield BA(Hons) MA MRTPI**

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

Decision date: 26 August 2016

Appeal Ref: APP/R3705/W/16/3150188

Delves Farm, Boulters Lane, Wood End, Warwickshire CV9 2QF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Mr Ken Simmons against the decision of North Warwickshire Borough Council.
- The application Ref PAP/2015/0566, dated 4 September 2015, was refused by notice dated 9 February 2016.
- The development proposed is construction of 14 dwellings with access.

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Ken Simmons against North Warwickshire Borough Council. This application is the subject of a separate Decision.

Preliminary Matters

3. The application was made in outline with all matters other than access reserved for later determination. I have considered the appeal on this basis, treating the submitted layouts as indicative.

Main Issues

4. The main issues are:
 - the effect of the proposed development on the character and appearance of the area; and
 - whether the location of the appeal site accords with local planning policy for the distribution of housing.

Reasons

Character and Appearance

5. Wood End in the location of the appeal site is characterised by ribbon development stretching out along Boulters Lane on its northern side. Dwellings are situated tight to the road, with extensive rear gardens and open countryside beyond them. There is no perception of development in depth. This character and appearance will be further reinforced by the recent grant of planning permission for 12 dwellings, which will extend this ribbon form from

33 Boulters Lane eastwards to the village's natural beginning opposite Stonehouse.

6. The appeal scheme would introduce a 'backland' development of up to 14 dwellings behind those already present on Boulters Lane. These dwellings would be readily apparent from the proposed access on Boulters Lane and from the rear of the extant dwellings in front of them. From here the development would appear as an incongruous and unrelated add-on to the village, standing well proud of existing dwellings, and at odds with its strongly linear form here.
7. It is suggested that the draft Site Allocations development plan document (DPD) indicates that Green Belt constraints make it preferable to expand to the north and east of Wood End. This may be so, but such expansion still needs to have regard for the character and appearance of the area.
8. I conclude, therefore, that the appeal proposal would have an adverse effect upon the character and appearance of the area. It would conflict with policy NW12 of the North Warwickshire Local Plan Core Strategy (the Core Strategy). This seeks, among other things, to ensure that new development positively improves an individual settlement's character.

Location

9. Policy NW2 of the Core Strategy sets out a settlement hierarchy for the District. This seeks to direct development to the district's larger settlements, with a greater range of services, while allowing for more limited growth in smaller settlements. Wood End is classed as a Category 4 settlement, where development will be limited to that identified in the development plan, a neighbourhood plan or 'other locality plan'.
10. Core Strategy policy NW5 sets a target of 30 dwellings for Wood End, to be delivered 'usually' on sites of no more than 10 dwellings. The inference from policy NW2 is that such development will be within development boundaries, although these may be altered through other DPDs or once development has taken place (whichever is the earlier).
11. In this context, the location of the appeal site does not appear to be fundamentally at odds with the thrust of Core Strategy policy. It is at a settlement earmarked for development, the indicative quantum of which does not appear to have been exceeded. Although the appeal scheme is for more than 10 dwellings, the use of the word 'usually' in policy NW5 indicates that there is some flexibility around this.
12. The site is not allocated for development in a DPD, but such a document does not appear to be at an advanced stage and policy NW2 indicates that development can take place in advance of it with development boundaries being redrawn where necessary. Indeed, the Council's recent grant of permission for 7 dwellings outwith Wood End's development boundary, along with decisions in other settlements in the district drawn to my attention, are indicative of this position.
13. This being so, I conclude that, at this time, the location of the appeal site accords with local planning policy for the distribution of housing. In this regard, therefore, the appeal proposal would not conflict with policy NW5, which seeks to ensure that development is distributed appropriately between the district's settlements.

Other Matters

14. The appellant seems to suggest that as the development plan is to be made in two parts, and has yet to be completed, it is both absent and silent, insofar as the site allocations DPD does not yet exist and the Core Strategy does not specify precisely where allocations are to take place. As such, paragraph 14 of the National Planning Policy Framework (the Framework) is engaged. However, this is not the same as saying that the development plan when taken as a whole is absent or silent. The Core Strategy identifies those settlements to which development is to be directed and the appropriate scale of that development. It also sets out additional policies which, notably when used in conjunction with those articulating the overall development strategy, provide decision makers and applicants with a clear framework within which development proposals, such as the appeal scheme, can be assessed and a judgment made about their acceptability.
15. Other appeal decisions were drawn to my attention, wherein Inspectors have concluded that residential development is acceptable outside development boundaries even where, as here, the local planning authority is able to demonstrate a five-year supply of deliverable housing sites. That may be so, but each site is contextually different and these decisions are demonstrative of instances where the Inspectors also found the schemes to be acceptable in all other regards, which is not the case here.
16. My attention was drawn to the judgment in *Suffolk Coastal District Council v Hopkins Homes Ref: [2016] EWCA Civ 168*. However, as this case is concerned with the weight to be given to policies relevant to the supply of housing where paragraph 14 of the Framework is engaged, it does not appear to be directly relevant to the proposal before me.
17. The appeal scheme would assist the Council in significantly boosting the supply of housing, both market and affordable, and it may be that in future the need for housing in the district will be greater than at present. While these are benefits in its favour, the presence of well over five years supply of housing in the district, in line with national policy for boosting supply, necessarily, in my judgment, reduces their weight. The appellant also considers that the scheme would deliver environmental and economic benefits, although these are not expanded upon. In this context, my attention was drawn to paragraph 197 of the Framework. This states that local planning authorities should apply the presumption in favour of sustainable development when determining planning proposals. I have found that the appeal scheme would harm the character and appearance of the area, a matter that I do not consider outweighs the benefits proposed. As such, I do not consider it to be the sustainable development for which the Framework indicates a presumption in favour.
18. The appellant suggests that the appeal scheme would make use of 'under-utilised' land. However, just because a field does not have housing upon it, it cannot *de facto* be 'under-utilised'.

Conclusion

19. For the reasons given above, and taking all other matters into consideration, I conclude that the appeal should be dismissed.

Richard Schofield INSPECTOR



Appeal Decision

Inquiry held on 8, 9 and 10 November 2016

Site visit made on 10 November 2016

by **R W Allen B.Sc PGDip MRTPI**

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

Decision date: 6 January 2017

Appeal Ref: APP/R3705/W/16/3149572

Land North of Nuthurst Crescent, Ansley, Warwickshire CV10 9PJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr C R Muller (Muller Property Group) against the decision of North Warwickshire Borough Council.
 - The application Ref PAP/2015/0370, dated 16 June 2015, was refused by notice dated 10 November 2015.
 - The proposal is development of up to 79 residential units and associated access.
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Decision

1. The appeal is allowed and outline planning permission is granted for development of up to 79 residential units and associated access at Land North of Nuthurst Crescent, Ansley, Warwickshire CV10 9PJ in accordance with the terms of the application, Ref PAP/2015/0370, dated 16 June 2015, subject to the conditions set out in the Schedule of Conditions at the end of this decision.

Application for Costs

2. At the Inquiry an application for costs was made by Mr C R Muller (Muller Property Group) against North Warwickshire Borough Council. This application is the subject of a separate decision.

Procedural Matter

3. The appeal proposal is in outline form, with all matters reserved for subsequent approval with the exception of access. Any other details shown which would be a reserved matter, such as the layout, I shall treat as being indicative only. An obligation under Section 106 of the Planning Act is before me dated 7 November 2016 which makes provisions for local facilities and infrastructure, which I discuss further below.

Main Issues

4. As the Statement of Common Ground deals with all other matters, the main issues are:
 - The effect of the proposed development on the character and appearance of the village of Ansley; and
 - Whether the Council is able to demonstrate that it has a five year supply of deliverable housing sites.
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Reasons

Character and appearance

5. The appeal site is an enclosed field located adjacent to the northern settlement edge of the village of Ansley. From Tunnel Road the site itself is obscured by boundary trees and hedges but it is visible from Nuthurst Crescent and the Public Right of Way (PRoW) which runs alongside the southern boundary of the site, and from here I find it to be an attractive field which positively contributes to the overall rural character and appearance of the area. The appeal site is surrounded by expansive open countryside to the north and east.
6. The proposed development would, in relative terms, amount to a significant increase in the quantum of dwellings for Ansley. However because of its reasonably enclosed nature, the proposed development would not have any significant effects on the Church End to Corley-Arden Hills and Valleys Landscape Character Area (LCA), in which the appeal site lies. From what I observed at my site visit, the substantial visual effects from the scheme would be experienced only when seen by receptors adjacent to the unenclosed southern boundary and the PRoW, so the visual harm would be localised and limited. Contrary to the Council's assertion, I did not observe any particular noteworthy facet of the allotment gardens when seen from Tunnel Road. As such I am satisfied that all medium and long-range views of the development would not have significantly harmful visual effects.
7. The Council's main concerns however centre on the fact that the proposed development would fail to respect the settlement morphology of Ansley which it says is defined by a historic pattern of linear growth along Birmingham Road, and its resultant staggered and irregular eastern village edge. The morphology of the settlement is not disputed by the appellant. I observed this to be particularly perceptible and understood on the western side of Birmingham Road, where a single row of road frontage exists with few buildings behind, and where views of the open countryside are apparent and visible through the gaps between the properties.
8. The eastern side of Ansley is notably different in character, as much but not all of the defined linear urban grain has been enclosed at the rear by extensions to the village with residential development in Nuthurst Crescent, Croft Mead, Malthouse Close, Ludford Close and St Lawrence Road. Although the two are easily identifiable and distinguishable from one another, the newer dwellings nonetheless now form an integral part Ansley's overall character, and have changed the original linear pattern of the village.
9. The proposed development would not be visible or apparent when travelling along Birmingham Road, such that the original linear pattern would remain unaffected and the origins of the village morphology would not be lost. Because of the current layout of Ansley, there would to some extent be a concentration of housing at the south eastern end of the village as a result of the proposed development. However, the existing residential development in St Lawrence Road, and the forthcoming units to be constructed on a plot of land identified at the Inquiry as 'ANS4', both of which lie at the northern end, would ensure Ansley would not be notably or unduly unbalanced.
10. The proposed development would not extend the built form of the village any further into open countryside beyond the existing development in St Lawrence

Road. While the eastern settlement edge would effectively be redrawn as a result of the scheme, the irregular and staggered edge would evidently remain albeit in a different form. Thus one of the key characteristics of the village would not be compromised.

11. The loss of open countryside land and what I have found to be an attractive field would amount to harm to the character of the area. Policy NW12 of the North Warwickshire Core Strategy (Core Strategy) is predominately a design policy and such matters are not before me. Nevertheless the policy 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 appeal and there would be some conflict with it for this reason.
12. However, its enclosed nature is such that the loss would not be widely felt. I am satisfied for the reasons set out above that the proposed development itself would not cause a significant level harm to the character and appearance of the village overall, or the landscape character or visual receptors. The overall harm would be moderate to which I attach some weight to in my decision.

Five year housing land supply

13. Paragraph 47 of the Framework requires local planning authorities to ensure that their local plans meet in full the objectively assessed needs (OAN) in their housing market area, and to identify and update sites sufficient to provide five years' worth of housing against their housing requirements, with an additional buffer of 5 or 20%.
14. Core Strategy policy NW4 states that within the plan period (2011-2029) a net amount of 3650 dwellings will be built, equating to 203 dwellings per annum (dpa). This requirement is underpinned by the Strategic Housing Market Assessment (SHMA) from 2013, and which also includes a provision of 500 additional dwellings to meet the needs arising from the neighbouring authority of Tamworth. However, the Council's five year housing calculations for the appeal do not include the Tamworth provision, and I find no evidence before me, particularly having regard to the Inspector's report into the Core Strategy, which supports this approach. I find the Council's argument that it can accordingly demonstrate a 9.4 years housing supply is accordingly unsound. That said, the Council maintains that, even adopting the 203 dpa requirement, it can still demonstrate a very healthy housing supply.
15. The main parties dispute the appropriate housing requirement. This is because a more recent SHMA from 2015 for the Coventry and Warwickshire housing market area (CWHMA) 2011-2031 shows that the Council's OAN has increased to 4740, which includes allowance for an economic uplift in both the CWHMA as well as the neighbouring Greater Birmingham, Solihull and Black Country housing market area (GBS&BCHMA). Furthermore, the Council has agreed to accept an additional 540 dwellings redistributed from the CWHMA, thus its total housing requirement is 5280. This new requirement is set out in policy LP6 of the emerging North Warwickshire Local Plan (emerging Local Plan), and the Council cites no impediment to meeting this requirement in full.
16. The Council says that because the 2015 SHMA, and indeed the emerging Local Plan, have not yet been subjected to external examination, it should be afforded little weight. I understand why the Council has formed this view, as

indeed it is entirely plausible that the evidence underpinning the 2015 SHMA will be tested when it is subjected to the development plan examination. However, I find nothing before me which doubts the inevitability that the Council's housing need will increase from that advocated in Core Strategy policy NW4. What remains to be tested is the amount of this increase. However on the evidence before me, I find it likely that the increase would be considerable. While the Core Strategy is just two years into adoption, and I acknowledge the Framework's requirement in paragraph 17 that planning should be genuinely plan-led, I nevertheless find that the 2015 SHMA is significant new evidence irrespective of the age of the development plan, and that it should form the basis of calculating the housing requirement.

17. Emerging Local Plan policy LP6 also makes an additional provision for 3790 dwellings from the GBS&BCHMA. Combined, the policy states that 9070 dwellings will be required in the emerging Local Plan period. However as the emerging policy states, this element of housing provision is only an aspiration, and the Council states that this is predicated on the need for infrastructure provisions being delivered. No evidence is before me as to what additional or new infrastructure would be needed or indeed whether it would be realistic to consider that it could be delivered. Whether the Council can accommodate these additional dwellings is therefore unproven and considerably doubtful at this stage and prior to the development plan examination, and I do not find it appropriate to consider 9070 dwellings as the housing requirement. The impending adoption of the Birmingham Development Plan does not alter my findings on this matter.
18. It was established at the Inquiry that, basing the housing requirement on 5280, the Council's five year housing requirement including the addition of shortfall in line with the Sedgefield approach, and a 20% buffer, is 2358 dwellings to the year 2020/21, equating to 472 dpa. The main parties agree that assessed against such a requirement, the Council can only demonstrate a 4.9 years housing supply assuming all of its projected and forecasts sites, amounting to 2331 were to come forward in the next five years. However, the appellant disputes some of these sites which he says reduces housing supply to 2.8 years.
19. I find that the majority of the questioned sites would, individually, not deliver large numbers of dwellings on them. Even accounting for the issues which are currently preventing those sites from coming forward now, I heard little persuasive evidence to suggest that their delivery would be unlikely or insurmountable in the next five years. As such I am prepared to give the benefit of the doubt to the Council. However, I heard at the Inquiry that two sites where considerable numbers of housing are forecast in the next five years, identified as 'Holly Lane, Atherstone' and 'Orchard Colliery' for 300 and 385 units respectively, either do not benefit from all necessary planning permissions; do not have developers on board; or require the delivery of improved or new infrastructure. The Council was unable to confirm whether both sites are at a stage where their delivery would be imminent and at the rate necessary to achieve the forecasts set in the five year supply. I must therefore cast some doubt that these sites will deliver at the rate the Council suggests, and I have accepted the appellant's likely and considerably reduced forecasts for the said sites.

20. I therefore find, on the evidence before me and deducting the above sites from the forecast, that the Council's five year housing supply figure is closer to 3.5 years supply. I have not included a lapse or non-implementation rate in this calculation. While many local authorities do apply such a figure, there is no policy or guidance which requires it and the evidence before me is not sufficient to persuade me that one should be applied. In any event, I note the Council has not made any provision for windfall sites in its five year housing figures. If I applied both, it would have little overall bearing on my findings on the absence of a five year housing supply.
21. In reaching my conclusion on this matter, I acknowledge the chain of events prior to the Inquiry and the late questioning of supply sites by the appellant and its reasons for doing so, and the Council's decision to respond orally to this at the Inquiry in order to 'keep the show on the road'. However, on the two sites I have found doubtful to be delivered in the coming five years, the Council did not indicate a need for additional time to produce rebuttal evidence or that written submissions on these sites would have added anything further over the oral evidence the Council gave. Even if I were to accept the written explanations from the Council, it would not alter the agreed position between the parties that a five year housing supply could not be demonstrated.
22. I have also had regard to the two appeal decisions advanced by the Council as relevant to the appeal before me (*Ref: APP/R3705/W/16/3150188 for Delves Farm, Boulters Lane, Wood End, and APP/R3705/W/16/3150719 at 78 Tamworth Road, Polesworth*). In both cases, the Inspectors were tasked with examining the effect of the proposed development on the character and appearance of their respective areas. Neither Inspector was asked to determine the Council's five year housing land supply position nor the balancing exercise required thereafter. I can draw little direct comparisons from these decisions. In any event, I have made my decision on the evidence before me.
23. Paragraph 49 of the Framework states that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites. The Council accepts that in the event that a five year supply of housing cannot be demonstrated, Core Strategy policies NW1, NW2, NW4 and NW5 are relevant housing policies and in such circumstances are out-of-date.
24. I have nonetheless afforded moderate weight to them in my decision particularly Core Strategy policies NW2 and NW5, which seek to promote sustainable growth via a settlement hierarchy, which I find consistent with Framework's approach to sustainable development. Core Strategy policy NW2 states that Ansley is a 'Category 4' settlement, and Core Strategy policy NW5 identifies a minimum of 40 dwellings for the village which I am told has already been exceeded and on sites of no more than 10 units. As I have set out above, the proposal would result in a sizeable increase in residential dwellings in the village, and significantly more than envisaged in Core Strategy policy NW5. However, these figures are a minimum requirement, and should be viewed in the context of my findings that the council cannot demonstrate a five year supply of housing land and by the level of harm it would cause, which I have already identified as being moderate.

Other Matters

25. Concerns have been raised in respect of the effect of the proposed development on the local highway network particularly from the location of the access point onto the busy Tunnel Road, and whether this would undermine highway safety for oncoming traffic. I observed at my site visit that Tunnel Road was moderately busy and there was a steady stream of fast travelling cars in both directions. As I discuss below, the appellant will be obligated to pay for the extension of the 30 mph zone to include the access to the appeal site. With that in mind, no evidence is before me to demonstrate that any material harm would occur from the proposed development and its access, or that the junction could not be adequately designed to ensure sight lines would be effective to ensure adequate egress. Neither the Council nor Warwickshire County Council as the highway authority has raised this as an issue.
26. Concerns have also been raised as to the effect of the proposed development on existing infrastructure, and that there is little in the way of shops or services to meet additional dwellings. My attention has been drawn to additional development in the neighbouring borough, the boundary of which adjoins the eastern and northern edges of the appeal site. However, insufficient evidence is before me to suggest that the proposed development would place an undue burden on services so I can afford little weight to this in my decision.

Planning Obligations

27. The Council seeks a financial contribution of £6000 towards a traffic regulation order to extend the 30 mph speed limit further along Tunnel Road to include the access from the proposed development. The Council also seeks a provision for 40% affordable housing from the scheme.
28. Paragraph 204 of the Framework says requests for planning obligations must meet three tests, which are: (i) necessary to make the development acceptable in planning terms; (ii) directly related to the development; and (iii) fairly and reasonably relate in scale and kind to the development. Paragraph 50 of the Framework seeks that development provides a wider choice of housing. The appellant has not advanced any objections to the content of the obligation. In light of the evidence before me, including the responses from the Council, I am satisfied that obligation would be consistent with the tests of Framework and with the provisions contained within the Community Infrastructure Levy Regulations 2010 in respect of pooled contributions.
29. The Council also seeks monitoring costs totalling £1250. However, no written justification for this requirement is before me, particularly given that the obligation is in the form of a unilateral undertaking and as such it is not obvious what monitoring would be required. Therefore I have not taken the monitoring contribution into account in my decision.

Conditions

30. I have considered the conditions suggested by the Council against paragraph 206 of the Framework, and made changes necessary to comply with those requirements.
31. A condition specifying the numbers of dwellings that can be developed on the appeal site is necessary for the avoidance of doubt. Because of the proximity of the railway line to the site, I am satisfied that a condition restricting pile

driving is necessary to ensure such works would cause no harm to the rail infrastructure. A condition requiring the details of surface water drainage is necessary in the interests of sustainable construction. While no specific evidence of the presence of bats is before me, a condition requiring a survey prior to removal of any trees on site is necessary as a precautionary measure and in the interests of habitat preservation. A condition requiring details of pedestrian and cycle routes through the site is necessary to promote sustainable access and movement. A condition for the submission and approval of a construction management plan is necessary in the interests of the living conditions of occupiers of surrounding properties.

32. The Council has suggested a condition requiring compliance with the two approved plans. However, one relates only to the red line plan and as such it is not necessary. A condition is required to ensure the vehicular access is taken from Tunnel Road as shown on the second drawing. But because there is insufficient detail of it on the submitted drawing, I find that a further condition is necessary requiring details of the access from Tunnel Road, and I incorporate details on visibility splays within the wording to be submitted to the Council.
33. Matters relating to foul sewage are controlled under other legislation. Insufficient evidence has been advanced by the Council for the need for a scheme for the provision of adequate water supplies and fire hydrants on the site. These conditions I find are unnecessary and I have not imposed them.

Planning Balance and Conclusions

34. Bullet point 4(1) of paragraph 14 of the Framework is engaged because I have found that the Council cannot demonstrate that it has a five year supply of housing. This is reinforced by the fact that the Council is not progressing its Draft Site Allocations Plan and Draft Development Management Plan such that there have been delays in bringing forward housing sites through a Local Plan to meet the housing requirement. Paragraph 14 of the Framework states that a presumption in favour of sustainable development exists and should be seen as a golden thread running through decision-taking. Where the development plan is absent, silent, or relevant policies for the supply of housing are out-of-date, planning permission should be granted unless any adverse effects of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
35. I agree with the main parties that the proposed development would have social and economic benefits in providing new dwellings to meet the needs of present and future generations, would provide local construction employment opportunities and support accessible local services. The proposed development would also make worthwhile contributions to the supply of housing and affordable housing in the borough and help contribute to the five year supply. I attach considerable weight to these benefits. As I have stated above, developing an open and attractive field would inevitably result in harm to the character and appearance of the area but for the reasons I have already outlined above, this harm would be moderate.
36. In applying the tilted balancing exercise required by bullet point 4(1) of paragraph 14 of the Framework, I find that the moderate level of environmental harm I have identified would not significantly and demonstrably outweigh the benefits of the scheme. I therefore find the proposal would

amount to sustainable development in accordance with the Framework when taken as a whole, and that a presumption lies in its favour. The proposed development would conflict with Core Strategy policies NW1, NW2, NW4 and NW5, which seek to direct growth towards a settlement hierarchy. However for the reasons given above, these policies are out-of-date and only moderate weight can be attached to them. I find that the presumption in favour of sustainable development outweighs this conflict and that with Core Strategy policy NW12, details of which I have outlined above.

37. For the reasons given above I conclude that the appeal should be allowed.

R Allen

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to the Local Planning Authority for approval in writing before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this permission.
- 3) The development hereby permitted shall take place not later than two years from the date of approval of the last of the reserved matters to be approved.
- 4) No more than 79 dwellings shall be constructed on the site.
- 5) No vibro-impact or piling works shall be undertaken on the site unless in accordance with a scheme which has first been submitted to the Local Planning Authority for approval in writing.
- 6) No development shall commence on site until a detailed surface water drainage scheme for the development based on sustainable drainage principles and an assessment of the hydrological and geo-hydrological context of the site has been submitted to the Local Planning Authority for approval in writing. Development shall be carried out in accordance with the approved details.
- 7) The means of vehicular access shall be carried out as illustrated on the approved drawing Sketch Layout 2 MP5002 SK02.1.
- 8) No development shall take place until a details of the site's vehicular access and visibility splays on to Tunnel Road has first been submitted the Local Planning Authority for approval in writing. Development shall be carried out in accordance with the approved details prior to occupation of the dwellings. There shall be no obstruction of any kind within the approved visibility splays.
- 9) No development shall take place until a scheme to provide for both pedestrian and cycle access into the development hereby approved from Nuthurst Crescent has first been submitted the Local Planning Authority for approval in writing. Development shall be carried out in accordance with the approved details prior to occupation of the dwellings.
- 10) No development shall take place on site until a Construction Management Plan has been submitted to the Local Planning Authority for approval in writing, which shall remain in force throughout the construction period. The Plan shall provide details of the arrangements for:
 - Details of the location of storage compounds, haul roads and car parking for site operatives and visitors;
 - Details of the hours of working and the hours of delivery of goods, plant and materials;
 - Wheel washing facilities and any dust suppression measures;
 - Noise control during construction;
 - Site lighting details;
 - Measures for the protection of trees that are to be retained;

- Details of household refuse from occupied dwellings during construction; and
 - Details of the contact for any local concerns with the construction activities of the site.
- 11) No development shall take place until a bat survey has been undertaken in respect of all of the trees to be removed and the findings together with any mitigation measures have first been submitted to the Local Planning Authority for approval in writing.

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Mr Jack Smyth of Counsel Instructed by Mr Steve Maxey

He called:

Mrs Dorothy Barratt Planning Officer
BA (Hons) DUPI MRTPI

FOR THE APPELLANT:

Mr Killian Garvey of Counsel Instructed by Mr Charles Robinson

He called:

Mr Carl Taylor TPM Landscape
BA (Hons) DipLA CMLI

Mr Charles Robinson DLP Planning
B Tech (Hons) MPhil MRTPI

Mr Alex Roberts DLP Planning
BA (Hons) MRTPI

DOCUMENTS SUBMITTED AT THE INQUIRY

1. Document entitled 'Select Committee on National Policy for the Built Environment Building better places' by www.parliament.uk
2. Strategic Housing Land Availability Assessment 2015
3. Table of housing completions and expired permissions 2006/07 to 2015/16
4. Updated Unilateral Undertaking dated 7 November 2016
5. Folder of Core Documents of Legal Submissions
6. Extract of the South Oxfordshire Local Plan 2032 Preferred Options dated June 2016
7. Table on the agreed position between the parties on the five year housing position assuming different scenarios

(8) Application No: PAP/2016/0709

Land East of 68, Vicarage Lane, Water Orton,

Relocation of Rugby club, new clubhouse with clubroom and changing facilities, playing pitches for Senior and Junior Rugby with flood lighting to one pitch and associated parking for cars and coaches with access road, for

Old Saltleians Rugby Football Club

Introduction

This application is reported to the Board at the discretion of the Head of Development Control as the reason for the proposal is directly related to the HS2 project.

The Site

This is almost 12 hectares of agricultural, rough pasture and scrub land to the south of Vicarage Lane in Water Orton extending from number 68 to the west up to the Coleshill Road to the east. It also includes land to the east of Gypsy Lane between that lane and the M42 Motorway to the east. There is presently open land to the south before the M42/M6 link is reached.

There are strong hedgerows with individual hedgerow trees surrounding the site at present along the northern boundary with Vicarage Lane; the western boundary of the Coleshill Road and to the east of Gypsy Lane. There is residential property on the other side of the Coleshill Road and around the junction with Vicarage Lane. There is open agricultural land to the west of Gypsy Lane. To the north of Vicarage Lane there is the Water Orton Tennis Club.

Vicarage Lane is a narrow single carriageway road here with no footpaths. Coleshill Road is effectively a cul-de-sac following completion of the motorway works.

The site is illustrated at Appendix A

The Proposals

The line of the HS2 rail line will pass through the existing playing fields and facilities of this Rugby Club at its present location between the M42 Motorway and the A446 Lichfield Road just north of Gilson. The proposal is to effectively re-locate the club's premises to the site at Vicarage Lane.

The line of HS2 also affects the application site as its southern boundary would become the embankment for the railway line.

The proposed access into the site would be from an improved arrangement at the southern end of the Coleshill Road. The geometry of the junction with Gypsy Lane would also need to be adjusted as a consequence. Two passing places are to be provided within the highway limits of Gypsy Lane. From the new junction there would be access to the new clubhouse on the main portion of the application site set at its southern end quite close to the rail embankment. The main car park would be around the club house and along the access road where there would be coach parking

available. Two senior pitches would be located on the main section of the site – one between the clubhouse and the Coleshill Road and the second to the north between the clubhouse and Vicarage Lane. Three junior pitches would be located towards the western end of the site. A third senior pitch would be provided in the salient of the application site between Gypsy Lane and the M42 embankments.

Extensive wildlife and landscaping is proposed. In particular much of the land to the south of the site and to the west of the proposed club house, which is currently scrub land, is to specifically set aside as a nature area in which great crested newts are to re-located. Additionally the excess land in the salient off Gypsy Lane is to be planted and set aside as a nature area, as it effectively cannot be used in connection with the proposed facilities.

An eight metre tall ball fence is to be located inside the southern hedgerow along part of the Vicarage Lane boundary and this would extend along the western side of the Coleshill Road.

The pitch south of Vicarage Lane would be flood lit - eight 16 metre tall columns with four lights on each side of the pitch.

There would be occasional team shelters dotted alongside the pitches.

The clubhouse would amount to some 960 square metres in footprint. It would be single storey with heating and water equipment in the roof space. Because of the width of the building however it would appear as a two storey building - 8 metres to its ridge line. It would face Coleshill Road. Accommodation includes a number of changing rooms; storage areas, first aid room, a club room and kitchen/bar. Around two thirds of the floor area would be used for changing/player facilities. It would be constructed in red facing brickwork with lighter brick string courses and dark grey interlocking tiles. The car parking areas around the clubhouse would also be lit.

Surface water drainage would be connected via existing and proposed ponds to drain to the south where HS2 will be providing a large balancing pond as part of its own engineering works. Foul drainage will require a pumping station to connect to existing sewers to the north of the site.

In total some 170 car parking spaces are provided with three coach spaces.

The proposed site layout is illustrated at Appendix B.

Members will be aware that the area covered by the proposed pitch 3 is required as part of the HS2 works and thus in terms of phasing this will only come into use at a much later date than the main site.

A significant amount of supporting documentation is also submitted with the application.

A Design and Access Statement provides the applicant's description of the site; its setting and how this has influenced the layout of the site and the appearance of the club house.

A Transport Statement indicates that trip generation figures have been taken from the existing facility at Gilson and factors included to increase this if several matches are taking place. It concludes that access arrangements can be proposed that would enable use of the site whilst having very limited impact on the overall local highway network.

Thus there would not be any “severe” impacts in terms of the NPPF.

A Ground Investigation Survey indicates that there would be a low risk from contamination apart from one area which would require specific treatment.

An Ecology survey concludes that the site is of low ecological value. However there are a number of ponds across the site and Great Crested Newts are present. Bats also were found to be roosting in hedgerow trees. Enhancements across the site would be valuable.

An External Lighting Statement and associated plans assess the impacts of the proposed lighting schemes.

A Sustainability and Ventilation and Heating report explains how energy is to be conserved in the building.

Representations

Water Orton Parish Council – No response has been received

Six letters of objection have been received referring to:

- The Club should not use any consent in order to gain further development on the site
- The loss of view from houses
- The site is inappropriate being in a residential area
- It is not “like-for-like” being for a leisure centre
- Not a local community facility
- Foul drainage details are missing
- The fence is too high and intrusive close to residential property
- The fence will require removal of trees
- The fence will “trap” bats
- The access arrangements may attract Travellers
- Gypsy Lane is single carriageway only unsuitable for extra traffic
- Gypsy Lane should be the main point of access not Coleshill Road
- Noise from the club house due to late night drinking and activity
- Flood lights will cause unneeded light pollution
- The main pitch is closest to residential property creating noise
- Pedestrian access from Vicarage Lane is not included
- Construction traffic difficulties
- Not enough car parking provision thus leading to on-street parking
- Little information has been submitted about other functions in the club house
- Little information about other uses of the site – e.g. caravan rallies

- Traffic impacts have not been thoroughly thought through.
- The development is over-bearing and too large
- The design is not in keeping

Coleshill Civic Society – Unequivocal support for the proposal.

One letter of support has been received but queries the access location.

One letter of representation expresses concern about construction traffic which should use Gypsy Lane.

The Applicant's Response

The applicant's attention was drawn to the detail of the representations received and a response was received. This is at Appendix C.

In particular this:

- Amends the length of ball-netting around the site's perimeter, removing its length from the junior pitches along Vicarage Lane; adjacent to 68 Vicarage Lane and from the mini-pitch alongside Vicarage Lane.
- Confirms that the fencing facing Coleshill Road will be located inside the site behind the existing hedgerow
- Confirms closure of the gated access adjacent to 68 Vicarage Lane.

Consultations

Warwickshire County Council as Highway Authority – Originally submitted an objection on a number of detailed matters but amended plans and additional detail has led to the withdrawal of that objection and a response of no objection subject to conditions.

Warwickshire County Council as Lead Local Flood Authority – Originally submitted an objection due to lack of detail, but since the receipt of further information there is now no objection subject to a condition.

Warwickshire County Council (Footpaths) – No objection.

Warwickshire Fire Services – No objection.

Warwickshire Police - No objection.

Severn Trent Water Ltd – No objection.

Environmental Health Officer – No objection.

HS2 Ltd – No objection.

Natural England – No objection.

Warwickshire Wildlife Trust – No objection.

Highways England – No objection.

Warwickshire Museum – It originally objected due to the lack of information but further archaeological survey work has been undertaken resulting in archaeological features being found. The Museum’s response will be reported at the meeting.

Sport England - No objection.

Development Plan

The Core Strategy 2014 – NW1 (Sustainable Development); NW3 (Green Belt), NW10 (Development Considerations), NW12 (Quality of Development), NW13 (Natural Environment), NW15 (Nature Conservation) and NW16 (Green Infrastructure).

Other Material Planning Considerations

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

The High Speed Rail (London – West Midlands) Act 2017

Observations

a) Appropriate or Not Appropriate Development in the Green Belt

The site is in the Green Belt. The change of use of land here is not appropriate development and thus there is a presumption of refusal because inappropriate development is harmful to the Green Belt by definition. The construction of new buildings too is not appropriate development in the Green Belt, but in this case, the NPPF defines six exceptions to this. One of these is relevant here and that is where the buildings are considered to be “appropriate provision for outdoor sport and recreation”.

As such the proposed buildings and structures here may well be appropriate development. However this is subject to two conditions – firstly whether the development preserves the openness of the Green Belt and secondly whether there is any conflict with the purposes of including land within the Green Belt.

In this case the site is open with no buildings. The proposal would introduce a new building; several flood lights, netting, posts and car parking. Openness would thus be lost. This would have a substantial impact on openness because of the scale of the building; its location within the site and the additional associated structures throughout the whole site. However the site itself is surrounded by existing development and the HS2 embankment would be significant in its height to the south. It is therefore to some degree self-contained. This is considered to mitigate the proposed impact of the development on openness from substantial to significant. In terms of the five purposes of including land within the Green Belt then there would be encroachment into countryside as the present site is open countryside and so there would be significant conflict.

Overall therefore the proposed change of use here is not appropriate development in the Green Belt and this is also the case in respect of the construction of buildings. As a consequence there is “de facto” harm here. It is also considered that the use and the buildings together cause actual significant harm to the openness of the Green Belt and to the purpose of safeguarding the countryside as one of the five purposes of including land within the Green Belt. There is thus significant Green Belt harm caused here.

b) Other Harm

In terms of assessing other harm then there are a number of potential impacts to look at.

It is considered that there would be limited harm to the character of the landscape here given the setting of the site at present with the Motorway embankments, the edge of settlement location and indeed when the HS2 embankment is constructed. It was concluded above that in these circumstances the site is self-contained and thus any change to the general character of the landscape here is considered to be limited.

However there would be harm to visual amenity. This is because the site and the proposals would be directly visible from a number of surrounding property occupiers as well as by drivers and pedestrians. This impact is considered to be significant because of the change in the character of the outlook and because of the nature of the built development – not only the club house but also the peripheral ball netting; the playing structures and the lighting columns and actual lighting of part of the site. Whilst it is understood that the lighting would not be a permanent feature it still is part of a larger proposal that affects visual amenity.

There are no on-site or nearby heritage assets that would be harmed.

The proposals are considered to enhance the ecological and bio-diversity value of the whole site. This is because of the substantial area of land specifically set aside for the re-location of newts – both from the existing site and as a consequence of the construction of the HS2 line in the vicinity – and additionally because the land around the periphery of the site that cannot be reasonably used for playing is to be planted and enhanced. The HS2 balancing pond too could be seen as an enhancement.

There is no objection from the Highway Authority subject to conditions. This results from the involvement of that Authority from the start of the process in the design of the access arrangements and it seeking further detail and in the provision of mitigation measures. Because of the comments made by local residents on this matter the full response from the Highway Authority is attached at Appendix D. It can be seen here that amended plans now include improvements to the existing footway in Coleshill Road and a link to the footpath on the opposite side of Vicarage Lane, and retention of the pedestrian gate at the north-west side. Significantly there is no objection in principle to the site being used; to highway capacity issues or for the need of off-site highway mitigation measures. The issue of car parking has been raised, but here there are more spaces available than at the existing site and there is space available on-site for overflow car parking. As a consequence of all of these matters, any adverse highway impacts would not cause “severe” harm, which Members will know is the test set out in the NPPF for development proposals to be refused planning permission on highway grounds. Highway harm is thus considered overall to be limited in impact.

The County Council as Lead Local Flood Authority also raises no objection subject to conditions.

The Environmental Health Officer is satisfied that any contamination issues can be properly dealt with. There is thus no harm here.

There are two impacts that need to be considered further – noise and lighting.

In respect of the former the noise is most likely from two sources – the pitches themselves and from activity associated with the club house. In respect of the former it is noteworthy that the Environmental Health Officer has not raised a concern or indeed requested further detailed study by an outside noise specialist. This is largely due to the nature of the noise; its temporary and irregular occurrence outside of what is normally considered to be “quiet” periods and the higher than normal ambient noise levels. Mitigation measures can be introduced through planning conditions restricting periods of play to certain hours; a restriction on public address systems and forward notification of any large tournaments or events. Again the Environmental Health Officer has raised no objection to the second matter. Members will be aware that the Licensing legislation will govern some of the matters here and that the Council acting as Local Planning Authority can only deal with amenity issues. These can be dealt with by planning condition - hours of use of the club house; acoustic glazing and ventilation fitted and controls over the use of outside spaces. It is agreed that the site of this replacement site is different in character to the Club’s existing location being much closer to residential property. The Club too has to recognise this different setting and this should expect a greater degree of control over activity in and around the club house. In all of these respects, given the nature of the noise sources and the mitigation measures that can be introduced, it is concluded that adverse harm arising from noise would be moderate in this instance.

In respect of lighting, then this will cause harm. The issue is what degree of harm is to be caused. It has to be at least moderate harm because of the introduction of artificial lighting into the current setting; its location where there are residential properties overlooking the site and where the level of lighting is going to be greater than that normally associated with a residential area. However there is general sky glow here as a consequence of the nearby urban area and Motorways. In all of these respects the Environmental Health Officer has not objected and mitigation measures should be put in place. These measures will be to limit the extent of the lighting on site in terms of location; intensity and hours of use. These control measures would retain the level of harm here to moderate harm.

c) The Harm Side of the Planning Balance

In terms of the “harm” side of the planning balance then it is concluded that there would be significant Green Belt harm; significant visual harm, moderate noise and lighting harm with limited highway harm and no drainage, heritage or contamination harm. There would be bio-diversity benefits.

d) The Applicant’s Planning Considerations

The applicant has put forward a number of planning considerations which he considers are of sufficient weight together to constitute the very special circumstances necessary to clearly outweigh the total harm caused by the proposals.

The first of these is that the application is a direct consequence of the HS2 proposals. These have been clearly outside of the applicant’s control but they will now directly force a re-location of the club’s facilities as a consequence of the recent Royal Assent.

This is a national infrastructure project and thus should be given substantial weight in the planning process.

The second is that the Club has undertaken a full search of alternative sites. Eleven were selected but nine were the subject of further detailed analysis- these are shown at Appendix E. Several of these are in the Green Belt too. A significant consideration in the selection process was the proximity to the existing “player” base and the local connections particularly with schools.

The third consideration is that the present site is already in a Green Belt location and the whole of its existing premises are lawfully there through the grant of planning permissions. The applicant argues that the Authority has thus accepted that the use and associated buildings are appropriate in principle within a Green Belt location.

The fourth consideration is that the replacement facility is “like-for-like”. Whilst the opportunity has been taken to upgrade facilities in terms of appropriate and relevant legislation and the need to meet the sport’s own Governing Body specifications, there has been no enhancement of non-playing facilities or activities. In this respect the proposed development is “appropriate provision for outdoor sport”. The scale and scope of that provision is directly related to the club and its present level of activity.

The fifth consideration is that the NPPF clearly makes it explicit, that one of the beneficial uses of the Green Belt is the provision of opportunities for outdoor sport and recreation. This proposal would satisfy that opportunity.

The sixth consideration is the NPPF guidance to increase access to and opportunities for promoting healthier communities through high quality provision.

It is considered that together, these considerations carry significant weight.

e) The Planning Balance

The central issue in this balance is to assess whether the weight of the applicant’s case clearly outweighs the total harm caused by his proposals such that they would amount to the very special circumstances necessary to support the development. It can be seen from the outline above that the cumulative degree of harm here is significant and also that the considerations put forward by the applicant also carry significant weight. In these circumstances there is not the “clear” gap between harm and benefit to conclude that the harm caused here clearly outweighs the benefit to warrant refusal. In these circumstances the recommendation below is one of support.

Recommendation

That subject to there being No Objection from the Warwickshire Museum, planning permission be **GRANTED** subject to the following conditions and any others that might be recommended by the Museum.

- 1) Standard Three Year condition
- 2) Standard Plan numbers – plan numbers 1569/04F; 2016/071/101C, 104, 105, 106, 107, 108, 5974/021C, 025A, 024A, 022A, 023A, 16128/E/1000/P3 and 1001/P2.

Defining Conditions

- 3) The application site shall not be used for any purpose whatsoever other than for the playing of Rugby Union Football including its coaching and training. For the avoidance of doubt this shall not include any activity, use or function that is not ancillary to the Club's purpose such as weddings, auctions, sales and hospitality events.

REASON

In recognition of the residential setting of the site.

- 4) Notwithstanding the provisions of Class B of Part 4 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended, there shall be no temporary use of the land within the application site whatsoever. For the avoidance of doubt this includes car boot sales and caravan rallies.

REASON

In recognition of the residential setting of the site.

Pre-commencement conditions

- 5) No development shall commence on site until full details of the provision of the access; car parking, manoeuvring and service areas and the emergency access for pitch number 3 and the tractor track between the main site and pitch 3, including surfacing, drainage and levels have first been submitted to and approved in writing by the Local Planning Authority. The site shall then only be laid out and constructed in full accordance with the approved details.

REASON

In the interests of highway safety

- 6) No development shall commence on site until a Construction Traffic Management Plan has first been submitted to and approved in writing by the Local Planning Authority. It shall include matters covering all construction traffic movements including abnormal loads and concrete pours and specifically cover:
 - a) Routing of construction traffic movements including the nature and numbers of all vehicles
 - b) Scheduling and timing of movements
 - c) The management of junctions and crossings of the public highway and other rights of way
 - d) Details of escorts for abnormal loads
 - e) Temporary Warning Signs
 - f) Temporary Removal and replacement of highway infrastructure

- g) Reinstatement of any signs, verges and other displaced items
- h) Details of site access and banksmen/escorts
- i) Details of the contacts for the site manager

The approved plan shall remain in force at all times until withdrawn by the Local Planning Authority in writing.

REASON

In the interests of highway safety.

7. No development shall commence on site until full details of a Construction Management Plan have first been submitted to and approved in writing by the Local Planning Authority. This shall include:
 - a) Details of dust suppression measures both on and off-site
 - b) Details of measures to clean the adjoining highways of mud and other extraneous material and deposits
 - c) Hours of working
 - d) Details of the location and any subsequent movement of the site compound together with the necessary turning areas
 - e) Details of the phasing of the development
 - f) Contact details of a site manager

The approved plan shall remain in force at all times until withdrawn in writing by the Local Planning Authority.

REASON

In the interests of the amenities of the local residential population.

8. No development shall commence until full landscaping details have 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

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

REASON

In the interests of the visual amenities of the area

10. No development shall commence on site 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 first been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall then be implemented on site.

REASON

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

11. No development shall commence on site until a detailed flood modelling exercise has been submitted to and approved in writing by the Local Planning Authority.

REASON

In the interests of reducing the risk of flooding

12. No development shall commence on the construction of the clubhouse hereby approved until full details of acoustically treated glazing to be incorporated into all windows and doors have first been submitted to and approved in writing by the Local Planning Authority. Only the approved measures shall then be installed

REASON

In the interests of reducing noise pollution.

13. No development shall commence on site until full details of a scheme for the provision of adequate water supplies and fire hydrants necessary for fire-fighting purposes on 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 the interests of public safety

14.No development shall commence on site until full details of the lighting specification for all onsite external lighting has first been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall then be installed on site.

REASON

In the interests of the residential amenities of the area

15.No development shall commence on site until full details of the ball netting specification has first been submitted to and approved in writing by the Local Planning Authority. Only the approved specification shall then be installed on site.

REASON

In the interests of the residential amenities of the area.

16.No development shall commence on site until full details of the location and construction of on-site overflow car parking areas have first been submitted to and approved in writing by the Local Planning Authority.

REASON

In the interests of highway safety

17.No development shall commence on site until full details of the measures to protect existing trees and hedgerows during construction have first been submitted to and approved in writing by the Local Planning Authority. Only the approved measures shall then be installed on site and these shall remain until their removal is authorised in writing by the Local Planning Authority.

REASON

In the interests of the visual and natural amenity of the area.

Pre-occupation Conditions

18.The development hereby approved shall not be used for any purpose whatsoever until three passing places along Gypsy Lane have been laid out, constructed and completed to the written satisfaction of the Local Planning Authority.

REASON

In the interests of highway safety

19. The development hereby approved shall not be used for any purpose whatsoever until the footway extension between the existing footways on the western side of Coleshill Road either side of Vicarage Lane has been constructed and completed to the written satisfaction of the Local Planning Authority

REASON

In the interests of highway safety

20. The development hereby approved shall not be used for any purpose whatsoever until the existing footway fronting the site along Coleshill Road has been upgraded, resurfaced and completed to the written satisfaction of the Local Planning Authority.

REASON

In the interests of highway safety

21. The development hereby approved shall not be used for any purpose whatsoever until the junction improvements at Coleshill Road/Gypsy Lane as shown on the approved plan have first been completed in full to the written satisfaction of the Local Planning Authority

REASON

In the interests of highway safety

22. The development hereby approved shall not be used for any purpose whatsoever until the existing access to the site from Vicarage Lane located in the north-west corner of the site, has been altered to a pedestrian only access and hard surfaced in front of the gate .

REASON

In the interests of highway safety.

23. The development hereby approved shall not be used for any purpose whatsoever until visibility splays have been provided to the vehicular and pedestrian accesses to the site measuring 2.4 metres by 43 metres as measured from the near edge of the public highway carriageway. These splays shall be maintained free of any obstruction at all times.

REASON

In the interests of highway safety

24. There shall be no use whatsoever of the development hereby approved until the whole of the car parking, access and turning areas for all of the car and coach parks including the overflow car park have first been completed and made available to the written satisfaction of the Local Planning Authority

REASON

In the interests of highway safety.

25. There shall be no use whatsoever made of the development hereby approved until the whole of the ecology area in the south-west corner of the site has been completed to the written satisfaction of the Local Planning Authority.

REASON

In the interests of enhancing bio-diversity in the area

Controlling Conditions

26. No gates located within any vehicular access into the site shall be hung so as to open into the road

REASON

In the interests of highway safety

27. There shall be no use of any of the playing and training pitches before 0900 hours and after 2200 hours on any day.

REASON

In recognition of the residential setting of the site and to reduce the risk of noise emissions

28. The lights around pitch 2 shall only be used on Tuesday, Wednesday, Thursday and Fridays evenings between 1800 and 2200 hours during the period commencing 1 September and ending on 30 April.

REASON

In recognition of the residential setting of the site and in the interests of the residential amenity of neighbouring occupiers.

29. The clubhouse hereby approved shall only be open between 0600 and 2300 hours on Mondays to Fridays inclusive; 1100 and 2300 hours on Saturdays and between 1000 and 1500 hours on Sundays.

REASON

In recognition of the residential setting of the site.

Notes

1. The Local Planning Authority has met the requirements of the National Planning Policy Framework in this case through a series of pre-application meetings; seeking amended plans as a direct consequence of consultation responses in order to overcome technical issues and seeking additional assessment reports as a consequence of representations received.
2. The details required under condition (10) above shall include the findings from infiltration testing in accordance with BRE 365 guidance and demonstration of the suitability of the use of infiltration SUDS; demonstration of compliance with CIRIA C753, evidence that the discharge rate generated by rainfall events up to and including the 100 year plus 40% critical rain storm has been limited to the QBAR runoff rates for all return periods, demonstration through design in support of any surface water drainage scheme including any attenuation and outfall arrangements including calculations, evidence from STW for approval to discharge foul water to its assets, demonstration of the proposed allowance for exceedance flow and associated overland flow routing and a Maintenance Plan giving details on how the entire surface water and foul water systems are to be maintained and managed after completion in perpetuity.
3. The details required under condition (11) shall include an assessment of the 1 in 5, 20, 30, 75, 100 and 1000 year return period events including for depth and hazard ratings; an assessment of the impact of blockage on the downstream culvert and proposed SUDS drainage outfalls and climate change assessments in line with EA guidance.
4. The lighting specification details required by condition (14) shall include details of all lighting sources; their design and location together with full details of the levels of lighting for the playing field, the car park areas and external lighting fixed to the walls or roof of the club house. This shall include details of the specification of the light sources, the angle that light sources are set and luminance contours showing the light levels at ground level.
5. Condition (15) shall include details of design, height, colour and location of the netting and its supporting structure.
6. The playing fields shall be constructed in line with IOG pitch standards and RFU Guidance Note 2.
7. The changing rooms shall only be constructed in accordance with RFU guidance Note 5.

8. The applicant is advised that the site falls within land that may be required to construct and/or operate Phase One of a high speed rail line between London and the West Midlands, known as High Speed Two. Powers to construct and operate HS2 are to be sought by promoting a hybrid Bill which was deposited in Parliament on 25th November 2013 and which received Royal Assent in February 2017.
9. The use or reuse of sewer connections either direct or indirect to the public sewerage system will require formal application to Severn Trent Water Ltd under Section 106 of the Water Industry Act 1991.
10. Severn Trent Water advise that there may be sewers that have not been formally adopted within the area. Public sewers have statutory protection and may not be built close to or over without consent. STW can advise.
11. Attention is drawn to Sections 149, 151, 163, 184 and 278 of the Highways Act 1980; the Traffic Management Act 2004, the New Roads and Street Works Act 1991 and all relevant Codes of Practice. Advice can be sought from the highway authority – the Warwickshire County Council

BACKGROUND PAPERS

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

Planning Application No: PAP/2016/0709

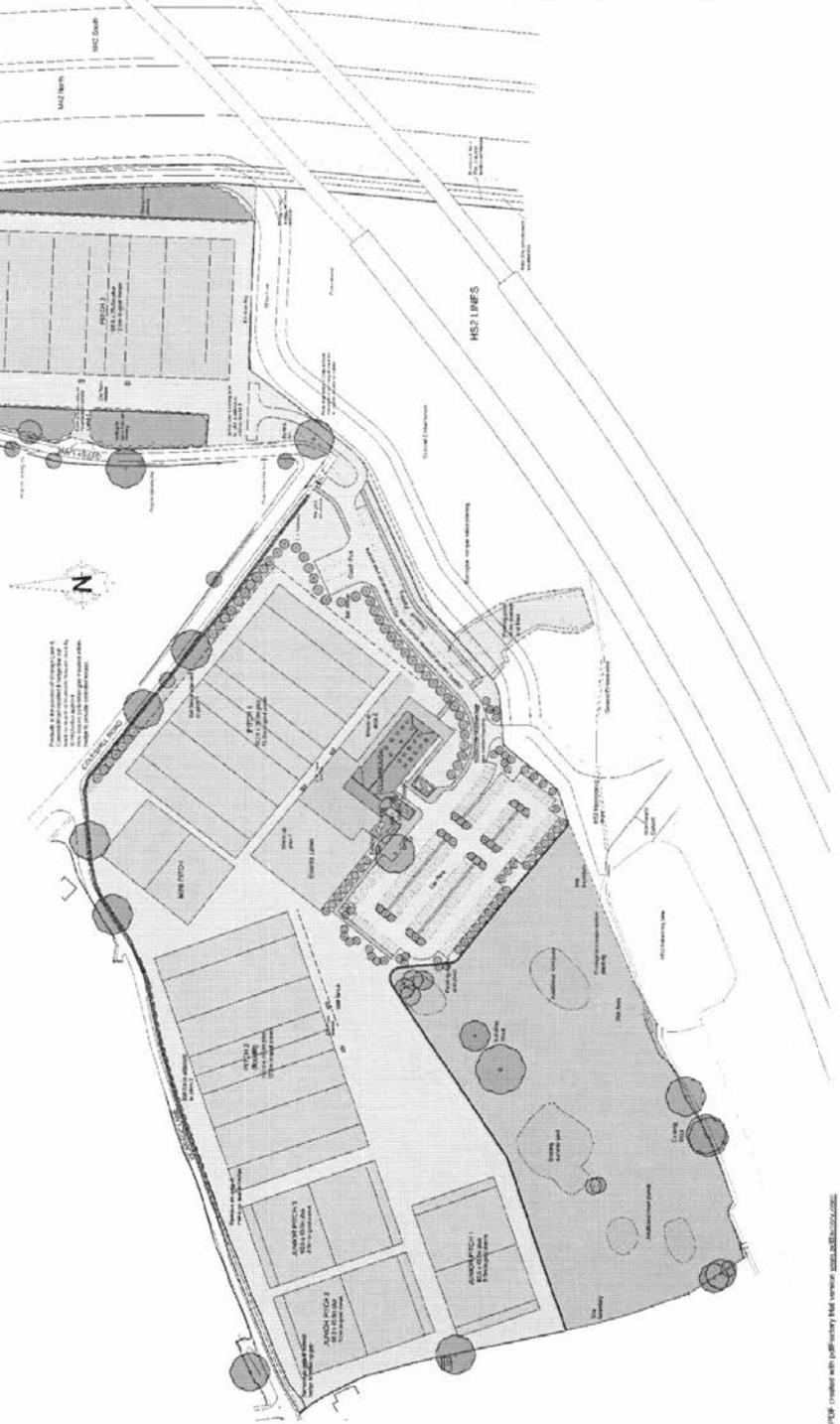
Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	12/12/16
2	D Cheslin	Objection	17/12/16
3	WCC Rights of Way	Consultation	21/12/16
4	Warwickshire Museum	Consultation	23/12/16
5	Natural England	Consultation	21/12/16
6	R Wild	Objection	22/12/16
7	Environmental Health Officer	Consultation	23/12/16
8	M Shrimpton	Objection	19/12/16
9	S Gallagher	Objection	3/1/17
10	Warwickshire Fire Services	Consultation	22/12/16
11	Severn Trent Water Ltd	Consultation	29/12/16
12	WCC Flooding	Consultation	30/12/16
13	Mr & Mrs Terry	Objection	
14	E Watts	Support	4/1/17
15	Warwickshire Police	Consultation	3/1/17
16	R Bailey	Objection	5/1/17
17	Highways England	Consultation	11/1/17
18	Case Officer	Letter	12/1/17
19	Coleshill Civic Society	Consultation	13/1/17
20	Environmental Health Officer	Consultation	16/1/17
21	HS2 Ltd	Consultation	4/1/17
22	J Warren	Objection	10/1/17
23	L Davies	Representation	13/1/17
24	WCC Highways	Consultation	17/1/17
25	Warwickshire Museum	Consultation	27/1/17
26	Sport England	Consultation	30/1/17
27	Applicant	E-mail	11/1/17
28	Applicant	E-mail	20/2/17
29	Environmental Health Officer	Consultation	20/2017
30	Applicant	E-mail	20 and 21/2/17
31	Applicant	E-mail	27/2/17

32	Applicant	E-mail	28/2/17
33	WCC Highways	Consultation	2/3/17
34	WCC Flooding	Consultation	16/3/17

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.

Schedule of Accommodation
 All areas are measured gross internal
 Floor Area 10,111.52 sq. ft. 987.42 sq.m
 Site Area 2933 sq.m 11.33 hectares
Parking
 Cars 182 + 4 bays for disabled
 Cycles 3
 Disabled 3



1.1.1.1.1 To provide a minimum of 100 sq. ft. of parking for each unit. To be provided in the form of a garage or carport. To be provided in the form of a garage or carport. To be provided in the form of a garage or carport.

1.1.1.1.2 To provide a minimum of 100 sq. ft. of parking for each unit. To be provided in the form of a garage or carport. To be provided in the form of a garage or carport. To be provided in the form of a garage or carport.

1.1.1.1.3 To provide a minimum of 100 sq. ft. of parking for each unit. To be provided in the form of a garage or carport. To be provided in the form of a garage or carport. To be provided in the form of a garage or carport.

1.1.1.1.4 To provide a minimum of 100 sq. ft. of parking for each unit. To be provided in the form of a garage or carport. To be provided in the form of a garage or carport. To be provided in the form of a garage or carport.

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 115, 117, 119, 121, 123, 125, 127, 129, 131, 133, 135, 137, 139, 141, 143, 145, 147, 149, 151, 153, 155, 157, 159, 161, 163, 165, 167, 169, 171, 173, 175, 177, 179, 181, 183, 185, 187, 189, 191, 193, 195, 197, 199, 201, 203, 205, 207, 209, 211, 213, 215, 217, 219, 221, 223, 225, 227, 229, 231, 233, 235, 237, 239, 241, 243, 245, 247, 249, 251, 253, 255, 257, 259, 261, 263, 265, 267, 269, 271, 273, 275, 277, 279, 281, 283, 285, 287, 289, 291, 293, 295, 297, 299, 301, 303, 305, 307, 309, 311, 313, 315, 317, 319, 321, 323, 325, 327, 329, 331, 333, 335, 337, 339, 341, 343, 345, 347, 349, 351, 353, 355, 357, 359, 361, 363, 365, 367, 369, 371, 373, 375, 377, 379, 381, 383, 385, 387, 389, 391, 393, 395, 397, 399, 401, 403, 405, 407, 409, 411, 413, 415, 417, 419, 421, 423, 425, 427, 429, 431, 433, 435, 437, 439, 441, 443, 445, 447, 449, 451, 453, 455, 457, 459, 461, 463, 465, 467, 469, 471, 473, 475, 477, 479, 481, 483, 485, 487, 489, 491, 493, 495, 497, 499, 501, 503, 505, 507, 509, 511, 513, 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2591, 2593, 2595, 2597, 2599, 2601, 2603, 2605, 2607, 2609, 2611, 2613, 2615, 2617, 2619, 2621, 2623, 2625, 2627, 2629, 2631, 2633, 2635, 2637, 2639, 2641, 2643, 2645, 2647, 2649, 2651, 2653, 2655, 2657, 2659, 2661, 2663, 2665, 2667, 2669, 2671, 2673, 2675, 2677, 2679, 2681, 2683, 2685, 2687, 2689, 2691, 2693, 2695, 2697, 2699, 2701, 2703, 2705, 2707, 2709, 2711, 2713, 2715, 2717, 2719, 2721, 2723, 2725, 2727, 2729, 2731, 2733, 2735, 2737, 2739, 2741, 2743, 2745, 2747, 2749, 2751, 2753, 2755, 2757, 2759, 2761, 2763, 2765, 2767, 2769, 2771, 2773, 2775, 2777, 2779, 2781, 2783, 2785, 2787, 2789, 2791, 2793, 2795, 2797, 2799, 2801, 2803, 2805, 2807, 2809, 2811, 2813, 2815, 2817, 2819, 2821, 2823, 2825, 2827, 2829, 2831, 2833, 2835, 2837, 2839, 2841, 2843, 2845, 2847, 2849, 2851, 2853, 2855, 2857, 2859, 2861, 2863, 2865, 2867, 2869, 2871, 2873, 2875, 2877, 2879, 2881, 2883, 2885, 2887, 2889, 2891, 2893, 2895, 2897, 2899, 2901, 2903, 2905, 2907, 2909, 2911, 2913, 2915, 2917, 2919, 2921, 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Proposed Relocation of the Old Saltaire Rugby Football Club – Response to queries, issues and concerns raised following the Club's planning application Rev A (14.03.2017)

Traffic and Highways

Referring to WCC Transport and Economy response 02 March 2017:

1. *Road Safety Audit – audit teams responses have been received.*
2. Pedestrian access at the north-west corner of the site adjacent to the junction of Coleshill Road and Vicarage Lane. A satisfactory design has been submitted.
3. Land Ownership Plan 5974 – 026 Rev A has been amended to omit the Highways Transfer. There is no proposal to pursue stopping-up the existing highway. The highway will remain undisturbed. The Club will provide controlled gates, with dropped kerbs, to the individual north and south accesses to the separate parcels of land (lying on each side of the carriageway).
4. The site of the gas regulator station cannot be confirmed. National Grid has not confirmed ownership or an access requirement. The station has been deleted from the revised Land Ownership and Site Layout Plans.

Referring to NWBC's letter of 12th January, 2017, item a). Traffic and Highways:

- The initial six unnumbered points. WCC Transport and Economy letter, referred to above, addresses these issues. The community's concerns are not supported. There is no evidence to support the contention that traffic will increase noise and pollution.
- The bridle way is indicated to meet HS2's requirement to provide public access to an isolated triangle of land, south of the proposed railway embankment and adjacent to the motorway corridor. The bridle way lies outside the Club's proposed boundary and planting screen. No access to the Club's car park is provided.
- No 'Stop' road sign is proposed at the south end of Gypsy Lane. WCC Highways require 'Give way' marking and hatching at this junction.
- WCC confirm the Club's proposed parking provision exceeds what is currently required, on-street parking should not be an issue. The requirement for 'yellow lines' is not supported.
- The gated access adjacent of no. 68 Vicarage Lane will be removed, the access closed with a fence and hedge planting.
- It is acknowledged that there is no pedestrian facility in Vicarage Lane, the Club's relocation proposals do not include work in Vicarage Lane. WCC require the Club to provide a pedestrian access into the relocation site on the north-west corner, at the junction of Vicarage Lane and Coleshill Road, in order to provide a safe crossing point of Vicarage Lane for pedestrians in Coleshill Road. Detail proposals to address WCC Highways objections are the subject of a particular plan: Phil Jones Associates, plan no. 1569 – 04 Rev. E.

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- Fly tipping is a countrywide problem, WCC have recommended the provision of passing places in Gypsy Lane to assist traffic flows. It is not accepted they will increase the risks of fly tipping.
- There are no proposals to remove the passing place in Vicarage Lane.

Car Parking

The amount of car parking is addressed in Warwickshire County Council Transport and Economy letter of 17th January, 2017, page 2, relevant comments are made in paragraphs 5 – 8, which conclude the additional parking provision at the relocation site exceeds that at the existing premises, therefore 'on-street parking should not be an issue'. Provision for coach parking is also approved. The objector's comment that there is an additional pitch at the relocation site is not correct; pitches on the relocation site replace those that will be lost at the current site.

Ball Catch Fencing

The ball fence line in Vicarage Lane has been amended to omit fencing to junior pitches 2 and 3; fencing to junior pitches 1 and 2 along the eastern boundary of no. 68 Vicarage Lane is also omitted; fencing will also be omitted between the recreation ground entrance gate and the junction of Vicarage Lane with Coleshill Road. There is no evidence that the ball fence will trap bats.

Fencing to Coleshill Road, opposite the dwellings will be erected inside the site boundary and be partially obscured by the existing boundary hedge and new tree planting.

A photograph of the proposed ball fencing is attached. It is proposed that ball fencing will be 8 metres high, mounted on steel posts, 8 metres high at 5 metre centres carrying 10 cm x 10 cm polyethylene mesh netting, colour green.

Floodlighting

As demonstrated in the supplementary information from CPW submitted 20.02.2017, floodlighting is proposed to pitch 2 and the adjacent practice area, south of pitch 2. The proposed column heights are confirmed at 16m. The lighting units will utilise the latest high technology luminaires to prevent upward or side pollution (restricted back scatter). The lighting plots illustrate there will be no light overspill or pollution to the neighbouring properties.

Floodlighting hours: during the winter months - Tuesday, Wednesday, Thursday and Friday evenings from 1800 until 2200 hours.

Conventional street lighting is proposed to the site entrance road and carpark.

An illuminated Club signboard is proposed adjacent to the site entrance gates.

Drainage

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Drainage proposals are as indicated on the Nolan Associates Drg No 2016-071-108 Rev P1 submitted 27.02.2017 which indicate a pumped foul drain connection to the sewer at the junction of Coleshill Road and Vicarage Lane.

Ecology

Refer to Ramm Sanderson comments attached. The Club will have an interim responsibility to maintain the ecological habitat for an unspecified short term until HS2 move into the area and take responsibility for maintenance of the wider habitat extending westwards along the north side of the HS2 rail embankment. The habitat is identified on the Site Plan, ref., 5974-021 Rev B.

Noise

The Club maintain there will be no significant increase in traffic noise or pollution after relocation. There will be some noise during match play (80 minutes). Visiting teams, supporters and spectators will generate some additional traffic on Saturday afternoons, between midday and late afternoon. The majority of visitors will access and depart the new site via Lichfield Road A446, Watton Lane, Gilson Road, Gypsy Lane and M42. On Sunday mornings Mini and Youth Rugby will generate more local traffic between 9.00 am and 2.00 pm. It is not possible to calculate potential noise levels.

Design, Appearance and Noise

The schedule of accommodation for the new clubhouse is generally "like-for-like" with the existing premises, but the floor areas of some of the facilities, i.e., changing rooms, toilet accommodation have increased to comply with current legislation and RFU guidelines.

It is not necessary to illustrate the fit-out on the planning application drawings, this level of information will included in the detail development.

The building is purposefully designed to be domestic in scale, the 8m ridge height is similar to that of a 2 storey dwelling and will be well below the horizon of the railway embankment that will be behind it.

The eaves height of the building is single storey and the ridge height is approximately 8m which is little more than a typical 7.5m height of the neighbouring two storey housing. The roof plan illustrates the area within the roof void to be used for the M&E plant which includes heating and ventilation equipment for the building and hot water storage for the changing rooms. There is a comprehensive set of cross sections through the building which illustrate the usable volume is to the centre of the building.

As is normal for planning drawings they are not dimensioned, however they are accurately drawn to a scale 1:100.

As shown on the elevations the gablets to the ends of the gambrel roofs and the eyebrow gablets over the toilets adjacent to the main entrance include louvres in association with the air intake and extraction for the ventilation systems. The stable vents to the ridge are a traditional feature used to disguise modern flue terminals and the like.

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Traditional brick walls and roof tiles have been selected to be in keeping and scale with the neighbouring housing. The brick banding is used to help break down the visual impact of the mass and this will be supplemented with climbing and shrub planting to break up the visual length of the building. The elevations have been coloured to provide an impression whereas the actual selection of material colours will be subject to planning approval.

The noise levels will be designed to the limits laid down in the Building Regulations.

Other matters

Site Security: The majority of visiting players and spectators arrive and depart club premises by car. For general site security access will be restricted to the main site road entrance at the junction of Coleshill Road and Gypsy Lane. The site will have secure post and rail fencing and mature hedge boundaries. Vehicle access through the main site entrance will be securely controlled out of hours; additional secure protection measures will prevent access by unauthorised travellers.

Licensing hours: 10.00 am until 1.00 am the following day, 7 days/week; 365 days/year.

Club opening hours: will remain as for the existing Club premises – Mondays to Fridays 6.00 until 11.00 pm; Saturdays 11.00 am until 11.00 pm; Sundays 10.00 am until 3.00 pm.

Noise by Club Members and Visitors: Currently there is little or no disturbance in late evenings when the Club closes; the Club foresee no difference when the new premises close.

The Events Lawn will be used for players' warm-up sessions, summer barbeques, fetes, childrens' play and as a site for and special events including weddings, etc., operating within strict rules with regard to character and numbers. The Club is currently limited by its licence to a maximum of twelve private hire events in a year.

The Club host members of the Autotrail Club, who visit annually and stay for 4 nights, in late November (to coincide with German Christmas Market in Birmingham). The Autotrail Club party comprises approximately 20 caravans; they park for the duration of their stay, with no movements until they leave. The Club have previously experienced good behaviour with no noise problems. The Club do not privately rent their ground to owners of caravans or camper vans.

The Old Saltleians operate strict rules relating to the management and control of dogs; they must be kept on a lead at all times; the Club operates a clean-up site policy.

There will be no significant changes between proposed and existing ground levels. Floor levels in the Clubhouse will be approximately 150/250 mm above proposed ground levels.

The Club have no proposals with regard to the stables at the rear of 66/68 Vicarage Lane, this site lies outside the boundary of the relocation site.

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Refer to the Nolan Associates Dgr No 2016-071-101 Rev P5 for a preliminary layout of the existing/proposed levels.

The Construction Phasing Programme quoted in the planning application included incorrect dates, the amended programme follows:

Construction Phasing Programme:

- | | |
|----------------------------------|-------------------------|
| 1. Planning Approval Target | May, 2017 |
| 2. Apply for licence to trap GCN | May, 2017 |
| 3. Trapping GCN | July, 2017 |
| 4. Construction start | August, 2017 |
| 5. Construction completion | November/December, 2018 |

An archaeological survey has now been completed and the results will be submitted shortly. These indicate the site to be clear.

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Your ref: PAP/2016/0709
My ref: 160709
Further Information Received: 20 February 2017



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02 March 2017

Dear Mr Brown

PROPOSAL: Relocation of Rugby club, new clubhouse with clubroom and changing facilities, playing pitches for Senior and Junior Rugby with flood lighting to one pitch and associated parking for cars and coaches with access road

LOCATION: Land East of 68 Vicarage Lane, Water Orton

APPLICANT: Mr Julian Harradence

The Highway Authority had the following comments to make in regard to your consultation dated 14 December 2016:

A Road Safety Audit Stage 1 was carried out by TMS. The audit highlighted 3 issues: Pedestrian access, the proposed access junction and the emergency access. A design response has been included in the details, but the response of the audit team to the design team has not. The audit team need to look at the responses of the designer and respond accordingly.

In regard to pedestrian access, another access is available on the north-western side of the site, but does not appear to be shown on the plan looked at by the road safety audit team. The access is currently a field gate access. Visibility looking right (easterly) from the access is obstructed by the existing hedge. If this access is to be used then the audit team should have looked at the access.

The Land Ownership Plan, drawing no. 5974-026 Rev A, shows an area in red highlighted as Highways Transfer. According to our records no application to

*Working for
Warwickshire*

stop-up the highway has been received, but in order to stop-up the highway other issues will need to be addressed as well:

- Only a section of the highway extent is to be stopped up. The highway extent continues eastwards beyond the red area shown. Highway cannot be isolated, so all the highway land east of the red area would need to be stopped up.*
- It has not been shown that the land highlighted in red is in the control of the applicant. The ownership of land when stopped-up goes back to the original title holder. That may not be the applicant or the owner of the land around the application site. It needs to be shown that the land can be used by the applicant.*
- Stopping-up the highway will require consultation with the Highway Authority and the public. It has not been shown that the Highway Authority will agree to stopping-up the area, and there appears to be local opposition to the relocation of the rugby club, which may slow down or even prevent any stopping-up.*

Other concerns have been raised with the planning authority including traffic flows, coaches, tight turns at junctions, dangerous junction, parking, Gypsy Lane is too narrow and no access to the pumping station.

In regard to traffic flows the highways surrounding the site are not heavily trafficked. When games are being played flows will increase by as much as 120 vehicles per hour. There is capacity on the existing highway network to accommodate the extra demand.

A parking survey has been carried out which shows that the proposed parking provision should exceed what is currently required at the existing rugby ground. So, on-street parking should not be an issue.

Three coach parking spaces are to be provided. The applicant does not anticipate the need for any more provision. There will be 3 full sized pitches, so even if all the pitches were being utilised, with 3 different away teams scheduled to play at the site, and all travelling by coach, only 3 coach parking spaces would be required. A standard coach could accommodate 2 rugby teams and a large coach 3 rugby teams. So, it is unlikely that more coach parking will be required.

Obviously coaches are large vehicles which need more room to manoeuvre and to get through junctions. But it has to be remembered that the highway around the site is not heavily trafficked and that large vehicles already use the junctions without known detriment. Refuse vehicles use the surrounding highway every

week and other large vehicles are used to deliver goods in the area, and to maintain the highway. In addition agricultural vehicles are used in the area.

It has also been demonstrated that the junctions around the site will not exceed capacity as a result of the proposed development. In addition, accident history shows that there have been no recorded accidents around the junction of Vicarage Lane and Coleshill Road in over 10 years. And since 1990, when our records began, there have been 3 recorded slight accidents. The junction is not therefore considered dangerous.

Passing points are proposed along Gypsy Lane to increase flow and hopefully prevent the need for reversing when meeting a vehicle travelling in the opposite direction.

A pumping station has been mentioned. Apologies for not knowing the location of a pumping station, but the operator of the pumping station should raise any concerns about access if there are any concerns.

Therefore, the Highway Authority's response to your consultation is one of OBJECTION for the following reasons:

- 1. The Road Safety Audit Team need to respond accordingly to the comments of the design team.*
- 2. The pedestrian access on the north-western side of the site should be reviewed in order to determine the suitability of the access.*
- 3. It has not been shown that the proposed area for stopping-up can be reasonably achieved.*

The Highway Authority has the following comments to make in regard to further information received up until 20 February 2017:

Drawing No. 1569-04 Rev F has been submitted for consideration.

In order to overcome the concerns of the Stage 1 Road Safety Audit further information has been received.

The existing footway alongside the site in Coleshill Road will be improved and a link constructed to the footway on the opposite side of Vicarage Lane, with the necessary visibility splays.

The swept paths of vehicles shown on drawing No. 1569-05 Rev D are considered a suitable spectrum of vehicles likely to visit the site on a regular basis. The drawing shows that the wheels of such vehicles should not need to overrun the footways.

Visibility splays of 43 metres are proposed to the new emergency access, which are suitable for approach speeds of 30mph. No speed data has been submitted with the application, but in mitigation the visibility splays will be improved over what is currently available, the access will be formalised, so vehicles can enter the public highway quicker so there will be less of an obstruction, and the access will be used less than currently. As such, the proposed risk of conflict should be lower than currently.

The applicant has agreed to retain a pedestrian gate to the north-western side of the site to improve pedestrian connectivity. The gate will only be open on game days and for events at the site, but will improve pedestrian connectivity with the site.

The other vehicle access along Vicarage Lane should be closed-off permanently.

The application to stop-up the public highway in the area south-easterly of the vehicular access to the site has been withdrawn. The intention is to leave the land as highway maintainable at public expense.

The proposed passing places may not be able to be constructed as shown because the width of the highway extent may not extend 1.5 metres as shown. However, the space that will be available will allow two vehicles to pass, which is the intention of the passing places.

Therefore, the reasons for objection have been overcome, so the Highway Authority's response is one of no objection subject to the following conditions:

1. Access for vehicles to the site from the public highway (Coleshill Road D417) shall not be made other than at the position identified on the approved drawing, number 1569-04 Revision F, and shall not be used unless a bellmouth has been laid out and constructed within the public highway in accordance with the standard specification of the Highway Authority.
2. Notwithstanding the plans submitted the development shall not be occupied until three passing places along Gypsy Lane have been laid out and constructed within the public highway in accordance with the specification of the Highway Authority.
3. The development shall not be occupied until the proposed footway extension scheme between the existing footways on western side of Coleshill Road either side Vicarage Lane (D406) has been constructed to the satisfaction of the Highway Authority including the necessary visibility splays.
4. The development shall not be occupied until the existing footway fronting the site on Coleshill Road has been upgraded and resurfaced to the satisfaction of the Highway Authority.
5. The development shall not be occupied until the junction improvement works have been completed in accordance with the approved plan and to the satisfaction of the Highway Authority at the junction of Gypsy Lane with Coleshill Road.

6. No development shall commence until full details of the provision of the access, car parking, manoeuvring, service areas, emergency access for Pitch 3 and tractor track between the site and Pitch 3, including surfacing, drainage and levels have been submitted to and approved in writing by the Council. The site shall not be occupied until the areas have been laid out in accordance with the approved details. Such areas shall be permanently retained for the purpose of parking and manoeuvring of vehicles, as the case may be.
7. The emergency access for Pitch 3 and the track between the main site and Pitch 3 shall not be used unless public highway verge crossings have been laid out and constructed in accordance with the standard specification of the Highway Authority.
8. The existing vehicular accesses to the site shall be closed off and the public highway footway and verges reinstated to the satisfaction of the Highway Authority within 1 month of the new access being formed.
9. The development shall not be occupied until the existing access to the site from Vicarage Lane, located in the north-western corner of the site, has been altered to a pedestrian access only including surfacing the access fronting the gate with a bound material within the land Highway Maintainable at Public Expense. The access shall not be closed when games are being played on site or when events are being held at the site.
10. The vehicular accesses to the site shall not be constructed in such a manner as to reduce the effective capacity of any highway drain or permit surface water to run off the site onto the public highway.
11. Gates located within the accesses to the site shall be hung so as to open into the site only.
12. The development shall not be occupied 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 'x' distances of 2.4 metres and 'y' distances of 43.0 metres to the near edge of the public highway carriageway. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway.
13. The development shall not be occupied until visibility splays have been provided to the pedestrian accesses to the site, passing through the limits of the site fronting the public highway, with 'x' distances of 2.0 metres and 'y' distances of 43.0 metres to the near edge of the public highway carriageway. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway.
14. Glare shall not be created upon the public highway by the lighting sources within the site.

15. The development shall not be commenced until a turning area has been provided within the site so as to enable general site traffic and construction vehicles to leave and re-enter the public highway in a forward gear.
16. The development hereby permitted shall not commence or continue unless measures are in place to prevent/minimise the spread of extraneous material onto the public highway by the wheels of vehicles using the site and to clean the public highway of such material.
17. No development shall take place until a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the Local Planning Authority. The Construction Traffic Management Plan (CTMP) shall include all construction traffic including concrete pours and abnormal loads and shall include proposals for the :
 - i. Routing of construction traffic (including swept path details where appropriate),
 - ii. Scheduling and timing of movements including nature and number of vehicles,
 - iii. The management of junctions to and crossings of the public highway and other public rights of way,
 - iv. Details of escorts for abnormal loads,
 - v. Temporary warning signs,
 - vi. Temporary removal and replacement of highway infrastructure/street furniture,
 - vii. Reinstatement of any signs, verges or other items displaced by construction traffic,
 - viii. Details of the site access and banksman/escort details. The approved Construction Traffic Management Plan including any agreed improvements or works to accommodate construction traffic where required along the route, shall be carried out as approved

Notes:

- a. Condition numbers 1 to 5 require works to be carried out within the limits of the public highway. The applicant / developer must enter into a [Minor] Highway Works Agreement made under the provisions of Section 278 of the Highways Act 1980 for the purposes of completing the works. The applicant / developer should note that feasibility drawings of works to be carried out within the limits of the public highway which may be approved by the grant of this planning permission should *not* be construed as drawings approved by the Highway Authority, but they should be considered as drawings indicating the principles of the works on which more detailed drawings shall be based for the purposes of completing an agreement under Section 278.

An application to enter into a Section 278 Highway Works Agreement should be made to the Planning & Development Group, Communities Group, Warwickshire County Council, Shire Hall, Warwick, CV34 4SX.

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 ten days notice will be required. For works lasting longer than 10 days, three months notice will be required.

- b. Condition numbers 7 to 9 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.

- c. 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.

- d. 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.

Yours sincerely

Tony Burrows
Highway Control Engineer

Copy to: Councillor Mrs J Lea, - Water Orton, for information only.

Old Sattleians Rugby Football Club – Relocation Site Selection Statement

Soon after the publication of the route for the HS2 High Speed Rail Link between London and the West Midlands in 2010, it became obvious that if the project were to be approved and proceed, the Old Sattleians Rugby Club would be forced to consider relocation to a new site.

Plans for the north chord of the HS2 railway link to and from Birmingham and the HS2 main route passing north and south were confirmed to pass through the Club's current site, situated between the A446 Lichfield Road, the B4117 Gilson Road and the B4118 Watton Lane, near to the junction known locally as Jack O' Watton, Water Orton. It was clear that continuing use of the existing clubhouse, car park and playing fields would not be possible.

With due consideration to the published programme for the HS2 Project, the Club recognised the need to quickly identify and locate a suitable site for relocation. The search began in December, 2012 seeking possible sites of approximately 20 acres, located in the wider area covering Castle Bromwich, Coleshill, Curdworth and Water Orton.

The criteria for selecting a suitable site were that it should be situated as specified above, the site should be reasonably close to one of these communities; the area would be of a generally level profile with good vehicular access and available mains services and drainage.

Over a period of four months, between December, 2012 and March, 2013, 11 no. possible sites were identified, visited and inspected with regard to meeting the aforementioned criteria. The sites are listed in the attached schedule.

The sites identified were subsequently visited and inspected, independently by senior club members and rated for suitability. Simultaneously, a senior club member, former player, active within the Club's Mini & Youth section Club, undertook a demographic survey of the identified sites. The survey took account of the significant level of junior membership within the Club. This factor was confirmed to warrant overriding importance. The Club also determined it must maintain access and links with the local community when deciding between the potential relocation sites. In addition partnerships with local schools have been established and needed to be honoured. Importantly, the Club were currently active and complemented other local sports activities in the Village community.

The Club concluded it would be difficult to justify a move beyond Water Orton; it would take time to build new community contacts and school partnerships etc. Inevitably, such a move would have an adverse effect on membership and existing community links. For these reasons the remaining outlying sites were rejected.

Further consideration of the aforementioned factors reduced the possible relocation options to Coleshill Road/Vicarage Lane and Plank Lane/Birmingham Road, both sites are situated in Water Orton.

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relocationsite selection

The Birmingham Road site physically slopes significantly and would require pitches to be terraced to provide level playing surfaces; floodlighting would require careful consideration due to the proximity of the M6 motorway, the disposition of the site would be more restrictive for development of clubhouse and parking. Finally, following enquiries with the land owner, the site was found to be not for sale.

The Coleshill Road/Vicarage Lane site lies within the HS2 Safeguarding Area, it provides easy access to the Village centre and community, with good transport links to Coleshill and Castle Bromwich. Subsequent discussions and negotiations with HS2 confirmed the site to be viable for relocation.

Julian Harradence

Old Saltleians RFC Development Team

27th February, 2017

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Site#	OS Grid Ref	Locations	Access: Distance to / from the centre of...				Access Distance to School Partners			Bus Route	Notes
			Water Orton	Coleshill	Castle Bromwich	Curdworth	Park Hall	Coleshill	Local Junior		
0	SP189 909	Watton Lane, present ground	0.75 miles	1.55 miles	2.47 miles	1.77 miles	1.71 miles	2.57 miles	150m	95% of youth & 85% adult players live within these 3.1 three listed communities	
1	SP183906	Coleshill Rd / Vicarage Lane / H52	0.58	1.85	2.43	1.98	1.67	2.91	360m	Within Water Orton Community, fallow land and water meadow	
2	SP170908	Plank Lane / B'ham Road / Open Field	0.57	3.28	1.42	2.39	1.02	4.64	30m	Between Water Orton and Castle Bromwich Communities	
3	SP178897	Attleborough Lane / Coleshill Manor / M6 / M42 feeder	2.41	1.79	3.75	2.31	3.57	2.75	1600m	Water Orton Footpath 1.04 miles via Attleborough Lane deemed unsafe in darkness, no lighting, uneven ground.	
4	SP173931	Wishaw Lane, West side, and Kingsbury Canal	2.52	3.75	3.95	0.95	3.52	4.6	420m	assume access from Wishaw Lane, commercial agricultural land	
5	SP178935	Wishaw Lane, East side / Curdworth Tunnel / Bayliss's Bridge	2.52	3.75	3.95	0.45	3.52	4.6	420m	assume access from Wishaw Lane, commercial agricultural land	
6	SP186975	Marsh Lane Curdworth	1.81	3.04	3.37	0.71	2.49	3.89	620m	Gas Main runs directly across N/S and high voltage power line across the SE corner	
7	SP208870	Packington Lane Coleshill	3.18	1.63	5.62	5.11	5.48	0.57	800m	assume access from Packington Lane, commercial grazing land	
8	SP210871	Hawkswell Lane Coleshill	3.18	1.63	5.62	5.11	5.48	0.52	800m	access from Hawkswell Lane, commercial agricultural land	
8A	SP207873	Hawkswell Lane Coleshill	3.18	1.63	5.62	5.11	5.48	0.45	460m	access from Hawkswell Lane, behind Coleshill FC	
9	SP204871	Packington Lane Coleshill	2.78	1.23	5.11	4.6	5.09	0.31	320m	opposite Coleshill FC, grazing land adjacent to school	
10	SP190921	Newlands Farm Lichfield Road								Not assessed	
11	SP175925	Kingsbury Road Curdworth								Not Assessed	
KEY		Critical age groups travel - 11 years to 17 years	>3 miles	<2 miles	< 1 mile	Greater than 3 miles is 10+ minutes car travel. Considered by most parents to be too far club travel distance (4 trips a session)					
						Less than 2 miles is bicycle range for the age group and parents are OK with this or car drop off					
						Less than 1 miles is walking range for the age group and parents are OK with this.					