

## **Agenda Item No 4**

### **Planning and Development Board**

**7 November 2016**

### **Planning Applications**

#### **Report of the Head of Development Control**

#### **1 Subject**

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

#### **2 Purpose of Report**

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

#### **3 Implications**

- 3.1 Should there be any implications in respect of:

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

#### **4 Site Visits**

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

## 5 **Availability**

- 5.1 The report is made available to press and public at least five working days before the meeting is held in accordance with statutory requirements. It is also possible to view the papers on the Council's web site: [www.northwarks.gov.uk](http://www.northwarks.gov.uk).
- 5.2 The next meeting at which planning applications will be considered following this meeting, is due to be held on Monday, 12 December 2016 at 6.30pm in the Council Chamber at the Council House.

## 6 **Public Speaking**

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

## Planning Applications – Index

Item No	Application No	Page No	Description	General / Significant
1	PAP/2014/0540  and  PAP/2014/0542	4	<b>Old Holly Lane, Atherstone,</b> Outline application for 620 dwellings together with a detailed application for 121 dwellings as a first phase at Durnos Nursery	General
2	PAP/2015/0584	51	<b>Former quarry &amp; land, Grimstock Hill, Lichfield Road, Coleshill,</b> Outline application for the erection of up to 24 residential dwellings with all matters reserved except access	General
3	PAP/2016/0012	79	<b>7 Oakfield Gardens, Atherstone, Warwickshire,</b> Outline application for erection of two dwellings - to rear of 69 South Street and 7 Oakfield Gardens, access from Oakfield Gardens	General
4	PAP/2016/0187	103	<b>109, Tamworth Road, Wood End,</b> Outline application - erection of 4 detached dwellings with vehicular access	General
5	PAP/2016/0301	118	<b>Crida House, Kingsbury Road, Curdworth,</b> Erection of detached building to carry out car tyre & exhaust fitting	General
6	PAP/2016/0399	134	<b>Former B Station Site, Faraday Avenue, Hams Hall, Coleshill,</b> Demolition of existing buildings and redevelopment of site for industrial/distribution uses (Use Class B2/B8) including ancillary offices and associated parking, highway infrastructure, ground engineering works, drainage and landscaping	General
7	PAP/2016/0491	276	<b>Mallard Lodge Site, Marsh Lane, Water Orton,</b> Removal of existing B2 and office buildings, storage and car parking. Erection of new industrial building with associated offices, landscaping including car parking and goods delivery area. Amended scheme to approval of PAP/2013/0211	General
8	PAP/2016/0521	290	<b>52, New Street, Baddesley Ensor,</b> Outline application for 1 no: 3 bedroom detached house with garage and 1 no: 4 bedroom detached house with garage	General
9	PAP/2016/0557	314	<b>29, Lawnsdale Close, Coleshill,</b> Erection of two storey dwelling and ancillary site works	General

## **General Development Applications**

**(1) Application No's: PAP/2014/0540 and PAP/2014/0542**

**Old Holly Lane, Atherstone**

**Outline application for 620 dwellings together with a detailed application for 121 dwellings as a first phase at Durnos Nursery for**

**Merevale and Blyth Estates and Bloor Homes Limited**

### **Introduction**

These two planning applications were reported to the Planning and Development Board on 10 November 2014 for information only and to provide an introduction to the proposals summarising them and the supporting documentation. The information in this November Board report will not be repeated in this report. A copy of the November report can be found at Appendix A.

Large scale plans will be displayed on the screen at the meeting.

### **Development Plan**

The North Warwickshire Core Strategy 2014 - Policies NW1 (Sustainable Development); NW2 (Settlement Hierarchy), NW4 (Housing Development), NW5 (Split of Housing between Settlements), NW6 (Affordable Housing Provision), NW10 (Development Considerations), NW11 (Renewable Energy and Energy Efficiency), NW12 (Quality of Development), NW13 (Natural Environment), NW15 (Nature Conservation), NW16 (Green Infrastructure), NW18 (Atherstone) and NW22 (Infrastructure)

Saved Policies of the North Warwickshire Local Plan 2006 - Policies HSG4 (Densities), HSG5 (Special Needs Accommodation), ENV4 (Trees and Hedgerows), ENV12 (Urban Design), ENV13 (Building Design), ENV14 (Access Design), TPT1 (Transport Considerations in New Developments), TPT3 (Access and Sustainable Travel and Transport) and TPT6 (Vehicle Parking)

### **Other Material Planning Considerations**

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

National Planning Practice Guidance 2014 – (the “NPPG”)

The Draft Local Plan for North Warwickshire 2016

The North Warwickshire Borough Council Green Space Strategy

The Community Infrastructure Levy Regulations 2010 – Regulation 122

The New Homes Bonus

The Five Year Housing Supply - This has been updated as part of the regular monitoring work on the review of the Core Strategy. Due to the historic under-supply of housing in the Borough, the Council has to add 20% to its figures, thus the requirement is for a six year supply. The most up to date figure reported up to the end of August 2016 is that we have a 9.4 year housing supply.

## **Consultations**

### **a) PAP/2014/0540 – Land at Durno’s Nursery**

The Borough Environmental Health Officer (Ground Contamination) – The Durno site has the potential for being contaminated. As such it is recommended that a site investigation is carried out on the site prior to development.

Assistant Director (Housing) – The Council should be encouraging shared ownership bungalows on this site. This would lower the percentage of affordable housing provided on the site. It is also considered that gifted units may be appropriate if the developer cannot dispose of the affordable units to a Registered Social Landlord.

Warwickshire Police – It confirms that there is no objection to this proposal. However, they do provide a list of items that should be incorporated into the design which they state will go some way to ensuring the occupants will not become victims of crime and anti-social behaviour.

The Borough Environmental Health Officer (Noise) – He has some concerns relating to noise. Complaints have been received about noise from the Aldi depot with the most recent one coming from an occupant of one of the new houses recently built off Rowland Way. Investigations are ongoing with regards to this complaint. Part of the Rowland Way housing development is still under construction and they are awaiting further details of acoustically treated glazing, ventilation and fencing identified for properties bordering Rowland Way and Old Holly Lane. These measures were identified as a result of a previous noise assessment for the development. The present application proposes to bring properties into closer proximity with the Aldi depot and it could also result in increased traffic noise along Old Holly Lane. As a result it is recommended that similar noise mitigation measures are employed i.e. acoustically treated glazing, ventilation and fencing for properties/habitable rooms facing the Aldi depot and those in close proximity to Old Holly Lane.

Warwickshire Fire and Rescue Service – There is no objections subject to the imposition of a planning condition.

Network Rail – It has no comments on the proposal.

Warwickshire County Council (Rights of Way) – There are no recorded public rights of way crossing or immediately abutting the application site. Therefore, there is no objection to the proposal. However a contribution of £4080 is sought towards improving public rights of way within a 1.5 mile radius of the detailed housing scheme.

Warwickshire County Council (Education) – It confirms that the developer is required by way of a Section 106 Agreement, to contribute towards the funding of additional school places. The priority area local Secondary School for Atherstone is the QE School and this school is to be rebuilt through the Priority Schools Building Programme at a size to

meet local need for places including this additional need. The contribution required is £429,484 for this scheme.

National Health Service England – It confirms that the developer is required by way of a Section 106 Agreement, to contribute towards the funding of an additional clinical room and associated increase in car parking spaces at Atherstone Surgery in Ratcliffe Road in order to provide primary medical care facilities to support this development. A contribution of £26,259 is required.

Warwickshire Wildlife Trust – The Trust states that for the outline application, paragraph 109 of the NPPF requires that the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains. As such they consider that the rectangle of arable land to the north of the site should be included in the application and become an extension to the proposed wildlife area. The applicant should also explore the use of Biodiversity Offsetting.

Highways England – Following a Direction that the application should not be granted consent for three months until satisfactory information was provided to show that the operation of the A5 Trunk Road would not be adversely affected by this proposal Highways England has conducted its own independent assessment on the likely impact of the development. It confirms that the conclusion drawn from this assessment is that the development is unlikely to result in severe congestion on the A5 trunk road at opening year. As such it requests that a condition is imposed on any planning permission granted.

Warwickshire County Council as Highways Authority – It originally objected to the proposal for the same reasons as the Highways Agency with regards to discrepancies found between this application and those of other sites within proximity which suggest different conclusions about the junctions identified. It considers that this presents a significant flaw to the robustness of the Transport Assessment which has been submitted. Following the receipt of additional information, the Highway Authority has revised its position to one of no objection subject to the imposition of conditions and financial contributions. It confirms that the impact of the development will have minimal impact upon the efficient and safe operation of the highway network. However, it does stress that there are issues with regard to the Holly Lane Railway Bridge. Observations have been made that the existing footways and kerbs have been damaged and the level of the development proposed would lead to an increase in pedestrian movements across the bridge. This original assessment was made on a cumulative development size of approximately 700 dwellings. However, when considering this application in isolation from the larger development site to the north, the Highways Authority consider that whilst there will be additional pedestrian movements on the network, these would be minimal. As such, this proposal at Durno's Nursery would not be substantial enough to warrant the mitigation of a bridge improvement scheme and this removes the objection to this element of the planning application. Discussions between the Highway Authority and the applicant have indicated however that a legal agreement should be sought to fund the research into improvements to the road network and pedestrian links as part of an Infrastructure Delivery Plan for the wider area. An initial figure of £25,000 prior to the commencement of development is quoted along with a figure of £135,000 prior to the occupation of the 100<sup>th</sup> dwelling.

In addition to the above contribution, the Highways Authority also requests a financial contribution of £46,980 towards improving the bus service into and out of Atherstone and a financial contribution of £8,100 towards the provision of a Sustainable Travel

Pack. The Highway Authority also requests that planning conditions are imposed on any consent granted relating to the need for a construction management plan; details of vehicle tracking information and the road layout scheme to be constructed in accordance with the submitted plan.

Leicestershire County Council as Highway Authority – It confirms that it has no comment to make on the application.

Environment Agency – The Agency initially objected to the scheme due to the Flood Risk Assessment (FRA) lacking essential information. Following amendments being made to the FRA and appendices, it now confirms that it is clear that the surface water drainage features are sited outside of this footprint. However, it states that the micro-drainage calculations used to assess the potential impacts of climate change have not restricted the control to the proposed discharge rate of 7.66l/s. Additional information on the micro-drainage calculations for the site have therefore now been submitted. The Agency in response requests the imposition of planning conditions regarding limiting the surface water run off generated to the equivalent  $Q_{bar}$  rate of 7.66l/s so that it does not increase the risk of flooding offsite; the location of the surface water retention basin to be located outside the 1 in 100 year fluvial outline and, the final drainage layout and calculation to be submitted prior to any development taking place are recommended.

Severn Trent Water – It confirms that it has no objection to the proposal subject to the imposition of a drainage condition

URS Infrastructure and Environment UK Limited – URS was commissioned by the Borough Council to prepare a Surface Water Drainage Strategy Review report to review the information submitted as part of planning applications PAP/2014/0540 and 0542. The conclusions of the URS Report are that the strategy is technically sound and should be considered sufficient at this stage of planning to enable the Council to reach a decision regarding the acceptability of the scheme. The strategy demonstrates there is scope to adequately manage surface water at the site and to not increase flood risk to the site itself or locations elsewhere. The strategy proposes an approximate 60% reduction in the peak runoff rate during the 1 in 100 year + climate change event compared to the existing baseline conditions, however, it should be noted that the 60% reduction only covers the peak runoff rate from this event and for rainfall events less or greater than this event, these will not necessarily see this extent of flow reduction. URS agree that the revised floodplain model does accurately provide the correct extent of flooding from the River Anker in the area.

The Council's Landscape Manager – It is considered that the central public open space proposed as part of the other larger outline application can provide a greater range of activities and social interaction than smaller areas so it is suggested that the installation of an equipped play areas is restricted to this larger public open space rather than installing play equipment on the smaller site shown on the Durno's development.

Warwickshire Museum – It confirms that the proposed development lies within an area of significant archaeological potential. Recent archaeological work to the immediate south of this application site has identified a series of pits containing Anglo-Saxon material including pottery and loom weights. It has been postulated that these pits were peripheral to an area of Anglo-Saxon settlement. Two Roman pits and a ditch were identified and it has been suggested that the recovery of Roman CBM may point to the presence of a substantial Roman building in the wider vicinity. As there is the potential for archaeological deposits associated with the occupation of this area, it is

recommended that an archaeological evaluation be undertaken before any decision of the planning application is taken. Archaeological trial trenching has therefore been taken place across the accessible parts of the site. The Museum confirms that the trial trenching did not identify any archaeological features associated with the Anglo-Saxon remains previously identified to the south. However, there is still the potential for archaeological deposits to survive across those parts of the site that have not yet been examined and so further trial trenching is required to be undertaken as part of an appropriately worded condition.

**b) PAP/2014/0542 – Land off Holly Lane**

Assistant Director (Housing) – It is considered that the Council would see 186 affordable properties (up to 40% of the total) on this site, so it is important that the right mix is achieved to benefit the residents of North Warwickshire.

Warwickshire Police – It confirms that there is no objection to this proposal. However, it does provide a list of items that should be incorporated into the design which they state will go some way to ensuring the occupants will not become victims of crime and anti-social behaviour.

Borough Environmental Health Officer (Ground Contamination) – The proposed development includes the area of Durno's nursery which has a potentially contaminative use. As such a site investigation should be carried out on the site prior to development.

Borough Environmental Health Officer (Noise) – There are some concerns relating to noise. Complaints have been received about noise from the Aldi depot with the most recent one coming from an occupant of one of the new houses recently built off Rowland Way. Investigations are ongoing with regards to this complaint. Part of the Rowland Way housing development is still under construction and further details are awaited of acoustically treated glazing, ventilation and fencing identified for properties bordering Rowland Way and Old Holly Lane. These measures were identified as a result of a previous noise assessment for the development. The current application proposes to bring properties into closer proximity with the Aldi depot and it could also result in increased traffic noise along Old Holly Lane. As a result it is suggested that similar noise mitigation measures are employed i.e. acoustically treated glazing, ventilation and fencing for properties/habitable rooms facing the Aldi depot or those in close proximity to Old Holly Lane.

Warwickshire Fire and Rescue Service – It has no objections subject to the imposition of a planning condition.

Network Rail – It confirms that it has no comments on the proposal.

Warwickshire County Council (Rights of Way) – It confirms that there are no recorded public rights of way crossing or immediately abutting the application site. Therefore, there are no objections to the proposal. However, a contribution of £21,970 is sought towards improving public rights of way within a 1.5 mile radius of the outline housing scheme.

Warwickshire County Council (Education) – It confirms that the developer is required by way of a Section 106 Agreement, to contribute towards the funding of additional school places. The priority area local Secondary School for Atherstone is the QE School and this school is to be rebuilt through the Priority Schools Building Programme at a size to

meet local need for places including this additional need. The contribution required is £2,200,662 for the 620 dwelling house scheme.

National Health Service (England) – It confirms that the developer is required by way of a Section 106 Agreement, to contribute towards the funding of an additional clinical room and associated increase in car parking spaces at Atherstone Surgery in Ratcliffe Road in order to provide primary medical care facilities to support this development. A contribution of £134,555 is required for these 620 dwellings.

Warwickshire Wildlife Trust – The Trust states that paragraph 109 of the NPPF requires that the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains. As such it considers that the rectangle of arable land to the north of the site should be included in the application and become an extension to the proposed wildlife area. The applicant should also explore the use of Biodiversity Offsetting. Trees T5, T15, T13, T8 and T14 should be retained for bat roosting. The secondary road should be realigned outside of the root protection area.

Highways England – Following a Direction that the application should not be granted consent for three months until satisfactory information is provided to show that the operation of the A5 Trunk Road is not adversely affected by this proposal Highways England has conducted its own independent assessment on the likely impact of the development. It confirms that the conclusion drawn from this assessment is that the development is unlikely to result in severe congestion on the A5 trunk road at opening year. As such it requests that a condition is imposed on any planning permission granted.

Warwickshire County Council as Highways Authority – It originally objected to the proposal for the same reasons as the Highways Agency with regards to discrepancies found between this application and those of other sites within proximity which suggest very different conclusions about the junctions identified. It considers that this presents a significant flaw to the robustness of the Transport Assessment which has been submitted. Following the receipt of additional information as a direct consequence of this objection, the Highway Authority has revised its response to one of no objection subject to conditions and financial obligations. A figure of £800,000 is sought for pedestrian and cycling infrastructure improvements between existing public transport facilities and Atherstone Town Centre with the total sum to be paid prior to the occupation of 75% of the dwellings on the site. A figure of £360,000 is sought as a contribution for bus service improvement services to enable a service to and from Atherstone

Leicestershire County Council as Highways Authority – It confirms that it has no comment to make on the application.

Environment Agency – The Agency initially objected to the scheme due to the Flood Risk Assessment (FRA) lacking essential information. Following amendments being made to the FRA and appendices, it confirms that it now has no objections to the proposal subject to the imposition of two planning conditions regarding the submission of a detailed scheme for the management of surface water drainage sustainably and provided all residential units have a finished floor level set at least 600 mm above the 100 year Climate Change level.

Severn Trent Water – It confirms that there is no objection to the proposal subject to the imposition of a drainage condition

URS Infrastructure and Environment UK Limited –URS was commissioned by the Borough Council to review the information submitted as part of planning applications PAP/2014/0540 and 0542. The conclusions of the URS Report are that the strategy is technically sound and should be considered sufficient at this stage of planning to enable the Council to reach a decision regarding the acceptability of the scheme. The strategy demonstrates there is scope to adequately manage surface water at the site and to not increase flood risk to the site itself or locations elsewhere. The report recommends that the location of storage basins B and C should be reviewed at the detailed design stage with specific attention to the feasibility of gravitational drainage. The outcome of this review may impact the preferred location of storage basins and site layout. The strategy proposes an approximate 60% reduction in the peak runoff rate during the 1 in 100 year + climate change event compared to the existing baseline conditions, however, it should be noted that the 60% reduction only covers the peak runoff rate from this event and for rainfall events less or greater than this event, these will not necessarily see this extent of flow reduction. URS agree that the revised floodplain model does accurately provide the correct extent of flooding from the River Anker in the area.

Council's Landscape Manager – It is considered that the applications provide a good opportunity to create a significant new green space for informal recreation and children's play to this side of Atherstone. The proposed central public open space is well located in this respect. However, it is suggested that consideration needs to be given to providing safe crossing points over primary roads from adjoining residential areas. The central public open space can provide a greater range of activities and social interaction than smaller areas so they suggest that the installation of equipped play areas is restricted to this larger public open space rather than installing play equipment on the smaller site shown on the Durno's development. As such the equipment installed and maintenance of this equipment should form part of the Section 106 Agreement with an appropriate sum being given to the Council for this work. It supports the proposal to provide a pedestrian crossing and to improve the pedestrian links to Royal Meadow Drive Recreation Ground so avoiding the need to provide sports pitches within the proposed development. Funding would be required to create a surfaced path and a contribution towards its ongoing maintenance. Funding may be required to secure the ownership of the strip of land owned by a third party that will complete this link to the recreation ground. Financial contributions will be required for the adoption and maintenance of open space.

Warwickshire Museum – It confirms that the proposed development lies within an area of significant archaeological potential. Recent archaeological work to the immediate south of this application site has identified a series of pits containing Anglo-Saxon material including pottery and loom weights. It has been postulated that these pits were peripheral to an area of Anglo-Saxon settlement. Two Roman pits and a ditch were identified and it has been suggested that the recovery of Roman CBM may point to the presence of a substantial Roman building in the wider vicinity. As there is the potential for archaeological deposits associated with the occupation of this area, it is recommended that an archaeological evaluation be undertaken before any decision of the planning application is taken. Archaeological trial trenching has taken place across some of the site in order to provide this archaeological evaluation. The Planning Archaeologist confirms that the trial trenching did not identify any archaeological features associated with the Anglo-Saxon remains previously identified to the south. However, there is still the potential for archaeological deposits to survive across those

parts of the site that have not yet been examined and so further trial trenching is required to be undertaken as part of an appropriately worded condition.

## **Representations**

### **a) PAP/2014/0540:**

Atherstone Town Council – It objects to the scheme and the additional information on the following highway issues:

- 1) The increase in traffic using the junction on Old Holly Lane;
- 2) The increase in traffic over the narrow railway bridge on Holly Lane. A separate pedestrian bridge is suggested alongside the road bridge.

Atherstone Civic Society – It confirms that it has no objection to the principal of a residential development in this location as it considers that it will have the least harm on the topography and heritage of Atherstone. However, the following issues should be considered during the determination of this application: transport and movement; means of access, retention of hedgerows and trees, responsibility for public areas, enhancements to landscape and the strain on local services particularly medical services and schools. Consideration should also be given to the historic settlement of Whittington as a number of the buildings are vacant. With regards to the amended plans submitted, the Civic Society confirms that although it is sorry to see that this development has been intensified, it is pleased to see the addition of more trees and trust that the existing trees will be adequately protected. Despite the lack of space, it concludes that the development does offer a wide mix of accommodation including bungalows which will hopefully meet local needs.

28 letters of objection have been received from local residents objecting on the following issues:

- Disproportionate scale of this development as the quantity of housing proposed far exceeds that which is detailed on the Core Strategy document
- Flood risk to existing homes from the building of so many new homes. The calculations put forward show that an increase in the impermeable area on the site will have an impact on the size and capacity of the attenuation basins proposed. The developer should submit revised calculations which prove that the attenuation basins are sufficiently sized.
- Location of the proposed development and its impact on the rural character of Atherstone town;
- Impact on existing infrastructure as the Town's doctors' surgeries are under pressure and there are not enough places for the new children at the local schools;
- The increase in traffic over the bridge on Holly Lane is a serious concern. Currently Aldi is expanding and it is assumed that this will increase the number of lorries that use this bridge. HGVs have problems passing each other on the bridge and therefore a further increase in traffic is not desirable. At peak times

queues form along Holly Lane and the railway bridge cannot sustain this amount of traffic;

- Questions are raised why the improvements to Holly Lane will not occur immediately but instead are planned once 50% of the dwellings are occupied. Concerns are raised that any improvements need to be constructed before any dwellings are occupied. As a minimum, a new separate pedestrian footpath over the railway parallel to the bridge should be provided for the safe passage for pedestrians which would also allow the road to be widened to the full width of the bridge and utilised for vehicular traffic.
- Impact on the historic settlement of Whittington and the Listed Buildings within this settlement;
- Impact on Ecological value of this part of the countryside and loss of green fields;
- Concerns about security and the opening up of boundaries to properties around the site;
- Concerns about the visual impact of this scheme on the residents living in the properties in Northcote Walk and River Drive; and,
- Concerns about the loss of light to the residents in Panama Drive from building houses within 12 metres of the boundary of the site.

A letter of comment from a resident on the Rowland Way development, says that the town centre should not decline the same way Tamworth's town centre has done following out-of-town development such as Ventura Park and housing schemes which encourages commuting.

A letter of objection has been received from TNT raising health and safety concerns about the additional traffic using Holly Lane especially the railway bridge.

Following the re-consultation on the amended plans the following have been received:

Fourteen letters of objection from local residents repeating the issues previously raised. A letter from a local resident removing the original objection subject to the imposition of a planning condition regarding Flood Risk Mitigation

**b) 2014/0542:**

Atherstone Town Council – It objects to the scheme and the additional information for the following reasons: inconsistency with the area plan; the scale of the development and its impact on the rural character, traffic and safety issues, e.g., railway bridge on Holly Lane; risk of flooding and issues with surface water run-off; impact on local infrastructure, e.g., doctors, schools, leisure activities.

Atherstone Civic Society – It confirms that it has no objection to the principal of a residential development in this location as it considers that it will have the least harm on the topography and heritage of Atherstone. However, the following issues should be considered during the determination of this application: transport and movement; means of access, retention of hedgerows and trees, responsibility for public are, enhancements

to landscape and strain on local services particularly medical services and schools. Consideration should also be given to the historic settlement of Whittington as a number of the buildings are vacant.

Twenty four letters of objection have been received from local residents objecting on the following issues:

Disproportionate scale of this development as the quantity of housing proposed far exceeds that which is detailed on the Core Strategy document;

- Flood risk to existing homes;
- Location of the proposed development and its impact on the rural character of Atherstone town;
- Impact on existing infrastructure;
- Transport Issues;
- Impact on the historic settlement of Whittington and the Listed Buildings within this settlement;
- Impact on Ecological value of this part of the countryside and loss of green fields.

A letter of comment from a resident on the Rowland Way development states that the town centre should not decline the same way Tamworth's town centre has following out-of-town development such as Ventura Park and housing schemes which encourages commuting.

A letter of objection from TNT raises health and safety concerns about the additional traffic using Holly Lane especially the railway bridge.

#### **The Draft Section 106 Agreement Heads of Terms:**

##### **a) PAP/2014/0540 – Durno's Nursery**

- Education contribution £429,484 as a proportion of the full amount quoted for the outline proposal.
- Health Contribution of £26, 259
- Pedestrian and Cycling Infrastructure Improvements between the existing public transport facilities and Atherstone Town Centre amounting to a figure of £25,000 prior to the commencement of development and £135,000 prior to the occupation of the 100<sup>th</sup> dwelling on the site as a proportion of the amount quoted for the outline proposal.
- Public Transport £46,980 as a proportion of the full amount quoted for the outline proposal.
- Details of the surface water attenuation scheme along with its management and maintenance.

- Affordable Housing Provision being 37% of the total of the site and being the mix as specified on approved Site Plan ref: MI096-SL-002J received on 23 September 2016 which includes bungalows. The Agreement is to include a second option of gifted units to the Borough Council to be investigated further which should only be triggered if the developer is unable to dispose of the units through an RSL.

#### **b) PAP/2014/0542 – Land at Old Holly Lane**

- Education Contribution of £2,200,662
- Health Contribution of £134,555
- Affordable Housing Provision being 40% of the total of the site and being a mix to be agreed by the Borough Council. The Agreement is to include a second option of gifted units to the Borough Council to be investigated further which should only be triggered if the developer is unable to dispose of the units through an RSL.
- Pedestrian and Cycling Infrastructure Improvements between the existing public transport facilities and Atherstone Town Centre amounting to a figure of £25,000 prior to the commencement of development; £387,500 prior to the occupation of 50% of the dwellings on the site and £387,500 prior to the occupation of 75% of the dwellings on the site. The Borough Council will seek to raise at least £200,000 from other future development proposals which increase traffic in this area.
- Public Transport Contribution of £360,000 for bus service improvement services to enable a service to and from Atherstone Bus Station every 20 minutes to be paid in instalments over a 6 year period.
- Maintenance of the On-Site Public Open Space contribution figure to include the provision of play equipment and landscaping of £130,500 for landscape works and £225,490.56 for on-going maintenance.

### **Observations**

#### **i) Introduction**

The detailed application for 123 dwellings is part of the outline proposal for 620 dwellings. Moreover many of the issues that need to be considered are common to both applications. As such it is proposed to assess the applications together although they are separate. However individual decisions will need to be made on each.

There are a significant number of issues involved here, not least that the proposals lie on land outside of the current Atherstone development boundary. Whilst these applications may therefore appear to be a likely candidate for refusal of planning permission, Members will understand that there are other policies in the Core Strategy along with advice in the NPPF and the emerging Local Plan which will all carry weight here. The Board will need to examine these Policies to assess what weight they should carry in balancing the merits of the proposals. It is therefore proposed to deal with the

matter of principle first before examining the many detailed planning considerations that arise as a consequence of the proposals.

## ii) **The Principle**

The sites are located outside of the Development Boundary for Atherstone as identified in Policy NW2 (Settlement Hierarchy) of the Core Strategy. However, Policies NW2 (Settlement Hierarchy) and NW18 (Atherstone) state that over the plan period, more than 50% of the Borough's housing requirements will be provided in or adjacent to the Market Towns and their associated settlements. NW18 further expands on this by stating that further growth of Atherstone and Mancetter, outside of the current boundaries, will be focused in the broad direction north of Holly Lane Industrial Estate and South of the Anker Valley floodplain. As such it is considered that these two Core Strategy policies enable the principle of residential development in this location to be accepted.

In addition to this, the Council's progress on identifying preferred sites for allocations to meet housing requirements up to 2029 also carries weight in this judgement. The whole of the site, being 31 hectares, is included as part of Housing Allocation number ATH20 in the Draft Local Plan, with a provision of a minimum of 531 dwellings.

Although the Borough can demonstrate a housing land supply figure of some 9.4 years, Members should be aware that this housing land supply figure already includes some of units to be provided by Housing Allocation ATH20 in this calculation, which again is of weight in favour of the development.

Policy NW1 (Sustainable Development) in the Core Strategy requires that the Council will take a positive approach to secure development which sustainably improves the economic, social and environmental conditions in North Warwickshire. The sites lie on the edge of the Development Boundary for Atherstone and are identified in the Core Strategy as being located on land likely to accommodate the additional housing growth required in Atherstone and Mancetter. The application sites are therefore clearly within the general direction agreed for future residential development in Atherstone as identified in recently adopted policies. These combined factors are material planning considerations of significant weight and given that the sites themselves lie on the edge of the existing defined development boundary it is concluded that provided other issues are addressed with the development of these sites, the principle of these residential schemes can be supported.

## iii) **Loss of Open Countryside**

There has been some concern raised about the loss of countryside. However, due to the policy background set out above, it has been accepted that there is going to be a loss of open countryside in this area. What is important in the masterplan proposed and in the detailed application, is how to ensure that the detail enables the design and appearance of the layout to retain some degree of openness.

Policy NW13 (Natural Environment) in the Core Strategy seeks to protect the quality, character, diversity and local distinctiveness of the natural environment. The proposed outline scheme includes some 8.97 hectares of natural greenspace mainly located along the northern boundary of the site with additional greenspace located on the

approach from Holly Lane and along the Innage and Merevale Brooks. A park comprising an area of 0.87 hectares is also shown on the Masterplan within the centre of the site.

The site comprises a plant nursery business and four arable fields, The site is largely level with a gently sloping topography towards the River Anker to the north and north-east. Existing vegetation is shown to be retained which includes some mature vegetation and hedgerows along the boundaries of the site. The housing scheme proposed is a relatively low density scheme of 32 dwellings per hectare which will ensure that parts of the site can remain as open space areas/landscaped areas.

Policy NW16 (Green Infrastructure) states that development proposals must where appropriate, demonstrate how they contribute to maintaining and enhancing a comprehensive and strategically planned Green Infrastructure network. Substantial areas of open space are provided as part of the development. A gateway feature space will be provided immediately north of the roundabout junction of Holly Lane and Old Holly Lane. A destination park will be provided centrally within the development. Play equipment will be installed in this central park. It is considered that providing this play equipment in one area will allow a greater amount of equipment to be provided and as this area will be overlooked from all aspects by the surrounding development, then anti-social behaviour occurrences should be kept to a minimum.

A green corridor will then link the park to substantial areas of green space to the north of the site, which will act as a green buffer to the development and help to soften the visual impact of the development on the surrounding countryside. New pedestrian links will be provided within the development along with footpath links from the site to the playing fields at Royal Meadow Drive. In addition, a footpath will be provided within the green corridor which runs along the Innage Brook so as to provide an attractive walking route linking the site to the town and to the countryside.

A planning condition can be imposed on the outline consent to ensure that the development proceeds in accordance with the Masterplan shown on Drawing No: EMS.2451\_02-1K received on 17 October 2014. A condition can also be imposed to ensure that the maximum number of residential units provided on site does not exceed 620.

In light of the above it is considered that the proposals on the edge of the development boundary for Atherstone can be designed to ensure that its impact on the open countryside is minimised. The proposals can also be designed to ensure that they contribute to maintaining and enhancing a comprehensive and strategically planned Green Infrastructure network.

#### **iv) Affordable Housing**

Policy NW6 in the Core Strategy states that for schemes of 15 or more dwellings on green field sites, a target of 40% of dwellings completed in the plan period will be in the form of locally affordable housing achieved through on-site provision. The applicants have indicated that each phase will provide 40% affordable housing on-site.

The revised layout plan submitted for the detailed scheme on the Durno's site shows that 37% of the housing units will be given over to a Registered Social Landlord (RSL).

The reason for this slight shortfall for this phase is due to the Borough Council's request for five bungalows which require a larger land-take as opposed to two-storey dwellings.

Each phase will be required to provide 40% affordable housing on site and this will form the basis of a Section 106 Agreement. The mix of affordable housing to be provided on site will be sought at each phase.

For the detailed planning application for 121 dwellings the mix of affordable housing is a combination of one, two three and four-bedroom units including five two-bedroom bungalows for shared ownership. The Section 106 Agreement would seek to ensure that they are disposed of to an RSL and that the mix of tenures is 68% rented accommodation, and 32% being shared ownership.

Bloor Homes has also been in discussion with the Housing Officer investigating the possible option of gifting affordable units to the Council should the developer be unsuccessful in disposing of the units to an RSL. The Director of Finance has stated that the preferred option should be for the disposal of the units to an RSL. However, as a last resort the Council will look at gifted units subject to a formula being agreed and a cost floor ceiling being set should any units subsequently be sold through the Right to Buy Scheme.

As such it is considered that through the commitment to enter into a Section 106 Agreement with regards to the provision of affordable housing, the schemes comply with Policy NW6 in the Core Strategy.

#### **v) Flooding**

The northern, eastern and western sections of the site lie within Flood Zones 2 and 3 of the Innage Brook and the River Anker. Policy NW10 (Development Considerations) states that development should manage the impacts of climate change through the design and location of development, including sustainable drainage, water efficiency measures, use of trees and natural vegetation and ensuring no net loss of flood storage capacity. The Policy further goes on to state that development will protect the quality and hydrology of ground or surface water sources so as to reduce the risk of pollution and flooding, on site or elsewhere. Technical Guidance on Flood Risk in the NPPF is a material consideration of significant weight as being up-to-date Government Guidance on flooding.

Within the Guidance, Sequential Tests are used to steer new development to areas with the lowest probability of flooding. Zone 1 comprises land assessed as having the lowest probability of flooding being less than 1 in 1,000 year annual probability of river flooding. The Technical Guidance further goes on to state that a Flood Risk Assessment is required for schemes exceeding one hectare. An Assessment has been submitted with this application. The policy aims in the Technical Guidance state that in Flood Zone 1, "developers and local authorities should seek opportunities to reduce the overall level of flood risk in the area and beyond, through the layout and form of the development and the appropriate application of sustainable drainage systems."

The Borough Council has commissioned URS Infrastructure and Environment UK Limited as Drainage Consultants to prepare a Surface Water Drainage Strategy Review of the information provided with both planning applications. The conclusions of the URS Report are that the strategy was technically sound and should be considered sufficient

at this stage of planning to enable the Council to reach a decision regarding the acceptability of the scheme. The Consultants further concluded that the strategy demonstrated that there was scope to adequately manage surface water at the site and to not increase flood risk to the site itself or locations elsewhere. The report recommended that the location of storage basins B and C should be reviewed at the detailed design stage with specific attention to the feasibility of gravitational drainage. The outcome of this review may impact the preferred location of storage basins and site layout. The strategy proposed an approximate 60% reduction in the peak runoff rate during the 1 in 100 year + climate change event compared to the existing baseline conditions, however, it should be noted that the 60% reduction only covers the peak runoff rate from this event and for rainfall events less or greater than this event, these will not necessarily see this extent of flow reduction. However, the URS concluded that the revised floodplain model submitted with the applications and already accepted by the Environment Agency did accurately provide the correct extent of flooding from the River Anker in the area. The revised floodplain map has been provided. This revised floodplain map does not show any of the development plateaus within this 1 in 100 year floodplain area. None of the attenuation areas are located within this area. As such this potential concern is removed.

The layout of the housing schemes follows the layout of the now completed Redrow Homes scheme adjoining the site with areas of land remaining undeveloped alongside the Innage Brook, the River Anker and the Merevale Brook. This will become a Flood Attenuation Area and will be clear of any development. Being the riparian owners of the western bank of the Innage Brook and both banks of the River Anker and the Merevale Brook, then under the Land Drainage Act 1991 it will be the responsibility of the landowner to maintain these watercourses to the centre of their channel. Maintenance of the Innage Brook from the western boundary can be achieved through leaving this area clear unlike its riverbank on the eastern bank where residential gardens and associated close boarded fences form the majority of the length of its channel and so maintenance is extremely difficult. The wording in the Section 106 Legal Agreement to accompany these planning applications will ensure that this area of open space is maintained by a Management Company. Its responsibilities will include ensuring that these banks into the centre of the channel remain free of obstructions and that the Flood Attenuation Areas work to their maximum capacity through regular maintenance of these areas and of the SUDs schemes proposed.

Indeed, through the existence of large open areas for the Flood Attenuation basin, the existing floodplain of the River Anker and its tributaries such as the Innage Brook will be preserved. As per the requirements of the Technical Guidance, the surface water drainage system from the housing scheme has been designed to store and hold back surface water run-off from rainfall events. The Flood Attenuation Basin has been designed to hold an additional 30% of storage as a precautionary value to allow for climatic change. The SUDs system has been designed to store and release surface water runoff at a green field runoff rate into the Innage Brook which provides significant betterment over the existing system, where the rainfall falling onto this undeveloped site is not controlled. Presently in high rainfall events this would yield a higher surface water runoff rate from the site. Even through rainfall events where the ground is saturated, the scheme is designed to hold back flows and discharge to the Innage Brook at a green field runoff rate.

The Environment Agency is the Lead Authority for main rivers such as the River Anker. The Agency has no objections to the revisions made to the River Anker's floodplain in

this area. Indeed, this model has been adopted by the Environment Agency and the floodplain for the area is the one as submitted with the outline application.

Warwickshire County Council is the Lead Authority for non-main rivers such as the Innage Brook. It has no objection to the drainage scheme proposed provided terms of maintenance can be included in the Section 106 Agreement to ensure that the Flood Attenuation Basin, the SUDs system and the western bank of the Innage Brook are regularly maintained.

Based on the above, although reassurances cannot be given to existing residents located within the floodplain of the Innage Brook that their properties will no longer experience a flood event, the design of the proposed scheme will ensure that any flood event will involve less water than if this site was not developed through the increased storage capacity of this Flood Attenuation Basin and through restricting the rate of discharge into the River Anker and the Innage Brook. Maintenance of these watercourses will also increase their channel capacity. In addition to this all of the new dwellings proposed lie outside the 1 in 100 year floodplains for the River Anker, the Innage Brook and the brook along the western boundary.

In light of the technical advice received from the Borough Council's Consultant Drainage Engineers (URS), from the Environment Agency and from the County's Flood Risk Officer it is considered that although part of the site lies within Flood Zones 2 and 3, the layout and design of this scheme fully complies with the Government's Technical Guidance in the NPPF on flooding. As such, through the use of planning conditions and a Section 106 Agreement, the long-term management of this site can be controlled to ensure that this is the case. As such, this strong evidence base leads to the conclusion that the proposals comply with Policy NW10 in the Core Strategy.

## **v) Highways**

The proposal for up to 620 residential units will generate a significant amount of additional traffic to this area of Atherstone. A Transport Assessment has been submitted for the scheme as required under Saved Local Plan Policy TPT1 (Transport Considerations in New Development). For the outline proposal the primary access for vehicles and cyclists will be via the new route of Old Holly Lane. A secondary access is proposed to Sheepy Road. Pedestrian access will be developed by the provision of a new route through the Innage Brook corridor linking to the playing fields and town centre.

The Transport Assessment has identified issues with the road alignment at the Holly Lane railway bridge, whereby large vehicles cross the centre of the carriageway. The proposal is for the carriageway and pavement to be realigned here to improve road safety.

Following the receipt of additional information, the Highway Authority has no objection to the scheme as submitted provided that planning conditions are included and financial obligations are sought. The Highways Authority had previously raised concerns regarding the Holly Lane Railway Bridge and the impact that the proposed highway improvements would have on pedestrians and highway safety. The Highways Authority in partnership with the Local Planning Authority has engaged with the applicants to

discuss these concerns and identify solutions. It has been agreed that the applicants will provide a contribution of £800,000 towards pedestrian and cyclist routes between existing public transport facilities and Atherstone Town Centre easing highway safety concerns previously raised by the Highways Authority. A figure of £800,000 has been agreed with a commitment by the Borough Council to seek a figure of £200,000 from future development proposals which increase traffic generation in this area.

A report on the proposed Governance Arrangement for Dealing with Growth is due to be reported to the LDF Sub-Committee on 31 October 2016. A Governance Structure is proposed whereby a Growth Board is set up along with Steering Groups. It is recommended to Members that if this Growth Board and the Steering Group for Atherstone are endorsed by the LDF Sub-Committee, then these Boards are tasked with co-ordinating the detailed project work required to deliver the highway improvements to Holly Lane and to improve pedestrian and cyclist routes in the area as required by the Section 106 Agreement.

In order to reduce the level of traffic generated the developers are committed to providing a financial contribution to ensure that the proposed development can be served by a regular bus service for at least six years. The total contribution sought is £360,000. Footpath links through the site to Rowland Way and to Sheepy Road are proposed to ensure that residents surrounding this site can also use this public transport service.

Following objections to the lack of detail provided with the full application at Durno's Nursery, Tracking Plans and Adoption Plans have been provided. The Highway Authority is satisfied that the internal layout can be constructed so that it will be adopted by them under a Section 38 Agreement.

In light of the advice from the Highway Authority and in view of the contributions being sought to deliver improvements to the highway infrastructure; to the pedestrian and cycling infrastructure and to the public transport infrastructure then it is considered that the schemes incorporate sufficient measures to deliver improvements which mitigate against the impact of additional traffic on the existing highway network. It is recommended that if the proposed Growth Board and the Steering Group for Atherstone are endorsed by the LDF Sub-Committee, then Members task these Boards to co-ordinate the delivery of these Infrastructure Improvement Projects.

#### **vi) Noise**

Saved Local Plan Policy ENV9 (Air Quality) requires that development will not be permitted where the occupants of noise-sensitive uses would experience significant noise disturbance. The site lies to the east of existing and proposed employment sites. The Environmental Health Officer agrees with the findings of the noise assessment submitted with the application. However, he expresses that he does have some concerns relating to noise from the Aldi depot with the most recent one coming from an occupant of one of the new houses recently built off Rowland Way. The application proposes to bring properties into closer proximity with the Aldi depot and it could also result in increased traffic noise along Old Holly Lane. As a result the Environmental Health Officer recommends that similar noise mitigation measures are employed i.e. acoustically treated glazing, ventilation and fencing for properties/habitable rooms facing the Aldi depot or those in close proximity to Old Holly Lane.

In these circumstances, it is considered that the use of the recommended mitigation measures will overcome potential noise disturbance arising from the nearby commercial areas. There are no issues from the Environmental Health Officer arising from air quality matters.

#### **vii) Nature Conservation**

Policy NW15 (Nature Conservation) of the Core Strategy and Saved Local Plan Policy ENV4 (Trees and Hedgerows) seek to retain and to enhance areas of nature conservation value. This 31 hectare site is presently low grade arable land along with the Plant Nursery land and buildings at Durnos. Objections have been received indicating that there is a variety of wildlife in the area. The applications are accompanied by a Landscape and Visual Assessment; an Arboricultural Assessment, an Ecology Assessment and an Archaeological Assessment. The North Warwickshire Landscape Character Assessment locates the site being within an area of low sensitivity around the periphery of the town and describes the corridor of the Innage Brook as being well vegetated and separated by modern residential properties, a field used for horse grazing and a new road with young unmanaged hedges.

The Ecology survey concludes that the only protected species located on the site is a badger sett. Plans are shown to move this badger sett to another field owned by the applicant of the outline proposal. This requirement can form part of an appropriately worded condition and will be undertaken with the appropriate Licence from Natural England.

The area of natural greenspace totalling some 8.97 hectares will be managed so as to encourage wildlife. The attenuation basins can be designed to permanently contain a small amount of water so as to create a wetland area. The layout seeks to retain the majority of the existing hedgerow boundaries. New structural planting is proposed on parts of the site.

It is considered that the habitat value of the area will therefore be significantly enhanced through the proposed mitigation measures outlined in the Masterplan.

#### **viii) Loss of Amenity**

Policy NW10 (9) (Development Considerations) requires that residents should not experience a loss of amenity through overlooking or loss of privacy. The nearest residential properties to the detailed application at Durnos are the new dwellings constructed off Rowland Way. The properties along Panama Drive are sited some 10 - 15 metres from the boundary and so the principal windows on these proposed dwellings will be some 20 - 26 metres from these dwellings. These distances are considered to comply with the requirements of Policy NW10 (9) and this separation distance is commonly seen throughout the Borough.

The nearest residential properties on the residential estate off Willday Drive are the houses on River Drive where the closest is some 30 metres from the development plateau. Existing vegetation is to be retained along this boundary along with new planting. In view of the distances proposed it is considered that the development plateaus will comply with the requirements of Policy NW10 (9).

As Members are aware, the loss of a view and the loss of house value are not planning considerations. As far as the internal layout for Durno's Nursery is concerned then none of the future properties are likely to experience a material loss of amenity because of the separation distances involved. It is considered that there is no reason for refusal here based on this Local Plan policy.

### **viii) Urban Design**

Saved Local Plan Policy ENV12 (Urban Design) requires all of the elements of a proposal to be well related to each other and to harmonise with both the immediate setting and the wider surroundings so as to present a visually attractive environment.

The outline scheme seeks to develop around 62% of the site with the balance being natural green space and public open space. The density is 32 dwellings to the hectare and the majority are proposed to be two storey units with both front and rear gardens.

With regards to the detailed proposal at Durno's Nursery, through the submission of amended plans the number of units has been increased at the request of Members so that a variety of house sizes and types are provided. The dwellings have been re-orientated to look over the open space provided and to retain many of the mature trees on the site. Surveillance is provided onto the open space at the request of the Police. Footpath links are provided between Old Holly Lane and Rowland Way.

The design of the housing reflects the surrounding area with the use of red brickwork, false dormers, string courses, render and door canopies. The use of dual aspect units helps to add interest to the street scene along the access roads. A focal building is proposed at a prominent node in the site being the entrance to the site.

The materials to be used on the scheme are included on the site layout plan. Overall it is considered that the scheme complies with Saved Policies ENV12 and ENV13.

### **ix) Heritage Assets**

Policy NW14 (Historic Environment) recognises the importance of the historic environment to the Borough's local character, identity and distinctiveness. There are no heritage assets within the Site. The closest listed building is that of the Farmhouse and buildings at Whittington. The western side of the Site forms part of the wider setting of this building. However, the degree to which the site contributes to the significance and special interest of this building is deemed to be negligible to minor. The agricultural enclosure and the pasture field for this property will remain and will separate this building from the site. The report entitled "Built Heritage Statement" also identifies other heritage assets in the vicinity of the site. The report concludes that the impact on these heritage assets is negligible to minor. None of the statutory consultees have demonstrated that the conclusions of this report are incorrect.

With regards to the potential for archaeological interest in the site, Archaeological trial trenching has taken place across some of the site in order to provide this archaeological evaluation. Warwickshire Museum confirms that the trial trenching did not identify any archaeological features associated with the Anglo-Saxon remains previously identified to the south. However, there is still the potential for archaeological deposits to survive across those parts of the site that have not yet been examined and so further trial trenching is required to be undertaken as part of an appropriately worded condition.

## **x) Access to services and education**

Policy NW22 (Infrastructure) in the Core Strategy states that the Strategy's policies and proposals will be implemented by working in constructive partnership with funding agencies and service providers in order to secure the key priorities of affordable housing, protection and enhancement of the environment, the provision of necessary services, facilities and infrastructure to meet the demands of new development to include open space and the provision of training.

A number of the objections received raise concerns about the pressure on the existing services in the area from the occupiers of these units. The Borough Council, the County Council and the NHS have responded to the needs of the community and to the needs of future occupiers of this scheme by stating that Section 106 contributions will be required to mitigate impacts arising from this scheme. The Heads of Terms for the proposed Section 106 Agreement includes contributions towards education places in Atherstone notably at the Queen Elizabeth School and towards the doctor's surgery on Ratcliffe Road.

Members should be satisfied that firstly the terms of the Agreements are statutorily sound and then secondly they should determine the weight to be attributed to them in their assessment of the applications.

The contributions towards education and health facilities are a direct consequence of the scale of the development proposed and of the impacts that this will have on the capacity of existing services. There would be shortfall if these contributions were not made to enable additional provision. They are thus directly related to the development and are needed to make the development acceptable in planning terms (Policies NW1, NW2, NW18 and NW22 of the Core Strategy). In respect of their scale then they have been calculated by the appropriate Authority using their adopted formulae for such work. The contributions towards public transport provision and for pedestrian and cycle way infrastructure are a direct consequence of the development either to mitigate a worsening impact or to make the development more sustainable (Policies NW1, NW10, NW18 and NW22 of the Core Strategy). Their scale is related to the experience of the relevant Authority from other large scale residential town extensions. The open space and management contributions are similarly directly related to the development to make it acceptable in planning terms – the reduction in risk of flooding; the provision of open space and enhanced bio-diversity (Policies NW1, NW10, NW12, NW13, NW15, NW16 and NW22 of the Core Strategy). The scale is comparable with other schemes.

In all of these respects therefore it is considered that the above requests are reasonable to mitigate the impact of this housing scheme in this location and that they satisfy the statutory requirements as set out in Regulation 122 of the CIL Regulations 2010. As a consequence because they address the planning issues arising from the proposals they carry significant weight.

In these respects it is considered that the terms of Policy NW18 are satisfied.

### **Other material considerations**

In addition to the above, a material consideration is the amount of New Homes Bonus such a residential scheme will attract. This is a material consideration with limited

weight as the need for future housing in the Borough in sustainable locations outweighs the amount of money that will be raised by this scheme.

The NPPF aims to ensure that the community is involved in development schemes. In accordance with the Council's arrangements for pre-application advice, the applicants undertook pre-application consultations with officers of the Council and with local residents prior to the submission of the application.

The Council has met with the developer during the processing of this application to work towards a suitable solution for all issues raised.

## **Conclusions**

The scheme involves the development of four arable fields and a plant nursery site adjoining the settlement of Atherstone. The whole of the 31 hectare site has been identified as a preferred housing allocation for Atherstone. The only sizeable housing scheme to be approved to date in Atherstone is for 88 dwellings on land adjoining this proposal. As such, the minimum requirement of 600 houses in Atherstone and Mancetter has yet to be achieved.

Mitigation measures are proposed to address issues of the loss of open countryside, the impact on the highway network, the shortage of affordable housing, noise disturbance, flooding, lack of surveillance, need to improve public transport in the area, need to improve footpaths links in the area and need to protect ecology using the site. These mitigation measures, coupled with the completion of Section 106 Agreements will ensure that this scheme blends into the surroundings as well as delivers community facilities to address the additional people it will generate.

## **Recommendation**

- A) It is recommended that if the proposed Growth Board and the Steering Group for Atherstone are endorsed by the LDF Sub-Committee, then Members task these Boards to co-ordinate the delivery of the Infrastructure Improvement Projects proposed as part of the Section 106 Agreement.
- B) That subject to the completion of the two Section 106 Agreements on the basis as reported here, planning permissions be granted and the following conditions be imposed on any consents granted:
  - a) **PAP/2014/0542**
    - 1. No development within any phase shall commence on site until details of the siting, appearance, landscaping, layout and scale of development (hereinafter called "the reserved matters") for that phase have been submitted to and approved in writing by the local planning authority. The development shall be carried out as approved.
    - 2. The first application for approval of reserved matters shall be submitted no later than 2 years from the date of this permission, and all subsequent reserved

matters applications shall be submitted by no later than 5 years from the date of this permission.

3. The development hereby permitted shall be begun either before the expiration of four years from the date of this permission, or before the expiration of two years from the date of approval of the first of the reserved matters to be approved, whichever is the later. No phase of development shall be begun later than one year from the date of approval of the last of the reserved matters to be approved.
4. No development shall commence on site until details of the phasing of the development have been submitted to and approved in writing by the Local Planning Authority. This shall include the phasing for the construction of the proposed primary road as shown on Masterplan EMS.2451\_02-1K and full details of the street hierarchy. The development shall be carried out in accordance with the approved phasing details, or such other details as may subsequently be formally submitted to and approved by the Local Planning Authority.
5. The reserved matters shall be designed within the Masterplan contained in plan reference EMS.2451\_02-1K received on 17 October 2014 apart from the location of the attenuation areas which should be submitted for approval as part of the reserved matters stage.
6. The total number of residential units within the development hereby approved shall not exceed 620 in number.
7. No more than 50% of the residential units shall be occupied until the play space and pedestrian/cycle link along Old Holly Lane has been constructed to the written satisfaction of the Local Planning Authority.
8. Prior to the commencement of construction of any phase of development on the site the details of the proposed landscaping and boundary treatment relevant to that phase, including boundary drainage shall be submitted to and approved in writing by the local planning authority. The approved details shall be implemented in full in accordance with a programme to be submitted to and approved by the Local Planning Authority.
9. No phase of the development shall be occupied until the roads serving that phase of the development including footways, private drives, means of access, car parking and manoeuvring areas have been laid out and substantially constructed.
10. Prior to the commencement of construction of any phase of the development a detailed scheme to manage surface water drainage sustainably for that phase shall be submitted to and approved in writing by the local planning authority. Only the approved scheme shall then be implemented in full prior to the occupation of that phase. The scheme shall include:
  - Surface water discharge rates restricted to  $Q_{bar}$  for each sub-catchment up to and including the 100 year critical rainstorm event as proposed within figure

4f of the FRA ref: 10137/FRA/02, thus providing 60% betterment on Greenfield runoff rates for the 100 year event;

- Infiltration tests carried out to BRE365 to identify soakage potential for the development. The drainage scheme shall favour infiltration where shown to be feasible by these tests;
- Implementation of a full range of SUDs as proposed within the FRA, to include above ground landscaped attenuation ponds set outside of the 100 year Climate Change fluvial flood extent;
- Attenuation must be designed to accommodate a 1 in 100 year critical rainstorm event with an appropriate allowance for climate change (30% of peak rainfall intensity);
- Details of the performance of the drainage network for each sub catchment, including Micro-drainage calculations and network drawings. Performance must be tested for the 1:1 year, 1 in 30 year and 1 in 100 year critical rainstorm events;
- The drainage strategy for each sub catchment will comply with Sewers for Adoption 7<sup>th</sup> Edition design criteria, demonstrating no above ground flooding up to and including the 1:30 year rainstorm event;
- Confirmation of adoption and future maintenance proposals for the drainage features.

#### REASON

To reduce the risk of flooding to the proposed development on site and off site and to future users and to improve water quality of wildlife habitats and amenity.

11. All residential units proposed to be built within Flood Zone 2 will have a finished floor level set at least 600mm above the 100 year Climate Change associated in-channel water level. Layout drawings detailing these finished floor levels shall be submitted for the approval of the Local Planning Authority.

#### REASON

The scheme shall be implemented as approved and this condition is required to prevent flooding by ensuring the satisfactory storage and distribution of surface water from the site to reduce the risk of flooding to the proposed development and existing residential areas.

12. Prior to the commencement of any phase of development a written scheme for archaeological investigation appropriate to that phase of development shall be submitted to and approved in writing by the Local Planning Authority. The written scheme shall include full details of the investigation to be undertaken, the extent of the area to be investigated and the arrangement for the deposit of the archaeological record. The approved scheme of investigation shall be implemented in accordance with the approved details.

13. Prior to the commencement of any phase of development an assessment of the nature and extent of contamination appropriate to that phase of development shall be submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by suitably qualified and experienced persons, shall be based on a Preliminary Risk Assessment carried out for the site in accordance with the British Standard for the investigation of potentially contaminated land, and shall assess any contamination on the site, whether or not it originates on the site. Moreover, it must include:
- (i) A survey of the extent, scale and nature of contamination;
  - (ii) An assessment of the potential risks to:
    - Human health
    - Property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;
    - Adjoining land;
    - Ground and surface waters;
    - Ecological systems; and,
    - Archaeological sites and ancient monuments.

If any unacceptable contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted including how it is proposed that the remediation will be verified shall be submitted to and approved in writing by the Local Planning Authority. The phase of the site shall then be remediated in accordance with the approved measures before development begins.

#### REASON

In view of the former potentially contaminative uses of part of this site.

14. In addition to the requirements of condition number 13, if, during the course of development, any unacceptable contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the Local Planning Authority. The remediation of the site shall incorporate the approved additional measures. Within three months of the completion of measures identified in the approved remediation scheme, a verification report (that demonstrates the effectiveness of the remediation carried out in accordance with the verification plan) must be submitted to the Local Planning Authority.

#### REASON

In the interests of safety to human health.

15. No development within any phase shall commence on site until full details of the artificial badger sett to be provided on land within the applicant's ownership, as detailed in the Badger Survey Report as received on 13 October 2014, has been submitted to the local planning authority for their approval in writing. Only the approved details shall then be implemented on site.

REASON

To protect the badgers using the site.

16. No phase of development shall commence until a detailed Travel Plan in accordance with the outline Travel Plan appended to the Transport Assessment forming part of the outline application for that phase has been submitted to and approved in writing by the Local Planning Authority in consultation with the highway authority for the A5 trunk road. Such a detailed Travel Plan shall include the following:

- Measures to be introduced to reduce the dependency on car travel
- Modal share targets
- The methods to be employed to meet the agreed targets
- The penalties to be applied in the event that the agreed targets are not met
- Timescale of implementation and operation thereafter
- Mechanisms for monitoring, reviews and updates

REASON

To enable the A5 Trunk Road to continue to be an effective part of the national system of routes for through traffic, in accordance with Section 10 (2) of the Highways Act 1980 and to protect the interests of road safety.

17. No phase of development shall commence until a Landscape and Open Space Management Plan for that phase, including long term design objectives, management responsibilities and maintenance schedules for all landscape and open space areas, has been submitted to and approved by the local planning authority. The Plan shall include details of the mechanisms which will secure its implementation. The Plan shall be carried out as approved. The landscaping details submitted for the appropriate phase shall include Trees T5, T15, T13, T8 and T14 to be retained for bat roosting and the secondary road being repositioned outside of the root protection area for the English oak trees T15 and T13.
18. Any tree or plants shown on the landscaping scheme approved through reserved matters submissions to be planted or retained which die, are removed, are damaged or become diseased or grassed areas which become eroded or damaged within 5 years of the completion of the approved landscaping scheme,

shall be replaced by the end of the next planting season. Replacement trees and plants shall be of the same size and species as those lost.

19. No phase of the development hereby permitted shall be commenced until a scheme for the provision of adequate water supplies and fire hydrants necessary for fire fighting purposes at that phase, has been submitted to and approved in writing by the Local Planning Authority. The development shall not then be occupied until the scheme has been implemented to the satisfaction of the Local Planning Authority.

REASON

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

20. No phase of the development hereby permitted shall be commenced until a Construction Management Plan relevant for that phase has been submitted to the Local Planning Authority for their approval in writing. This Plan must contain a Construction Phasing Plan, details to prevent mud and debris on the public highway, and HGV Routing Plan. The development shall only take place in full accordance with the plan hereby approved.

REASON

In the interests of the amenities of the area.

21. No phase of the development hereby permitted shall be commenced until the site layout has been agreed in writing by the planning authority, with the submission including the following drawings to ensure the development layout is acceptable in highway terms

- a. Adoption plan;
- b. Vehicle tracking drawings for a refuse vehicle and fire tender;
- c. Forward visibility splays;
- d. Visibility splays at junctions within the development site;
- e. Location of four bus stops along the development spine road

REASON

In the interests of highway safety

22. No phase of development shall commence until a Noise Management Plan and programme for that phase has been submitted to and approved in writing by the Local Planning Authority. The Plan shall include appropriate specification of any noise insulation needed to ensure an acceptable noise climate for the occupiers of the dwelling houses. The approved Plan shall be implemented in full in accordance with the approved Programme.

REASON

In the interests of the amenities of the area.

**b) 2014/0540**

1. Standard Three year Condition
2. Approved Drawings – MI096-EN-108A and 109A received on 13 October 2016, MAT-MOE-001D, SL-002J, PD-001C and Old Holly Lane House Type Planning Pack Rev C all received on 23 September 2016; PD-300 received on 26 September 2016; LS-003a, 004a, 005a, 006a and 007 all received on 25 October 2016
3. Prior to the occupation of any of the dwellings hereby approved, details of acoustic glazing and vents and the locations of acoustic barriers shall be submitted for the prior written approval of the local planning authority.

REASON

In the interests of protecting the amenity of potential residents.

4. Before development commences, a Construction Management Plan which includes a Construction Phasing Plan, details to prevent mud and debris on the public highway and a HGV Routing Plan, shall be submitted to and approved by the Local Planning Authority in writing. Development shall only take place in full accordance with the Plan hereby approved.

REASON

In the interests of highway safety.

5. Prior to the commencement of development a detailed scheme to manage surface water drainage sustainably shall be submitted to and approved in writing by the local planning authority. Only the approved scheme shall then be implemented in full prior to the occupation of that phase. The scheme shall include:

- Surface water discharge rates restricted to  $Q_{bar}$  for each sub-catchment up to and including the 100 year critical rainstorm event as proposed within figure 4f of the FRA ref: 10137/FRA/02, thus providing 60% betterment on Greenfield runoff rates for the 100 year event;
- Infiltration tests carried out to BRE365 to identify soakage potential for the development. The drainage scheme shall favour infiltration where shown to be feasible by these tests;
- Implementation of a full range of SUDs as proposed within the FRA, to include above ground landscaped attenuation ponds set outside of the 100 year Climate Change fluvial flood extent;
- Attenuation must be designed to accommodate a 1 in 100 year critical rainstorm event with an appropriate allowance for climate change (30% of peak rainfall intensity);

- Details of the performance of the drainage network for each sub catchment, including Micro-drainage calculations and network drawings. Performance must be tested for the 1:1 year, 1 in 30 year and 1 in 100 year critical rainstorm events;
- The drainage strategy for each sub catchment will comply with Sewers for Adoption 7<sup>th</sup> Edition design criteria, demonstrating no above ground flooding up to and including the 1:30 year rainstorm event;
- Confirmation of adoption and future maintenance proposals for the drainage features.

## REASON

To reduce the risk of flooding to the proposed development on site and off site and to future users and to improve water quality of wildlife habitats and amenity.

6. Prior to the commencement of development a written scheme for archaeological investigation shall be submitted to and approved in writing by the Local Planning Authority. The written scheme shall include full details of the investigation to be undertaken, the extent of the area to be investigated and the arrangement for the deposit of the archaeological record. The approved scheme of investigation shall be implemented in accordance with the approved details.
7. Prior to the commencement of development an assessment of the nature and extent of contamination shall be submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by suitably qualified and experienced persons, shall be based on a Preliminary Risk Assessment carried out for the site in accordance with the British Standard for the investigation of potentially contaminated land, and shall assess any contamination on the site, whether or not it originates on the site. Moreover, it must include:
  - (iii) A survey of the extent, scale and nature of contamination;
  - (iv) An assessment of the potential risks to:
    - Human health
    - Property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;
    - Adjoining land;
    - Ground waters and surface waters;
    - Ecological systems; and,
    - Archaeological sites and ancient monuments.

If any unacceptable contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for

the development hereby permitted including how it is proposed that the remediation will be verified shall be submitted to and approved in writing by the Local Planning Authority. The phase of the site shall then be remediated in accordance with the approved measures before development begins.

#### REASON

In view of the former potentially contaminative uses of part of this site.

8. In addition to the requirements of condition number 7, if, during the course of development, any unacceptable contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the Local Planning Authority. The remediation of the site shall incorporate the approved additional measures. Within three months of the completion of measures identified in the approved remediation scheme, a verification report (that demonstrates the effectiveness of the remediation carried out in accordance with the verification plan) must be submitted to the Local Planning Authority.

#### REASON

In the interests of safety to human health.

9. The details contained within the Landscaping Plans hereby approved shall be implemented in full before the occupation of the last dwelling house. Any tree or plants shown on the landscaping scheme approved to be planted or retained which die, are removed, are damaged or become diseased or grassed areas which become eroded or damaged within 5 years of the completion of the approved landscaping scheme, shall be replaced by the end of the next planting season. Replacement trees and plants shall be of the same size and species as those lost.
10. The development hereby permitted shall not be commenced until a scheme for the provision of adequate water supplies and fire hydrants necessary for fire-fighting purposes, has been submitted to and approved in writing by the Local Planning Authority. The development shall not then be occupied until the scheme has been implemented to the satisfaction of the Local Planning Authority.

#### REASON

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

11. No development shall be commenced until a Construction Management Plan has been submitted to the Local Planning Authority for their approval in writing. This Plan must contain a Construction Phasing Plan, details to prevent mud and debris on the public highway, and HGV Routing Plan. The development shall only take place in full accordance with the plan hereby approved.

REASON

In the interests of the amenities of the area

12. The dwelling houses hereby approved shall only be constructed in the approved materials as shown on Drawing ref: MOE-001D received by the Local Planning Authority on 23 September 2016.

REASON

In the interests of the visual amenities of the area

## Notes

1. The applicant will require works to be carried out within the limits of the public highway. The applicant / developer must enter into a Highway Works Agreement made under the provisions of the Section 278 of the Highways Act 1980 for the purposes of completing the works. The applicant/developer should note that feasibility drawings for 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, and 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. 2. The applicant is required to ensure that the estate roads [including footways, cycleways, verges and footpaths] are designed and laid out in accordance with the principles set out in 'Transport and Roads for Developments: The Warwickshire Guide 2001' and constructed in accordance with the Highway Authority's standard specification. The applicant / developer is advised that they should enter into a Highway Works Agreement with the Highway Authority made under Section 38 of the Highway Act 1980 for the adoption of the roads. The approval of plans for the purposes of the planning permission hereby granted does not constitute an approval of plans under Section 38 of the Highways Act 1980. An application to enter into a Section 38 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 Street Works Act 1991 and all relevant Codes of Practice. Before commencing any Highway Works the applicant / developer must familiarise themselves with notice requirements, failure to do so could lead to prosecution.

2. Badgers and their setts are protected under the Protection of Badgers Act 1992 (HMSO,1992). Unless permitted under a licence issued by Natural England this makes it an offence to: - kill, injure or capture a Badger, - damage, destroy or obstruct access to a Badger sett displaying signs of current use, - disturb Badgers while they are occupying a sett.

## BACKGROUND PAPERS

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

Planning Application No: PAP/2014/0540

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	14/10/14
2	D F Mann	Objection	31/10/14
3	T Dunkley	Objection	24/10/14
4	D Barker	Objection	1/11/14
5	R Williams	Objection	10/11/14
6	M Griffin	Objection	10/11/14
7	C Ford	Objection	20/11/14
8	P Ford	Objection	20/11/14
9	E Jordan	Objection	20/11/14
10	B Jones	Objection	20/11/14
11	H Chetwynd	Objection	17/11/14
12	R Stokes	Objection	16/11/14
13	A Butler	Objection	26/11/14
14	J Homer	Objection	26/11/14
15	K Round	Objection	26/11/14
16	J Forbes	Objection	26/11/14
17	J Causer	Objection	25/11/14
18	D Brownbridge	Objection	25/11/4
19	P Rose	Objection	25/11/14
20	C Horton	Objection	25/11/14
21	Mr & Mrs Warren	Objection	23/11/14
22	S Jones	Objection	24/11/14
23	B Bains	Objection	24/11/14
24	P Gidney	Objection	10/12/14
25	J Gidney	Objection	10/12/14
26	Environmental Health Officer	Consultation	4/11/4
27	Rights of Way Officer	Consultation	6/11/14
28	Warwickshire Police	Consultation	4/11/14
29	NHS England	Consultation	27/10/14
30	Housing Officer	Consultation	23/10/14
31	Highways Agency	Holding Direction	7/11/14
32	Warwickshire Wildlife Trust	Consultation	14/11/4
33	Network Rail	Consultation	14/11/14
34	Warwickshire Fire and Rescue	Consultation	13/11/4
35	NHS England	Clarification E-mail	2/12/14
36	Atherstone Town Council	Objection	19/11/14
37	Highways Agency	Consultation	4/12/14
38	Environment Agency	Consultation	8/12/14
39	Atherstone Civic Society	Consultation	2/12/14

40	Environmental Health Officer	Consultation	18/12/14
41	Severn Trent Water	Consultation	7/2/15
42	Applicant's Agent	E-mail	7/1/15
43	WCC Education Services	E-mail	7/1/15
44	Brookbanks consultation	Technical Note	7/1/15
45	Atherstone Civic society	Consultation	26/1/15
46	Atherstone Town Council	Objection	23/1/15
47	Landscape Manager	Consultation	23/1/15
48	Highways Agency	Holding Objection	4/2/15
49	Mr & Mrs Andrews	Objection	9/10/16
50	Atherstone Civic Society	No objections	6/10/16
51	E Jordan	Letter of concern	11/3/16
52	R Stokes	Objection	1/10/16
53	J Griffin	Objection	1/10/16
54	Highways Authority	Consultation	24/10/16

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

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

## BACKGROUND PAPERS

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

Planning Application No: PAP/2014/0542

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	14/10/14
2	M Appleby	Comments	17/11/14
3	H Chetwynd	Objection	17/11/14
4	E Jordan	Objection	19/11/14
5	V Garrett	Objection	25/11/14
6	J Griffin	Objection	11/11/14
7	A Butler	Objection	26/11/14
8	D Brownbridge	Objection	25/11/14
9	N Booth	Objection	25/11/14
10	B Bains	Objection	24/11/14
11	C Horton	Objection	25/11/14
12	P Rose	Objection	25/11/14
13	K Round	Objection	26/11/14
14	J Homer	Objection	26/11/14
15	P Ford	Objection	20/11/14
16	D Chapman	Objection	12/11/14
17	M Griffin	Objection	12/11/14
18	R Williams	Objection	11/11/14
19	TNT	Objection	10/11/14
20	B Jones	Objection	1/11/14
21	T Dunkley	Objection	24/10/14
22	Mr Reeves	Objection	4/11/14
23	D Mann	Objection	31/10/14
24	Housing Officer	Consultation	30/10/14
25	Warwickshire Police	Consultation	27/10/14
26	Environmental Health Officer	Consultation	5/11/14
27	Warwickshire Fire and Rescue Service	Consultation	13/11/14
28	Network Rail	Consultation	14/11/14
29	Warwickshire Wildlife Trust	Consultation	14/11/14
30	Atherstone Town Council	Objection	19/11/14
31	Atherstone Civic Society	Objection	2/12/14
32	WCC Highways Authority	Objection	4/12/14
33	DVS	Report	2/12/14
34	WCC Education	Consultation	2/12/14
35	NHS England	Consultation	27/10/14
36	Highways Agency	Direction	7/11/14
37	Environment Agency	Objection	8/12/14
38	Environmental Health Officer	Consultation	18/12/14

39	NHS England	Further clarification	18/12/14
40	Environment Agency	Objection	30/12/14
41	Severn Trent Water	Consultation	7/1/15
42	Applicant's Agent	E-mail	7/1/15
43	P Gidney	Objection	11/12/14
44	J Gidney	Objection	10/12/14
45	Applicant's Agent	Technical Note	7/1/15
46	WCC Education Department	Further clarification	12/1/15
47	D Chapman	Letter re FRA	19/1/15
48	M B Reeves	Objection	15/1/15
49	Atherstone Civic society	Further comments	26/1/15
50	Landscape Manager	Consultation	26/1/15
51	Highways Agency	2 <sup>nd</sup> Direction	4/2/15
52	Environmental Health Officer	Consultation	18/12/14

*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

### 8) Application No: PAP/2014/0540 and PAP/2014/0542

#### Land at Durnos Nurseries, Old Holly Lane, Atherstone, CV9 2HD

Outline application for 620 dwellings together with a detailed application for 108 dwellings as a first phase for

#### Merevale and Blythe Estates and Bloor Homes Ltd

##### Introduction

Members will be aware of these proposals as a consequence of presentations made to them by the applicant in the last few months. The applications have now been submitted.

This report is for information only and provides an introduction to the proposals summarising them and the supporting documentation. It will also draw attention to the relevant Development Plan background.

Consultations and notifications are underway and responses will be reported to the Board in due course when it comes to determine the applications. These consultations include local residents as well as the usual range of Agencies and infrastructure providers.

##### The Site

The outline application covers an area of 31 hectares comprising four large arable fields and the Durno Nursery site to the north west of Atherstone. It is bounded to the south by Whittington Lane, the Aldi Distribution Centre and the residential site currently being completed by Redrow Homes. To the east is the River Drive estate and the Sheepy Road whilst to the north is Alder Mill and the River Anker. The west is demarcated by a stream, hedgerows and open land. The land generally is flat falling evenly to the north towards the River Anker.

It is bisected by Old Holly Lane which runs from the Aldi roundabout on the commercial estate to the south to Alder Mill and the Sheepy Road. It connects with Rowland Way, Holly Lane and to the A5.

There are a number of mature hedgerows within the site but most noticeably around its perimeter and around the Nursery site itself. It is here too where there is the greatest concentration of trees. One large house, Westmoorlands, fronting Old Holly Lane would remain outside of the site. The Innage Brook runs down from Rowland Way on the eastern side of the site, under Old Holly Lane via a culvert to the River Anker. The unnamed stream that runs along the western boundary flows from the balancing pond and surface water attenuation measures on the Aldi site to discharge into the Anker.

The larger outline site is illustrated at Appendix A.

The first phase of the proposed development would be in the south-east corner of the larger site and this essentially covers the whole of the Durno Nursery site. The first phase site is at Appendix B.

## **The Proposals**

The outline application is for the residential redevelopment of the site with up to 620 dwellings, open space, landscaping and associated infrastructure. A Master Plan has been submitted in order to illustrate a potential way in which this could be achieved. It is attached at Appendix C.

The proposal would extend either side of a re-aligned Old Holly Lane to the west of its present alignment. The northern and southern ends of the existing route would be retained in order to provide access to the first phase as described above and also one of the later phases. The central section would be converted to a combined footpath and cycle way to enable links between and across the larger site. A central new open space and amenity area would be created here.

The new road would run from the Aldi roundabout across Whittington Lane and then west of the existing line to meet up with it at the northern end of the site. Residential areas would be developed either side with access to it and through other phases. A new access onto the Sheepy Road, north of River Drive would serve one phase to the east of the course of the Innage Brook.

There would be pedestrian connections throughout the site and these would lead to routes via Rowland Way so as to enable access to Gypsy Lane and the town as well as across the Sheepy Road to enable access to the Royal Meadow Drive recreation area.

Bloor Homes have submitted a detailed application for the first phase of this Master Plan – 108 dwellings – in the south east corner. This shows a more detailed estate layout utilising access from the retained southern section of Old Holly Lane but with improved re-alignment to meet the Aldi roundabout. There would be substantial drainage attenuation measures alongside the Innage Brook to the east thus connecting to those designed in connection with the Redrow Homes development.

The overall layout is attached at Appendix D and examples of house types are at Appendix E. There would be 30% onsite provision of affordable housing and a further contribution for off-site provision equivalent to an extra 10%.

A substantial amount of supporting documentation has been submitted with the two applications. This is now summarised.

A Built Heritage Statement provides an assessment of the proposals on the existing heritage assets in the locality. The site itself contains no such assets but it is close to a number of Listed Buildings, to a Registered Park and Garden at Merevale Hall which itself is a Grade 2 star Listed Building and the most prominent of the Listed structures. The closest Listed Buildings are at Whittington Farm, the Sheepy Road bridge and Pinwall Farm. There are two Conservation Areas in Atherstone. The assessment describes the historic development of the town through to the present time. It also describes the surrounding Listed Buildings, their settings and significance. Its overall conclusion is that there would be limited harm to the setting of the nearby Listed Buildings, but that some form of recognition should be given to the historic route of Old Holly Lane from the bridge to the Hall. There would be no impact on the character and appearance to the Conservation Areas.

An Archaeological Assessment points to no designated assets being present at the site or within a wider area, and that it contains a low potential for the presence of unknown assets. Saxon finds arising from the Redrow development to the south suggests the possibility of extension of these finds into the larger site and as a consequence planning conditions are to be considered.

A detailed Arboricultural Report has been undertaken for the Phase 1 development that of the Durno Nursery site in view of its past use. The survey shows many dense groups of trees, both native and non-native, but generally all are of low quality and common being typically for use as amenity planting. No high quality trees were found. The proposed redevelopment would remove these trees as they are centrally located and the impact of their loss would be considered not to be high. Improvements to the nursery's access would necessitate further removal of trees. The perimeters of the site are significant as they are marked by a substantial hedgerow to the north and east as well as a combination of trees and hedgerows to the south. New planting is recommended to enhance these features.

An Ecology Report concludes that the larger site is dominated by habitats of negligible nature conservation interest but that those of the highest interests are to be retained – the Innage Brook, hedgerows and scattered trees. New drainage attenuation measures and open space would greatly enhance the overall value of the site. There are no statutory or non-statutory nature conservation designations affecting the site although there are five SSSI's within five km and a number of potential local sites nearby. The closest being the balancing pond on the Aldi site. In terms of species the site is considered to be of low local importance only for bats, badgers and water voles and of negligible importance to reptiles, otters, great crested newts and other invertebrates. Mitigation measures and bio-diversity enhancements will be important to raise the ecological value of the whole site.

A Landscape and Visual Appraisal describes the setting and sets out that the site lies within the "Anker Valley" designation of the North Warwickshire Landscape Character Appraisal of 2010. This describes a broad, gentle topography of the valley and the open landscape with a few areas of woodland and pockets of riparian scrub within a predominantly arable landscape, but with variation as a result of a variety of urban land uses as well as settlements both large and small. The Appraisal concludes that the proposals do integrate with the urban edge of Atherstone and that appropriate retention of hedgerows, trees and the brooks means that the scale of the development proposed has limited landscape impact and that its "envelope" fits into existing features. There would clearly be some loss of landscape character but overall it is concluded that it is a limited loss.

A Noise Assessment concludes that mitigation measures should be built into the design of the houses – e.g. appropriate glazing – particularly along the realigned route of the road.

A Travel Plan outlines that the development would comprise a series of walkable neighbourhoods benefitting from access to formal and informal open space, and with opportunities for footpaths and cycle connections to the wider area and particularly to the town. These links are said to be easy to use following "desire" lines. The town is well served by public transport and these services are within the normally accepted 2km walking distance as is the majority of the town centre facilities. Schools however are little more distant.

A Flood Risk Assessment describes the topography of the site and its geological underlay. The River Anker is to the north and the Innage Brook to the east and the stream along the western boundary are described. The Assessment concludes from its work that fluvial flooding is likely as consequence of the development from both the Brook and the Anker. The applicants have therefore updated the EA's modelling, which was out of date, to include the Brook and the western stream in order to show both 1 in a 100 and 1 in a 1000 year floods. This now shows that the site would be in Flood Zone 1, the least vulnerable but that parts of the site would be in Flood Zones 2 and 3. The conclusion is that with appropriate sustainable attenuation measures, particularly alongside the Innage Brook, the whole site is capable to being developed without causing flood impacts. The Assessment indicates that Severn Trent Water has no objection to the foul water using the existing Atherstone works where there is capacity.

A Transport Assessment indicates that the location is a suitable site for the proposed development, including a network of pedestrian and cycle routes and links that penetrate the whole site and link with existing connections into the town. The Master Plan includes a hierarchy of suitable routes and the Assessment concludes that the surrounding road network has capacity. The re-alignment of the road over the rail bridge to the south of the site is supported.

A Design and Access Statement describes the site and outlines how the main components of the Master Plan have been arrived at and for the first phase of the development

A Consultation Document provides a description of the pre-application consultation carried out by the applicant prior to submission with extracts of the exhibition material displayed, and summaries of the feedback received. The main issues raised were impacts on the environment, particularly flooding, the highway network and existing services in the town. The applicant explains that on the flooding issue the whole issue has been updated and re-modelled and sustainable drainage measures introduced. In respect of highway matters it is said that the relevant Authorities are supportive in principle and that impact on local services will be dealt with through a Section 106 Agreement involving developer contributions.

A Planning Statement outlines the existing planning policy background at the local and national level particularly referring to the Core Strategy and the emerging Site Allocations Document. It sets out how the applicant considers that the proposals accord with this background.

Section 106 matters are included in the Planning Statement. Aside from the affordable housing matter the statement confirms a willingness to include an education contribution; an open space and sustainable drainage system maintenance contribution and the realignment of the highway over the railway bridge.

## **Development Plan**

Saved Policies of the North Warwickshire Local Plan 2006 – ENV4 (Trees and Hedgerows); ENV6 (Land Resources), ENV8 (Water Resources), ENV11 (Neighbour Amenity), ENV12 (Urban Design), ENV13 (Building Design), ENV14 (Access Design), ENV15 (Conservation), HSG2 (Affordable Housing), TPT1 (Transport Considerations), TPT3 (Access and Sustainable Travel) and TPT6 (Vehicle Parking)

The North Warwickshire Core Strategy 2014 – NW1 (Sustainable Development); NW2 (Settlement Hierarchy), NW4 (Housing Development), NW5 (Split of Housing Numbers), NW6 (Affordable Housing Provision), NW10 (Development Considerations), NW11 (Renewable Energy and Energy Efficiency), NW12 (Quality of Development), NW13 (Natural Environment), NW14 (Historic Environment), NW16 (Green Infrastructure), NW18 (Atherstone), NW20 (Services and Facilities) and NW22 (Infrastructure)

## **Other Material Planning Considerations**

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

The Draft Pre-Submission Site Allocations Plan 2014

The Council’s Affordable Housing SPD 2008

The Council’s Green Space Strategy 2008

## **Observations**

These are the most substantial housing proposals ever considered by this Council. They have been submitted in direct response to the Government’s NPPF and as a consequence of the Borough Council’s work on replacing its 2006 Local Plan with the new Core Strategy to plan for growth in the Borough up to 2029.

The Board will have to assess whether the proposals accord with both parts of the Development Plan – that is to say the saved policies of the Local Plan as well as the recently adopted Core Strategy. The latter will carry more weight in the case of conflict as it is up to date, based on evidence and has found to be sound, thus fully according with the NPPF. The Council’s progress on identifying preferred sites for allocations to meet housing requirements will also carry weight in this judgement.

As is the case with all development proposals, it will be necessary to establish what the likely impacts might be. In this case the proposal is large and the range of impacts is wider but not unusual. The scope of the supporting documentation described above focusses on the main issues – flooding, highways and services are probably the main ones – and these too reflect the outcome of the public consultation undertaken prior to the submission. All of the relevant Agencies have been consulted on the application, and their responses will be reported as part of the determination process. Members will wish to know that in view of the flooding issues here, additional consultation has been undertaken with an independent consultant who has been specifically requested to look at the applicant’s Flood Risk Assessment and the Environment Agency’s response to it.

The scale of the proposal also has impacts beyond the site particularly in terms of the town's services and facilities. The Education Authority and local health providers have been involved at pre-application stage and they have now been formally consulted on the submitted proposals. The applicants have indicated their willingness to deal with contributions through a Section 106 Agreement.

It will be seen that the proposals include full 40% provision of affordable housing – 30% on site and a 10% off-site contribution as was followed in the recent Redrow Homes development of Rowland Way. This pattern would be likely to be followed throughout the remainder of the larger site.

At this stage, this report is for information purposes alone as the consultation period has just commenced. A determination report for the applications will be brought to the Board in due course. The documents referred to in this report are all available to view on-line and a full set is also available in Atherstone Library. All Members can view the sites from the surrounding highway network, but a full site visit is recommended below for those wishing to do so.

### **Recommendation**

That the applications be noted and that the Board undertakes a visit to and around the site.

## BACKGROUND PAPERS

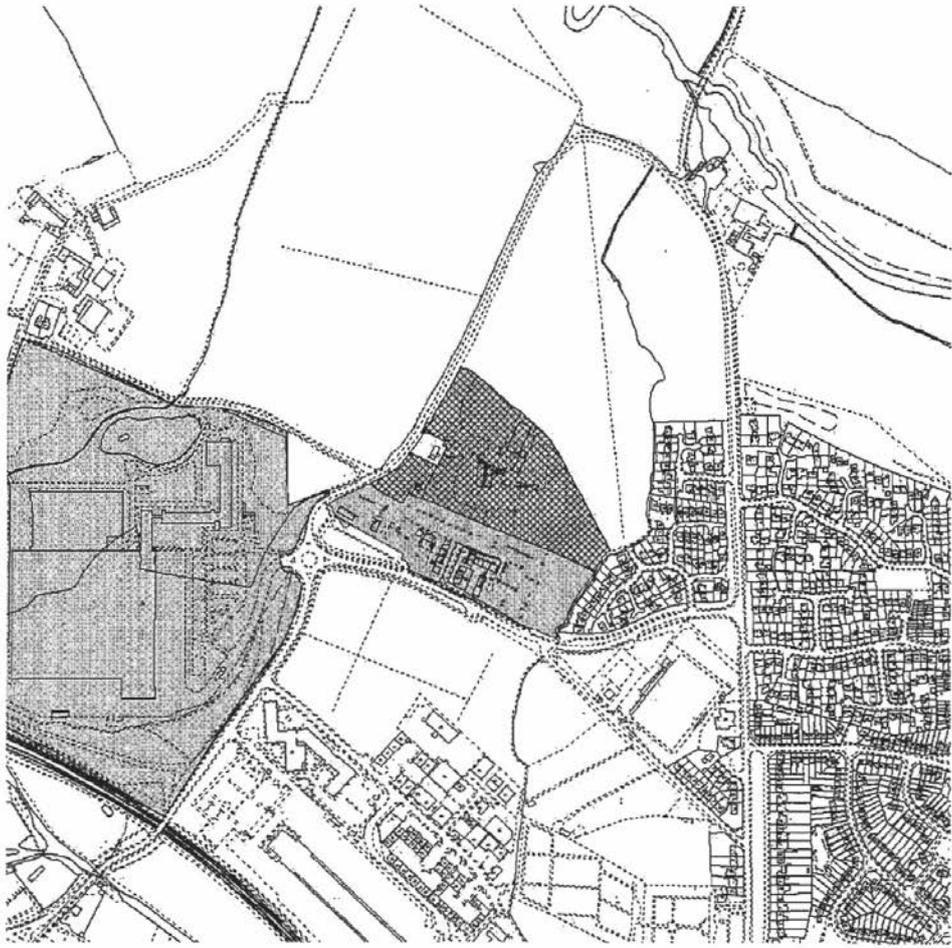
Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Planning Application No: PAP/2014/0540

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	13/10/14

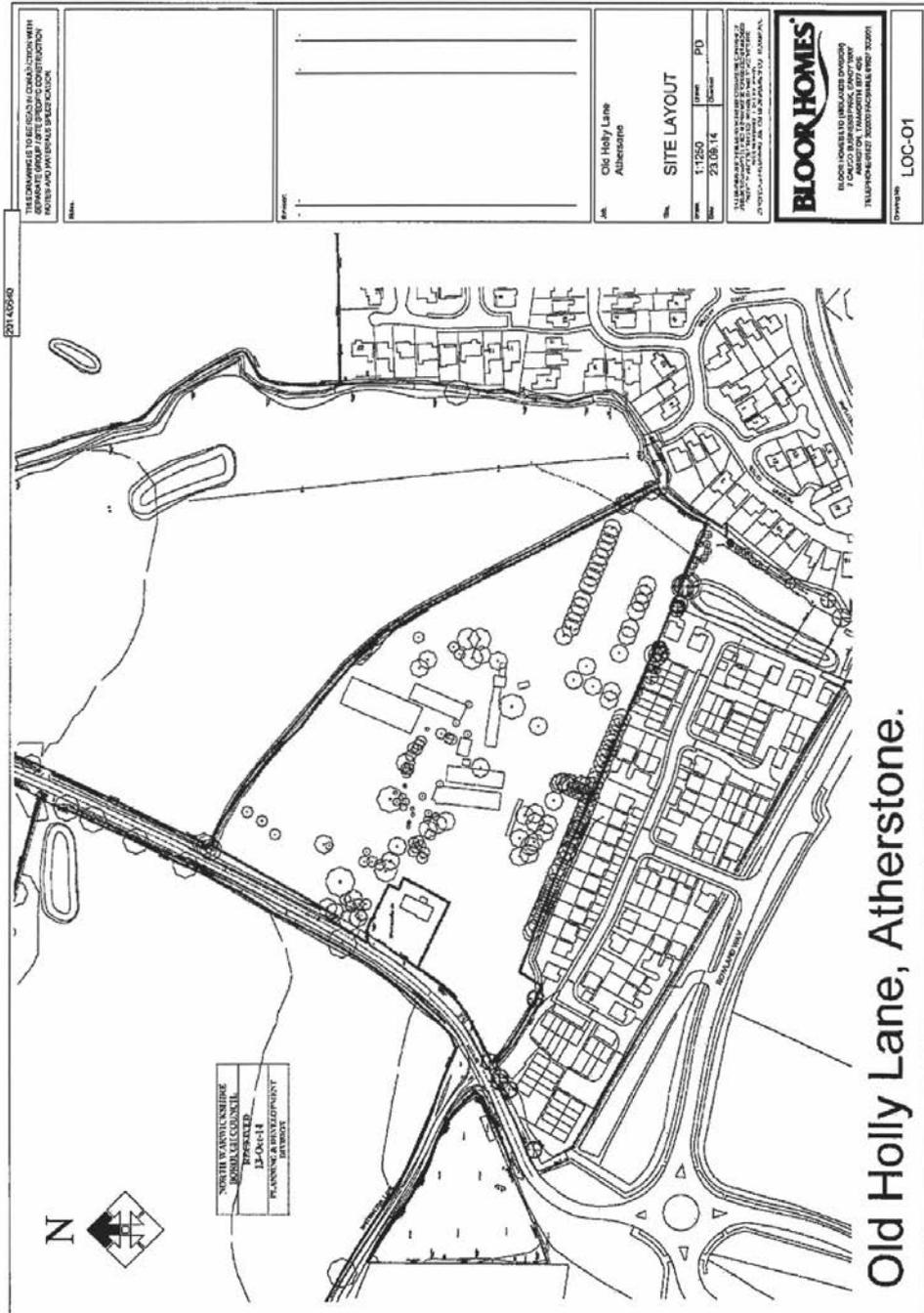
*Note: This list of background papers excludes published documents which may be referred to in the report, such as The Development Plan and Planning Policy Guidance Notes.*

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





Appendix B







**(2) Application No: PAP/2015/0584**

**Former quarry & land, Grimstock Hill, Lichfield Road, Coleshill,**

**Outline application for the erection of up to 24 residential dwellings with all matters reserved except access, for**

**Heyford Developments Limited**

**Introduction**

This application was reported to the August Board meeting but determination was deferred for a number of reasons – a site visit; referral back to the Highway Authority in light of the anticipated HGV movements and a request to the applicant to consider a “lesser” proposal. The site visit took place and the applicant reduced the scale of the proposal down from 30 to 24 dwellings. The Highway Authority however retained its position of one of no objection.

The matter was then referred to the September Board but determination was again deferred to enable further discussions with the Highway Authority, perhaps involving a temporary access arrangement via the A446. Meetings have taken place in this regard with local Members being present.

The September report is at Appendix A and it contains the August report as an appendix. Copies of notes of the two meetings are at Appendices B and C. The Highway Authority response following the September meeting is at Appendix D.

As a consequence of the second of the two meetings referred to above, the applicant has submitted a proposed phased access arrangement using both the A446 and Trajan Hill. This is explained in the letter attached at Appendix E.

The case is brought back to the Board for determination incorporating the arrangements as set out in this letter. The applicant has requested that a decision be made rather than there being a further deferral.

**The New Proposed Arrangements**

The original proposal was to have all access via the A446 but this was not supported by the Highway Authority. The applicant therefore amended the proposal such that all access was to be through the existing residential area. The Highway Authority did not raise objection to this subject to a preparation of a satisfactory Construction Management Plan. Objection from the local community to this alternative led to further consideration of this subsequent amendment. The Highway Authority was asked to consider a temporary access arrangement off the A446 to last for the landfill and construction period – some nine to ten months. As can be seen from Appendix D, the Highway Authority could not agree to such a measure because of significant visibility concerns and the speed of traffic using the road.

Further consideration of the actual practicalities of implementing a planning permission here together with the applicant’s re-assessment of the scale of the landfill operation has led to a further alternative.

The applicant has now calculated that there is material already existing on site that could be used to form the final development plateau, thus reducing the import of fresh material. It is therefore suggested that the import could be done by a maximum of 10 HGV movements a day (five in and five out) over a ten day period. The actual construction period could last between six and nine months involving an average of eight HGV movements a day (four in and four out). The applicant acknowledges that this is an average figure agreeing that these movements would be concentrated at the commencement of the period.

In terms of the actual practicality of the operations then clearly earth moving plant will have to be present on the site from day one at the lower end of the site. This is because they would be moving existing material as outlined above. These could only gain access to this section of the site from the A446. Secondly, the utility connections – drainage in particular – will have to be made to existing connections actually in the A446. This would require lane closure and traffic management measures on the A446 for the duration of these works. Hence the combination of these practicalities, suggests that a temporary arrangement might be possible involving lane closure and traffic management measures for a period of around three weeks. This would allow earth moving plant to enter and leave; imported material to arrive and HGV's to leave as well as the main bulky construction materials to be delivered.

This is outlined in the letter at Appendix E which also explains that at the end of this period, access would revert to Temple Way and Trajan Hill. That arrangement would be the subject of a Construction Management Plan.

### **Re-consultation**

The Highway Authority has been re-consulted on the content of the letter at Appendix E. Its response is one of no objection subject to stringent specifications to be set out in a Temporary Traffic Regulation Order.

All of those residents who objected to the proposals throughout the application's progress have also been invited to comment on the letter. At the time of writing this report, seven responses continue to object on traffic safety grounds and that HGV traffic would still have to use the residential roads. Other responses received after preparation of this report will be made verbally at the meeting.

### **Observations**

Previous recommendations to the Board have been for the grant of planning permission for the reasons outlined in those earlier reports. The recommendation below remains one of support. There are three issues to pick up on following the last deferral.

The first of these is to do with access to the site for the preliminary land-fill operation and during the construction period. This issue has been at the core of the objections and has been the substantive reason for the two earlier deferrals. The applicant has undertaken a far more detailed assessment of the actual practical and operational arrangements of developing the site and as a result is able to offer a phased arrangement. This reduces the scale of HGV movement through the existing residential network. It is important to note that the County Council as Highway Authority agrees with this approach particularly given that it objected to the use of the A446. It is

considered that this is now an acceptable compromise. No other vehicular access arrangement is available. In other words the development is either approved with this arrangement or it is refused.

The second issue is to do with the maintenance of the open space and sustainable drainage arrangements on the site. There are alternative arrangements here – adoption by a Local Authority or by a private management company. The Borough Council is unlikely to be in a position to take on this large scale maintenance operation, but the Town Council has not yet been able to consider whether it would express an interest. A private arrangement would be acceptable provided that the Agreement retained some degree of public access. It is therefore considered that a condition should be attached to the grant of any planning permission requiring the maintenance issue to be resolved prior to occupation and that this ensures public access.

The third issue relates to the protection of the residential amenity of the existing occupiers whose property backs onto the site – in Trajan Hill and Tiberius Close. This concerns the retention of trees and if necessary the provision of earth banks particularly close to the route of the access road off Trajan Hill. This particular detail can be conditioned.

Members have considered this application over a couple of meetings and the applicant has now requested that a decision be made. Members are invited therefore to consider the compromise highway arrangement as now proposed as a reasonable proposal in light of the circumstances here.

### **Recommendation**

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

#### **Standard Conditions**

1. Standard Outline condition – reserving all matters except for access
2. Standard Outline condition
3. Standard Outline condition
4. Standard Plan numbers condition – the Site Location Plan and plan number 1375/10D received on 17/5/16

#### **Defining Conditions**

5. For the avoidance of doubt this permission is for no more than 24 dwellings.

#### **REASON**

In the interests of highway safety, visual and residential amenity

6. The bell-mouth junction into the development off Trajan Hill shall have visibility splays provided to the pedestrian crossing point of 1.5 by 11 metres as measured from the rear edge of the highway footway. These splays shall be kept free of all development and planting at all times.

## REASON

In the interests of highway safety

### **Pre-commencement Conditions**

7. No work whatsoever shall commence on site – including any site clearance or enabling work – until full details of a temporary access arrangement off the A446 and the associated traffic management scheme, has first been submitted to and approved in writing by the Local Planning Authority. This access shall be used for the purposes of site clearance; site enabling work, construction plant and material delivery, the import of fill material, cut and fill operations, the delivery of bulk and heavy construction materials together with associated utility connections. The details submitted shall also include details of the final closure and re-instatement of the highway together with a full explanation of the programme for the use of this access and the timing of its closure and the transfer of access arrangements to Trajan Hill. Only the approved details shall then be implemented on site.

## REASON

In the interests of highway safety

8. No work whatsoever shall commence on site – including any site clearance or enabling work - until such time as a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The approved Plan shall remain in place throughout the whole of the construction period and only be withdrawn on the written agreement of the Local Planning Authority. For the avoidance of doubt this Plan shall address the following matters:
  - a) The timing of the change in access arrangements from the A446 to Trajan Hill
  - b) The routes to be taken for construction traffic through the residential estate
  - c) The avoidance of conflict with parked vehicles along these routes
  - d) The parking and delivery arrangements for site operatives and all deliveries
  - e) Specification of HGV site entry and exit by hours of the day and week
  - f) The location of the site compound and how this might re-locate throughout the development
  - g) The location and detail of surrounding earth banks or bunds to protect adjoining residential occupiers particularly in Trajan Hill and Tiberius Close
  - h) The hours when construction is actually to take place by week day and weekend.

- i) The clearance of the local highway network of debris and material arising from the construction.
- j) Details of all site lighting
- k) A system for dealing with goods vehicle weight limits in the area and traffic management.
- l) A clear system and arrangements for monitoring of the Construction Plan in terms of site manager contacts and emergency matters together with a clear outline of communication with local residents concerning parking, access and delivery arrangements.

#### REASON

In the interests of highway safety and the residential amenity of surrounding occupiers.

9. No work whatsoever shall commence on site – including any site clearance or enabling works – until such time as a Landfill Operations Plan has first been submitted to and approved in writing by the Local Planning Authority. The approved Plan shall remain in force throughout the whole of the landfill operations and shall only cease to have effect on the written agreement of the Local Planning Authority. For the avoidance of doubt this Plan shall address the following matters:

- a) The submission of a plan showing existing and proposed ground levels
- b) Details of the phasing of the operations including the location of site compounds and the location of haul roads.
- c) The scale of the import of material onto site
- d) The hours of operation of all site clearance; site enabling, cut and fill, earth-moving and site enabling operations by week day and week end.
- e) The measures to be introduced to reduce waste being deposited onto the road network and the suppression of dust on site.
- f) Details of all site lighting.
- g) Details of how site operations are to be monitored in terms of site manager contacts and emergency matters throughout the length of the landfill operations.

#### REASON

In the interests of highway safety and the residential amenity of surrounding occupiers.

10. No work shall commence on the construction of any house hereby approved until such time as full details of earth banks or bunding together with their landscaping and the retention of existing trees and vegetation in the areas to the rear of

existing houses in Trajan Hill and Tiberius Close, have first been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be implemented on site.

#### REASON

In the interests of the visual amenities of surrounding occupiers

11. No work shall commence on the construction of any house hereby approved until such time as a Woodland and Open Space Management Plan for the areas to be left after completion has first been submitted to and approved in writing by the Local Planning Authority. This Plan shall address details for the maintenance of these areas including the balancing pond, in perpetuity and the details of how public access to these areas is to be provided and retained in perpetuity.

#### REASON

In the interests of the visual amenities of the area and the residential amenity of all neighbouring occupiers.

12. No work shall commence on the development hereby approved until a site investigation report based on a Phase 1 Assessment has first been submitted to and approved in writing by the Local Planning Authority. This report shall contain all necessary remediation measures commensurate with the findings of that investigation, together with a plan to show how completion of those measures can be verified on site.

#### REASON

In order to reduce the risk of pollution.

13. No work shall commence on the development hereby approved until any remediation measures agreed under condition 12 have first been approved and fully implemented through the written agreement of the Local Planning Authority. Only the approved measures shall be undertaken and these shall only take place in accordance with the approved verification plan.

#### REASON

In order to reduce the risk of pollution.

14. No work shall commence on the development hereby approved until a detailed surface water drainage scheme for the site based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development has been submitted to and approved in writing by the Local Planning Authority. The scheme shall:
  - a) Show whether or not infiltration type drainage is appropriate through testing in accordance with BRE 365 guidance
  - b) Demonstrate compliance with the SUDS Manual, CIRIA Reports C753, C697 and C687 together with the Nation SUDS Standards;

- c) Show how the discharge rate generation by all rainfall events up to and including the 100 years plus 30% critical rainstorm, will be limited to greenfield runoff rates;
- d) Demonstrate compliance with attenuation in accordance with Science Report SC030219;
- e) Include detailed designs and calculations for all details of the scheme and outfall arrangements, and
- f) Confirm how the scheme will be maintained in perpetuity.

#### REASON

In order to reduce the risk of flooding and to improve water quality.

15. No work shall commence on the development hereby approved until full details of all acoustic bunding and fencing together with the location and specification of all acoustically treated glazing and ventilation have first been submitted to and approved in writing by the Local Planning Authority.

#### REASON

In order to reduce the risk of noise pollution.

16. No work shall commence on the development hereby approved until full drainage plans for the disposal of foul water have first been submitted to and approved in writing by the Local Planning Authority.

#### REASON

In the interests of reducing pollution and risk of flooding.

### **Pre-Occupation Conditions**

17. No dwelling hereby approved shall be occupied until public pedestrian dropped kerbed crossing have been laid out and constructed across the junction of Trajan Hill with Tiberius Close and Trajan Hill with Temple Way, to the written satisfaction of the Local Planning Authority.

#### REASON

In the interests of highway and particularly pedestrian safety.

18. No dwelling hereby approved shall be occupied until such time as the details approved under conditions 10 and 15 have been fully completed on site to the written agreement of the Local Planning authority.

#### REASON

In the interests of the residential amenity of occupiers of both existing and future dwellings.

19. No dwelling hereby approved shall be occupied until such time as written confirmation of the Local Planning Authority has been made in respect of the Plan referred to under condition 11 above has been agreed in full.

## REASON

In the interests of the visual amenities of the area.

### Notes

1. The Local Planning Authority has met the requirements of the National Planning Policy Framework in this case through addressing the impacts arising from the development in discussion with the Statutory consultees and through amended plans.
2. Severn Trent Water advises that although their records show no public sewers within the site there may be sewers recently adopted under the Transfer of Sewer Regulations 2011. Additional information and advice should be sought.
3. Attention is drawn to Sections 59, 149, 151, 163, 184 and 278 of the Highways Act; the Traffic Management Act 2004, the New Roads and Street Works Act 1991 and all relevant Codes of Practice.
4. Warwickshire County Council as Lead Local Flood Authority does not consider that oversized pipes or culverts are sustainable drainage solutions. Above ground solutions are advised.

## BACKGROUND PAPERS

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

Planning Application No: PAP/2015/0584

Background Paper No	Author	Nature of Background Paper	Date
1	Head of Development Control	Letter	7/9/16
2	Assistant Director (L and CD)	Consultation	20/9/16
3	WCC Highways	Letter	30/9/16
4	Applicant	Letter	12/10/16
5	Mrs Green	Objection	14/10/16
6	Mrs George	Objection	12/10/16
7	Mrs Fallowell	Objection	12/10/16
8	Mrs Speers	Objection	20/10/16
9	Mr Cutler	Objection	21/10/16
10	E McDonald	Representation	23/10/16
11	Mr and Mrs Bould	Objection	24/10/16
12	WCC Highways	Consultation	21/10/16

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

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

PAP/2015/0584

Land at Grimstock Hill, off Trajan Hill, Coleshill

Outline application for the erection of up to 24 (Class C3) residential dwellings with all matters reserved except access for

Heyford Developments Ltd

### Introduction

This application was referred to the August Board meeting but determination was deferred for a number of reasons – a site visit; referral back to the Highway Authority in light of the anticipated HGV movements and a request to the applicant to consider a “lesser” proposal.

The previous report is attached at Appendix A for convenience

### Additional Information

Members have now visited the site. As that visit took place between the preparation of this report and the meeting, a note will be circulated at the meeting.

The Highway Authority was requested to review its position in light of all of the information available including the potential land-fill and construction issues. Its response is attached at Appendix B where it can be seen that it is not going to be persuaded to alter its position.

The applicant however was requested to see if there was scope to reduce the scale of the proposal in order to reduce the traffic impact locally. He has responded by amending the proposal to a maximum of 24 houses rather than the original 30 – a 20% reduction. He further points out that in these circumstances there is greater opportunity to increase the separation distances between the new houses and the rear elevations of the existing houses in Tiberius Close and Trajan Hill. An amended illustrative layout is attached at Appendix C.

In reducing the scale of the development, the applicant points out that the viability of the project is affected. As a consequence there is now no affordable housing proposed – either onsite or through an off-site contribution.

Members are therefore asked to determine the application based on a maximum of 24 houses.

### Consultations

The various Agencies and Bodies were re-consulted on this further amendment with a request to see if they wished to alter their previous responses. At the time of preparing this report, none have. The Board will be updated at the meeting but given the lack of objection received previously it is not anticipated that objections will arise.

### Representations

All those who submitted representations to the previous proposal have been re-notified. Again at the time of preparing this report no responses had been received. Members will be updated at the meeting but they should be advised to assume that the objections recorded in the last report should remain.

### **Other Material Planning Considerations**

Following the meeting of the Local Development Framework Sub-Committee on 3 August Members will be aware that the draft Local Plan for North Warwickshire is now publically available and that this site is retained as an appropriate residential allocation.

### **Observations**

The recommendation below remains as set out as in Appendix A. There are changed circumstances – the proposal is materially reduced - and the Highway Authority has not changed in its position in respect of the overall principle of the development. These add weight to that recommendation. The other change is the loss of any affordable housing. Members therefore have to look at the balance between reduced traffic impact with no affordable dwellings or affordable housing provision but with greater traffic impact. As the thrust of the objections here locally is all about traffic it is considered that extra weight should be given to the current reduced proposal. Moreover the Council will need to maintain a continued housing supply if it is not to be the subject of speculative applications for the development of land not identified in its own planning documents.

### **Recommendation**

That the recommendation as set out in Appendix A be agreed subject to appropriate changes to recognise the reduced proposal in the suggested conditions.

### **Background Papers**

NWBC	Letter	
WCC Highways		Letter
Applicant	Revised Plans	19/8/16

**PAP/2015/0584**

**Land at Grimstock Hill, off Trajan Drive, Coleshill**

**Outline planning application for the erection of up to 30 (Class C3) dwellings with all matters reserved except for access for Heyford Developments Ltd.**

### **Introduction**

This application is referred to the Board for determination at the request of local Members particularly concerned about the highway impact of the proposal on the local network.

### **The Site**

This is a roughly rectangular area of heavily wooded land amounting to some 1.2 hectares bounded to the west by the A446 Lichfield Road; to the north and east by existing residential development at Trajan Hill, Tiberius Close and Norton Road and to the south by the Grimscote Manor Hotel. There are residential and commercial uses on the opposite side of the A446.

The site is more particularly shown at Appendix A.

It used to be a quarry but this use ceased back in the 1960's and since then it has regenerated into an un-managed and overgrown area of woodland. There is a substantial roadside hedge alongside the A446. The quarry was partially filled with inert materials.

Because of this history there is a distinct difference in levels between the eastern perimeter and the A446 to the west. The former quarry slopes are particularly prevalent along the eastern and southern boundaries.

### **Background**

The site is partially covered by three Woodland Tree Preservation Orders dated 1980. The extent of these is shown at Appendix B.

The site is included in the draft Site Allocations Plan of 2014 as being a preferred option for new residential development.

### **The Proposals**

This is an outline planning application for the site's residential redevelopment with up to 30 dwellings. The original submission proposed that all vehicular access would be from the A446, but following an objection from the Highway Authority, an amended scheme was put together involving access from Trajan Hill. It is this revised proposal that is now the subject of this report. All detailed matters are still reserved for later approval except for the means of vehicular access which is now proposed to be from Trajan Hill.

The application site includes one of the existing dwellings on the southern side of this cul-de-sac – number 1. It is proposed to demolish this house in order to gain access into the site. An illustrative layout has been submitted showing a cul-de-sac with the housing concentrated at the northern end of the site. This is attached at Appendix C.

This suggests that the northern half of the site would be cleared of trees and there would be some in-filing in order to achieve a development plateau. The trees to the south would be thinned and managed and the remaining slopes landscaped. This would become an area of open space which would also contain a balancing pond for the collection of surface water.

H:\Grimstock Hill.doc

Foul water would be pumped to Trajan Hill whereas surface water would drain to the pond and thence to the Lichfield Road.

The proposal includes the draft terms for a Section 106 Agreement including up to 30% provision of affordable housing on-site and a financial contribution towards improvement of the Cole End Park.

The application itself is accompanied by other documentation.

A Bat Survey shows that the site is used by two different species of bat for both foraging and commuting. The main focus is in the southern half of the site. There is also potential for bats to be present for roosting. It is recommended that trees are retained wherever possible and particularly in the southern half close to an drainage ponds and swales. Appropriate avoidance measures should be followed where evidence of bats is found where trees are to be removed through the normal Licensing procedures of Natural England

A Badger survey did identify existing setts. Mitigation measures are recommended through the construction of artificial setts. There is sufficient space on site to retain the existing activity level. Natural England should be involved throughout the replacement process.

A Flood Risk Assessment suggests that infiltration might not be the preferred surface water disposal option due to the potential contamination arising from earlier historic landfilling. As a consequence surface water would be captured on site in a series of balancing ponds and swales at the southern end of the site thus discharging at licensed levels agreed with the Environment Agency into the public storm water sewer in the Lichfield Road. Foul water is to be pumped to the existing network in Trajan Hill.

An Arboricultural Report describes the site as being secondary broadleaved woodland which is predominantly of the same age. This structure is not optimal. The trees here are early/semi-mature a mature specimens – sycamore and hawthorn. There are some oaks and ash. The woodland is considered to have a greater amenity benefit because of the number and grouping of trees rather than on their individual merits as they are effectively all poor specimens. This is because they are mostly self-set and there has been no management of the trees cover since the site re-generated. Because of this it is dense and dark and so not particularly valuable for bio-diversity. A re-development proposal for the site offers opportunities for not only arboricultural benefit but also for ecological enhancement. There is sufficient opportunity here to retain and to improve.

A Transport Assessment concludes that the existing local highway network has capacity for the expected traffic to be generated. There are public transport alternatives.

A Design and Access Statement describes the site and its setting illustrating how the indicative layout has been arrived at together with potential appearance and design.

A Planning Statement brings these matters together into a planning context arguing that this is sustainable development on a site identified for residential development by the Council.

### **Representations**

Coleshill Town Council – Objection on traffic grounds and the impacts on bats and badgers

Coleshill Civic Society – Objection on traffic grounds through the use of Trajan Hill.

Twenty seven letters of objection have been received referring to the following matters in connection with the revised proposal:

- Adverse impact on local wildlife
- Loss of privacy to existing occupiers
- Increased noise pollution through the loss of tree cover
- The access would be dangerous – a narrow road with on-street parking
- The Road Safety Audit says that there have been no accidents whereas there have been accidents
- Trip rates are understated.
- Potential ground stability issues
- HGV's using Trajan Hill during construction
- Loss of open space

A letter of support has been received saying the development will supply affordable houses and clear up a derelict area of land that has been prone to anti-social behaviour

### **Consultations**

Warwickshire County Council as Highway Authority – Originally objected to the proposals when access was to be sought onto the A446. It has withdrawn that objection with the amended access scheme off Trajan Hill.

Warwickshire County Council as Flood Authority – No objection subject to a standard condition

Warwickshire County Council (Public Rights of Way) – No objection but in order to mitigate the increase in the Council's maintenance liability a contribution is sought towards improvements to the local footpath network

Environmental Health Officer – No objection subject to standard conditions requiring ground condition surveys and noise attenuation measures in the new houses.

Severn Trent Water Ltd – No objection

AD (Leisure and Community Development) – The future maintenance of the open space on the site needs to be resolved. The 106 contribution would be welcome.

AD (Housing) - No objection. The biggest demand on the waiting list in Coleshill is for two-bedroom houses.

### **Development Plan**

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

Saved Policies of the North Warwickshire Local Plan 2006 – ENV4 (Trees and Hedgerows); ENV6 (Land Resources), ENV13 (Urban Design), HSG4 (Densities) and TPT1 (Transport Considerations in New Development)

## **Other Material Planning Considerations**

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

The NWBC Draft Site Allocations Plan 2014

The draft Local Plan for North Warwickshire 2016

### **Observations**

#### **a) Introduction**

This site is inside the development boundary for Coleshill as defined by the Development Plan. Moreover the town is identified in that Plan as being an appropriate settlement to accommodate a minimum of 275 dwellings within the plan period. The site is also identified as a preferred option in the draft Site Allocations Plan of 2014. Members too will be aware that a few days before this meeting, the Council is anticipating the publication of the new draft Local Plan for North Warwickshire. This site is anticipated to be retained as a housing allocation in that document. Given these matters there is no objection in principle to the residential redevelopment of this land. This position is also supported by the NPPF as this proposal is sustainable development. This is because of its location within a residential area in a Market Town and the accessibility of a full range of local services and facilities as well as alternative modes of transport. The NPPF states that there should be a presumption in favour of supporting sustainable development. The starting point here for the Board is thus a presumption of approval, particularly as this application seeks an outline planning permission – that is permission in principle.

Members will know therefore that for this presumption to be overturned, there have to be material planning considerations of substantial weight sufficient to override it. The report now looks at the two most important of these considerations – traffic and the loss of the woodland – before considering other matters.

#### **b) Material Considerations - Traffic**

The most significant of these considerations is that of access, particularly as the application seeks approval for the detail of those arrangements at this time.

The objection from the Highway Authority in respect of the initial access off the A446 has led the applicant to reconsider. The resolution has been to propose access off Trajan Hill through the demolition of an existing residential property and the use of the consequential open land as the preferred access. The Highway Authority has confirmed that a satisfactory access arrangement can be obtained over the land that becomes available through this demolition. That arrangement meets the specification of that Authority with regard to a residential access for the number of houses proposed and for access by larger vehicles – e.g. a refuse lorry. It too is satisfied that the existing local highway network has the capacity to accommodate the traffic generated by the proposed thirty houses arguing that this will disperse throughout that network and therefore in general terms not materially add to traffic movements. This is tempered by the need for conditions requiring off-site works within the immediate highway junctions to enable pedestrian crossings. The Highway Authority is the Statutory Agency and thus its response to the application carries substantial weight. As Members are aware the NPPF states that the traffic impact from a new development following any mitigation has to be “severe” if the presumption in favour of a sustainable development is to be outweighed. Without the support of the relevant statutory highway authority agreeing to that conclusion, the Board would be in a significantly weak position to defend a refusal on highway grounds.

H:\Grimstock Hill.doc

Nevertheless the representations received have raised some significant practical concerns – on-street car parking in Trajan Hill particularly; construction traffic, turning movements and pedestrian safety.

Car parking provision on the development site as a direct consequence of the proposed dwellings will be resolved at the detailed stage when those matters are submitted. Provided that the Council's standards are adopted there should be limited likelihood of cars parking off site as a consequence. The issue here however is the view that Trajan Hill is already narrow and that there is on-street car parking. Additional traffic passing along the road would thus be considered to be detrimental to pedestrian safety and to turning and manoeuvring cars. Members should be aware that there are some garage spaces and front hard-standings for car parking in Trajan Hill and Tiberius Close and so it is not the case that all of the occupiers here have to park on the road. Moreover the proposed junction of the new access on the site of number 1 Trajan Hill is the best available location on Trajan Hill for two reasons - firstly there is no housing opposite that house and thus there would be no conflicting movements turning in to and particularly out of the new access. Secondly, the majority of houses in Trajan Hill are as a matter of fact beyond this proposed access location – additional traffic therefore would not affect the majority of residents. Parking in the Tiberius Close cul-de-sac would not be affected. It is accepted that there is existing on-street parking in Temple Way, but the Highway Authority considers that the proposed development would not materially add to the traffic already generated by the some 260 dwellings that use Temple Way presently for access. In all of these circumstances the Highway Authority has not raised an objection.

The use of Trajan Hill and Temple Way for construction traffic including landfill operations at the commencement of the development is considered to be of greater concern. There is no alternative route into the site. The applicant considers that there would be an average of eight two-way movements a day (that is four in and four out) within a period of twelve months. This is an average over the whole of that time, clearly with the greater movements likely at the commencement of the period. The twelve months includes landfilling and construction phases.

It is acknowledged that this would cause disruption and inconvenience but that is not considered to be a reason for refusal. Firstly this will be a temporary period of disruption. All construction operations are going to involve disruption and this is not unusual with both large and smaller housing estates throughout the Borough. Most recent developments have involved traffic using residential estate roads and there is not considered to be anything intrinsically worse in this case. Secondly a Construction Management Plan is recommended as a condition. The applicant fully accepts that this is going to be essential. That will look at both delivery and construction hours as well as the operational requirements such as dust suppression and street cleaning measures. Significantly it will have to be agreed by the Highway Authority. That will probably involve temporary Traffic Regulation Orders and/or temporary parking measures (cordoning off areas of highway during delivery periods). The success of such a Management Plan relies wholly on communication between the developer and the residents. Those channels will need to be made explicit within that Plan.

#### **c) Material Considerations - Woodland**

A second consideration here is the impact on the existing tree cover in terms of visual amenity and its ecological value.

Taking the second impact first then it is agreed that the ecological value of the site is low because of the density of the woodland cover; that it is all of a similar age which doesn't

encourage diversity and that it is wholly unmanaged. The proposal does therefore represent an opportunity for significantly improving this situation. A good proportion of the site can be retained and different habitats introduced as a consequence. In the longer term this will be of real benefit. There are both bats and badgers on the site at the present time. The proposals do not necessarily mean that these species will be materially affected provided proper mitigation is employed under the direct licensing and management systems and procedures of Natural England. These are the appropriate safeguards and Members should have confidence in this other legislation and Natural England's enforcement procedures if required.

The impact of the proposals on the visual amenity of the present woodland and its setting is considered to be greater. This is because of the extent of the woodland cover and that its importance to public amenity is recognised by the making of the Orders. That however is not in itself a reason for refusal, but equally the proposal should not itself result in the loss of this amenity. A compromise situation should be reached. There are several reasons for this. Primarily the woodland here has been unmanaged since it started to regenerate the former quarry and landfill site many decades ago. It is more or less consists of a dominant species – selfset sycamores – which are all of a single age. These trees will eventually naturally dieback at about the same time leaving an unkempt and visually unattractive site. Secondly although the woodland has value as a public amenity, it is mainly its perimeter that performs this function – particularly along the A446 whether approaching from the north or south – and at the rear of existing houses in Trajan Hill, Tiberius Close and Norton Road. Given the low ecological value of the site and the fact that there is permission in principle here, it is considered that every opportunity should be taken to retain the public amenity of the woodland but such that its value is enhanced through new planting, thinning and with retention of the perimeter buffers.

Given these circumstances it is considered that the proposal provides an opportunity for ecological and arboricultural benefit and should thus be supported. An alternative conclusion would be that the proposal adds to its sustainable development credentials because it enhances longer term ecological and arboricultural benefits.

#### **d) Other Matters**

It is not considered that there are adverse heritage impacts here and there has neither been objections submitted by the relevant drainage Authorities.

There will be a change of outlook for the occupiers of those houses that back onto the site but as indicated above, this would occur in any event as the tree cover matures and decays. There is currently no known management plan for this woodland either presently or in the future and thus that outlook is uncertain. Members should be aware that this is an outline application and the illustrations that have been submitted are just that – potential indications of layout. The final details of the layout are "reserved" under an outline consent and that is the time to look at the detail of separation distances; final ground levels and boundary treatments. There is however sufficient space on the site to meet the Council's own guidelines such that the Board can be satisfied that there would be no material loss of residential amenity.

The Council's policy towards affordable housing provision is set out in policy NW6 of the Core Strategy. In this case that would expect up to 30% provision. The applicant has agreed that this should be the case here and has committed to a Section 106 Agreement in order to deliver this provision. This is very welcome and adds significant weight to support for the scheme as it would deliver much needed provision in Coleshill. This is a public benefit arising from the proposal.

It is noted that the applicant would also consider a contribution towards the enhancement of the Cole End Park some distance to the south. Members are recommended not to endorse this contribution through a Section 106 Agreement as it is not considered to be compliant with the legislation, it having no direct link with the proposals. If the applicant wishes to deliver this then that should be through a Unilateral Undertaking which would carry no weight in the final assessment of the planning considerations in this case.

### Recommendation

That subject to the completion of a Section 106 Agreement in respect of affordable housing provision as set out in this report, outline planning permission be granted subject to the following conditions:

#### Standard Conditions

- i) Standard Outline condition – reserving all matters except access
- ii) Standard Outline condition
- iii) Standard Outline condition
- iv) Standard plan numbers condition – the Site Location Plan and plan number 1375/10D both received on 17/5/16.

#### Defining Conditions

- v) For the avoidance of doubt this permission is for no more than 30 dwellings  
Reason: In the interests of highway safety and visual and residential amenity
- vi) The bell-mouth junction to the development shall have visibility splays provided to the pedestrian crossing point of 1.5 by 11 metres as measured from the rear edge of the highway footway. These splays shall be kept free of all development and planting at all times.  
Reason: In the interests of highway safety

#### Pre-Commencement Conditions

- vii) No work shall commence on the development hereby approved until a site investigation report based on a Phase 1 Assessment has first been submitted to and approved in writing by the Local Planning Authority. This report shall contain all necessary remediation measures commensurate with the findings of that investigation, together with a plan to show how completion of those measures can be verified on site.  
Reason: In order to reduce the risk of pollution
- viii) No work shall commence on the development hereby approved until any remediation measures agreed under condition (vii) have first been approved and fully implemented through the written agreement of the Local Planning Authority. Only the approved measures shall be undertaken and these shall only take place in accordance with the approved verification plan.  
Reason: In order to reduce the risk of pollution
- ix) No work shall commence on the development hereby approved until a detailed surface water drainage scheme for the site based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of

the development has been submitted to and approved in writing by the Local Planning Authority. The scheme shall:

- a) show whether or not infiltration type drainage is appropriate through testing in accordance with BRE 365 guidance;
  - b) demonstrate compliance with the SUDS Manual; CIRIA Reports C753, C697 and C687 together with the National SUDS Standards,
  - c) show how the discharge rate generated by all rainfall events up to and including the 100 year plus 30% critical rainstorm, will be limited to greenfield runoff rates,
  - d) demonstrate compliance with attenuation in accordance with Science Report SC030219,
  - e) include detailed designs and calculations for all details of the scheme and outfall arrangements, and
  - f) confirm how the scheme will be maintained in perpetuity
- Reason: In order to reduce the risk of flooding and to improve water quality.

x) No work shall commence on the development hereby approved until full details of all acoustic bunding and fencing together with the location and specification of all acoustically treated glazing and ventilation have first been submitted to and approved in writing by the Local Planning Authority.  
Reason: in order to reduce the risk of noise pollution.

xi) No work shall commence on the development hereby approved until full drainage plans for the disposal of foul water have first been submitted to and approved in writing by the Local Planning Authority.  
Reason: In the interests of reducing pollution and risk of flooding.

xii) No work shall commence on the development hereby approved until a Construction Management Plan has both been submitted to and approved in writing by the Local Planning Authority. The measures in the approved Plan shall apply at all times  
Reason: In the interests of the residential amenities of the area and for highway safety reasons.

xiii) No work shall commence on the development hereby approved until a Landfill Operations Plan has first been submitted to and approved in writing by the Local Planning Authority. This Plan shall include a survey of existing ground levels and proposed ground levels. The measures in the approved Plan shall apply at all times.  
Reason: In the interests of the residential amenities of the area and for highway safety reasons

xiv) No work shall commence on the development hereby approved until a Woodland Management and Open Space Plan for the areas to be left after completion has first been submitted to and approved in writing by the Local Planning Authority.  
Reason: In the interests of the amenities of the area.

#### Pre-Occupation Conditions

xv) No dwelling hereby approved shall be occupied until public pedestrian dropped kerbed crossings have been laid out and constructed across the junctions of Trajan Hill with Tiberius Close and Trajan Hill with Temple Way, to the written satisfaction of the Local Planning Authority.  
Reason: In the interests of highway and particularly pedestrian safety.

Notes:

- i) The Local Planning Authority has met the requirements of the NPPF in this case through addressing the impacts arising from the development in discussion with the Statutory consultees and through amended plans.
- ii) Severn Trent Water advises that although their records show no public sewers within the site there may be sewers recently adopted under the Transfer of Sewer Regulations 2011. Additional information and advice should be sought.
- iii) Attention is drawn to Sections 59, 149, 151, 163, 184 and 278 of the Highways Act; the Traffic Management Act 2004, the New Roads and Street Works Act 1991 and all relevant Codes of Practice.
- iv) Warwickshire County Council as Lead Local Flood Authority does not consider that oversized pipes or culverts are sustainable drainage solutions. Above ground solutions are advised.

Background Papers

Application 18/9/15

WCC (Footpaths) Consultation 7/10/15

Environmental Health Officer Consultation 23/10/15

Environmental Health Officer Consultation 13/10/15

Coleshill Town Council Representation 7/10/15

WCC Highways Consultation 22/10/15

AD (L and CD) Consultation 5/10/15

Coleshill Civic Society Representation 3/11/15

WCC (Flooding) Consultation 16/11/15

Severn Trent Water Ltd Consultation 23/11/15

WCC (Flooding) Consultation 5/12/15

Environmental Health Officer Consultation 14/6/16

Coleshill Civic Society Representation 21/6/16

AD (Housing) Consultation 21/6/16

H:\Grimstock Hill.doc

WCC (Highways) Consultation 23/6/16

T Leadbeater Objection 25/6/16

J George Objection 13/6/16

P Freeth Objection 14/6/16

N Meadows Objection 14/6/16

N Speers Objection 16/6/16

K Wyatt Objection 14/6/16

S and K Boffey Objection 17/6/16

K Fallowell Objection 17/6/16

M Wyatt Objection 21/6/16

D Wade Objection 28/6/16

J Grinnell Objection 27/6/16

H Hunt Objection 26/6/16

C French Objection 26/6/16

P Phillips Objection 26/6/16

K Hunt Objection 23/6/16

V and R Jones Objection 28/6/16

L Giffiths Objection 29/6/16

A Core Objection 28/6/16

R Aitkenhead Objection 24/6/16

R Turley Objection 12/6/16

K Pickersgill Support 18/6/16

N Speers Objection 30/6/16

E Lloyd-Kelly Objection 30/6/16

J Jordan Objection 30/6/16

P Carter Objection 30/6/16

L Speers Objection 29/6/16

T Corrin Objection 3/7/16

Mr and Mrs Bould Objection 29/6/16

PAP/2015/0584

Proposed Residential Development off Trajan Hill, Coleshill

Meeting – 19<sup>th</sup> September 2016

Present: Councillors Farrell, Simpson and Sweet

L Holmes and J. Tomlinson for the applicant

J Brown – NWBC

1. LH and JT were able to give far more specific figures for the likely landfill and construction HGV movements. They were looking for a combined nine month operation involving around four a day (in and out).
2. They agreed that they would approach WCC Highways with this detail to see if a temporary arrangement could be achieved from the A446 perhaps involving separate ingress and egress.
3. NWBC requested that the detail of the actual access off Trajan Hill could be looked at so as to move the road away as far as possible from Tiberius Close. The possibility of an earth bund was considered.
4. It was pointed out that the access road might not end up being adopted by WCC if their standard specification was not implemented.
5. Also Members were keen to understand how the amenity space and drainage arrangements would be maintained in perpetuity. This could be an opportunity for the Town Council to look at.
6. It was agreed that the applicant would pursue the A446 issue with WCC and report back.

PAP/2015/0584

Proposed Residential Development off Trajan Hill, Coleshill

Meeting – 10<sup>th</sup> October 2016: 1000 at the Council Offices

Present: Councillor D Ferro and J Brown (NWBC)

L. Holmes (the applicant's agent) and M. Nettleton (the applicant's traffic consultant)

T Burrows (WCC Highways)

1. The applicant's representatives explained that they had done a lot of further work and that as a consequence there could be a lot of use of existing material already on site so as to use in re-engineering the site. As a consequence much less imported material would now be needed. This would amount to some 75 movements – five each way a day (10 movements). This might therefore only last a few days.
2. In terms of construction then a period of some nine months would be needed averaging eight HGV movements a day (four in and four out) but these would be greater at the beginning.
3. WCC Highways was still not agreeable to a temporary access arrangement off the A446 – there were significant visibility issues and concerns about traffic speeds.
4. In looking at the actual practicalities of the works involved it was agreed that:
  - Earth moving plant had to access the site from the A446 at the start of the work.
  - Utility connections would have to be made in the A446 at some point.
5. In light of this, there would have to be temporary closures of one lane in any event. It was agreed that it would be worthwhile coordinating works and access by scheduling other access into the site during one period of time. This could include land fill operations and early construction bulk deliveries. It would also mean utility connections being done early. Later deliveries would then be via Trajan Hill.
6. It was agreed that the applicant would do a lot more in terms of project management and then discuss this with WCC in order to get a phased programme of works and access arrangements. This could become a submitted Construction Management Plan which could be conditioned.
7. Once received NWBC would need to re-consult the community.

Your ref: PAP/2015/0584  
My ref: 150584  
Your letter received: 09 September 2016



Mr J Brown BA Dip TP MRTPI  
Head of Development Control Service  
The Council House  
South Street  
Atherstone  
CV9 1DE

**Transport and Economy**

PO Box 43  
Shire Hall  
Warwick  
CV34 4SX

Tel: (01926) 412342  
Fax: (01926) 412641  
tonyburrows@warwickshire.gov.uk  
www.warwickshire.gov.uk

30 September 2016

Dear Mr Brown

**Re: Proposed Residential Redevelopment Former Quarry, Off Trajan Hill, Coleshill**

Thank you for your letter dated 7<sup>th</sup> September 2016 in regard to the above proposed development.

As per the previous response to you dated 15<sup>th</sup> August 2016, the concerns of the Highway Authority about access and egress from the A446 Grimstock Hill remain.

According to submitted information there will be 25 HGV loads required to bring in the materials to level the site, based on the use of 8-wheel tipper trucks, with no more than 5 trucks per day. Excavations for foundations and footings can be used for infill on the site as well. The Highway Authority does not consider 5 two-way vehicle movements per day a significant impact. Whilst HGV movements through a housing estate are not ideal, it happens every day on new estates being constructed. So the scenario is not unique.

'In-and-out' access arrangements are not generally supported. The submitted arrangements are not considered suitable. Guidance recommends the use of one access.

The forward visibility along the carriageway to the access is not considered to accord with guidance. Approaching drivers may not see a vehicle entering the access. And, if for some reason there was an issue in the access vehicles using the access could obstruct the carriageway, and approaching drivers may not see the obstruction in time.

*Working for  
Warwickshire*

In regard to the egress, drivers approaching the site may not see a vehicle leaving the site, so there is a risk of collision between a slow vehicle leaving the site and a fast vehicle passing the site. The exit could not be moved further southwards because of the brow of the hill obstructing visibility.

Again, as stated in the last correspondence, at reserved matters the Highway Authority would recommend the following conditions to try and reduce the impact of HGV movements to the site:

The Highway Authority recommended the inclusion of a Section 59 Agreement of the Highways Act 1980. Should the public highway be damaged or affected as a consequence of the works being undertaken during the development of the site, the developer would be required to undertake work to remediate this damage.

In addition, the Highway Authority would recommend a condition restricting HGV movements to off-peak hours on the highway network and not when school children would be passing the site.

And would recommend a Construction Management Plan laying out how the site could be serviced with the least impact on the residential streets around the site including an approved route.

Yours sincerely

Tony Burrows  
Highway Control Engineer

**Jeff Brown**  
**North Warwickshire District Council**  
 Council House  
 South Street  
 Atherstone  
 Warwickshire  
 CV9 1DE

12 October 2016

Our ref:

Dear Jeff,

**Land at Grimstock Hill, Coleshill – Construction Traffic Access**

Thank you for meeting with us earlier this week to discuss the possible ways in which the impact of construction vehicles on residents of Trajan Hill might be mitigated. During that meeting, which was attended by Tony Burrows of the Highway Authority Warwickshire County Council, and Cllr Ferro, we discussed the following solutions:

- 1 That a construction vehicle access could be formed off the A446, for the purposes of site enabling work, including site clearance, plant and material delivery, and a cut/fill exercise. Albeit this could only be used under traffic management conditions, which is likely to be required to connect the site utilities, drainage and sewers on the A446 in any case, and for a limited period of, say, 2-3 weeks. It is understood that the highway authority will specify that the traffic management will involve the closure of southbound lane 1 of the A446, from Gorsey Lane to the north and to the Grimscote Hotel to the south. Ideally these works would be undertaken outside of the peak periods and term times; and,
- 2 That in relation to a construction access off Trajan Hill, the contractor will submit a Construction Management Plan to be approved by the local planning authority and the County Council, to address the following topics:
  - Conflict with vulnerable road users and parked cars. This will specify that HGV site entry and exit will be restricted to 0900-1500 on weekdays to avoid periods when school children are likely to be present and when there are more cars are parked on street;
  - Parking of vehicles. This will specify that contractor parking and loading is to be kept on-site, or restricted to off-site locations outside of these residential areas. No contractor parking or waiting will be permitted on Trajan Hill or Temple Way;
  - Debris on the highway. This will specify that a wheel washing protocol has to be put in place, monitored and enforced;
  - Goods vehicle weight limits. Given the weight limits in the area, a clear system of official access routes will be defined, and vehicle weight and size limits will be advised. Traffic management will be used, where and when necessary, to avoid conflict with parked vehicles on Temple Way and Trajan Hill;

LOCATION Seven House High Street, Longbridge Birmingham B31 2UQ	TELEPHONE +44 (0) 121 475 0234 EMAIL birmingham@philjonesassociates.co.uk	WEBSITE philjonesassociates.co.uk
--	--	--------------------------------------



- Monitoring. This will specify that the contractor is a member of the Considerate Constructors scheme and that local residents and stakeholders have a clear channel of communication in order to raise any concerns that may arise throughout the construction period.

Please note that I have asked the highway authority to consider these solutions, and to confirm that they would offer their approval, which we expect will be subject to planning conditions.

I trust that the content of this letter is clear, but if there are any queries then please do not hesitate to contact either myself or Laurence Holmes at GVA.

Yours sincerely

**Mark Nettleton**  
Director