

**(3) Application No: PAP/2016/0012**

**7 Oakfield Gardens, Atherstone, Warwickshire, CV9 1SA**

**Outline application for erection of two dwellings - to rear of 69 South Street and 7 Oakfield Gardens, access from Oakfield Gardens, for**

**Mr & Mrs N Jenkins**

### **Introduction**

This application was referred to the last meeting but determination was deferred in order to enable Members to visit the site. A verbal report about that visit will be given at the meeting. The previous report is attached for convenience at Appendix A.

There is no further update for Members apart from recommending that in the event of an approval an additional condition be added requiring details of water supply and fire hydrants to be approved prior to commencement as recommended by the Fire Services Authority.

That the recommendation in Appendix A be agreed subject to the addition of a standard condition requiring that details of water supply and fire hydrants for fire-fighting be submitted to and approved prior to construction.

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### **Introduction**

The application is reported to Board at the request of the Local Member concerned about the impact of the development on the area.

### **The Site**

The site is located within the development boundary for Atherstone and is sited partially within the Conservation Area. It comprises a large house known as Mancetter Cottage and the modern bungalow at 7 Oakfield Gardens. The whole of the site is covered by an Area Tree Preservation Order. The context of the site is illustrated below and at Appendix A.



### **The Proposal**

This is an outline application for the erection of two dwellings to the rear of 69 South Street and 7 Oakfield Gardens. Access would be from Oakfield Gardens. The development area comprises residential garden land and is a mature landscape.

### **Background**

The site comprises a large extensive garden on the south side of South Street. It contains a number of mature trees including two cedars. The trees are protected by a blanket Order. Past applications at this site have been for the modern bungalow which gained planning permission in 1987 and extensions to Mancetter Cottage. This is not a listed building but it is of local merit. The application site is well set back both from South Street and Oakfield Gardens.

The site was part of a small park which formed the extensive gardens of Oakfield which was built around 1862 but demolished in 1995 to make way of the development of detached houses along Oakfield Gardens. The owner of Oakfield was a tree enthusiast who nurtured and protected the many mature and interesting parkland trees.

### **Development Plan**

The Core Strategy 2014 - Policies NW1 (Sustainable Development); NW2 (Settlement Hierarchy), NW4 (Housing Development), NW5 (Split of Housing Numbers), NW6 (Affordable Housing Provision), NW10 (Development Considerations), NW11 (Renewable Energy and Energy Efficiency), NW12 (Quality of Development), NW13 (Natural Environment), NW14 (Historic Environment), NW15 (Nature Conservation) and NW22 (Infrastructure)

Saved Policies of the North Warwickshire Local Plan 2006 - ENV4 (Trees); ENV8 (Water Resources), ENV10 (Energy Generation and Energy Conservation), ENV12 (Urban Design), ENV13 (Building Design), ENV14 (Access Design), ENV15 (Heritage Conservation), TPT1 (Transport Considerations in New Development) and TPT6 (Vehicle Parking)

### **Other Relevant Material Considerations**

The National Planning Policy Framework 2012 – (the "NPPF")  
The National Planning Practice Guidance 2014 – (the "NPPG")

### **Consultations**

County Forestry Officer - He has inspected all of the trees and offers no objection subject to conditions.

Warwickshire Fire and Rescue Service – No objection as there is sufficient water supply in the area.

Warwickshire Museum – No objection

Warwickshire County Council as Highway Authority – No objection subject to conditions

### **Representations**

Atherstone Town Council – No objection in principle

Atherstone Civic Society – It is of the utmost importance that these trees will not be endangered by the proposed development. We have read the Arboricultural Report and are pleased to see that only poor specimen and dead trees are to be removed and that the large trees such as the cedar, cypress and firs, which are so important to the character of the area will be protected. For this reason we have no objection to the proposal for two new dwellings, as long as development does not impact on the trees. Although robust protection during development is proposed, accidents can happen and we would suggest that, if approved, the Council's Tree Officer monitors the development as often as possible. We noticed from the Arboriculture Report that there is a future intention to demolish 7 Oakfield Gardens and to replace the bungalow and garage with three dwellings. This architect-designed dwelling is only twenty years old and was designed around the garden and to offer views of the trees from its

expansive windows and patio doors. The safety and longevity of the trees was of prime importance in the development. Also of importance was the fact that it was a single-storey building which had a minimal impact on views of the trees.

We would be especially concerned that any re-development of 7 Oakfield Gardens would endanger the most important trees, including the cedar which is the central focus of the garden. This would not only be through the possibility of root damage, but also because the occupants of the new houses might find the trees a nuisance and seek ways to get them removed. We are very conscious that when the Oakfield Gardens development was completed protected trees were subsequently lost. One of these was a very beautiful silver maple which stood behind the wall at the corner of Margaret Road and South Street. It had been planted by the previous owner of the site and for many years delighted passers-by with its colourful foliage. Fortunately another of this species still exists on the proposed development site. For these reasons, and the fact that it is unsustainable to demolish a relatively new and serviceable dwelling, we would object to any future proposal for the demolition of the bungalow. Apart from this, there is the issue of car parking in Oakfield Gardens and Margaret Road, which needs to be resolved; caused by the taking and fetching of children from the nearby primary school.

Representations of objections received from neighbours at Oakfield Gardens, South Street, Charlotte Way and Greendale Road on the following matters:

Trees:

- Access drive is encroaching upon trees with TPO'S on them.
- This is a tree preservation area and should be maintained, the removal of trees to accommodate two extra dwellings is not acceptable.
- The proposed change to the site of the northern most dwelling means it encroaches upon the roots of existing trees (22 and 23). Any building could not be undertaken without removal of tree 23. Tree 15 far from being dead is in fine health and shows no sign of disease.
- The widening of the road cannot be done with a no-dig system as this will require the removal of a raised bank to create a level road. Root damage is therefore going to happen. A minimum dig must be required along with a minimum ground cover so that these systems work.
- The impact on wildlife and the environment with several trees being removed. More trees will need to be removed than identified on the plans.
- There are several species of wildlife at the site and the removal of trees will affect bird nesting season.
- A row of conifers and trees that screens us from the proposed development site and cannot really make out what trees would be coming down and what are staying.
- Concerned with the change in landscape there is a considerable slope any changes would require thought to prevent the movement of my property.
- Flimsy protection measures to RPA's in the face of heavy construction equipment.
- Plethora of birds and wildlife at all times of the year which live and frequent the area. They will be disrupted by development.

#### Highways/traffic:

- Oakfield Gardens is already busy and any further increase in traffic will compound this. The proposed entry point will increase traffic during and beyond any construction and put at risk road and pedestrian safety, there will again be further congestion in Oakfield Gardens
- The proximity to a school remains a serious safety consideration at the Oakfield/Margaret Road junction, worse particular at school times. To escalate this problem with extra volume is not acceptable. Traffic generation in the area which will cause accidents especially during school drop-off and pick-up times.
- The existing driveway is not in any way suitable for any heavy construction traffic. Construction delivery vehicles, workers and residents will add to road safety issues, within the last 3 years accidents have occurred in South Street.
- On street parking is overloaded as residents from other nearby roads use this road for additional parking, making access for local resident cars difficult, Oakfield gardens should be a private road. Why can't the site access be via Charlotte Way which is a much wider, quieter road with better access and more than enough room and parking available.
- The access drive shows a turning circle for a small van. This is not suitable for fire engines or refuse vehicles which require a much bigger area to turn. Minimum Building Regulation standards are not being met with dwellings not within a 45m hose length distance of a parked fire appliance and that residents should not have to carry refuse more than 30m to bin collection points.
- We cannot see the logic if Highways believe a footpath outside No 6 will resolve road safety issues created by school parking. The problem is at the school itself in that no drop off/parking is provided. A small length of footpath will not resolve this. The footpath will just become an extended parking area - as the recent tarmacking of grass verges in Margaret Road proves. Any footpath will mean it is more likely cars will park in front of the access drive and make the parking and access situation worse than currently exists.
- Highways safety and tree protection are being compromised by this development and it has no benefit to anyone other than the applicant.
- Any construction traffic coming in and out would have difficulty in manoeuvring to clear parked cars. Any attempt for construction vehicles parking in the highways would block the vehicular entrance to resident and visitors. Currently all car entering the close reverse into the residential part of Oakfield Gardens to turn around. There is also a visibility issue with a blind bend past 7 Oakfield Gardens, visibility onto Margaret road is also poor.

#### Land ownership:

- Some of the land shown for widening adjacent No 6 may not be in the applicant's ownership. This may belong to No 6 and as such no planning permission should be given until this situation is legally resolved to our satisfaction. The applicant has not contacted us to verify this and as such may be seeking planning permission on land they do not own or where they have any entitlement to carry out work.
- Deed plans for all parties should be thoroughly checked and boundaries/maintenance obligations investigated and agreed. No planning permission should be given until this situation is resolved to all parties

- It is noted that Highways believe land, currently maintained by and forming part of No 6's front garden, can be turned into a footpath. No 6 would dispute this as our deeds clearly show that we are responsible for maintaining a grassed highway verge that contains services. This verge is not a footpath it is a grassed service strip. We would need, prior to any planning consent, for Highways and the applicant to prove that the grassed verge can legally become a footpath. I believe similar issues affect No 8. Surely any application cannot be granted before any ownership has been qualified or indeed change of usage secured.
- Boundary upheaval between side of No. 8 and existing entrance to No. 7, road widening will encroach on No. 8 Oakfield Gardens.

#### Design and Heritage

- Loss of a garden associated with the Town's Heritage. The garden should be protected against development. We understand that some of the proposed site is also in a designated conservation area which we presume would prohibit any development.
- The underlying theme is for 5 houses and not 2. Five houses mentioned in tree report.
- The need for the footprint of the proposed development on half of Mancetter Cottage's rear garden to be moved further south, ideally so that it is sited outside of the Conservation Area.
- There is no need, requirement or room for further housing development on this site or in this area, when there are already large scale housing developments on the outskirts of such a small town with more than enough housing.
- keep the short supply bungalow with its garden, stop developing gardens. There is already more than enough new housing already been built on the outskirts of town some 600 plus houses
- It is requested that conditions are applied for the construction phase to prohibit the burning of residues, to control working hours and protect the trees, brick and stone walls on-site and for the detailed application phase to allow consultation on the details of the two proposed dwellings i.e. layouts, massing and appearance.

#### Amenity

The removal of the hedge to allow the drive to be widened removes essential privacy for 6 Oakfield Gardens which is not acceptable.

- Increased traffic affecting 6, 7 and 8 Oakfield Gardens with regards noise and headlights in rear windows. This results in loss of enjoyment of rear gardens.
- safety issues of our children playing out with additional cars manoeuvring, noise pollution, days and hrs of work? will this be 9-5 through the week or will weekends be involved?
- If the footpath is installed this means persons can stand much closer to the front window of No 6 and reduce essential privacy. Why should No 6 suffer this just because of a planning application.

## **Observations**

The sites lie within the Development Boundary for Atherstone where the principle of residential development is acceptable. However the site also lies within the Conservation Area and within an area covered by a blanket TPO. The host dwelling at the site being Mancetter Cottage is a key non-listed building. Therefore there are a number of issues to consider here.

### **a) Policy Context**

The North Warwickshire Core Strategy (adopted in October 2014) seeks to allow development to take place in a dispersed, but controlled pattern throughout the Borough. Future development will take place in accordance to the size of the settlement taken with its range of services and facilities. This will mean that the majority of development will take place in the larger settlements. As Atherstone is a sustainable settlement then the principle of housing would be accepted. Policy NW5 advises that a minimum of 600 homes are sought in Atherstone and Mancetter. Albeit a small contribution, the proposal would provide two dwellings towards this number. In terms of policy NW6 and affordable housing requirements then the site does not achieve the threshold to provide affordable housing. The site is wholly within a sustainable location and would meet the sustainability requirements of the NPPF.

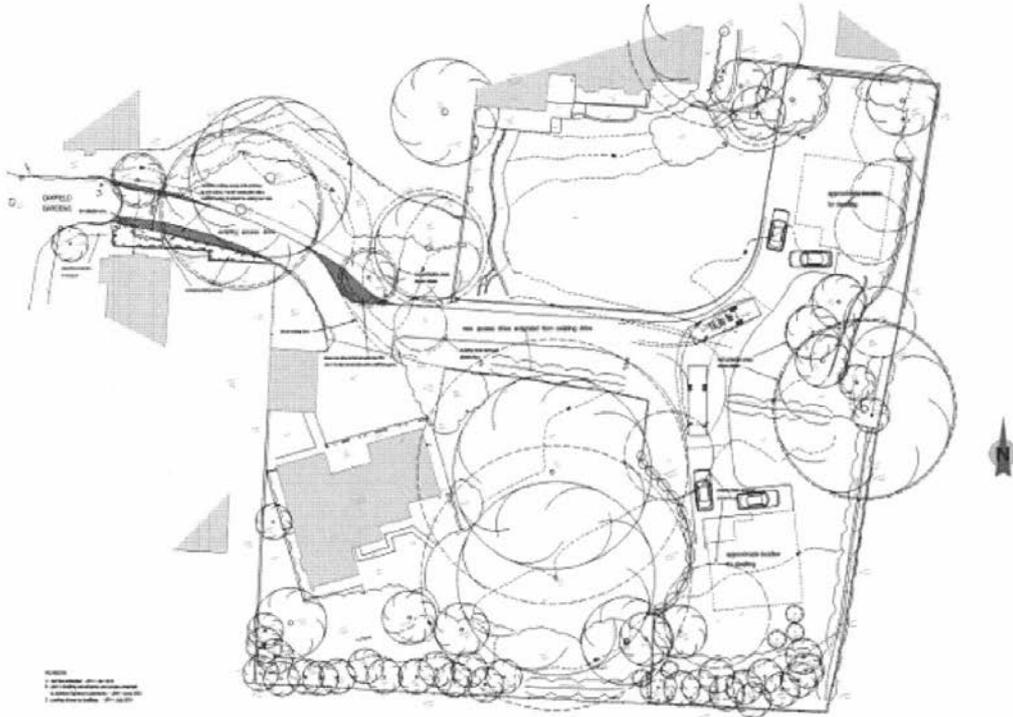
### **b) Layout, Design and Scale**

The outline application seeks the principle of development and not the design and scale at present as this would be assessed under a future application for reserved matters. It is considered that either two storey dwellings could be achieved here with a scale similar to those at Oakfield gardens and Charlotte Way, or a smaller scale design akin to the host bungalow at 7 Oakfield Gardens.

Given the constraints posed by protected trees then this proposal is for a limited scheme. This enables Mancetter Cottage to retain a large area of garden. It would not be possible to fit any more than one or two houses on this site and therefore the demolition of the existing modern bungalow at 7 Oakfield Gardens for replacement with 3 dwellings would not be possible as it would impact on the trees. There are factual errors in the arboriculture report which makes reference to 5 homes but this could not be achieved on the site without harm to trees. The location of plots has been selected due to minimal impact on neighbours surrounding the site and with good separation distances from the host dwellings at Mancetter Cottage and 7 Oakfield Gardens. It is considered that the layout of the properties is in keeping with the general low density of the area and through retaining vegetation around and within the site, new housing would blend into its surroundings.

This is an outline application for residential development with the details of access to be approved at this stage. The matters of layout, appearance, scale and landscaping are all to be matters reserved for later approval. Notwithstanding this, the applicant has submitted an indicative layout plan which shows the provision of two detached dwellings accessed from a cul-de-sac.

The indicative layout and access arrangements are shown in the plan below. The illustrative layout shows the retention of the large majority of the on-site trees.



The photographs at Appendix B illustrate the position of the existing access drive off Oakfield Gardens where neighbours have logged concerns and show the existing condition of the application site.

#### c) **Effect on the Conservation Area**

The application site forms part of land within the Conservation Area boundary. The significance of the Conservation Area merits protection and when considering the impact of a proposed development on the significance of a designated heritage asset, weight should be given to the asset's conservation. The location of the Conservation Area boundary is shown at Appendix C.

The significance of the Conservation Area is that South Street has a rustic character in the vicinity of Mancetter Cottage, the Orchard and Orchard Cottages. The contribution of the grounds and gardens of villas and other buildings to the rural quality of the street at this point is as important. The gardens in this area contain some specimen trees including the two Cedars. Mature trees in gardens make an important contribution to the character of the area and the majority of trees would be retained by the development. A key building in the Conservation Area is Mancetter Cottage which is a Mid-Victorian villa in a cottage style and substantially extended which has detracted from its interest and is not therefore listed. There are no listed buildings within proximity of the site.

A percentage of the site falls within the Atherstone Conservation Area and the rest immediately adjoins the Conservation Area. The Conservation Area extension was created to control development specifically along South Street. The proposal will lose some of the open character of the large attractive dwelling and its setting being the large garden. In the area there has been a significant loss through the removal of Oakfield House and its garden for the Oakfield Gardens development, similarly at The Orchard for the Charlotte Way development.

The potential impact on and loss of open character could result from development, though a large proportion of the garden would remain intact to Mancetter Cottage and to 7 Oakfield Garden. Detailed design solutions, including illustrative plans of the proposal must be of a high quality to outweigh any harm in order to positively improve the character, appearance and environmental quality of the area and to conserve and enhance the historic environment. The local distinctiveness of the settlement must be preserved and hence additional landscaping and careful design would be necessary at reserved matters stage.

The eastern, southern and western boundaries to the site are landscaped with mature hedgerows and trees. The site is not visible from the main views of the Conservation Area which is defined by the rustic character of South Street. Mancetter Cottage benefits from a large front garden and the rear garden is screened from the street scene. There are only glimpses of the site from neighbouring houses and at the access drive off Oakfield Gardens.

It is proposed to retain the mature trees and hedgerows which separate the host dwelling and the Conservation Area from the proposed dwellings. Furthermore, the host dwelling will retain a large area as curtilage (edged blue above). The presence of the mature trees means that the line of sight between the Conservation Area and the proposed dwellings is obscured - therefore the intervening landscape will be retained. The new built form shown on the illustrative plan would be 14 metres distance from Mancetter Cottage and the southern dwelling would be a 47 metre distance. These separation distances with intervening landscaping would be considered significant to outweigh harm on Mancetter Cottage.

The Planning Archaeologist at Warwickshire Museum acknowledges that assessment has identified a low potential for below-ground archaeological remains dating to the medieval and post-medieval periods. The potential for prehistoric and Roman features is considered likely to be low. Any remains surviving on site are likely to be of no more than local significance. Furthermore, the evidence for quarrying and the subsequent landscaping for gardens in the early 19th century will have truncated any earlier

archaeological features. The construction of the houses with associated service runs and access, may have a negative impact on below-ground archaeological remains, although they are likely to be of no more than local significance and possibly damaged by earlier activity. It is concluded by archaeology that the construction of the proposed development is unlikely to impact on any significant archaeological deposits. Therefore there is no objection from Warwickshire Museum.

In conclusion, though the development is proposed in an historic part of Atherstone, analysis of its impact suggests that the scale of the proposed development would not be considered to cause significant harm to any designated heritage asset or its setting.

#### **d) Trees**

The revised scheme shows the removal of two trees to the northern plot. This follows the updated tree report from the County's forestry officer which excluded these trees from the TPO. On the re-survey only a birch tree would potentially be removed for the southern plot. No other trees would be compromised on the re-survey, though the works to the driveway could prejudice the sweet chestnut tree and therefore a robust investigation is required before a no dig solution is carried out such as trial holes to assess the depth of the roots, the methodology of the no dig and installation of a cell-web system would be required by condition.

The Country Forestry Officer agrees that the trees to remain will be protected and all the new buildings are of sufficient distance away from the trees to allow any further growth. The re-survey of the trees to be afforded with continued protection is illustrated at Appendix D. The County Forestry Officer has recommended conditions requiring a Tree replacement strategy in the form of landscape plans and replacement planting.

With regards to ecology then the site contains no statutory nature conservation designations. It is acknowledged that the application could result in some detriment to biodiversity, however, the most significant features important to biodiversity, is the tree cover. The majority of trees as per the re-survey can remain clear of the developable area. Conditions can require the submission of:

- A scheme for the retention, protection and enhancement of hedgerow and mature trees.
- A scheme for the compensation of biodiversity loss which achieves no net loss of biodiversity.
- A Scheme for external lighting which is designed as to minimise the effect on bats and provision that site works are limited to trees and hedgerows outside of the bird breeding season.

On balance the scheme utilises the part of the site with lowest ecological value being the areas laid to lawn and allotment space. With enhancement of existing features the site is capable of accommodating the development.

#### **e) Highways**

Initially the application proposed no pedestrian link or capacity for an adequate driveway width and the Highway Authority objected to it on the grounds of highway safety. Following revisions to the width of the drive and provision of a footway the Highway Authority now offers no objection, subject to conditions. It is not considered that the additional traffic generated by two new dwellings would constitute a significant hazard to either the free flow of traffic or conflict with existing road users. There would not be a significant impact on the junction of Margaret Road and Oakfield Gardens as there

would be no need for future occupiers of the development to park within the adopted highway.

Representations of objection have referred to the provision of a footway, given it appears to be provided on an area which forms part of the front garden to 6 Oakfield Bungalow. The plan of the neighbour's title deed has been provided, however this shows the proposed footpath being within the curtilage of the public highway and outside of the legal boundary of No. 6. Although the residents of No.6 may claim to have maintained the grass over this strip of land they could not claim possessory title to it as they could not prove exclusive use. There are also public utilities in this strip being a fire hydrant and stop tap.

The highways stance on provision of a footway is acceptable as it is land within the highway extent. Just because someone has been looking after a strip of land in the highway extent it does not give them possession. The right to maintain a highway through the land remains. If the neighbour wanted it stopping up the land would return to the original owner. The highways Authority could under their powers provide a footway regardless of the application.

The plan of the highway extent below appears to show that there is a service strip maintainable at public expense.



**Area of footway required by highways within highway extent**

There could be issues gaining permission to construct the proposed development if there is a resistance from the neighbour at No. 6 on forming the footway. This is material to the applicant and will need to be investigated, but it does not affect the planning or highway merits of the proposal. The highway impacts are not such that there would be justification for resisting the application. In any case if the footway were re-instated there would be very little pedestrian usage of the footway only by the future occupiers of the development. This is not a public right of way through the site and so the impact on the usage of the footway would be minimal.

In regards to neighbours queries with refuse collection, then the distance the occupiers may have to move the bins could exceed guidance, but that is not a highway reason for refusal and the provision of a suitable bin store can be achieved close to the entrance to the site. Details of a bespoke collection point can be reserved by condition.

With regards to the capacity within the site and suitability of emergency vehicles, then the layout of the site is large enough for an ambulance to turn in. With regards to Fire and Rescue then the provision of hydrants within the site for fire-fighting purposes would be required, in any case the existing access and drive as far as 7 Oakfield Bungalow has been sufficient for purpose, the length of driveway beyond the existing amounts to an additional 22 metres before the parking spaces.

The development cannot seek to address solutions to the existing parking issues with drop off and pick up times at the Local School. The development would provide parking for the two dwellings on site and construction traffic and deliveries can be conditioned to be made outside of school drop off and pick up times. The development itself does not displace parking provision for residents within Oakfield Gardens itself.

**e) Amenity**

It is considered that the scheme would not have an impact on neighbouring occupiers in terms of loss of light or loss of privacy, given the separation distances involved between neighbouring properties surrounding the application site.

Though the provision of a footway is likely to impact upon the amenity of No. 6 Oakfield Gardens, given pedestrians would be walking close to the living room area of the existing dwelling. This can cause privacy related issues. However the footway is no nearer to the applicants property than existing dwellings in the Close that are in close proximity to footways. It is likely that this footway would be used in any case only by the occupiers of the development. It does not serve a thoroughfare.

**f) Other Matters**

The objectors' concerns have been understood, though with limiting conditions it is considered that the nature of the neighbour's concerns can be overcome. Several of the more detailed issues raised can be considered when the subsequent reserved matters application is submitted.

**g) Sustainability Considerations and Conclusion**

The proposal albeit sited within and adjacent to the Conservation Area achieves development which is commensurate to the size of the surroundings, leaving a large proportion of garden space intact. The site is in a location where there are no public views into the site or from South Street, albeit that there are glimpses through vegetation during winter months. It is considered to be in a location where no harm would be caused to the character of the setting given that landscaping would be retained and enhanced and with the use of appropriate conditions, any other matter of acknowledged importance such as heritage, ecology or highway safety would be controlled. With the absence of objection from statutory consultees and given the site is at a position within Atherstone where it has close, easy access to all of the town facilities, this is a sustainable location. In these circumstances, the application may be supported subject to conditions.

## **Recommendation**

That planning permission be granted subject to the following conditions:

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

- (a) appearance
- (b) scale
- (c) landscaping
- (d) layout

### **REASON**

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

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

### **REASON**

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

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

### **REASON**

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

4. The development hereby approved shall not be carried out otherwise than in accordance with the plan numbered 9293.01 Rev C received by the Local Planning Authority on 6 July 2015.

### **REASON**

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

5. The development hereby approved shall be limited to no more than 2 dwellings and the developable area shall be no greater than the area shown on the illustrative plan 9293.01 Rev C and shall be limited to that area.

### **REASON**

To accord with the provisions of Policy NW5 of the North Warwickshire Core Strategy October 2014, to ensure that the density of development remains low and to limit the traffic generated by the development to a safe level.

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

REASON

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

7. No development or site works whatsoever shall commence until details of the specification and methodology for installing 'cell-web' has been submitted to and approved in writing by the Local Planning Authority. Prior to installation of cell web and a 'no dig' method, trial holes shall be dug near to the Cedar tree to ascertain root depth to the satisfaction of the Local Planning Authority.

REASON

To ensure the root systems of trees are protected by the development in the interest of the amenities of the area.

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

REASON

In the interests of the amenities of the area, to protect the amenity of occupiers of adjacent dwellings and to avoid any harm to the existing landscape and ecology of the site.

9. No development or site works shall commence until a landscaping scheme shall be submitted to the Local Planning Authority for approval. Where replacement tree(s) are planted, the species and size of which shall be agreed in writing by the Local Planning Authority prior to planting.

REASON

In the interests of the amenities of the area, to protect the amenity of occupiers of adjacent dwellings and to avoid any harm to the existing landscape and ecology of the site.

10. The scheme referred to in condition 9 shall be implemented within six calendar months of the date of occupation of the first house for domestic purposes. In the event of any tree or plant failing to become established within five years thereafter, each individual tree or plant shall be replaced within the next available planting season, to the satisfaction of the Local Planning Authority.

REASON

In the interests of the amenities of the area, to protect the amenity of occupiers of adjacent dwellings and to avoid any harm to the existing landscape and ecology of the site.

11. Prior to the commencement of development the following shall be submitted to and approved by the Local Planning Authority in writing • A scheme for the compensation of biodiversity loss which achieves no net loss of biodiversity. • A Scheme for external lighting which is designed as to minimise the effect on bats. The agreed schemes shall be implemented fully in accordance with the approved detail.

REASON

To accord with the requirements of Policy NW15 of the North Warwickshire Core Strategy (October 2014) and to avoid any harm to the existing biodiversity of the site ahead of reaching an agreed compensation scheme and in the general interest of ensuring no adverse impact on protected species.

12. No work relating to the construction of the development hereby approved, including works of demolition or preparation prior to operations shall take place before the hours of 0700 nor after 1900 Monday to Friday, before the hours of 0800 nor after 1300 Saturdays nor on Sundays or recognised public holidays.

REASON

To protect the amenities of nearby residential property.

13. No development shall commence on site until details of a scheme for the storage (prior to disposal) of refuse, crates and packing cases has been submitted to and approved in writing by the Local Planning Authority. The development shall take not commence until the approved scheme has been fully implemented.

REASON

To ensure that waste collection is satisfactory in the interests of the amenities of the area.

14. Development shall not commence until the existing access and drive have been altered in accordance with drawing number 15/113 03C, including alterations to the existing dropped kerb verge crossing. No gates shall be located within the access so as to open within 6.0 metres of the near edge of the public highway carriageway.

REASON

In the interests of Highway Safety.

15. No development shall commence until full details of the provision of the access, car parking, manoeuvring and service areas, including surfacing, drainage and levels have been submitted to and approved in writing by the Council. No building shall be occupied until the areas have been laid out in accordance with the approved details. Such areas shall be permanently retained for the purpose of parking and manoeuvring of vehicles, as the case may be. The vehicular access to the site shall not be constructed in such a manner as to reduce the effective capacity of any highway drain or permit surface water to run off the site onto the public highway.

REASON

In the interests of Highway Safety.

16. No dwelling shall be occupied until a footway extension from the vehicle access to the site linking to the existing public highway fronting number 6 Oakfield Gardens has been constructed to the satisfaction of the Highway Authority.

REASON

In the interests of Highway Safety.

17. No structure, tree or shrub shall be erected, planted or retained within 2.4 metres of the near edge of the public highway carriageway exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway.

REASON

In the interests of Highway Safety.

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

REASON

In the interests of Highway Safety.

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

REASON

In the interests of Highway Safety.

20. Deliveries and collections associated with the construction of the proposed development shall not occur during peak periods on the highway network (08:00 – 09:00 and 17:00 – 18:00) or during periods when children are going to / or being collected from the local school.

**REASON**

In the interests of Highway Safety.

## BACKGROUND PAPERS

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

Planning Application No: PAP/2016/0012

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	8.1.16
2	Atherstone Town Council	Consultation reply	20.1.16
3	WCC Museum	Consultation reply	28.1.16
4	WCC Highways	Consultation reply	5.2.16
5	Atherstone Civic Society	Representation	1.2.16
6	Agent	Archaeological Report	13.1.16
7	Mr and Mrs Griffin	Representation	22.1.16
8	Ms Horton	Representation	25.1.16
9	Mr Madden	Representation	28.1.16
10	Mr Dyson	Representation	28.1.16
11	Ms Shaw	Representation	31.1.16
12	Drs. H. & D Samson	Representation	1.2.16
13	Mr Bostock	Representation	2.2.16
14	Mrs Bostock	Representation	2.2.16
15	Mr Pagett	Representation	3.2.16
16	Case officer to agent	e-mail	26.2.16
17	Agent to case officer	e-mail	2.3.16
18	Case officer to agent	e-mail	3.3.16
19	Case officer to agent	e-mail	4.3.16
20	Agent	e-mail	4.3.16
21	Case officer to agent	e-mail	9.3.16
22	Drs. Samson	Representation	18.3.16
23	Agent	e-mail	21.3.16
24	Case officer to agent	e-mail	21.3.16
25	Case officer to agent	e-mail	30.3.16
26	Case officer to agent	e-mail	31.3.16
27	Agent to	e-mail	1.4.16
28	Case officer to agent	e-mail	6.4.16
29	Ms Benson-Francis	Representation	11.4.16
30	Mr Arundel	Representation	13.4.16
31	WCC Forestry Officer	Consultation reply with survey	11.5.16
32	Case officer to agent	e-mail	11.5.16
33	Case officer to agent	e-mail	2.6.16
34	Agent to	e-mail	10.6.16
35	Case officer to agent	e-mail	10.6.16
36	Ms Benson-Francis	Representation	27.6.16
37	Agent	Revised site layout plan	27.6.16
38	WCC Highways	Consultation reply	29.6.16
39	Mr Bostock	Representation	4.7.16
40	Mr Madden	Representation	5.7.16
41	Mr Pagett	Representation	5.7.16
42	Case officer to agent	e-mail	5.7.16

43	Mr Madden	Representation	7.7.16
44	Drs. Samson	Representation	7.7.16
45	Mr Dyson	Representation	13.7.16
146	Atherstone Civic Society	Consultation reply	4.7.16
47	NWBC EHO	Consultation reply	14.7.16
48	Case officer to agent	e-mail	14.7.16
49	Agent	Revised site layout plan	18.7.16
50	Case officer to agent	e-mail	19.7.16
51	Atherstone Town Council	Consultation reply	21.7.16
52	WCC Highways	Consultation reply	19.7.16
53	WCC Highways	Consultation reply	1.8.16
54	Agent	e-mail	1.8.16
55	WCC Highways	Consultation reply	2.8.16
56	Agent	Revised plan	18.8.16
57	WCC Forestry Officer	Consultation reply	19.8.16
58	Case officer to agent	e-mail	19.8.16
59	Agent to Case Officer	e-mail	19.8.16
60	Case officer to agent	e-mail	22.8.16
61	Agent	Supporting information/ cert B	23.8.16
62	Case officer to agent	e-mail	26.8.16
63	Mr Bostock	Representation	5.9.16
64	Atherstone Civic Society	Consultation reply	5.9.16
65	Atherstone Town Council	Consultation reply	5.9.16
66	Mr Dyson	Representation	7.9.16
67	Case officer to agent	e-mail	22.9.16
68	Atherstone Town Council	Consultation reply	22.9.16
69	Agent to Case Officer	e-mail	23.9.16
70	Case officer to agent	e-mail	26.9.16
71	Agent to Case Officer	e-mail	26.9.16
72	WCC Highways	Consultation reply	27.9.16
73	WCC Fire and Rescue	Consultation reply	27.9.16
74	Case officer to agent	e-mail	27.9.16
75	Agent to Case Officer	e-mail	27.9.16
76	NWBC Streetscape	Consultation reply	28.9.16
77			
78			
79			

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

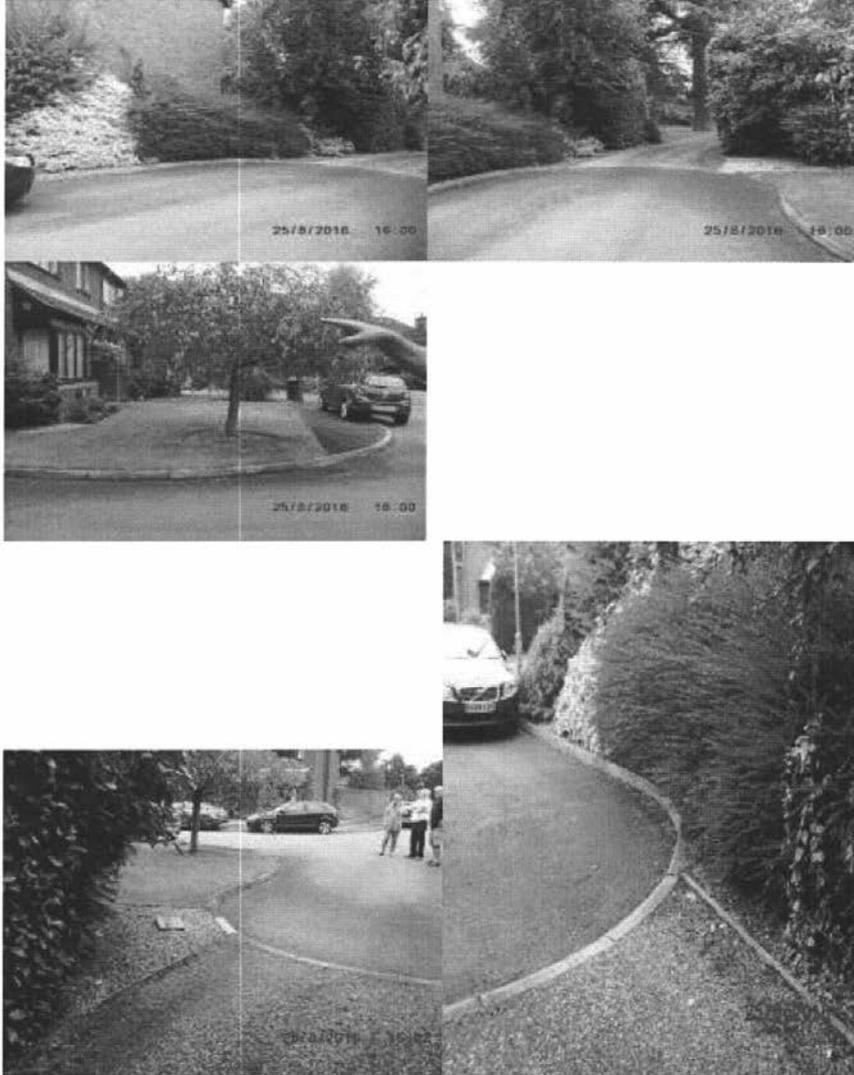
*A background paper will include any item which the Planning Officer has relied upon in preparing the report and formulating his recommendation. This may include correspondence, reports and documents such as Environmental Impact Assessments or Traffic Impact Assessments.*

Appendix A



**Appendix B:**

The photographs below illustrate the position of the existing access drive off Oakfield Gardens where neighbours have logged concerns.



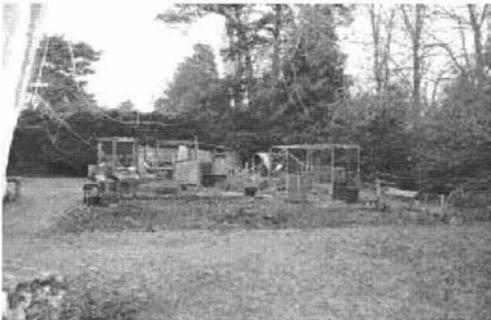
The photographs below also illustrate the part of the site that would be developed for housing. It is a garden laid to lawn beyond Mancetter Cottage and contains a number of trees. It is surrounded by established hedgerow. The garden to Oakfield bungalow is an allotment space.



View of Mancetter Cottage and gardens. One dwelling to be located south east of Mancetter Cottage



View of the existing subdividing hedgerow between Mancetter Cottage and 7 Oakfield Bungalow, the extension to the driveway would be provided along this boundary.



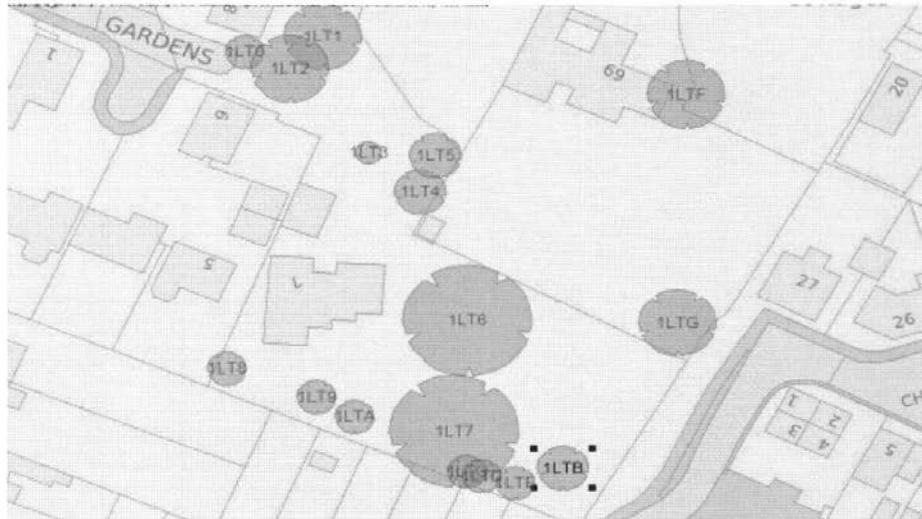
Allotment space earmarked for dwelling within the garden of 7 Oakfield Gardens

**Appendix C:**



**Edge of 7 Oakfield Bungalow garden with Conservation Area Boundary at Mancetter Cottage garden.**

Appendix D: Re-survey of the trees



ID	Age	Condition	StemDiameter	Spread	Height	Species
1LT0		Good		04 - 06m	00 - 04m	Betula pendula
1LT1		Good	65 - 75cm	10 - 12m	16 - 18m	Cedrus atlantica
1LT2		Good	65 - 75cm	10 - 12m	16 - 18m	Cedrus atlantica
1LT3		Good		02 - 04m	00 - 04m	Castanea sativa
1LT4		Good	45 - 55cm	06 - 08m	12 - 14m	Tilia sp.
1LT5		Good	45 - 55cm	06 - 08m	12 - 14m	Tilia sp.
1LT6		Good	65 - 75cm	18 - 20m	16 - 18m	Cedrus libani
1LT7		Good	65 - 75cm	18 - 20m	16 - 18m	Cedrus libani
1LT8				04 - 06m	04 - 06m	Betula pendula
1LT9	Early mature	Good	25 - 35cm	04 - 06m	04 - 06m	Betula pendula
1LTA	Early mature	Reasonable	25 - 35cm	04 - 06m	04 - 06m	Betula pendula
1LTB		Good	55 - 65cm	06 - 08m	14 - 16m	Acer saccharinum
1LTC	Early mature	Reasonable	25 - 35cm	04 - 06m	04 - 06m	Betula pendula
1LTD	Lee Garner	Early mature	Good	25 - 35cm	04 - 06m	Betula pendula
1LTE	Lee Garner	Early mature	Good	04 - 06m	04 - 06m	Betula pendula
1LTF	Lee Garner	Good	65 - 75cm	10 - 12m	16 - 18m	Pinus nigra
1LTG	Lee Garner	Good	65 - 75cm	10 - 12m	16 - 18m	Pinus nigra

**(4) Application No: PAP/2016/0187**

**109, Tamworth Road, Wood End, CV9 2QQ**

**Outline application - erection of 4 detached dwellings with vehicular access, for**

**Mr Brian Heathcote**

### **Introduction**

This application was referred to the last Board meeting but determination was deferred in order to enable Members to visit the site. That visit has now taken place and a note will be circulated at the meeting. A copy of the previous report is at Appendix A.

There is no further update to provide.

### **Recommendation**

That the application be **Granted** subject to the conditions as set out in Appendix A.

## General Development Applications

(#) Application No: PAP/2016/0187

109, Tamworth Road, Wood End, CV9 2QQ

Outline application - erection of 4 detached dwellings with vehicular access, for

Mr Brian Heathcote

### Introduction

The application is reported to Board at the request of the Local Members for Wood End who are concerned about the local impacts of the proposals.

### The Site

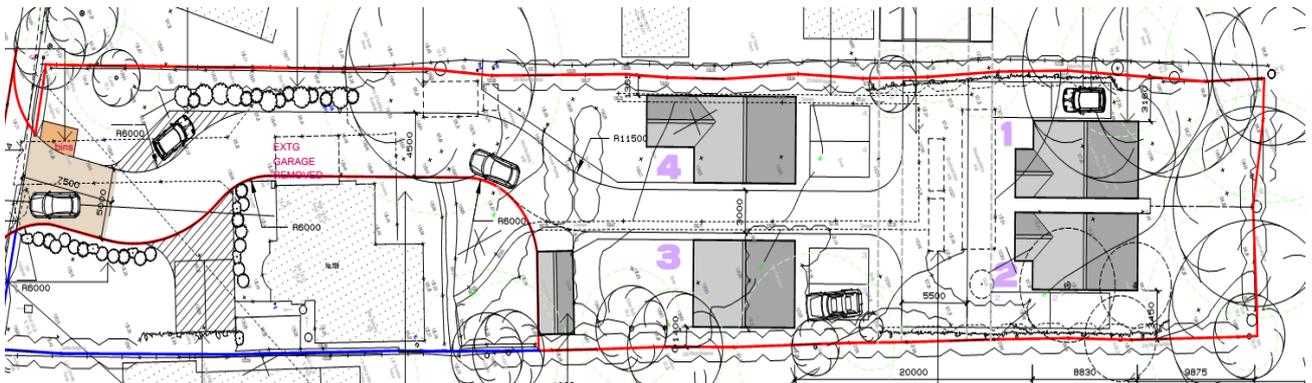
The site comprises a residential dwelling and lies adjacent to the former development at Islington Crescent. The large garden area to the rear of the host dwelling comprises some 0.15 hectares in area. To the east of the site are open fields which are allocated for housing in the future. Currently the application site is undeveloped garden land with mature trees and hedgerows. The application site and the context of the immediate surroundings are illustrated at Appendix A and in the aerial view below.



## The Proposal

This is an outline application for the erection of four detached dwellings and vehicular access off the Tamwoerth Road.

The host dwelling fronting Tamwoerth Road would be retained by the development and the garage attached to the host dwelling would be removed to make provision for an access road. A site plan below illustrates a development of four detached dwellings with garages, parking spaces and access road. Consideration of the matters of access and layout is requested now with reserved matters of scale, appearance, drainage and landscaping for later determination. The proposed site layout is illustrated below:



## Background

There are no previous planning permissions at the site, though the site is adjacent to the development at Islington Crescent and land beyond the application site has been allocated for housing. The proposal will result in the loss of the attached garage to the host dwelling in order to achieve the access drive to the development.

## Development Plan

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

Saved Policies of the North Warwickshire Local Plan 2006 – ENV4 (Trees and Hedgerows); ENV6 (Land Resources); ENV8 (Water Resources), ENV12 (Urban Design), ENV13 (Building Design), ENV14 (Access Design) and TPT6 (Vehicle Parking)

## Other Relevant Material Considerations

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

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

The Council’s Preferred Options for Site Allocations – Pre-draft Submission 2014.

The Draft Local Plan for North Warwickshire 2016

## Consultations

Warwickshire County Council as Highways Authority – No objection subject to a revised plan and a number of conditions.

Environmental Health Officer – [Requires a](#) dust management plan to be submitted for approval by the local authority prior to development, should permission be granted. A construction hours restriction is also recommended - 0800 to 1800 during weekdays and 0800 to 1300 on Saturdays.

Warwickshire Museum – No objections or conditions recommended.

## Representations

Three objections have been received from neighbours covering the following matters:

- One of the properties will block daylight from our garden and also encroach our privacy especially during construction.
- I see from the plan that the applicant wishes to, at a later date gain access to the houses from Meadow View which will increase traffic to the quiet residential road and could increase parking issues.
- The land identified for development is outside that which forms part of the Local Plan, and would therefore not accord with Policy.
- The application does not directly address or respond to the areas of concern identified by the Planning Officer as part of the pre-application consultation process.
- The access arrangements would have an adverse impact both with respect to the existing mature tree abounding 107 and 109 Tamworth Road, adjacent mature hedgerows and the adjoining properties.
- The access arrangements directly from Tamworth Road onto the site do not allow for clear access from the main highway onto the site during peak times, (5 properties with an allowance of 2 vehicles per property) resulting in a potential build-up of traffic on the main highway, with the egress from the site similarity compromised due to restrictions of width and visibility.
- Access to the four properties also appears restricted due to the limited width available between 107 and 109, as well as due to the existing mature tree, thereby preventing two vehicles from passing.
- The design and access statement contains factual inaccuracies.
- The amended plans still fail to address the objections previously raised, and purely relate to the entrance area and the provision of an area suitable for bin store area and an increased parking area. All other concerns/comments including those raised at the pre-application stage have not been addressed.
- The proposal does not accord with current planning policy as it relates to development for the Woodend area and in particular the strategy appertaining to the adopted local plan.
- The revised site layout still provides a restricted vehicular access to the proposed development despite the proposal to demolish the single story extension to the existing property. The reducing width provides both limited visibility and reduced capacity for vehicles to pass at the same time thereby leading to a potential for a build up onto the main highway.
- Objection on design of access, loss of amenity due to access and construction traffic and traffic for the development passing close by the existing houses,

fumes, dust and drainage issues as well as health and safety with no pedestrian paths leading to the development.

- The main concern is the impact on the occupier who has a health condition that would be made uncomfortable by the development.
- The proposed application as shown, despite amendments remains outside the boundary identified within the adopted local plan.

## **Observations**

### **a) The Principle of Development**

The site lies within the Development Boundary for Wood End as defined by the Development Plan. Policy NW2 of the Core Strategy identifies the settlement as a Category 4 settlement. Here, the policy indicates that, “*development will be limited to that identified in the Plan or has been identified through a neighbourhood or other locality plan.*” In this case the land surrounding the application site is earmarked to be potential future housing development and therefore the application site could be surrounded by development. However even at present the site is within the development boundary. Policy NW5 of the Core Strategy identifies that a minimum figure of 30 houses will be directed to the settlement.

The settlement has a limited number of services and facilities with public transport links. The overall view is that this proposal therefore does constitute sustainable development and thus that the principle of development is acceptable. The presumption is thus in favour of the grant of a planning permission on this site. It is necessary therefore to assess the specifics of the proposals in terms of the impacts, such as highways, amenity and ecology, to establish whether there are any adverse impacts of, or deficiencies in, the application proposals that outweigh the NPPF objective of “significantly boosting the supply of housing”.

### **b) Housing Land Supply**

Notwithstanding the Core Strategy Policies NW2 and NW5, the Council can evidence a current 5 year housing land supply. This has been tested at appeal and has been found to be sound.

### **c) Amenity**

The site is of an adequate extent to enable the provision of four new dwellings with adequate standards of residential amenity for occupiers of new dwellings. Surrounding dwellings to the development at Nos 26, 27, 28 and 29 Meadow View have good sized rear gardens at 16 metres from the proposed development as do immediate neighbours at No. 107 with 32 metres from the proposed development and 111 Tamworth Road with 28 metres from the two storey element of the proposed development.

The siting of the dwellings within the proposed development has good separation distances between future occupiers such that the resulting development is unlikely to result in such levels of overlooking or loss of privacy from the dwelling houses that a refusal of planning permission on grounds of overlooking and privacy would not be justified. Under a subsequent application for reserved matters it will be possible to control either obscure glazing to windows or the omission of side facing windows altogether.

In terms of loss of light and overshadowing then the development site is located to the east of the dwellings along Meadow View and plot 4 is close to the boundary with the neighbouring properties 26, 27, 28 and 29 Meadow View, where the flank wall of a proposed dwelling would be sited at 1.3 metres off the party boundary. The separation distance from these neighbour's rear windows towards the flank wall of plot 4 is approximately 16 metres, with intervening garden, garden buildings, fencing and hedgerow between the application site and these neighbours. This distance is considered to be acceptable in order that no loss of privacy would occur to the use of principle rooms in the rear elevations to these neighbouring dwellings.

In terms of overshadowing of their gardens then although the proposal for plot 4 would be sited beyond the rear gardens of Nos 26, 27, 28 and 29 Meadow View this orientation would not be considered to exacerbate overshadowing of gardens beyond the arrangement to the existing buildings such as garages and stores located within these neighbouring gardens, which already cause an element of overshadowing from the east. Overshadowing would be limited in any case, as when the sun's trajectory is to the south and to the west then the proposed development would not cause overshadowing of these neighbouring gardens, or loss of light. In any case the scale and design of the proposed development would be reserved for a subsequent application to ensure no adverse impacts would result from the development.

The siting of the proposed development with the neighbour at 111 Tamworth Road would not cause overshadowing as 111 Tamworth Road is east of the application site. In terms of overlooking and privacy then there might be potential to overlook garden space, though all rear windows have an element of overlooking towards private gardens. The requirement for obscure glazing would be applicable in a future application. The retention of trees, some to be preserved would also assist in screening the impact on the neighbour's amenity. The development would be screened from the neighbour at 107 Tamworth Road by retention of the mature Oak tree.

Plots 1 and 2 are at a considerable distance from the residential amenities to cause loss of privacy or light related issues and are virtually in line with the building line at 25 Meadow View and so no privacy or light issues would occur. The relationship and separation distances between windows and gardens of the new development towards windows and garden of the future occupiers and the existing built form at 109 Tamworth Road are acceptable as no loss of light would occur between proposed buildings. The provision of screen fencing and planting would reduce any privacy impact on 109 Tamworth Road and the amenity of future occupiers of the development. As such the proposal would accord with policy NW10 of the Core Strategy.

However, the treatment of the driveway and the boundaries will need to be assessed. The new access drive from Tamworth Road serving the development creates a driveway capable of causing a reduced amenity by virtue of noise, fumes and pollution in close proximity to neighbouring occupiers at No. 109 and 107 Tamworth Road. In order to mitigate noise and the effects of pollution then the submission of a revised plan has proposed to remove the garage to the host dwelling at 109 Tamworth Road, thus making the access road wider for the development, allowing for a more robust boundary alongside 107 Tamworth Road comprising additional landscaping and with potential for an acoustic fence to mitigate noise and fumes from passing vehicles.

In terms of the construction of the development, then this is a short-term harm, though dust and debris associated with a development could affect the health condition of the neighbouring occupier which can be given limited material weight. This matter will be

considered in these observations. In this regard consideration of a management plan or limited hours of construction would have to be provided by condition.

On balance the proposed development conditions and its siting is not unique to this site, there are examples around the borough of development of garden land with a similar arrangement to access drives. It is considered that with conditions there would be no adverse harm on the amenities as a result of the development and therefore the proposal would accord with the requirements of policy NW11 of the Core Strategy.

#### **d) Design and layout**

The layout of the development has been designed as such to take into account the constraints surrounding the site, including making provision for an access off Meadow View so as to ensure the land identified as a future housing site at WE3A (Site Allocations Draft Pre-Submission document, June 2014) could be accessed if necessary. The layout of the site also takes into account the oak trees.

There is no objection in principle to how the housing plots have been laid out in relation to neighbouring houses along Meadow View and detailed considerations such as design and scale would be reserved matters. It is considered the driveway to serve the development, proposed off Tamworth Road and now utilising improvements made to the existing vehicular access serving the host dwelling at No. 109 Tamworth Road is sufficient to provide a suitable residential standard road to serve the development. The Highways Authority has raised no objection subject to conditions.

It is assessed that traffic movements serving four residential properties will pass close by the front and rear window of No. 109 Tamworth Road and close to its western flank wall, with potential to impact adversely in terms of both privacy and noise/traffic vibrations. The same can be suggested to the relationship of the access drive with No. 107 Tamworth Road. Therefore acoustic fencing would be required alongside 109 Tamworth Road and additional landscaping where the access would pass alongside No. 107 Tamworth Road at a distance of 5 metres east of this neighbour's flank elevation, which is unlikely to cause disturbance from traffic to the neighbouring occupiers particularly when using their back gardens. Environmental Health has raised no objections. Thus there would be mitigation measures to reduce any adverse amenity impact by traffic using the site on the immediate residents in close proximity to the access drive.

#### **e) Drainage and Flooding**

The submission of detailed drainage plans for the disposal of surface water and foul sewage as a requirement of a condition of any planning permission would be the appropriate way forward here.

#### **f) Highway Safety**

The Highway Authority has raised no objection to the development subject to conditions. In this respect the proposal complies with Development Plan policy. Any refusal reason would thus be very difficult to defend at appeal.

### **g) Affordable Housing**

Core Strategy Policy NW6 indicates that for schemes of between 1 and 14 inclusive units, 20% affordable housing provision will be provided. However, following a recent Court decision, the NPPG has been revised. The revision exempts small sites from affordable housing where developments of 10-units or less and which have a maximum combined gross floor space of no more than 1000sqm. The updated guidance indicates that the approach in Policy NW6 is now partly out of date. This application proposes four dwellings. It is therefore below the ten dwellings threshold in the new NPPG. The combined gross combined floor area for the four dwellings does not exceed 1,000sqm. The scheme is therefore exempt from the need to provide affordable housing, in accordance with up to date planning guidance. The proposal would be policy compliant in this respect.

### **h) Other Matters**

The site is presently laid to grass and has a substantial green boundary with hedgerow and mature trees. The development provides the opportunity to retain biodiversity interest by preserving trees along the boundary of the site; retaining hedgerows and new garden areas would be provided by the development.

It is necessary to address whether the development would have adverse effects on the health concerns identified by the neighbouring occupiers residing at No. 107 Tamworth Road.

No. 107 Tamworth Road a semi-detached house which lies immediately south west of the site and would be directly adjacent to the access drive leading to the site - albeit with a gap of 5 metres.

The occupier has a health condition that would be susceptible to dust and disturbance by the proposed development. This health consideration of the neighbouring occupier can be a material consideration in the determination of the planning application.

In brief, personal circumstances can be present in the background to the consideration of the character of land use, but may sometimes be given direct effect in development control as an exceptional or special circumstance. The health needs of the neighbouring occupier residing at 107 Tamworth Road are capable of being a material consideration. The weight to be attached to any given material consideration is a matter for the Board. Even if the Council concludes that the construction period upon permission would cause material harm to the health of the immediate neighbouring occupier it does not follow that the application should be refused. The concerns principally relate to the effect of the construction phase on the neighbouring occupiers health due to the probable increase in airborne particles, dust and pollution from the construction phase and by the use of vehicles accessing the development once occupied.

The neighbour's rear garden does not contain any mature trees or tall vegetation that might be a barrier to the movement of dust or particles. The only tree to remain is the mature oak tree, which would help to screen the development. The existing hedgerow on the application site which exists alongside the timber party fence would not provide a barrier and therefore a secondary landscaping barrier is proposed. Though the lounge to the property is at the front, the kitchen/dining will be, to a degree, be used as living accommodation. The kitchen/dining also contains a side window facing east and

towards the access route, presently only screened by the party fence and existing hedgerow on the application site. Construction traffic would pass along the side of the property and the dwellings would be constructed to the rear of it. The distance between the edge of the developable area (being the access drive) and the rear/side of the applicants dwelling would be not more than 5 metres. Though the dwellings would not impact on the neighbour once erected, it is the constant use of the driveway that may reduce the amenity and potentially cause harm to the neighbour's health by way of pollution. There is clearly some concern here.

The impact could be mitigated by a sympathetic construction management plan and good communication between the developers and the neighbouring occupier so that she can be warned when particularly "dusty" activity is to be undertaken so that this activity occurs when it is less likely to affect her. It can be recommended that construction activity is restricted to the standard hours of 0800 to 1800 during weekdays and 0800 to 1300 on Saturdays. Though the fact that for a number of days, or indeed weeks, the occupier might have to stay indoors with the windows shut to prevent the ingress of dust is unlikely to be sufficient to justify the refusal of permission. Whilst the health of the neighbouring occupier is a material consideration, it is not considered to be a factor here which should be afforded overriding weight and would not be a robust and defensible reason for refusal alone, particularly as the revised plan provides a greater distance to the access drive at 5 metres and a robust boundary treatment.

## **Conclusion**

The amenity matters relating to the neighbours objections have been assessed and the result of the development would not be considered adverse beyond the effects of other existing development in the area and the existing relationship between houses. Though the health circumstances of the neighbouring occupier are a material consideration in the determination of this application, it alone would not override the presumption of sustainable development. On balance, it is considered that the proposal in its revised format represents an acceptable form of backland development which would require to accord with good design principles that would be assessed under reserved matters. It is considered that there are no overriding factors of such weight that would override an approval of development. It is considered that the proposal may not be supported.

## **Recommendation**

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

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

## **REASON**

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

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

REASON

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

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

REASON

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

4. The development hereby approved shall not be carried out otherwise than in accordance with revised site layout plan ref: 4350/02 Rev B received by the Local Planning Authority on 12 August 2016 and the topographical survey and the site plan ref: 4350/01 received by the Local Planning Authority on 1 April 2016 and the Arboricultural Impact Assessment received on 10 May 2016.

REASON

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

5. No development whatsoever within Class A, B, C and F of Part 1, of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 shall commence on site without details first having been submitted to and approved by the Local Planning Authority, in writing.

REASON

In the interests of the amenities of the area.

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

REASON

In the interests of the amenities of the area.

7. No development or site works whatsoever shall commence until a detail of measures for the protection of trees have been submitted to and approved by the Local Planning Authority in writing. Such measures shall be erected on site and retained throughout the course of the works and construction and only removed when the dwellings are ready for occupation to the satisfaction of the Local Planning Authority. For the avoidance of doubt a no dig solution shall be implemented in the root protection areas.

REASON

In the interests of preserving the landscape and in the interests of the amenity.

8. No development shall commence until details of the size and species of the proposed landscaping has been submitted to and approved in writing by the Local Planning Authority. All planting, seeding or turfing comprised in the approved details of the landscaping scheme identified on the ref: 4350/02 Rev B shall be carried out in the first planting and seeding following the construction of the dwelling, or completion of the development, whichever is the sooner; and any trees or plants which, within a period of 5 years from the date of the planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

REASON

In the interests of the amenities of the area.

9. No development shall commence until details of all screen walls and fences have been submitted to and approved in writing by the Local Planning Authority. Screen fences located in proximity to and along the boundary with No. 109 and 107 Tamworth Road shall incorporate acoustic properties.

REASON

In the interests of the amenities of the neighbour occupiers of the development.

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

REASON

To ensure the development is provided with a satisfactory means of drainage as well as to reduce the risk of pollution.

11. No development shall commence until a dust management plan is submitted to and approved in writing by the Local Planning Authority.

REASON

In the interests of the amenities of the area.

12. There shall be construction before 0800 or after 1800 during weekdays and before 0800 and after 1300 on Saturdays. There shall be no construction whatsoever on Sundays and public bank holidays.

REASON

In the interests of the amenities of the area.

13. Access for vehicles to the site from the public highway (Tamworth Road C7) shall not be made other than at the position identified on the approved drawing, number 4350/02 Rev B, providing an access no less than 5.0 metres in width for a distance of 7.5 metres, as measured from the near edge of the public highway carriageway. No gates shall be hung within the vehicular access so as open within 6.0 metres of the near edge of the public highway footway.

REASON

In the interests of highway safety.

14. No dwelling shall be occupied until the existing public highway footway/verge crossing has been extended, laid out and constructed in accordance with the standard specification of the Highway Authority.

REASON

In the interests of highway safety.

15. No development shall commence until full details of the provision of the access, car parking and manoeuvring areas, including surfacing, drainage and levels have been submitted to and approved in writing by the Council. No building shall be occupied until the areas have been laid out in accordance with the approved details. Such areas shall be permanently retained for the purpose of parking and manoeuvring of vehicles, as the case may be. The vehicular access to the site shall not be constructed in such a manner as to reduce the effective capacity of any highway drain or permit surface water to run off the site onto the public highway.

REASON

In the interests of highway safety.

16. The development shall not be commenced until visibility splays have been provided to the vehicular access to the site, passing through the limits of the site fronting the public highway, with an 'x' distance of 2.4 metres and 'y' distances of 43.0 metres to the near edge of the public highway carriageway. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway.

REASON

In the interests of highway safety.

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

REASON

In the interests of highway safety.

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

REASON

In the interests of highway safety.

19. Deliveries and collections associated with the construction of the proposed development shall not occur during peak periods on the highway network (08:00 – 09:00 and 17:00 – 18:00) or during periods when children are going to/ or being collected from the local schools.

REASON

In the interests of highway safety for all users

## BACKGROUND PAPERS

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

Planning Application No: PAP/2016/0187

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	4.4.16
2	Agent to Case Officer	Design and Access Statement	13.4.16
3	Case Officer to Agent	E-mail	27.4.16
4	Forward Plans	Consultation reply	24.4.16
5	WCC Museum	Consultation reply	28.4.16
6	WCC Highways	Consultation Reply	11.5.16
7	NWBC EHO	Consultation Reply	27.6.16
8	Mr Willetts	Representation objection	25.4.16
9	Ms Neenan	Representation objection	11.5.16
10	Ms Neenan	Representation objection	10.6.16
11	Mr Martin and Ms White	Representation objection	15.6.16
12	Ms Neenan	Representation objection	26.8.16
13	Case Officer to agent	e-mail	16.5.16
14	Case Officer to agent	e-mail	18.5.16
15	Case Officer to agent	e-mail	16.5.16
16	Case Officer to agent	e-mail	25.5.16
17	Case Officer to agent	e-mail	6.6.16
18	Case Officer to agent	e-mail	17.6.16
19	Case Officer to agent	e-mail	15.6.16
20	Case Officer to agent	e-mail	18.7.16
21	Case Officer to agent	e-mail	14.7.16
22	Forward Plans	e-mail	15.7.16
23	Agent to Case Officer	Revised plan	12.8.16
24	Agent to Case Officer	e-mail	1.8.16
25	Agent to Case Officer	e-mail	18.7.16
26	Agent to Case Officer	e-mail	8.7.16
27	Agent to Case Officer	e-mail	22.6.16
28	Agent to Case Officer	e-mail	13.6.16
29	Agent to Case Officer	e-mail	18.5.16
30	Agent to Case Officer	e-mail	24.5.16
31	Agent to Case Officer	e-mail	29.4.16

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

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

Appendix A



**(5) Application No: PAP/2016/0301**

**Crida House, Kingsbury Road, Curdworth, B76 9DS**

**Erection of detached building to carry out car tyre & exhaust fitting, for**

**Mr C Humpherson**

### **Introduction**

This application was referred to the last Board meeting but determination was deferred in order to enable Members to visit the site. That visit has occurred and a note will be circulated at the meeting. A copy of the previous report is attached at Appendix A.

There is no further update to give to Members.

### **Recommendation**

That the application be **Granted** subject to the conditions as set out in Appendix A.

**General Development Applications**

**(#) Application No: PAP/2016/0301**

**Crida House, Kingsbury Road, Curdworth, B76 9DS**

**Erection of detached building to carry out car tyre & exhaust fitting, for**

**Mr C Humpherston**

**Introduction**

The application is brought before the Board following a request from a Local Member concerned about adverse impacts on neighbouring residential property.

**The Site**

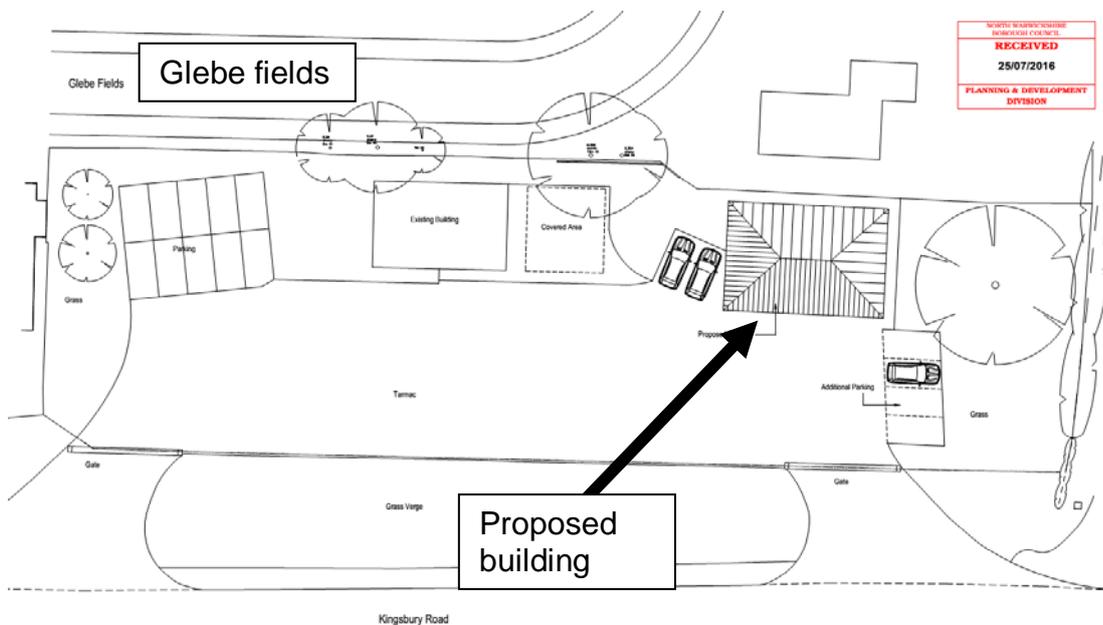
The site lies on the edge of Curdworth and is accessed along the main Kingsbury Road, which goes from the M42/M6Toll/A446 junction towards Minworth and Birmingham. The site is generally flat. To the south east boundary is Glebefields, a residential street and is close to existing residential properties.

The site contains an existing vehicle wash which is open 0800 to 1800 on Mondays to Saturdays and from 0930 to 1600 on Sundays. Vehicles washed include cars, tankers, vans and HGV's. It used to be a petrol filling station. It has an "in" and an "out" access arrangement.

There is residential property at the western and eastern ends of the site. Existing site plans can be viewed in Appendix 1 and photographs of the site can be viewed in Appendix 2.

**The Proposal**

The application is for a new garage to accommodate car tyre and exhaust fittings. The proposed building would be single storey with a pitched/hipped roof and located to the right (the west) of the existing car wash buildings as the plan below shows .



The building would be single storey and be 9.6 metres deep; 14 metres long, 2.9 metres to the eaves and 6.0 metres to the ridge and the roof is shown as being hipped on both ends. The building would contain two areas for cars to have work undertaken, a reception and visitor area, a store and staff facilities. The window and doors openings would be to the front and sides with no rear openings on the elevation backing towards the residential properties on Glebefields to the south of the site. It would be one metre from the rear boundary, which is nearest to 32 Glebefields.

The new uses are said to create jobs for three people. The opening hours are to be 0800 to 1800 hours Monday to Friday and 0800 to 1200 hours on Saturdays. No other opening hours or days are proposed. The building would accommodate 4 parking spaces outside. The relevant plans can be viewed in Appendix 1.

## Background

The site historically was a petrol filling station. In 2006 consent was given for a vehicle washing facility. More recent applications for this have included signs and a canopy. In 2011 outline consent was sought for a nursing home but this application was eventually withdrawn.

## Development Plan

North Warwickshire Core Strategy – NW1 (Sustainable Development); NW2 (Settlement Hierarchy), NW3 (Green Belt), NW4 (Housing Development), NW5 (Split of Housing Numbers), NW6 (Affordable Housing Provision), NW9 (Employment), NW10 (Development Considerations), NW11 (Renewable Energy and Energy Efficiency), NW12 (Quality of Development), NW14 (Historic Environment), NW17 (Economic Regeneration) and NW20 (Services and Facilities)

Saved policies of the North Warwickshire Local Plan 2006 - ENV12 (Urban Design); ENV13 (Building Design), ENV14 (Access Design), ECON5 (Facilities relating to settlement hierarchy) and TPT6 (Vehicle Parking)

## Other Relevant Material Considerations

## **Consultations**

Environmental Health Officer - Potential noise issues can be addressed through a condition as well as restricted working hours. A ground condition report will also be needed in light of potential contaminated ground on the site.

Fire Services Authority – A standard condition covering water supplies is requested.

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

## **Representations**

Coleshill and District Civic Society – The Society objects referring to the following grounds:

- There should be no intensification of industrial use on this site. This would be inappropriate as it abuts a residential neighbourhood.
- Noise generated by the type of activity proposed will almost certainly have a detrimental impact on the quality of life of residents and add to the problems already created by the existing vehicle washing operation.
- Moreover, the vehicle washing operation already regularly attracts sufficient HGVs to fill the site and cause queuing on the highway. This is an unacceptable situation particularly as this section of the A4097 is designated a Clearway.
- Any increase in vehicle movements into and out of the site will exacerbate an already overcrowded situation leading to potential traffic conflict generally

Twenty one letters of objection have been received, some of which come from the same addresses. These reflect the issues raised by the Society referring to experience from the operation of the existing use of the site. In general terms it is said that there will be an intensification of use and further exacerbation of adverse impacts as the site is not appropriate for these uses.

## **Observations**

The proposed building is not in the Green Belt being inside the development boundary for Curdworth. As such there is no objection in principle here. The main considerations are thus going to be an assessment of any additional impacts over and above those that might arise from the current lawful use. It is important to stress that that lawful use is as a vehicle wash facility and as such it can accommodate a wide range of vehicles. The Board will have to consider whether there are any new impacts arising from the proposed use that are materially different to those that can occur now and if so, whether they are so adverse as to warrant refusal. The Board will have to have the evidence available to show that adverse impact if it is to consider refusal.

It is worth stating immediately that there is no design issue here – the building being in keeping and with no openings on its southern side. Additionally whilst there would be jobs created, this is not considered to be of great weight in the final determination. Support for the local business economy is of greater weight.

The most important consideration here is the likely impact on the residential amenity of the surrounding properties. Members should be aware that the base-line on which to draw any assessment is that of a vehicle / car wash use in use for seven days a week.

The nearest neighbour is 32 Glebefields with the proposed building 1 metre off the common boundary. This property has a side bedroom at first floor level nearest to the application site. It has three windows in a type of dormer construction as shown below.



Number 32 already borders the application site and its occupiers have said that they are already affected by spray, noise and general amenity impacts. However no rear facing windows or doors are proposed in the new building with the main roller shutters and entrance door being to the opposite side (front). Additionally the site of the building is currently a car parking area and this would thus be removed. The building would assist too in obstructing the spread of water spray reaching the property. Working hours are proposed are within those already set for the operation of the lawful use – in fact they are less.

The proposal has to be considered in its context, given the existing lawful use and the impacts arising from the new use. Below is a photo showing the existing boundary to Glebefields, which can be seen mainly screens the existing site building.



The existing use of the site is lawful and the proposal is not considered to result in material additional unacceptable loss of amenity to the area and the neighbouring properties. This conclusion is made because of the significant weight attached to the consultation response of the Council's Environmental Health Officer. Without his support to provide evidence a refusal would not be sustained in an appeal. Members should be aware that problems arising from existing operations are not reasons to refuse this current application.

Similarly in respect of highway and parking issues, the Highway Authority has not raised an objection. For the Council to defend a refusal that Authority's support would be almost essential and once again Members are advised that the NPPF makes it very clear that highway refusals should only be contemplated when highway impacts are "severe". The Highway Authority clearly does not consider that that would be the case here.

A number of the objections received have drawn attention to the build-up of traffic entering the site. The Highway Authority was specifically asked to examine this issue and its officers have visited the site on more than one occasion. Nevertheless no objection has been lodged.

In conclusion therefore, whilst it is acknowledged that Members may not be comfortable with this application, without supporting evidence from the consultations to show that the proposed use would introduce new adverse impacts that would be materially worsen the existing environment, there is little scope here for a refusal

## **Recommendation**

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

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

### REASON

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

2. The development hereby approved shall not be carried out otherwise than in accordance with the plan numbered 479-03, and 479-04 received by the Local Planning Authority on 25 July 2016 and the site location plan received by the Local Planning Authority on 23 May 2016.

### REASON

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

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

### REASON

In the interests of the amenities of the area.

4. No additional opening shall be made other than shown on the plan hereby approved, nor any approved opening altered or modified in any manner, unless details have first been submitted to, and approved in writing by, the Local Planning Authority.

### REASON

To protect the privacy of the occupiers of adjoining properties.

5. 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 at the site, has been submitted to and approved in writing by the Local Planning Authority. The development shall not then be occupied until the scheme has been implemented to the satisfaction of the Local Planning Authority

REASON

In the interests of Public Safety from fire, and the protection of Emergency Fire Fighters.

6. No works other than demolition shall take place until a site investigation of the nature and extent of contamination, based on a Phase I Assessment for the application site, has been submitted to and approved in writing by the Local Planning Authority

REASON

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

7. If any unacceptable contamination is found during the site investigation (condition 6), a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The report shall specify a verification plan to be followed during remediation in order to demonstrate the effectiveness of the remediation. The site shall be remediated in accordance with the approved measures before development begins.

REASON

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

8. No development shall commence until the mobile catering unit adjacent the western vehicular access to the site has been removed from the site.

REASON

In the interests of the amenities of the area and safety on the public highway.

9. No development shall commence until full details of the surfacing, drainage and levels of the car parking and manoeuvring areas as shown on the approved plan have been submitted to and approved in writing by the Council. The unit shall not be occupied until the areas have been laid out in accordance with the approved details and such areas shall be permanently retained for the parking and manoeuvring of vehicles. The areas shall not be constructed in such a manner as to reduce the effective capacity of any highway drain or permit surface water to run off the site onto the public highway.

REASON

In the interests of the amenities of the area and safety on the public highway.

10. A verification report matching the requirements in the approved verification plan as covered by condition 7 shall be submitted for the development within three months of completion of the remediation.

REASON

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

11. All doors and windows on the ground floor shall be kept closed except for access and egress during periods when noisy machinery or equipment is used. All of the proposed tyre and exhaust works shall only take place within the hereby approved building.

REASON

To protect the amenities of nearby residential property.

12. No operational works on motor vehicles whatsoever shall take or other on-site works shall take place other than between 08:00 and 18:00 hours Monday to Friday inclusive, and between 08:00 and 12:00 hours on Saturdays. There shall be no operations whatsoever on Sundays, Public Holidays and Bank Holidays.

REASON

To prevent disturbance to the occupiers of nearby properties.

13. No work relating to the construction of the development hereby approved, including works of demolition or preparation prior to operations, or internal fitting out, shall take place before the hours of 0700 nor after 1900 Monday to Friday, before the hours of 0800 nor after 1300 Saturdays nor on Sundays or recognised public holidays.

REASON

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

14. All tyre and exhaust works shall be done from within the proposed building only. No works associated with the tyre and exhaust fitting shall be undertaken from any other area within the site.

REASON

In the interests of the amenities of the area and safety on the public highway.

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

REASON

In the interests of the amenities of the area and safety on the public highway.

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

REASON

In the interests of the amenities of the area and safety on the public highway.

17. Deliveries and collections associated with the construction of the proposed development shall not occur during peak periods on the highway network (08:00 - 09:00 and 17:00 - 18:00).

REASON

In the interests of the amenities of the area and safety on the public highway.

18. The hereby approved car tyre and exhaust fitting building hereby approved shall only be used under use in Class B1(c) of the Town and Country Planning (Use Classes) Order 1987, (as amended), or in any statutory instrument revoking and re-enacting that Order with or without modification other than for business which only includes car tyres and exhaust fitting, for no other purpose whatsoever.

REASON

To prevent unauthorised use of the property.

19. No development whatsoever within Class H of Part 7 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, shall not commence on site.

REASON

In order to prevent the over-intensive development of the site.

## Notes

1. In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner through seeking to resolve planning objections and issues, and by suggesting amendments to improve the quality of the proposal. As such it is considered that the Council has implemented the requirement set out in paragraphs 186 and 187 of the National Planning Policy Framework.
2. It is recommended that in relation to the existing vehicle wash facility that the site owners should display signs on each gate stating that parking is not permitted at any time on the tarmac verge crossings in front of the gates.
3. The submitted plans indicate that the proposed works come very close to, or abut neighbouring property. This permission does not convey any legal or civil right to undertake works that affect land or premises outside of the applicant's control. Care should be taken upon commencement and during the course of building operations to ensure that no part of the development, including the foundations, eaves and roof overhang will encroach on, under or over adjoining land without the consent of the adjoining land owner. This planning permission does not authorise the carrying out of any works on neighbouring land, or access onto it, without the consent of the owners of that land. You would be advised to contact them prior to the commencement of work.
4. You are recommended to seek independent advice on the provisions of the Party Wall etc. Act 1996, which is separate from planning or building regulation controls, and concerns giving notice of your proposals to a neighbour in relation to party walls, boundary walls and excavations near neighbouring buildings. An explanatory booklet can be downloaded at <https://www.gov.uk/guidance/party-wall-etc-act-1996-guidance>
5. Section 163 of the Highways Act 1980 requires that water will not be permitted to fall from the roof or any other part of premises adjoining the public highway upon persons using the highway, or surface water to flow - so far as is reasonably practicable - from premises onto or over the highway footway. The developer should, therefore, take all steps as may be reasonable to prevent water so falling or flowing.
6. Pursuant to Section 149 and 151 of the Highways Act 1980, the applicant/developer must take all necessary action to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's/developer's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.

## BACKGROUND PAPERS

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

Planning Application No: PAP/2016/0301

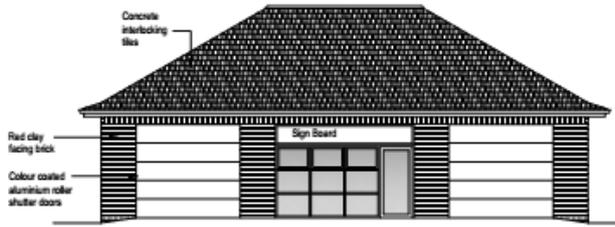
Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	23/5/2016
2	WCC Fire	Consultation response	4/7/16
3	NWBC Env Health	Consultation response	4/7/16
4	NWBC Env Health	Consultation response	29/7/16
5	Coleshill Civic Society	Consultation response	8/8/16
6	WCC Highways	Consultation response	11/8/16
7	WCC Highways	Consultation response	6/9/16
8	NWBC Env Health	Consultation response	8/6/16
9	WCC Highways	Consultation response	24/6/16
10	Coleshill Civic Society	Consultation response	29/6/16
11	R Field	Representation	13/6/16
12	B Price	Representation	16/6/16
13	A Regan	Representation	20/6/16
14	B Mahoney	Representation	22/6/16
15	M Weatherley	Representation	23/6/16
16	M & J Ward	Representation	23/6/16
17	S Brown	Representation	23/6/16
18	S Hemmings	Representation	23/6/16
19	Y Wiggett	Representation	23/6/16
20	J Pollard	Representation	28/6/16
21	M Heape	Representation	28/6/16
22	M Hawkins	Representation	29/6/16
23	M Brown	Representation	29/6/16
24	S Brown	Representation	29/6/16
25	S Dixon	Representation	29/6/16
26	B Mahoney	Representation	1/8/16
27	Y Wiggett	Representation	1/8/16
28	A Jennings	Representation	2/8/16
29	J Pollard	Representation	4/8/16
30	R Field	Representation	8/8/16
31	S Brown	Representation	8/8/16
32	S Hemmings	Representation	9/8/16
33	Case Officer	Email to agent	15/6/16
34	Case Officer	Email to agent	23/6/16
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36	Councillor Lea	Representation	29/6/16
37	Agent	Email to case officer	29/6/16
38	Case Officer	Email to Councillor Lea	5/7/16
39	Councillor Lea	Email to case officer	7/7/16
40	Agent	Email to case officer	25/7/16
41	Councillor Lea	Email to case officer	27/7/16

42	Case Officer	Email to Councillor Lea	25/7/16
43	Councillor Lea	Email to case officer	10/8/16
44	Case officer	Email to NWBC Env Health	10/8/16
45	Case officer	Email to WCC highways	10/8/16
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47	WCC Highways	Email to case officer	11/8/16
48	Case officer	Email to agent	11/8/16
49	Agent	Email to case officer	11/8/16
50	Case officer	Email to agent	10/8/16
51	Agent	Email to case officer	11/8/16
52	Councillor Lea	Email to case officer	11/8/16
53	Case officer	Email to WCC Highways	11/8/16
54	Case officer	Email to Cllr Lea	11/8/16
55	Councillor Lea	Email to case officer	11/8/16
56	NWBC Env Health	Email to case officer	22/8/16
57	Agent	Email to case officer	5/9/16
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61	Case officer	Email to agent	5/9/16
62	Case officer	Email to WCC Highways	6/9/16
63	Agent	Email to case officer	6/9/16
64	Case officer	Email to Councillors	9/9/16
65	Councillor Lea	Email to request application taken to P & D Board	9/9/16
66	Case officer	Email to Cllr Lea	9/9/16
67	Case officer	Email to Cllr Lea	12/9/16
68	WCC Highways	Consultation Response	19/9/16

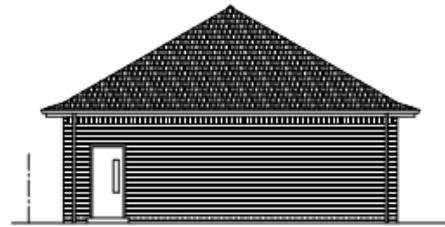
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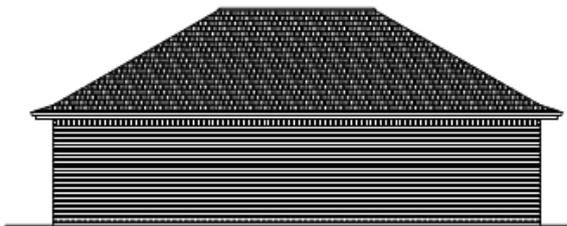
**Appendix 1 – Relevant Plans**



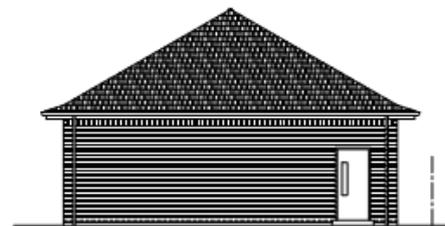
Front [north]



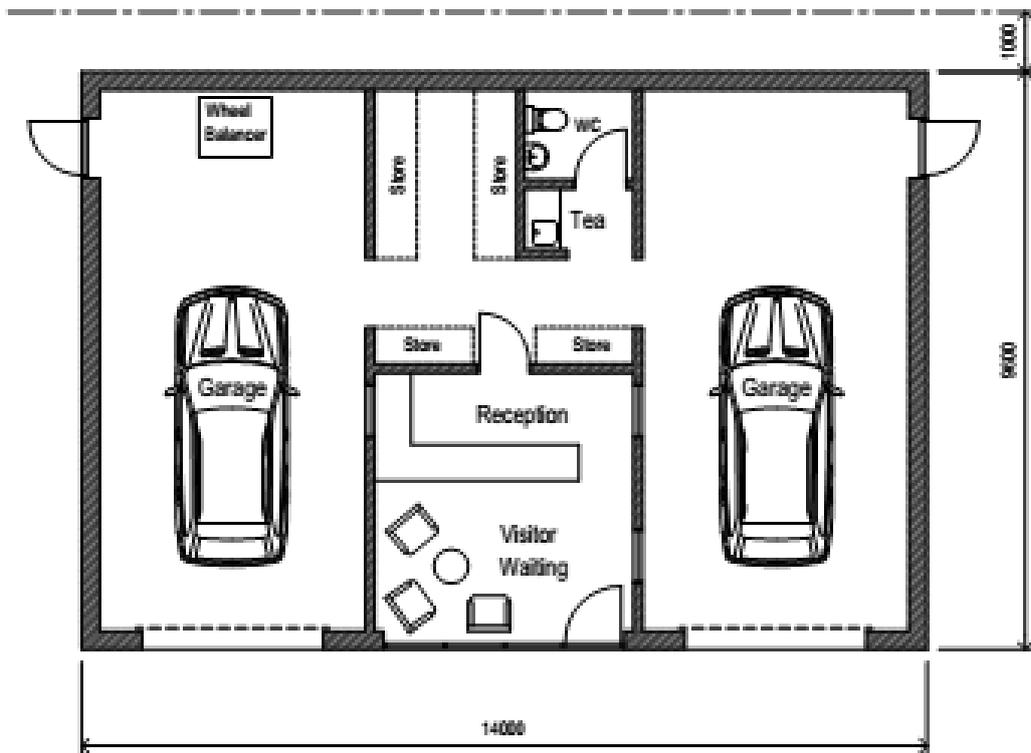
Side [east]



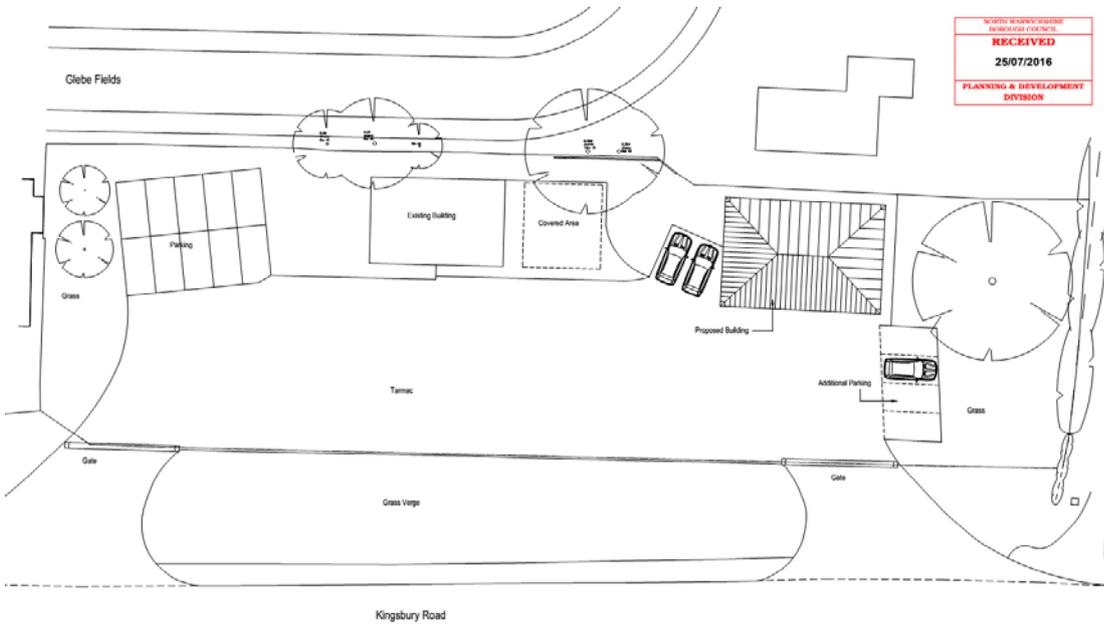
Rear [south]



Side [west]

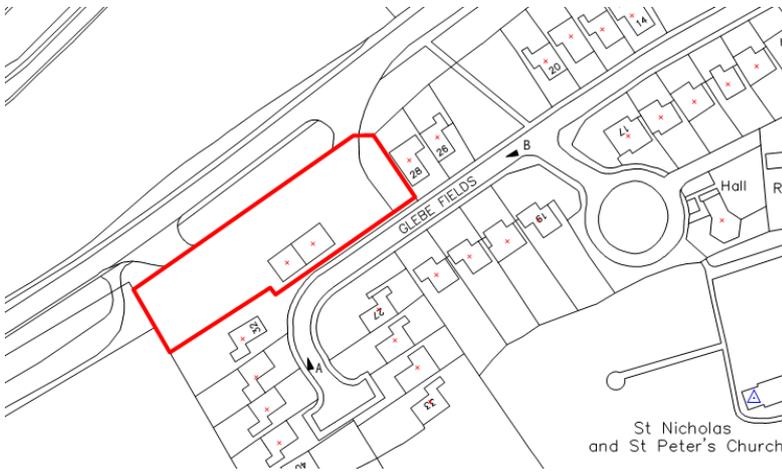


Ground Floor Plan

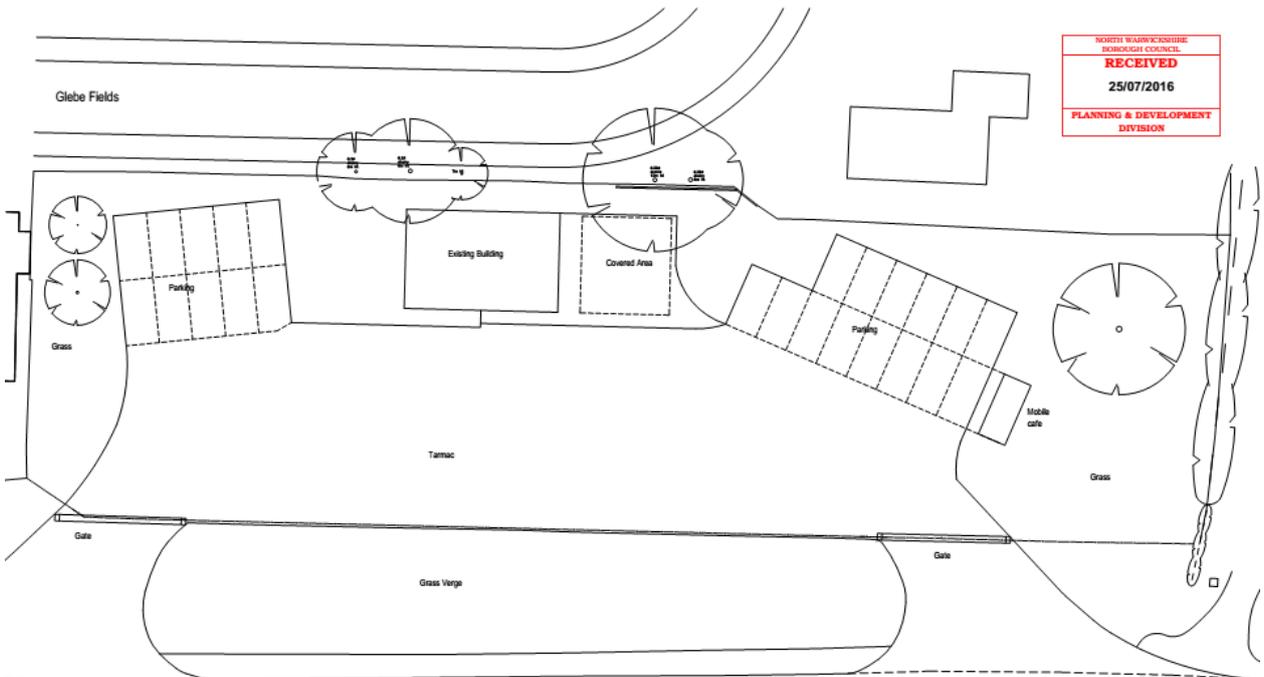


NORTH WALTON CHURCH  
BOROUGH COUNCIL  
**RECEIVED**  
25/07/2016  
PLANNING & DEVELOPMENT  
DIVISION

Kingsbury Road



St Nicholas  
and St Peter's Church



NORTH WALTON CHURCH  
BOROUGH COUNCIL  
**RECEIVED**  
25/07/2016  
PLANNING & DEVELOPMENT  
DIVISION

Kingsbury Road

Photographs



