

Agenda Item No 6

Planning and Development Board

10 October 2016

Planning Applications

Report of the Head of Development Control

1 Subject

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

2 Purpose of Report

2.1 This report presents for the Board decision, a number of planning, listed building, advertisement, proposals, together with proposals for the works to, or the felling of trees covered by a Preservation Order and other miscellaneous items.

2.2 Minerals and Waste applications are determined by the County Council. Developments by Government Bodies and Statutory Undertakers are also determined by others. The recommendations in these cases are consultation responses to those bodies.

2.3 The proposals presented for decision are set out in the index at the front of the attached report.

2.4 Significant Applications are presented first, followed in succession by General Development Applications; the Council's own development proposals; and finally Minerals and Waste Disposal Applications. .

3 Implications

3.1 Should there be any implications in respect of:

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

4 Site Visits

4.1 Members are encouraged to view sites in advance of the Board Meeting. Most can be seen from public land. They should however not enter private land. If they would like to see the plans whilst on site, then they should always contact the Case Officer who will accompany them. Formal site visits can only be agreed by the Board and reasons for the request for such a visit need to be given.

4.2 Members are reminded of the "Planning Protocol for Members and Officers dealing with Planning Matters", in respect of Site Visits, whether they see a site alone, or as part of a Board visit.

5 **Availability**

- 5.1 The report is made available to press and public at least five working days before the meeting is held in accordance with statutory requirements. It is also possible to view the papers on the Council's web site: www.northwarks.gov.uk.
- 5.2 The next meeting at which planning applications will be considered following this meeting, is due to be held on Monday, 7 November 2016 at 6.30pm in the Council Chamber at the Council House.

6 **Public Speaking**

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

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General Development Applications

(1) Application No: PAP/2016/0012

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

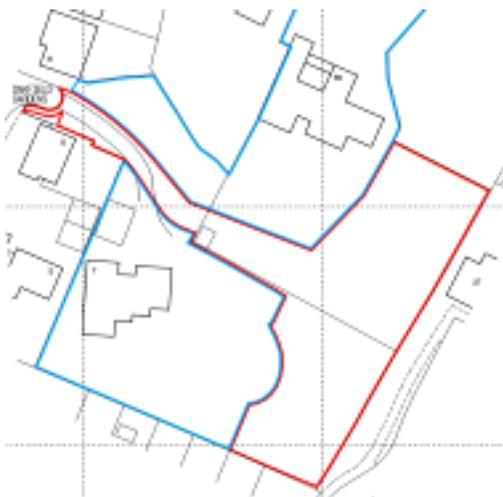
Mr & Mrs N Jenkins

Introduction

The application is reported to Board at the request of the Local Member.

The Site

The site is located within the development boundary for Atherstone and is sited partially within the Conservation Area; the site 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

Outline application for erection of two dwellings - to rear of 69 South Street and 7 Oakfield Gardens, access is from Oakfield Gardens. The development area comprises of residential garden land of 0.214 hectares in area. The Site comprises mature landscape and the proposal requires the development within the gardens of Mancetter Cottage with 7 Oakfield Gardens, with an extension to the existing access drive.

Background

The site comprises a large extensive garden on the south side of South Street, the site contains a number of mature trees including two cedars, the trees are protected by a blanket order. The 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 is a significant building of local merit. The application site is well set back from the road both from South Street and from Oakfield Gardens. It is not visible from the amenity or from the Conservation Area.

It is advised by Atherstone Civic Society that the site was part of the mini parkland which formed the extensive gardens of Oakfield (built c.1862 and demolished c.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. These trees still contribute strongly to the leafy character of South Street and the adjacent Atherstone Conservation Area Extension. The mini parkland is fragmented by the development of Oakfield Gardens and that of Charlotte Way. Mancetter Cottage would be retained with a good sized garden as would the bungalow at 7 Oakfield Gardens. The development is proposed to avoid the majority of the trees in continued protection.

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 4/45 (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 National Planning Practice Guidance 2014 Planning Contributions (Section 106 Planning Obligations) – DCLG 2014 The Draft Pre- Submission Site Allocations Plan June 2014).

Local Finance Considerations: New Homes Bonus (NHB), Community Infrastructure Levy (CIL).

Consultations

County Forestry Officer (Trees) - He has inspected all of the trees and has provided a re-survey of the trees at the site and offers no objection subject to conditions.

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

Warwickshire Museum – No objections to archaeological survey.

WCC Highways Authority – No objection subject to conditions.

Representations

Atherstone Town Council – No objection, but note concerns with highway access.

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

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 hours 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 the main consideration is the impact of the development on the Conservation Area, the surrounding landscape and the host building at Mancetter Cottage and 7 Oakfield Gardens.

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 there principle of housing would generally 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 proposal is below the threshold for affordable housing and would be for two market dwellings. 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 an 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.

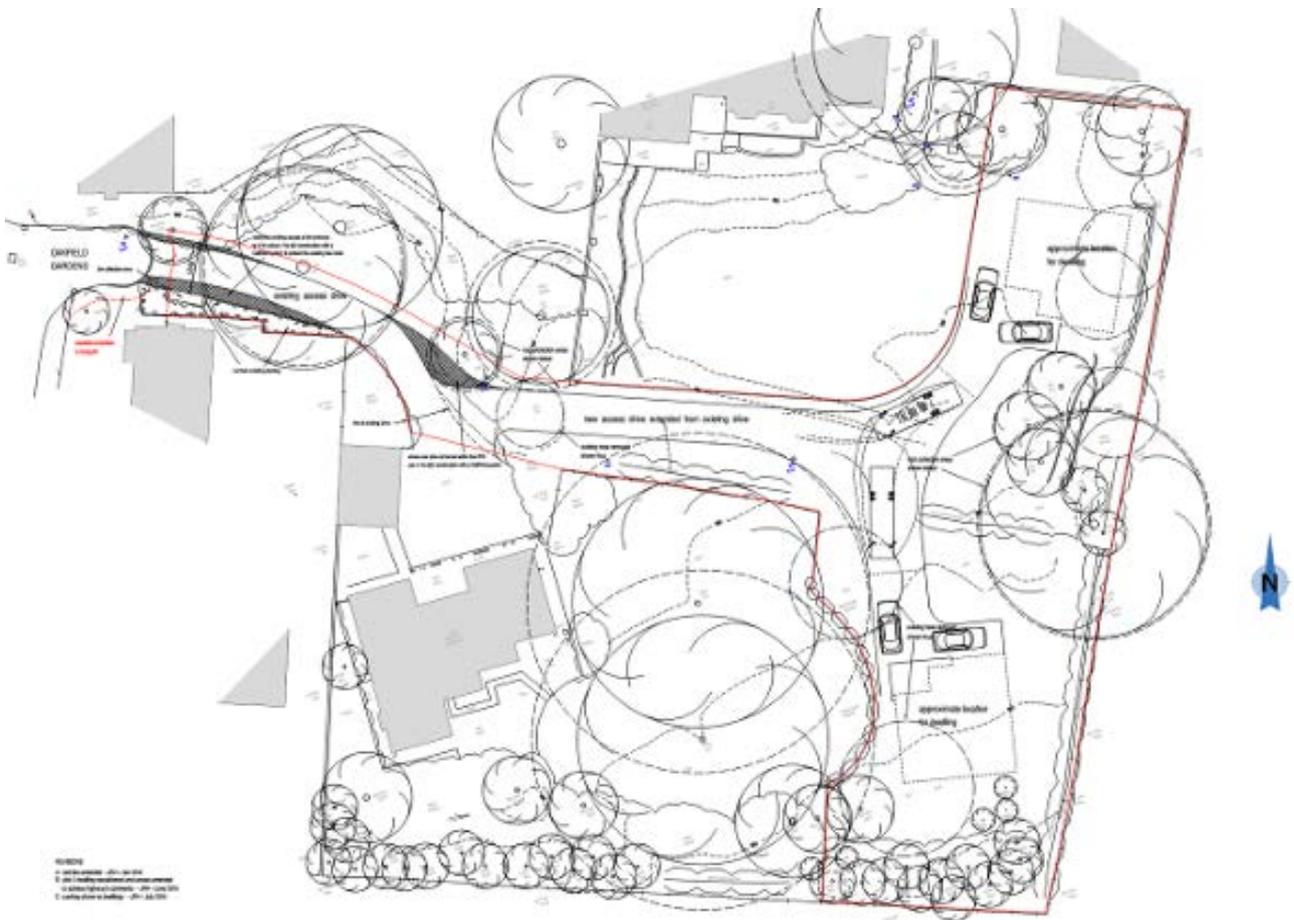
Given the constraints posed by protected trees then this proposal is for a limited scheme and thus not meeting the densities otherwise required. This enables Mancetter Cottage to retain a large area of garden. It would not be possible to fit any more than one or two houses on this site and therefore 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 trees. These are the factual errors in the arboriculture report which makes reference to 5 homes as this could not be achieved on the site without harm to trees.

The location of plots have 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 are 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 2 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 magnificent 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 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 boundary to the site is landscaped with mature hedgerow 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. With 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 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 postmedieval 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 update 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 cellweb 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 site has been inspected by the Council's Tree Officer and a full re-survey carried out. As there is no objection received subject to conditions. 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, namely, 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. • Scheme for external lighting which is designed as to minimise the effect on bats. • A 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 has requested to look at 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 neighbours 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 provided 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. So again, they may not be the 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 does not 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, though the footway is no nearer to the applicants property than existing dwelling in the close that are in close proximity to footways, it is unlikely 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. An application will be presented at a future date is not just cause to resist the present application. Any new application would be considered on its merits at that time and if harmful could be resisted.

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 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 and is a sustainable location. In these circumstances, the application may be supported subject to conditions.

Local Finance Considerations

New Homes Bonus

Community Infrastructure Levy/Section 106

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 'cellweb' 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. • 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

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.

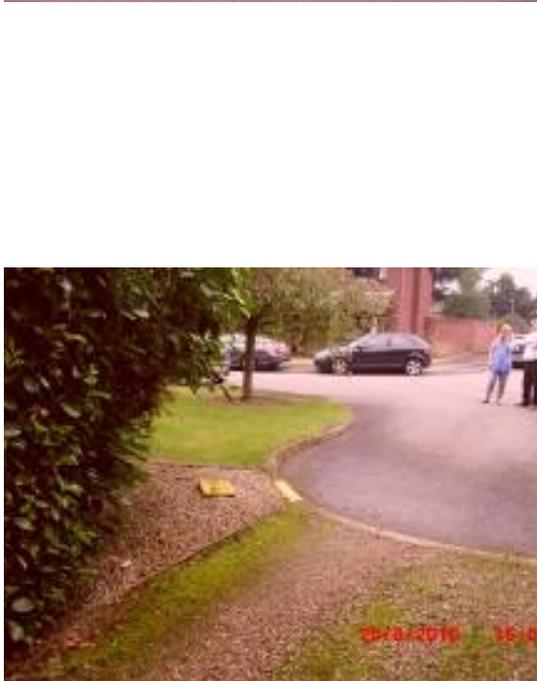
A background paper will include any item which the Planning Officer has relied upon in preparing the report and formulating his recommendation. This may include correspondence, reports and documents such as Environmental Impact Assessments or Traffic Impact Assessments.

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	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	

(2) 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

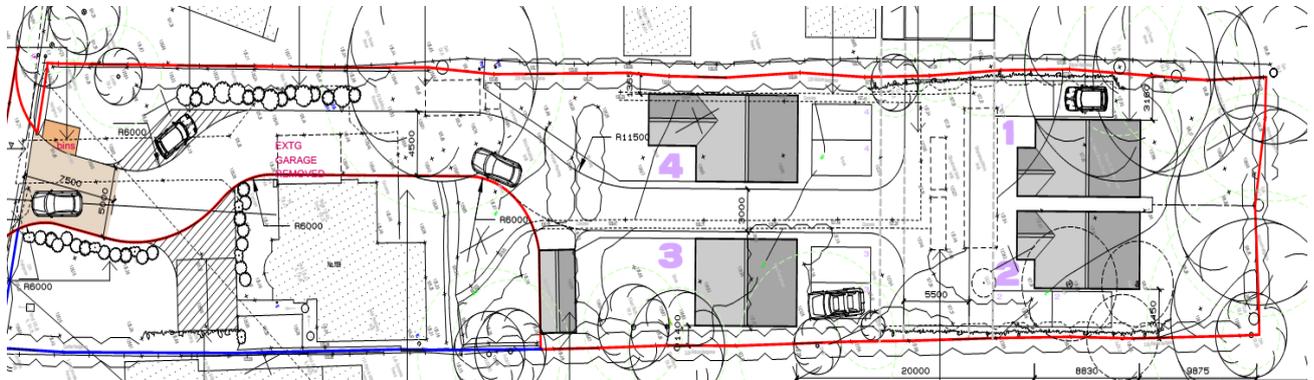
The site comprises a residential dwelling and lies adjacent to the former development at Islington Crescent. The large garden area to the rear of the host dwelling comprises some 0.15 hectares in area. To the east of the site are open fields which are allocated for housing in the future. Currently the 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 Tamworth Road.

The host dwelling fronting Tamworth 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 similarly 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



(3) Application No: PAP/2016/0199

Land to the rear of 145, Coleshill Road, Hartshill, CV10 0PG

Erection of 72 residential dwellings with proposed new vehicular access, landscaping and other associated infrastructure works, for

Westleigh Partnerships Ltd

Introduction

This application was reported to the Planning and Development Board at its meeting in May 2016 when the Board resolved to undertake a site visit. This has now taken place and the matter is referred back to the Board for determination. The previous report is attached at Appendix A and a note of the site visit is attached at Appendix B.

It is not proposed to include matters already referred to in the earlier report again, but it should be treated as an integral part of the overall consideration of this application.

The applicant has now forwarded the draft Heads of Terms for a Section 106 Agreement. These include:

- 40% of the units to be affordable housing comprising of 85% of the units as socially rented and 15% for shared ownership.
- £105,183 towards education provision in Hartshill.
- £46,479.04 towards public open space and habitat enhancement in Ansley Common and along the Bar Pool Brook in Hartshill
- £30,000 towards a Casualty Reduction Scheme at the junction between the B4114 Nuneaton Road and the B4112 Birmingham Road at Ansley
- Provision of a pair of bus stops on Coleshill Road (B4114) to serve the new development of £12,000.

Consultations

Environment Agency – They confirm that they have no objections to the proposed development but wish to make comments on the previous land uses of the site which have the potential to cause ground contamination. As such a planning condition seeking a preliminary risk assessment is recommended along with a site investigation scheme.

Warwickshire County Council's Arboriculturalist – He confirms that the mature Oak trees and the woodland should be retained for arboricultural reasons in the interests of amenity.

Warwickshire County Council's Flood Risk Management Officer – Although he originally objected to this proposal, following the receipt of additional information he now offers no objection to this scheme. A planning condition is suggested to ensure that an assessment of the hydrological and hydrogeological context of the development is submitted to the Council for approval.

Environmental Health Officer – Confirms that the proposed development is traversed by two former railway lines which can be the source of contamination. As such it is

recommended that a site investigation is carried out to identify the location and extent of any contamination on the site.

Warwickshire Police - The Crime Prevention Designer confirms that there are no objections to the proposal. However, he does require that boundary fencing is at least 2 metres high where it adjoins public open space to ensure that the residents do not become victims of crime or anti-social behaviour.

Warwickshire Fire and Rescue Service – They confirm that they have no objection to the development subject to the imposition of a planning condition relating to the need to provide a scheme for the provision of adequate water supplies and fire hydrants.

Warwickshire Wildlife Trust – The Trust originally objected to this development due to the loss of a Local Wildlife Site and National Priority Habitat and an overall loss of biodiversity. As such, they recommend that a decision regarding this application is deferred until the protected species surveys have been completed and can be used to inform decision making. They object to the loss of woodland habitat along the disused railway which is identified by Natural England as Priority Habitat listed on Schedule 41 of the NERC Act (2006). The woodland has a key role in providing a connected corridor for wildlife and in particular bats. Through the use of WCC's Biodiversity Impact Assessment calculator, for the original plans, there is a significant loss to biodiversity resulting from this development. They also require full survey reports for any protected species using the site. Comments on the amended plans are awaited.

Warwickshire County Council's Infrastructure Team – They request the following Section 196 Contributions: Sustainable Travel Packs; contribution towards a Casualty Reduction Scheme at the junction between the B4114 Nuneaton Road and B4112 Birmingham Road in, Ansley; provision of a pair of bus stops on Coleshill Road (B4114); contribution towards library services in Hartshill; and, contribution towards education in particular primary school places at Michael Drayton and Nathaniel Newton.

Borough Council's Housing Officer – Confirmation is given that the site is being promoted as 40% affordable instead of the original 100% affordable, but has no objections to this. The site is subject to HCA funding, and so the affordable housing provision cannot be part of a Section 106 Agreement.

County Ecologist – He confirms from the original plans submitted that the Biodiversity Offsetting has been calculated at a loss of 12.78. This is mainly due to the removal of semi-natural broad-leaved woodland, a habitat of high distinctiveness which equates to a habitat loss of 1.62 hectares. As such a financial contribution is required. In addition to this a slow worm has been found and so a CEMP condition should be imposed on any approval.

Highway Authority – It objected to the original proposal in that the Road Safety Audit Stage 1 as submitted focused on the site layout rather than the access arrangements. As such a Road Safety Audit of the access arrangement was required. Concerns are raised about individual plots shown within the site. Amended plans have been submitted along with the amended Road Safety Audit to address these concerns. Amended comments from the Highways Authority are awaited.

Warwickshire Museum – It confirms that the site lies within an area of archaeological potential. Areas of former quarrying activity are less than 300 metres to the north and a former mineral railway runs through the western side of the site. A Scheduled Bronze Age round barrow is located 800 metres to the north as is the site of a Saxon Burial.

However, few remains pre-dating the medieval period have been identified within the vicinity of the site. As such they recommend that archaeological work is undertaken as part of a planning condition should permission be granted.

Representations

Ansley Parish Council – It has considered the amendments made to the scheme but feels that it does not materially alter the original objection. As such, the Parish Council confirms that it objects to this application as the numbers are not in line with the Core Strategy. It would be minded to support an application for fewer homes as long as they include a good mix of housing to reflect the needs of the area, which should include low cost affordable starter homes and old people's bungalows.

Hartshill Parish Council – The Council requests that the following observations be taken into account to refuse this application: the number of dwellings proposed is excessive compared with the size of the site; 76 dwellings will generate at least 76 vehicles entering and exiting onto an already busy Coleshill Road; 76 more families will put a further strain on the services in Chapel End and Hartshill.

Atherstone Civic Society – It confirms that it has no objections to the proposal. However, it is concerned that the development proposed is intensive and includes no significant green space or recreation area. The site has ecological value having been left to re-colonise after the previous industrial use. It considers that the houses proposed are bland 'off the peg' designs which will not enhance the area. It also highlights concerns about congestion around Hartshill and the junction with Chapel End. There are also concerns raised about the possibility of flooding.

Eight letters of objection and three letters of representation have been submitted from local residents raising the following issues:

- The highway network around the site cannot cope with the traffic likely to be generated from this housing scheme.
- The services and schools around the site cannot cope with additional people.
- Not enough bungalows are included on the scheme for the older population.
- The site is used by bats, frogs, toads, a water vole, hedgehogs, foxes and muntjac deer along with a variety of bird species.

Observations

Introduction

The site lies outside of the Development Boundary for Hartshill and Ansley Common. However Policy NW2 in North Warwickshire's Core Strategy states explicitly that residential development for local service centres such as Hartshill and Ansley Common will be considered where sites also adjoin the development boundary as is the case here.

The consultation report highlighted the key issues which would need to be addressed during the determination of this application. This report will consider each of these issues:

1) Sustainability

Policy NW2 in the Core Strategy seeks to develop a broad distribution pattern for development, with the majority of development being directed to the main towns. Hartshill with Ansley Common are together identified as one of the five Local Service Centres. These Local Service Centres provide important local services and facilities. Policy NW5 allocates strategic housing numbers to named settlements. This Policy states that a minimum of 400 houses will be directed towards the settlement of Hartshill with Ansley Common.

The whole of the site has thus now been identified as a preferred housing allocation for Hartshill/Ansley Common in the Council's Draft Local Plan. The only sizeable housing scheme to be approved to date in the area is the recent approval for Chapel End Social Club for 14 dwellings and so the minimum requirement of 400 houses in Hartshill with Ansley Common has yet to be delivered.

The housing scheme proposed includes a vehicular access into the site from Coleshill Road. To encourage occupiers to use public transport services along Coleshill Road, the Section 106 Agreement includes a contribution towards the provision of bus stops outside of the site on Coleshill Road. Pedestrian links are provided to Coleshill Road and into Hartshill via the Bridleways Housing Estate. These links provide convenient pedestrian access to the schools in Hartshill; to the shops and services in Chapel End and to the recreational facilities at Hartshill Hayes Country Park and Snowhill Recreation Ground. These pedestrian linkages comply with the requirements of Core Policy NW10 (4) and (5) to promote healthier lifestyles for the community to be active and to encourage sustainable forms of transport focussing on pedestrian access and provision of bike facilities.

As such it is considered that the site proposed is in a sustainable location being located adjacent to a Local Service Centre and that it complies with the settlement hierarchy as laid out in Policy NW2 and the criteria in Policy NW10.

2) Highway Infrastructure

Following objections raised by the Highways Authority, the applicant has submitted a Road Safety Audit Stage 1 for the vehicular access onto Coleshill Road. In order to achieve the required visibility splays from this access, the terraced properties of 143 and 145 Coleshill Road have been provided with off-street parking within the site and so within the rear residential curtilage of number 145. Car parking and visitor parking is also provided within the site for the new dwellings proposed to front onto Coleshill Road. The vehicular access has been engineered to be 5.5 metres wide along its length with 2 metre footways either side. All these measures will reduce the need for vehicles to park around the vehicular access point onto Coleshill Road. The Road Safety Audit Stage 1 concludes that the proposed access into the site is safe. Amended comments are awaited from the Highways Authority to confirm that they agree with the conclusions of this Audit.

With regards to the internal layout proposed, each property has a dedicated car parking space with many of the units having two spaces. There are also a number of visitor spaces proposed. Each unit also has access to a secure bike store or a private rear garden for storing bikes.

The private drives are intended to be engineered so that large vehicles such as the refuse collection vehicles and fire engines can use the drives without damaging the subsurface. Turning areas are also provided at the end of each drive. Bin stores are provided for the apartment blocks and temporary bin stores are provided at the end of each private drive.

The Highways Authority has no objections to the increase in traffic along the Coleshill Road as a result of this scheme. Improvements to the junction with Plough Hill Road are already being sought by residential schemes submitted to Nuneaton and Bedworth Borough Council along Plough Hill Road. The Highways Authority has requested a contribution towards a casualty reduction scheme at the junction between the B4114 Nuneaton Road and the B4112 Birmingham Road in Ansley.

As already mentioned the Highways Authority has also requested a contribution towards the provision of a pair of bus stops outside of the site to encourage occupiers of the proposed dwellings to use the public transport service along Coleshill Road. This bus service provides an hourly service into Nuneaton. There are further bus services available in Chapel End and Hartshill which provide a more frequent service into Atherstone and Nuneaton. These contributions will ensure that the proposal complies with Policy NW10 (5) of the Core Strategy which encourages sustainable forms of transport focussing on pedestrian access and provision of bike facilities.

As such, subject to the Highways Authority confirming that they have no objections to the proposal, it is considered that the amended scheme complies with Policy NW10 in the Core Strategy and saved policies TPT1, TPT3 and TPT6 in the North Warwickshire Local Plan 2006.

3) Potential Wildlife Site

Warwickshire Wildlife Trust object to the loss of woodland habitat along the disused railway which is identified by Natural England as Priority Habitat listed on Schedule 41 of the NERC Act (2006). The woodland has a key role in providing a connected corridor for wildlife and in particular bats. Through the use of WCC's Biodiversity Impact Assessment calculator, the original plans show a significant loss to biodiversity resulting from this development. The County's Ecologist also expresses concern regarding the loss of semi-natural broad-leaved woodland, a habitat of high distinctiveness.

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

Amended plans have been submitted which propose the retention of the woodland along the brook along with the retention of mature oak trees. The County's Ecologist agrees that there is scope to enhance this area of retained woodland to a 'good' condition through requiring a management plan and through introducing measures such as fencing and sensitive lighting to ensure that the disturbance from the adjacent housing is limited. The Ecological Appraisal submitted by the applicant recommends that where woodland and mature scattered trees are removed then these trees should be replaced at site level with extra heavy standards on a 1:1 ratio. Such species suggested include beech, English Oak and field maple. If 1:1 replacement is not possible within the development footprint, the report recommends that compensation should be made through a process of biodiversity offsetting. A financial contribution

towards habitat creation and maintenance on the adjoining Council owned land along the brook and within the recreational land in Ansley Common will also contribute to the loss of habitat across the whole of the site.

Survey reports for protected species using the site have been submitted. A slow worm has been found on the site along with bats using the site so appropriately worded conditions are suggested.

As stated earlier in the report, the whole of the site has been identified as a preferred housing allocation for Hartshill/Ansley Common in the Council's Draft Local Plan. The amended plans submitted show the retention of more semi-natural woodland habitat along the Barpool Brook. This has resulted in the number of residential units proposed being lowered to 72 units and more apartments being proposed which involve a smaller built footprint and no curtilages. Funding towards further habitat creation along the opposite side of the Barpool Brook and in the recreation ground in Ansley Common is also proposed. As such it is considered that in accordance with the requirements of the NPPF, significant harm to biodiversity is reduced through the retention of some of the semi-natural habitat and mitigated through the enhancement of areas adjoining the development site.

4) Surface Water Drainage Issues

An amended Flood Risk Assessment has been submitted following an initial objection received from Warwickshire County Council's Flood Management Team. The proposal includes a new surface water drainage system to be constructed to convey surface water runoff from the adopted highway, residential properties and private impermeable areas to the outfall. Surface water runoff will be attenuated within the piped network for storms up to and including 1 in 30 year event with a flood risk level set at 300mm below the cover level. Attenuation for storms up to and including 1 in 100 year plus 30% climate change events will be provided within the piped network and offline attenuation. Discharge from the surface water drainage system is to be controlled by a hydrobrake flow control to mimic existing greenfield conditions. Greenfield runoff rates have been calculated using WinDES as 1 in 1 year – 6.3 l/s; 1 in 30 year – 14.9 l/s; and, 1 in 100 year–19.5l/s.

Foul water effluent is to be discharged into the adopted Severn Trent Water combined water system in Coleshill Road. To ensure the quality of runoff leaving the site is treated to a suitable level as required by the Environment Agency, a number of sustainable drainage features will be incorporated into the development in accordance with Ciria Report C697 "The SuDS Manual."

The Flood Management Team has responded to the amended details by confirming that as the surface water outfall is proposed to be a new headwall constructed in the bank of the Bar Pool Brook adjacent to the development which will have a hydrobrake fitted, they have no objection to the proposal. They request that a planning condition is imposed on any consent granted.

Based on the above it is considered that the proposal complies with Policy NW10(12) in the Core Strategy in that the development will protect the quality and hydrology of ground or surface water sources so as to reduce the risk of pollution and flooding, on site or elsewhere.

5) Topography and residential amenity

A site topographical survey has been undertaken by the applicant that confirms that levels on site range from 115.890m AOD to 123.520m AOD with levels generally falling from the west where the elevated railway embankment is located to the south towards Coleshill Road and to the east towards the section of open watercourse.

The proposal is to remove the former railway embankment and distribute the material across the site lifting levels in the lower areas along the northern and eastern boundaries most. Lifting the levels in these areas will reduce the risk of flooding from the Bar Pool Brook which was highlighted by the Environment Agency surface water and reservoir flood mapping.

The proposal to increase the levels to the south and east of the site will lift the levels to those comparable to the surrounding area. The exception to this is the Bridleways Housing Estate to the north which will still be elevated compared to the development site.

In view of the variations in levels at the site, the height of a four storey apartment in this northern location will be comparable in height to the dwellings at the Bridleways Housing Estate. This boundary is already heavily wooded with mature trees which block direct views into the site. A vegetated wildlife corridor is also proposed along the banks of the Bar Pool Brook having a maximum width of 55 metres and a minimum width of 7 metres. As such there will be no significant loss of privacy or loss of light from the proposal for the residents to the north of the site.

With regards to the residents to the south and west of the site along Coleshill Road, the units are all orientated to have their rear gardens backing onto the rear gardens of these existing residential properties. In view of the distances involved between dwellings there will be no significant loss of privacy or loss of light from the proposal for the residents to the south and west of the site.

As such the proposal complies with Policy NW10 in the Core Strategy 2014.

6) Ground Contamination

The Pollution Control Officer confirms that further investigatory work will be required on the site as former railway lines can be a source of contamination and there is mention in the Phase 1 report regarding some waste stored (possibly flytipped) on the land. A planning condition is suggested which includes the need for additional testing of the site once it has been stripped. As such the "before commencement" part of the condition will require them to be able to carry out the stripping work. It is recommended that the stripping work is carried out in accordance with a Materials Management Plan. The Environment Agency also requests a similar worded condition in order to protect the water environment from ground contamination.

7) Affordable Housing

Policy NW6 requires that 40% of the dwellings shall be affordable units. The proposal has been submitted with 40% of the dwellings as affordable units - 85% of these being socially rented units. A planning condition is suggested to ensure that 40% of the units is affordable units whilst enabling the site to still benefit from a grant from the HCA.

The preferred developer for this site is Waterloo Housing and their intention is to deliver 100% of the units as affordable housing units on the site with 30 units being offered for shared ownership and the remainder being offered as socially rented units. However, the applicant has asked that the scheme be considered against the policy provision of 40% of the units being affordable units in case the site is developed by another housebuilder.

8) Design

Through the submission of amended plans, the layout has been redesigned with its emphasis on looking north over the retained landscaping. Connections have been provided through the site to the existing paths which surround the site. The dwellings have been re-orientated to look out over the northern edge to provide surveillance and security over this area which should encourage the areas to be used responsibly. The amount of adopted tarmac highway has been reduced to lessen the dominating appearance of highways and to retain more trees.

The design of the housing is contemporary relating to the period in which it is being developed. The apartment block includes balconies and render panels to add interest and break up the monotony of brickwork. The two storey dwellings also have brickwork detailing. Amended plans have been requested to add false dormers along the eaves, string courses between each unit and door canopies on all housing units. The use of dual aspect units helps to add interest to the street scene along the access road into the site. Two focal buildings are proposed at prominent nodes in the site being the entrance to the site and the possible entrance from the adjoining land.

A condition is suggested requiring the submission of details of materials and screen fencing. Overall it is considered that the scheme complies with Saved Policies ENV12 and ENV13 in the Core Strategy.

9) Access to services and education

A number of the objections received raise concerns about the pressure on the existing services in the area from the occupiers of these units. The Draft Section 106 Agreement includes contributions towards primary school places in Hartshill and towards open space provision in the area. There have been no objections raised by the NHS regarding the provision of medical services in the area.

Conclusions

The scheme involves the redevelopment of this vacant parcel of land adjoining the settlements of Hartshill and Ansley Common. The whole of the site has been identified as a preferred housing allocation for Hartshill/Ansley Common in the Council's Draft Local Plan. The only sizeable housing scheme to be approved to date in the area is the recent approval for Chapel End Social Club for 14 dwellings and so the minimum requirement of 400 houses in Hartshill with Ansley Common has yet to be achieved.

The scheme has been redesigned to retain a large area of vegetation including mature trees along the Bar Pool Brook. The housing has been redesigned to be of a more contemporary design. It is considered that subject to the Highways Authority having no objections to the scheme and subject to the signing of the Section 106 Agreement and the imposition of planning conditions then the scheme can be supported.

Recommendation

- A) That subject to the Highways Authority confirming it has no objections to the scheme and subject to the signing of the Section 106 Agreement on the basis as reported here, planning permission be granted and the following conditions be imposed on any consent granted:

Conditions

- 1) Standard time condition
- 2) Approved Plans
- 3) No development shall take place until detailed surface and foul water drainage schemes for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, have been submitted and approved in writing by the local planning authority in consultation with Warwickshire County Council. The scheme shall be subsequently implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall include:
 - a) Assessments of the nature of SuDS proposals to be used.
 - b) Infiltration testing, in accordance with BRE 365 guidance, to be completed and results submitted to demonstrate suitability (or otherwise) of the use of infiltration SuDS.
 - c) Evidence that the discharge rate generated by all rainfall events up to and including the 100 year plus 40% (allowance for climate change) critical rain storm has been limited to the site-specific greenfield runoff rates for all return periods.
 - d) Evidence of the condition, dimension and capacity of Bar Pool Brook at the proposed outfall location to ensure that the proposed discharge rates can be accommodated and does not present undue risk to the proposed and surrounding developments.
 - e) Demonstrate detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details of any attenuation features, and outfall arrangements. Calculations should demonstrate the performance of the drainage system for a range of return periods and storm durations of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.
 - f) Demonstrate that the surface water drainage system(s) are designed in accordance with CIRIA C753.
 - g) Demonstrate the proposed allowance for exceedance flow and associated overland flow routing.
 - h) Evidence from Severn Trent Water will be required granting approval of discharge of sewerage to their assets including discharge rate and connection points.
 - i) Provide a Maintenance Plan to the Local Planning Authority giving details on how the entire surface water system shall be maintained and managed after completion for the life time of the development. The name of the party responsible, including contact name and details, for the maintenance of all features within the communal areas onsite (outside of individual plot boundaries) shall be provided to the Local Planning Authority

REASON

To ensure that a satisfactory drainage scheme is implemented on site.

- 4) No works shall take place until an assessment of the nature and extent of contamination has been submitted to and approved in writing by the local planning authority. This assessment must be undertaken by suitably qualified and experienced persons, shall be based on a Phase I Assessment carried out for the site which has been previously agreed in writing with the local planning authority. The investigation must be carried out in accordance with the British Standard for the investigation of potentially contaminated land, and shall assess any contamination on the site, whether or not it originates on the site. Moreover, it must include:
- (i) A survey of the extent, scale and nature of contamination;
 - (ii) An assessment of the potential risks to:
 - Human health;
 - Property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;
 - Adjoining land;
 - Groundwater and surface waters;
 - Ecological systems; and,
 - Archaeological sites and ancient monuments.

REASON

To protect and enhance the water environment and in view of the interests of public health.

- 5) Should any contamination be found during the site investigation as required in condition number 4, a remediation method statement 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 site shall be remediated in accordance with the approved measures before development begins. The remediation shall be verified in accordance with a verification plan submitted as part of the remediation method statement and a verification report shall be submitted within three months of completion of the remediation.

REASON

To protect and enhance the water environment and in view of the interests of public health.

- 6) No development shall take place until:
- a) A Written Scheme of Investigation (WSI) for a programme of archaeological evaluative work shall be submitted to and approved in writing by the Local Planning Authority.
 - b) The programme of archaeological evaluative work and associated post-excavation analysis, report production and archive deposition detailed within the approved WSI shall be undertaken. A report detailing the results of this fieldwork shall be submitted to the Local Planning Authority
 - c) An Archaeological Mitigation Strategy document (including a WSI for any archaeological fieldwork proposed) shall be submitted to and approved in writing by the Local Planning Authority. This should detail a strategy to mitigate the archaeological impact of the proposed development and should be informed by the results of the archaeological evaluation.

The development, and any archaeological fieldwork post-excavation analysis, publication of results and archive deposition detailed in the Mitigation Strategy document, shall be undertaken in accordance with the approved Mitigation Strategy document.

REASON

In view of the site lying within an area of archaeological potential.

- 7) Condition relating to the protection of Slow worms and bats
- 8) Before the commencement of the development, a landscaping scheme shall be submitted to the Local Planning Authority for approval.

REASON

In view of the loss of mature trees and woodland as part of the proposal and in the interests of the amenity of the area.

- 9) The scheme referred to in Condition No 8 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 view of the loss of mature trees and woodland as part of the proposal and in the interests of the amenity of the area.

- 10) The development hereby permitted shall not be commenced until a scheme for the provision of adequate water supplies and fire hydrants, necessary for fire-fighting purposes 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.

- 11) The development hereby permitted shall not be commenced until details of how the affordable housing provision on the site, shall be owned and managed by a Registered Social Landlord. These details shall be submitted to the local planning authority for approval in writing and shall include a minimum of 40% of the total residential units being affordable housing units of which no less than 85% of these units shall be socially rented units with the remaining being shared ownership. Only the approved details shall then be implemented on site.

REASON

To ensure that a mixture of housing tenures is achieved on the site.

- 12) No development shall be commenced before samples of the:-
 - (a) facing materials
 - (b) facing bricks
 - (c) roofing tiles
 - (d) surfacing materials
 - (e) screen wall facing bricks

to be used have been submitted to and approved by the Local Planning Authority in writing. Only the approved materials shall then be used.

REASON

In the interest of the residential amenity of the area.

- 13) Highway Conditions

- B) That the County's Arborculturalist be instructed to inspect the trees to be retained on site with a view to issuing a Tree Preservation Order for the site.

BACKGROUND PAPERS

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

Planning Application No: PAP/2016/0199

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	11/4/16
2	Environment Agency	Consultation	10/5/16
3	County's Arboricultural Officer	Consultation	10/5/16
4	County's Flood Risk Management Officer	Consultation	14/4/16
5	County's Flood Risk Management Officer	Consultation	28/6/16
6	Atherstone Civic Society	Letter	4/5/16
7	Pollution Control Officer	Consultation	19/4/16
8	M Carpenter	Comments	16/4/16
9	Warwickshire Police	Consultation	15/4/16
10	Fire and Rescue Service	Consultation	4/6/16
11	Warwickshire Wildlife Trust	Consultation	5/5/16
12	I Roper	Objection	14/5/16
13	J Howle	Objection	24/5/16
14	J Keaerns	Objection	20/4/16
15	Ecological Assistant	Consultation	14/7/16
16	Pollution Control Officer	Consultation	14/7/16
17	S Wilkinson	Committee Report	16/5/16
18	Highways Authority	Consultation	14/7/16
19	Housing Officer	Consultation	23/8/16
20	Dr Griggs	Comments	27/4/16
21	C Sharp	Objection	4/5/16
22	S Hutt	Objection	10/5/16
23	Hartshill Parish Council	Objection	5/5/16
24	139 Coleshill Road	Objection	4/5/16
25	WCC Infrastructure Team	Consultation	May 2016
26	Warwickshire Wildlife Trust	Consultation	28/6/16
27	Ansley Parish Council	Objection	18/9/16
28	Highways Authority	Consultation	23/8/16
29	J Cheesman	Objection	18/9/16
30	Housing Officer	Consultation	22/9/16

31	Warwickshire Police	Consultation	20/9/16
32	C Noon	Objection	22/9/16
33	Atherstone Civic Society	Comments	21/9/16
34	Warwickshire Museum	Consultation	22/9/16
35	Local Plans Officer	Consultation	26/9/16

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.

Application No: PAP/2016/0199

Land to the rear of 145, Coleshill Road, Hartshill, CV10 0PG

Erection of 76 residential dwellings with proposed new vehicular access, landscaping and other associated infrastructure works, for

Westleigh Partnerships Ltd

Introduction

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

The application is also reported to Board for determination because one of the land owners is a Borough Councillor.

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

The Site

The site comprises some 1.73 hectares of green-field land to the north of Coleshill Road. The site is mainly woodland at the peripheries with overgrown grassland within the remainder of the site. The Bar Pool Brook bounds the site to the north with the residential development known as the Bridleways lying to the north of the Brook. To the east and south of the site are established fence lines which delineate the residential gardens of the properties along the Coleshill Road. To the west of the site lies the former railway embankment/line which is largely overgrown and is set some 2 metres above the remainder of the site. There is a gradual slope towards the brook to the eastern parameters of the application site of one metre and along the length from the front of the site to the far north a level change of approximately two metres. There is also approximately one metre difference between the street level and the front of the site along Coleshill Road, although at the access point the site is level with the adjoining highway.

There is a vehicular access onto Coleshill Road alongside number 145.

The site adjoins the development boundary for Hartshill and Ansley Common and is within a safe walking distance of the local shops, post office, GP surgery and schools. There is a bus stop within 140 metres of the site along Coleshill Road where the number 41 bus service provides access to Nuneaton and the surrounding villages at a frequency of one service per hour.

The larger outline site is illustrated at Appendix A.

The Proposal

The proposal relates to a full planning application for the erection of 76 dwelling houses accessed from one single vehicular access onto Coleshill Road. A mixture of one storey and two storey units are proposed ranging from two-bedroomed flats and two-bedroomed bungalows to two, three and four-bedroomed houses. The proposal is for 40% of these units to be affordable housing.

A small area of open space is shown alongside the Bar Pool Brook. Landscaping is shown within the site and on its periphery. Levels on site vary with the former railway embankment which runs along the western boundary being elevated above the site. It is proposed to remove the former railway embankment and distribute the material across the site lifting levels in the lower areas along the northern and eastern boundaries. It is stated that lifting the levels in these areas will reduce the risk of flooding from the Bar Pool Brook which was highlighted on the Environment Agency surface water and reservoir flood mapping.

The plans submitted assume that boundary retaining will be required to a maximum retained height of one metre along the western boundary which includes the gardens in Ansley Common, to a maximum retained height of 450mm along the northern boundary with the gardens in Coleshill Road, and, boundary retaining alongside the boundary with property number 145 Coleshill Road.

A substantial amount of supporting documentation has been submitted with this application which includes:

- Planning Statement
- Design and Access Statement
- Arboricultural Implications Study
- Preliminary Ecological Appraisal
- Phase 1 Site Appraisal
- Flood Risk Assessment
- Section 106 Draft Heads of Terms
- Engineering Layout Drawing
- Landscape Proposal Plans
- Topographical Survey

The following Draft Heads of Terms are submitted:

- 40% affordable housing provision which equates to 30 affordable dwellings on site, with the full break down of the affordable housing to be provided on site as follows:

Dwelling Type	Shared Ownership	Rented
1 bed	0	6
2 bed	5	11
3 bed	2	4
4 bed	0	2

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

Education
 Health Services
 Public Open Space
 Biodiversity Off-setting
 Public Transport

Development Plan

North Warwickshire's Core Strategy Adopted October 2014 - NW1 (Sustainable Development); NW2 (Settlement Hierarchy), NW4 (Housing Development), NW5 (Split of Housing Numbers), NW6 (Affordable Housing Provision), NW9 (Employment), NW10 (Development Considerations), NW11 (Renewable Energy and Energy Efficiency), NW12 (Quality of Development), NW13 (Natural Environment), NW16 (Green Infrastructure) and NW22 (Infrastructure).

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

Other Material Planning Considerations

National Planning Policy Framework 2012 (NPPF)

The Council's Draft Pre-Submission Site Allocations Plan 2014

Observations

The site lies outside of the Development Boundary for Hartshill and Ansley Common. Policy NW2 in North Warwickshire's Core Strategy states that residential development for local service centres such as Hartshill and Ansley Common will be considered where sites adjoin the development boundary. The site has been identified as a preferred housing allocation for Hartshill/Ansley Common in the Council's emerging Local Plan Site Allocations Plan

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

- 1) **Sustainability** - That the sustainability of the site is assessed to ensure that residential development is appropriate for this site and that such a development scheme will be easily assimilated into the neighbouring settlements of Hartshill and Ansley Common.
- 2) **Infrastructure** - That the existing infrastructure is able to accommodate this level of development in this location. In particular, there is an issue that the proposed development scheme may impact on the highway safety of road and pedestrian users along Coleshill Road and with the junction onto Plough Hill Road. The proposal involves the creation of an upgraded vehicular access onto Coleshill

Road. Policy NW10 and Saved Policies ENV14 and TPT3 stress the importance of ensuring that the vehicular access to the site is safe and the need to demonstrate that priority is given to pedestrians, cyclists and those using public transport.

- 3) **Potential Wildlife Site** - The proposal involves the loss of a green field site and a large amount of vegetation. The proposed development will require the removal of much of the site's grassland and woodland areas, including the felling of several mature trees. The trees along the eastern boundary of the site are protected by a Tree Preservation Order. The site has also been designated as a potential wildlife site and Policy NW15 (Nature Conservation) states that Sites of Local Importance for Nature Conservation will only be permitted where the benefits of the development outweigh the nature conservation value of the site and the contribution it makes to the Borough's ecological network.
- 4) **Surface Water Drainage Issues** – The site includes a brook where there have been local reports of flooding along its length. A Flood Risk Assessment has been submitted with the application. The proposal is to raise the ground levels alongside the Bar Pool Brook.
- 5) **Topography** – The former railway embankment/line is set some 2 metres above the remainder of the site. There is a gradual slope towards the brook to the eastern part of the application site of one metre and along the length from the front of the site to the far north a level change of approximately two metres. There is also approximately one metre difference between the street level and the front of the site along Coleshill Road. It is proposed to remove the former railway embankment and distribute the material across the site lifting levels in the lower areas along the northern and eastern boundaries. These alterations in levels on the site need to be assessed to ensure that the development scheme does not have a detrimental impact on the surroundings area. The Drainage Authorities will also have comments on the raising of the land adjoining the Bar Pool Brook.
- 6) **Ground Contamination** – The site lies within an area of previous coal mining. As such, the stability of the land will need to be assessed. There is also the potential for the land to be contaminated from previous uses. A Phase 1 Site Appraisal has been submitted investigating the former uses of the land.
- 7) **Residential Amenity** - The proposed development scheme has the potential to impact on the residential amenity of neighbouring properties by virtue of overlooking, loss of privacy and disturbance due to traffic. Policy NW10 seeks to ensure that development proposals avoid and address unacceptable impacts upon neighbouring amenities through overlooking, overshadowing, noise, light, fumes or other pollution.
- 8) **Affordable Housing** - The proposed development scheme does include an affordable housing provision of 40% of the dwelling houses as required under Policy NW6 (Affordable Housing Provision). The provision includes rented housing as well as shared ownership. The mix of housing types and tenures will need to be agreed with the Housing Officer.

Recommendation

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

BACKGROUND PAPERS

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

Planning Application No: PAP/2016/0199

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant's Agent	Application Forms, Plans and Statements	8/4/2016

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.

Revision	Date
A	27.03.2013
B	27.03.2013
C	19.03.2014
D	19.03.2014
E	24.05.2015
F	25.08.2015
G	19.03.2015
H	29.09.2015
I	08.10.2015
J	03.11.2015
K	03.11.2015
L	11.12.2015
M	04.02.2016
N	18.02.2016
O	18.02.2016
P	20.02.2016
Q	03.03.2016
R	11.03.2016
S	20.03.2016
T	20.03.2016

- C. Entrance road amended
- D. Plans amended
- E. Entrance and parking
- F. Layout updated, also revised
- G. Plans amended
- H. Plans amended
- I. Plans amended
- J. Plans amended
- K. Plans amended
- L. Plans amended
- M. Plans amended
- N. Plans amended
- O. Plans amended
- P. Plans amended
- Q. Plans amended
- R. Plans amended
- S. Plans amended
- T. Plans amended

Architects - Project Managers - Quantity Surveyors
 130 New Walk
 Leicester LE1 7JA
 Tel: 0116 204 5900 Fax: 0116 204 5901
 email: design@pcc.co.uk www.pcc.co.uk

Project	Coleshill Road
Client	Westleigh
Site	Site Layout
Scale	4000 @ A0
Date	20.03.2016
Drawn	NP
Checked	RAW

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Member Site Visit 15 June 2016

PAP/2016/0199 – Land to the rear of 145 Coleshill Road, Hartshill

Present:

Cllrs Davey, Humphreys, Phillips, Simpson, Sweet, A. Wright
S. Wilkinson

The site visit started on Coleshill Road. Members looked at the vehicular access proposed onto Coleshill Road. They then walked into the site along the proposed vehicular access. Members viewed the site alongside the rear gardens of the properties in Coleshill Road. They looked across the site to the properties on the Bridleways development in Hartshill and looked at the vegetation along the Bar Pool Brook.

Members then looked across the site towards the railway embankment along the properties in Ansley Common. Due to the heavy rainfall occurring at the time Members did not walk further into the site. They were encouraged to drive to Laurel Drive and observe the site from the railway embankment when the weather has improved.

SMW 16/06/2016

(4) Application No: PAP/2016/0249

**Former Police Station, Park Road/Birmingham Road, Coleshill
Demolition of existing police station building and construction of four storey
(including basement) Care Home (Use Class C2) with associated car parking for**

Restfull Homes Developments Ltd

Introduction

This item was deferred at the August Board meeting pending further discussion with the applicant over the approach taken for the design of the building.

A meeting has taken place with Members and a note is attached at Appendix A.

A copy of the previous report is attached as Appendix B for convenience.

Further Discussion

The views expressed by the Board at its August meeting triggering the deferment revolved around the approach taken to the design of this proposal. Members were of the view that the site was prominent and that it stood as a “gateway” into Coleshill. Consequently the design approach taken, particularly at the roundabout frontage, should reflect the town’s character such that the redevelopment of the site would identify the town’s distinctiveness.

These matters were discussed at the meeting referred to above.

Following the meeting the applicant revised the approach and has now submitted amended plans. In essence these show a more “traditional” elevation facing the roundabout reflecting the appearance of the town’s High Street. The remainder of the site retains the more contemporary approach adopted in the original submission. The overall layout remains almost exactly as before and all access and parking arrangements remain as per the plans reported to the August Board meeting.

The amended plan showing the layout is at Appendix C. Appendix D has the new elevations for the roundabout frontage and the long elevations where the sides of that new front block would also be different. The original submissions are also included in this Appendix such that Members can see the differences.

Re-Consultation

Re-consultation has taken place with the surrounding neighbours. All responses will be reported to the Board at the meeting.

Development Plan

There have been no changes to the Development Plan since the August meeting

Other Material Planning Considerations

Members will be aware that the new draft Local Plan for North Warwickshire is now available for initial comments. The LDF Committee on 3 August added the allotment site adjoining the current application site for housing purposes into this draft, in lieu of a site elsewhere in Coleshill.

Observations

The deferment has enabled a different approach to be adopted to the design of the A446 frontage. This has resulted in a more traditional block on the main roundabout frontage. This reflects the appearance and character of the High Street street scene. The more contemporary appearance as submitted originally, continues behind this revised front block. Members should also note that this change has led to a lowering of the section of the building immediately at the rear of the new frontage block – see Appendix D. The overall site layout is retained as are the parking and access arrangements. Members therefore should decide whether the revisions overcome their concern.

The policy on which this particular issue rests is NW12 of the Core Strategy. Members should consider whether the proposal demonstrates a positive improvement to the character and appearance of the settlement. The NPPF advises that architectural styles and “tastes” should not be imposed, but that it is proper to seek to promote or reinforce local distinctiveness. If Members consider that the proposals now do accord with these criteria then support can be given to the revisions.

Members will be aware of the change in planning considerations with the decision of the LDF Committee to include land adjoining this site for residential development in the draft Local Plan for North Warwickshire. Access to this site may have to be through the application site. Members are advised that this draft Local Plan is a consideration but that it presently carries some weight but not full weight because it as yet has not been the subject of consultation. Consideration of a refusal based on it should be treated with caution. The current application should be determined on its own merits. If acceptable then planning permission should be granted. It is a matter for the land owner then to decide whether or not to proceed. The applicant here is the prospective purchaser and the final disposal of the site is a matter for the two parties involved, not the Council.

Recommendation

That planning permission be granted subject to the conditions attached in Appendix B but altered so as to reflect the revised plans where appropriate.

BACKGROUND PAPERS

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

Planning Application No: PAP/2016/0249

Background Paper No	Author	Nature of Background Paper	Date
1	Head of Development Control	Letter	4/8/16
2	Ansons	Letter	5/8/16
3	Head of Development Control	Letter	9/8/16
4	Applicant	Revised Plans	23/8/16

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

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

PAP/2016/0249
The Former Coleshill Police Station

Meeting at The Council Offices – 5pm 24th August 2016

Present:

Councillors Ingram, Jones, Simpson and Sweet
The architect for the applicant and two representatives of Restfull Homes Ltd.
J Brown NWBC

1. Members explained why they had concerns with the approach to the proposed design – this was an entrance into Coleshill; the site needed to say “Coleshill” thus reflecting the distinctive character of the town as a Georgian coaching town. Members referred to the High Street and to the new developments around the Morrison’s Supermarket. Members considered that the design was not “bespoke” in that it and the other examples of the applicant’s schemes locally all generally looked the same and reflected a more modern suburban or urban setting.
2. The Applicants explained that the design needed to reflect the function and use of the building – good lighting, large rooms and a good outlook. The site lent itself to a large building which could take advantage of the sloping site. It had to be set back from the road because of highway arrangements. The site had to be seen in context. The setting here was not the High Street.
3. It was agreed by Members that removal of the render panels would not address their fundamental issue.
4. The applicants explained that a “Georgian” approach would not fit with the purpose of the building and really didn’t fit either with such a large scale massing. No buildings in the High Street had this kind of mass and built form
5. As it appeared that there was little agreement, two other options were raised. First, taking a completely contemporary approach – glass/steel and/or concrete. The second was to have a series of linked blocks. In respect of this then the frontage block could perhaps reflect a Georgian style and the blocks could then become more contemporary as one moved back into the site.
6. The applicants agreed to re-think the approach but they would prefer their submitted scheme.
7. The determination of the application could be dealt with at the October Board meeting.

Application No: PAP/2016/0249

Former Police Station, Park Road/Birmingham Road, Coleshill, Warwickshire, B46 1DJ

Demolition of existing police station building and construction of four storey (including basement) Care Home (use class C2), with associated car parking, for Restfull Homes Developments Ltd

Introduction

This application was reported to the Planning Board at its June meeting when it resolved to undertake a site visit. This has now taken place and the matter is referred back to the Board for determination. The previous report is attached at Appendix A and a note of the site visit is at Appendix B.

It is not proposed to include matters already referred to in the earlier report again, but it should be treated as an integral part of the overall consideration of this application.

Representations

Coleshill Town Council – The Town Council is concerned that its use as a care home would present difficulties in finding sites elsewhere in Coleshill for the new housing required by the Core Strategy. In respect of other matters then: the parking provision is inadequate; the height is too visible and there are no other buildings of this height in the town and the feature window and rendered panels are not in-keeping. The Council wish to seek Section 106 contributions for Memorial Park improvements; alterations to the access design to make ingress easier, improvements to the allotment access and more landscaping at the front.

Coleshill Civic Society - The Society has no objection in principle to this “ambitious scheme” but has some concerns about its scale and mass in its setting.

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

- Lack of car parking space resulting in on-street parking on the access road
- This is a “hospital” not a care home
- Residents will suffer from noise from the A446
- The air quality in the area could affect residents
- The proposal is too “bulky”; too high and doesn’t address the site’s shape
- The speed of traffic on the roundabout
- Will there be delivery hours’ restrictions?
- The style is not in keeping with the town’s character.

One letter of support refers to:

- This will develop an empty site with a much needed service together with providing new jobs

The Coleshill Fire Station Commander has raised a number of issues. In summary these conclude that the development would increase the risk to fire vehicles and crew when they attend an emergency due to the conflicting traffic movements close to the roundabout. The full representation is at Appendix C

Consultations

Warwickshire Police (Architectural Liaison) – No objection

Warwickshire County Highways – No objection subject to conditions

Warwickshire County Lead Local Flood Authority – Originally lodged an objection requiring additional detail. This has been submitted and the objection is expected to be withdrawn. A verbal update will be given at the meeting.

Warwick Museum – No comments to make

Warwickshire Infrastructure - Seeks Section 106 contributions for improvements to the two nearest bus stops in the High Street

Public Health (Warwickshire) – It supports the proposal.

Environmental Health Officer – Noise attenuation measures will be need to added into the construction together with other standard condition.

Observations

a) Introduction

This site is inside the development boundary defined for Coleshill in the Development Plan. Moreover Policies NW2 and NW5 of the Core Strategy direct new development to the Borough's main settlements and Coleshill is identified as a Market Town where a minimum of 275 new dwellings would be appropriate. Moreover in order to assist in the delivery of this provision the Council's draft Site Allocation Plan actually identifies this site as one of a number of preferred locations in the town. Given this background and the range of services and local facilities in the town, it is considered that this proposal is sustainable development within the context of the National Planning Policy Framework and the Core Strategy. As such there is no objection in principle to this proposal.

In respect of the Town Council's observation then technically it is correct by saying that these are not strictly "dwellings", but there are four material considerations that apply here which would weigh heavily against a refusal on these grounds. Firstly new development of whatever kind is supported in principle within a development boundary. Secondly, the proposal is likely to have residents who are already live in Coleshill thus "freeing up" the availability of existing houses in the town. Thirdly the figure quoted in Core Strategy policy NW5 is a "minimum" of 275 dwellings, not a maximum. Finally and most significantly Members will be aware that at the meeting of the LDF Sub-Committee a few days before this Board meeting, a new emerging Local Plan for North Warwickshire was tabled whereby the overall housing figure in the Core Strategy is to be increased substantially.

Normally on a site of this size, location and with this scale of development, the Council would be seeking either an on-site provision or an off-site contribution in lieu, for affordable housing. However this proposal is for a C2 residential care home with a strong focus on occupancy by those suffering from dementia. The Council would not seek affordable provision in these circumstances given the expanding need for this type of care home. The main issues here are thus going to revolve around detailed concerns, some of which have already been mentioned above in the representations section above. These will be looked at in turn.

b) Highways

There are no proposed changes to the existing access arrangements that were used when the Police Station was fully operational. The Highway Authority raises no objection as it considers that the traffic generation from the proposed use is likely to be no greater than that generated from the previous full use of the site. A number of standard conditions are however recommended. This Highway Authority position has however been challenged. That Authority was first requested to review this position in light of the concerns expressed by the Fire Commanding Officer. It does however not wish to alter its conclusion. It considers that the fire station access arrangements were in place when the Police Station was in full use and that they continue today. There was in its view therefore always a risk of conflicting movements. The Authority takes the view that that risk is not increased with the proposed development because as indicated above, there is not likely to be an increased traffic generation arising from the proposal. The applicant would also argue that it is not his responsibility to resolve existing highway concerns. However in recognition of the concerns, a set of additional mitigation measures are recommended by the Highway Authority. These relate to a series of road markings and warning notices at the point of egress onto the drive. The applicant is prepared to implement these and has amended the plans accordingly. As a consequence it is considered that these now represent the best balance between all of the different interests on this issue.

The other issue that has been put to the Highway Authority is the matter of parking. In short the concern is that there is inadequate provision. The proposal is for a residential care home including a dementia unit. Traffic generation in these circumstances will be less than if this was a development of 90 residential flats or apartments. The Council has no recognised car parking standard for residential care homes. The Highway Authority confirms however that the provision here accords with other such sites throughout the County and thus it has no objection to the proposal. It would not do so if it considered that there was a significant risk of on-street car parking. The majority of cars visiting the premises are going to be by visitors and staff with the latter being the most significant. The applicant states that on a three shift system the staffing levels would be 30 for the morning shift; 22 for the afternoon and 9 during the night. This would require some 30 staff spaces if there was no car sharing/use of public transport and/or walking and cycling. With a reduction say to 25 for these factors, that would leave between 19 spaces for visitors. However as can be seen above the ratio of staff space to visitor space reduces significantly throughout the day. With the provision of a Travel Plan included as a condition in the grant of any planning permission, and given the explanation above, it is acknowledged that car parking provision is acceptable. Members will know that without the support for a refusal from the Highway Authority or

in this case, evidence from other similar sized establishments where on-street car parking issues are being caused, a refusal could not be recommended.

c) Design

Members will know that the site is not in nor does it adjoin a Conservation Area and neither is it close to a heritage asset. Policy NW12 of the Core Strategy is thus the relevant policy in respect of design issues. This says that the development should “positively improve a settlement’s character, appearance and environmental quality”. It is considered that the proposal does achieve this objective. It is clear that this is a significant improvement over the existing appearance of the site and its buildings. However a number of issues have been raised in the representations.

The first is its height. Members will have seen from their visit and from the submitted plans and sections that the reference to a four storey building is a misrepresentation. The majority of the development is three storey with the fourth – as described in the actual proposed description - being a basement. That is located in the centre of the site where the slopes enable it to be provided easily without affecting the overall height of the whole building. Members are referred to the drawings at Appendix D. The overall impact of the development is as a three storey building – as viewed from the A446 and the Memorial Park, the most public vantage points. This therefore should not be an issue.

The second matter is its massing. However there are several issues here. The development is visible from all sides and thus the massing proposed helps here by promoting a consistent approach around the whole site. Additionally the site “sits” very well into the local setting – using the slopes but not imposing on the Coleshill skyline further to the east (see Appendix E). Moreover the elevations are diverse and the longer elevations have been designed to break up the horizontal line. In these circumstances the potential adverse impact arising because of “massing” is materially mitigated.

The final matter is the appearance of the building. It is true that the approach taken here is not reflective of the Coleshill High Street. There are again several factors that need to be considered. Firstly, the site is not within or adjoining the Conservation Area and thus there is no statutory duty here for the Council to “preserve or enhance” the character or appearance of the locality. Members will agree that “preservation” of the existing is not an approach to be followed. But it is entirely valid for the Board to decide what the character and appearance of the locality is and then assess the impact of the proposal on that description. The setting here is mixed – residential but affected by the A446, the M42 Motorway, the Birmingham skyline and the potential HS2 line. It is considered that the site here is an “outward” looking site on the edge of Coleshill without a strong physical connection with the town’s historic centre. In other words a more contemporary approach is entirely appropriate to the actual setting. A “strong” frontage development here is the key issue – and the proposal performs that task. Secondly, it is not considered that replicating a “Georgian-style” building here would be appropriate given the size and scale of the development actually required. Such buildings would be appropriate for a large house, but this is not what is being proposed here. This is a large building covering a large site – a different approach is required.

Members are reminded that the scope for refusing planning permission on design grounds is limited. In this case the Board is directed back to the wording of the Council's own policy as set out above and assess the appearance of the proposal within its actual setting. It is considered that this development does positively improve this part of Coleshill.

d) Other Matters

It is noticeable that there have not been a number of objections due to the loss of residential amenity. This may well be due to separation distances and to the design of the elevation closest to the frontage residential development along the Birmingham Road. Planning conditions can be included in the grant of any planning permission relating to delivery hours. Members will have seen the requests made above for Section 106 contributions. The Board is reminded of the statutory background to such contributions and the strict regulations governing their applicability. None of those mentioned are considered to meet these regulations. The requirement for improvements to bus stops has no direct link to the proposal. This work is an existing issue and the development is unlikely to have any impact making it worse. The work is desirable whether or not this development takes place, it is not dependent upon it. Similarly contributions to the improvements at the Memorial Park are not related to the development. These improvements are not consequential to the development. In both cases Members are advised to give no weight to these items. If the Town Council or the County Council wish to make or enter into a private agreement with the applicant for such provisions then that is matter to be dealt with outside of the determination of this application.

Recommendation

That subject to no objection being received from the Lead Local Flood Authority, planning permission be **GRANTED** subject to the following conditions together with any required by that Authority.

1. Standard Three year condition

2. Standard Plan numbers condition – plan numbers 3248/01A; 10B, 11B, 12B, 13B, 14B, 20C, 21C and 22B received on 28/4/16 and plan number 3248/05C received on 22/7/16 together with the Travel Plan received on 28/4/16

Pre-Commencement Conditions

3. No development shall commence on site other than demolition, until full details for acoustically treated glazing, ventilation and extraction together with specifications for all refrigeration and air conditioning units and any other fixed plant have first been submitted to and agreed in writing by the Local Planning Authority. Only the approved details shall then be installed on site.

REASON

In the interests of reducing the risk of noise emissions and for the benefit of the residents.

4. No work shall commence on site other than demolition, until a site investigation of the nature and extent of contamination has first been submitted to and approved in writing by the Local Planning Authority. This shall include a Preliminary Unexploded Ordnance Assessment. This investigation shall make recommendations as to mitigation measures to render the site suitable for the development as well as the verification requirements to be tested upon completion of those measures.

REASON

In the interests of reducing the risk of pollution.

5. No work shall commence on site other than demolition until all mitigation measures and verification procedures as approved in writing consequent to condition (4) have first been undertaken in full to the written satisfaction of the Local Planning Authority

REASON

In the interests of reducing the risk of pollution.

6. No work shall commence on site other than demolition until full details of all facing, roofing and surfacing materials together with all boundary treatments have first been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall then be used on site.

REASON

In the interests of the visual amenities of the area

7. No work shall commence on site other than demolition until full landscaping details have first been submitted to and approved by the Local Planning Authority in writing. Only the approved details shall then be implemented on site.

REASON

In the interests of the visual amenities of the area.

8. No work shall commence on site other than demolition until a Construction Management Plan has first been submitted to and approved in writing by the Local Planning Authority. This Plan shall also include management measures for the demolition phase of the development; a phasing plan, an HGV routing plan, details of working and delivery hours, the location of the site compound and details of the contacts for the site managers. There shall also be reference to the measures to be taken in respect of the use of the egress in recognition of its access to the fire station access. The development shall proceed only in accordance with the approved Plan

REASON

In the interests of the residential amenities of the area and in the interests of highway safety.

9. No work shall commence on the demolition of the buildings on the site until the site access and egress have been laid out and fully implemented in accordance with the approved plan number 3248/05C.

REASON

In the interests of highway safety

10. No work shall commence on site other than demolition until details of the hours to be operated for deliveries to the site once completed and occupied have first been submitted to and approved in writing by the Local Planning Authority. Only those hours shall then be used on site.

REASON

In the interests of the residential amenities of nearby occupiers.

Pre-occupation conditions

11. There shall be no occupation of the development hereby approved until the whole of the access and egress measures, car parking arrangements, delivery and turning areas together with the measures included in the adjoining access road have been fully completed to the written satisfaction of the Local Planning Authority.

REASON

In the interests of highway safety.

Other Conditions

12. In respect of condition (8) above, no HGV movements during demolition and construction shall take place during 0730 to 0900 hours and between 1630 and 1800 hours on Mondays to Fridays inclusive.

REASON

In the interests of highway safety.

Notes

1. The Local Planning Authority has met the requirements of the National Planning Policy Framework in this case through responding to consultation responses through the submission of amended plans in order to address the planning issues arising from the proposals

2. Attention is drawn to Section 284 of the Highways Act 1980 in respect of the measures shown on the approved plan.

BACKGROUND PAPERS

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

Planning Application No: PAP/2016/0249

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	28/4/16
2	Coleshill Civic Society	Representation	21/6/16
3	J Smyth	Representation	8/6/16
4	Coleshill Town Council	Representation	1/6/16
5	Mrs Trefine	Representation	27/5/16
6	Mrs Starkey	Representation	2/6/16
7	Mr Axe	Representation	18/5/16
8	Mrs Bond	Representation	15/5/16
9	WCC Highways	Consultation	20/7/16
10	WCC Highways	Consultation	14/7/16
11	Coleshill Fire Station Commander	Representation	1/6/16
12	Warwickshire Infrastructure	Consultation	29/6/16
13	Public Health	Consultation	
14	WCC Flooding	Consultation	22/6/16
15	Warwickshire Museum	Consultation	2/6/16
16	Environmental Health Officer	Consultation	27/5/16
17	Assistant Director (Housing)	Consultation	23/5/16
18	Warwickshire Police	Consultation	19/5/16
19	Environmental Health Officer	Consultation	13/5/16
20	WCC Flooding	Consultation	25/7/16

(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 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

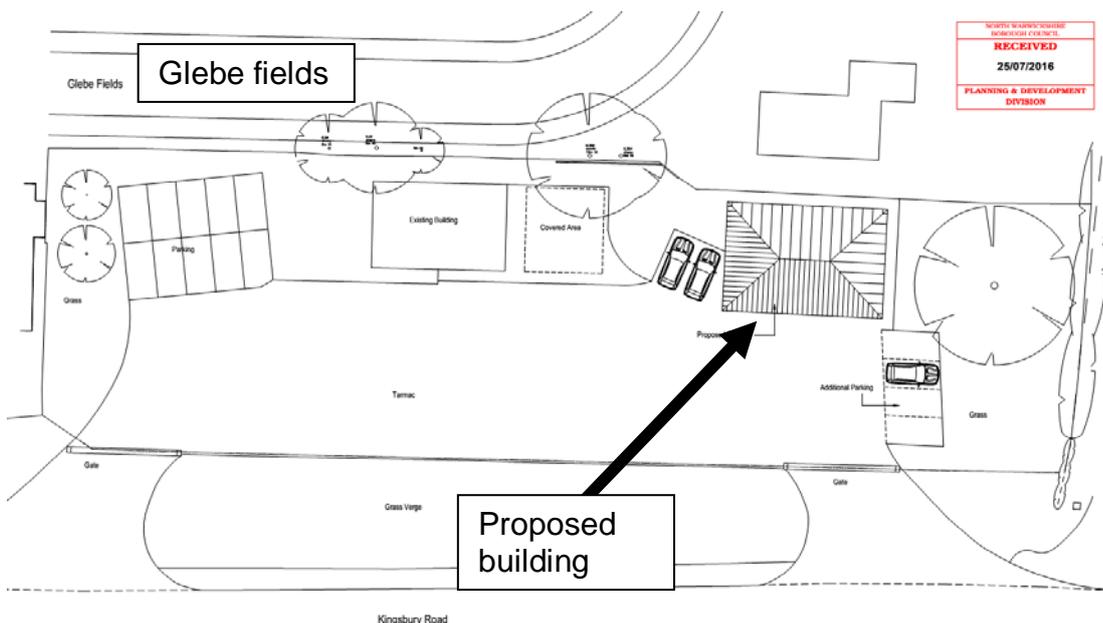
The site lies on the edge of Curdworth and is accessed along the main Kingsbury Road, which goes from the M42/M6Toll/A446 junction towards Minworth and Birmingham. The site is generally flat. To the south east boundary is Glebefields, a residential street and is close to existing residential properties.

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

The National Planning Policy Framework 2012
The National Planning Policy Guidance 2014

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

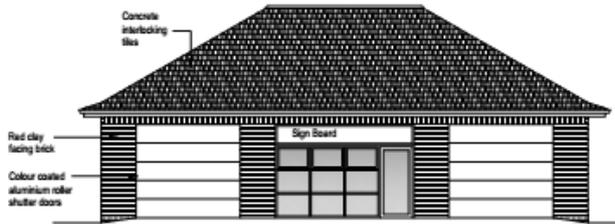
Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	23/5/2016
2	WCC Fire	Consultation response	4/7/16
3	NWBC Env Health	Consultation response	4/7/16
4	NWBC Env Health	Consultation response	29/7/16
5	Coleshill Civic Society	Consultation 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
35	Case Officer	Email to agent	23/6/16
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
46	Agent	Email to case officer	10/8/16
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
58	Case officer	Email to agent	5/9/16
59	Agent	Email to case officer	5/9/16
60	Agent	Email to case officer	5/9/16
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

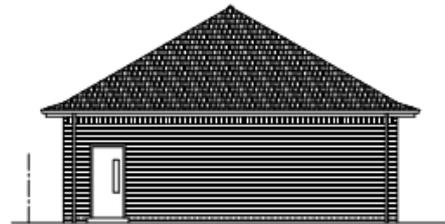
Note: This list of background papers excludes published documents which may be referred to in the report, such as The Development Plan and Planning Policy Guidance Notes.

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.

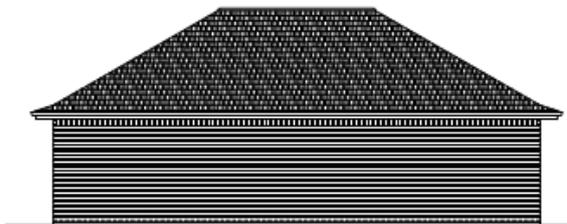
Appendix 1 – Relevant Plans



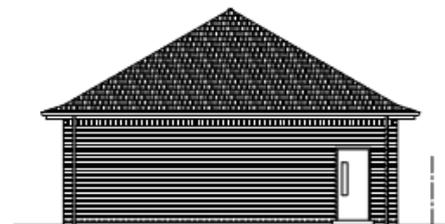
Front [north]



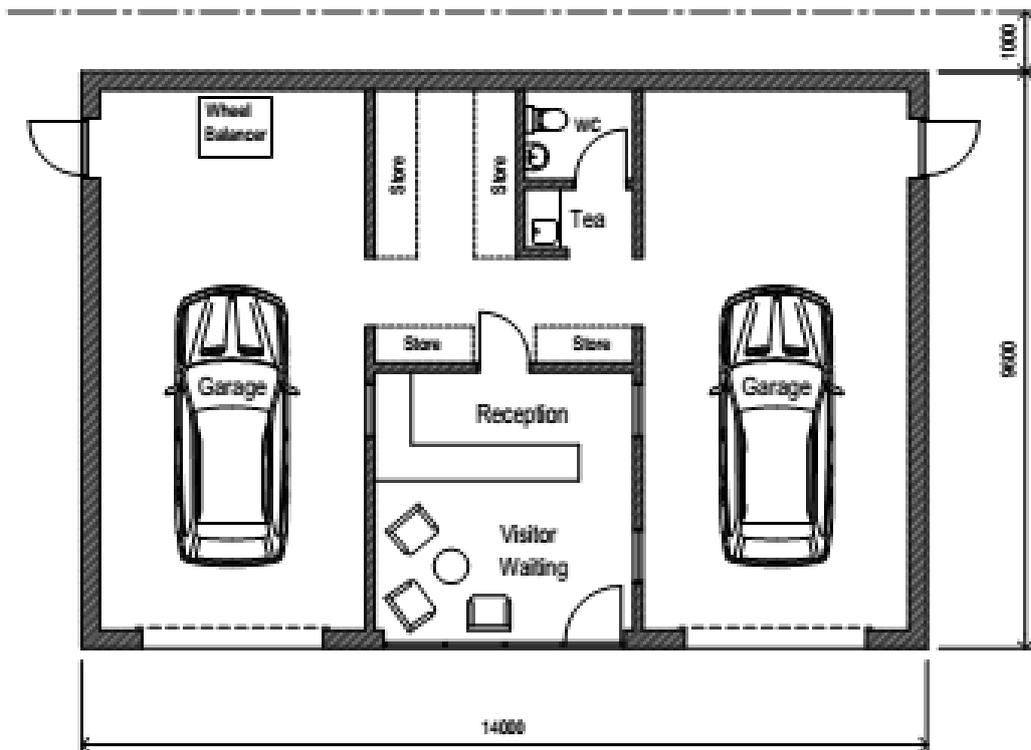
Side [east]



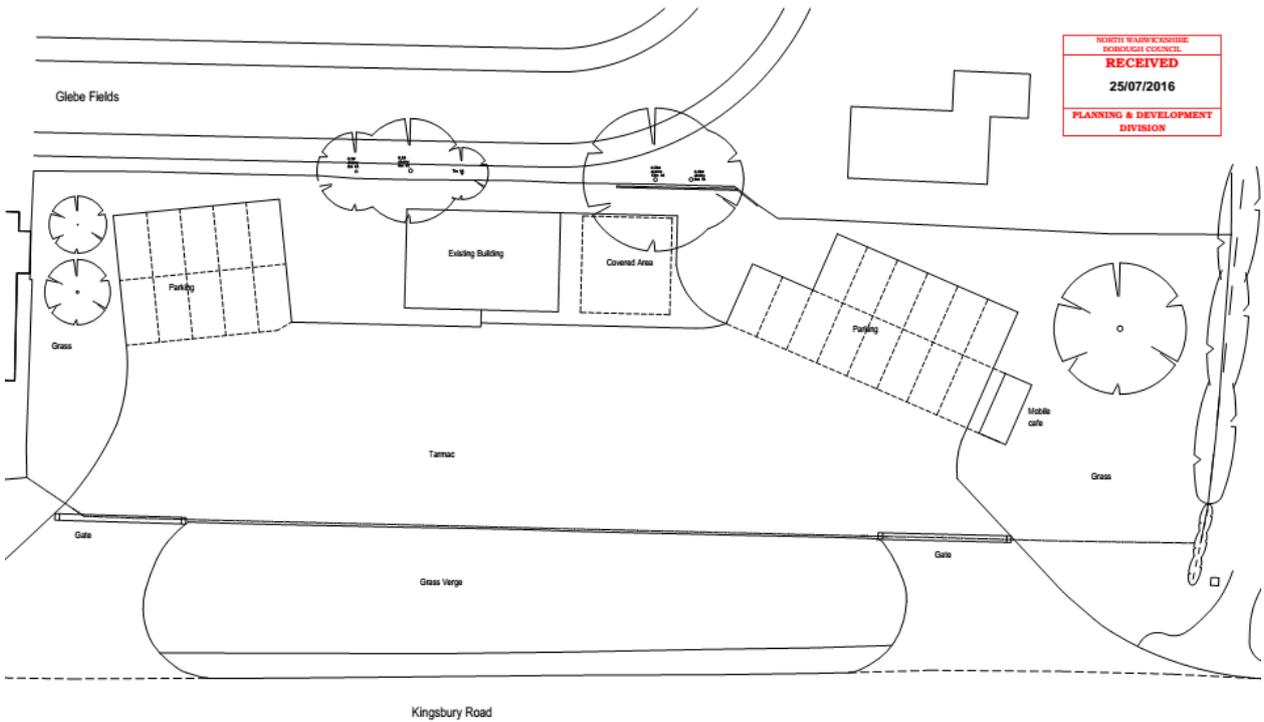
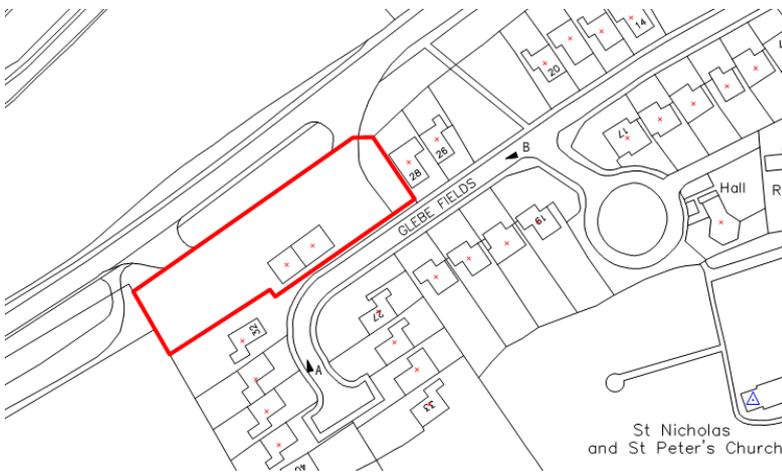
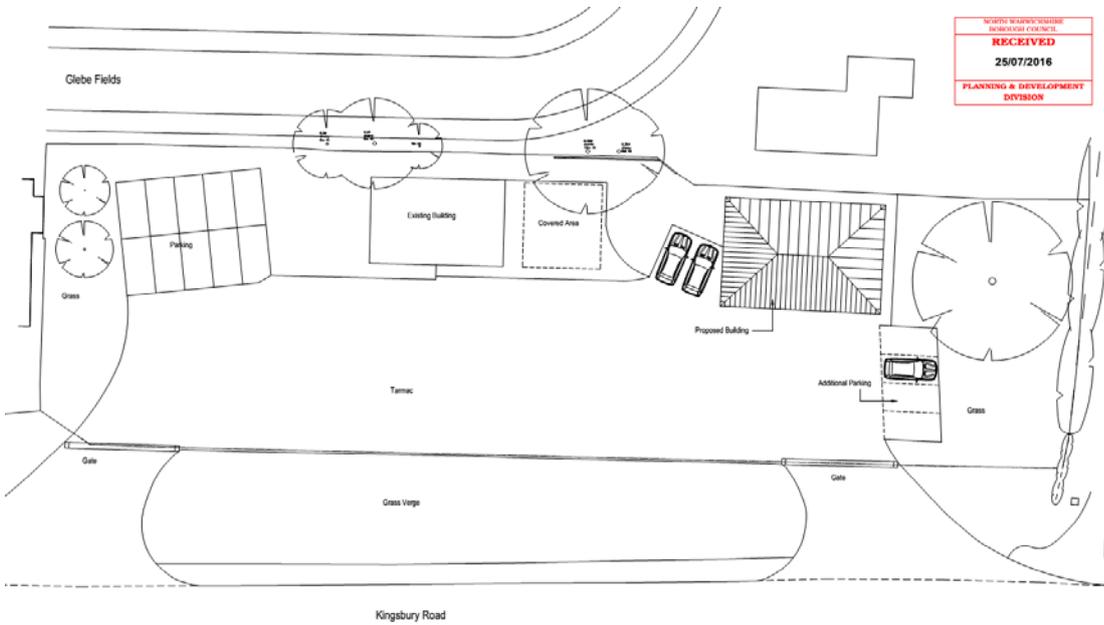
Rear [south]



Side [west]



Ground Floor Plan



Appendix 2 -

Photographs



