

Agenda Item No 4

Planning and Development Board

13 June 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, 11 July 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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3	PAP/2015/0587 PAP/2015/0691	44	Land to the rear of 6-20, Spon Lane, Grendon, Outline application - residential development 14 dwellings, open space and access Land To The Rear Of 20a Spon Lane, Grendon, CV9 2PD Residential development of 4 no: 4 bedroom dwellings and attached garages	General
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5	PAP/2016/0233	105	Hartshill School, Church Road, Hartshill, Removal of existing cladding and installation of new cladding to existing sports hall with single storey extension to attached existing changing block	General
6	PAP/2016/0249	111	Former Police Station, Park Road / Birmingham Road, Coleshill, Warwickshire, Demolition of existing police station building. Construction of four storey (including basement) Care Home (use class C2), with associated car parking.	General

(1) Application No: PAP/2013/0164

Homer House, Kingswood Avenue, Corley

Application under Section 106B of the Town and Country Planning Act 1990 to continue the development without the affordable housing requirement, for

Mrs Mayne

Introduction

This is not a planning application.

The Growth and Infrastructure Act 2013 introduced changes to Section 106 of the 1990 Town and Country Planning Act. One of these was specifically focussed on affordable housing requirements already contained within Section 106 Agreements. An application can now be made for those requirements to be modified or removed from an Agreement. This is one such application.

The applicant sought the removal of the contribution in this case and the matter was referred to the Board in December last year. Rather than remove the contribution the Board requested that it be retained but re-calculated at the time of completion. In this way the actual development costs could be used in that calculation as well as the value of the property when completed. The Board accepted that at that time the contribution might be less than the amount presently included in the Agreement – namely £7k. The applicant agreed to this approach and had instructed a solicitor to submit a Deed of Variation to the Agreement.

The previous report is attached at Appendix A for convenience/

Changed Circumstances

Members will have been aware of the ongoing litigation concerning the Government's guidance on when affordable housing contributions should be sought. Following the latest court decision the original guidance that these contributions should not apply to developments of less than ten units was re-instated on 19 May. In other words the guidance is once again a planning consideration of substantial weight. There is another case on the current agenda where this up to date position has altered a recommendation to the Board. In order to be consistent the decision of the December meeting needs to be re-considered.

Observations

At the present time the situation is that there is a planning permission here for one house subject to a Section 106 Agreement enabling a £7k off-site affordable housing contribution. The applicant seeks removal of that obligation. Given the material change in planning guidance it is now recommended that the Council agrees to this request.

Recommendation

That the planning permission may be implemented without compliance with the associated Section 106 Agreement dated 14 July 2013.

APPENDIX A

General Development Applications

(#) Application No: PAP/2013/0164

Homer House, Kingswood Avenue, Corley, CV7 8BU

Application under Section 106B of the Town and County Planning Act 1990 to continue the development without the affordable housing requirement, for

Mrs Mayne

Introduction

This is not a planning application.

The Growth and Infrastructure Act 2013 introduced changes to Section 106 of the 1990 Town and Country Planning Act. One of these was specifically focussed on affordable housing requirements already contained within Section 106 Agreements. An application can now be made for those requirements to be modified or removed from an Agreement. This is one such application.

The Site

This is garden land within a residential frontage in Corley. The site is surrounded by other residential property – see Appendix A.

Background

Planning permission was granted here for the construction of a three-bedroom eco-house in July 2013. It was accompanied by a Section 106 Agreement making a financial contribution of £7000 as an off-site contribution towards “locally affordable housing” in lieu of on-site provision.

The Proposal

The applicant has submitted a full financial appraisal of the development and concludes that there is now a negative value attached to the proposal as a consequence of increased new build costs. He is requesting that there should no longer be any contribution. He has provided quotes from two builders to build the house to its specific specification as approved. These range from £182k to £189k. To this are added other development costs such as professional fees; insurance and a 10% contingency. There is no land cost as it is already owned by the applicant. The value of the property once constructed is estimated to be £250k. With the addition of the contribution and assuming a 15% profit the applicant calculates that there is a negative residual land value of some £17k.

Observations

Members are reminded that this is not a planning application and thus there is no recourse here to planning policy or the merits or otherwise of seeking a contribution. The decision rests solely on whether the evidence submitted supports the claim that the development cannot “afford” a contribution. If it does, then in effect the Agreement is no effect. Additionally in this case the approval was for an “unconventional” house with almost zero-carbon credentials. It is not within the remit of this application or the Council’s consideration here, to request a change to a different design of house. The request therefore cannot alter the planning permission granted.

The two quotations above are very similar and thus provide confidence about the construction costs. The additional costs are all shown to be reasonable and are as would be expected. The applicant has added in the contribution as well as a 15% profit. This is considered to be at a reasonable figure. The final calculation using the lower of the above two quotes leaves an estimated gross development cost of around £270k. With a final value of £250k the applicant argues that the overall development would therefore leave a deficit of some £20k. A reduction in the % profit would further increase the deficit. Even with removal of the contribution, the scheme still carries a deficit.

In looking at the other side of the calculation then it is agreed that the estimated value of £250k is probably at the top end of the anticipated range because of the small size of the plot and its unusual specification. If less were realised then the deficit would in fact increase.

As a consequence in all of these considerations it is agreed that the applicant has offered a robust case for removal of the whole of the contribution. This is ultimately due to the higher than usual build costs but with very little room for increasing value due to the site specific restraints.

Recommendation

That the planning permission may be implemented without compliance with the associated Section 106 Agreement dated 14/7/13.

BACKGROUND PAPERS

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

Planning Application No: PAP/2013/0164

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Letter	11/8/15

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



(2) Application No: PAP/2015/0350

Land North Of Manor Barns, Newton Lane, Austrey,

Outline application - erection of up to 23no: dwellings and associated works. All matters other than access to be reserved, for

Mr R Kirkland - Maplevale Developments Ltd

Introduction

The application is reported to Board at the discretion of the Head of Development Control in light of the planning history of the site and the receipt of representations.

The Site

The site forms a roughly rectangular shaped, broadly flat, paddock adjoining Newton Lane at the northern edge of the village of Austrey. It is shown by the red line on the plan below. The land within the blue line illustrates other land within the ownership of the applicant.



The site looking from Newton Lane towards Manor Barns and Dovecote Grange



On the roadside edge the site is bordered by established hedgerow. The photograph below shows the hedgerow at the Newton Lane road junction.



Showing the border of the site (right hand side of lane)



Showing the border of the site (left hand side of lane)



The photograph below shows the closest existing property on Newton Lane



The photograph below shows the range of buildings which adjoin the southern boundary of the site. They include a single storey dwelling which has a heavily glazed elevation set 8 metres from the boundary with the application site.

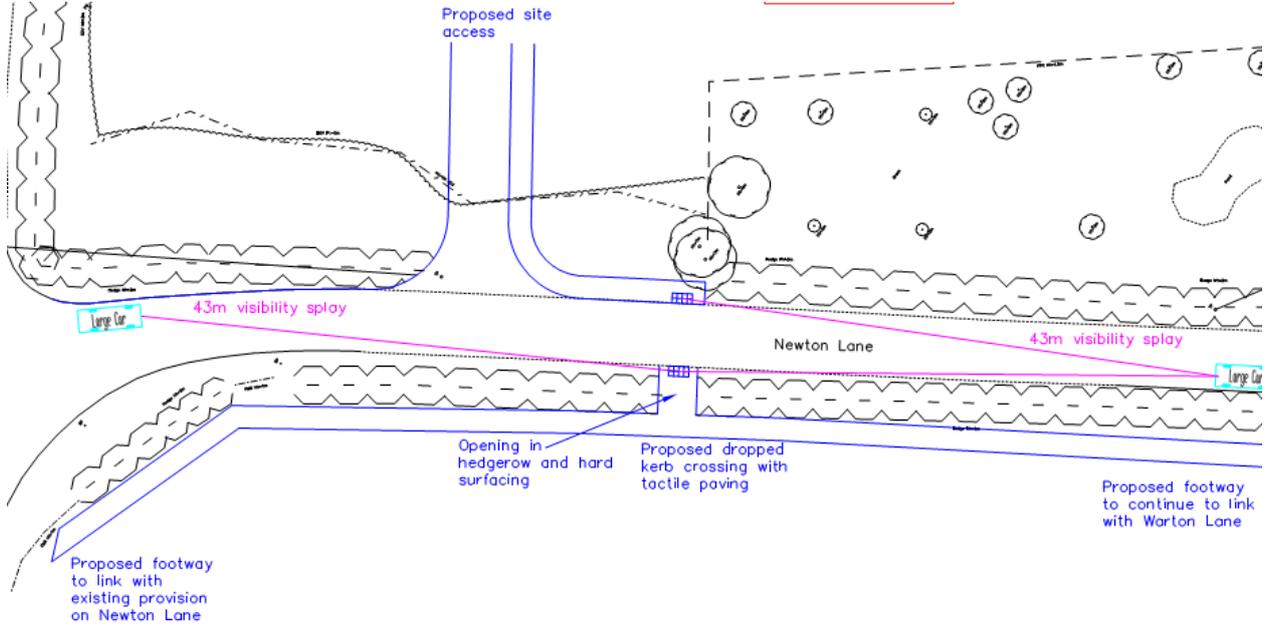


The site adjoins another which has planning permission for the erection of four dwellings (the permission referenced PAP/2014/0433).

The Proposal

Outline application - erection of up to 23 no: dwellings and associated works. All matters other than access to be reserved.

The access position and the proposed pedestrian crossing arrangements are as set out below.



A pedestrian footway is proposed to link to the footway approved at appeal as part of the permission at The Headlands. The applicant has now purchased the appeal site and has progressed an approval of reserved matters application. The footway would cut through to the rear of the hedgerow in an attempt to enable its retention.

An illustrative layout has been submitted. It is shown below.



This is for illustrative purposes only. It is not necessarily the layout that will be proposed at the approval of reserved matters stage but it serves to illustrate how the site might be developed in order to achieve 23 dwellings at the site.

Background

A full planning application which proposed 30 dwellings was refused planning permission in March 2015. The reasons for refusal were as set out below:

1. Policy NW2 of the North Warwickshire Core Strategy 2014 identifies Austrey as a Category 4 settlement where development is to be limited to that identified in the Core Strategy or through a Neighbourhood Plan. The proposal does not accord with this policy as the site is not one identified in the Council's Draft Pre-Submission Site Allocation Plan, nor in the emerging Draft Austrey Neighbourhood Plan. It is considered that the proposal would be inappropriate in these circumstances because of its size and because it would materially extend Austrey onto green field land on the edge of the village thus impacting adversely on its rural setting, its local character and distinctiveness.
2. The design of the proposed development in terms of its density, its built form and appearance is inappropriate to its location and setting at the edge of the village to the extent that it would not accord with policy NW12 of the North Warwickshire Core Strategy 2014, nor with section 7 of the National Planning Policy Framework 2012.

At the same time that members refused the application at this site, they also refused two other applications in the vicinity of Warton Lane. One application at The Headlands proposed 10 dwellings and an application on land adjacent the pumping station proposed 4 dwellings. The refusals were appealed and the Planning Inspectorate allowed the appeals. In the context of these proposals the Inspector found the following:

Austrey is a settlement of approximately 1000 people with a number of essential services including, a general store/post office and primary school with pre-school nursery. In addition, the village benefits from a public house, village hall, playing pitches and two churches. I also understand that it is well served by public transport with a regular bus service to Tamworth, Lichfield and other nearby settlements.

For these reasons, the appeal development, when combined with existing commitments on other sites in the village, would represent a sustainable form of development which would be commensurate to the size of, and level of service provision in Austrey.

The Pre-submission Draft of the Austrey Neighbourhood Plan 2015 (EANP) is also at an early stage of preparation, only having gone out for consultation in February 2015. Therefore, given its current status and absence of evidence regarding any unresolved objections to its relevant policies, I only attach moderate weight to the EANP in this case.

I am mindful that Policy AP11 of the EANP states that development will be limited to 3 specific sites plus any windfall sites as outlined in Policy AP12. The 3 specified sites are those identified in the ESAP, which the Council has confirmed have planning permission. Policy AP12 allows for windfall development if it meets

certain criteria including where: "it relates to small scale development of no more than 5 dwellings, it adjoins the existing building line, or relates to an "infill" site."

Whilst the appeal scheme would provide more than 5 dwellings, it would be positioned between existing residential development. Consequently, it could be argued that the scheme represents an "infill" site which adjoins the built form and therefore broadly accords with this criterion of the EANP. As a view would need to be taken in respect of the scale and location of future development proposals, allowing this appeal would not therefore undermine the policies of the EANP.

I therefore conclude that the appeal scheme would accord with development plan policies concerning the provision of new housing. In such circumstances, the Framework paragraph 14 presumption in favour of sustainable development means, granting permission for development proposals which accord with the development plan without delay.

In respect of the site on the opposite side of the lane from the application site the Inspector found the following:

'one does not have the sense that the appeal site is on the periphery of the settlement, nor does it demark the transition between the built up character of the village and the adjoining countryside.'

'As such, the appeal scheme would not represent an overly dense or visually intrusive expansion of the settlement. Nor would it encroach out markedly into the surrounding open countryside.'

Planning permissions have now been granted on all of the sites identified in the Draft Site Allocations Plan and sites allocated in the Emerging Austrey Neighbourhood Plan. There are currently 80 units permitted in the village, as follows.

PAP/2014/0569	Crisps Farm	Outline permission for 40 dwellings
PAP/2014/0157	Applegarth	Outline permission for 14 dwellings
PAP/2015/0569	4 Warton Lane	Outline permission for 2 dwellings
PAP/2014/0296	Hollybank Farm	Outline permission for 5 dwellings
PAP/2014/0433	Manor Croft	Outline permission for 4 dwellings
PAP/2014/0626	The Crisp	Net increase of 1 dwelling
PAP/201/0302	The Headlands	Outline for 10 dwellings (at appeal)
PAP/2014/0301	S. of Pumping Station	Outline for 4 dwellings (at appeal)

No starts have yet been made on any of the permissions, although approval of reserved matters applications have been submitted in respect of 5 units at Hollybank Farm, 10 units at The Headlands and 4 units at Land South of the Pumping Station.

The application proposes an additional 23 dwellings. If granted, this would take the total number of new dwellings with planning permission in Austrey to 103.

Development Plan

North Warwickshire Core Strategy (October 2014):

SO1 - To secure a sustainable pattern of development reflecting the rural character of the Borough

SO2 - To provide for the housing needs of the Borough

SO6 - To deliver high quality developments based on sustainable and inclusive designs

SO7 - To protect and enhance the quality of the natural environment and conserve and enhance the historic environment across the Borough

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

Other Relevant Material Considerations

Government Advice: National Planning Policy Framework (NPPF).

Achieving sustainable development

6. Delivering a wide choice of high quality homes

7. Requiring good design

10. Meeting the challenge of climate change, flooding and coastal change

11. Conserving and enhancing the natural environment

12. Conserving and enhancing the historic environment

Local Finance Considerations: New Homes Bonus (would be applicable to this

The Emerging Austrey Neighbourhood Plan.

This plan was the subject of consultation with residents and businesses within the village between 24th February 2015 and 7th April 2015, and minor changes were made. Consultation then took place with Statutory consultees (ending 28 August 2015). A Final Submission Version dated May 2016 has been presented to the Council for the statutory 6 week consultation, however, the submission of the accompanying Basic Conditions Statement is still awaited before consultation can commence. The Plan is therefore not yet presented for Examination.

Policies AP1, AP3, AP7, AP8, AP9, AP10, AP11 and AP12 are relevant.

Consultations

Environmental Health Officer - I do have some concerns relating to noise. This development is relatively close to the existing M42 motorway and the proposed HS2 railway. Although figures have not been released relating to the predicted noise from HS2, and an assessment of the current noise levels has not been carried out, I would suggest that a precautionary approach to potential noise disturbance could be applied. I would therefore recommend that acoustic double glazing and acoustically treated ventilation is incorporated into habitable rooms in the proposed dwellings should permission be granted. Details of this will need to be submitted for approval by the local authority prior to construction.

Crime Prevention Design Advisor Warwickshire Police – No objection

Warwickshire County Council as the Lead Local Flood Authority - No Objection subject to imposition of conditions relating to surface water drainage.

Upon being re-consulted on the revised proposal, the LLFA revised its advice. It indicated an objection pending receipt of additional information. It justifies the change of position by virtue of the fact that the initial masterplan there was provision for SUDS features included on site, hence why the officer at the time would have been able to provide a response of no objection subject to conditions. In the updated site plan however there is no longer any provision for SUDS features, the site is fully occupied by residential development, hence the objection.

The Planning Archaeologist, Warwickshire Museum - No objection subject to conditions.

Housing Services - Advises that as this is for outline planning approval and given that we have other developments happening in the area, he would want to revisit the housing needs again when they are looking at full planning status to ensure that the needs are still similar.

Fire Authority - No objection subject to conditions.

Warwickshire County Council Highways Authority – Objects to the application. Consultation response in respect of revised proposal is awaited.

Severn Trent Water - No objection subject to conditions.

Representations

Austrey Parish Council – Objects to the application. Its observations are set out in full in Appendix One of this report.

Craig Tracey MP writes in support of the concerns of his constituents. His letter is reproduced in full at Appendix Two of this report.

Letters of objection have been received from 44 correspondents which raise the following matters:

- Full planning layout details should be supplied
- The permission ref PAP/2014/0433 for 4 dwellings is not comparable.
- This site is not in the development boundary for Austrey.
- Sufficient housing has already approved to meet Austrey's need. There seems to be no valid requirement for favourable consideration for a further large scale development at the present time.
- The Council can show a housing land supply which nears 8 years.
- It is not a preferred site in the Austrey Neighbourhood Plan.
- This new application has reduced to a maximum of 23 dwellings, but it still fails to address the overwhelming concerns expressed by residents and authorities in opposition to the original plan.
- The fields in this area, which is at the lowest point of the village, act as a sponge for the excess rainwater that flows down from the surrounding hills.
- Warton Lane has a known problem of flash flooding and is likely to be worsened by the proposal. Raw sewage is in the floodwater, making it a health hazard. The limited capacity of the drainage and sewage system, including the pumping station, is unlikely to cope with the proposed development.

- The proposed development is on a very narrow lane. As the proposed site entrance is between a dangerous bend and a tight T junction this has the potential to cause accidents. Newton Lane is a regular thoroughfare for cyclists, horse riders and pedestrians, as well as cars, buses, farm traffic and other commercial vehicles. This particular spot has already been the site of several traffic accidents, and a large indentation in the hedge close to the proposed access point bears witness to a vehicle that came off the road within the last year or so.
- There is no footpath along Newton Lane and it is not suitable for so many pedestrians. Pedestrians and those in wheelchairs will still be required to travel a considerable distance along Newton Lane before they can connect with a footpath. An additional access through the hedge opposite would not only would require the further removal of ancient hedgerow, but it would mean that pedestrians would be required to cross Newton Lane, a very narrow lane with no street lights, just 37m from a blind bend.
- The proposed footpath is not compliant with the government's Safer Places guidelines. It has a high hedgerow on one side of the footpath, no lighting, and a large section of it will not be overlooked by any nearby properties, lacking any regard for safety.
- Refuse collection would cause congestion as the refuse lorry wouldn't be able to get into the site.
- Austrey is a village where owning your own transport is almost essential to reach 'out of village' facilities. There is no bus service to Measham (doctors), Atherstone (jobcentre) etc.
- This site is located at the opposite end of the village from most of its key facilities, including the village shop and post office, school, public house, both churches and the village hall.
- Two and a half and three storey buildings are unacceptable as they are out of character with surrounding properties.
- The density would not be in keeping with the village.
- Reference has been made within the application to other 3 storey properties within Austrey village, although all of these buildings have historical or agricultural context that is part of the history and culture of the village, and none of them are currently or ever have been used as apartments or 'blocks of flats'.
- There is no evidence that this level of social housing is required to satisfy local needs. The Housing and Development Officer knew of only 5 applicants who met the criteria for social housing and who had expressed a wish to live in Austrey. With that already included in schemes approved at Crisps Farm/Glebe Field, and at Applegarth/The Croft in Austrey, there is already more affordable housing than required.
- In addressing the need for social housing, the local authority has already approved development at Crisps Farm at a location much closer to these key services
- The development will be close to the route of HS2.
- The Austrey Neighbourhood Plan (NP) is now at an advanced stage, and has the backing of the Residents of Austrey, having polled an impressive 99% in favour of supporting the plan. This plan is fully aligned with the NWBC Core Strategy and its site allocation plan, it has to be seen that granting any sort of permission on this land would be prejudicial to the emerging plan led-system.
- The NP allocates sites for development that makes provision for 57 dwellings over the plan period, which is in excess of the minimum of 40 required by NWBC, recognising the need for some growth but doing so in balance with the protection of the rural character of the village. The application site is not in the plan.

- The Neighbourhood Plan requires the view of the village from the northern approach to be maintained as is.
- The development will be a harmful urban encroachment into open countryside and the proposal fails to recognise the significance of the rural edge to the settlement.
- Within 50 yards of the proposed site are two grade 2 listed buildings, which will be adversely affected.
- The new proposal does not overcome the previous reasons for refusing planning permission at this site.
- The illustrative layout shows a car parking bay within the development in a single line that accommodates 18 vehicles. This is out of character with the surrounding village landscape. A construction of this nature is more akin to those found on commercial or retail parks than a rural village, and if allowed to proceed would significantly change the look and feel of this part of the village.
- Public transport is limited and does not provide a service to the local doctors and Atherstone, our local administrative centre. A bus service passes the site, however no bus stop is currently accessible in a safe manner by walking from the application site. This development is not sustainable, will create extra car journeys in addition to all the deliveries which will no doubt occur as people use on-line shopping services.
- Decision making should be rational and fair and consistent with decisions taken in respect of neighbouring sites.
- The proposed area of green space of some 10 x 15m seems far too small for as many as 23 homes, given the distance of other green space or children's play areas within the village.
- The site, along with adjacent old farm buildings, are used by large birds of prey, barn owls, house martins and bats. The proposed development will do untold damage to this attractive wildlife habitat.
- Any building on this site would impact the property known as, Poachers Pocket, along the eastern border. The elevation of the single storey converted barn facing the proposed site is fully glazed, and very close to the boundary. It would be totally overlooked and suffer enormous loss of amenity.
- Frustration is expressed that another application can be presented following a refusal at the site.
- It is essential that any new members of the Planning Board visit the site before reaching a decision.

Austrey Residents' Association - Objects to the application, pointing out that the proposal does not fit with the National Planning Policy Frameworks support for Localism, the North Warwickshire Borough Council's Core Strategy objective of retaining rural character and focussing the majority of development on the Market Towns and Local Service Centres. It points out that the emerging Austrey Neighbourhood Plan has extensive support within the local community and that this site is not included in this plan. It highlights that Austrey is a Category 4 settlement because of its limited infrastructure and lack of local amenities. As such, the Core Strategy requires that Austrey provides "*a minimum of 40 new houses*" by 2029. The Association believes that should there be a shortfall in housing supply, this number may be increased, but it points out that the current housing supply across the Borough is in a very healthy position, with 7.6 years' requirement identified by March this year.

Within an ARA survey of members' preferences, the application site was by far the least preferred site. It is situated at a point in the village furthest away from local amenities, such as the single shop, pub, primary school and two churches. Public transport is limited, hospitals are twenty miles away, or more and the nearest surgery is at Measham, which is not accessible from the village by public transport. Anyone without their own means of transport would be highly disadvantaged. This makes it an unsuitable location for social housing.

Through the emerging Neighbourhood Plan and a recent survey carried out by ARA there is clear evidence that villagers do not believe that more than 60 new homes would be sustainable. In this context, the Core Strategy's requirement for at least 40 new homes over a period of 15 years seems appropriate for this rural community to sustain. The Neighbourhood Plan has proposed a total of 57 new homes, and planning permission has already been granted for 65. The association does not consider that "a *minimum of 40*" means that in reality the figure should become well over one or two hundred. This would be totally unreasonable for a small community with very limited resources and amenities to absorb or sustain. In other words, it would prove unsustainable.

It indicates that the villagers accept that there may be a few more, small windfall applications granted which may take this slightly over the 65 houses already approved. It is felt that this type of organic growth, built on sites preferred by residents, will prove sustainable without negatively impacting on the quality of life offered by the village. A development such as that proposed in this application goes far beyond this. Austrey is not the right location for such high density development which is totally out of character with the rest of the village.

Observations

Given the recent refusal of planning permission at this site for residential development it is appropriate to revisit the principle of development at the site and then to consider whether there has been any change in circumstances since the previous refusal that might suggest that it is possible to achieve the grant of permission on this occasion.

a) The Principle of Development

The site lies outside of the development boundary for Austrey. It is not an allocated site for housing in the Site Allocations Plan (Draft Pre-Submission June 2014) and it is not put forward in the consultation draft of the Neighbourhood Plan as land allocated for housing.

In Category 4 settlements 'development will be limited to that identified in the plan or has been identified through a Neighbourhood or other locality plan'. The inference is that unless identified in another plan would not be approved outside a development boundary but recent appeal decisions have not interpreted policy as meaning that no development will be permitted beyond the development boundary in Austrey.

Policy NW5 indicates that Austrey will cater for a minimum of 40 units, usually on sites of no more than 10 units. It does not expressly require that these shall be within the development boundary. Indeed, it is acknowledged through the SAP and NP that this cannot be accommodated within the village, as adjacent land is allocated. In these circumstances it would be unreasonable to conclude that the development boundaries are absolutely sacrosanct in Category 4 settlements and it would be appropriate to assess whether there are any material considerations which could weigh in favour of the

grant of a permission, in furtherance of NPPF guidance which indicates that there is a presumption in favour of sustainable development.

Housing Land Supply

Paragraph 49 of the National Planning Policy Framework (the Framework) states that housing applications should be considered in the context of sustainable development, and that relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites. The Council's latest figures for Housing Land Supply date from 31 March 2015. A 20% buffer is required to address previous undersupply during the first 5 years of the plan period.

The Council can evidence a current 5 year housing land supply of 7.69 years (as of 30 September 2015). This has been tested at appeal and has been found to be sound.

These 5 year housing land supply figures relate to our current Adopted Core Strategy and draft Site Allocations plan (June 2014) housing figures of 3650 (our 3150 Objectively Assessed Need (ONA) figure with an additional 500 from Tamworth).

It is acknowledged that the housing supply position is not static. Through joint Duty to Co-Operate work within the Coventry and Warwickshire Sub-region, there has been agreement made to accommodate some of Coventry City Council's housing requirement due to a shortfall their capacity to address/deliver their requirement. This is reflected in a recent Memorandum of Understanding (MoU) between the Joint authorities and North Warwickshire have agreed a figure of 5280, which includes our current OAN, an element of the Coventry shortfall and an element of "economic uplift" to the housing numbers to encourage growth. The Borough's Local Development Scheme (LDS) has been updated to reflect the need to bring forward a revised Local plan to address these increased housing figures.

The updated March 2016 LDS programme includes an Autumn 2016 date (late September/early October) for publication & public consultation of a North Warwickshire Local Plan Submission Draft DPD. This document will include an updated Core Strategy Policy for the new Housing and Employment land requirements/figures, as part of the consultation and document. It will take the 5280 figure as a **minimum** housing requirement to be addressed by the Plan.

It is likely that, from that point on, the updates for the Five Year Housing Supply will need to reflect the changed housing requirement. However, until the publication of that document, the current Five Year Housing Supply calculations remain based on our current adopted Core Strategy housing requirement and OAN, as noted above, and any other suggestions/assertions would be considered premature.

For further clarification, it should be noted that the MoU noted above deals directly with the housing needs arising from within the Coventry and Warwickshire Housing Market Area (HMA). It does not address any shortfall arising within the Greater Birmingham HMA. Although work to assess the shortfall from the Greater Birmingham HMA is progressing, at this point in time it is not clear to what extent any unmet need will have to be met within Coventry and Warwickshire sub-region and in particular Stratford-on-Avon and North Warwickshire (these two local authorities fall partly within the Birmingham HMA) . At this current stage, therefore, the Five Year Housing Supply calculations (for North Warwickshire) will not take into account or reflect any shortfall arising from Birmingham City's situation.

In conclusion, whilst it is true that housing land supply is never a static position, and will change as housing need is re-assessed, the current position is that the Council can demonstrate that it has a five year housing land supply with a 20% uplift, and, in relation to paragraph 49 of the Framework, relevant policies for the supply of housing can be considered up to date.

As stated above, Austrey is a Category 4; 'Other settlements with a development boundary'. In this category it is stated that development will be limited to that identified in the plan, or has been identified through a neighbourhood or other locality plan. Policy NW5, 'Split of Housing Numbers', states that Austrey will cater for 40 houses usually on sites of no more than 10 units and at any one time depending on viability.

The NPPF advises us that local planning authorities should seek to boost significantly the supply of housing and that housing applications should be considered in the context of the presumption in favour of sustainable development. Notwithstanding the current position in respect of the availability of a five year supply of housing land, it is necessary to ask whether the proposal could be regarded as sustainable development such that there would be a presumption in favour of it.

Objectors suggest that the application should be resisted on the grounds that 80 dwellings have recently been given permission in the village and that that number significantly exceeds the number envisaged in the Core Strategy and the emerging Neighbourhood Plan. They argue the scale of growth exceeds the capacity of Austrey to accommodate it in terms of services and in terms of maintaining the character of the settlement. Firstly, members are reminded that the 40 dwellings are identified as a minimum, no maximum thresholds are identified. There has been no objective assessment of the capacity of the settlement. The objections are based primarily on an instinctive sense that there will be perceived change. There is no empirical evidence to show that an additional 23 dwellings would 'tip the balance' such that further development would be unsustainable. In these circumstances, the application should be considered on its individual merits.

It should be noted that the Neighbourhood plan remains at a relatively early stage of preparation and its policies should only be afforded moderate weight in the determination of this application.

The Previous Reasons For Refusal –Scale and Impact on Rural Character

The Planning Inspector recently found that an appeal proposal for 10 dwellings, when combined with existing commitments on other sites in the village, would represent a sustainable form of development which would be commensurate to the size of, and level of service provision in Austrey. It would be appropriate to ask whether the same would be true of this site, given the characteristics of the site and the size of the development proposed.

Policy NW5 of the Core Strategy indicates that sites in the Category 4 settlements should usually be on sites of no more than 10 units. The proposal was for significantly more than ten units, it sought nearly three times that number. It was considered that the development, at 30 dwelling units, constituted more than organic growth of the settlement, of the type envisaged in policy. It was suggested that in order for support to be given to the development of this land the developer would need to be prepared to further reduce the overall housing numbers.

The scheme has altered from a detailed, full planning application, proposing 30 dwellings to an outline application seeking a maximum of 23 dwellings.

For comparative purposes, and for the purpose of assessing the effect of a reduction in house numbers, the indicative layout submitted with the current scheme is illustrated directly below and the refused scheme is shown as the image that follows it.



The Current Outline Proposal – Illustrative street scene



The Refused street scene– application for full planning permission



The Current Outline Proposal – Illustrative street scene



The Refused street scene– application for full planning permission



The Current Outline Proposal - Layout in the vicinity of the proposed access



The Refused Full Application - Layout in the vicinity of the proposed access



In the knowledge that the current proposal is in outline only and with the caution that the plans are presented for illustrative purposes only (and cannot therefore be regarded as a definitive proposal), they nevertheless give an indicator of how the developer might seek to accommodate 23 units at the site. The following observations are made:

- Though the reduction in numbers, a slightly more open form of development is shown to be achievable in parts of the site, nevertheless, to achieve 23 units, the scheme still incorporates a fairly significant run of terraced units, positioned close together in a near continuous run of built form.
- Though the scheme no longer contains three storey development, the illustrations still show units of a comparable height and similar scale, given that the three storey elements were achieved through the use of roofspace and the positioning of upper storey windows at eaves height.
- Notwithstanding that the former proposal was for 30 units, the provision of a defined open space alongside the site access give a sense of openness more so than the area shown on the illustrative layout (adjacent to units 2 and 3) despite a reduction to 23 units.
- In elevation B, the built form in current illustration appears more continuous than the same elevation in the refused scheme.

Notwithstanding the critique of the illustrative layouts, it must be remembered that the application is in outline only. It is considered that, with some revision, perhaps with less reliance on detached units with detached garaging and different grouping and separation of built form, the site could in principle achieve a satisfactory development with 23 units.

Though larger than the 10 unit limit envisaged in Core Strategy and Emerging Neighbourhood Plan policy the development, because of the setting, would nevertheless reasonably meet the description of infill/rounding-off development. Arguably, as it adjoins existing development and is contained within boundary of Warton Lane, the development would meet the spirit of being a windfall site.

The officer's report on the previous application advised the development of the land, or some of the land could be supported as an organic rounding of the settlement, given that it is adjacent to the village edge on two sides and bordered by a village periphery road on the remaining two sides, however, the scale of the development was of concern to members and they refused the development citing that the development of the site would materially extend Austrey onto green field land on the edge of the village thus impacting adversely on its rural setting, its local character and distinctiveness.

Given the Planning Inspector's findings that The Headlands and South of The Pumping Station sites did not cause markedly or harmful encroachment/visual intrusion into open countryside, it is unlikely that a continued objection to the development of this site on the grounds that it 'would materially extend Austrey onto green field land on the edge of the village thus impacting adversely on its rural setting, its local character and distinctiveness' could be defensibly maintained.

Density

The site extends to 0.58 of a Hectare and the application proposes 23 units of accommodation. This equates to a density of a little under 40 dwellings to the hectare. This remains a relatively high density (by comparison the density of the site recently approved at The Headlands was 26 dwellings to the Ha) but is substantially less than the refused application which was 52 dwellings per hectare. Though 40 dwellings per hectare is on the high side, it is not wholly urban density and could be made to work in a rural edge setting with an appropriate design approach. For comparative purposes the illustration below sets out typical densities in different settings. It can be seen that the desired density is akin to the density that would be found with a 'garden city' approach. Such an approach could be made to work on this site with an appropriate approach to scale as it doesn't not always follow that development in rural villages will be low density, some villages include forms of development which is at a relatively high density.

The meaning of density

Older housing types	Recent developments	Alternative approaches
 <p>Victorian Terraces 60-80 dwellings/ha. 280 (average) habitable rooms/ha.</p>	 <p>Executive Homes 5-10 dwellings/ha. 40 (average) habitable rooms/ha.</p>	 <p>Urban Villages 75-125 dwellings/ha. 500 (average) habitable rooms/ha.</p>
 <p>Garden Cities 30-40 dwellings/ha. 165 habitable rooms/ha.</p>	 <p>Suburban Semis 15-30 dwellings/ha. 90 (average) habitable rooms/ha.</p>	 <p>Infill in Historic Towns 80-140 dwellings/ha. 500 (average) habitable rooms/ha.</p>

Amenity

The development site is fairly self-contained. The illustrative layout shows that there is a potential approach that can ensure that the outlook from the adjacent bungalow is not over dominated, overlooked or overshadowed. It is considered that the site can be developed with 23 units of accommodation without adversely impacting on the amenity of adjoining occupiers.

The amenity of future occupiers can be safeguarded from noise from the prospective high speed rail route through the inclusion of noise insulation measures in the construction of the dwellings.

Affordable Housing

The Core Strategy Policy NW6 indicates that for schemes of Schemes of 15 or more dwellings: 1. 30% of housing provided on-site will be affordable; 2. Except in the case of Greenfield (previously agricultural use) sites where 40% on-site provision will be required.

Given that this site is a greenfield site, there will be a policy requirement for 40% of the dwellings to be affordable homes. The applicant confirms that the development will deliver 40% affordable housing to be managed by Trent & Dove Housing. The proposed development will assist in meeting an identified shortfall for affordable housing within North Warwickshire. It is anticipated that the mix of housing within the affordable element of the development will be predominantly one and two bedroom properties intended to meet a shortage for such properties within Austrey and throughout North Warwickshire generally.

The policy compliant provision of affordable housing weight in favour of the development of this site.

Archaeology and Heritage Assets

The Planning Archaeologist at Warwickshire Museum advises that shallow ridge and furrow across this site suggests that the application site once formed part of the open fields associated with Austrey. Analysis of historic mapping, and earthworks to the south-west of Headlands suggest that the focus of the medieval and later settlement in this area was to the immediate south of the application site (Warwickshire Historic Environment Record MWA 9490). While few remains pre-dating the medieval period have been identified from the vicinity of the site, this may reflect a lack of previous investigations across this area, rather than a lack of archaeological remains. There is therefore a potential for the proposed development to disturb archaeological deposits pre-dating the medieval and later agricultural use of this area. There is therefore no objection to the principle of development, but it is considered that some archaeological work should be required if consent is forthcoming. It is envisaged that this would take the form of a phased approach, the first phases of which would comprise an archaeological evaluation by trial trenching.

The proposed development is sufficiently distant from nearby listed buildings as to ensure that it would not adversely affect their setting and is separated by other existing built form.

Ecology and Biodiversity

The site does not have any habitat designation. The site does not contain any noteworthy trees but is bordered by existing hedgerow which contributes to the rural character of the edge of the settlement. It is proposed to retain the majority of the hedgerow which surrounds the site, with the exception that a new opening will be created to form the new vehicular accesses.

The reduced density affords greater opportunity to provide landscaping within the site. It is considered that if planning permission is granted a condition should a landscaping condition should be attached which requires the incorporation of measures to mitigate biodiversity loss.

Highway Safety and Pedestrian Safety

The access arrangement is the only matter for which detailed approval is sought.

The applicant argues that it was demonstrated during the course of the previous application on this site (PAP/2014/0446) that there were no residual cumulative impact of the residential development on this site that were “severe” and as such there was no reason for the application for residential development on this site to be refused on transport grounds.

The Highway Authority does not raise objection in respect of the proposed vehicular access but the Highway Authority and objectors have identified that the site does not have safe or adequate pedestrian footway linkages to the services within the village.

In response the developer has submitted a proposal to create a pedestrian footway link to the footway approved at appeal as part of the permission at The Headlands. The footway would cut through to the rear of the hedgerow in an attempt to enable its retention.

There is presently a dialogue with the Highway Authority about the extent to which the roadside hedgerow would need to be removed in order to achieve visibility splays for pedestrians. The Highway Authority has indicated that in the worst case scenario is that up to 86 metres of hedge could be lost.

The applicant indicates that it is his highway consultants’ view that it is not necessary to remove hedgerow to provide adequate visibility for the proposed pedestrian crossing. The X distance for a pedestrian is significantly less than it would be for a car. A simple trimming of the hedge, would address the concerns that have been raised. However if it was necessary to remove the hedgerow, the loss of up to 86 metres of hedge would not adversely affect the rural character and appearance of the road. The hedgerow could be transposed or replace with a new hedgerow behind the splay this leaving the rural character unharmed. The replanting of the hedgerow can be secured through the use of a condition.

The Highway Authority will advise and members will be updated at Board.

An objector expresses concern that the footway contains features which are unsafe (lack of surveillance, lack of lighting). It should be noted that this is an approved footway. Arguably, an increase in usage by occupiers of the proposed dwellings could improve issues of surveillance. The views of the Highway Authority have been sought

about the need for lighting for the footway. A response is awaited and the Board will be updated.

Drainage

In relation to the outstanding objection from the LLFA, the applicant points out that the issue of stormwater drainage was raised in the context of the previous application (reference PAP/2014/0446) a full application for 30 dwellings; more than is now proposed. No objection was raised to this proposal from the LLFA, the Environment Agency or Severn Trent Water. The principle of draining the site by on-site attenuation has previously been established; the attenuation will take the form of tanks to be installed beneath the access road within the site; this is as exactly proposed in the previous application.

In respect of Infiltration, Maplevale instructed engineers to undertake ground investigation. The sub-soils were not found to be suitable for the use of soakaways. Drainage Calculations have been supplied for the surface water attenuation system that was prepared for the original application.

The applicant has supplied a copy of STWA's Developers Enquiry's response which advises a discharge rate of 5 l/s. The project has been designed to provide attenuation to restrict surface water flows to this rate, as demonstrated by the Microdrainage calculations. He confirms that, as with the access road within the site, the drainage system will not be offered for adoption and will remain in private ownership to be managed by a management company. The applicant suggests that the precise details of the stormwater system are a matter that can be secured by the use of appropriate conditions.

The applicant points to the recent appeal decisions at Warton Lane (PAP/2014/0301 and PAP/2014/0302); where drainage was an issue that featured large in the third party representations. Notwithstanding this, the Inspector concluded in both cases that, subject to the imposition of appropriate conditions to secure the provision of an effective surface water drainage system, the development would not increase the risk of flooding in the area. I would submit that the concerns of the LLFA in relation to stormwater drainage can therefore be addressed through appropriate conditions as were attached to the appeal decision.

Notwithstanding that a response is still awaited from the LLFA to the applicant's position, it is deemed highly likely that there is a technical solution to the satisfactory drainage of this site based on a system of containment and slow discharge. A final response is awaited and the Board will be updated.

Conclusions

Given the siting of the land adjacent to the built up area of the settlement and contained within a roadway which forms the perimeter of this part of the settlement, it is considered that the development of this land would not result in an encroachment into open countryside. This finding is reinforced by nearby appeal decisions.

Although a relatively dense scale of development, it is considered that there is a reasonable prospect that an appropriate scheme can be presented at reserved matters stage which fits with the character, form and appearance of the village.

It is deemed that technical matters are likely to be capable of being addressed through the use of planning conditions.

There is no evidence to support a view that the scale of new development in Austrey would cumulatively be unsustainable.

In light of the National Planning Policy Framework presumption in favour of sustainable development, and the absence of identified adverse impacts that would significantly and demonstrably outweigh the benefits of the development, it is considered that the proposal may be supported.

Recommendation

That subject to the satisfactory resolution of the site drainage and access issues identified in this report, the Council is **MINDED TO GRANT outline planning permission, subject to conditions relating to the following:**

1. Standard Outline Conditions
2. Specified Plans
3. Conditions required by the Lead Local Flood Authority and Severn Trent Water relating to foul and surface water drainage.
4. Conditions required by the Highway Authority.
5. Conditions requiring the submission and implementation of a scheme for the provision of 40% on-site provision of affordable housing.
6. A condition limiting the hours of construction of the approved dwellings.
7. Conditions requiring the approval and implementation of details of acoustic double glazing and acoustically treated ventilation to habitable rooms in the proposed dwellings.
8. A condition requiring the submission, approval and implementation of a scheme for archaeological investigation.
9. A condition requiring the approval and implementation of a scheme for the provision of hydrants for firefighting purposes.
10. A landscaping condition which requires the incorporation of measures to mitigate biodiversity loss.

BACKGROUND PAPERS

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

Planning Application No: PAP/2015/0350

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	Various
2	Environmental Health Officer	Consultation Response	22 7 15
3	Austrey Residents' Association	Objection	24 7 15 8 2 16 19 4 16
4	Crime Prevention Design Advisor Warwickshire Police	Consultation Response	8 7 15
5	Planning Archaeologist, Warwickshire Museum	Consultation Response	3 8 16
6	Lead Local Flood Authority	Consultation Response	7 7 15 6 4 16 29 4 16
7	Severn Trent Water	Consultation Response	11 2 16
8	Warwickshire County Council Highways Authority	Consultation Response	28 7 15 3 3 16
9	Roger John Lamb	Representation	24 7 15
10	Jane Hodgkinson	Representation	26 7 15 9 2 16 20 4 16
11	Alan Passey	Representation	26 7 15
12	Mr P W Kerr & Mrs W A Kerr	Representation	27 7 15 7 2 16 20 4 16
13	B Rees	Representation	27 7 15
14	David Jenkins	Representation	28 7 15 8 2 16
15	Debbie Jenkins	Representation	28 7 15
16	Kathleen Dawes	Representation	27 7 15
17	Austrey Parish Council	Representation	28 7 15 22 2 16
18	Sandra and Steve Duggan	Representation	28 7 15 8 2 16 19 4 16
19	Mark Hunt	Representation	28 7 15 2 2 16 19 4 16
20	N Wiggin	Representation	28 7 15 9 2 16
21	W Wiggin	Representation	28 7 15
22	A Wilde	Representation	28 7 15
23	Brian Grix	Representation	28 7 15
24	P Smith	Representation	17 7 15

25	L Treadwell	Representation	27 7 15
26	R Minnet	Representation	3 2 16
27	Derek Molyneux	Representation	1 2 16
28	B Dawson	Representation	4 2 16
29	S Walton	Representation	7 2 16 20 4 16
30	R Walton	Representation	7 2 16
31	R Critchley	Representation	8 2 16
32	J K Angus	Representation	8 2 16 19 4 16
33	Gayle Thursfield	Representation	8 2 16
34	P Lamb	Representation	9 2 16 15 4 16
35	R & Y Davies	Representation	8 2 16
36	R Lamb	Representation	9 2 16
37	J Smith	Representation	9 2 16 22 2 16
38	Katie Mackenzie	Representation	9 2 16
39	S Wheatcroft	Representation	9 2 16 21 4 16
40	Niedie Handley	Representation	9 2 16
41	H Humphreys	Representation	10 2 16
42	J Humphreys	Representation	10 2 16 21 4 16
43	Glen McCormick	Representation	10 2 16
44	Martine McCormick	Representation	10 2 16
45	G Davis	Representation	10 2 16
46	J Davis	Representation	10 2 16
47	Kath McCormick	Representation	10 2 16
48	P Davis	Representation	10 2 16
49	Mick Beeson	Representation	10 2 16
50	Marcus Beeson	Representation	10 2 16
51	J Beeson	Representation	10 2 16
52	K Taroni	Representation	10 2 16
53	P Taroni	Representation	10 2 16
54	C Tracey MP	Representation	29 2 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.





AUSTREY PARISH COUNCIL

28th July 2015

Dear Erica

Re: Planning Application PAP/2015/0350, Land North of Manor Barns, Austrey

We are writing, once again, to voice our strong objection to the above mentioned application to build on this site. The reasons for our objections can be summarised as follows:

1. AUSTREY NEIGHBOURHOOD PLAN

As you know, Austrey Parish Council is at an advanced stage in the preparation of a Neighbourhood Plan. The Plan is in full alignment with the Borough Council's Site Allocations Plan, and has widespread support in the Parish. The response received following the recent 6 weeks public consultation revealed that 99% of residents who voted are in favour of accepting our proposals. It clearly reflects the wishes of the local community. The Plan provides for 57 new dwellings in Austrey against a target of "a minimum of 40". This site north of Manor Barns is NOT included as a site suitable for development.

All 57 houses supported by the Neighbourhood Plan have now had plans approved. Further development may be supported by the Parish Council, provided that it meets the requirements of Policy AP12 of the Neighbourhood Plan. This application does not.

2. LOCALISM ACT

Despite having submitted several different applications for this site, neither the developers nor the landowners have chosen to consult with the Parish Council, or with the residents of Austrey. This is not in keeping with the 2011 Localism Act which requires engagement with the local community in order to meet their aspirations.

3. DEVELOPMENT BOUNDARY

The site in question is outside the development boundary, as identified by the Local Plan, 2006. The Core Strategy does permit development adjacent to development boundaries, but states that this will only be supported if done "in a genuinely plan-led way". As explained above, the development of this site is not supported either by the Borough's Site Allocations Plan, or by the Austrey Neighbourhood Plan.

To contact us:

write to Austrey Parish Council, c/o Austrey Stores & Post Office,
102 Main Road, Austrey, Atherstone CV9 3EG
email clerk@austrey.co.uk
phone 01827 818558

Policy NW2 of the Core Strategy states that the building of affordable housing will only be permitted outside development boundaries where there is "a proven local need, it is small in scale and is located adjacent to a village". In Austrey, we have already met our need for affordable housing through the developments supported in our Neighbourhood Plan. This development is far from small in scale, and although adjacent to the village, it is as far away from the centre of Austrey as it could possibly be.

4. PLANNING BOARD

In March this year, the Planning Board at NWBC unanimously rejected the earlier application PAP/2014/0446 to build 30 houses on this site. Following a site visit and numerous objections received from residents, the Parish Council and our local MP, it was unanimously agreed that this site was not suitable for such development. A reduction in housing numbers from 30 to 25 changes nothing in this respect.

5. NPPF

There are many ways in which this application fails to comply with the terms of the NPPF. Most importantly, it fails to take into account the local character of our village, or to recognise the true beauty of the surrounding countryside.

Section 7 explains that good development is that which is "in the right location and in line with the defining characteristics of the area and the intrinsic beauty of the countryside". This site would, however, encroach onto open countryside and turn a rural, village scene into an urban landscape.

6. CORE STRATEGY

Likewise, the application fails on many counts to meet the requirements of the Core Strategy.

- Strategic Objective SO1 requires that any development should secure a sustainable pattern of development, reflecting the rural character of the Borough. The urban nature of this development does just the opposite.
- The Spatial Strategy requires that any development be controlled and that settlements should grow in line with local services. Austrey does not have the infrastructure or services to support extensive development.
- Policy NW2 states that rural development should be focused on a network of local service centres with only limited development in Category 4 villages, such as Austrey, and that it should be located in areas that are least harmful to the character of the settlement. This development would be the first thing you see upon entering Austrey from Tamworth and as such, has a huge impact on the character of the settlement.
- Policy NW12 states that all development must "positively improve the character of the settlement" and fit well into the rural landscape. This development would have an adverse impact on the rural setting and local distinctiveness as it is not in keeping with the hierarchical status in the settlement.
- The pre-submission Site Allocations Plan carefully reflects the scale, character and needs of Austrey. Planning permission has already been granted for the 3 sites identified. There is no need for further housing in the village.

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7. HOUSING SUPPLY

NWBC is required to identify sites for their next 5 years housing requirement. In the March 2015 assessment, this had already reached 7.6 years. There is therefore no overriding housing shortage at this time, and no need for Austrey to provide more than the required "minimum of 40". We already have planning permission granted for 65 houses in the plan period, taking us way beyond the numbers required.

The developers, in their application, make reference to correspondence with the Housing Strategy & Development Officer relating to the need for housing in Austrey. This correspondence is over a year old and has no relevance today. Planning permission has since been granted for 65 new homes in Austrey. Together, this will more than cover any housing need we have, now and into the future.

8. RURAL CHARACTER AND DISTINCTIVENESS

As already outlined under points 4 and 5 above, Section 7 of the NPPF and Policy NW12 of the Core Strategy require that all new housing sits well in the surrounding rural landscape. The Core Strategy states *"The rural character of North Warwickshire will be retained and reinforced to ensure that when entering the Borough it is distinctive from the surrounding urban areas. New homes, new employment proposals, local services and community facilities will be integrated carefully into the Borough's existing areas respecting local distinctiveness. The majority of the development will be focused on the Market Towns and Local Service Centres."*

The application in question relates to development of a green-field site. This is open land, very rural in character. Warton Lane and Newton Lane together provide a natural edge to the settlement. There are few houses to the north of the boundary, and those that there are quite substantial plots, quite different in style from the high density estate planned. Newton Lane, with its hedgerows either side, has a distinctly rural feel, precisely because there are no footpaths, no fencing and no hard walls. Any development would necessitate changes that would be harmful to the character of this narrow country lane.

Austrey Neighbourhood Plan Policy AP1 states that the hedgerows *"should be retained wherever possible"*. We feel it would be difficult to prevent new residents on the proposed site from erecting fence panels around their respective plots. This would not only lead to the loss of the green edge around the settlement, but these ancient hedges themselves may struggle to survive, and with them, the wildlife that lives in and around them. It is clear that the residents of Austrey value the wildlife that lives in and around the village, and would very much like to preserve its natural habitat, or even enhance it where possible.

Austrey Neighbourhood Plan has been able to provide adequate new housing through the efficient use of brown-field sites, replacing old, disused buildings with more attractive new ones. There is therefore no need for further development on precious green-field sites. The appearance and "grain" of the proposed development would be quite different from that of existing houses in the area. The developers themselves acknowledge that this would be a high density development. In your own Board Report, you said that *"the determination of a planning application is about reaching the appropriate balance between meeting housing need and protecting the character and appearance of our towns and villages"*. As there is no overriding housing shortage in Austrey, there is no need to sacrifice the appearance of the village. It is therefore considered that this development would be totally out of place and out of character, particularly for this location, on the outer edge of the settlement.

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Local Action Group, InSpires, is seeking to protect the landscape and some of the more impressive views of the village from the surrounding area. One of these is the view of Austrey from the M42 motorway. This development, on the very edge of the village, would be extremely harmful to this particular vista.

9. SUSTAINABILITY

The developers describe the proposed site as a sustainable location. This is not true. It is the furthest point from the centre of the village. The proposed site is not considered to be sustainable, as it is so remote from the village centre and key amenities.

As required by the NPPF, Austrey Parish Council is seeking to encourage a healthy lifestyle by locating housing close to local facilities, such as the church, the village hall, the pub, the shop and the school, so that residents will be encouraged to walk or cycle rather than using their cars. Proximity to local businesses will also help to ensure their long-term viability. According to Defra, the maximum distance that people are inclined to walk to amenities is 800m. Even using the network of footpaths through Austrey, the church, the village hall, the pub and the proposed new village green will be well beyond this distance from the proposed site. It should be noted too that Austrey has an aging population, so even walking 800m is asking too much for many residents.

Because of the need to encourage a healthy life style and to support the village amenities, and because of the proposed plans for HS2 to cut across the north western end of the Parish, the Parish Council has elected to encourage new development to the south rather than in the Warton Lane / Newton Lane area. This is reflected in the sites included in the Neighbourhood Plan.

10. HIGHWAYS

Reducing the number of houses planned for this site from 30 to 25 does not alter the fact that access onto the very narrow Newton Lane is precarious. It simply means there will be around 50 additional cars rather than 60 using this route. As the Councillors saw during their site visit in January, there is clear evidence of cars repeatedly coming off the road along the edge of the proposed site.

Permission has already been granted for 65 new homes in Austrey. This means around 130 additional cars, or around 780 additional journeys per day using our very limited network of roads. During peak times, this could already mean more than 3 additional cars per minute. It would be unacceptable to add a further 50 cars or 300 more journeys to this without improving the infrastructure in some way. Austrey does not have the capacity for such numbers.

11. PUBLIC TRANSPORT

The bus service to and from Austrey is extremely limited and has recently been reduced even further. A round trip to nearby Tamworth now takes around 2 hours. There are no buses to or from the village after around 7pm each evening, and there are only 4 buses per day at the weekend. This makes it very difficult for anyone living in Austrey without a car. We do not therefore think it a suitable location for social housing. It is remote from any centres of employment or any medical support. This makes it an expensive place to live.

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phone 01827 818558

12. HERITAGE

The developer is totally wrong to say that this development is not adjoining any listed buildings. There are 2 Grade II listed buildings within 50 metres of the site, one of which – The Manor House - has listed outbuildings opening directly onto the site. The three Manor Barns and Dovecote Grange, also having boundaries with the site, are former outbuildings of The Manor House. The view of this cluster of buildings, upon entering Austrey from Tamworth, is the same today as it would have been some 300 years ago. The proposed development would block that historic view completely.

It is also important to point out that the site, like many in and around Austrey, has a pronounced ridge and furrow formation dating back to the Middle Ages.

13. DRAINAGE

The Parish Council is aware of a major concern relating to poor drainage and flooding in this area of the village (see Appendix 1), and to the fact that more housing can only exacerbate the problem. The Parish Council is not prepared to take responsibility for supporting development that risks adding to the existing problems faced by residents along Warton Lane.

A Flood Risk Assessment carried out in a neighbouring field, also subject to a recent planning application (PAP/2014/0302), points out that *"the development of any green-field site will inevitably result in the generation of additional surface water runoff from the site after development"*. The proposed site is green-field land, and its development will result in the creation of large, hydrologically impermeable surfaces such as houses, roads and paved areas. This assessment also identifies the fact that there are *"a number of Grade 4 defects to the public sewer in Warton Lane"* and refers to *"... a collapsed section of the culvert"*, stating that these issues *"would significantly affect its capacity, and be contributing to flooding in the village."* There are no immediate plans or funding available to rectify these problems.

The assessment goes on to state that *"....upstream factors are also likely to be having a marked influence on the flooding problems"* and that this will result in *"significant volumes of surface water flowing into Warton Lane"*. The public sewers were never designed to receive flows from such a large catchment, so it is inevitable that flooding will occur, even without the noted defects. The report goes on to say *"it is inevitable that as a result of extreme rainfall, the capacities of the existing sewers, surface water attenuation features and other drainage systems will be exceeded on occasion."*

Like the neighbouring site, the developers plan to install flood attenuation equipment, limiting the discharge to 5 litres/second. As the Flood Risk Assessment states, *"these limited discharge rates are in excess of the very low existing green-field rates of runoff."*

Planning to develop further housing in this area would appear to be in direct conflict with Paragraph 100 of the NPPF which states that *"inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk"*. It is partly for this reason that the Parish Council, through the Neighbourhood Plan, supports development in more suitable locations elsewhere in the village, which are less prone to flooding.

To contact us:

write to Austrey Parish Council, c/o Austrey Stores & Post Office,
102 Main Road, Austrey, Atherstone CV9 3EG
email clerk@austrey.co.uk
phone 01827 818558

14. PEDESTRIAN ACCESS

The proposed site does not and cannot have a continuous pedestrian link to the centre of the village, as required by the Core Strategy. As your colleague Jeff Brown commented at the meeting of the Planning Board in March this year, "*the developer is caught between a rock and a hard place. A footpath can never be achieved here*". The Highway Authority maintains an objection on this basis, and the Parish Council believes that any development on this site would be dangerous for pedestrians.

15. LOSS OF AMENITY

When the members of the Planning Board made their site visit to Austrey in January this year, they felt very strongly that the adverse effect on the amenity of the occupier of Poacher's Pocket was unacceptable. This bungalow, very close to the boundary, has a fully glazed elevation fronting the proposed site and overlooking of this property would be unavoidable.

Given the many reasons outlined above, and the fact that the proposed development would bring no benefits whatsoever to the village, the Parish Council feels strongly that this application should once again be rejected, and that the developers be encouraged to seek a more suitable site elsewhere.

Yours sincerely

Darren Greally
Chairman

To contact us:

write to Austrey Parish Council, c/o Austrey Stores & Post Office,
102 Main Road, Austrey, Atherstone CV9 3EG
email derk@austrey.co.uk
phone 01827 818558

APPENDIX 1: FLOODING AT THE JUNCTION OF NEWTON LANE AND WARTON LANE



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write to Austrey Parish Council, c/o Austrey Stores & Post Office,
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phone 01827 818558

Levy, Erica

From: Anne Wilde <anne@austrey.co.uk>
Sent: 22 February 2016 17:03
To: Levy, Erica
Cc: Parish Council
Subject: PAP/2015/0350 - Rear of Manor Barns, Austrey

Dear Mrs Levy,

You recently contacted Austrey Parish Council regarding the revised planning application mentioned above, and asked for any objections to be lodged with you by today. We can confirm that we continue to object to the development of this site, as we have in the past.

As this is an outline application for access only at this stage, we wanted to get a full understanding of the traffic implications of creating a new access road onto Newton Lane, and contacted the Highways department of Warwickshire County Council for some expert advice. Despite having chased a response, we have heard nothing. I should therefore like to ask that the deadline be extended until this is forthcoming.

We do not believe that good decisions can be made without a **speed survey, a traffic impact assessment, a transport statement and an access audit**. We also have a number of concerns relating to fact that there is no possibility of a footpath along Newton Lane, connecting the proposed new development with the rest of the village. We are not prepared, as a Council, to put the safety of our residents at risk and these are some of the things we should like to discuss with a Highways engineer before finalising our objections.

Austrey Parish Council also has some concerns over the proposed status of the new access road. Will it be adopted? This isn't clear. If not, we should like to see a **draft maintenance agreement** from the developers, and a commitment to provide a collection point for 69 waste and recycling bins as this is not shown on the current draft layout.

In the meantime, I can confirm that the Parish Council is concerned, not only about the impact that additional traffic will have in Austrey, but we also have concerns about the rate at which our village is growing. If this development goes ahead, we will have had permission granted for a total of 104 new houses in Austrey within less than a year. This represents a 27% increase in one year which is unsustainable for a Category 4 village with little or no employment opportunity and very poor public transport facilities.

As you know, our Neighbourhood Plan is all but ready for submission. We are finalising the Consultation Statement which provides evidence to show that there are no outstanding issues, and that we have the full support of the local community. Your colleagues in the Forward Planning department at NWBC have already confirmed that they have no further issues with the wording of our Plan. The site in question is not supported by the village and we hope that, in accordance with the Localism Act and the NPPF, the members of the Planning Board will allow the residents of Austrey to control the location if not the number of new houses in the village.

We have mentioned in the past our concerns relating to the impact that additional housing in this area will have on the problems relating to flooding along Warton Lane. We are yet to be convinced that the existing risk will not be increased as a result of additional housing, and if it does, none of the relevant authorities seem willing to take responsibility for resolving the issues. We would like to request that a full **flood risk assessment** be carried out, detailing the plans for attenuation. Until we are satisfied that existing problems can be resolved, we will continue to have concerns in this respect.

In addition to all these technical points, Austrey Parish Council is very concerned about the impact this new development would have on the visual impact when arriving in Austrey. This dense, modern development would not sit well in the soft, rural landscape the residents of Austrey value so much.

We think it is essential that any new members of the Planning Board visit the site before reaching a decision, and hope you agree that this should be encouraged.

As soon as we have the information we are seeking from Warwickshire County Council, we will contact you again with more detailed comments on the proposed access.

Thank you in advance for your patience.

Best regards

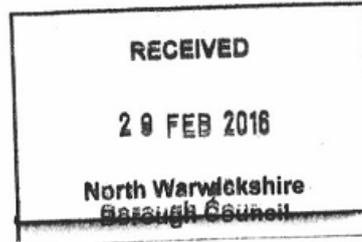
Anne Wilde
Chair of Planning Sub-Committee
Austrey Parish Council

CRAIG TRACEY MP

APPENDIX TWO



HOUSE OF COMMONS
LONDON SW1A 0AA



Planning Division
North Warwickshire Borough Council
The Council House
South Street
Atherstone
CV9 1DE

Our Ref: ZA0052

08 February 2016

To whom it may concern,

I am writing to object to the planning application number PAP/2015/0350, the outline construction of 23 dwellings with all matters reserved except access.

Since the revised application was submitted I have discussed this application with Austrey Parish Council and other local residents who are concerned about the traffic impact that this development will cause. On the plans which have been submitted by the applicant, access has been proposed from Newton Lane onto this site. As you will know from the previous applications, this section of Newton Lane is a small single track lane that serves as a thoroughfare from Newton Regis to Austrey and is a rat run for traffic to access the A444, B5000 and the A42. There will be also be severe visibility issues as the applicant has proposed to retain the six foot hedges either side of the access road which will prevent anyone exiting the site from doing so safely.

It also remains that this site lies outside of the assigned development boundary for Austrey and building on this land would be detrimental to the village by allowing additional housing at the edge of the village which has already been blighted by the M42 and the prospect of HS2 passing through this area.

Residents have also pointed out that this area is prone to flooding. The existing Manor Farm site backs onto Warton Lane, which as you may know is a former stream which has now been piped and the road built over it. In recent years there has been serious flooding along this road and the fields that this development has been proposed on is a natural flood defence which soaks up the excess water from Warton Lane. By allowing any building on this land and the removal of the natural flood defences, it will exacerbate existing flooding issues in Austrey and increase the risk of existing homes being flooded.

I would ask that the council's planning committee take serious consideration of the traffic factors and the rurality of this area before making a decision on this development.

Yours Sincerely

Craig Tracey MP
North Warwickshire & Bedworth

MEMBER OF PARLIAMENT FOR NORTH WARWICKSHIRE & BEDWORTH

Constituency Office: 76 Station Street, Atherstone, Warwickshire CV9 1BU
Tel: 01827 715243 Email: craig.tracey.mp@parliament.uk
www.craigtracey.co.uk www.facebook.com/craig4nwarks

(3)

a) Application No: PAP/2015/0587

Land to the rear of 6-20, Spon Lane, Grendon, CV9 2QG

Outline application - residential development 14 dwellings & access, for

Mr Stephen Gayton

b) Application No: PAP/2015/0691

Land To The Rear Of 20a Spon Lane, Grendon, CV9 2PD

Residential development of 4 no: 4 bedroom dwellings and attached garages

Mr Daniel Swift

Introduction

The applications are reported to Board at the request of the Local Member and at the discretion of the Head of Development Control, given that they are located on adjoining sites; due to the receipt of representations and given that one of the applications is for major development.

The proposals, because of their proximity and shared issues, are dealt with here in one covering report, but as two separate applications. In these circumstances, Members will be asked to determine each application separately.

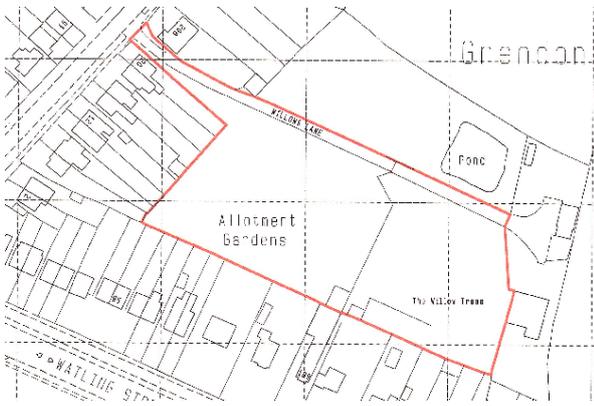
The Sites

In general terms the sites are situated on the east side of Spon Lane, accessed from an unclassified vehicular route, known as Willows Lane, which runs between numbers 20 and 20A Spon Lane.

Site 1 - PAP/2015/0587

The larger site is known as 'land to the rear of 6 to 20 Spon Lane'. It is partly described as a former allotment garden and partly described as paddock. It will be referred to in the report for ease of reference as 'Site 1'.

Site 1 is bordered to the south by the rear gardens of properties on Watling Street; to the west by the rear gardens of properties on Spon Lane. Two recently constructed dwellings lie to the east on land that was formerly a builder's yard site. Agricultural land lies further to the east. A site with planning permission for the erection of two dwellings (to be referred to as 'Site 2') lies to the north on the opposite side of Willows Lane. This land is the subject of a current application for the erection of four dwellings (also considered in this report). A large housing development by Bellway Homes is currently under construction on land lying beyond, further to the north. The site boundary of Site 1 is as shown below.



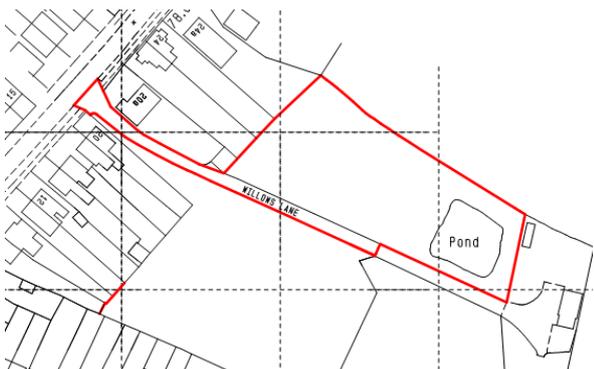
The photographs below illustrate the site



Site 2 - PAP/2015/0587

The smaller site is also accessed of Willow Lane and will be referred to in the report for ease of reference as 'Site 2'. It is currently vacant land. It was formerly screened with Leylandi and hedgerow boundaries but the screening has been cleared and the site is now open, contained by temporary Herris fencing. The former arable field to the north of the site is under construction as a housing estate. The allotments land which forms part of site 1 is situated to the south on the other side of the lane.

The site area is approximately 0.21 ha and is shown below.



The interior of the site is rough grass with a pond (taken before the removal of the conifer boundary hedge).



The images below show the adjacent housing under construction.



The aerial image below shows both sites:



The photograph below shows Willows Lane looking towards its junction with Spon Lane.



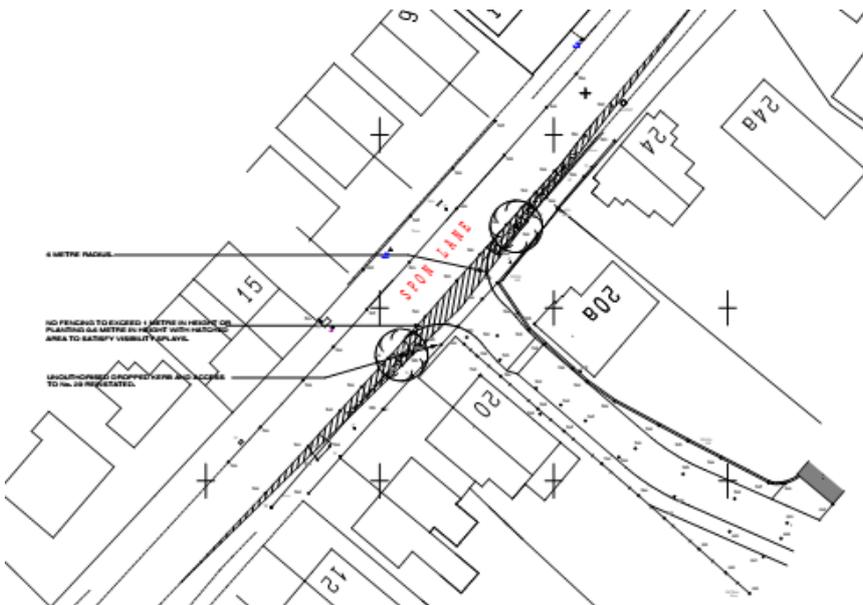
The Proposals

Site 1 - Outline application - residential development 14 dwellings and access

This is an outline application proposing the development of the site with 14 dwellings. All matters are reserved with the exception of access arrangements which are sought in detailed form. There is no illustrative layout but the schematic plan shown below identifies the developable area.



The proposed access arrangements are as shown below



Site 2 - Residential development of 4 no: 4 bedroom dwellings and attached garages

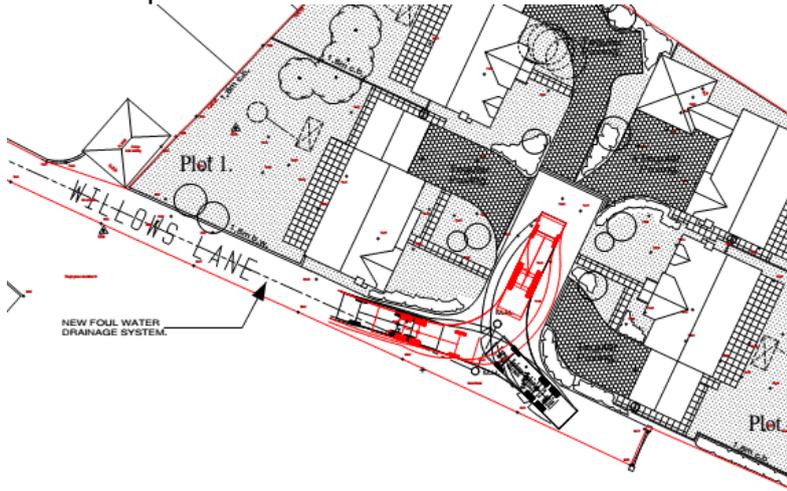
This is a full detailed planning application proposing the erection of four detached dwellings with garages. The site layout is as shown below:



The illustrations below show the variety of house types proposed. All are substantial two storey dwellings with attached double garages.



The illustration below shows that the site is accessible by a large vehicle, including refuse disposal vehicles.



Background

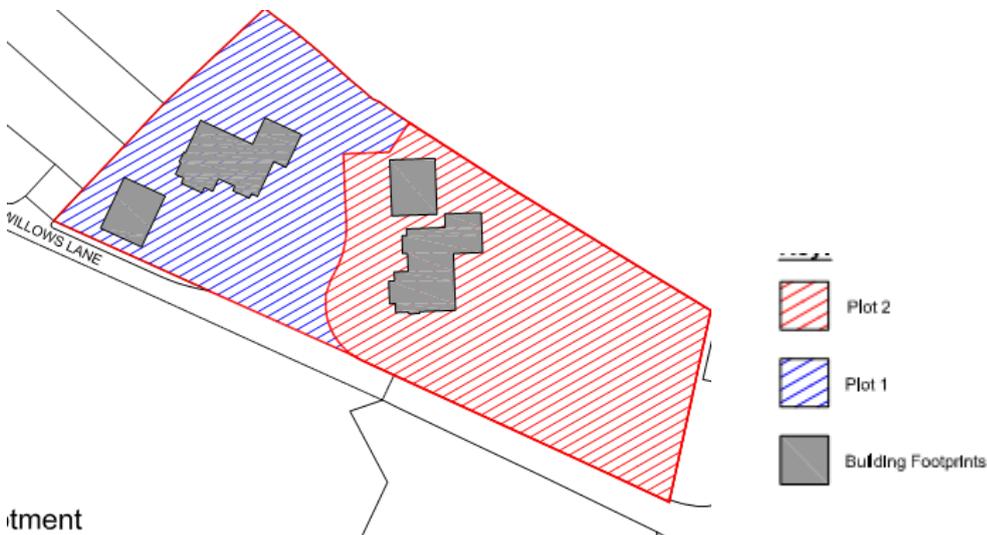
Application No: PAP/2015/0587 – Site 1

In July 2014 an outline application was made on this site proposing 21 dwellings and access improvements. Following concerns being raised about the access proposals and the loss of allotment land, the application was withdrawn in November. The applicant indicated that he would seek to address the concerns and re-present the application at a later date.

The application was resubmitted in October 2015. Initially it proposed 20 dwellings but was later revised to reduce the number to 14 and to introduce an area of open space. It is on this basis that the application is now to be determined.

Application No: PAP/2015/0691 – Site 2

Outline planning permission was granted in 2014 for the erection of two dwellings at the site. Approval of reserved matters then followed in September 2014. The approved details are shown below. The approved scheme included the retention of the on-site pond and its incorporation in the rear garden of Plot 2.





The current application seeks to increase the number of dwellings from 2 to 4.

Development Plan

The North Warwickshire Core Strategy 2014 – NW1 (Sustainable Development); NW2 (Settlement Hierarchy), NW5 (Split of Housing Numbers), NW6 (Affordable Housing Provision), NW9 (Employment), NW10 (Development Considerations), NW11 (Renewable Energy and Energy Efficiency), NW12 (Quality of Development), NW13 (Natural Environment), NW14 (Historic Environment) and NW15 (Nature Conservation)

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), ECON1 (Industrial Estates) and TPT6 (Vehicle Parking)

Other Material Planning 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 New Homes Bonus (NHB) would apply to these applications.

Consultations

Application No: PAP/2015/0587 – Site 1

Environmental Health Officer – No objection subject to conditions.

Warwickshire Museum – No objection subject to conditions.

Severn Trent Water – No objection subject to conditions.

Lead Local Flood Authority – The County Council has indicated that it required a Flood Risk Assessment and Drainage Strategy. This was communicated to the applicant. Following a reduction in the amount of development sought and the introduction of an area of open space, the applicant queried whether the matter could be dealt with by condition, on the basis of his confirmation that he intends to incorporate a sustainable drainage scheme within the open space, including attenuation ponds, swales, etc. as

well as permeable paving throughout the development and French drains and water butts provided in the residential areas. The observations of the LLFA are still awaited.

Warwickshire County Council as Highways Authority – The County objects to the application for the following reasons:

1. It has not been demonstrated that a large refuse vehicle as used by North Warwickshire Borough Council can enter and leave the site using a forward gear.
2. It has not been demonstrated that a large vehicle waiting in the access to the site can be passed by another vehicle entering the site.
3. It has not been demonstrated that the visibility splays from the necessary pedestrian tactile crossing points can be maintained.
4. Pedestrian access into the site is not considered suitable.
5. It has not been demonstrated that the bellmouth can be constructed in accordance with guidance.
6. With the loss of the pedestrian crossing on the A5 the location of the site is considered less sustainable, and potentially contrary to the Warwickshire Local Transport Plan 2011 -2026.

Application No: PAP/2015/0691 – Site 2

Environmental Health Officer – No objection subject to conditions.

Warwickshire Wildlife Trust - The surveys are adequate to inform decision making for this site. As no Great Crested Newts or reptiles were found, there is a very low risk of an offence resulting from this development. Good working practises should be a conditional requirement of any planning permission.

Warwickshire Museum – The proposal is unlikely to have a significant archaeological impact, therefore, no comments.

Representations

Application No: PAP/2015/0587 – Site 1

a) Letters of objection have been received from 18 correspondents which raise the following concerns:

- The development will cause overlooking, loss of privacy and will impact on the peaceful enjoyment of neighbouring homes and gardens.
- Loss of open views of the countryside
- Loss of dark skies and light pollution at night.
- This area is prone to flooding and damp and the development of this green field site would enhance these problems. There has been localised flooding in the general area of Spon Lane as well as problems of sewerage capacity resulting in the backing up of effluent into private gardens. If these issues have not been resolved it is possible that drainage of the site could exacerbate them to the obvious detriment of the locality.
- The site was used by villagers to grow their own fruit and vegetables, until the previous planning application for this site was submitted and they were told they could no longer plant there.
- There is no need for additional housing in the village. The development at Dairy Farm is adequate to meet housing need.

- If there is felt to be an unmet housing need it should be delivered on brownfield sites such as the Sparrowdale School/former waste disposal sites.
- The access serving the site is inadequate in width and overall design to cater for the additional traffic which would be generated by the additional dwellings. The track already serves the residential and commercial traffic generated by 'Willow Trees' and will also serve the 2 new dwellings granted planning permission at the rear of 20a to 24a Spon Lane.
- The objectors concur with the detailed concerns of the Highway Authority; the highway arrangements for servicing the development would be unacceptable.
- The revised access is now skewed at the entrance. Cars/trucks entering Willow Lane would have to dangerously veer to the left towards the brick boundary wall of 20A Spon Lane.
- The additional traffic would cause a hazard on Spon Lane and on the A5.
- Cars parked on Spon Lane will interfere with access to and from Willows Lane and will obstruct visibility.
- Spon Lane and Willows Lane are not suitable for emergency vehicles.
- The application site incorporates land owned by others. The submitted plans still do not show all the land necessary to carry out the development, ie. in this case the visibility splays, outlined in red, and the application should not have been validated. The application does not address or acknowledge the existence of the 2 trees on the Spon Lane frontage within the visibility splays which are technically part of the application site.
- The absence of an up to date ecological and arboriculture assessment was criticised. Even following the submission of some ecology surveys important issues such of trees and ecology have still not been fully addressed. No bat survey appears to have been undertaken. The ecological study is incomplete in that the study area omits the grassed area abutting Willows Lane, most which was also used as allotments.
- Notwithstanding the submitted amendments, the application still refers to access as the only matter applied for at this stage. The 'new' housing area indicated along with the landscaped buffer are still technically indicative and appear to have been introduced to placate residents' concerns about development immediately at the rear of their houses. The application still only relates to access. It does not include landscaping and if permission is granted, it is at least possible that subsequent proposals will be submitted to develop the whole site to maximise its potential.
- The scheme would need to make provision for access to maintain the rear boundaries of adjacent properties.
- The adopted Local Plan Proposals Map, the application site is outside the settlement boundary of Grendon and is identified as countryside.
- More than 50% of the site is private allotments, currently unused. They are not statutory allotments but that does not mean that they have no protection. Policy NW13 'Natural Environment' of the Council's adopted Core Strategy of 2014 refers to the protection from development of 'Green Infrastructure'. This is stated to include non-statutory allotments and private gardens.
- The Council's monitoring report of 31 March 2015, sets out the situation on the Borough Council's 5 years' housing land supply. It is clear that using the Sedgefield method of calculation which in this case includes sites from the Warwickshire Local Investment Plan to achieve the required 20% flexibility, that the Council has a 7.6 year supply of housing land. The application site is not

therefore presently required in order to fulfil the Council's housing land requirements.

- The site is not identified as a preferred option in the Draft Site Allocations Plan. Sufficient other land has been identified to meet the housing numbers for the settlement.
- Grendon and Baddesley Ensor are categorised as a 'Local Service Centre' in the Local Plan and land to accommodate a total of 180 dwellings was required to be allocated in the plan period. Consequently, the land to the rear of 12-24 Spon Lane was submitted to the Borough Council as a potential development option site in the request for sites for consideration. However, the land was not included in the final list of preferred options. It has been ascertained that the required number of dwellings can be obtained on other sites in the settlement designated as 'preferred options'.
- The Council has just issued another 'call for sites' letter to ascertain the current availability of potential housing land. This has been prompted largely by the housing shortfall in certain other West Midlands authority areas nearby, i.e. Birmingham, Coventry and Tamworth. The extent to which North Warwickshire will have to accommodate a proportion of this shortfall is as yet unknown. Much more work and negotiation has to take place before the numbers can be reconciled and this will take some time. This problem should, however, not be taken as a reason to make any pre-emptive decisions by the applications process on the suitability of a site which has only recently been deemed to be less suitable for development in the monitoring report.
- The recently adopted Core Strategy and 2015 Monitoring report are not absent or silent on the matter of housing numbers and preferred options for sites to accommodate the dwellings which are known to have to be accommodated. Any other housing numbers and appropriate sites are as yet unknown and planning application decisions are not to be made on speculation of what may be needed.
- The development is contrary to planning policy and it is contended that the adverse impacts of, and deficiencies in, the application proposals far outweigh any perceived benefits which such proposals may be deemed to have.

b) Mr and Mrs Reid, 20 Spon Lane

The occupiers of 20 Spon Lane, Mr and Mrs Reid and their daughter, have written several times in respect of the proposed development. Their concerns are set out below:

Mrs Reid has the condition cystic fibrosis and, as a consequence has had a double lung transplant. The lung transplant has left her immune-compromised. Cystic fibrosis, (CF), is a chronic and progressive condition which is both incurable and life shortening. It mainly affects the lungs and digestive system, causing susceptibility to chest infections and difficulty maintaining weight. Medical evidence has been supplied on a confidential basis to support this.

Mr Reid advises that Mrs Reid's condition is such that she will always be in decline. It is also the nature of such transplants and the heavy medication associated with them. Mrs Reid's consultant confirms that dust (construction/poor quality air) has an effect on all people's lungs and environmental factors can influence patient's health and lung function. Given the delicate situation that Mrs Reid is in following her transplant, she will need to be very meticulous about her environment and on-going healthcare. She is being treated for deterioration in lung function which, in 2015,

necessitated a period of further hospitalisation and treatment. She will always be immuno-compromised due to the medication needed to prevent fatal organ rejection.

Mr Reid advises that the timing of the organ deterioration coincided with a nearby housing development, the Bellway site, which has also generated a large amount of dust. He argues that she should not be subjected to undue stress or the physical effects of development. The inhaling the smallest amount of dust generated by building works could be harmful to Mrs Reid's condition.

It is suggested by Mr Reid that his wife would be expected to wear a surgical mask if there was any construction/demolition nearby. Given that their house and garden would border the building site on 2 sides there be no escape from it. Having to take these precautions around her own home would be unacceptable.

The reduction from 20 to 14 dwellings and the inclusion of a landscaped buffer between the proposed new houses and those existing properties fronting Spon Lane does not address the Reid's concerns as it does not alter the fundamental problem they face which is the inevitable effects of dust and dirt on Mrs Reid's health which will be generated by building works in close proximity.

Mr and Mrs Reid are concerned that the time taken to determine the application has been lengthy and that this delay is a cause of distress to him and his family.

The Reid's make the following detailed comment respect of the access and parking arrangements:

- The Reid's currently access their drive at an angle of 45 degrees across the "bellmouth" of Willows Lane as the front of the property is not deep enough to accommodate a vehicle at right angles without overhanging the footway. The revised junction design would be likely to make it more difficult for them to park outside their own home, something which they and their predecessors have enjoyed for many years. The plans now offer no parking whatsoever in the vicinity of the house for Mrs Reid, a registered disabled Blue Badge Holder.
- The removal of the ability for her to park close to her property infringes on her rights. Mrs Reid's consultant confirms that she has already lost over 1/3 of her new lung function and has many other associated illnesses that will affect her breathing and mobility in the future with an extremely high probability of the need for wheelchair usage and oxygen, it is now even more important that both the parking area and vehicle crossing in front of the house are retained.
- The revised highway design is more problematical than before given that in order to try to avoid the use of the corner of their front garden, the bell-mouth has been moved across the junction which has the effect of 'skewing' the entrance to the site itself, away from the required 90 degrees. This contrived 'adjustment' of the site entrance adversely affects the trajectory of vehicles – and particularly larger ones - entering the site from Spon Lane to the detriment of proper manoeuvring of the vehicles and will therefore adversely affect highway safety. It also fails to show the back edge of the footway which is still likely to encroach on the Reid's property.
- An early version of the application (when it proposed 20 dwellings) included an illustrative layout which made alternative parking provision for 20 Spon Lane with a new garage situated at the rear of the property's garden. This was in recognition of the conflicting access arrangements. The scheme has since been revised and no longer contains a proposal to erect a garage for use by occupiers

of 20 Spon Lane, however, in respect of the proposed garage, Mr and Mrs Reid commented that he did not wish for such a garage in exchange for the ability to park immediately in front of their property given the need to minimise the distance Mrs Reid has to walk to the car. The garage was indicated at the foot of the garden some 35 metres from the house, too far for Mrs Reid to be able to walk comfortably and safely at one time.

- The Reid's consider that they may exercise their permitted development rights to erect a wall, fence or other means of enclosure on their land adjacent to the proposed highway. This would severely affect visibility for pedestrians, especially small children, a situation exacerbated by the rising gradient of Willows Lane, notwithstanding the height limits imposed by the Order. This reinforces the argument that there is insufficient room between the adjacent houses to design such an access and estate road to serve the proposed number of new dwellings even those relating to the amended plans.

c) Grendon Parish Council - Objects to the application as follows:

- The Agent/Applicant has made no attempt to engage with the Community on this matter, whilst not a statutory requirement it is usual to do so and looks if they have something to hide.
- The Statement that Baddesley/Grendon is planned for a minimum of 180 houses does not ring true. We saw no mention of minimum in our deliberations of the Core Plan. Authorities plan on not only housing requirements, but the facilities and services that go with them. Throwing extra houses in willy-nilly will impact on the balance.
- Grendon already has 85 houses being built by Bellway with minimal facilities. Enough is enough until services are added.
- The statement regarding the Allotments being vacant is invalid. Mr Gayton informed the gardeners he was selling in 2014 and obviously they moved out to pastures new.
- Whilst not a Statutory Registered Allotment, it has been an Allotment since 1935 to our knowledge, and we shall be pursuing this matter.
- On the visibility plan we note the comment "unauthorised dropped kerb and access to No.20" What proof does the applicant have that this is unauthorised. We are aware it has been like this for at least 21 years.
- Spon Lane was laid out well before the general usage of motor vehicles, with a number of houses not having drives. Consequently cars are parked on both sides of the road making general access difficult especially for lorries.
- The addition of 85 houses at Penmire Rise will add to the problem. People from there will not walk to the newsagents but drive, causing even more congestion. We do not need 30+ more cars on this road.
- This is not in the NWBC Development Plan, but perfectly adequate Brownfield Land i.e. the old Sparrowdale School site is available.
- We fully agree with Tony Burrows letter of the 1st October 2014 to E Levy on the unsuitability of Willows Lane as to inadequate width, no passing point, access onto Spon Lane and the visibility for pedestrians while crossing it whilst walking down Spon Lane.
- We now would like to comment on the effect of all this on the owners of No.20, Mr and Mrs Reid. Mrs Reid has had a double lung transplant and parks at the front of their property. The Applicant/Agent is trying to force her to park in a

provided garage at the rear and walk. As a registered disabled person does she have any protection in law from this pressure? If she were a bat or a great crested newt, this planning application would be a non-starter.

- the Reid's have spent a considerable amount of money and time adapting the house for her disabilities and should this application be granted, will probably have to move as she will be unable to cope with the dust generated by the building work.
- We find it unacceptable that such pressure should be put on such a chronically sick person all in the name of financial gain, and for the reasons mentioned, request that you refuse this application.
- Concern regarding volume of traffic leaving and entering the site.
- Visibility splay of entrance may not be adequate.
- Density of site.
- Sewerage and drainage capacity may not be adequate in the area. Properties 46 and 48 Spon Lane were recently flooded after work started on the Bellway site.
- Constant planning applications and wrangles over land access make it impossible for Mr and Mrs Reid to be able to market their property. Materially the application has not changed and is removing the ability for Mr and Mrs Reid to park on their drive.

d) 161 Pro forma letters were received in relation to the original proposal as follows:

A: The proposed access to this site is too narrow to support this scale of housing and will create a very dangerous junction & as such, traffic from this site during construction and after will be a ***serious safety issue for children and vulnerable residents on a current "No Through" road. There also is no ability to achieve a suitable footpath along a part of the brick wall boundary for 20A Spon Lane, this is also a serious traffic safety issue.***

B: Last year's highways report for the previous application on this site, namely PAP/2014/0373 stated that the proposal would create around 200 movements of traffic per day to be added to Spon Lane. This figure would have to be added to the considerable existing traffic, both residential and commercial that is using the small lane at present.

C: Previous Highways reports for various sites along Willows Lane, including the one for PAP/2014/0373 (the application used previously for this site) have also indicated that visibility for pedestrians will be an issue. It also stated that cars will possibly stack up along Spon Lane. This will inflict problems on existing users of Spon Lane.

D: The road and access do not meet adoptable standards therefore there are no guarantees of any ongoing up keeping of the infrastructure. This will affect not only existing adjacent properties but also any of proposed new dwellings.

E: The indicated footpaths do not seem to be adequate for pedestrian needs. In particular, children, the elderly and disabled users will experience difficulty by having to enter Willows Lane before knowing if it is safe to cross Spon Lane. Entering Willows Lane also means navigating an uphill gradient, again causing difficulty to pedestrians in wheelchairs or those with pushchairs etc. who may wish to cross the junction. ***Road signage will also take up some of the footpath space, making them even narrower.!!***

F: The loss of this allotment ground remains an issue. It is the loss of a very valuable community amenity dating back many decades as indicated by historical maps of the area. It is currently only overgrown due to allotmenters being told verbally in early 2014 that they should not continue as houses are going to be built. This effectively forced allotmenters from the site.

G: The proposal will have a seriously ***negative impact*** on the character of the local area.

H: There will be serious loss of privacy to the houses adjacent to the planned dwelling. It ***will*** also affect existing easements and new ones will need to be created. For example the ability to dig up the private road for connecting services and also for 20A Spon Lane should they need to dig the road for the need to repair their wall inside Willows lane should a car damage it. ***This is actually once again an issue to address as the information is incorrect on the application form for this proposal.***

I: The traffic calming measures proposed will cause considerable noise and disruption to the adjacent properties. Any added infrastructure such as street lighting will also be an issue for all houses surrounding the site.

J: This site is not within the proposed future development sites as detailed within the Adopted Local Plan (Core Strategy) therefore is not required to meet the needs of the area moving forward. This Local Plan is adequate to meet the future housing needs in line with Government guidelines. There are also already many Brownfield sites available for extra housing within the local area. I believe these to be far more suitable than this Greenfield site.

e) **A further 103 pro forma letters** were received in May 2016 in respect of the revised proposal, as follows:

This does not form part of any petition. It outlines my further points of objection to the above application *as an individual*.

A: All of my and other objectors previous comments should remain valid to this application, regardless of this re consultation. I require them to still be used in the determination process.

B: *The latest proposed access to this site remains too narrow to support such scale of housing* and does not alleviate concerns of this becoming a very dangerous junction & as such, traffic from this site during construction and after will be a *serious safety issue for children and vulnerable residents on a current "No Through" road.*

C. *The amended proposal of March 2015 shows that the geometry of the bellmouth access to be formed is now skewed at the entrance.* This does not alleviate vehicle safety concerns but simply adds to it. Vehicles turning here immediately have to veer to the left towards a brick wall of number 20A! For the council to even consider this seems ludicrous!



D. *In October 2015 WCC Highways objected with 4 clear reasons as to why this access would be unsuitable.* This is in addition to all previous objections made by WCC Highways. Most, if not all of the issues remain and seemingly cannot be overcome by the applicants.

E. Information provided for this application has been constantly challenged since its first submission for permission in 2014 on PAP/2014/0373. Land ownership certificates, previous/current usage, ecology, statements of trees within the site etc. were all highlighted by objectors yet not addressed by NWBC prior to validating the resubmission as PAP/2015/0587. *It appears to be a confusing application with issues regarding its information.*

F: The indicated footpaths do not seem to be adequate for pedestrian needs. In particular, children, the elderly and disabled. *It also does not show the back line of the footpath! Road signage will also take up some of the footpath space, making them even narrower!!*

G: The proposal will have a seriously *negative impact* on the character of the local area.

H: The submitted Ecology reports indicates that *only part of the site* was considered in the study. *Not ALL land of interest!*

The council must consider equality issues in this application. It seems there is inadequate infrastructure for all user groups and Mrs Reid of 20 Spon Lane is a blue badge holder and registered disabled. The continued need for parking outside her house is imperative! This proposal removes the existing access route for this disabled driver.

This site is not within the proposed future development sites as detailed within the Adopted Local Plan (Core Strategy). Therefore is not required to meet the needs of the area moving forward. This Local Plan is adequate to meet the future housing needs in line with Government guidelines. There are also already many Brownfield sites available for extra housing within the local area. I believe these to be far more suitable than this Greenfield site.

Application No: PAP/2015/0691 – Site 2

a) **Six letters of objection** have been received raising the following concerns:

- Vegetation which formerly screened the site has been removed.
- Increased traffic using the site would be unsafe.

- Sewage capacity is inadequate.
- The development will exacerbate flooding problems.
- A 1994 application was refused at this site.
- There will be an increased number of pedestrians using Spon Lane as a result of the Bellway homes development. They would come into conflict with vehicles accessing this development.
- The standard of Willows Lane would be unsatisfactory for the number of dwellings now proposed. There will be no separation of vehicles and pedestrians on Willows Lane.
- There is insufficient provision for visitor parking.
- Access for refuse disposal is unsuitable.
- A fire appliance recently experienced difficulty accessing the site.
- Work has already commenced on site clearance. The site clearance could have harmed the ecological value of the site.
- The archaeology of the site should be investigated.
- The owner of adjacent property (20A Spon Lane) indicates that the developer may not rely on any land within his ownership in order to implement any planning permission given.
- The development will cause a loss of privacy.
- Access could cause damage to the adjacent boundary wall.
- Construction activity will cause noise and disturbance.
- The installation of new services could cause damage to an existing wall and garage.
- Significant improvements will need to be made to Willows Lane if more than two extra houses are proposed.

Mr Reid also objects to this application on the grounds that it would have an adverse impact on his wife's health.

b) 17 Pro forma letters were received as follows:

In respect of the above planning application I object to the proposal & hereby highlight, *as an individual*, my main concerns which I believe to be very valid planning points of objection to be considered.

A: The proposed access to this site is too narrow to support this scale of housing and compromises safety at the junction. As such, traffic from this site during construction and after will be a *serious safety issue for children and vulnerable residents on a current "No Through" road. There also is no ability to achieve suitable footpaths to service an increase in dwellings along Willows Lane, this is a serious traffic safety issue. To have a further increase in housing and/or planned housing along Willows Lane should make provisions for proper infrastructure suitable for all types of road users, including the disabled. Traffic here travels at considerably high levels of speeds*. Road safety and pedestrian safety have been highlighted in recent Highways reports for other applications within Willows Lane. Visibility for pedestrians is hindered by the borders at the access with number 20 Spon Lane and the wall of 20A. An increase to 4 houses will only highlight the safety issues further.

B: The new plans show much less room for vehicles within the site than the agreed 2 houses. With 4 houses proposed on this application a larger increase in traffic is expected and this would include delivery vehicles, refuse collection and visitors. No provisions for extra associated parking are indicated. The access and site do not seem adequate to cater for any extra housing. Especially considering the pedestrian safety concerns raised.

C. Work has already begun on the site: In recent weeks the ground has been cleared. They also cleared a large amount of trees which screened this site without any regard and set fire to them. This fire lasted 3 days!! This is surely not a professional approach to a construction site and raises issues regarding monitoring of any agreed or future work here.

D. Fire and Emergency Vehicles: On November 4th 2015 Atherstone Fire and Rescue attended the site when the trees were ripped down and set alight. The Fire Engine had some difficulty navigating Willows Lane due to the tight access and vehicles parked within the lane. This further highlights issues regarding safety and sustainability of this site.

E. Sustainability: It is now thought that the allotment site is unsustainable due to Bellway winning their appeal to remove the proposed crossing on the A5. A huge increase in pedestrians is expected with the Penmire Rise development and all facilities are only accessible by crossing a busy main road. These are facilities such as; school, doctors, pharmacy, public house etc.

F: Two Houses versus 4: A statement was made when the original application on this site was made. (PAP/2014/0465) It was stated that the applicant did not want the site associated with a larger scheme. This situation has clearly changed given that the applicant on this occasion has now engaged the same agent as for the Allotment site which is still pending.

G: The proposal will have a seriously **negative impact** on the character of the local area.

H: Flooding: There are still unanswered questions regarding localised flooding in Spon Lane and issues regarding capacity and backing up of effluent waste. These issues were highlighted recently by Severn Trent. To keep adding more and more houses is only likely to increase the risks to the local area and community.

I: This site is not within the proposed future development sites as detailed within the Adopted Local Plan (Core Strategy) therefore is not required to meet the needs of the area moving forward. This Local Plan is adequate to meet the future housing needs in line with Government guidelines. There are also already many Brownfield sites available for extra housing within the local area. I believe these to be far more suitable and sustainable than this site.

Observations

a) The Principle of Development

The sites lie outside, but adjacent to, the development boundary for Baddesley Ensor and Grendon as defined by the Development Plan. The development boundary adjoins the whole length of its southern and western boundaries of Site 1 and adjoins the western boundary of Site 2. Policy NW2 of the North Warwickshire Core Strategy (Adopted October 2014) indicates that the settlement is a Category 3A settlement. Here, the policy indicates that, development will be permitted in “or adjacent to” development boundaries that is considered to be appropriate to its place in the settlement hierarchy. Developments comprising 14 and 4 dwellings respectively would thus both be appropriate to their place in the settlement hierarchy.

Policy NW5 identifies that a minimum figure of 180 houses will be directed to settlement. The Council’s Preferred Options for Site Allocations – Pre-draft Submission 2014 identifies sites in excess of this number (216 dwellings). The application sites are not amongst the allocations.

The settlement has a range of services and facilities and is well linked to public transport routes. This was the relatively recent finding of the Planning Inspector who allowed the development of another site off Spon Lane where 85 dwellings were allowed. The overall view is that these proposals do constitute sustainable development and that it aligns with the Development Plan. The presumption is thus in favour of the grant of a planning permission on both of these sites.

It is necessary therefore to assess the specifics of the proposals in terms of their impacts, such as highway, amenity, ecology impacts, 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, objectors argue that the development should not be allowed in light of the Council being currently able to demonstrate a five year supply of housing.

The Council's latest figures for Housing Land Supply date from 31 March 2015. A 20% buffer is required to address previous undersupply during the first 5 years of the plan period. The Council can evidence a current 5 year housing land supply of 7.69 years (as of 30 September 2015). This has been tested at appeal and has been found to be sound.

These 5 year housing land supply figures relate to our current Adopted Core Strategy and draft Site Allocations plan (June 2014) housing figures of 3650 (our 3150 Objectively Assessed Need (ONA) figure with an additional 500 from Tamworth).

It is acknowledged that the housing supply position is not static. Through joint Duty to Co-Operate work within the Coventry and Warwickshire Sub-region, there has been agreement made to accommodate some of Coventry City Council's housing requirement due to a shortfall in their capacity to address/deliver their requirement. This is reflected in a recent Memorandum of Understanding (MoU) between the Joint authorities and North Warwickshire which has agreed a figure of 5280, which includes our current OAN, an element of the Coventry shortfall and an element of "economic uplift" to the housing numbers to encourage growth. The Borough's Local Development Scheme (LDS) has been updated to reflect the need to bring forward a revised Local plan to address these increased housing figures.

The updated March 2016 LDS programme includes an Autumn 2016 date (late September/early October) for publication and public consultation of a North Warwickshire Local Plan Submission Draft DPD. This document will include an updated Core Strategy Policy for the new Housing and Employment land requirements/figures, as part of the consultation and document. It will take the 5280 figure as a minimum housing requirement to be addressed by the Plan.

It is likely that, from that point on, the updates for the Five Year Housing Supply will need to reflect the changed housing requirement. However, until the publication of that document, the current Five Year Housing Supply calculations remain based on our current adopted Core Strategy housing requirement and OAN, as noted above, and any other suggestions/assertions would be considered premature.

For further clarification, it should be noted that the MoU noted above deals directly with the housing needs arising from within the Coventry and Warwickshire Housing Market Area (HMA). It does not address any shortfall arising within the Greater Birmingham HMA. Although work to assess the shortfall from the Greater Birmingham HMA is progressing, at this point in time it is not clear to what extent any unmet need will have to be met within Coventry and Warwickshire sub-region and in particular Stratford-on-Avon and North Warwickshire (these two local authorities fall partly within the Birmingham HMA) . At this current stage, therefore, the Five Year Housing Supply calculations (for North Warwickshire) will not take into account or reflect any shortfall arising from Birmingham City's situation.

In conclusion, whilst it is true that housing land supply is never a static position, and will change as housing need is re-assessed, the current position is that the Council can demonstrate that it has a five year housing land supply with a 20% uplift, and, in relation to paragraph 49 of the Framework, relevant policies for the supply of housing can be considered up to date.

However, the NPPF advises us that local planning authorities should seek to boost significantly the supply of housing and that housing applications should be considered in the context of the presumption in favour of sustainable development. Notwithstanding the current position in respect of the availability of a five year supply of housing land, it is necessary to ask whether the proposal could be regarded as sustainable development such that there would be a presumption in favour of it.

c) Amenity

Application No: PAP/2015/0587 – Site 1

The site is of an adequate extent to enable the provision of 14 new dwellings with adequate standards of residential amenity for occupiers of new dwellings. Surrounding dwellings have good sized rear gardens and development on the application site is unlikely to result in such levels of overlooking or loss of privacy that the refusal of planning permission would be justified. Occupiers of property have no entitlement to views across the property of others. The concern about loss of views cannot therefore be substantiated as a reason for the refusal of planning permission.

The site is surrounded on all sides by existing dwellings or new dwellings under construction and in the near vicinity of a major road. The loss of this site to development is unlikely to have any significant impact on the darkness of skies in the locality.

Application No: PAP/2015/0691 – Site 2

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 have good sized rear gardens and development on the application site is unlikely to result in such levels of overlooking or loss of privacy that the refusal of planning permission would be justified. Occupiers of property have no entitlement to views across the property of others. The concern about loss of views cannot therefore be substantiated as a reason for the refusal of planning permission.

The treatment of the boundary with the properties under construction will need to be a substantial one in order to maintain privacy for occupiers of both sets of dwellings. The side elevations of two proposed dwellings will face the properties currently under construction. It is not envisaged that any loss of privacy will result.

Given that the proposed dwellings will have large footprints and sit on relatively small plots and have near residential neighbours, the exploitation of full residential permitted development could have significant adverse effect on neighbouring properties. To retain control in respect of this potential harm it is proposed that if planning permission is granted, residential permitted development for extensions, roof alterations and garden buildings be removed.

d) Drainage and Flooding

Application No: PAP/2015/0587 – Site 1

Severn Trent Water offers no objection to the application in principle. It would require 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.

The LLFA has objected to the application on the basis that the proposed surface water strategy fails to incorporate sustainable drainage principles and required the submission of a FRA and sustainable drainage strategy. The applicant has responded by querying whether the matter may be dealt with by condition, on the basis of his confirmation that they intend to incorporate a sustainable drainage scheme within the open space, including attenuation ponds, swales, etc. as well as permeable paving throughout the development and that French drains and water butts will be provided in the residential areas. The observations of the LLFA are awaited.

Whilst it appears likely that the site will have sufficient capacity to accommodate a sustainable drainage solution, members will be updated on the stance of the LLFA at the Board. The absence of information in this respect may need to form a reason for refusal if an objection is maintained.

Application No: PAP/2015/0691 – Site 2

The site is below the threshold for consultation with the LLFA. Severn Trent Water offers no objection to the development of the site. In these circumstances there is no evidence to show that the additional two dwellings proposed here would materially impact on any surface or foul water flooding or capacity problems.

e) Highway Safety

Application No: PAP/2015/0587 – Site 1

The access arrangements are of significant concern to those who object to the planning application. The route travels between two existing dwellings and the dimensions available for the creation of a two way carriageway with adequate visibility and safe arrangements for pedestrians are very constrained. Furthermore, the properties which border the access route are situated close to the boundary of the application site and have boundary treatments which either currently constrain the access arrangements or could, by exploiting permitted development rights, further constrain the access arrangements.

Because of the present vehicular access arrangement the occupiers of 20 Spon Lane have elected not to erect a boundary fence all along the side boundary of their land. The side fence presently stops approximately two fence panels short of the back edge of the public highway footpath. There would be nothing to stop the occupiers of the property installing a new one metre high boundary wall/fence. This would have the effect of impeding visibility for drivers using Willows Lane, particularly in respect of pedestrians using the footways.

The occupiers of 20A Spon Lane have a wall and railings which are supplemented with bamboo canes (see photo). This wall serves as an impediment to sight of pedestrians using Spon Lane for drivers of vehicles using Willows Lane.



The Highway Authority objects to the scale of development proposed in this application, indicating the following detailed concerns:

- It has not been demonstrated by way of a swept path analysis that a large refuse vehicle, as used by North Warwickshire Borough Council, can access the site.
- It indicates that the access design has altered. An access width of 5 metres may be maintained but it is not laid out at 90 degrees to the public highway. As such, if a wide and/or long vehicle were waiting in the access another vehicle may not be able to pass.
- The pedestrian visibility splays from the crossing points across the proposed bellmouth access are not shown on the submitted drawings. It needs to be shown that pedestrians can see into the access to safely cross and that drivers leaving the site are able to see pedestrians crossing/waiting to cross.
- The proposed layout does not show where pedestrians entering the site will be able to walk. The desire line into the site for pedestrians could be from both directions along Spon Lane. As a bellmouth access is proposed a footway should be provided both sides of the access, and should extend into the site to a suitable point where pedestrians could share the driveway or a footway should continue. Entering the site from the direction of number 20 the footway narrows to approximately 1 metre, which is not wide enough for two people to walk side by side. From the direction of number 20a the footway would be less than 900mm in width and tapers to less than a width of a pedestrian within 3.5 metres of the near edge of the public highway footway. Neither footway access appears suitable.
- To accord with guidance the gradient of the bellmouth should not exceed 1:50. The proposed levels shown on the submitted do not appear to accord with guidance.
- The signalised crossing on the A5 will no longer be provided. As such, pedestrian access to the school, youth club, park, pharmacy, church and public houses located on the opposite side of the A5 may not be so attractive or practical.

The Highway Authority firmly maintains the belief that a bellmouth access is required for this scale of development, not only for maintenance reasons, but for safety also. The levels within the access do not help vehicle braking on the approach to the highway. The straight line within the site does not help reduce speeds either. A chicane feature would need to be installed close to the highway to slow vehicles down, but this could affect the size of vehicle able to access the site or affect other accesses/potential access points. It contends that pedestrian visibility will be compromised even with a dropped kerbed access, especially for those crossing from the front of 20 to the front of number 20a.

Despite several attempts to devise an access layout which meets standards, the applicant has failed to address the Highway Authority's concerns. On this basis it recommends that planning permission be refused.

Application No: PAP/2015/0691 – Site 2

The Highway Authority takes a different stance in respect of this proposal given its reduced scale. It finds that the submitted drawings adequately show that a large refuse vehicle can enter Willows Lane using a forward gear, turn around and then re-enter Spon Lane using a forward gear. As such, the site should be able to be serviced in accordance with guidance.

The Highway Authority advises that, as a result of many visits to the site, it is apparent that a lot of material transfer is occurring from the access to the site in to the public highway, despite the access having been re-surfaced. So, it advises that the length of bound surfacing within the driveway should be extended by at least 10 metres to prevent the transfer of material. The Highway Authority's response is one of no objection subject to conditions.

f) Affordable Housing

The Core Strategy Policy NW6 indicates that for schemes of between 1 and 14 inclusive units 20% affordable housing provision will be provided. This will be achieved through on site provision or through a financial contribution in lieu of providing affordable housing on-site. This will be calculated using the methodology outlined in the Affordable Housing Viability report or subsequent updated document and is broadly equivalent to on-site provision.

However, following a recent Appeal Court decision, paragraph 031 of the NPPG has been revised. The revision exempts small sites from affordable housing and play open space contributions 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.

Application No: PAP/2015/0587 – Site 1

This application proposes 14 dwellings and will therefore be above the threshold identified in the recent revision to Planning Guidance. The provisions of Policy NW6 will therefore apply. The applicant recognises this and has indicated an acceptance of a condition relating to the need to agree affordable housing measures equating to a 20% provision and the proposal would be policy compliant in this respect.

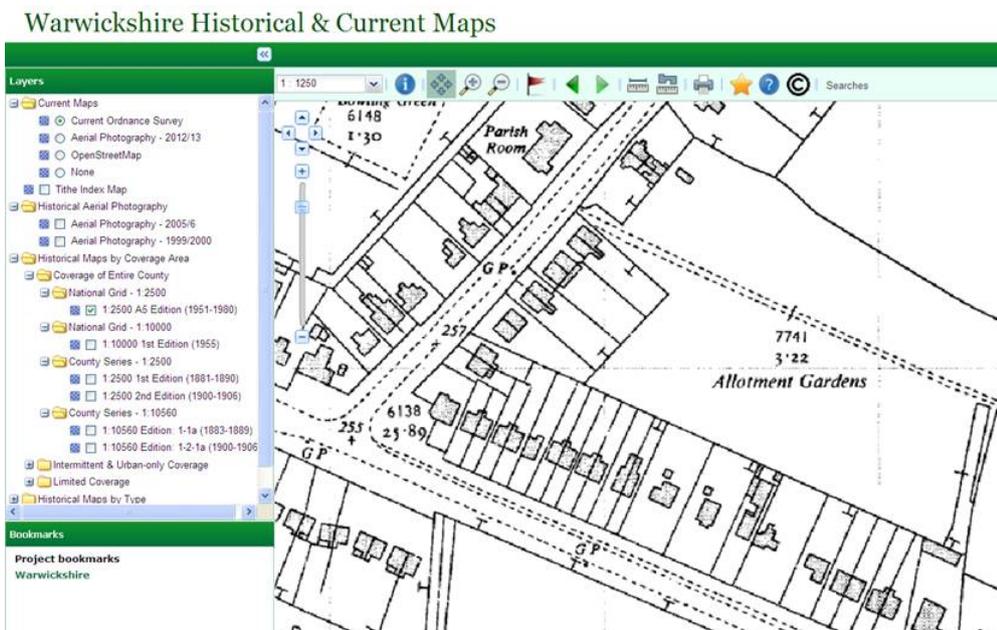
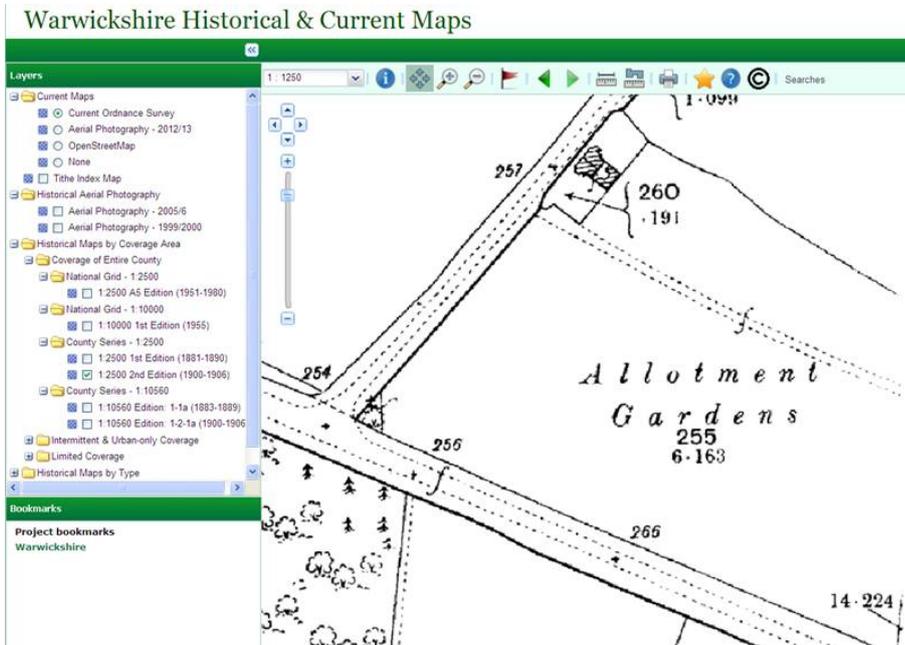
Application No: PAP/2015/0691 – Site 2

This application proposes 4 dwellings. It is therefore below the 10 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.

g) Other Matters

Application No: PAP/2015/0587 – Site 1

The application site is, in part, an allotment garden. It has a very long history of such use. It is shown on the 1900-1906 map and 1951-1980 map as such – see map extracts below.



The Council has undertaken an audit of green spaces which included an audit of allotment land in each settlement. The Audit (dated 2008) established that the settlement of Baddesley Ensor and Grendon had an under supply of allotment land, although there are other allotment sites in the settlement.

The NPPF sets out the following:

73. Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. Planning policies should be based on robust and up-to-date assessments of the needs for open space, sports and recreation facilities and opportunities for new provision. The assessments should identify specific needs and quantitative or qualitative deficits or surpluses of open space, sports and recreational facilities in the local area. Information gained from the assessments should be used to determine what open space, sports and recreational provision is required.

74. Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.

Given the specific needs assessment that has been undertaken and the finding of an existing under provision, as well as the value attributed to the allotments by local people, the applicant was asked to show how the loss of allotments here would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location if the current allotments are to be built on.

The applicant has submitted evidence to show that the allotments are not statutory allotments. That issue has never been in contention. It is agreed that they are not statutory allotments.

The issue is that the development of this land would lead to a loss of allotments/allotment opportunity. The application has been revised in recognition of the loss of the allotment land to provide a fairly substantial area of open space, though not of an equivalent size to the allotment land, nevertheless are reasonably large area that can be accessed by occupiers of both the proposed dwellings and, potentially, others living in the area. Given the presence of other allotment opportunities in the settlement, the date of the Green Spaces Audit and the provision of compensatory open space, it is deemed unlikely that a reason for refusal based on the loss of allotment land could be sustained.

The Council's Environmental Health Officer advises that the proposed development is on land which comprises turn of the century (last century) allotment gardens. Allotment practices are known to have the potential for contamination of the land with regard to use of asbestos containing materials, heavy metals, PAH contamination and hydrocarbon contamination as a minimum. As a consequence there is a recommendation in the event that permission is granted for the development that a site investigation is carried out on the land. This matter can be addressed by conditions and there are no ground condition matters that would suggest against the grant of planning permission.

The County Archaeologist advises that it is probable that this site has been in agricultural use since at least the medieval period. Whilst there are no known pre-medieval features known from the immediate vicinity of the site (other than the Roman Watling Street which runs to the south), this may be due to a lack of previous

archaeological investigations across this area, rather than an absence of activity during the pre-medieval periods. There is the potential for the proposed groundworks to disturb archaeological deposits, including structural remains, boundary features and rubbish pits, associated with the occupation of this area during the medieval and later periods. The archaeologist does not object to the principle of development, but considers that some archaeological work should be required if consent is forthcoming. This should take a phased approach, the first element of which would include a programme of trial trenching. There is no archaeological reason that the site could not be developed for housing.

The agent acting on behalf of the Reid's suggests that, notwithstanding the submitted amendments, the application still refers to access as the only matter applied for at this stage. He argues that the 'new' housing area, along with the landscaped buffer are still technically only "indicative". The application still only relates to access. It does not include landscaping and if permission is granted, it is at least possible that subsequent proposals will be submitted to develop the whole site to maximise its potential. This is a matter which could be clarified by a condition of any outline consent. It would be appropriate to attach a condition defining the developable area and specifying the maximum number of dwellings. Similarly, for reasons relating to the loss of the allotments, it would be appropriate to condition the requirement for the area of open space and defining its extent.

h) Both Applications – Land Ownership Issues

In the course of determining the application, the owners of 20A and 20 Spon Lane have queried the accuracy of the ownership Certificates served with the applications.

Investigations with Land Registry found that incorrect ownership certificates were submitted originally in respect of Site 2. When the errors were identified in respect of Site 2 the application was treated as being invalid and placed temporarily on hold. When the correct certificates were received the application was restarted with a new timeframe for determination.

In respect of Site 1, two submitted plans contained an inconsistency, with one showing that the proposed access would, for a small part, encroach onto land owned by Mr and Mrs Reid. The plans were subsequently revised to show no reliance on land in the Reid's ownership. There was therefore no requirement for revised ownership certificates to be completed in respect of Site 1.

Officers are now satisfied that correct notice has been served on those with an ownership interest in the application sites. If the application proposal relies on land that is not presently in the ownership of the applicant it does not preclude the Planning Authority from granting a planning permission, it would be a matter for the developer to secure rights to the land before he was able to implement the planning permission.

An objector takes the view that the submitted plans still do not show all the land necessary to carry out the development in the red line of the application site, ie. - the necessary visibility splays should be included in the red line of the application site. Officers are satisfied that the red line is of an appropriate extent. The land required for visibility is in the public domain and within the control of the highway authority.

i) Interim Conclusions

For the reasons set out above, it is considered that the proposals on Site 1 should not be supported because of concerns about highway safety, but that the development proposed at Site 2 represents sustainable development and may be supported subject to conditions.

j) Both Applications - Effect of the Proposed Developments on the Health of Mrs Reid

It is now necessary to address whether, despite the interim conclusions above there are any circumstances that indicate that the application at Site 2 should be refused and whether the application at Site 1 should carry an additional reason for refusal based around the health concerns identified in respect of Mrs Reid.

Mrs Reid occupies 20 Spon Lane, an extended semi-detached house which lies immediately adjacent to the south western side of Willows Lane where it meets Spon Lane. Mrs Reid has the condition cystic fibrosis and, as a consequence has had a double lung transplant. The lung transplant has left her immune-compromised. Medical evidence has been supplied on a confidential basis to support this.

The family believes that the Council should accept they have a duty of care for a person with a serious health condition and argue that the family health considerations should be a material consideration in the determination of the planning application.

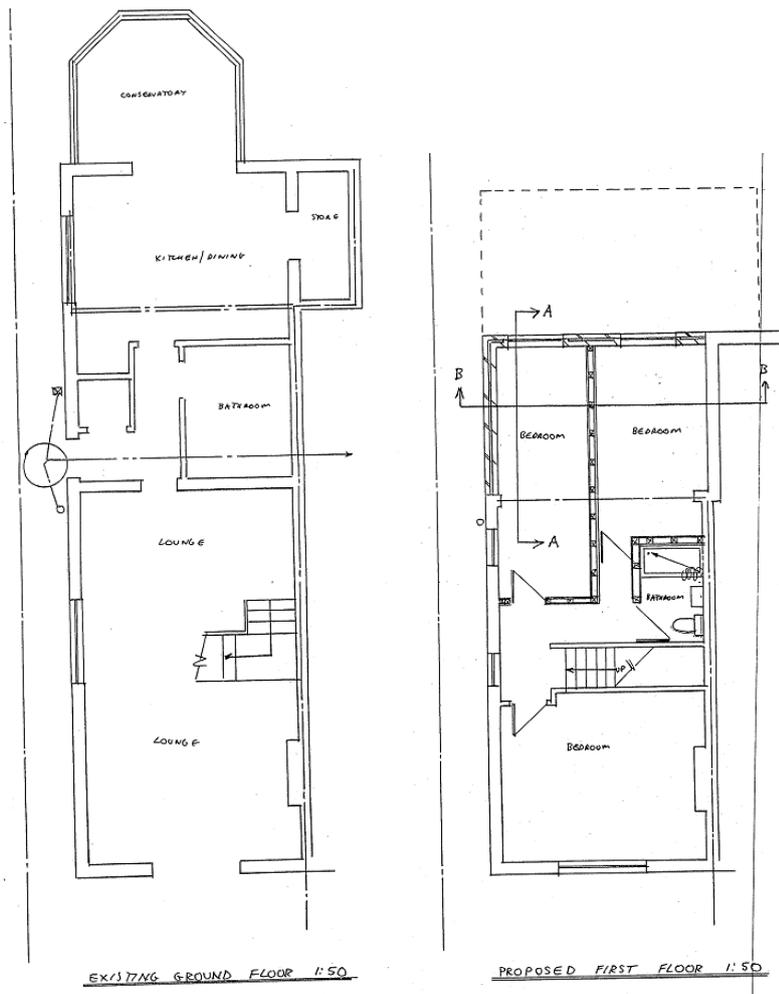
Counsel advice has been sought in respect of the extent to which the health considerations of Mrs Reid will be a material consideration in the determination of the planning application. That advice is reproduced in full in Appendix One of this report.

In brief, the advice is that as a matter of principle, personal circumstances are always 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, and that the health needs of Mrs Reid are capable of being a material consideration. The weight to be attached to any given material consideration is a matter for the decision maker. Being a relevant material consideration, however, does not necessarily make it a determinative matter. Even if the Council concludes that the construction period upon permission would cause material harm to the health of Mrs Reid, it does not follow that the application should be refused. This is but one matter in the weighing scales and will have to be weighed against the various benefits of the proposal.

The concerns principally relate to the effect of the construction phase on Mrs Reid's health due to the probable increase in airborne particles, but also to disturbance from future use of the land for housing. Concern is also expressed about the effect on the current car parking arrangements enjoyed by the family, the effect that the development may have on Mrs Reid's ability to park her car on the frontage of her property and the effect that changed parking arrangements would have on her health because of increased walking.

Counsel advice indicates that judging the impact on Mrs Reid will require an appraisal of the particular characteristics of her home.

- The internal layout of the property is as shown below:



- The images below show the rear of Mrs Reid's home. It has been extended with a two storey rear extension (sometime between Sept 2008 and Sept 2011) and has a single storey kitchen extension which extends beyond the two storey element, with a glazed conservatory beyond. The rear garden is fully enclosed with a tall close boarded fence. The rear garden does not contain any trees or tall vegetation that might be a barrier to the movement of dust or particles.



- Though the lounge to the property is at the front, the kitchen/dining/conservatory will be, to a degree, be used as living accommodation. The lounge and kitchen also contain windows facing the access route.
- 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 and the rear of the ground floor conservatory would be approximately 45 metres.
- The Council's Environmental Health Officer advises that the prevailing wind direction will generally be from the south west. Therefore the general prevailing wind direction will be away from, rather than towards, Mrs Reid's property.
- In respect of the proposed development, Mrs Reid's consultant comments as follows:

The newly proposed site is located at the back and side of her property and consists of 20-21 houses within a densely populated area with all construction access needing to utilise only one way in/out which is past Julie's front door (positioned at the side) via a single width road between her and her neighbour's property. Escaping the dust and toxins will be nigh on impossible by either entrance or exit to the house.

Taking away her ability to park close to her house might in fact force her to have to remain in her house which will be detrimental to her health when she needs to be able to be taken out for clinic, hospital and doctors' appointments on a regular basis. Having wheel chair access is also highly likely to be necessary at some point to ensure she can enter and exit her house with minimal discomfort to herself.

- the character of the locality is semi urban, the property fronts a reasonably busy 'D' road and is only 100m distant from the A5 trunk road. The baseline of the locality is site not a quiet rural location.

There is clearly some evidence to support the risk to Mrs Reid's health and enjoyment of her property from the proposed development, primarily in the short term whilst the permissions are implemented. However, advice from Counsel is that this needs to be weighed against the mitigation that may be possible and the benefits of the proposal.

There is plainly a very great public interest in providing much needed housing. Increasing the supply of housing has been at the forefront of the government's planning reforms in recent years. Many people in the borough are disabled and may be aggravated by building work, however, in the normal course of events one would not expect that their sensitivity would be a cogent and defensible ground to prevent development.

It is recognised that Mrs Reid may be obliged to alter her pattern of behaviour by, for example, avoiding relaxing in her garden during busy days of construction work (when the wind is blowing in an unfavourable direction). However, the impact could be mitigated by a sympathetic construction management plan and good communication between the house builders on the ground and Mrs Reid so that she can be warned when particularly "dusty" activity is to be undertaken and planning undertaken so that this activity occurs when it is less likely to affect her. The Council's Environmental Health Officer recommends that a planning condition be attached to any planning permission to make this a formal requirement. He also recommends that construction activity is restricted to the standard hours of 0800 to 1800 during weekdays and 0800 to 1300 on Saturdays.

The consultant does not conclusively state that the development 'will' be meaningfully harmful to her health, he asserts that she could be at risk of contact with dust and toxins whilst entering and exiting the house. He does not assert that risks will extend to life within the dwelling. Furthermore, he indicates that if the ability to park near the house is lost then it could leave her housebound and at risk of being unable to attend medical appointments. For the reasons set out below, it is not definitive that the grant of planning permission would result in the inability to park at the dwelling. The consultant's letter suggests a possible unfamiliarity with the dwelling in that he refers to the future likelihood of requiring wheelchair access to the dwelling. The levels and constrained proportions of the frontage to the property may make the provision of wheelchair access very difficult to achieve.

The Council has been advised that in order to give significant weight to this matter, there would have to be concrete and cogent evidence that the building work would give rise to unacceptable harm to the health of Mrs Reid (after one has taken account of

sympathetic management and good consultation). The fact that for a number of days, or indeed weeks, she has to stay in doors with the windows shut to prevent the ingress of dust is unlikely to be sufficient to justify the refusal of permission. Mere inconvenience is not enough. The fact the claimant's convalescence could be aided by living in a peaceful ambience devoid of building work is again not enough.

The Council is advised by the applicant that the Reid's have been offered the value of their house plus 10% but that this offer has been refused. The Council is further advised that they are seeking the value of their house plus a 25% uplift. There may be a good reason why the Reid's turned down the offer. However, the Council would be entitled when reaching its overall view to afford weight to the fact that the Reid's have refused what could be characterised as a reasonable offer to purchase their property.

Furthermore, in dialogue about how to reconcile the proposal with the identified health issue, officers have attempted to broker the idea that the developer could be requested to facilitate a temporary rehousing of Mrs Reid, and her family if appropriate, during the construction phase. Mr Reid has confirmed that this would not be agreeable to him, as there would be uncertainties about the state of Mrs Reid's health at that time and the disruption could be lengthy.

One of the matters that concerns the occupiers of 20 Spon Lane is that the proposed access arrangements would interfere with the current vehicular access arrangements to the frontage of the property. The current arrangement involves driving onto the frontage at an angle, leaving Spon Lane at the position of Willows Lane and parking sideways across the front drive. This is illustrated in the photographs below.



The occupiers of 20 Spon Lane argue that the application proposal would interfere with their long established access arrangements and that an inability to park at the front of the property would have adverse health consequences for Mrs Reid. It is correct that

the proposed access arrangements would not be compatible with the present access arrangements, however, the position in respect of the current arrangements are not clear. The Highway Authority has confirmed that the current arrangements are not expressly authorised and that if they were sought retrospectively they would not be supported because it could not support the angular crossing of the footpath. In these circumstances it is not possible to resist the proposed access arrangements on the basis that they would interfere with the present access arrangements, irrespective of the implications for the occupiers of the existing property. There is however, the possibility that Mr and Mrs Reid could claim a prescriptive right to the access arrangement given that they, and former owners of the property, claim to have enjoyed the same access arrangements for a twenty year period.

By way of completeness, the Highway Authority has indicated that, with some works to increase the depth of the hard surfaced frontage (taking back a small retaining structure at the foot of the front bay window to the property) there is a prospect that there might be support for dropping the kerb across the front of 20 Spon Lane to create frontage parking at the regular 90 degree angle to the highway. It would be for the occupier of that property to present an application for the alternative parking solution.

In conclusion, whilst the health of Mrs Reid is a material consideration, it is not a factor which should be afforded overriding weight and for the reasons set out in this report would not be a robust and defensible reason for refusal.

k) Overall Conclusions

Application No: PAP/2015/0587 – Site 1

The highway safety problems associated with the proposed development are of such weight that they demonstrably outweigh the benefits of the development. It is considered that the proposal may not be supported.

Application No: PAP/2015/0691 – Site 2

Though the health circumstances of Mrs Reid a material consideration in the determination of this application, they are of insufficient weight, in light of possible mitigation, to override the National Planning Policy Framework presumption in favour of sustainable development. There are no identified adverse impacts that would significantly and demonstrably outweigh the benefits of the development. It is considered that the proposal may be supported subject to conditions.

Recommendations

a) Application No: PAP/2015/0587 – Site 1

That planning permission be **REFUSED** for the following reason:

1. It has not been shown that safe and convenient vehicular and pedestrian access can be formed to service the proposed development. The development would be contrary to Policy NW10 of the North Warwickshire Core Strategy 2014 and to Paragraph 32 of the National Planning Policy Framework, March 2012

2. Dependent on the outcome of consultation with the Lead Local Flood Authority, a second reason for refusal relating to the absence of Flood Risk Assessment may be an appropriate further reason for refusal.

b) Application No: PAP/2015/0691 – Site 2

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 9312.10, 9312.12 and 9312.13 received by the Local Planning Authority on 9 November 2015 and the plan numbered DWG-01 Refuse Vehicle Swept Path Analysis, incorporating site layout, received by the Local Planning Authority on 11 February 2016.

REASON

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

3. No dwelling shall be occupied until the existing access to the site for vehicles has been surfaced with a bound material for a distance of 10.0 metres in to Willows Lane, as measured from the near edge of the existing bound surface, in accordance with details to be approved in writing by the Local Planning Authority in consultation with the Highway Authority. 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 safety on the public highway.

4. No building shall be occupied until the parking and manoeuvring 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.

REASON

In the interests of safety on the public highway.

5. 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 safety on the public highway.

6. The development shall not be commenced until parking and turning areas have been provided within the site so as to enable general site traffic and construction vehicles to park off the public highway and to leave and re-enter the public highway in a forward gear. No vehicle associated with the development shall park on the public highway fronting the site.

REASON

In the interests of safety on the public highway.

7. The development shall be carried out in full accord with the provisions of the Construction Environmental Management Plan received by the Local Planning Authority on 24 March 2016.

REASON

To protect the amenities of occupiers of nearby residential property.

8. No development whatsoever within Class A, B, C and E 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.

9. Before the commencement of the development, a landscaping scheme shall be submitted to the Local Planning Authority for approval.

REASON

In the interests of the amenities of the area.

10. The scheme referred to in Condition No 9 shall be implemented within six calendar months of the date of occupation of the first house approved under reference 9 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.

11. No development shall be commenced before details of the 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.

12. Before the development commences a scheme for the construction of the foul and surface water drainage system shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

REASON

To prevent pollution of the water environment and to minimise the risk of flooding on or off the site.

13. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of screen walls/fences/hedges to be erected. The approved screen walls/fences shall be erected before the building(s)/dwelling(s) hereby approved is/are first occupied and shall subsequently be maintained. Any trees or plants which, within a period of 5 years from the date of 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.

14. The development shall be carried out in full accord with the precautionary construction practices and recommendations contained within the Newt and Reptile Surveys received by the Local Planning Authority on 4 May 2016.

REASON

In the interests of the protection of protected species.

Notes

1. The submitted plans indicate that the proposed works come very close to, or abut neighbouring property. This permission does not convey any legal or civil right to undertake works that affect land or premises outside of the applicant's control. Care should be taken upon commencement and during the course of building operations to ensure that no part of the development, including the foundations, eaves and roof overhang will encroach on, under or over adjoining land without the consent of the adjoining land owner. This planning permission does not authorise the carrying out of any works on neighbouring land, or access onto it, without the consent of the owners of that land. You would be advised to contact them prior to the commencement of work.

2. 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>
3. In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner through pre-application discussions; seeking to resolve planning objections and issues, suggesting amendments to improve the quality of the proposal and through meetings and negotiations. As such it is considered that the Council has implemented the requirement set out in paragraphs 186 and 187 of the National Planning Policy Framework.

BACKGROUND PAPERS

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

Planning Application No: PAP/2015/0587 (Site 1)

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	14 9 15 12 10 15
2	Environmental Health Officer	Consultation Response	7 10 15
3	Milan and Michelle Gugleta	Representation	12 10 15
4	W Reid	Representation	9 10 15 23 10 15 12 11 15 16 2 1 23 5 16 25 5 16
5	Serena Baker	Representation	20 10 15
6	Sebastian Wisniewski	Representation	19 10 15
7	Grendon Parish Council	Representation	20 10 15 12 1 16 11 5 16
8	V Lees	Representation	20 10 15
9	J Lees	Representation	20 10 15
10	C Haynes	Representation	26 10 15 16 5 16
11	P Baker	Representation	26 10 15 21 5 16 27 10 15 23 5 16
12	S Baker	Representation	26 10 15 21 5 16 23 5 16
13	P Openshaw	Representation	27 10 15
14	C Marshall	Representation	26 10 15 25 5 16
15	J Marshall	Representation	26 10 15 25 5 16
16	Various	161 Pro forma representations	16 10 15
17	J Carbutt	Representation	22 10 15
18	Rev Chamberlain	Representation	28 10 15 18 5 10
19	L Moss	Representation	2 11 15
20	Miss Reid	Representation	2 11 15 24 5 16
21	J Nicholson	Representation	19 5 16
22	Various	103 Pro forma representations	24 5 16

23	S Hawken	Representation	26 5 16
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Planning Application No: PAP/2015/0691 (Site 2)

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	
2	Environmental Health Officer	Consultation Response	7 1 16 24 3 16
3	Warwickshire Wildlife Trust	Consultation Response	1 2 16 4 5 16
4	Warwickshire County Council Highways Authority	Consultation Response	20 1 16 17 2 16
5	Planning Archaeologist, Warwickshire Museum	Consultation Response	11 1 16
6	Various	17 Pro forma representations	Varoious
7	W Reid	Representation	29 12 15
8	J Reid	Representation	29 12 15
9	S Baker	Representation	4 1 16
10	P Baker	Representation	4 1 16
11	C & J Marshall	Representation	5 1 16
12	J Lees	Representation	6 1 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.

ADVICE

Introduction

1. I am asked to advise North Warwickshire Borough Council (“the Council”) in respect of a planning application for 14 dwellings and associated open space on Spon Lane. The site has previously been used for allotments and quasi domestic paddock/garden use.

2. I am asked to advise on a single aspect of the application: how the Council ought to approach the issue of the interests of Mrs Reid.

3. She lives in close proximity to the application site at 20 Spon Lane. She is in very bad health. I am instructed that she is disabled within the meaning of the Equality Act 2010. The nature of her ill-health is not straightforward but, put simply, she has had a double lung transplant and is susceptible to increased particles in the air which could harm her breathing. Advice has been received from the Council’s Environmental Health Department that the construction of the proposed development will result in an increase in air particles notwithstanding that the applicant can be required to agree a construction management plan to reduce the emission and extent of dust. The Environmental Health Officer is of the view that once completed the development may represent an improvement with regard to air particles.

4. In determining the planning application, I am asked whether, and to what extent, the adverse health impact the development may have on Mrs Reid is a material consideration.

Advice

5. As a matter of principle, personal circumstances are always 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 (Great Portland Estates plc v Westminster City Council [1985] A.C. 661). The relevance of personal circumstances has arisen as an issue in particular in cases involving gypsies. The proposition that personal circumstances may be a relevant consideration in planning decisions was confirmed as well established in South Bucks District Council v Porter (No 2) [2004] 1 W.L.R. 1953.
6. It is trite and long-established law that the range of potentially relevant planning issues is very wide and that, absent irrationality or illegality, the weight to be given to such issues in any case is a matter for the decision maker.
7. I advise that the health needs of Mrs Reid are capable of being a material consideration and that the failure of the Council to have regard to them **could** give rise to an allegation that it made an error of law (for example by disregarding the public sector equality duty). I therefore advise that the Council have regard to the personal circumstances of Mrs Reid as a material consideration. This should be addressed explicitly on the face of the officer's report to members (or the delegated report).
8. The weight to be attached to any given material consideration is a matter for the decision maker. It is not for me to judge what weight the Council should give to this one issue. I simply observe that the issue, whilst relevant, may not be determinative. Even if the Council concludes that the construction period upon permission would cause material harm to the health of Mrs Reid, it does not follow that the application should be refused. This is but one matter in the weighing scales and will have to be weighed against the various benefits of the proposal.

9. I am not told whether the Council can demonstrate a 5 year supply of housing sites. This will have a bearing on how determinative this particular consideration is in the final planning balance. If the Council cannot demonstrate a 5 year supply of housing, by operation of para 14 of the Framework those policies for the supply of housing would be out of date and the application should be approved unless the adverse effects of doing so would demonstrably and significantly outweigh the benefits (“the tilted planning balance”). If the Council can demonstrate a 5 year supply of housing, a conventional planning balance should be adopted.

10. I recognise that the impacts on the health of Mrs Reid could be significant, in the short term, whilst the permission is implemented. She may be obliged to alter her pattern of behaviour by, for example, avoiding relaxing in her garden during busy days of construction work (when the wind is blowing in an unfavourable direction). However, the impact could be mitigated by a sympathetic construction management plan and good communication between the house builders on the ground and Mrs Reid so that she can be warned when particularly “dusty” activity is to be undertaken and planning undertaken so that this activity occurs when it is less likely to affect her.

11. Judging the impact on Mrs Reid will require an appraisal of the particular characteristics of her home. The Council will have to have a clear idea of the proximity and relationship of Mrs Reid’s property to the application site. Is there any intervening vegetation? What is the predominant wind direction? Does Mrs Reid’s garden and living quarters of the house face the application site?

12. There is plainly a very great public interest in providing much needed housing. Increasing the supply of housing has been at the forefront of the government’s planning reforms in recent years. Many people in the borough are disabled and may be aggravated by building work. Many people with tinnitus or serious mental health problems may find their symptoms exacerbated by repetitive and invasive construction noise. In the normal course of events one would not expect that their sensitivity would be a cogent and defensible ground to prevent development.

13. It seems to me that in order to give significant weight to this matter, there would have to be concrete and cogent evidence that the building work would give rise to unacceptable harm to the health of Mrs Reid (after one has taken account of sympathetic management and good consultation). The fact that for a number of days, or indeed weeks, she has to stay in doors with the windows shut to prevent the ingress of dust is unlikely to be sufficient to justify the refusal of permission. Mere inconvenience is not enough. The fact the claimant's convalescence could be aided by living in a peaceful ambience devoid of building work is not enough. Assertion is insufficient: detailed medical evidence from Mrs Reid's treating clinicians will be needed. The Council would have to have good evidence that the building work is likely to meaningfully harm her health. In the absence of this, it seems to me that only limited weight can be afforded to this consideration. If the Council cannot demonstrate a 5 year supply of housing sites, it makes it even more difficult for it to sustain a reason for refusal upon this basis.

14. I am not expert in the area of respiratory medicine, but it seems to me unlikely that the building work envisaged would cause an unacceptable risk to the health of Mrs Reid. Every day of the year, hundreds if not thousands of people with respiratory problems live and work in towns and cities with dust particles (of differing identities and concentrations). I would be surprised if straightforward mitigation could not be adopted by Mrs Reid (for example, *in extremis* the use of a face mask when relaxing in the garden) to mitigate the impact to an acceptable level. Frankly, if Mrs Reid's was so precarious I would not have expected her to have been discharged from hospital.

15. I am instructed that the Reids have been offered the value of their house plus 10% but that this has been refused. They are seeking the value of their house plus a 25% uplift. There may be a good reason why the Reids turned down the offer. However, the Council would be entitled when reaching its overall view to afford weight to the fact that the Reids have refused what could be characterised as a reasonable offer to purchase their property. Further, the character of the locality is plainly relevant. The area is semi urban and (I am told) their property fronts a reasonably busy 'D' road and only 100m distant from the A5 trunk road. This is not a case where the application site is found in a quiet rural idyll.

16. In addressing this issue of Mrs Reid's health, it would be open to the Council to consider alternative sites.

17. In R. (Mount Cook Land Ltd) v Westminster City Council [2004] 2 P. & C. R. 405, the Court of Appeal summarised the case law in the following way:

- a) In the context of planning control, a person may do what he wants with his land, provided his use of it is acceptable in planning terms.
- b) There may be a number of alternative uses from which he could choose, each of which would be acceptable in planning terms.
- c) Whether any proposed use is acceptable in planning terms depends on whether it would cause planning harm judged according to relevant planning policies where there are any.
- d) In the absence of conflict with planning policy and/or other planning harm, the relative advantages of alternative uses on the application site or of the same use on alternative sites are normally irrelevant in planning terms.
- e) Where an application proposal does not conflict with policy, otherwise involves no planning harm, and, as it happens, includes some enhancement, any alternative proposals would normally be irrelevant.
- f) Even in exceptional circumstances where alternative proposals might be relevant, inchoate or vague schemes and/or those that are unlikely or have no real possibility of coming about would not be relevant or, if they were, should be given little or no weight.

18. In R. (Langley Park School for Girls Governing Body) v Bromley London Borough Council [2010] 1 P. & C. R. 10, Sullivan L.J. observed that where there are no clear planning objections to a proposal development, alternative proposals, whether for an alternative site or a different siting within the same site, will normally be irrelevant. However, where there are clear planning objections to a

proposed development, the more likely it is that it will be relevant, and may in some cases be necessary, to consider whether that objection could be overcome by an alternative proposal.

19. In South Cambridgeshire District Council v Secretary of State for Communities and Local Government [2009] P.T.S.R. 37 the Court of Appeal ruled that the burden was not on the applicants to show that they had done all that reasonably could be done to find a site that catered for their needs but that no such site was available. Rather, as indicated above, the relevance of alternative sites would depend on all the circumstances.

20. In short, it would be open to the Council to consider alternative sites if that is considered relevant as a matter of planning judgment. However, there is no requirement to. The applicant is not obliged to demonstrate that there is no other site available in the vicinity. This does not appear to be a case where one could reasonably expect the applicant to “go the extra mile” to demonstrate the absence of alternative sites.

Conclusion

21. In short I advise that the health of Mrs Reid is a material consideration and should form part of the determination of the application. However, it is unlikely to be a factor which should be afforded significant weight. From what is before me, I am doubtful that a reason for refusal on this basis would be robust and defensible. It seems to me that this is an issue which could be dealt with properly and robustly by communication between Mrs Reid and the applicant to agree a condition which mitigates the impact and gives Mrs Reid the legally binding reassurance that the site will not be built out in a haphazard or disruptive manner, but can be done sympathetically and with restraint. Mrs Reid should be reassured that house builders are familiar with building out sites with care that have sensitive environmental restraints including archaeological remains and species which are protected under the Habitat Regulations (such that it is a criminal offence to disturb them). I see no reason why a similar approach cannot be adopted here.

22. If I can be of any further assistance, please do not hesitate to contact me in Chambers.

JACK SMYTH

No 5 Chambers

31 May 2016

(4) Application No: PAP/2016/0042

35, Church Walk, Atherstone, CV9 1AJ

Erection of 2 no: 1 bedroom dormer bungalows with associated parking, for

Mr Daniel Swift

Introduction

The Board resolved to grant planning permission for this development at its May meeting subject to a Section 106 Agreement relating to an off-site affordable housing contribution. The matter is referred back to the Board because of a material change in planning considerations affecting the Agreement.

For convenience the previous report is attached at Appendix A.

Background

Members will recall that the Government issued guidance to the effect that off-site affordable housing contributions should not be sought on developments of ten and less units. That guidance was successfully challenged in the courts, and the guidance withdrawn. The Government then challenged that decision and was successful. As a consequence its original guidance was re-instated on 19 May 2016.

This means that the resolution to call for a Section 106 contribution in this case now carries no weight. The resolution to grant however remains.

Recommendation

That planning permission is granted subject to the conditions set out in Appendix A.

BACKGROUND PAPERS

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

Planning Application No: PAP/2016/0042

Background Paper No	Author	Nature of Background Paper	Date
1	DCLG	Planning Practice Guidance	19/5/16

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.

General Development Applications

(#) Application No: PAP/2016/0042

35, Church Walk, Atherstone, CV9 1AJ

Erection of 2 no: 1 bedroom dormer bungalows with associated parking, for

Mr Daniel Swift

Introduction

The application is reported to the Board following concerns raised by Local Members about potential impacts.

The Site

The application site is located on the northern half of the rear garden of the existing detached dwelling at number 35. It is wholly within a residential area with frontage houses in Convent Lane and Church Walk. This section of the garden is at a lower level than the existing house and is accessed by a separate private track from Church Walk which also provides vehicular access to other properties. It is illustrated below.



The Proposal

The proposal is for the erection of two, one-bedroomed bungalows with associated parking for two vehicles between the two dwellings. The design of the scheme has been revised during the application process from two three-bedroomed dwellings down to two one-bedroomed dormer bungalows. All vehicular access would be from the track. The

layout is illustrated at Appendix A and the design of the dwellings to plot 1 and plot 2 is illustrated at Appendix B.

An off-site affordable housing contribution of £9000 is offered

Background

The recent site history pertains to a four-bedroomed detached dwelling approved in 2013. This is an extant permission and can be implemented until 16 June 2016. This previous application was reported to Board and the principle of development at the site was accepted. The fall-back position here is thus that a single detached dwelling with four bedrooms has been agreed in principle. The site originally formed part of the residential garden at the rear of 35 Church Walk until it was sold off and subdivided to form the present application site.

Consultations

Warwickshire County Council as Highway Authority – Commenting on the revised plans there is no objection. This is because the number of bedrooms in each dwelling has been reduced from three to one; the parking spaces have been set back further into the site to prevent conflict around the access, the parking spaces are now longer and wider to accommodate the swept path of vehicles. Additionally the vehicle movements associated with one four bedroom dwelling, which the Highway Authority did not object to, and two one bedroom dwellings is not considered to be significant. As a consequence of all of these factors, the risk of conflicting vehicle movements around the access is unlikely to differ significantly from that already considered as acceptable. However there is space on site, between the two parking spaces for one additional space and this opportunity should be taken via a planning condition.

Environmental Health Officer - No comments to make

Warwickshire Museum – No objection

Representations

Atherstone Town Council - It objects due to over-intensification of the plot causing access/egress concerns, and suggests that only one dwelling should be built with its own access onto Convent Lane.

Atherstone Civic Society – The change to bungalows does reduce the mass of the development but it is still considered to be too intensive.

Objections have been received from immediate neighbouring occupiers to the development referring to:

- The increased likelihood on on-street parking because of lack of on-site provision
- The road is not wide enough and there is little space to turn – potentially encouraging reversing movements.
- Limited visibility onto the road
- The proposed first floor rear windows of both units directly overlook the rear garden and patio of Nos. 33, 31 and 35 Church Walk and the front window of plot 2 will also directly overlook the rear garden of No. 4 Convent Lane.
- There will be overshadowing of gardens

- There will be loss of views
- Over development of the site – half of the site developed with little amenity space
- The building line will be changed
- The design is out of keeping – it is garden grabbing
- It will affect the character of the area

One letter of support has been received from a resident in the Witherley Road.

The Development Plan

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

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

Other Material Planning Considerations

The National Planning Policy Framework 2012 – (NPPF)

Observations

The main consideration is the impact of the development on the amenity of the surroundings and the safety on the public highway.

a) Principle of development

The site lies wholly within the development boundary as defined by the Development Plan. Moreover Policy NW5 of the Core Strategy identifies a hierarchy of settlements and directs most new development to those with the greatest number of services. Atherstone with Mancetter is a Category 1 settlement and has an allocation of around 600 houses in the plan period. The proposal would therefore, albeit as a small contribution, assist in achieving the number required for the settlement. This is therefore a sustainable development carrying a presumption of approval. The proposal meets the requirements of policy NW6 in that a contribution for the provision of off-site affordable housing will be provided by way of legal agreement upon commencement of the dwellings.

The NPPF is key material consideration. This means that, as set out in paragraph 14, permission should be granted here unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

The site is of an acceptable capacity to support two, albeit small, new units of accommodation in the form of low scale dormer bungalows and associated parking with amenity space in the form of gardens for each dwelling. It is considered that the principle of the development can be supported given that a much larger single detached dwelling was previously approved on this parcel of land.

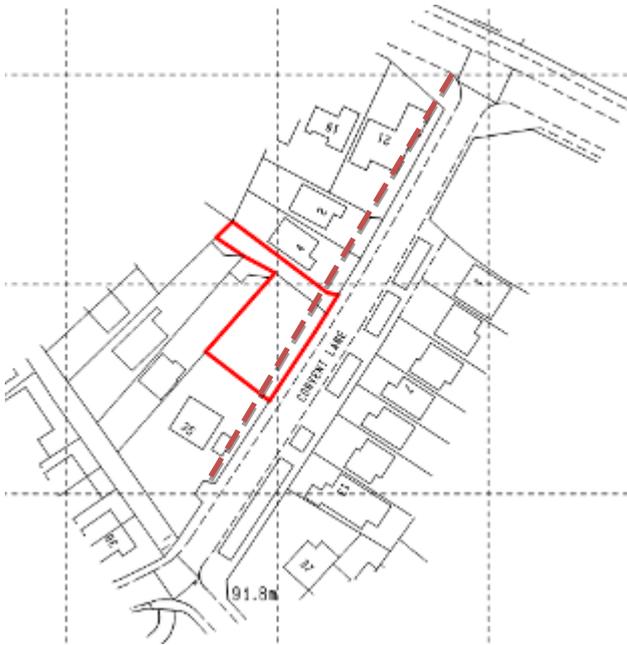
The issue here is the likely difference of adverse impacts arising from the one large dwelling previously approved, with the two small scale proposed dwellings. The density of the proposed development is below the target of 30 dwellings per hectare and the

general grain of development and the nearby plot ratios shows that it is possible to allow for two homes on the rear garden area. This is the case further along Church Walk at Nos. 29 and 27 Church Walk for example. There are semi-detached properties in the area. The site is in a sustainable location and therefore the principle of providing housing would be acceptable.

b) Detailed Considerations – Design, Scale and Location

The land is contained by an existing established boundary fencing and hedgerow which abuts the party boundaries to the immediate neighbouring dwellings. The immediate neighbouring dwellings are full height houses compared with the proposed low scale dwellings. The two proposed dwellings are virtually identical, measuring 7 metres each in width across the frontage and 7.5 metres in length and with an eaves height of 2.8 metres and a ridge height of 6.2 metres. A small feature porch is proposed. The design of the dormer bungalows are illustrated at Appendix B. The size of the dwellings is considered to be proportionate to the plot and there would be sufficient rear garden space totalling just over 70m² for each dwelling. This amenity space is suitable for a one bedroomed property. The front area to the dwelling would comprise parking space totalling a length of 7 metres for each parking space with additional front garden capacity to provide a further parking space. The design of the dwellings is low in scale and therefore they are not considered to be an over dominant form of development on the immediate surroundings. Photographs of the site with views from the street scene are at Appendix C with the site levels along the street scene illustrated at appendix D.

In terms of the building lines and the neighbouring houses along Convent Lane being set back from the street scene, then comparison can be made to other buildings on the north side of Convent Lane. On the corner at 21 Witherley Road a detached dwelling has a side building line that virtually meets the party boundary with Convent Lane and therefore projects further forward towards the highway compared with Nos. 2 and 4 Convent Lane. An existing garage at the side of No. 35 Church Walk has a building line that also projects further forward towards the highway than the host dwelling. As a consequence there is a staggered building line here, such that the introduction of the new dwellings would not provide a new building line. The projection of the building line from No. 21 Witherley Road to the garage at No. 35 Church Walk is illustrated as a dashed line below:



Whilst the proposal represents the development of a currently open former rear garden at the rear of 35 Church Walk, it would introduce built development where currently there is none. A standard brick and tile construction would not be unduly out of place or intrusive when considering the existing relatively new buildings on the corner of Convent Lane with Witherley Road. It would be appropriate to remove permitted development rights to retain control over the scale of any extensions to ensure that the new dwellings remain in harmony with their immediate setting and wider surroundings.

The outlook from Convent Lane would change but it is not considered that the physical relationship between the existing and new properties is unreasonable and the loss of a garden space is not considered to be adverse on this area of Atherstone. The site is not located within the Conservation Area but lies some 30 metres north east of the its boundary with Church Walk.

The development can also be screened by the introduction of landscaping along the boundary to neighbouring gardens and Convent Lane or by retention of the existing hedgerow and retaining feature wall and fencing. On balance and with all design matters considered the proposal is not considered to be contrary to this saved design policies ENV12 and ENV13 of the North Warwickshire Local Plan or to policies NW12 and NW14 of the Core Strategy.

c) Amenity

There are neighbouring properties surrounding the application site.

In respect of numbers 35, 33 and 31 Church Walk, the revised design to the dwellings has altered the arrangement to first floor windows, in that the rear dormer windows on the dwellings (south-west elevation) serve a bathroom and therefore the finish to the dormer window would be required by planning condition to be obscurely glazed to a privacy level of 4 or 5. In this respect there would be no privacy issues relating to

overlooking from first floor rear windows towards the immediate neighbouring dwellings at Nos. 35, 33 or 31 Church Walk.

Ground floor rear windows in the development would be screened by existing and proposed boundary treatment, the height at which would not be visible to neighbouring ground floor windows at the properties 35, 33 and 31 Church Walk and the proximity of the proposal would not result in direct overlooking with a separation distance of approximately 20 metres to No. 35; 18 metres to No. 33 and 20 metres at an oblique angle towards No. 31 Church Walk.

In terms of impact on daylight from the proposed development then the separation distances to the immediate neighbours along Church Walk are sufficient in order that these neighbouring occupiers would not suffer from reduced daylight to their rear habitable rooms, particularly with the drop in site levels. The difference in site levels is illustrated at Appendix D.

Overshadowing to the neighbouring gardens at Nos. 35, 33 and 31 Church Walk would be towards the lower end of these neighbour's gardens when the sun is in the east. By the time of day when the sun's trajectory moves to the south (around late morning to midday) then the rear gardens to these neighbouring properties would not be overshadowed by the development and therefore whilst the extent of overshadowing is greatest first thing in the morning, it is reduced during the morning when the sun moves from the east to the south. The effects of overshadowing are not considered to be excessive particularly as these neighbouring gardens face north-east and the orientation of the development is north east from these neighbouring occupiers.

In respect of numbers 4 and 2 Convent Lane then the first floor front windows to the proposed development are dormer windows which serve a bedroom facing north east and therefore face towards the flank wall to No. 4 Convent Lane with a separation distance of approximately 12 metres. Whilst there are two first floor side windows on the flank wall to neighbouring property at No. 4 Convent Lane, these serve an en-suite and a bathroom, as such the condition of the first floor side windows to this neighbour's property are obscurely glazed. The ground floor side window and door to the neighbour's flank elevation serve a utility room and WC, these rooms are also not principle rooms and therefore the front dormer windows proposed would not be considered to affect privacy to the side windows serving non habitable rooms at No. 4 Convent Lane.

Ground floor windows to the front elevation of the proposed development would face onto the flank wall of No. 4 Convent Lane and therefore the location of the windows does not cause an overlooking impact or privacy issue given the assessment of the neighbouring windows at No. 4 Convent Lane made above.

The view towards the neighbour's rear garden at No. 4 Convent Lane would be at an oblique angle and at a 15 metre separation distance; the effect of overlooking towards rear garden space from the front dormer is no different as to the effects of overlooking between existing rear gardens when considering the relationship at No. 2 and No. 4 Convent Lane, as there is an element of overlooking towards all rear gardens with the existing arrangement to dwellings. There is direct overlooking towards the front gardens of Nos. 2 and 4 Convent Lane from the development, though front gardens are not private amenity spaces in any case.

Daylight levels may be reduced from the south west trajectory to the non-principle rooms at No. 4 Convent lane however loss of light is not considered material to non-habitable rooms. This neighbour's front windows that face Convent Lane in proximity to the angle of the development are not affected by the 45-degree line rule and therefore no overshadowing or loss of light would occur to this neighbour's front habitable rooms facing onto Convent Lane.

The effects of overshadowing on Nos 4 and 2 Convent Lane would be minimal and only occur to the front garden space when the sun is in the south-west, in any case the separation distance from a low height building would not be considered to cause an unacceptable level of overshadowing.

There is no overlooking toward rooms or effects on light to rooms at No. 2 Convent Lane which is considerably further from the development by approximately 22 metres and is screened from the development by No. 4 Convent Lane.

No other neighbouring properties at Church Walk would be affected by overshadowing loss of light or loss of privacy from the siting of the development, given the separation distances to other neighbouring dwellings at Church Walk. The amenity to neighbouring properties along Convent Lane is not considered to be affected by the development in that the separation distance is some 20 metres to front principle elevations from the development.

On balance and with all amenity matters considered, the proposal is not considered to result in an unacceptable amenity impact on the neighbouring occupiers, by virtue of the separation distances between buildings, the mitigation measures through obscure glazing to control overlooking and the orientation of the development which is not considered to adversely cause overshadowing. The balance is that the proposal is not considered to be contrary to the requirements of policy NW10 of the Core Strategy.

d) Highway safety

The site is accessed from Convent Lane by use of the existing access drive, which benefits from an existing dropped kerb access onto Convent Lane. The Highways Authority has no objection subject to conditions with sufficient parking spaces to serve the dwellings, which should provide no further intensification than that of the single four bedroomed dwelling previously approved.

The neighbours at No. 31 and 33 Church Walk have an access right over the drive to be shared by the development. The applicant claims they own the drive and the neighbours also claim ownership over it. This access issue is not a planning consideration as it is a civil matter between neighbours, but the proposal does allow for vehicles associated with the development to have designated parking spaces clear of the access drive.

Summary

The proposal would create two dwellings on land within the development boundary remembering that one dwelling can already be erected. The net difference is therefore two smaller dormer bungalows with a similar amount of amenity space and capacity for parking as could be achieved by the previous approval for one detached dwelling. With all matters considered, the proposal for two small scale dormer bungalows is considered to be acceptable with regards to policy considerations.

Recommendation

That subject to completion of the Section 106 Agreement as set out in this report, planning permission be **GRANTED** subject to the following considerations.

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 revised plan 9337.02 Rev C received by the Local Planning Authority on 23 March 2016.

REASON

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

3. The development hereby approved shall be carried out in accordance with the site levels detailed on the approved plan required by Condition 2.

REASON

In the interests of the amenities of the area.

4. No development whatsoever within Class A, B, C, D, E and F of Part 1 and Class A of Part 2, of Schedule 2 of the Town and Country Planning (General Permitted Development Order) 1995, as amended, shall commence on site without details having been submitted to and approved by the Local Planning Authority.

REASON

In the interests of the amenities of the area.

5. 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 been submitted to, and approved by the Local Planning Authority.

REASON

To protect the privacy of the occupiers of adjoining properties.

6. The first floor windows dormer windows to the roof slope facing the south west elevation of the dwelling shall be permanently glazed with obscured glass which shall provide a minimum degree of obscurity equivalent to privacy level 5 and shall be maintained in that condition at all times. For the avoidance of doubt privacy levels are those identified in the Pilkington Glass product range. The obscurity required shall be achieved only through the use of obscure glass within the window structure and not by the use of film applied to clear glass.

REASON

To protect the privacy of the adjoining property and to prevent overlooking.

7. No development shall be commenced before samples of the facing bricks and roofing tiles to be used have been submitted to and approved by the Local Planning Authority. The approved materials shall then be used.

REASON

In the interests of the amenities of the area.

8. The floor layout of the development hereby approved shall remain as per the requirements of Condition 2.

REASON

To define the limitations of the consent in the interests of parking and amenity.

9. Access for vehicles to the site from the public highway (Convent Lane D183) shall not be made other than at the position identified on the approved drawing providing an access no less than 3.3 metres in width for the length of the drive. No gates shall be hung within the access to the site so as to open within 7.0 metres of the near edge of the public highway carriageway.

REASON

In the interests of Highway Safety

10. Notwithstanding the plans submitted no development shall commence until full details of the surfacing, drainage and levels of the car parking and manoeuvring areas, including the provision of a visitor parking space, have been submitted to and approved in writing by the Council. No unit shall 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 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. No further hardstanding fronting the dwellings should be permitted post implementation to prevent moving parking closer to the vehicular access to the site.

REASON

In the interests of Highway Safety

11. The development shall not be occupied 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 45.0 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

12. 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 and to clean the public highway of such material.

REASON

In the interests of Highway Safety

13. 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

14. Before the development commences a scheme for the construction of the foul and surface water drainage system shall be submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

REASON

To prevent pollution of the water environment and to minimise the risk of flooding on or off the site.

15. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of screen walls/fences/hedges to be erected. The approved screen walls/fences shall be erected before the building(s)/dwelling(s) hereby approved is/are first occupied and shall subsequently be maintained.

REASON

In the interests of the amenities of the area.

16. Before the commencement of the development, a landscaping scheme shall be submitted to the Local Planning Authority for approval. The approved scheme shall be implemented accordingly prior to occupation of the dwelling hereby approved. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner. In the event of any tree or plant failing to become established within five years from the date of planting or die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species.

REASON

In the interests of the amenities of the area.

BACKGROUND PAPERS

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

Planning Application No: PAP/2016/0042

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	21.1.16
2	Agent	Supporting documents	15.2.16
3	Town Council	Representation	18.2.16
4	A Southcombe	Representation	20.2.16
5	NWBC Environmental Health	Consultation reply	23.2.16
6	Atherstone Civic Society	Consultation reply	24.2.16
7	WCC Museum	Consultation reply	3.3.16
8	WCC Highways	Consultation reply	9.3.16
9	Astill Planning	Representation	9.3.16
10	Mr and Mrs Godderidge	Representation	9.3.16
11	Case Officer	E-mail	9.3.16
12	Agent	Revised plan	17.3.16
13	Case Officer	E-mail	21.3.16
14	Agent	Revised plan	23.3.16
15	Case Officer	E-mail	23.3.16
16	Astill Planning	Representation	31.3.16
17	Mr Lawton and Mrs Millachip	Representation	31.3.16
18	WCC Highways	Consultation reply	7.4.16
19	Case Officer	E-mail	7.4.16
20	Agent	Supporting documents	13.4.16
21	Case Officer	E-mail	25.4.16
22	D Matthews	Representation	28.4.16

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



Appendix B

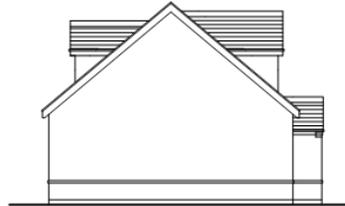
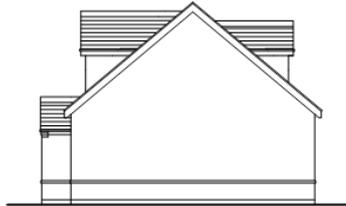


Plot 1.



Plot 1.

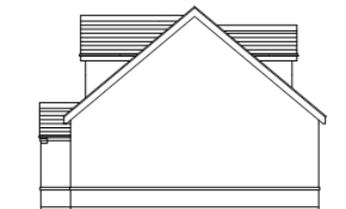
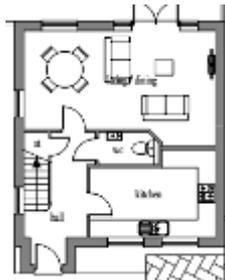
FIRST FLOOR PLAN



Plot 1 layout and elevations



Plot 2.



Plot 2 layout and elevations

Appendix C

The street view and section plan is illustrated below, showing the scale of the new build compared with the heights of the existing dwellings along the street scene.

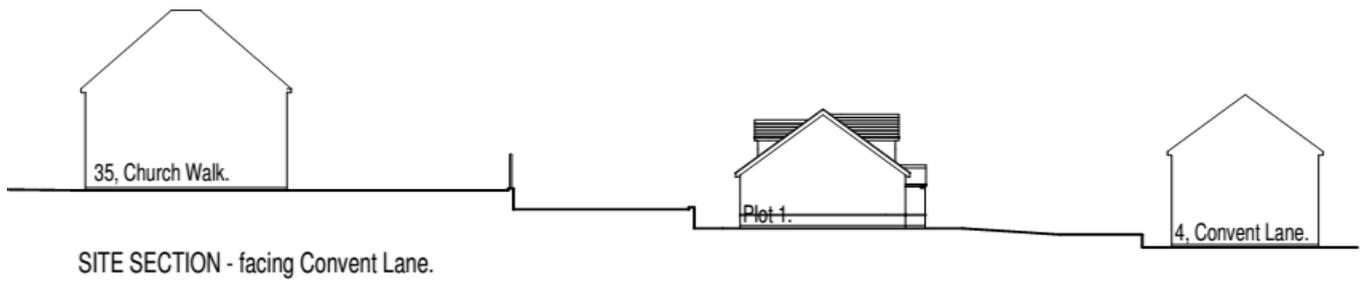


View of site from street scene



Site vehicular access and shared drive with neighbours

Appendix D



(5) Application No: PAP/2016/0233

Hartshill School, Church Road, Hartshill, CV10 0NA

Removal of existing cladding and installation of new cladding to existing sports hall with single storey extension to attached existing changing block, for

Mr Rob Sullivan - Midland Academies Trust

Introduction

The application is brought to the Board following a Local member request concerned about the colour of the proposed cladding.

The Site

Hartshill School is located on the east side of Church Road within Hartshill. There is residential development on the other side of the road as well as several shops. The playing fields extend from this road around the School extending further to the east. The Nathaniel Newton School and an area of woodland are located to the south and there is a residential cul-de-sac to the north.

The sports hall is to the north of the main complex of buildings on the campus.

The general site is illustrated on the plan below

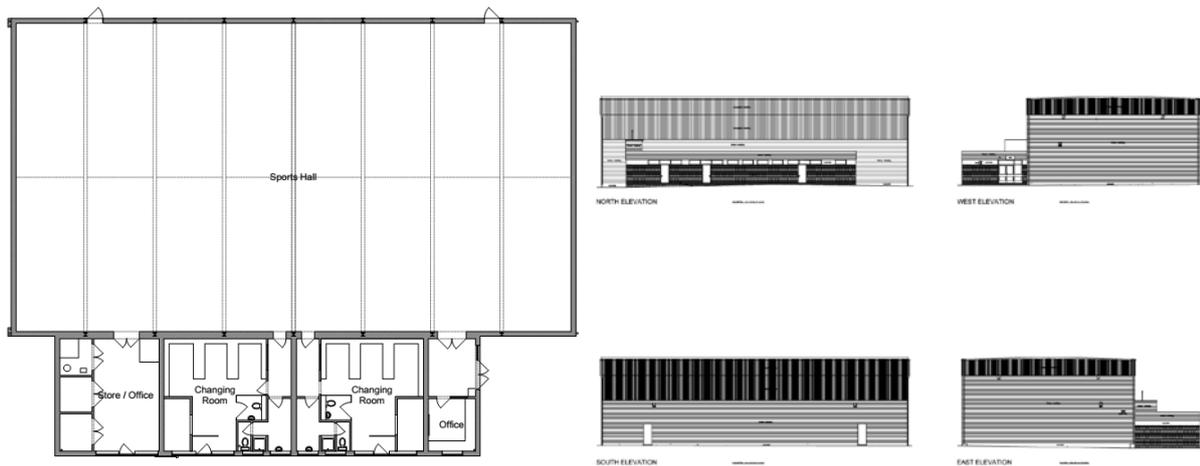
The Proposals

It is proposed to refurbish the existing sports hall both internally and externally. Outside this would comprise the re-cladding of the building and the provision of a single storey extension at the rear. This would provide storage space re-located from within the present hall which would in turn be used for additional changing accommodation.

The existing cladding to the building is a mix of black stained timber; Perspex panels and facing brickwork. The proposed cladding would use a light grey metal profiled cladding.



Above are the proposed plans



Above are existing plans

Background

The School has been extended over many years but all development has been within the main complex of buildings. The sports hall dates from the 1970's and has not really been changed since that date

Representations

An objection has been received from a resident of Church Close which raises the following matters:

- The proposed colour of the cladding is not in keeping with the rural setting of the school and
- It would result in a large grey “slab” which would not be visually pleasing. A dark green would be better.

The Parish Council - No objection

Development Plan

The Core Strategy 2014 - NW1 (Sustainable Development); NW10 (Development Considerations) and NW12 (Quality of Development)

Saved policies of the North Warwickshire Local Plan 2006 - COM1 (Community Facilities); ENV12 (Urban Design) and ENV13 (Building Design)

Observations

There is no objection here in principle either to the re-cladding or to the minor rear extension. There would be no adverse amenity impact on surrounding occupiers. The refurbishment works are badly needed as the hall has undergone a series of minor patched repairs for a number of years. The main issue now is the colour of the cladding.

This is a light grey – a sample will be available at the meeting – and this would match the concrete pebble dashed panels of the bulk of the school buildings here. Whilst there is a woodland backdrop here that is minor compared with the bulk and mass of the main school buildings. The prospect of an alternative colour for the cladding has not been accepted by the applicant.

The site is not Listed or neither does it affect the setting of any heritage asset. There is no Conservation Area here and neither is it any designated landscape area.

There is no planning refusal reason here for use of a grey material. There might be a preference for a different colour but that is all that this is. Grey is acceptable in planning terms.

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 3341-102a; 105A; 106A; 107A received by the Local Planning Authority on 12 May 2016 and the plan numbered 3341-100 received by the Local Planning Authority on 22 April 2016.

REASON

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

3. The sports hall cladding shall be Kingspan Microrib panels in Grey nad maintained as such.

REASON

In the interests of the amenities of the area and the building concerned.

Notes

1. Radon is a natural radioactive gas which enters buildings from the ground and can cause lung cancer. If you are buying, building or extending a property you can obtain a Radon Risk Report online from www.ukradon.org if you have a postal address and postcode. This will tell you if the home is in a radon affected area, which you need to know if buying or living in it, and if you need to install radon protective measures, if you are planning to extend it. If you are building a new property then you are unlikely to have a full postal address for it. A report can be obtained from the British Geological Survey at <http://shop.bgs.ac.uk/georeports/>, located using grid references or site plans, which will tell you whether you need to install radon protective measures when building the property. For further information and advice on radon please contact the Health Protection Agency at www.hpa.org.uk. Also if a property is found to be affected you may wish to contact the North Warwickshire Building Control Partnership on (024) 7637 6328 for further advice on radon protective measures.
2. The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0345 762 6848. It should also be noted that this site may lie in an area where a current licence exists for underground coal mining. Further information is also available on The Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority Property specific summary information on past, current and future coal mining activity can be obtained from: www.groundstability.com
3. 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 quickly determining the application. As such it is considered that the Council has implemented the requirement set out in paragraphs 186 and 187 of the National Planning Policy Framework.

BACKGROUND PAPERS

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

Planning Application No: PAP/2016/0233

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	22/04/2016
2	Case officer	Email to WCC Forestry	6/5/16
3	Case officer	Email to agent	6/5/16
4	WCC Forestry	Email to Case officer	9/5/16
5	Case officer	Email to agent	10/5/16
6	Case officer	Email to agent	12/5/16
7	Agent	Email to case officer	12/5/16
8	Case officer	Email to agent	16/5/16
9	25 Church Close	Objection	6/5/16
10	25 Church Close	objection	13/5/16
11	NWBC Forward Plans	Consultation response	4/5/16
12	NWBC Environmental Health	Consultation response	16/5/16
13	Parish Council	Consultation response	10/5/16
14	Parish Council	Consultation response	26/5/16
15	Agent	Email to case officer	2/6/16
16	Case officer	Email to agent	27/5/16
17	Case officer	Email consultation to Councillors	25/5/16
18	Cllr Henney	Consultation response	26/5/16
19	Case officer	Email to Cllr Henney	26/5/16
20	Cllr Henney	Email to Case officer	27/5/16
21	Cllr Bell	Consultation response	27/5/16

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.

(6) Application No: PAP/2016/0249

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

Demolition of existing police station building. Construction of four storey (including basement) Care Home (use class C2), with associated car parking, for

Restfull Homes Developments Ltd

Introduction

This application is reported to the Board at the present time in order to bring the proposal to the attention of Members given its prominent location. A determination report will be brought to the Board in due course.

The Site

These single and two storey premises are located in the north-east quadrant of the roundabout junction of the A446 Coleshill By-pass and the Birmingham Road to the east of Coleshill. To the east are the Fire Station and the former Leisure Centre building along with seven or eight houses that front the south side of the Birmingham Road. There are other houses too on the north side. To the south are allotments and the Town Council's Memorial Park recreation ground. There is open countryside on the opposite side of the A446.

The present building dates from the 1970's and generally comprises office space. It is set back a little from the roundabout with parking space for around 50 cars. Vehicular access is from two points onto the roundabout and from an access road which serves both the existing fire station and the former police station running parallel with the Birmingham Road.

The site slopes from west to east with a difference in levels of 5.5 metres between the A446 and the fire station. This slope then continues up towards the east and the junction with Park Road and the Morrison's supermarket.

The general layout is illustrated at Appendix A.

The Proposals

It is proposed to demolish the existing buildings; clear the site and to construct a new 91 bedroom care home with associated facilities and car parking.

This would be spread over four levels within a "T" shaped single block, but because of the ground levels, the fourth floor would in effect be a lower ground floor extending only over part - the central section - of the site. It would be set back from the A446. All vehicular access into the site would be from the A446 with the exit being onto the access drive from serving the Fire Station. A total of 44 car parking spaces are included. Facing materials would be concrete roof tiles; red brickwork and rendered panels.

The site layout is illustrated at Appendix B with elevations at Appendices C, D and E.

The main block would be 13.5 to 15.5 metres tall over the range of its various ridge lines. Separation distances between the rear elevations of the houses along the Birmingham Road and the proposed block vary from 25 to 68 metres because of the line of that road being at an angle to the block

A number of sections and a plan illustrating these separation distances are at Appendices F, G, H and I.

The applicant suggests that up to 70 full time and 20 part time jobs would be created.

The application is accompanied by a number of supporting documents.

A Design and Access Statement describes how the proposed built form has been arrived at as well as describing why the particular appearance has been selected.

An Energy Statement states that the proposal will exceed Building Regulation requirements in order to reduce energy consumption.

An Ecology Report recommends that appropriate bat surveys are to be undertaken prior to any demolition.

A Ground Investigation Survey recommends that a geo-technical and geo-environmental ground investigation is carried out in advance of the development commencing.

A Transport Statement concludes that the traffic generation from the proposed development is likely to be less than that arising from the former lawful use and thus there would be no detriment to the local highway network.

A Travel Plan proposes how traffic generated by the proposal might be further reduced through shared staff car schemes and promotion of public transport as an alternative to the car.

A Noise Assessment concludes that with the configuration of the accommodation there should be no adverse noise impacts arising from the development in respect of emissions from fixed plant.

A Planning Statement draws all this documentation together and places it in the context of both national and local planning policy.

Development Plan

The Core Strategy 2014 – NW1 (Sustainable Development); NW2 (Settlement Hierarchy), NW5 (Split in Housing Numbers), NW6 (Affordable Housing Provision), NW10 (Development Considerations), NW11 (Renewable Energy), 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), ENV15 (Conservation), COM2 (Protection of Existing Community Facilities), TPT3 (Sustainable Travel) and TPT6 (Vehicle Parking)

Other Material Planning Considerations

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

The Coleshill Conservation Area Designation Report – May 1969

Observations

The site lies within the development boundary of Coleshill and thus the principle of the development proposal is supported. Indeed new residential development is anticipated within Coleshill by the Development Plan and the site is identified in the Council’s draft pre-submission Site Allocations Plan as an appropriate residential site. The issues here are therefore going to be with more detailed considerations and the potential impacts on the surrounding area.

A determination report will be brought to the Board in due course once consultation responses have been received and any consequential amendments agreed.

In the interim it is suggested that Members should visit the site in view of the prominence of the location and the possible impacts on neighbouring property.

Recommendation

That the report is noted at this time and that a site visit be arranged

BACKGROUND PAPERS

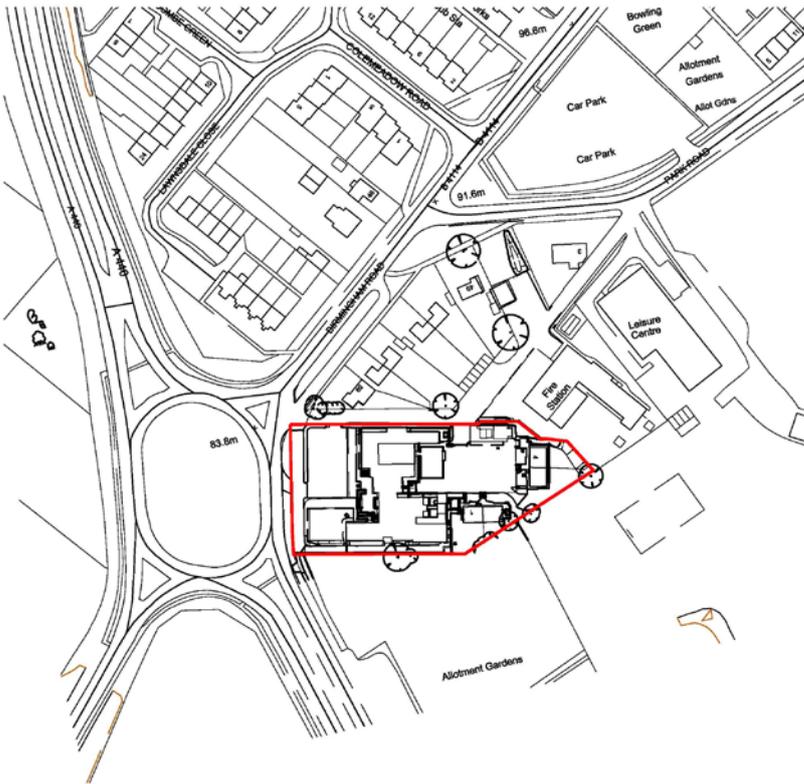
Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

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

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.



NORTH WARWICKSHIRE DISTRICT COUNCIL
RECEIVED
 28/04/2016
 PLANNING & DEVELOPMENT DIVISION

A	PLANNING ISSUE	28.04.16	WT	DJS
REV	DESCRIPTION	DATE	DRN	CKD

Robothams Architects
 The Old Library
 12 Church Street
 Warwick, CV34 4JG
 T 01927 448810
 F 01927 447474
 www.robthams.co.uk
 www.robthams.com



PROJECT TITLE
 Proposed Care Home Development
 Colleshill

DRAWING TITLE
 Site Location Plan

STATUS PLANNING			
SCALE	1:1250	SHEET NO.	A3
DATE	APRIL 2016	CHECKED	DJS
DWG NO.	3248-01	REVISION	A



A446

1	PROPOSED DEVELOPMENT PLANNING CASE	28.04.16	WT	DJS
2	REVISION	28.04.16	WT	DJS
REV	DESCRIPTION	DATE	DRN	CKD

Robothams Architects
 The Old Library
 12 Church Street
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 F 01927 447474
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PROJECT TITLE
 Proposed Care Home Development
 Colleshill

DRAWING TITLE
 Proposed Site Plan

STATUS PLANNING			
SCALE	1:200	SHEET NO.	A1
DATE	SEPT 2015	CHECKED	DJS
DWG NO.	3248-05	REVISION	B

Legend
 Site Boundary
 Existing Level
 Proposed Levels



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1	OWN MEMBERSHIP PLANNING DATA	2014-07-07	DA
2	PROPOSAL	2014-07-07	DA
3	REVISED PROPOSAL	2015-09-01	DA



PROJECT TITLE
Proposed Care Home Development
Coleshill

DRAWING TITLE
Proposed Site Plan

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SERVICES

Legend
 Site Boundary
 Existing Level
 Proposed Levels



STATUS	PLANNING	DATE	SEPT 2015	DRAWN	DJS
SCALE	1:200	SHEET	A1	09/04/15	WT
DRAWN	3248-05	REVISION			B



View from allotments



View from Birmingham Road A446

Materials Key

- ① Facing Brickwork, Type 1 - Colour Red/Orange, brick to be 'rust' type to give contrasting colour and texture to Type 1 Facing Brickwork.
- ② Facing Brickwork, Type 2 - Blue brickwork with coloured mortar.
- ③ Render (Colour: Cream)
- ④ Contrasting grey polymer plaster central sunroom cladding.
- ⑤ Plain Concrete Roof Tile (Colour: Grey)



1. Proposed Development	2. Date	3. Status
1. Proposed	10/04/2018	WT
2. Approved	10/04/2018	WT
3. Revoked	10/04/2018	WT

PROJECT TITLE
Proposed Care Home Development
Cobbold

PROJECT NO.
Elevations (Sheet 1 of 3)

DATE PLANNING
10/04/2018 10/04/2018 WT
10/04/2018 10/04/2018 WT
10/04/2018 10/04/2018 WT



View from rear gardens & playing fields.



View from Car Park.

Materials Key

- ① Facing Brickwork, Type 1 - Colour Red/Orange, brick to be 'rust' type to give contrasting colour and texture to Type 1 Facing Brickwork.
- ② Facing Brickwork, Type 2 - Blue brickwork with coloured mortar.
- ③ Render (Colour: Cream)
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1. Proposed Development	2. Date	3. Status
1. Proposed	10/04/2018	WT
2. Approved	10/04/2018	WT
3. Revoked	10/04/2018	WT

PROJECT TITLE
Proposed Care Home Development
Cobbold

PROJECT NO.
Elevations (Sheet 2 of 3)

DATE PLANNING
10/04/2018 10/04/2018 WT
10/04/2018 10/04/2018 WT
10/04/2018 10/04/2018 WT



Section C.C - Through car park space no. 30



Section D.D - Through car park space no. 31



Key Plan

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PLANNING & DEVELOPMENT
SERVICES

Address: The City Centre, 100 Broad Street, Birmingham, B1 2EG
 Tel: 0121 233 3000
 Email: info@robotshams.co.uk
 Website: www.robotshams.co.uk



PROJECT TITLE
 Proposed Care Home Development
 Colehill

DRAWING TITLE
 Site sections (Sheet 2 of 2)
 C.C & D.D

STATUS: PLANNING
 SCALE: 1:200 (A1) DRAWN: WT
 DATE: MAY 2015 CHECKED: DJS
 DWG NO: 3248-31 REVISION:

APPENDIX H
PAP0160249



Section E.E - Site section through Birmingham Rd



Key Plan

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PLANNING & DEVELOPMENT
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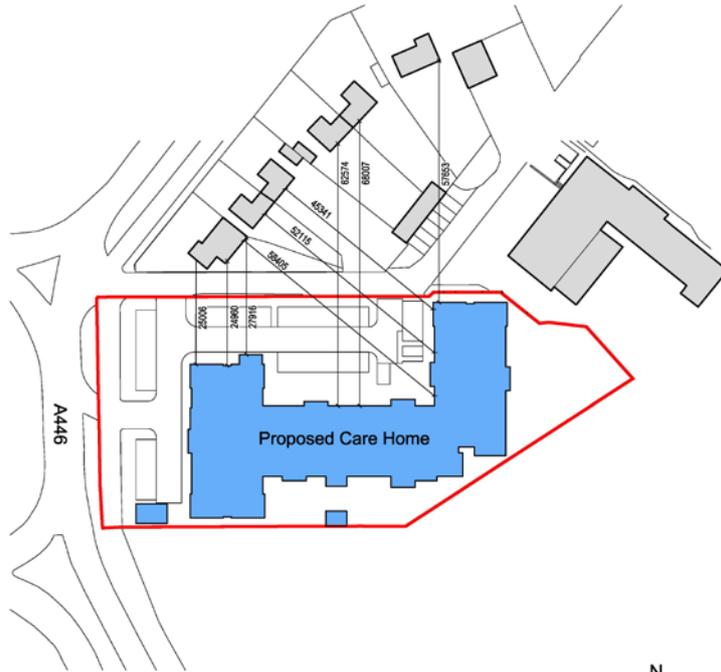
Address: The City Centre, 100 Broad Street, Birmingham, B1 2EG
 Tel: 0121 233 3000
 Email: info@robotshams.co.uk
 Website: www.robotshams.co.uk



PROJECT TITLE
 Proposed Care Home Development
 Colehill

DRAWING TITLE
 Site section through Birmingham Rd

STATUS: PLANNING
 SCALE: 1:200 (A1) DRAWN: WT
 DATE: MAY 2015 CHECKED: DJS
 DWG NO: 3248-32 REVISION:



SOUTH WALES COUNTY
DEVELOPMENT CONTROL
RECEIVED
09/05/2016
PLANNING & DEVELOPMENT
DIVISION

robotams
The Old Lodge
13 Church Street
Newport, NP23 5AP
T 01492 45860
F 01492 45861
info@robotams.co.uk
www.robotams.co.uk



PROJECT TITLE
Proposed Care Home Development
Colleshill

DRAWING TITLE
Plan showing separation distances

STATUS PLANNING			
SCALE 1:500	DATE MAY 2015	DRAWN WT	CHECKED DJS
DWG NO. 3248-29		REVISION	