

**Agenda Item 7**  
**8 February 2016**  
**Planning Applications**

**This file contains the reports for Items (4) (5) and (6)**

**(4) Planning Application PAP/2015/0297**

Land North of 19 Southfields Close, Coleshill. Erection of two four bedroom semi-detached dwellings with integral garages for Mr Alain Franck-Steier – D G Lewis Estate.

**(5) Planning Application PAP/2015/0369**

52 New Street, Baddesley Ensor, CV9 2DN. Outline application for three two bedroom bungalows for Mr & Mrs Gilbert.

**(6) Planning Application PAP/2015/0478**

Dordon Ambulance Station, Watling Street, Dordon, B78 1TE. Demolition of existing former ambulance station and construction of No.14 dwellings, with improved access and associated landscaping for Jessups.

**(4) Application No: PAP/2015/0297**

**Land North of 19, Southfields Close, Coleshill,**

**Erection of two four bedroom semi-detached dwellings with integral garages, for**

**Mr Alain Franck-Steier - D G Lewis Estate**

**Introduction**

This application was reported to the Planning and Development board on 13 July and 10 August 2015 but determination was deferred in order that Members could visit the site and so that the applicant could re-consider the proposal in light of the change in Government guidance on affordable housing provision.

For convenience the previous report is attached at Appendix A.

A note of the visit is at Appendix B.

The applicant is not proposing either on-site affordable housing provision or an off-site contribution in lieu.

One of the main issues arising from the application was the impact on car parking provision. Members saw the situation on their visit. One of the representations has submitted photographs too – these are at Appendix C. The applicant too has provided some photographs and these are at Appendix D.

**Observations**

As Members are aware, following the change in Government guidance on affordable housing provision for developments of less than ten units, the Council's approach is through Policy NW6 of its Core Strategy. This would require either 20% on-site provision or an offsite contribution in lieu. The latter is the approach recommended to the applicant here. He has undertaken all of the appropriate viability studies as set out in Council advice and used the recommended methodology to ascertain whether an off-site contribution can be offered. His calculations show that it is not. Officers have assessed these conclusions and agree that the residual values do not enable the opportunity to be taken for a contribution in this case.

In respect of the parking situation then Members should be aware that the photographs were taken on different days – those at Appendix C on a Sunday and those at Appendix D on a Monday at 1800 hours. Three points were made in the previous report in Appendix A. Firstly that the proposed development itself includes six off-street spaces for the two houses – a provision above standard guidance. Secondly the existing houses all have two off-street car parking spaces – in line with guidance – and thirdly there is no objection from the Highway Authority. In these circumstances, a refusal could not be justified.

Since the application was last considered by the Planning and Development Board, no further planning considerations have led to a change in the recommendation of approval, as covered in Appendix A.

## Recommendation

That planning permission be Approved subject to the conditions set out in Appendix A.

## Additional Background papers further to Appendix A

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

Planning Application No: PAP/2015/0297

Background Paper No	Author	Nature of Background Paper	Date
24	NWBC Forward Plans	Email to agent	6/8/15
25	Agent	Photographs of road	28/9/15
26	Agent	Revised land value calculation	21/12/15
27	Case Officer	Email of land value calculation to relevant officers	22/12/15
25	NWBC Forward Plans	Consultation response	12/1/16
26	Case Officer	Email to agent	13/1/16

*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.*



**Application No: PAP/2015/0297**

**Land North of 19 Southfields Close, Coleshill,**

**Erection of two four bedroom semi-detached dwellings with integral garages for**

**Mr Alain Franck-Steier - D G Lewis Estate**

### **Introduction**

The application is brought to the Board following a Local member request because of concerns about the impacts on the locality.

### **The Site**

The application site lies within the Coleshill development boundary and is on the east side of a residential cul-de-sac off Springfields to the south of the town centre. There is residential property to the east – the rear gardens of the frontage to Coventry Road and there is residential property opposite the site and to the south. To the north are the rear gardens referred to above. The application site itself is currently a fenced garden area and is generally level.

The site is inside the Coventry Road, Coleshill Conservation Area right on its western boundary.

The location is illustrated at Appendix A.

### **The Proposal**

The proposed is for a pair of semi-detached dwellings fronting the cul-de-sac and which would have integral garages. They would be of matching design and be sited around 7 metres back from the highway edge.

The roof pitches would be low with the ridge running north to south. Vehicular access to both would be off Southfields Close, with a garage being provided and a drive for at least two vehicles. The drives are proposed to be constructed with a permeable surface.

The dwellings would have lawns to the front with rear gardens and 1.8 metre close boarded fences around the boundaries. The materials would be brick and tile. Below is the proposed street scene view.



Further plans can be viewed in Appendix A and photographs of the site and area can be viewed in Appendix B.

## Background

Southfields Close is a cul-de-sac within a short distance from the main Coventry Road. In 2011 outline planning permission was approved for a detached dwelling house further to the north. This is now constructed and is number 5. Planning permission for numbers 1 and 3 Southfields Close and for the two houses opposite the application site was granted in 1973. Planning permission was granted in 2005 for the current development of 19 and 21 Southfields immediately to the south.

## Development Plan

North Warwickshire Core Strategy – NW1 (Sustainable Development); NW2 (Settlement Hierarchy), NW4 (Housing Development), NW5 (Split of Housing Numbers), NW6 (Affordable Housing Provision), NW9 (Employment), NW10 (Development Considerations), NW11 (Renewable Energy and Energy Efficiency), NW12 (Quality of Development), 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 (Heritage Conservation), ENV16 (Listed Buildings) and TPT6 (Vehicle Parking)

## Other Relevant Material Considerations

National Planning Policy Framework 2012

National Planning Policy Guidance 2014

Supplementary Planning Guidance: - The Council's SPG – A Guide for the Design of Householder Developments – Adopted September 2003

The Coleshill (Coventry Road) Conservation Area Designation Report - 1995

## Consultations

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

Environmental Health Officer – No comments to make

## Representations

Objections have been received from four neighbours raising the following matters:

- Southfields Close was designed as a cul-de-sac, with houses on one side.
- The road is 5.6 metres wide, leading a turning area at the end. The turning area is used for parking which leads to a reduction in highway capacity.
- Current owners on Southfields Close, park on the road, along with existing drives, and if the owners of the new dwellings do the same, then the highway could be blocked, leading to emergency vehicle issues.
- Increase in traffic along the road.
- Existing dwellings are linked detached, and it is considered that the semi-detached development will detract from the design, character and quality of the cul-de-sac.
- Impact upon privacy to existing dwellings opposite, and also the impact upon outlook.
- The Government has put an end to “garden grabbing”.
- Concerns over building works and the issues it may cause.
- Not appropriate within a Conservation Area.
- Reduce the value of dwellings in the area.

The Town Council objects raising the following matters:

- Out of character in appearance with the existing housing in the area.
- Unacceptable in density, and a further loss in gardens.

## Observations

### a) Introduction

This proposal for two additional dwellings within Coleshill wholly accords with the Core Strategy. The site is within the defined development boundary; the town is allocated for new housing and the site is sustainable development. The presumption here is therefore that the application can be supported in principle.

Because of the size of the proposal and its location, no on-site affordable housing provision is required, nor is any off-site contribution required in lieu.

It is important from the outset to say that there is no planning policy or statement requiring Southfields Close to be a cul-de-sac with only one side being developed. This representation will carry no weight.

Secondly reference is made to density. This is a residential area with a normal housing density. This proposal would not materially alter that position. Again this argument should carry no weight.

Reference is also made to “garden grabbing”. The Government changed the definition of “brown field” land in 2012 so as to exclude gardens. Its priority is for new housing to be located on brown field land but there is no embargo on the development of gardens as Members will have seen from decisions over many months.

The key issues here are matters of detail as recorded in the representations above.

## b) Amenity

Looking firstly at amenity issues, then the neighbouring dwelling at number 19 does have windows in its side elevation facing the site. However, however these serve a utility room and kitchen at ground floor with a landing and bathroom window at first floor. The proposed dwellings do not protrude beyond the front or rear of number 19. The side three small side facing windows of the proposed dwellings will contain obscure glazing. The rear facing windows will lead to an element of overlooking however given the residential context of the area then there is already a degree of overlooking in the area

Below are photos of 19 / 21 Southfields Close.



The nearest dwellings opposite are numbers 14, 12 and 10 Southfields Close. The proposal will have windows in their front elevations. The nearest windows on the proposed dwellings are to dining rooms, and are approximately 20 metres away from the existing properties opposite on Southfields Close. The first floor windows are to proposed bedrooms and they have two lights. Southfield Close dwellings opposite have one large window serving a bedroom. The separation distance from window to window on the first floor is approximately 22 metres. This is acceptable and used throughout the Borough as a general guideline. Indeed similar separation distances are evident within the Close itself.

It is acknowledged that the ground level of the proposed houses would be higher than that of the existing properties on the opposite side of the road. The cross-section at Appendix A shows this. This is not considered to be such an adverse impact as to warrant refusal because of the separation distance involved and the scale of the height difference. Below are photos of the dwellings opposite.



To the rear of the site are the dwellings on Coventry Road, and to the side of Plot 2 are the rear gardens to some of these. There again will be a degree of overlooking given the residential setting. The dwellings to the rear are approximately 27 metres to the nearest parts of 138 to 148 Coventry Road. As above this distance is considered to be

acceptable. The rear elevation to the dwellings is approximately 7 metres to the boundary of the rear gardens to properties on Coventry Road, which are divided by a rear vehicle access point. Numbers 19 and 21 Southfields Close have similar separation distances to the properties on Coventry Road.

Photos of the properties on Coventry Road, and views from the rear access point are included below.



When all of these matters are put together it is not considered that the proposal would cause materially adverse amenity impacts either to existing occupiers or indeed to the future occupants of the proposed dwellings.

### **c) Parking and Traffic**

The proposal would include one garage and two off road parking spaces for each dwelling. As such this meets the Council's parking standards and thus the proposed arrangements enable satisfactory off-street parking. Vehicle parking is an issue affecting local residents, but for there to be a refusal here based on this matter, the Council would have to have substantial evidence that the additional houses would have a materially adverse impact on the existing traffic and parking situation. It is not considered that this is available. In this respect it is noteworthy that the Highway Authority has not raised the matter.

Indeed it is material that the Highway Authority does not object to the scheme even from a traffic point of view. That Authority considers that the proposed visibility splay and vision from the proposed dwellings would be similar to that which exists to other dwellings along Close. In the previous 2011 case for the single dwelling next to number 3, the County Council agreed that the carriageway width was 5.6 metres wide, and that this met the standard width set out in and required by the County Council's Design Guide for a D-class residential road to be adopted. The Design Guide states that such a class D road could accommodate up to 50 dwellings. There are 15 presently, and the application proposal will increase that to 17. Each of the existing houses on the Close has off-street parking provision for two cars – either with a garage and a single space on a front hard-standing or through two spaces on a front hard-standing. The proposed dwelling houses will have two off-road parking spaces and a garage. The parking

requirement for a three bedroom house in this location as set out in the Development Plan is two spaces.

The location of the vehicle access is opposite existing access arrangements. There is an argument that this would lead to a possible conflict when occupiers wish to access their respective drives and property – particularly difficult it is said when vehicles are reversing. The issue to consider here is whether this situation would be such a hazard as to warrant refusal. It is considered not because actual access into and out of these properties would not be on a regular or frequent basis; the low levels and frequency of passing traffic, the local knowledge of the occupiers, and the fact that this kind of situation of access opposite access is commonplace throughout the Borough. There is thus nothing particularly unusual here to be significant enough to warrant a refusal. There are no known records of any accidents on Southfields Close or Springfields within the last five years. This is not to say that minor collisions may not have happened or that they are not likely to do so in the future, but it does not provide the evidence on which to base a refusal.

#### **d) Design**

It is agreed that the design of the dwellings is different to other properties within Southfields Close as can be seen in the photographs. There are also at least three different house types in the immediate area and indeed in the Close itself there are differences in appearance. There is no refusal reason apparent here given this situation. The design of the new houses is acceptable and would be welcomed in many other locations in the Borough.

#### **e) Heritage**

The site is just inside the Coleshill Coventry Road Conservation Area. Its boundary is illustrated at Appendix C. The Council's statutory duty in this respect is to consider whether the proposal "preserves or enhances the character and appearance of the Conservation Area". The significance of this Conservation Area is two-fold. The primary factor is the recognition of the role of the Father Hudson's Society in the social history of the town and how that was reflected in a specific built form. The second was to recognise the street terraces in this part of the town. This proposal will not affect either of these two factors and there will be very little impact on the character and appearance of the Conservation Area. Members should be aware that number 19 and 21 Southfields Close were permitted in 2005 some years after the Area's designation.

#### **f) Other Issues**

Vehicles parking on the road causing obstruction are matters for the Highway Authority and the Police to address. Construction hours can be conditioned. Members will be aware that the value of properties is not a material planning consideration.

## 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 plans numbered 4403 PL 01; and 4403 PL 06 (fence details) received by the Local Planning Authority on 15 May 2015; to the and the plan numbered 4403 PL 04 REV B received by the Local Planning Authority on 1 June 2015; and t o the plans numbered 4403 PL 06 REV B; 4403 PL 05 REV B, and 4403 PL 03 REV B received by the Local Planning Authority on 16 June 2015.

### REASON

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

3. No development shall be commenced before details of the facing bricks, roofing tiles, external materials 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.

4. No development whatsoever within Class A, B and C of Part 1, of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 shall not commence on site.

### 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.

### REASON

To protect the privacy of the occupiers of adjoining properties.

6. The garages hereby permitted shall not be converted or used for any residential purpose other than as domestic garages.

REASON

To ensure adequate on-site parking provision for the approved dwellings and to discourage parking on the adjoining highway in the interests of local amenity and highway safety.

7. All ground floor and first floor windows, and ground floor doors to the side elevations to the northern facing and southern facing elevations shall be permanently glazed with obscured glass which shall provide a minimum degree of obscurity equivalent to privacy level 4 or higher 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.

8. Before occupation of the dwellinghouses a landscaping scheme shall be submitted to the Local Planning Authority for approval.

REASON

In the interests of the amenities of the area.

9. 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; and 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.

10. Access for vehicles to the site from the public highway (Southfields Close D583) shall not be made other than at the positions identified on the approved drawing, number 4403 PL 01 , and shall not be used unless a public highway crossing has been laid out and constructed in accordance with the standard specification of the Highway Authority.

REASON

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

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

REASON

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

12. No structure, tree or shrub shall be erected, planted or retained fronting the site within 2.4 metres of the near edge of the public highway carriageway exceeding, or likely to exceed at maturity, a height of 0.3 metres above the level of the public highway carriageway.

REASON

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

13. 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 the amenities of the area and safety on the public highway.

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

REASON

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

**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 [www.communities.gov.uk/publications/planningandbuilding/partywall](http://www.communities.gov.uk/publications/planningandbuilding/partywall).
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, by suggesting amendments to improve the quality of the proposal 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.
4. Condition numbers 10 and 11 require works to be carried out within the limits of the public highway. Before commencing such works the applicant/developer must serve at least 28 days notice under the provisions of Section 184 of the Highways Act 1980 on the Highway Authority's Area Team. This process will inform the applicant of the procedures and requirements necessary to carry out works within the Highway and, when agreed, give consent for such works to be carried out under the provisions of S184. In addition, it should be noted that the costs incurred by the County Council in the undertaking of its duties in relation to the construction of the works will be recoverable from the applicant/developer. The Area Team may be contacted by telephone: (01926) 412515. In accordance with Traffic Management Act 2004 it is necessary for all works in the Highway to be noticed and carried out in accordance with the requirements of the New Roads and Streetworks Act 1991 and all relevant Codes of Practice. Before commencing any Highway works the applicant/developer must familiarise themselves with the notice requirements, failure to do so could lead to prosecution. Application should be made to the Street Works Manager, Budbrooke Depot, Old Budbrooke Road, Warwick, CV35 7DP. For works lasting ten days or less, ten days notice will be required. For works lasting longer than 10 days, three months notice will be required.
5. Section 163 of the Highways Act 1980 requires that water will not be permitted to fall from the roof or any other part of premises adjoining the public highway upon persons using the highway, or surface water to flow – so far as is reasonably practicable – from premises onto or over the highway footway. The developer should, therefore, take all steps as may be reasonable to prevent water so falling or flowing.
6. Pursuant to Section 149 and 151 of the Highways Act 1980, the applicant/developer must take all necessary action to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's/developer's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.

## BACKGROUND PAPERS

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

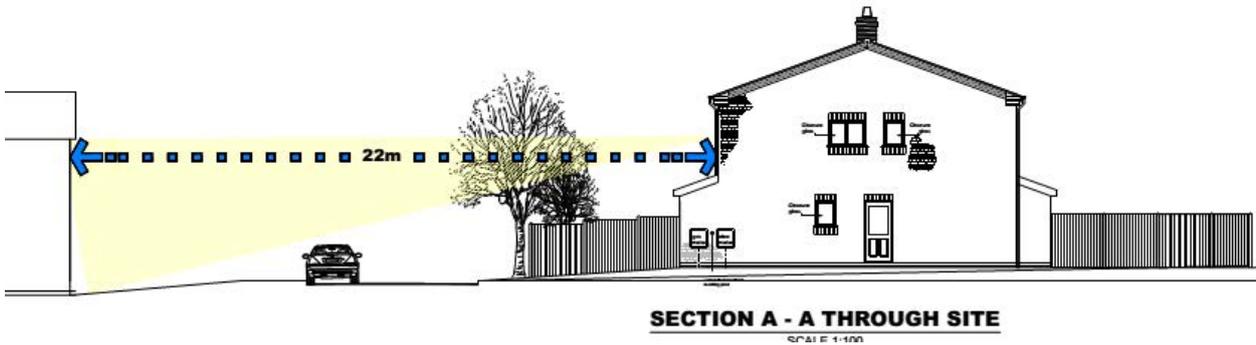
Planning Application No: PAP/2015/0297

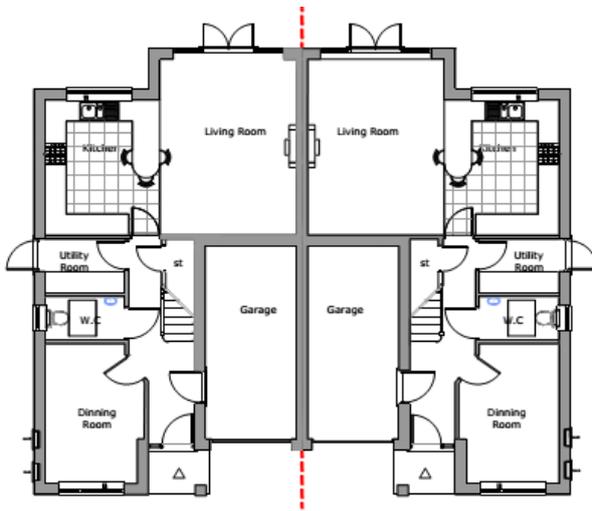
Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	15/5/15
2	WCC Archaeology	Email to NWBC	22/5/15
3	NWBC Forward Planning	Consultation response	1/6/15
4	NWBC Environmental Health	Consultation response	3/6/15
5	WCC Highways	Consultation response	11/6/15
6	Neighbour	Representation response	4/6/15
7	Neighbour	Representation response	5/6/15
8	Coleshill Town Council	Representation response	3/6/15
9	Neighbour	Representation response	16/6/15
10	Neighbour	Representation response	25/6/15
11	Agent	Email to case officer	1/6/15
12	Agent	Email to case officer	27/5/15
13	Case officer	Email to agent	4/6/15
14	Agent	Email to case officer	16/6/15
15	Agent	Emails to case officer	26/6/15
16	Case officer	Emails to agent	26/6/15
17	Case officer	Email to WCC Archaeology	26/6/15
18	Case officer	Emails to agent	23/6/15
19	Case officer	Email to agent	18/6/15
20	Neighbour	Email to case officer	26/6/15
21	Case officer	Email consultation with Councillors	23/6/15
22	Cllr Jones	Request application taken to P and D board	26/6/15
23	Cllr Ingram	Request application taken to P and D board	26/6/15

*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.*

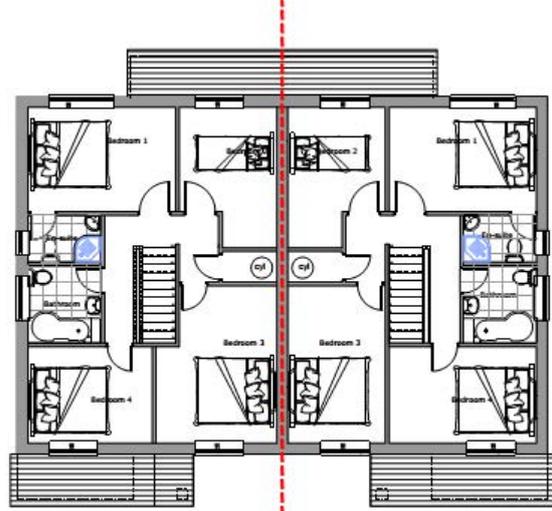
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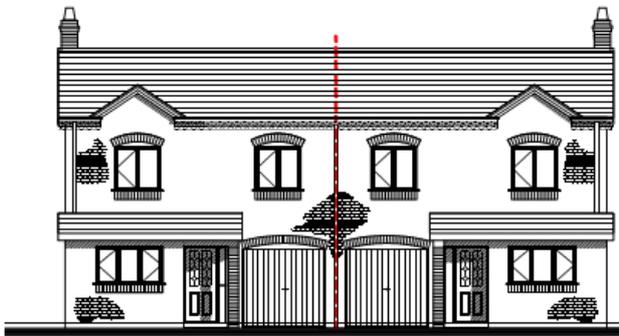




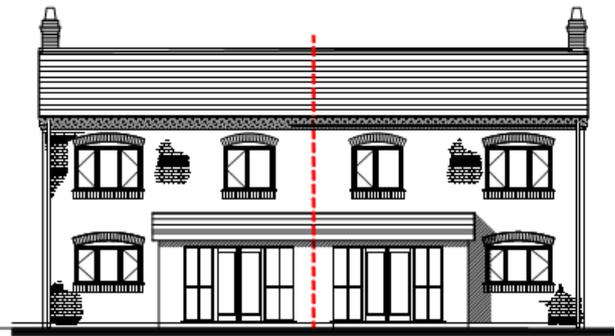
**PROPOSED GROUND FLOOR**



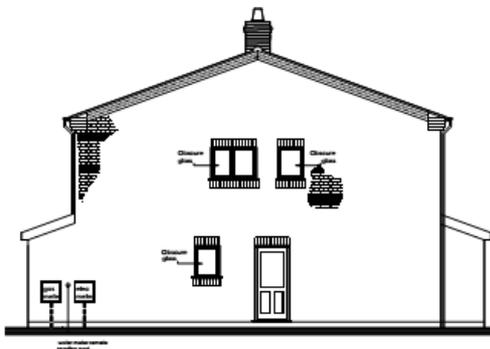
**PROPOSED FIRST FLOOR**



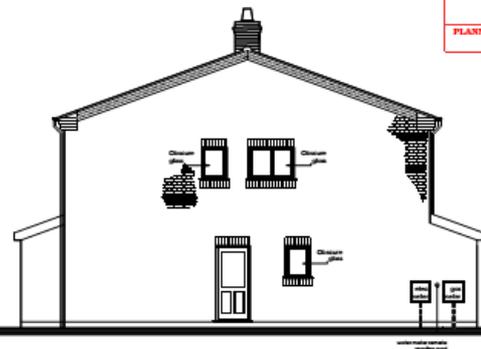
**WEST ELEVATION**



**EAST ELEVATION**



**SOUTH ELEVATION**



**NORTH ELEVATION**

01/06/2  
 PLANNING & DESIGN  
 DESIGN



Appendix B – Photos







**PAP/2015/0297**

**19 Southfields Close, Coleshill**

**Board Site Visit – 1 August 2015 at 1030**

**Present:**

Councillors Humphries, Lea, James, Jenns, B Moss, Phillips, Smitten and Sweet with J Brown

1. Members stood outside the site and looked at its location on the Close and its relationship with the existing houses and the Coventry Road properties beyond.
2. They saw the parking arrangements for those houses and the situation along the Close and at its turning head.
3. Members also saw the most recent property developed in the Close at number 5.
4. The visit closed at 1045

**APPENDIX C**

Below are photographs taken by the owner of 12 Southfields Close, on Sunday 14 June 2015, showing parking within the street.



## APPENDIX D

Below are photos taken by the agent showing parking in Southfields Close on 3 August 2015 at 18:08

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### PROPOSE 2 NEW HOUSES SOUTH FIELD CLOSE COLEHILL

PHOTOGRAPHS TAKEN ON MONDAY 3<sup>RD</sup> AUGUST 2015 AT 18:08 TO SHOW THAT STREET PARKING IS NOT AN ISSUE ON THIS ROAD.



View looking south from the bottom of the close.



View looking south from mid-point of the close.



View from mid-point looking north to the bottom of the close.

4403

Jeff Scoffham BSc (Hons) Wales, BArch, Chartered Architect, RIBA, 28/09/15.

**(5) Application No: PAP/2015/0369**

**52, New Street, Baddesley Ensor, CV9 2DN**

**Outline application for for three two bedroom bungalows for**

**Mr and Mrs J Gilbert**

**Introduction**

This application was referred to the December board meeting but a determination was deferred in order to enable Members to visit the site. That has now happened and the case is brought back for a decision.

**Recommendation**

That the recommendation as set out in Appendix A be agreed.

## BACKGROUND PAPERS

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

Planning Application No: PAP/2015/0369

<b>Background Paper No</b>	<b>Author</b>	<b>Nature of Background Paper</b>	<b>Date</b>
1		Note	4/2/16

*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.*

**(5) Application No: PAP/2015/0369**

**52 New Street, Baddesley, CV9 2DN**

**Outline application for 3 No. 2 bed dormer bungalows.**

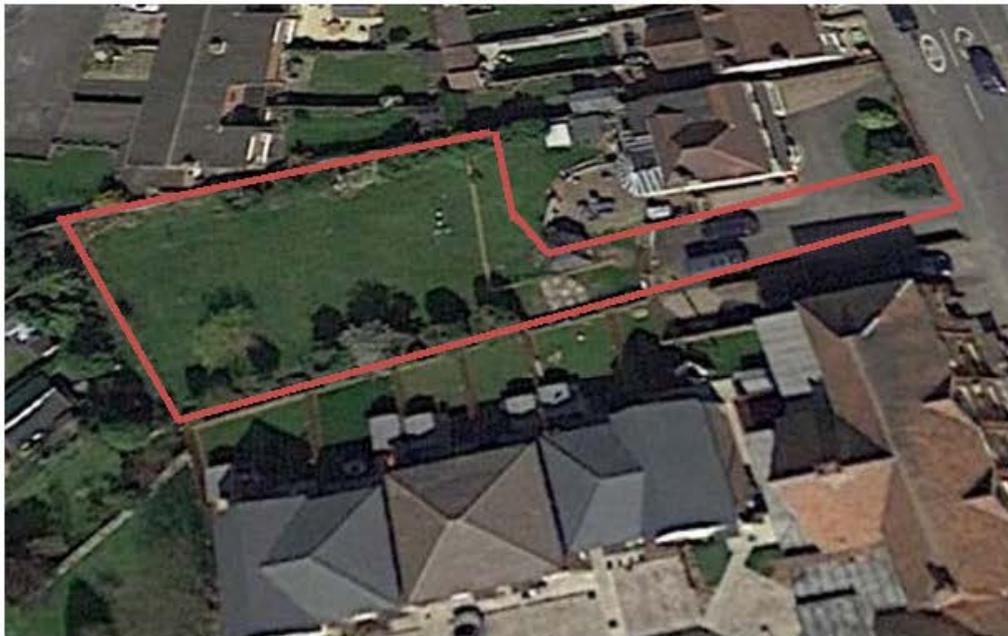
**For Mr and Mrs Gilbert**

**Introduction**

The application is reported to Board as the applicant is an employee of North Warwickshire Borough Council and the application involves an affordable housing contribution secured by a legal agreement.

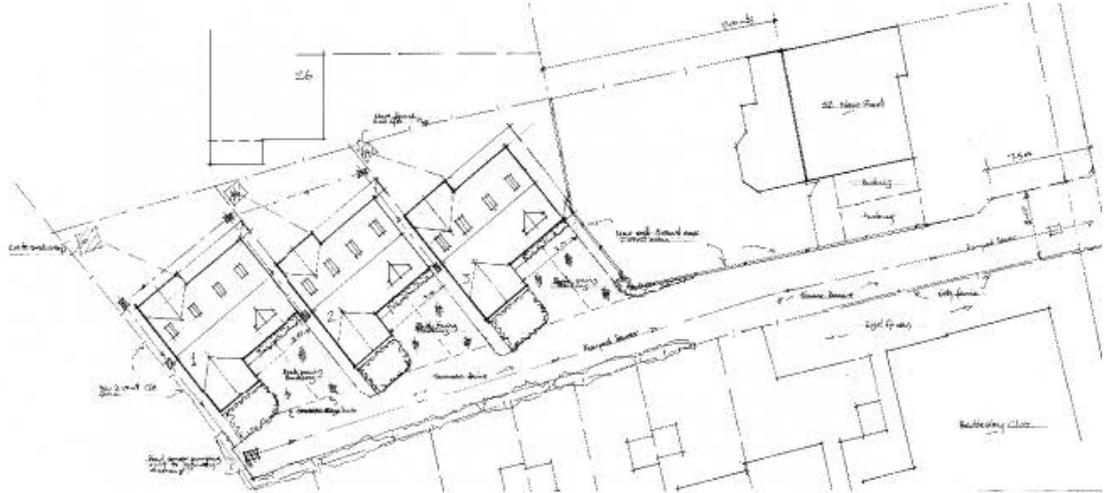
**The Site**

The site lies within the development boundary for the Local Service Centre of Baddesley Ensor. The site earmarked for development is a rear garden behind the existing detached dwelling at 52 New Street which is located on the frontage of the site. The site is adjacent to the recent development of the bowling-green (Bowling Green Close) which has been developed with houses and a small block of flats. The application site does have a gradual sloping gradient with land higher in the east than sloping down towards the west of the site. The former bowling green is also on higher land by around 1 metre. The site is virtually level with the neighbours at Bakers Croft. Site levels and landscaping would be required at reserved matters stage. The location of the application site is available at Appendix A. The aerial view of the site and immediate surroundings is illustrated below:



## The Proposal

This is an outline application for 3 two-bed detached dormer bungalows (with indicative details of access, layout, appearance and scale). The scheme proposes the erection of three detached dormer bungalows, each comprising a living/dining room, kitchen, bedroom and WC at ground floor, and one bedroom and bathroom in the roof space. Provision is made for a drive way and two parking spaces per dwelling. The bungalows would benefit from a small rear garden and a side access. The proposed layout of the site is illustrated below:



## Background

The site has gained outline permission back in 2007 for three – three storey homes. The previous approved scheme was not implemented and has expired. The proposal is therefore for an outline proposal and the application is re-considered in its revised format, offering three-detached dormer bungalows which are more sympathetic on nearby residential amenity, rather than three detached homes which were full height dwellings.

## Development Plan

The Core Strategy 2014 - NW1 (Sustainable Development), NW2 (Settlement Hierarchy), NW5 (Split of 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), ENV13 (Building Design), ENV14 (Access Design) and TPT6 (Vehicle Parking)

## Other Relevant Material Considerations

The National Planning Policy Framework 2012 (the "NPPF").

## Consultations

WCC Highways Authority – The Highways Authority requires that the shared drive should have sufficient width to allow for two vehicles to pass one another off the highway – this will require a widening of the existing dropped kerb. A condition is required to ensure this.

Environmental Health Officer – No objection

Severn Trent Water – No objection

## Representations

Neighbours – The following summary of representation has been received from neighbours at 9 and 7a Park Road, 5 and 6 Bowling Green Close, 49, 54 and 58 New Street, 26 Bakers Croft.

- Objection to height of the buildings and impact on privacy, as houses will overlook gardens and windows
- Objection to trees being removed
- Noise, light and toxic fumes from cars using the drive.
- Flooding issues from existing houses due to surface water not draining away, this will be a burden on an insufficient drainage system. This is a high flood risk area. This part of the village cannot sustain any more building, it is causing back gardens to be flooded the drainage system is not able to cope with heavy rain.
- Access to the site for emergency vehicles will be a problem only a small path down the side of the house where cars and vans will park, how does a fire engine get down there and turn around?
- How so the refuse collectors gain access, or will 3 extra dwellings put bins in the street.
- Disruption from building works and contractors, where will building materials be stored constant noise of contractor's machinery.
- Safety aspect as people with pushchairs will have to walk in the road.
- Do we need 3 new homes in the street where 10 have already been packed in a small area? There are already houses for sale and unoccupied.
- Infrastructure concerns, there have been no new facilities, no new school places, no extra buses, no modernisation to utilities.
- Parking is already an issue
- The area is already overcrowded with housing, not good for the character of the village, squeezing houses into small areas.
- Objection to foul and storm drains being directed to Bakers Croft.
- Concerns about overlooking from windows and loss of light to 26 Bakers Croft.
- Area of No Man's land at the rear of 52 is this under the ownership of the applicant. There are a number of established trees and bushes in this area, which act as privacy for our properties.
- Object to the existing conifers will be removed and replaced with a 2 metre high fence.
- Object to land being sold for financial gain at the expense of neighbours having to tolerate noise.
- The front of these dwelling will overlook Bowling Green Close which is a privacy issue.
- Drainage issues will not be better
- Access will remain limited

6/45

- Disruption will be as bad
- There is no benefit to the local community.

### Observations

The main consideration is whether the proposal for the development of this parcel of land is acceptable in principle and whether there would be any adverse impact on the residential amenities and surroundings hereabouts.

#### a) Principle

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. The settlement is a Category 3A settlement, a Local Service Centre outside of the Green Belt; a good size with facilities including public houses, convenience shops/stores and a bus service. The existing facilities are considered to be commensurate to the size of the settlement. Baddesley Ensor, with Grendon has an allocation of around 180 houses by the plan period of both market and affordable housing. The proposal would therefore go some way, albeit as a small contribution to achieving the number required for the settlement. This is therefore sustainable development carrying a presumption of approval.

The proposal meets the requirements of policy NW6 in that a contribution of £18,150 for the provision of off-site affordable housing will be provided by way of legal agreement upon commencement of the dwellings. This value has been agreed with the Council's own finance officers.

The NPPF is key material consideration. This means that, as set out in paragraph 14, permission should be granted 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 three new units of accommodation in the form of dormer bungalows only and associated parking and amenity space in the form of small gardens for each dwelling. It is considered that the principle of the development can be supported and the site is capable of providing three-dwellings on the land available at the rear of the host dwelling.

Though the density of the development is below the target of 30 dwellings per hectare the constraints placed on the site by the position of neighbouring dwellings dictates that 30 dwellings per hectare could not realistically be achieved without causing loss of amenity. The general grain of development and the nearby plot ratios shows that it is possible to allow for three homes on the rear garden area, given the density of the new development at the former Bowling Green.

#### b) Detailed Considerations – Design, Scale and Location

The land is contained by an existing established boundary fencing, hedgerow and landscaping which abuts the party boundaries to the immediate neighbouring dwellings. The immediate neighbouring dwellings are also full height houses and therefore the provision of three dormer bungalows is not considered to be inappropriate in its setting as a lower roof and eaves height would be introduced compared with a full height dwelling. Often dormer bungalows are of a scale that would be acceptable at a height of not more than 6 metres to the ridge of the roof from ground level. The overall ridge height is no higher than the immediate neighbouring dwellings.

The size of the bungalows is proportionate to the plot and there would be sufficient garden space. The three bungalows are identical and are in a 'T' shaped layout, measuring 9.4 metres in length at its longest point, 6.5 metres in length at its shortest point and 8.6 metres in width and an eaves height of 2.2 metres. The total height to the ridge is preferred at a maximum of 6.1 metres from the existing natural ground level, as the site slopes away to the west then the height of the bungalows would be varied depending on the natural ground level. The site levels would be reserved.

The design of the bungalows is of a sympathetic character to the immediate surroundings and not considered to be an over dominant form of development. The elevations are illustrated below.



The proposed built form is not considered to be out of character with the surrounding properties. It does not introduce a new form of development given the arrangement already approved and completed at the former bowling green site. The design of the new dwellings is acceptable. A standard brick and tile construction would not be unduly out of place or intrusive. It would be appropriate to remove permitted development rights to retain control over the scale of any extensions to ensure that the new dwelling remains in harmony with their immediate setting and wider surroundings. Photographs of the site are available at Appendix B.

### c) Highways

The Highway Authority has not objected to the scheme following revisions to the width of the site access and the arrangement to parking spaces. The access will enter onto New Street, via the side elevation of the dwelling. There is sufficient on site car parking for the existing dwelling at 52 New Street and the proposed dwellings. There is also sufficient turning

capacity within the site and highways have not raised concerns about entry and turning for emergency vehicles.

**d) Landscape and Ecology**

The scheme presents an opportunity to enhance and retain greenery and perimeter landscaping within the site in order to help screen the development. Currently there is vegetation cover to the boundaries and the site is laid with grass. The retention of existing boundary hedgerows and supplementary landscaping will result in no significant overall harm to ecological interests. A landscaping scheme would be required by condition to require landscaping such as trees and garden space to encourage bio-diversity, where some garden land would be lost to the development.

**e) Affordable Housing**

Affordable housing is required under policy NW6 of the Core Strategy, the proposed development is for three homes and therefore off site contribution is required. This will be secured by a legal agreement a draft version is available at Appendix C.

**f) Amenity**

There are neighbouring properties surrounding the application site, the impact on the immediate neighbours will therefore be considered in turn:

***Bowling Green Close:***

The front elevations of the new build (being the roof dormer) face towards the rear elevations of the new development at Bowling Green Close, although there is an oblique separation distance from the front dormer window to the boundary of the gardens at Bowling Green Close of 11 metres and a separation distance of approximately 20 metres to the rear windows at Bowling Green Close. These separation distances are considered to be acceptable in that direct overlooking between neighbouring properties would not occur at this separation distance. It is also advantageous that landscaping along the boundaries can remain in situ or new landscaping proposed which screens the development from potential onlookers.

The application site is approximately 1 metre lower in ground level than those at Bowling Green Close and so the impact of a 6.1 metre high bungalow (to the ridge) is more akin to a 5.1 -metre high development and so the windows would appear lower from these neighbours perspective. Currently the neighbours at Bowling Green Close overlook the private garden space of 52 New Street which has resulted in the loss of privacy to the current occupier.

In any case as the proposed development is north of the dwellings at Bowling Green Close, therefore no loss of light would be caused given the separation distances.

The neighbours at Bowling Green Close have mentioned noise and fumes from vehicles using the access drive to the dormer bungalows, as this would be at the rear of the Party boundary fence. It is considered that an acoustic barrier fence could be incorporated along the boundary with supplementary landscaping that would reduce noise from vehicles using the proposed development. In any case the development is small in scale and so the maximum number of vehicles serving it would be a maximum of 6 (2-per dwelling).

In so far as noise and disturbance is concerned then the construction phase is a short term occurrence and is not on going and thus it would not be considered to cause an adverse impact when it is limited to a short time.

***Park Road:***

The design of the dormer has not removed any amenity impact in terms of privacy or light related issues from the residents at Park Lane. The separation distances are sufficient at over 30 metres from the rear elevation of these neighbouring dwelling. As the site lies east of these neighbouring dwellings, then the impact from loss of light is not considered to be adverse given these separation distances and no windows look towards the residents at Park Road.

***New Street:***

The design of the bungalows does not face towards the houses on New Street or that of the application dwellings. The site levels are lower than the dwellings at New Street and the proposed development lies west of the dwellings at New Street and will have a separation distance of 20 meters. Therefore the location of the dwellings does not impact upon the amenity of the neighbouring occupiers at New Street.

***26 Bakers Croft:***

This neighbouring dwelling is the nearest to the proposed development. Though this neighbour would not have direct view of two of the western most bungalows from their rear habitable rooms, (as they would be located to the side elevation of this neighbour's dwelling), the eastern most bungalow would be visible from this neighbour's rear habitable rooms, and would be at 45-degrees from their rear windows.

The most visible element of the build would be the sloping roof and roof lights, as the majority of the ground floor of the bungalow would be screened behind a 2-metre high party boundary fence. Therefore loss of light and privacy would only be relevant from the roof of the bungalows.

The proposed development would be south/south-east of this neighbouring property, an orientation which can lead to a light reduction from rear facing windows. The neighbour's rear windows face east and therefore benefit from full sunlight during the morning. As the sun moves to the south-east and southern orientation then the potential for loss of light from the eastern most bungalow would be negligible from the perspective of the neighbour's rear habitable rooms as only the roof of the bungalow would cause loss of light. However, this is negated by the design of a sloping roof which is not an oppressive design and where there is an oblique separation distance of approximately 13 meters from the ridge of the bungalow roof to this neighbour's rear windows.

This separation distance is considered to be sufficient in order that the development would not cause a loss of light from the south and south-east orientation to the rear rooms or rear garden of the neighbouring occupier. This neighbour's first floor windows and gable end side window would be clear of the roof height to the bungalows so would not suffer a light reduction. Therefore the orientation and design of the roof of the bungalows means that there is not considered to be a material impact on light passage.

In terms of privacy matters then the bungalows incorporate rear facing roof lights toward 26 Bakers Croft. The roof lights can be conditioned to be obscurely glazed and non-opening unless installed at with a cill level minimum of 1.7 metres from the floor of the room. Therefore no loss of privacy would occur to this neighbour. The amenity of all neighbours is considered to be acceptable in respect of the proximity of the new builds.

The amenity of the proposed development also has to be assessed. It is considered that the proposed bungalows can be accommodated without creating any conditions detrimental to the amenity of occupiers of existing dwellings or occupiers of the proposed bungalows. Each dwelling would have adequate private amenity space and would be of an acceptable design.

**g) Other matters**

Drainage concerns have been raised in respect of the development as neighbours have experienced flooding issues in the past. The site is not located in a flood plain and therefore flooding is likely to be caused by surface water issues. The new buildings would be designed with soakaways, though these are required to be reserved by condition, as the siting of the soakaways should not be in proximity to 26 Bakers Croft, as this neighbour is concerned with the proximity of soakaways to their property. It is considered that soakaways should be provided at the frontage of the bungalows to catch rain water from roofs.

Surface water can also be directed to the soakaways and with the provision of a driveway the surface materials can be reserved. The foul will be pumped back towards to mains located in the highway. Drainage details should be further explored and therefore reserved.

**Conclusion**

It is considered that there are no material adverse impacts arising from the development which would significantly and demonstrably outweigh the benefits of this proposal. The proposal would result in the off-site contribution towards affordable housing as demonstrated through a viability statement, it is considered that other policy and material considerations also carry weight that can lead to support of this application. The application may be supported subject to conditions.

**RECOMMENDATION**

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

1. This permission is granted under the provisions of Article 3(1) of the Town & Country Planning (General Development Procedure) Order 1995 on an outline approval, and the further approval of the Local Planning Authority shall be required with respect to the undermentioned matters hereby reserved before any development is commenced:-
  - i) Landscaping and details of boundary fences and treatment
  - ii) Site levels and site sections
  - iii) Drainage

**REASON**

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

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

**REASON**

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

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

REASON

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

4. No development whatsoever within Classes A, B, C, D or E of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development Order) 1995 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.

5. No development shall be commenced before details of the facing bricks, 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.

6. The rear facing roof lights shall be installed with obscure glass at an obscurity privacy level 4 and non-opening unless the cill height is not less than 1.7 metres above the floor level of the room.

REASON

In the interests of the amenities of the area.

7. The access and parking arrangements shall not be carried out other than in accordance with the details shown on drawing number 2015/001/C received on 25 November 2015 and shall be maintained as such at all times. The site access shall be made at a width of 5 metres to the first 7.5 metres. The parking spaces shall not be less than 2.4 metres in width.

REASON

In the interests of highway safety.

## Notes

1. 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 entitled "The Party Wall etc., Act 1996" is available from Her Majesty's Stationary Office (HMSO), Bull Street, Birmingham, during normal opening hours or can be downloaded from the ODPM web site - [www.odpm.gov.uk](http://www.odpm.gov.uk).
2. 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.
3. Condition number 7 requires work to be carried out within the limits of the public highway. Before commencing such works the applicant must serve at least 14 days notice under the provisions of Section 184 of the Highways Act 1980 and the Highway Authority's Area Team. The Area Team may be contacted by telephone on (01926) 421515.  
  
Section 163 of the Highways Act 1980 requires that water will not be permitted to fall from the roof or any other part of premises adjoining the public highway upon persons using the highway, or surface water to flow - so far as is reasonably practicable - from premises onto or over the highway footway. The developer should, therefore, take all steps as may be reasonable to prevent water so falling or flowing.
4. This application is subject to a legal agreement for an off-site contribution in lieu of on-site affordable housing and must be read in conjunction with the decision notice and the legal agreement.
5. 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. 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/2015/0369

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	16.5.15
2	NWBC Forward Plans	Consultation reply	23.6.15
3	WCC Highways	Consultation reply	2.7.15
4	Mr Payne	Representation	3.7.15
5	Mr and Mrs Hayden	Representation	3.7.15
6	Mr Marsh	Representation	6.7.15
7	Ms Lewis	Representation	7.7.15
8	Ms Lewis	Representation	7.7.15
9	Miss Sweet	Representation	9.7.15
10	Mr Montague	Representation	9.7.15
11	NWBC Environmental Health	Consultation reply	9.7.15
12	Ms Bennett	Representation	10.7.15
13	Ms Bennett	Representation	13.7.15
14	Case Officer	E-mail to agent	17.7.15
15	Agent	E-mail to Case Officer	21.7.15
16	Case Officer	E-mail to Agent	27.7.15
17	Case Officer	E-mail to Agent	28.7.15
18	Agent	Revised plans	3.8.15
19	Case Officer	E-mail to Agent	3.8.15
20	Ms Lewis	Representation	3.8.15
21	Case Officer	E-mail to agent	3.8.15
22	Agent	E-mail to Case Officer	4.8.15
23	Case Officer	E-mail to Agent	4.8.15
24	Case Officer	E-mail to Agent	5.8.15
25	Mr Marsh	Representation	6.8.15
26	Severn Trent Water	Consultation reply	7.8.15
27	Case Officer	E-mail to Agent	18.8.15
28	WCC Highways	Consultation reply	18.8.15
29	Case Officer	E-mail to Agent	20.8.15
30	Case Officer	E-mail to Agent	27.8.15
31	Case Officer	E-mail to Agent	10.9.15
32	Case Officer	E-mail to Agent	14.9.15
33	Agent	Revised plans	17.9.15
34	Case Officer	E-mail to Agent	28.9.15
35	Mr Marsh	Representation	29.9.15
36	Ms Sweet	representation	30.9.15
37	Case Officer	E-mail to Agent	1.10.15
38	Ms Bennett	representation	5.10.15
39	Case Officer	E-mail to Agent	6.10.15
40	WCC	Consultation reply	9.10.15
41	Case Officer	E-mail to Agent	16.10.15
42	Case Officer	E-mail to Agent	21.10.15

43	Case Officer	E-mail to Agent	26.10.15
44	WCC	Consultation reply	27.10.15
45	Case Officer	E-mail to applicant	27.10.15
46	Case Officer	E-mail to Agent	27.10.15
47	Case Officer	E-mail to Agent	28.10.15
48	Case Officer	E-mail to applicant	4.11.15
49	Mr Payne	representation	5.11.15
50	Case Officer	E-mail re: legal agreement	6.11.15
51	Case Officer	E-mail re: viability	11.11.15
52	WCC Highways	Consultation reply	19.11.15
53	Case Officer	E-mail to Agent	19.11.15
54	Case Officer	E-mail to Agent	20.11.15
55	Agent	Revised plans – for highways	25.11.15

*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



**Appendix B**



**Access to the site off New Street as existing and to be improved to serve the development**



**Neighbouring club and views of development from the application site along Bowling Green Close**



Long distance views (taken from 26 Bakers Croft) towards development site and Bowling Green Close and the club in the background.



View of rear garden towards rear party boundary to Park Road



View of 26 Bakers Croft and landscaping along boundary



View back towards host dwelling at 52 New Street

6/58

7/222

DATED

2015

NORTH WARWICKSHIRE BOROUGH COUNCIL (1)

And

Mr & Mrs J Gilbert

52 New Street Baddesley Ensor  
CV9 2DN

Draft

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**PLANNING OBLIGATION BY DEED**

Made pursuant to Section 106 of the Town and Country  
Planning Act 1990, Section 111 of the Local Government  
Act 1972

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Relating to

Proposed 3

No. 2 Bedroom Dormer Bungalows

To rear garden land area

6/59

THIS AGREEMENT is made the \_\_\_\_ day of \_\_\_\_ Two Thousand and Fifteen.

BETWEEN:-

- 1) NORTH WARWICKSHIRE BOROUGH COUNCIL OF The Council House, South Street, Atherstone, Warwickshire, CV9 1DE ("the Council")

AND

- 2) Mr and Mrs Gilbert of 52 New Street Baddesley Ensor , CV92DN  
( the land owners )

#### DEFINITIONS

The Land means the land adjacent to contained number WK2, shown more particularly edged in red on the plan at Appendix 1.

#### BACKGROUND

1. The Council is the Local Planning Authority for the purposes of the Town and Country Planning Act 1990 ("the Act") for the Land.
2. The Land Owners are the registered proprietors of the Land.
3. A planning application has been made to the Council under reference (PAP/2015/0369) for planning permission for THREE residential dwelling ("the Development") on the Land.
4. The Council has resolved to grant Planning Permission for the Development subject to the completion of this Agreement for the purpose of providing a contribution towards affordable housing within the area ("the Planning Permission").
5. This Deed is made pursuant to Section 106 of the Town and Country Planning Act 1990 to the intent that it shall bind the Owner, Applicant and successors in title to each and every part of the Land and the covenants contained herein are planning obligations for the purposes of Section 106 of that Act.

#### 6. THE LAND OWNERS' OBLIGATIONS

The Land Owners hereby covenant with the Council that:

- 6.1. The Land Owners shall not carry out the Development except in accordance with the planning permission.

- 6.2. Prior to commencement of the Development the Land Owners agree to pay the Council £18,150,00, as a contribution towards affordable housing in the area; which will be used by the Council in accordance with paragraph 7.2.

## 7. COUNCIL COVENANTS

The Council covenants that:

- 7.1. It will immediately issue the Planning Permission subject to conditions.
- 7.2. The contribution detailed in paragraph 6.2 will be spent within the borough. The Council will take reasonable steps to inform the public of where and for what the contribution has been used for and also inform the Land Owners by letter on request.

## 8. AGREEMENTS BETWEEN THE PARTIES

It is agreed between the parties:

- 8.1. If the Planning Permission is revoked or withdrawn or expires before the Development has been initiated within the meaning of Section 56 of the Act, this Agreement shall cease to have effect.
- 8.2. The Land Owners or their successors in title shall not at any future date seek to serve a purchase notice or otherwise seek compensation from the Council in respect of the land on the grounds that it has become incapable of reasonable beneficial use in its existing state as a result of the development provided for in this agreement.
- 8.3. Nothing in this agreement will create any rights in favour of any person pursuant to Contracts (Rights of Third Parties) Act 1999.
- 8.4. Nothing in this Agreement shall be construed or implied so as to prejudice rights, discretions, powers, duties and obligations of the Council under all laws, statutes, bye-laws statutory instruments, orders or regulations in the exercise of its local authority or require the Council to spend capital money.
- 8.5.1. All notices, approvals, consents or other documents involving the Council under the provisions of this Agreement shall be issued by or served on the Council's Head of Development Control at The Council House, South Street, Atherstone, Warwickshire CV9 1DE.
- 8.6. The Developer shall pay to the council all the council's reasonable legal costs in the preparation and execution of this Agreement limited to the sum of £750,00 inclusive of any value added tax.
- 8.7. This Agreement shall be registered as a Local Land Charge for the purposes of the Local Land Charges Act 1975.

8.8. No person shall be liable for any breach of non-performance or non-observance of the covenants, restrictions or obligations contained in this Deed that occur after they have parted with their interest in the land or that part in respect of which such breach, non-performance or non-observance occurs, but without prejudice to their liability for any subsisting breach prior to parting with such interest.

8.9. Any dispute or difference which shall at any time hereafter arise between the parties hereto concerning this Deed shall be referred to as a single arbitrator to be agreed upon by the parties to the dispute or in default of agreement to be nominated by the president (or other officer for the time being delegated to make such appointment) of the Royal Institute of Chartered Surveyors.

THE COMMON SEAL of NORTH

WARWICKSHIRE BOROUGH COUNCIL

Was hereby affixed in the presence of

Designated Officer:

Mr

Signed:

Date:

Witnessed by:

Mrs

Signed:

Witnessed by:

Draft

AGREEMENT

(UNDER Section 106 of the Town and Country Planning Act 1990)

Relating to Land at: 52 New Street Baddesley Ensor CV9 2DN

6/63

7/227

**(6) Application No: PAP/2015/0478**

**Dordon Ambulance Station, Watling Street, Dordon, B78 1TE**

**Demolition of existing former ambulance station and construction of No.14 dwellings, with improved access and associated landscaping, for**

**Jessups**

**Introduction**

This application was deferred at the December Planning and Development Board meeting in December 2015 in order that it could better understand the highway position in respect of the proposed access arrangements.

The previous report is attached at Appendix 3.

**Consultations**

Highways England – maintain no objection to proposed development

**Observations**

A Supplementary Transport Statement has been submitted by the applicant to provide additional information consequential to the deferral. This sets out in detail the traffic and highway measures considered in formulating this development proposal; the engagement with relevant interested agencies prior to submission of the application and the measures included in the proposal. It identifies the various options that were considered that might improve highway safety associated with traffic movements into or out of the site and sets out the responses received from Highways England and the police. This is attached as Appendix 1.

The options considered include:-

- re-modelling of the vehicle access to facilitate east bound traffic turning into the development and to encourage vehicles leaving the site to travel along the eastbound A5 carriageway;
- extending the 40mph speed limit restriction to a point on the A5 to the west of site,
- closure of the gap in the central reservation of the A5 opposite the vehicle access to the site and the
- closure of all of the gaps within the central reservation of the A5 between the Dordon roundabout and the application site.

The consideration of all of the above options identified issues with the implementation of all of these or in achieving the desired outcomes without significant un-intended consequences. The detailed consideration is set out in the attached report.

The proposed vehicle access will incorporate wider corner kerb radii to facilitate east bound traffic turning into the site. The modifications to the vehicle access will be subject to a Road Safety Audit process and be constructed within a S278 agreement made under the Highways Act.

The speed limit outside the site is 50 mph in both directions, although the speed limit changes to 40mph at point in line with the eastern boundary of the site. Highways England are not convinced that extending the 40mph limit further west is appropriate given the dual carriageway is designed for higher speeds. Circular 01/2013 – Setting Local Speed Limits advises against setting unrealistically low speed limits, which may be ignored leading to a higher risk of collisions and injuries. A change to the speed limit would require support of the police, who will usually object to the introduction of inappropriate changes in speed limits. Warwickshire police advised they would not support different speed limits on a stretch of road where the character is essentially the same and would object to a proposal to introduce an inappropriate change in the speed limit.

Clarification of the position of Highways England with respect to the proposed development has been sought. A further response from Highways England provides a detailed consideration of the traffic and highway options considered, including its assessment of the likely outcomes of the various options and of the issues with implementation. This is attached in full as Appendix 2.

In summary whilst Highways England recognise that traffic movements that involve turning across the A5 carriageway pose a hazard, alternative arrangements would however also give rise to other potential hazards on the highway, such that overall, it does not consider alternative arrangements would be likely to result in an overall improvement for highway safety. The reasoning behind this is explained within the appendices.

Highways England thus continues to have no objection to the proposed development.

A Site Road Safety Assessment has also been submitted. This reviews the available data from the previous five years on road traffic accidents in the vicinity of the site to assess the extent to which the existing central reservation gaps may have been significant factors in causing these. It also considers the consequences of the closure of the existing gaps and the impact for vehicle trips, driver behaviour and for highway safety. This is attached as Appendix 4.

This concludes that

- none of the accidents in the 5 year period 2010 to 2014 have been attributed to the presence of the three central reservation gaps.
- there are no safety or visibility issues identified with the central reservation gaps or the associated accesses.
- the proposed development of 14 dwellings would not represent a significant increase in the daily trips to the site or in the use of the central reservation opposite the site entrance compared to the former use as an Ambulance Station.
- closure of the central reservation at the site access alone would increase the likelihood of shunt type collisions at the two other central reservation gaps; also if the gap is not physically closed there would be a high risk of non-compliance as

queues at busy periods will cause significant time delays and deter drivers using the Dordon roundabout to access the westbound A5 carriageway.

- closure of the two other gaps is not considered necessary in view of the low accident history at the sites associated with turning vehicles; the development is unlikely to have any material impact on these gaps as traffic accessing the site would use the central reservation gap opposite the entrance

## **Conclusion**

The proposal is for a development of 14 affordable dwellings. The proposal complies with local plan policies which encourage the provision of affordable housing to meet the identified need. This consideration can be afforded significant weight in the determination of this application.

The additional information and details submitted concerning the highway matters re-affirm that significant improvement for safety on the highway network is unlikely to be achievable without substantial costly intervention to the wider highway network. Highways England acknowledges the existing highway arrangements pose hazards but considers the proposed development will not result in an unacceptable increased risk for highway safety.

Thus overall the balance here is considered to be in favour of granting planning permission for the proposed development.

## **Recommendation**

That planning permission be **GRANTED** subject to the conditions set out in the previous report attached here as Appendix 3.

## BACKGROUND PAPERS

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

Planning Application No: PAP/2015/0478

<b>Background Paper No</b>	<b>Author</b>	<b>Nature of Background Paper</b>	<b>Date</b>
1	The Applicant or Agent	Supplementary Transport Statement	18/12/2015
2	Highways England	Consultation Response	11/1/2016
3	Head of Development Control	Letter	15/12/15

*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 1**

**PAP/2015/0478**

**Former Dordon Ambulance Station  
Watling Street, Dordon**

**Supplementary Transport Statement**

**Introduction**

The proposed junction improvements to be made to the entrance to the former ambulance station site have been evolved during the course of long and protracted discussions originally with the Highways Agency, then Highways England and the police. As part of this process a number of factors were taken into account and options considered which are set out below. This statement should be read in conjunction with the Transport Statement prepared by Ashley Helme Associates submitted with the planning application.

**Trip data**

The number of trips was determined by taking data supplied by the NHS Ambulance Service of vehicle movements when the ambulance station was in use. Ambulances leaving under blue lights were discounted as these would have been under the control of 'wig-wag' signals which would stop traffic on the A5 to allow the ambulances to exit onto the carriageway.

After discussion backed up by data it was agreed with Highways England that the site could sustain a development of 14 affordable houses without detriment to highway safety subject to junction improvements.

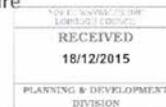
**Speed limit**

The speed limit outside the site is 50 mph in both directions with the speed limit change (from 50mph to 40mph) located in line with the eastern boundary of the site. We suggested extending the 40 mph speed limit further west so that the access to the site fell within the 40 mph zone rather than the 50 mph zone.

The response from Highways England was that they were not convinced that moving the 40mph was appropriate as the carriageway was designed for high speed and would not change by posting a new speed limit. Circular 01/2013 – Setting Local Speed Limits para. 19 & 20 warns against setting unrealistically low speed limits, which may be ignored leading to a higher risk of collisions and injuries. Furthermore a speed limit change would require support from the police.

The view given by the police was:

- Warwickshire Police would not support inappropriate - and potentially unsuccessful - speed limit changes.



- Warwickshire Police would not support different speed limits on what is essentially the same piece of road.
- Warwickshire Police would have to formally object to any proposals for inappropriate speed limit changes.

As a consequence no changes to the speed limit have been proposed.

#### **Visibility**

Highways England have confirmed that the required visibility for a 50mph Design speed would be achieved from a 4.5m setback, which has been incorporated in the junction design.

#### **Access**

Vehicles entering the site by turning left from the eastbound carriageway were not considered a major issue but it was agreed that improvements could be made when re-modelling the junction to increase the corner radius.

The right-turn into the site from the westbound carriageway is just within the 50 mph zone but vehicles intending to turn right would not be able to reach that speed between the 50 mph sign and the junction without them breaking the 40 mph speed limit.

#### **Egress**

We considered the right turn out in great detail and looked at options of restricting egress from the site to left turn only. The junction was configured with a splitter island so that vehicles would be pointing in an easterly direction when leaving the site. The issue with this was that we could not physically prevent someone from turning right without closing the gap, just make it harder for them to do so. Highways England 's view was that they saw scope for vehicles to turn right out of the access, despite the 'Dual Carriageway' signs and channelizing island , which would be tempting during peak periods or at night instead of travelling to the Gypsy Lane Island.

We were advised by HE and the police that closing the gap completely would not be supported as vehicles leaving the development will be tempted to use the central reservation gap to the east which was regarded as potentially unsafe and not a behaviour to be encouraged. We were advised that it was unlikely that a TRO for proposed 'No Entry' signs and 'No U turn' signs would be supported by police. The police advice was they would not support any proposals to ban U-turns at this junction or the two breaks in the central reserve between the site and the roundabout unless they were part of an engineered solution which was self-policing. Effectively this would mean closing the gaps but these gaps serve other properties and existing residents have exercised their rights to use the gaps for a number of years.

Subsequent to the planning committee meeting on 14<sup>th</sup> December we have reviewed the previous proposals and also considered the possibility of amending the access arrangements so that the existing access is used for entering the site and the proposed access road carried through to connect to the carriageway further east for egress, creating in effect a one way system within the site. Whilst this is feasible, and we would be willing to incorporate this, we still have the same issues regarding policing. The access within the site would be private and not adopted so any one-way routing could only be advisory and would not be enforceable by law. We could not, therefore, prevent anyone driving "the wrong way" and trying to exit the site via the entrance.

#### **Hall End Business Park**

It was witnessed during a meeting convened between the parties on site that the gap is used by vehicles doing U turns to access Hall End Farm, which is currently restricted to left in and left out from the westbound carriageway. As part of the consented scheme for the Hall End Business Park the access will be changed to an all movement traffic signal junction. This development is now moving forward as Core 42 and was formally launched to the industrial market in Birmingham on 8<sup>th</sup> October 2015 by owners Hodgetts Estates as their flagship development.

The introduction of a traffic signal junction in this location should have the effect of reducing the speed of vehicles approaching the site and also creating gaps in the traffic, potentially assisting right turn movements into and out of the site.

#### **Conclusions**

Taking all of the foregoing into account it was considered that improving the junction to ease traffic entering the site and encourage vehicles to egress eastwards was likely to be more successful than trying to ban movements as doing so could result in compromising highway safety between the site and the Gypsy Lane Island.

The proposals submitted have been considered by and agreed with Highways England as being appropriate for the size of development and will improve highway safety based on the current situation. The creation of a traffic light junction to the Core 42 business park to the east of the site would improve safety further.



SPF 17/12/15

**Winterbottom, Denis**

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**From:** Johnson, Adrian <Adrian.Johnson@highwaysengland.co.uk>  
**Sent:** 11 January 2016 07:34  
**To:** Winterbottom, Denis  
**Cc:** 'peter.rouse@warwickshirepolice.ppn.uk'; 'Paul Cawthorne'; 'Area9 DEVCONTROL'; Maric, Lisa  
**Subject:** RE: PAP/2015/0478 Fomer Dordon Ambulance Station A5 Dordon

Denis

I refer to your email of 5 January and our subsequent telephone conversation on 6 January.

During pre-application discussions with the Applicant's representatives the Highways Agency and Highways England considered the closure of the gap on Watling Street at the former Ambulance Station. Whilst on the face of it this may seem a reasonable proposition there are difficulties that could render the option impractical. These are:

- Traffic entering the site from the Dordon direction would seek to 'U turn' at the first opportunity, which at present is just before the Birch Coppice Business Park access. This gap has not been designed for 'U turn manoeuvres from the Dordon direction. Therefore this would add accident potential at this location, with vehicles slowing down to turn and possible queuing in the outside lane of the main carriageway.
- There is a proposal for traffic signal control at the proposed Hall End Business Park but this could be some time before it is provided. That arrangement does not include a 'U turn' facility for vehicles from the Dordon direction.
- Traffic leaving the site and wishing to travel towards Tamworth would seek to 'U turn' in the first available gap, thereby increasing accident potential at that location.
- It has been suggested that each gap between the Former Ambulance Station and Long Street/ Gypsy Lane roundabout could be closed so that traffic could 'U turn' at the roundabout. This would affect many properties fronting Watling Street, including St Leonards Church, the residents of Vicarage Close, Watling Street and New Street. This would result in a substantial amount of potential 'U turn' traffic in the vicinity of Hall End and Birch Coppice.

From the above it is not possible to consider gap closures in isolation, it is necessary to look at the wider area taking in all possible gap locations. For these reasons we concluded that the retention of the existing gap was more practical than closure. Notwithstanding this, in discussions with the Applicant's representatives we sought to limit the likely number of vehicles using the application site on a daily basis to no more than was the case with the former use of the site.

If the planning authority wishes to pursue the option of gap closures before the application is determined Highways England would need to be provided with evidence that would be advantage in doing so. The following steps would need to be undertaken:

1. Review the accident records for the last five years over the section of Watling Street from Long Lane / Gypsy Lane roundabout to Birch Coppice, specifically identifying accidents relating to use of the existing gaps. It may be necessary to go back further in time to determine if there were any accidents associated with the Ambulance Station gap when the Station was in use.
2. Undertake traffic surveys to determine the current traffic use of all the gaps that would be affected, including Birch Coppice junction, identifying the type of vehicle, the properties

they were seeking to serve and the time of day, for a full 24 hours each day over at least a week.

3. Determine the current traffic use of Long Lane / Gypsy Lane roundabout.
4. Assess how many vehicles would be displaced due to the proposed gap closures and where they would turn.
5. Determine if the alternative turning locations were suitable for the amount of displaced turning traffic. This would require both a capacity assessment and road safety audit at the alternative turning locations.
6. Identify any highway improvements that the alternative turning locations would require for either safety or capacity reasons.
7. A Study Report clearly setting out the collected information and the results of the subsequent assessments, particularly identifying whether gap closures would be a safer proposition than leaving them open.

I would stress that Highways England does not have the resources to undertake this work. It would have to be carried out and financed either by the planning authority or the Applicant.

The Study Report would be reviewed by Highways England and we would advise the Applicant and planning authority of our views on the suggested gap closures. If our conclusion was that gap closures would be beneficial to road safety, assuming that the alternative locations could accommodate the displaced traffic (with suitable improvements), Highways England would have to sponsor the proposal under a financial agreement with the Applicant.

However, it would not be appropriate at this point for the planning authority to determine the application as it would be necessary to seek the views of the owners and occupiers of all the residences and businesses that would be affected by the proposals through a public consultation exercise at the Applicant's expense.

If that exercise proved favourable, Highways England could process a 'Gap Closure' Order, again at the Applicant's expense. This would require formal consultation with stakeholders and the general public. If any objections to the Order arise there may have to be a Public Inquiry, the results of which would not necessarily be in favour of gap closures.

I am sure you will appreciate that the process to consider gap closures is not a simple or straight forward one. This is a costly and protracted process which the Applicant may not wish to pursue. It is for the planning authority to decide if requesting the above information is reasonable. If your Members are minded to refuse the application on road safety grounds, as Highways England did not object to the application we would not be able to support a refusal for that reason if the Applicant elected to appeal the decision.

We are unable to give you an indication of the costs associated with the above process or the timescales required to bring it to a conclusion as every case is different. Nor can we advise on the outcome being in line with your Members' preference.

I trust these comments are helpful.

Regards

Adrian

**Adrian Johnson**

Highways England | The Cube | 199 Wharfside Street | Birmingham | B1 1RN

Tel: +44 (0) 121 6872583 | Mobile: + 44 (0) 7747 622 799

**(6) Application No: PAP/2015/0478****Dordon Ambulance Station, Watling Street, Dordon, B78 1TE****Demolition of existing former ambulance station and construction of 14 dwellings, with associated landscaping and alteration of the existing access,****for Jessups****Introduction**

The application is for major development and is referred at the discretion of the Assistant Chief Executive.

**The Site**

The application site has an area of 0.4 hectares. This is the former Dordon ambulance station. It currently comprises of the vacant ambulance station building, small external structures, underground fuel storage tanks and an area of hardstanding. Vehicle access is directly onto the A5 Watling Street. A public footpath from Browns Lane to the A5 runs to the rear of the site, there will however be no access to this from the development. The application site is shown at Appendix 1.

**The Proposal**

This includes the demolition of the former ambulance station and the construction of 14 affordable (socially rented) new dwellings - 8 two bedroom, 4 three bedroom and 2 four bedroom houses - with landscaping, access road and alterations to the existing access to the A5. The proposed layout is shown in Appendix 2. Building elevations are shown in Appendix 3 and an illustration of the scheme in Appendix 4.

**Background**

The ambulance station use has ceased and the site is no longer required for such purposes. The site is currently unused and the building is vacant. The property was offered to the market for some time with little resulting interest prior to the current proposal for re-development for residential use.

**Development Plan**

North Warwickshire Local Plan Core Strategy 2014 - NW1 (Sustainable Development); NW2 (Settlement Hierarchy), NW4 (Housing), NW5 (Split of Housing Numbers), NW6 (Affordable Housing Provision), NW10 (Development Considerations), NW12 (Quality of Development) and NW19 (Polesworth and Dordon).

Saved Policies of the North Warwickshire Local Plan 2006 - ENV1 (Urban Design); ENV13 (Building Design), ENV14 (Access Design), TPT1 (Transport Considerations), TPT3 (sustainable Transport) and TPT6 (Vehicle Parking)

**Other Relevant Material Considerations**

National Planning Policy Framework 2012.

National Planning Practice Guidance 2014

## **Consultations**

Warwickshire Police – No objection but they recommend measures to reduce the risk of crime.

Warwickshire County Council as Local Lead Flood Authority – No objection subject to a condition to require a sustainable surface water drainage system.

Warwickshire County Council Rights of Way – No objection but request a financial contribution towards maintenance of local public rights of way.

Highways England – No objection subject to a condition requiring prior approval of details for the revised access.

Environmental Health Officer – He accepts the noise assessment and phase 1 ground investigation as submitted and recommends conditions to require prior approval of details of noise attenuation measures and to require a full ground investigation and necessary remediation prior to development.

## **Representations**

Two representations have been received from local people. Both raise concern over increased risk to highway safety from additional traffic accessing the A5. One also raises concern that too many dwellings are proposed for the site and the design of the proposed houses would not enhance the street nor be in keeping with existing properties and specifically objects to the proposed development.

## **Observations**

The application site is within the settlement boundary identified for Dordon in the North Warwickshire Local Plan. Dordon is identified as a category one settlement with a requirement for a minimum of 440 additional dwellings. Residential development is thus appropriate in principle. All the new dwellings will be provided and managed as affordable housing by the Waterloo Housing Association. The site is in a sustainable location and is accessible by public transport. Residential development is in accord with housing allocation policies as set out in the Development Plan. The proposal thus complies with policies NW1, NW2, NW4, NW5 and NW6 of the North Warwickshire Local Plan Core Strategy 2014.

The proposal is for fourteen two storey semi-detached houses ranging from two bedrooms to four bedrooms with internal floor areas ranging from 76 to 99 square metres. These are arranged in two rows. One is across the rear of the site broadly in line with the detached dwelling house on the adjoining property. These houses will face the A5 providing a frontage to the road, albeit set back. A second row along the eastern boundary ranges from the front to the rear of the site and these will face into the site, although the house on the plot nearest the A5 will have a dual aspect to also face to the road. The buildings will be 7.8 metres high to the roof ridge.

The existing ambulance station is an unattractive building and its removal would enhance the appearance of the locality.

The external appearance follows a consistent approach which draws on local existing housing styles and materials. The proposed houses are similar in mass and scale to existing local houses and steeper roof pitches and gables reflect local older house styles. External materials are mainly brick with rendered areas. This also reflects treatments used in existing local houses. The external treatments applied to individual pairs of houses are varied within the overall design approach to introduce interest and variety. Rendered areas at first floor are restricted in width and accentuate the vertical gables. This adaptive use of local styles and materials provides a distinctive feature to the development. Some window openings are taller than is usual in modern housing, again redolent of older housing. However these require fixed lower panes to be incorporated for safety reasons. The design and appearance of the development is considered to comprise elements that relate well to each other and to result in a development that harmonises with the immediate setting and that integrates with the surroundings and respects local distinctiveness. It is thus not considered to be out of keeping, nor to detract from the character of the local area.

The noise assessments recommend measures to attenuate road noise within the dwellings, such that acoustic glazing will be incorporated within the development. The Environmental Health Officer recommends details of these measures be approved prior to commencement. This can be secured by an appropriate condition.

The phase 1 ground investigation identifies potential sources of contamination and migration pathways. A full ground investigation is therefore recommended to be undertaken. This again can be required by a condition prior to commencement.

Existing mature trees around the periphery of the site will be retained and additional planting and landscaping provided.

The existing access to the A5 is to be retained but will be altered to provide separated access and egress for vehicles and to include an island to facilitate a crossing point for pedestrians. The internal access road will provide vehicle access to the houses and will include a turning area to allow delivery and refuse vehicles to turn within the site. The submitted plans demonstrate the turning area can accommodate a 10 metre long vehicle. It will however need to accommodate a vehicle, 10.8 metres in length. This can be achieved and will be ensured through a condition. Thirty parking spaces will be provided within the development. Houses will have access to two parking spaces, three houses will have an integral single garage and some will also have additional space on driveways.

The existing access arrangement to the site includes the facility to turn right into the site from the west bound A5 carriageway and to turn right onto the west bound A5 carriageway when exiting the site. This latter movement involves vehicles crossing the east bound carriageway. Revisions to remove or restrict the right turn arrangement have been explored with Highways England, however the measures proposed were not supported by the police.

The applicants first considered the extension of the 40mph speed limit further west to reduce traffic speeds at the site access. Another option was to remove the right turn arrangement completely, both into and out of the ambulance station. However there are two other existing openings in the central reservation between the ambulance station and the Dordon roundabout which could be used for "U" turns to access the west bound carriageway. Closing these two central reservation openings was also considered. Finally a design solution for the access was explored that would prevent the right turn on exiting the site, however given the width of the A5 dual carriageway and the position of the opening in the central reservation this could not be physically prevented and therefore could potentially result in even riskier right turn movements being attempted by irresponsible drivers.

This existing right turn arrangement involves traffic movements that do conflict as vehicles have to cross the carriageways. The Transport Assessment submitted assesses vehicle movements when the site was used as an ambulance station. Data supplied by the West Midlands Ambulance Service has been compared with the number of trips likely to result from the proposed residential use. This concludes that the ambulance station generated some 50 "normal" vehicle movements daily, excluding emergency calls, and the residential use will generate some 56 daily movements. The conclusion is that there would thus be no significant increase in the number of daily vehicle trips.

Highways England accept the transport assessment and consider the access arrangement proposed to be acceptable subject to a condition to require prior approval of the details of the alterations to be made to the existing access and to require implementation of the approved access arrangement.

This stretch of the A5 will undergo a significant alteration with the implementation of the commercial development at Hall End Farm on the opposite side of the A5. This will result in the introduction of a new traffic signal controlled junction on the A5 to the west of the access to the ambulance station. This commercial development is proceeding although construction has yet to start. Highways England has considered this potential alteration in assessing the current application.

### 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 plans 14006/1, 14006/2C, 14006/aA, 14006/2C, 14006/5, 14006/6, 14006/7, 14006/8A, 14006/9A, 14006/11B, 14006/12A, 14006/13A, 14006/14B, 14006/15B & 14006/17A received by the Local Planning Authority on 24/7/2015.

### REASON

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

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

In the event contamination is identified as a result of the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The report shall include a verification plan to demonstrate the proposed remediation can achieve its objectives. The site shall be remediated in accordance with the approved measures and verification plan.

A verification report that demonstrates how the objectives of the remediation have been achieved shall be submitted to the LPA in writing within three months of completion of remediation scheme

#### REASON

In the interest of reducing the risk from contamination and of pollution.

4. No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority in consultation with the LLFA. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The sustainable drainage scheme shall fulfil the following criteria :

- Undertake infiltration testing in accordance with the BRE 365 guidance to clarify whether or not an infiltration type drainage strategy is a viable means of managing the surface water runoff from the site.
- Demonstrate that the surface water drainage system(s) is designed in accordance with CIRIA C697, C687 and the National SuDS Standards.
- Limit the discharge rate generated by all rainfall events up to and including the 100 year plus 30% (allowance for climate change) critical rain storm to ideally the Greenfield runoff rates for the site. As a minimum, the developed site must not exceed the run-off from the undeveloped site and must not increase the risk of flooding off-site.
- Demonstrate the provisions of surface water run-off attenuation storage in accordance with the requirements specified in 'Science Report SC030219 Rainfall Management for Developments'.
- Demonstrate detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details of any attenuation system, and outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.
- Confirm how the on-site surface water drainage systems will be adopted and maintained in perpetuity to ensure long term operation at the designed parameters.

#### REASON

To prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; and to ensure the future maintenance of the sustainable drainage structures.

5. No development shall commence until a scheme for foul and surface water drainage system has been 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.

6. No development shall commence until details of the modifications proposed to the site access as illustrated on drawing number 1413/03 have been submitted to and approved in writing by the Local Planning Authority. The access shall then be constructed in accordance with the approved details prior to the occupation of the first dwelling.

REASON

In the interest of highway safety

7. No development, including demolition, shall commence on site until the measures for the protection of the trees and hedges to be retained have been implemented in full in accordance with the recommendations and details set out in the Arboricultural Report and Assessment Ref: THL-R14/139. For the avoidance of doubt the trees to be retained are those shown on drawing 14006/4A and the protection measures

REASON

In the interest of amenity

8. No development shall be commenced until details of the :- facing bricks and roofing tiles, surfacing materials, fencing materials, window frames, glazing pattern and acoustic attenuation properties, and mechanical ventilation to be used have been submitted to and approved by the Local Planning Authority in writing. The approved designs and materials shall then be used.

REASON

In the interest of amenity.

9. The development shall not be occupied until turning area has been provided within the site so as to enable vehicles of 10.8 metres in length to leave and re-enter the public highway in a forward gear.

REASON

In the interest of safety on the public highway.

10. The approved planting and landscaping scheme shall be implemented within six calendar months of the date of the first occupation of the development hereby approved. 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 first available planting season.

REASON

In the interest of amenity.

11. The dwellings shall be provided only as affordable housing, as defined in the National Planning Policy Framework 2012, or as subsequently amended, and shall be first offered for occupation in accordance with the housing allocation policy of the North Warwickshire Borough Council.

REASON

To secure the provision of the affordable housing required by the Development Plan.

12. The garages hereby permitted shall be maintained for the purpose of storing or parking of vehicles.

REASON

To ensure the on-site parking provision is maintained to discourage parking on the adjoining highway in the interests of highway safety.

## BACKGROUND PAPERS

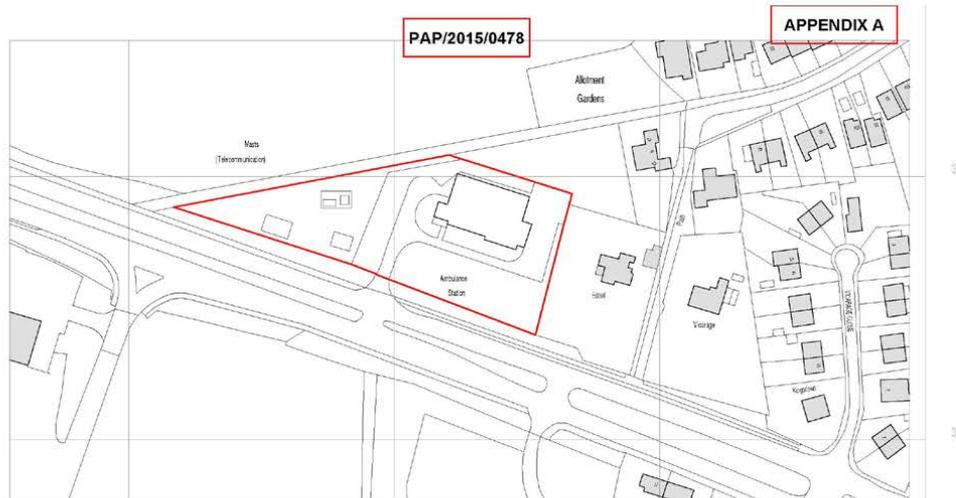
Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Planning Application No: PAP/2015/0478

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	24/7/15
2	Warwickshire Police	Consultation	11/8/15
3	WCC LLFA	Consultation	17/8/15
4	WCC PRoW	Consultation	17/8/15
5	Highways England	Consultation	18/8/15 4/9/15
6	NWBC EHO	Consultation	4/8/15 9/9/15 1/12/15
7	WCC Museum Arch	Consultation	10/8/15
8	Bancroft Consulting	Representation	25/8/15
9	E Jefferies	Representation	30/7/15
10	N Deakin	Representation	2/8/15

*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.*



PAP/2015/0478

APPENDIX A

 Scale 1:1250	NORTH WARWICKSHIRE BOROUGH COUNCIL <b>RECEIVED</b> 24/07/2015 PLANNING & DEVELOPMENT DIVISION	 <b>S. P. Faizey</b> Chartered Architects 1 Station Court, Girton Road, Cannock, Staffs WS11 0EJ Tel: 01543 466 447 Fax: 01543 466 746 E: arch@spfaizey.co.uk W: www.spfaizey.co.uk	JESSUP RESIDENTIAL DEVELOPMENT DORDON AMBULANCE STATION LOCATION PLAN 1:1250 JAN 14 SPF 14006/1 Copyright of this drawing remains with S. P. Faizey Chartered Architects. Do not scale off drawing.
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PAP/2015/0478

APPENDIX B

 Site Area 0.386 Hectares Scale 1:500	NORTH WARWICKSHIRE BOROUGH COUNCIL <b>RECEIVED</b> 24/07/2015 PLANNING & DEVELOPMENT DIVISION	 <b>S. P. Faizey</b> Chartered Architects 1 Station Court, Girton Road, Cannock, Staffs WS11 0EJ Tel: 01543 466 447 Fax: 01543 466 746 E: arch@spfaizey.co.uk W: www.spfaizey.co.uk	JESSUP/WATERLOO RESIDENTIAL DEVELOPMENT WATLINS STREET, DORDON SITE PLAN 1:500 NOV14 SPF 14006/2C Copyright of this drawing remains with S. P. Faizey Chartered Architects. Do not scale off drawing.
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ACCOMMODATION		
1 3 Bed 5 Person House @ 83.31 sq m	7 2 Bed 4 Person House @ 71.42 sq m	13 3 Bed 5 Person House @ 85.38 sq m
2 2 Bed 4 Person House @ 71.42 sq m	8 2 Bed 4 Person House @ 72.50 sq m	14 4 Bed 5 Person House @ 105.72 sq m
3 2 Bed 4 Person House @ 72.52 sq m	9 4 Bed 5 Person House @ 105.72 sq m	
4 2 Bed 4 Person House @ 72.52 sq m	10 3 Bed 5 Person House @ 82.17 sq m	
5 3 Bed 4 Person House @ 72.52 sq m	11 3 Bed 5 Person House @ 82.17 sq m	
6 2 Bed 4 Person House @ 72.52 sq m	12 2 Bed 4 Person House @ 71.42 sq m	



APPENDIX C

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A DIVISION AMEND: 3794  
REVISION: DATE

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JESSUP/WATERLOO  
RESIDENTIAL DEVELOPMENT  
BAYVIEW/STEELES  
STREETSCENE

Project: [ ] Date: 14/06/15  
1:000 Scale: [ ] Plot: 14000/17A

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Plots 1 to 14



Plots 9 to 12



Plots 13 and 4

WATLING STREET DORDON

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DIVISION

**S. P. Faizy**  
Chartered Architect  
14000/COU18A



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### Appendix A – Scheme Plan

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## **Former Dordon Ambulance Station, A5 Dordon, Warwickshire**

### **Site Safety Assessment**

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#### **1.0 Introduction**

- 1.1 TMS Consultancy has been commissioned by S.P. Faizey Chartered Architects to carry out a Site Safety Assessment in respect of the Former Dordon Ambulance Station, Watling Street, Dordon, Warwickshire. The purpose of the commission is to provide an assessment of three existing gaps in the central reservation on the A5 Watling Street, adjacent to the site of the Former Dordon Ambulance Station.
- 1.2 TMS Consultancy has extensive experience in providing specialist consultancy, research and training services in traffic management and road safety engineering to a wide client base in both the public and private sectors in the UK and overseas.

#### **2.0 Background**

- 2.1 It is understood that the Former Dordon Ambulance Station site is to be redeveloped to accommodate a new 14 dwelling housing development. Existing access to the site is via a priority junction onto a dual two-lane section of the A5 Watling Street. Right turning in and egressing vehicles are served by a gap within the central reservation (there is also a right turn lane facility on the A5 for right turning westbound drivers).



Client: S.P. Faizy Chartered Architects  
Scheme: Former Dordon Ambulance Station, A5 Watling Street, Dordon

- 2.2 The existing access is located within a 50mph speed limit. The limit changes to 40mph at the eastern boundary to the site. Discussions were undertaken about whether to extend the 40mph speed limit westwards past the site. Warwickshire Police would not support “inappropriate and potentially unsuccessful speed limit changes” and “differing speed limits on what is essentially the same piece of road”. Therefore no changes to the speed limit have been proposed (see Supplementary Transport Statement).
- 2.3 Minimal improvements are proposed to the existing access, mainly widening of the site access road, increasing the corner radii and the provision of a pedestrian refuge island within the access for the benefit of pedestrians crossing the site access junction. This has been approved by Highways England on the basis that the new development will have no material daily increase in traffic movements compared to the usage of the former Ambulance Station (Transport Statement, para. 6.4.2).
- 2.4 Consideration was given to closing the central reservation gap at the site access to enforce a left in / left out access. Both Highways England and Warwickshire Police’s view was that by closing the gap, drivers would instead use either of the two gaps to the east of the site and relevant TRO’s for the associated signage would not be supported. The only way in which closure of gaps would be supported would be by self-policing measures i.e. physical closure.
- 2.5 However despite reaching agreements with both Highways England and Warwickshire Police on the design of the access and non-closure of the central reservation gaps, a local councillor has requested the central reservation gap for the site plus two adjacent reservation gaps (located to the east of the site) should be permanently closed.

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Site Safety Assessment

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2.6 A description of the central reservation gaps in question are as follows (please also refer to plans in Appendix A of this report):

- i) Central Reservation Gap 1: Serves the proposed site access on the north side of the A5. The gap features a right turn lane in the westbound direction.
- ii) Central Reservation Gap 2: Access to private dwelling (Edzell) on the north side and Birch Coppice Miners playing fields on the south side.
- iii) Central Reservation Gap 3: Serves Vicarage Close (circa 15-20 dwellings) on the north side of the A5. The gap features a right turn lane in the westbound direction.

### 3.0 Methodology

- 3.1 This report is an independent safety assessment of whether the non-closure of gaps would be detrimental to road safety on A5 Watling Street in respect of the new residential development.
- 3.2 The Site Safety Assessment has been carried out by Darren Newbold (MSc, BSc, MSoRSA, MCIHT, MIHE), a Senior Engineer at TMS Consultancy.
- 3.3 The assessment has been carried out using engineering judgement based on the assessors experience in risk assessment and accident analysis.
- 3.4 Mr Newbold visited the site in daylight on 14th January 2016 to gain an understanding of the area, observe any conflicts involving road users and identify any hazards associated with the environment. The weather at the time was cloudy and dry. Vehicular flows were light to moderate and pedestrian and cycle flows were light.
- 3.5 A site plan of the proposed residential development (Dwg No. 14006/2C) was provided by S.P. Faizey Chartered Architects at the time of the site visit. This is included in Appendix A of this report. Other data provided and studied for the purpose of this assessment was as follows:
- Transport Statement (including Accident Data);
  - Supplementary Transport Statement

#### **4.0 Accident Data Analysis**

- 4.1 A five year period (2010 to 2014) of accident data was assessed within the Transport Statement, on a section of the A5 Watling Street from west of the A5/Danny Morson Way signal junction to the west of the site access to a point east of the A5/Gypsy Lane roundabout.
- 4.2 None of the accidents occurred at the access to the Ambulance Station at central reservation Gap 1 or as a result of the central reservation Gaps 2 and 3.
- 4.3 Of the 31 recorded injury accidents on this section over the five years, only six were recorded within the immediate vicinity of the site access and the three central reservation gaps. Of those six, five of the accidents were vehicle shunt collisions, where one vehicle hit the rear of stationary or braking vehicles (two in the northwest bound direction and three in the southeast bound direction). The accidents resulted in a total of 12 slight casualties and 1 serious injury.
- 4.4 The final accident, involved a vehicle (car) pulling out of a private access (assumed Edzell) intending to turn right (NW bound) onto the A5 pulling out into the path of a SE bound motorcycle. The rider of the motorcycle sustained serious injury.

## 5.0 Safety Observations

- 5.1 Visibility at all central reservation gaps and associated accesses was adequate, with well-maintained low level grass verges.
- 5.2 The option to restrict egress from the site to a left out arrangement, using only a splitter island to direct drivers to turn left and prohibition of right turn exit manoeuvres by signage alone is unlikely to work. If the right turn manoeuvre out of the site onto the northwest bound A5 is still possible, drivers are still likely to attempt this, particularly during busy periods where to U-turn at the Gypsy Lane roundabout may represent a significant time delay.
- 5.3 Alternatively, drivers may opt to make U-turn manoeuvres via the central reservation Gaps 2 or 3. Neither of these gaps has a right turn lane facility in the southeast bound direction to enable right turn or U-turn vehicles to diverge from the mainline. The likelihood of further shunt type collisions may result, where vehicles slowing suddenly to make U-turn manoeuvres are struck in the rear by southeast bound vehicles, is likely to be exacerbated. The accident data shows that five shunt type collisions have occurred on this stretch of the A5 within the vicinity of the site access. This is most likely to occur at central reservation Gap 2 where the gap is much smaller than at Gaps 1 or 3.
- 5.4 The closure of the gaps (either by signage or by physical measures) would result in a lengthy detour (approximately 2km) and time delay for westbound drivers wishing to turn right into the site access, the private access (Edzell), Vicarage Close as well as those who have direct frontage onto the A5 Watling Street as drivers would be forced to U-Turn via the M42 Junction 10. Given that M42 J10 would subject drivers to four sets of traffic signals, the additional time delay would be significant.

## 6.0 Conclusions and Recommendations

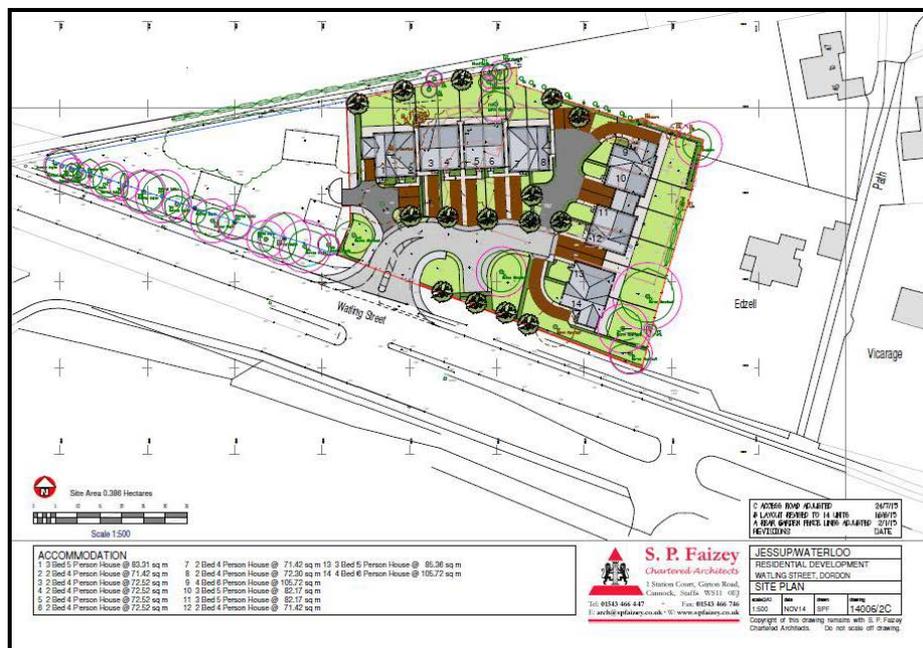
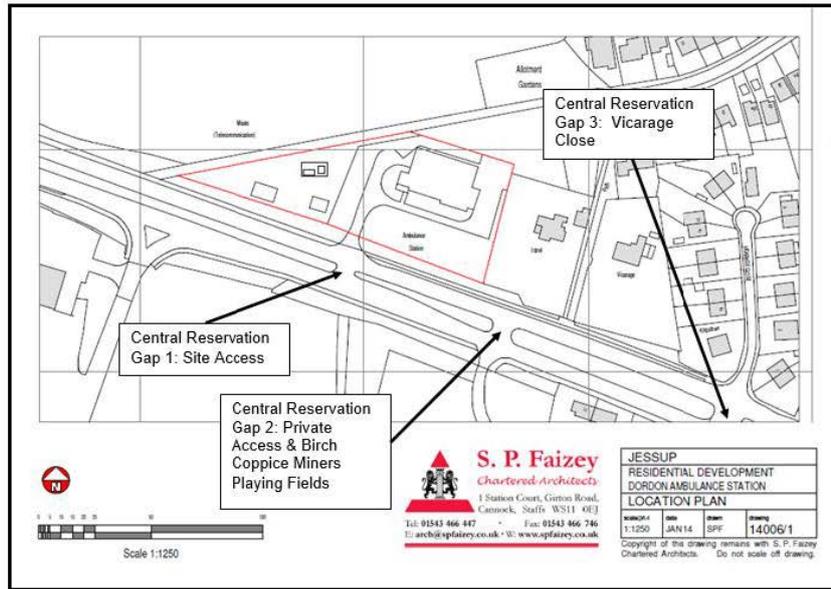
- 6.1 TMS Consultancy has been asked to produce a Safety Assessment of whether the non-closure of gaps would be detrimental to road safety on A5 Watling Street in respect of the new residential development at the Former Dordon Ambulance Station.
- 6.2 The Transport Statement and Accident data have been reviewed, and it is concluded that none of the 31 injury accidents in the 5 year period 2010 to 2014 have been attributed to the presence of the three central reservation gaps.
- 6.3 From the site visit it was determined that there were no safety or visibility issues identified with the central reservation gaps or the associated accesses.
- 6.4 The 14 dwelling development would not represent a significant increase in the daily trips to the site via central reservation Gap 1 compared to its former usage as an Ambulance Station. The development is unlikely to have any material impact on the central reservation Gaps 2 or 3 as all traffic would use central reservation Gap 1.
- 6.5 Closure of the central reservation Gap 1 at the site access alone, is likely to increase the likelihood of shunt type collisions at central reservation Gaps 2 or 3. There is also a high chance of non-compliance if this closure is non-physical, as the significant time delay in busy periods, will deter drivers using the Gypsy Lane roundabout to U-turn. The closure of Gaps 2 and 3 is also not considered necessary in view of the low accident history at the sites associated with turning vehicles.



- 6.6 It is considered the proposed access arrangements to the development could be provided as per the Transport Statement and Drawing No. 14006/2C (also supported by Highways England and Warwickshire Police), without the need to close the central reservation gaps along the A5.



**Appendix A – Scheme Plans**



**ACCOMMODATION**

1 3 Bed 5 Person House @ 83.31 sq m	7 2 Bed 4 Person House @ 71.42 sq m	13 3 Bed 5 Person House @ 85.26 sq m
2 2 Bed 4 Person House @ 71.42 sq m	8 2 Bed 4 Person House @ 72.30 sq m	14 4 Bed 6 Person House @ 115.72 sq m
3 2 Bed 4 Person House @ 72.52 sq m	9 4 Bed 6 Person House @ 105.73 sq m	
4 2 Bed 4 Person House @ 72.52 sq m	10 3 Bed 5 Person House @ 82.17 sq m	
5 2 Bed 4 Person House @ 72.52 sq m	11 3 Bed 5 Person House @ 82.17 sq m	
6 2 Bed 4 Person House @ 72.52 sq m	12 2 Bed 4 Person House @ 71.42 sq m	