

**To: The Deputy Leader and Members of the
Planning and Development Board**

**(Councillors Bell, L Dirveiks, Henney,
Humphreys, Jarvis, Jenns, Jones, Lea, Morson,
Moss, Phillips, Simpson, Smitten, Sweet and
A Wright)**

For the information of other Members of the Council

This document can be made available in large print and electronic accessible formats if requested.

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For enquiries about specific reports please contact the officer named in the reports

PLANNING AND DEVELOPMENT BOARD AGENDA

14 DECEMBER 2015

The Planning and Development Board will meet in The Council Chamber, The Council House, South Street, Atherstone, Warwickshire CV9 1DE on Monday 14 December 2015 at 6.30 pm.

AGENDA

- 1 Evacuation Procedure.**
- 2 Apologies for Absence / Members away on official Council business.**
- 3 Disclosable Pecuniary and Non-Pecuniary Interests**

- 4 **Minutes of the meetings of the Planning and Development Board held on 30 September, 12 October, 3 November and 9 November 2015**, copies herewith, to be approved as a correct record and signed by the Chairman.

**PART A – ITEMS FOR DISCUSSION AND DECISION
(WHITE PAPERS)**

- 5 **Budgetary Control Report 2015/2016 Period Ended 30 November 2015**

Summary

The report covers revenue expenditure and income for the period from 1 April 2015 to 30 November 2015. The 2015/2016 budget and the actual position for the period, compared with the estimate at that date, are given, together with an estimate of the out-turn position for services reporting to this Board.

The Contact Officer for this report is Nigel Lane (719371).

- 6 **Planning Applications** – Report of the Head of Development Control.

Summary

Town and Country Planning Act 1990 – applications presented for determination

The Contact Officer for this report is Jeff Brown (719310).

**PART C – EXEMPT INFORMATION
(GOLD PAPERS)**

- 7 **Exclusion of the Public and Press**

Recommendation:

That under Section 100A(4) of the Local Government Act 1972, the public and press be excluded from the meeting for the following items of business, on the grounds that they involve the likely disclosure of exempt information as defined by Schedule 12A to the Act.

- 8 **Tree Preservation Order, Arley** – Report of the Head of Development Control.

The Contact Officer for this report is Jeff Brown (719310).

- 9 **Tree Preservation Order, Fillongley** - Report of the Head of Development Control.

The Contact Officer for this report is Jeff Brown (719310).

JERRY HUTCHINSON
Chief Executive

NORTH WARWICKSHIRE BOROUGH COUNCIL

**MINUTES OF THE
PLANNING AND DEVELOPMENT BOARD**

30 September 2015

Present: Councillor Lea in the Chair.

Councillors Bell, L Dirveiks, Humphreys, Jarvis, Jenns, Morson, Moss, Phillips, Simpson, Smitten, Sweet and A Wright.

Councillors Davey, Smith and Waters were also in attendance.

23 Disclosable Pecuniary and Non-Pecuniary Interests

None were declared at the meeting.

24 Planning Applications

The Head of Development Control submitted a report for consideration and determination in respect of Planning Application No 2015/0307 – Lake House, Bakehouse Lane, Nether Whitacre (certificate of lawfulness).

Resolved:

That Planning Application No 2015/0307 (Lake House, Bakehouse Lane, Nether Whitacre) be refused for the following reasons

“The Applicant has not discharged the burden of proof that, on the balance of probabilities, the Lake House has been used continuously as a residence for a period of four years prior to the application date.”

[Speakers: Debra Starkey, Beverley Woolaston and Joanne Russell]

J Lea
Chairman

NORTH WARWICKSHIRE BOROUGH COUNCIL

MINUTES OF THE PLANNING AND DEVELOPMENT BOARD

12 October 2015

Present: Councillor Lea in the Chair.

Councillors Bell, Chambers, L Dirveiks, Henney, Humphreys, Jarvis, Jenns, Lewis, Moss, Simpson, Smitten and A Wright

Apologies for absence were received from Councillors Jones, Morson, Phillips (substitute Councillor Lewis) and Sweet (substitute Councillor Chambers).

Councillors Davey, Farrell, Payne, Reilly, Smith and Waters were also in attendance. With the consent of the Chairman, Councillor Payne spoke on Minute No 28 Planning Applications (Application No 2015/0517 - 52, Birmingham Road, Water Orton, B46 1TH).

25 **Disclosable Pecuniary and Non-Pecuniary Interests**

None were declared at the meeting.

26 **Minutes**

The minutes of the meetings of the Board held on 13 July, 10 August and 7 September 2015, copies having been previously circulated, were approved as a correct record and signed by the Chairman.

27 **Budgetary Control Report 2015/16 – Period Ended 30 September 2015**

The Assistant Director (Finance and Human Resources) reported on the revenue expenditure and income for the period from 1 April 2015 to 30 September 2015. The 2015/2016 budget and the actual position for the period, compared with the estimate at that date were detailed, together with an estimate of the out-turn position for services reporting to the Board.

Resolved:

- a That the report be noted; and**
- b That a report be submitted to a future meeting of the Board on staffing in the Planning and Development Division.**

28 **Planning Applications**

The Head of Development Control submitted a report for the consideration of the Board. Details of correspondence received since

the publication of the agenda is attached as a schedule to these minutes.

Resolved:

- a **That in respect of Application No 2014/0339 (Daw Mill Colliery, Daw Mill Lane, Arley, CV7 8HS)**
 - i **That it be agreed that it is no longer necessary to makes a formal visit to the Bescot site; and**
 - ii **That a special meeting of the Planning and Development Board be held on Tuesday 3 November 2015 at 6.30pm to determine the application.**

[Speakers Phillip Mason and Tim Love]

- b **That consideration of Application No 2014/0609 (Fir Tree Inn, Fir Tree Lane, Arley, CV7 8GW) be deferred for a site visit;**

[Speakers Paul Reader and Ben Rayner]

- c **That Application No 2014/0665 (Hollow Oak Farm, Breach Oak Lane, Corley, CV7 8AW) be approved subject to the conditions set out in the report of the Head of Development Control, including Condition No 14 relating to bunding;**

[Speakers John Smith, Joe Brandreth and Marie Stacey]

- d **That provided the applicant first enters in to a Section 106 Agreement relating to the provision of affordable housing, Application No 2015/0144 (Hollybank Farm, No Mans Heath Lane, Austrey, CV9 3EW) be approved subject to conditions and further discussion on condition 5 in consultation with the Chairman, Vice-Chairman and Opposition Planning Spokesperson;**
- e **That consideration of Application No 2015/0149 (The Homestead, Main Road, Austrey, CV9 3EG) be deferred for a site visit;**

[Speaker Anne Wilde]

- f **That Application No 2015/0399 (Allotments, Gun Hill, Arley) be approved subject to the conditions set out in the report of the Head of Development Control;**

[Speaker Campbell McKee]

- g** That subject to there being no objection from the Highway Authority and completion of a Section 106 Agreement to establish the Community Trust as outlined in the report of the Head of Development Control, Application No 2015/0459 (Land South of Pogmore Spinney, Merevale Lane, Merevale be approved subject to the conditions set out in the said report and any conditions required by the Highway Authority;

[Speakers Judy Vero and Nick Leaney]

- h** That consideration of Application No 2015/0517 (52, Birmingham Road, Water Orton, B46 1TH) be deferred for a site visit;

[Speaker Mischeck Hakulandaba]

- i** That Application No 2015/0548 (12, Walnut Close, Hartshill, CV10 0XH)) be approved subject to the conditions set out in the report of the Head of Development Control. Additionally that the appropriate officers be requested to ensure on site monitoring of the works as they progress;
- j** That the receipt of Application No 2015/0550 (Land adjacent to 10 Dog Lane, Nether Whitacre) be noted and that a site visit is organised prior to determination; and
- k** That receipt of Application No 2015/0585 (Hill Top Farm, Church Lane, Corley, CV7 8DA) be noted.

29 Exclusion of the Public and Press

Resolved:

That under Section 100A(4) of the Local Government Act 1972, the public and press be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Schedule 12A to the Act.

30 Breaches of Planning Control

The Head of Development Control reported on an alleged breach of planning control and the Board was asked to agree a suggested course of action.

Resolved:

That in respect of Lea Marston Sports Ground, Blackgreaves Lane, Lea Marston, the Solicitor to the Council be authorised to issue an Enforcement Notice requiring the cessation of the use of the land

for the siting of residential and touring mobile homes, together with the removal of any associated development. That the compliance period be six months.

31 Tree Preservation Order - Austrey

The Board was invited to consider the making of a Tree Preservation Order in respect of a number of trees on land at The Homestead, Main Road, Austrey.

Resolved:

That a Tree Preservation Order be made with immediate effect, in respect of the groups of trees containing horse chestnut and silver birch (G1), cherry and apple (G3), blue spruce and grand fir (G4) and deodar cedar and spruce (G5), and individual trees – maple (T1), weeping ash (T2), horse chestnut (T3), silver birch (T4), goat willow (T4a), walnut (T5), purple plum (T6), weeping willow (T7), Tibetan cherry (T8), whitebeam (T9), whitebeam (T10), rowan (T11), rowan (T12), Brewer's spruce (T13), beech (T14), hawthorn (T15), Norway maple (T16), pear (T18), apple (T19), cherry (T20), Norway maple (T21), Scots pine (T22), whitebeam (T23), deodar cedar (T24), corkscrew willow (T25), silver birch (T26), whitebeam (T27), eucalyptus (T29), apple (T30), fir (T31), silver birch (T32), silver birch (T33) and monkey puzzle (T34), all located at Land At The Homestead, Main Road, Austrey, for the reasons given in this report, and that any representations received be referred to the Board for it to consider whether to make the Order permanent.

32 Nuneaton and Bedworth and North Warwickshire Building Control Partnership

Following the recent decision by the Full Council at its meeting on 30 September 2015, the Board was invited to consider Council's membership and Agreement in respect of the Nuneaton and Bedworth and North Warwickshire Building Control Partnership.

Resolved:

- a That the Borough Council renews its membership of the Partnership and that the Agreement be extended for a twelve month period; and**
- b That an early report be brought to the Board in respect of this service.**

J Lea
Chairman

**Planning and Development Board
12 October 2015
Additional Background Papers**

Agenda Item	Application Number	Author	Nature	Date
3/31	PAP/2014/0065	R. Hancock	Objection	31/9/15
		M Martin	Objection	30/9/15
		M Pegg	Objection	30/9/15
		M Pegg	Objection	30/9/15
		W Bodlin	Objection	30/9/15
		J Warner	Objection	30/9/15
		D Ravenhall	Objection	30/9/15
		D Wilcox	Objection	30/9/15
		M Potts	Objection	6/10/15
		B Hextall	Objection	5/10/15
		J Davies	Objection	5/10/15
		J Hill	Objection	6/10/15
		J Smith	Objection	30/9/15
		P Smith	Objection	30/9/15
N Russell	Objection	30/9/15		
Applicant	Letter	9/10/15		
L Smith	Objection	1/10/15		
4/137	PAP/2015/0144	Warwickshire County Council	Consultation	8/10/15
		North Warwickshire Borough Council	Correspondence	17/9/15
		North Warwickshire	Correspondence	29/9/15

		Borough Council	Correspondence	5/10/15
		North Warwickshire Borough Council	Correspondence	5/10/15
		Mr Edwards		

5/157	PAP/2015/0149	A Wilde	Objection	30/9/15
		M & S Collins	Objection	28/9/15
6/196	PAP/2015/0399	P Reader	Objection	25/9/15

NORTH WARWICKSHIRE BOROUGH COUNCIL

MINUTES OF THE PLANNING AND DEVELOPMENT BOARD

3 November 2015

Present: Councillor Lea in the Chair.

Councillors Bell, Chambers, Davey, L Dirveiks, Henney, Humphreys, Jarvis, Jenns, Jones, Morson, Phillips, Simpson, Smitten and Sweet

Apologies for absence were received from Councillors Moss (substitute Councillor Chambers) and A Wright (substitute Councillor Davey).

Councillors Clews, Farrell, Ferro, Hayfield, Ingram, Smith and D Wright were also in attendance. With the consent of the Chairman, Councillors Farrell, Ferro, Hayfield and D Wright spoke on Minute No 34 Planning Applications (Application No 2014/0339 (Daw Mill Colliery, Daw Mill Lane, Arley).

33 **Disclosable Pecuniary and Non-Pecuniary Interests**

None were declared at the meeting.

34 **Planning Applications**

The Head of Development Control submitted a report in respect of Application No 2014/0339 - Daw Mill Colliery, Daw Mill Lane, Arley.

Resolved:

- a **That in respect of Application No 2014/0339 (Daw Mill Colliery, Daw Mill Lane, Arley, CV7 8HS) planning permission be refused for the following reasons:**

- 1. The site is in the Green Belt. The proposals represent inappropriate development which causes substantial harm to the openness of the Green Belt and the purposes of including land within it. There is additional harm caused by adverse impacts on the landscape character, visual amenity, the natural environment and residential amenity of neighbouring occupiers through noise and lighting impacts. There is also considered to be moderate highway impacts as a consequence of whether the mitigation proposed has a reasonable prospect of being implemented. The material considerations put forward by the applicant are not of sufficient weight to amount to the very special circumstances necessary to outweigh the harm caused by the inappropriateness and the other harm caused. Thus is due to**

the generic nature of the proposal; that it contains alternatives and that mitigation measures are not fully advanced. The proposal does not therefore accord with policies NW1, NW2, NW3, NW10, NW12, NW13 and NW15 of the North Warwickshire Core Strategy 2014 and the National Planning Policy Framework 2012.

2. The development is likely to cause disturbance due to noise. Central to this adverse impact is the continuous operation required for the proposed wholly B2 use. Physical measures could provide some mitigation, however a restriction on continuous operation is likely to be necessary to fully resolve this impact. The applicant has re-iterated that continuous operation is essential to the proposal. The use of conditions to restrict operations is therefore not considered to be appropriate. The proposal is not considered to be in accord with policies NW10 and NW12 of the North Warwickshire Core Strategy 2014.
3. There is concern over the impact of the proposals on bio-diversity. The NPPF is clear that if significant harm to bio-diversity cannot be avoided, adequately mitigated or compensated, then planning permission should be refused. The net impact of the development as currently proposed is not clear. A pre-cautionary approach is thus appropriate in determining this application. The proposal is not considered to be in accord with Policy NW15 of the North Warwickshire Core Strategy 2014 or the NPPF.

[Speakers Phillip Mason and Tim Love]

b That officers be asked to commence discussions with Warwickshire County Council in respect of the restoration of the site.

J Lea
Chairman

NORTH WARWICKSHIRE BOROUGH COUNCIL

MINUTES OF THE PLANNING AND DEVELOPMENT BOARD

9 November 2015

Present: Councillor Lea in the Chair.

Councillors Bell, Davey, L Dirveiks, Henney, Humphreys, Jarvis, Jenns, Jones, Morson, Phillips, Simpson, Smitten, M Stanley and Sweet

Apologies for absence were received from Councillors Moss (substitute Councillor M Stanley) and A Wright (substitute Councillor Davey).

Councillors Hayfield, Payne, Reilly and Waters were also in attendance. With the consent of the Chairman, Councillor Hayfield spoke on Minute No 37 Planning Applications (Application No 2014/0609 - Fir Tree Inn, Fir Tree Lane, Arley, CV7 8GW and Application No 2015/0370 - Land to the north of, Nuthurst Crescent, Ansley, CV10 9PJ). Councillor Reilly spoke on Minute No 37 Planning Applications (Application No 2015/0517 - 52, Birmingham Road, Water Orton, B46 1TH).

35 **Disclosable Pecuniary and Non-Pecuniary Interests**

Councillor Henney declared a non-pecuniary interest in Minute No 37 Planning Applications (Application No 2015/0017 - Plough Hill Golf Centre, Plough Hill Road, Nuneaton) left the meeting and took no part in the discussion or voting thereon.

Councillor Davey declared a non-pecuniary interest in Minute No 37 Planning Applications (Application No 2015/0153 - Manor Farm, Main Road, Newton Regis, B79 0NA and Application No 2015/0483 - The Brambles, Main Road, Baxterley, Atherstone, CV9 2LW) left the meeting and took no part in the discussions or voting thereon.

36 **Submission of Arley Neighbourhood Plan for Public Consultation**

The Assistant Chief Executive and Solicitor to the Council reported on the progress of the submitted Arley Neighbourhood Plan and sought approval to go out for a formal consultation in accordance with Section 16 of the Neighbourhood Planning (General) Regulations 2012.

Resolved:

That the Arley Neighbourhood Plan be circulated for a 6 week consultation.

37 **Planning Applications**

The Head of Development Control submitted a report for the consideration of the Board. Details of correspondence received since the publication of the agenda is attached as a schedule to these minutes.

Resolved:

- a **That in respect of Application No 2015/0017 (Plough Hill Golf Centre, Plough Hill Road, Nuneaton)**
 - i **the Council objects to this proposal on the grounds that the likely impacts cannot be mitigated without a wider more comprehensive view being taken which takes account of existing commitments and future site allocations; and**
 - ii **officers are requested to contact appropriate officers at Nuneaton and Bedworth Borough Council and the County Council in order look at the need for a wider infrastructure plan for this area.**
- b **That consideration of Application No 2013/0164 (Homer House, Kingswood Avenue, Corley, CV7 8BU) be deferred;**
- c **That Application No 2014/0609 (Fir Tree Inn, Fir Tree Lane, Arley, CV7 8GW) be approved subject to the conditions set out in the report of the Head of Development Control;**

[Speakers Paul Reader and Ben Rayner]

- d **That Application No 2015/0149 (The Homestead, Main Road, Austrey, CV9 3EG) be refused for the following reasons**

“The proposed development is not considered to protect and conserve the local distinctiveness of this part of Austrey. The orchard and garden are part of the setting of The Homestead – a heritage asset. The openness of this area would be lost through this development. This is part of the character of this part of Austrey and is publically accessible with connections to the village church. The proposals would not protect the particular character of the area and thus would not accord with Policies NW12, NW13 and NW14 of the Core Strategy 2014.”

[Speakers Roger Minnett and Ian Ritchie]

- e That Application No 2015/0153 (Manor Farm, Main Road, Newton Regis, B79 0NA) be refused for the reasons set out in the report of the Head of Development Control;

[Speaker David Waithman]

- f That Application No 2013/0597 (Manor Farm, Main Road, Newton Regis, B79 0NA) be approved subject to the conditions set out in the report of the Head of Development Control;

[Speaker David Waithman]

- g That in respect of Application No 2015/0307 (Lake House, Bakehouse Lane, Nether Whitacre, B46 2EB) the Solicitor to the Council be authorised to issue an Enforcement Notice requiring cessation of the use of this building as a C3 dwelling house and that the requirements be to revert to the use permitted under planning permission 1998/4785. The compliance period is six months;

- h That in respect of Application No 2015/0307 (Lake House, Bakehouse Lane, Nether Whitacre, B46 2EB) Officers, in consultation with the Chairman, Vice-Chairman and Opposition Spokesperson, be authorised to undertake further discussions with the Applicant;

- i That in respect of Application No 2015/0348 (Land At Crown Stables, Nuneaton Road, Mancetter, CV9 1RF) a site visit to Arley Lane Farm, Station Road, Arley is organised prior to the determination of the application and that Members be asked to familiarise themselves with the application site and surrounds;

- j That Application No 2015/0370 (Land to the north of, Nuthurst Crescent, Ansley, CV10 9PJ) be refused for the following reasons

“1.The North Warwickshire Core Strategy 2014 through policies NW2, NW4 and NW5 sets out how the distribution of new housing will be achieved over the period to 2028 in a sustainable way in line with the planning principles of the National Planning Policy Framework 2012.

Policy NW2 identifies a settlement hierarchy. Ansley is identified as a category 4 settlement in which development will only be permitted if it is identified through a neighbourhood or other locality plan. The development proposed is not so identified and thus is not in accord with policy NW2.

Policy NW4 identifies the total requirement for new housing and requires sites be brought forward to ensure consistent delivery over the plan period. Through the draft Site Allocations Plan Document the Council has identified sufficient land available for residential development to meet the five year requirement plus 20%. Current land supply is equivalent to provision for seven and a half years.

Policy NW5 identifies the minimum requirement for residential development for individual settlements. This requires a minimum of 40 additional dwellings to be provided for Ansley. The draft Site Allocations Plan Document identifies two sites adjoining the settlement development boundary at the northern end of Ansley village as the preferred options for residential development to meet the requirement for additional dwellings. There is no requirement at this time for additional land for residential development or for the allocation of additional sites at Ansley. The proposal is thus not in accord with Policies NW4 and NW5,

Given the conflict with policies NW2, NW4 and NW5 which are fundamental to the strategic objectives of the plan, the proposal is not considered to be sustainable development for the purposes of policy NW1. Thus overall the proposal is at this time considered to be contrary to the Development Plan.

2. Ansley village is essentially a linear settlement which has developed along either side of Birmingham Road. Later development at St Lawrence Road and Nuthurst Crescent has extended this to the east side however the effect of these has not been to overly obscure the original linear pattern. The proposed development would extend the built envelope along Tunnel Road and result in the concentration of built development at the southern end of the village. This would be a significant alteration to the settlement morphology. The proposed development would result in significant change in the character of the land within the application site and there will be an adverse impact for primary views of the site and on transient views from the public footpath which runs alongside Nuthurst Crescent. The proposed development would thus be harmful to the setting and would not improve the character or appearance of the village and the approach to it. The proposal is thus not considered to accord with Policy NW12 of the Core Strategy 2014.”

[Speakers John Craddock, Brian Martin and Matt Wedderburn]

k That consideration of Application No 2015/0483 (The Brambles, Main Road, Baxterley, Atherstone, CV9 2LW) be deferred;

l That provided the applicant first enters in to a Section 106 Agreement relating to the issues set out in the report of the Head of Development Control, Application No 2015/0510 (9, Woodlands Avenue, Water Orton, B46 1SA) be approved subject to the conditions set out in the said report;

[Speaker Chris Nash]

m That Application No 2015/0517 (52, Birmingham Road, Water Orton, B46 1TH) be approved as set out in the report of the Head of Development Control;

[Speaker Mischeck Hakulandaba]

n That in respect of Application No 2015/0561 (C W Young Limited (Builders Yard), Common Lane, Corley, CV7 8AQ) planning permission be approved subject to the Section 106 Agreement dated 12/12/14 and to all of the conditions as attached to planning permission PAP/2014/0345 dated 16/12/14 as set out in Appendix B to the report of the Head of Development Control, subject to a change in plan numbers to reflect the reduction the number of dwellings, together with those affecting highway matters;

o That in respect of Application No 2015/0614 (Land North Of Stone Cottage, Lower House Lane, Baddesley Ensor, CV9 2QB) Members visit the site and its surroundings prior to determination.

38 **Progress Report on Achievement of Corporate Plan and Performance Indicator Targets April - September 2015**

Members were informed of progress with the achievement of the Corporate Plan and Performance Indicator targets relevant to the Planning and Development Board for April to September 2015.

Resolved:

That the report be noted.

J Lea
Chairman

**Planning and Development Board
9 November 2015
Additional Background Papers**

Agenda Item	Application Number	Author	Nature	Date
4/39	PAP/2015/0149	Mr & Mrs Collins	Objection	1/11/15
		M Briggs	Petition	6/11/15
4/93	PAP/2015/0307	Barton Wilmore	Letter	9/11/15
4/144	PAP/2015/0517	J Fox	Objection	8/11/15
4/165	PAP/2015/0561	J MacDonald	Representation	8/11/15

Agenda Item No 5

Planning and Development Board

14 December 2015

Report of the Assistant Director (Finance and Human Resources)

Budgetary Control Report 2015/2016 Period Ended 30 November 2015

1 Summary

- 1.1 The report covers revenue expenditure and income for the period from 1 April 2015 to 30 November 2015. The 2015/2016 budget and the actual position for the period, compared with the estimate at that date, are given, together with an estimate of the out-turn position for services reporting to this Board.

Recommendation to the Board

That the report be noted and that the Board requests any further information it feels would assist it in monitoring the budgets under the Board's control.

2 Consultation

- 2.1 Councillors Lea, Simpson and Sweet have been sent an advanced copy of this report for comment. Any comments received will be reported verbally at the meeting.

3 Introduction

- 3.1 Under the Service Reporting Code of Practice (SeRCOP), services should be charged with the total cost of providing the service, which not only includes costs and income directly incurred, but, also support costs relating to such areas as finance, office accommodation, telephone costs and IT services. The figures contained within this report are calculated on this basis.

4 Overall Position

- 4.1 Net expenditure for those services that report to the Planning and Development Board as at 30 November 2015 is £101,576 compared with a profiled budgetary position of £176,956; an under spend of £75,380 for the period. Appendix A to this report provides details of the profiled and actual position for each service reporting to this Board, together with the variance for the period. Where possible, the year-to-date budget figures have been calculated with some allowance for seasonal variations in order to give a better comparison with actual figures. Reasons for the variations are given, where appropriate, in more detail below.

4.2 **Planning Control**

4.2.1 Income is currently ahead of forecast which is attributable to four large planning applications.

4.3 **Local Land Charges**

4.3.1 Income from Local Land Charges is currently ahead of profile by £3,868 due to the sale of additional searches. This is partially offset by higher costs from Warwickshire County Council relating to the completion of their elements of land charge searches of £1,473.

4.4 **Street Naming and Numbering**

4.4.1 Income is currently ahead of forecast by £3,369. In addition there is an under spend on replacement of street nameplates of £1,843, which is not expected to be spent by the year end.

5 **Performance Indicators**

5.1 In addition to the financial information provided to this Board when the budgets were set in February, performance indicators were included as a means of putting the financial position into context. These are shown at Appendix B.

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5.2 *Planning Control* - The gross cost of planning applications has reduced due to the increase in the number of applications. The net cost of planning applications has had a greater reduction due to more medium and large applications.

5.3 The gross cost per Land Charge is lower than expected due to the number of searches undertaken having exceeded the profiled level by 30%. The net cost per Land Charge has changed in line with the gross cost reduction due to changes in the mix of searches between full searches and Official Register searches.

6 **Risks to the Budget**

6.1 The key risks to the budgetary position of the Council from services under the control of this Board are:

- The need to hold Public Inquiries into Planning Developments. Inquiries can cost the Council around £50,000 each.
- A change in the level of planning applications received. The increase in applications increases the pressure on staff to deal with applications in the required timescales.
- The Government require all planning applications to be dealt with within 26 weeks. If this is not achieved, the costs of the application must be borne by the authority. Whilst the Planning team deal with almost 100% of

current applications within this time, there is a potential that some may slip, leading to a decline in the Planning income level.

- 6.2 A risk analysis of the likelihood and impact of the risks identified above are included in Appendix C

7 Estimated Out-turn

- 7.1 If planning income continues at the current level, the anticipated out turn for this board for 2015/16 is £241,880 as detailed in the table below:-

	£
Approved Budget 2015/16	311,880
Additional Planning Fee income	(70,000)
Expected Out-turn 2015/16	241,880

- 7.2 The figures provided above are based on information available at this time of the year and are the best available estimates for this board, and may change as the financial year progresses. Members will be updated in future reports of any further changes to the forecast out turn.

8 Building Control

- 8.1 The Figures provided by the Building Control Partnership indicate that this Council's share of the costs up to 31 October 2015 show a favourable variance.
- 8.2 The approved budget provision for Building Control is £61,540, which should be sufficient to cover the full year costs currently estimated by the Partnership. We will continue liaise with Nuneaton and Bedworth Borough Council to monitor this over the course of the year.

9 Report Implications

9.1 Finance and Value for Money Implications

- 9.1.1 The Council's budgeted contribution from General Fund balances for the 2015/16 financial year is £594,090. This is expected to decrease by £70,000 as shown in section 7.1 above. Income and Expenditure will continue to be closely managed and any issues that arise will be reported to this Board at future meetings.

9.2 Environment and Sustainability Implications

- 9.2.1 The Council has to ensure that it adopts and implements robust and comprehensive budgetary monitoring and control, to ensure not only the availability of services within the current financial year, but in future years.

The Contact Officer for this report is Nigel Lane (719371).

APPENDIX A**Planning and Development Board****Budgetary Control Report 2015/2016 as at 30 November 2015**

Description	Approved Budget 2015/2016	Profiled Budget November 2015	Actual November 2015	Variance	Comments
Planning Control	188,840	129,637	61,579	(68,058)	Comment 4.2
Building Control Non fee-earning	76,230	9,793	9,793	-	
Conservation and Built Heritage	42,490	35,793	35,760	(33)	
Local Land Charges	(4,470)	(4,127)	(6,204)	(2,077)	Comment 4.3
Street Naming & Numbering	8,790	5,860	648	(5,212)	Comment 4.4
TOTALS	311,880	176,956	101,576	(75,380)	

Performance Indicators for Budgets Reporting to the Planning and Development Board

	Budgeted Performance	Profiled Budgeted Performance	Actual Performance to Date
Planning Control			
No of Planning Applications	800	533	634
Gross cost per Application	£847.19	£870.57	£746.23
Net cost per Application	£236.05	£243.07	£97.13
Caseload per Planning Officer			
All applications	148	98.8	117.4
Local Land Charges			
No of Searches	450	300	390
Gross cost per Search	£99.84	£96.02	£78.45
Net cost per Search	-£9.93	-£13.76	-£15.91

Risk Analysis

	Likelihood	Potential impact on Budget
Need for public enquiries into planning developments	Medium	Medium
Decline in planning applications leading to a reduction in Planning Income.	Low	Medium
Applications not dealt with within 26 weeks, resulting in full refund to applicant.	Low	Medium

Agenda Item No 6

Planning and Development Board

14 December 2015

Planning Applications

Report of the Head of Development Control

1 Subject

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

2 Purpose of Report

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

3 Implications

- 3.1 Should there be any implications in respect of:

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

4 Site Visits

- 4.1 Members are encouraged to view sites in advance of the Board Meeting. Most can be seen from public land. They should however not enter private land. If they would like to see the plans whilst on site, then they should always contact the Case Officer who will accompany them. Formal site visits

can only be agreed by the Board and reasons for the request for such a visit need to be given.

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

5 **Availability**

- 5.1 The report is made available to press and public at least five working days before the meeting is held in accordance with statutory requirements. It is also possible to view the papers on the Council’s web site: www.northwarks.gov.uk.
- 5.2 The next meeting at which planning applications will be considered following this meeting, is due to be held on Monday, 11 January 2016 at 6.30pm in the Council Chamber at the Council House.

6 **Public Speaking**

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

Planning Applications – Index

Item No	Application No	Page No	Description	General / Significant
1	CON/2015/0020	5	Land adjacent to Oldbury Road, Oldbury, Change of use from a chipping storage site to an emergency stopping place for up to 12 caravans.	General
2	DOC/2015/0065	11	Former Baddesley Colliery, Main Road, Baxterley, Atherstone, Approval of details required by conditions no:- 7, 11, 13 and 20 of planning permission PAP/2015/0271 dated 23/06/2015 relating to further remediation works, appearance and design details - buildings, tannoy, lighting or CCTV equipment, and noise mitigation and management plan.	General
3	PAP/2015/0004	15	Land To Rear Of 6, Moorbrooke, Hartshill, Outline application for construction of new vehicular access and use of land for residential development	General
4	PAP/2015/0110 and PAP/2015/0113	24	The Angel Inn, 24 Church Street, Atherstone, Part demolition of rear extension. Construction of 1 small retail unit and first floor storage. Erection of 5 pairs of 2 bedroom semi-detached dwellings & 2 one bedroom flats, with associated access ways and bins store and fencing	General
5	PAP/2015/0369	43	52, New Street, Baddesley Ensor, Outline application for 3no: 2-bed detached dormer bungalows. (with indicative details of access, layout, appearance and scale).	General
6	PAP/2015/0478	64	Dordon Ambulance Station, Watling Street, Dordon, Demolition of existing former ambulance station and construction of No.14 dwellings, with improved access and associated landscaping	General
7	PAP/2015/0483	74	The Brambles, Main Road, Baxterley, Atherstone, Temporary Dwellinghouse to support equine business for three year period	General
8	PAP/2015/0550	80	Land Adjacent to 10, Dog Lane, Nether Whitacre, Erection of 11 dwellings and all associated works	General
9	PAP/2015/0585	109	Hill Top Farm, Church Lane, Corley, Erection of 26 dwellings with public open space, associated highway, hard and soft landscaping and external works	General

10	PAP/2015/0607	140	Land Adjacent To Fir Tree Paddock, Quarry Lane, Mancetter, Use of land for the stationing of caravans for residential purposes, together with the formation of hardstanding and utility/dayroom	General
11	PAP/2015/0614	149	Land North Of Stone Cottage, Lower House Lane, Baddesley Ensor, Erection of ground mounted solar panels with an electrical output of approximately 4MW along with associated infrastructure, landscaping and ancillary structures	General
12	PAP/2015/0631 and PAP/2015/0645	171	Blackberry Barn, Coleshill Road, Maxstoke, Retrospective application for change of use of stables to storage use, which is ancillary to the main dwelling house and site access wall	General
13	PAP/2015/0674	190	Former Social Club, 66 Station Road, Nether Whitacre, Coleshill, Demolition of redundant clubhouse, change of use to residential and erection of 10 houses with ancillary site works	General
14	PAP/2015/0701	196	Land East Of Kirby Glebe Farm, Atherstone Road, Hartshill, Change of use of the hatched area of land to use as a residential caravan site for 4 gypsy families, each with two caravans, including laying of hardstanding and erection of 2 amenity buildings. The remaining land to remain within an agricultural/equestrian use.	General

(1) Application No: CON/2015/0020

Land adjacent to Oldbury Road, Oldbury,

Change of use from a chipping storage site to an emergency stopping place for up to 12 caravans, for

Warwickshire County Council

Introduction

This application has been submitted to the Warwickshire County Council (WCC) which in turn has invited this Council to submit its representations. Those will be considered when WCC determines this application in due course.

The Site

This is a rectangular piece of land formally used by WCC as a highway chipping storage area. The site lies to the south of Oldbury Road and to the north of the units at Ansley Workshops on Pipers Lane. Vehicular access to the site is directly onto Oldbury Road.

It is more particularly shown on the plan at Appendix A.

The Proposal

It is proposed to utilise the existing hardstanding area for the stationing of up to 12 touring caravans and towing vehicles as an emergency stopping place for Gypsy and Travellers. The provision of portable toilets/waste water facilities will be made prior to the site being occupied and subsequently removed immediately after their departure. A stand pipe for fresh water will be installed to supply the site with drinking water.

A barrier will be installed on the vehicular access onto Oldbury Road to restrict access to the site along with gates and planting.

An outline plan is attached at Appendix B.

Observations

The site lies within an area of land designated as open countryside as defined in Policy NW2 (Settlement Hierarchy) in the North Warwickshire Core Strategy 2014.

Policy NW7 (Gypsy and Travellers) in the Core Strategy allocates the number of pitches required for gypsy and travellers in the Borough. This Policy states that between 2011 and 2028, five transit pitches will be provided within the Borough. This current proposal relates to the provision of emergency stopping places for up to 12 caravans for gypsies and travellers.

Correspondence from the applicant's agent states that they have undertaken investigations on the unauthorised encampments in the Borough and found that none of the occupiers wish to remain in the area for three months but would like to stay for a week or two. As such, they are proposing to have designated emergency stopping places (ESP) with marked bays and toilets, giving facilities for up to 28 days.

Clarification has been sought from one of the authors, Professor Philip Brown, of the North Warwickshire's Gypsy and Traveller Accommodation Assessment (GTAA), on whether emergency stopping places can meet the needs of providing transit pitches in an area. He has confirmed that the term 'transit pitch' is used in its broadest sense. This includes formal transit sites, transit areas on existing sites and the stopping places being proposed under this application.

This proposal for 12 pitches exceeds the requirement allocated under Policy NW7 for five transit pitches.

This proposal for a large site also conflicts with Policy NW8 (Gypsy and Travellers Sites) which states that site suitability will be assessed against a number of criteria including that:

"The size of the site and number of pitches is appropriate in scale and size to the nearest settlement in the settlement hierarchy and its range and of services and infrastructure, limited to a maximum number of 5 pitches per site."

Policy NW8 also states that sites will be permissible inside, adjoining or within a reasonable safe walking distance of a settlement development boundary outside of the Green Belt. This site is some 1.5 km from the development boundary of Hartshill. This settlement is classed as a Category 3A Local Service Centre under Policy NW5 (Split of Housing Numbers), however, it is not within a safe walking distance as this part of Oldbury Road does not have a footpath for any of this 1.2 km length being mainly a single track road with sharp bends.

A further criterion in Policy NW8 is that the site should be suitably located within a safe, reasonable walking distance of a public transport service, with access to a range of services including school and health services. As stated above, the development boundary of Hartshill is 1.5km away and for all of this distance there is not a footpath available. There is no public transport available along the whole length of Oldbury Road. The nearest bus stop is 0.45 km away on Pipers Lane where there is an hourly bus service into Nuneaton.

Saved Policy TPT3 (Access and Sustainable Travel and Transport) in the North Warwickshire Local Plan 2006 requires that development will not be permitted unless its siting, layout and design makes provision for safe and convenient pedestrian and vehicular access and circulation. The use of Oldbury Road by up to 12 towing vehicles plus other vehicles is of concern as most of Oldbury Road is a single track rural road. Whilst improvements to the vehicular access into the site might be sought, there is concern that the proposed development will not be able to fully mitigate its impacts on the wider highway network.

The application form states that there will be no further works to the hardstanding area. During a site visit it was observed that a large proportion of the surfaced area was waterlogged. The material used to create this surface area is not compacted and towing vehicles would have difficulties driving over it. Drainage improvements are required for this site along with improvements to the surface of this area.

Based on the above assessments it is considered that an objection should be lodged as the scheme fails to comply with Policy NW1 and the criteria in Policy NW8 in the Core Strategy.

Notwithstanding the above, although not mentioned in the application form or supporting documentation, it is expected that any permission granted will be subject to a condition limiting occupancy to Gypsy and Travellers only.

Recommendation

That the Council **Objects** to this proposal on the grounds that:

a) The number of pitches proposed far exceeds the requirement for the number of transit pitches in North Warwickshire as defined in Policy NW7 (Gypsy and Travellers) of the North Warwickshire Core Strategy 2014. The site proposed also fails to comply with Policy NW8 (Gypsy and Travellers Sites) of the Core Strategy in that the number of pitches proposed exceeds the limit of five pitches set in this Policy. There is no justification as to why such a large site needs to be located within North Warwickshire to meet the needs of other Boroughs in Warwickshire. The location of this site is in a rural area and as such this large site will dominate the surrounding area.

b) Policies NW1 (Sustainable Development) and NW8 (Gypsy and Travellers Sites) require that there is a presumption in favour of sustainable development. The site proposed is located in an isolated rural location which is not within a safe walking distance of any development boundary being some 1.7km from Hartshill along a rural road without any footpaths. The site is also not within a safe walking distance of public transport. As such, this site cannot be classed as a sustainable location.

c) There are concerns raised about the use of Oldbury Road by up to 12 towing vehicles plus other vehicles. Whilst improvements to the vehicular access into the site might be sought, there is concern that the proposed development will not be able to fully mitigate its impacts on the wider rural highway network which is of concern.

The County Council should also be made aware that:

1) The application form states that there will be no further works to the hardstanding area. During the site visit it was observed that a large proportion of the surfaced area was waterlogged. The material used to create this surfaced area is not compacted and towing vehicles would have difficulties driving over it. Drainage improvements are required for this site along with improvements to the surface of this area.

2) Notwithstanding the objections, although not mentioned in the application form or supporting documentation, it is expected that any permission granted will be subject to a condition limiting occupancy to Gypsy and Travellers only.

BACKGROUND PAPERS

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

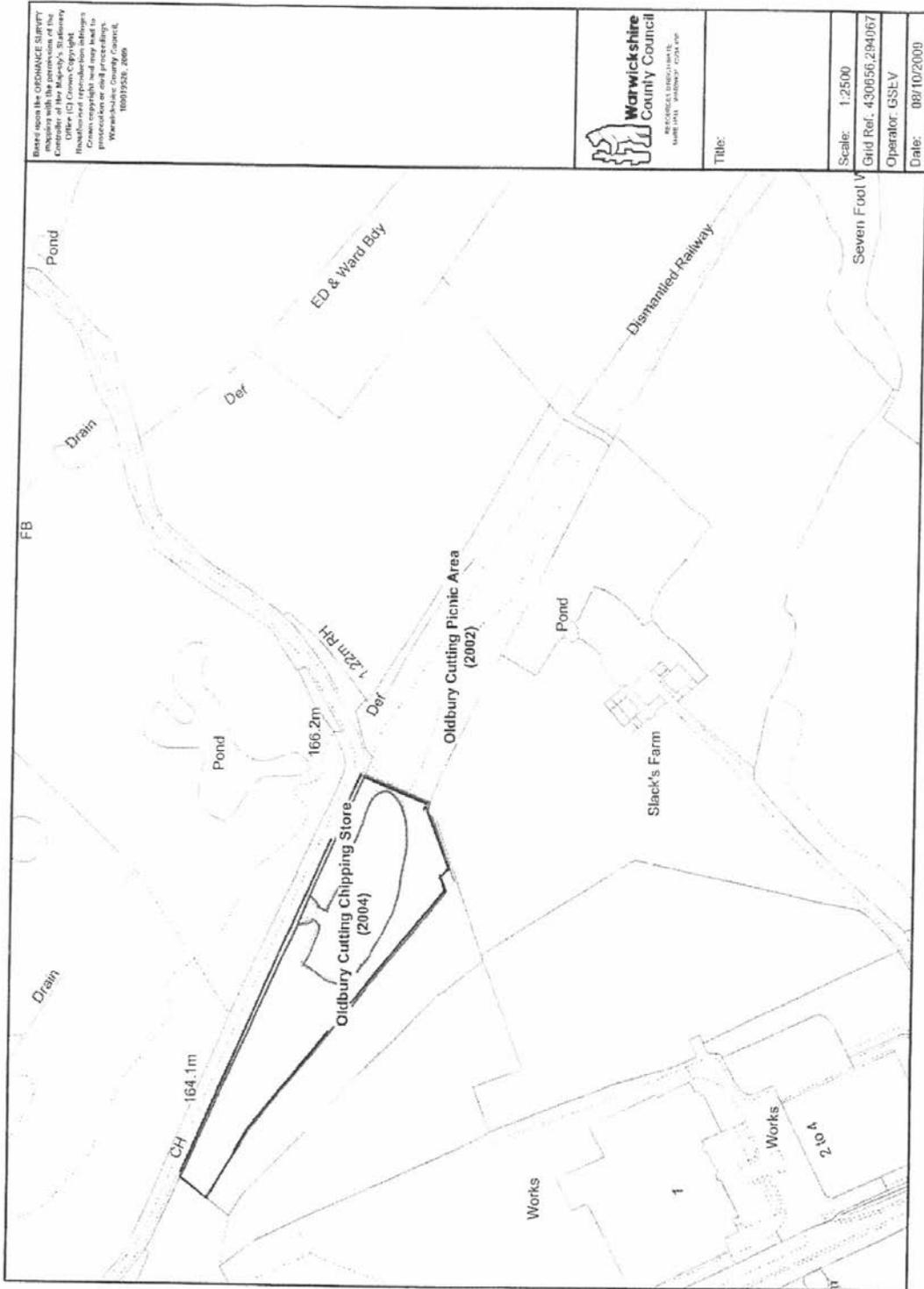
Planning Application No: CON/2015/0020

Background Paper No	Author	Nature of Background Paper	Date
1	Warwickshire County Council	Consultation	10/11/15

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

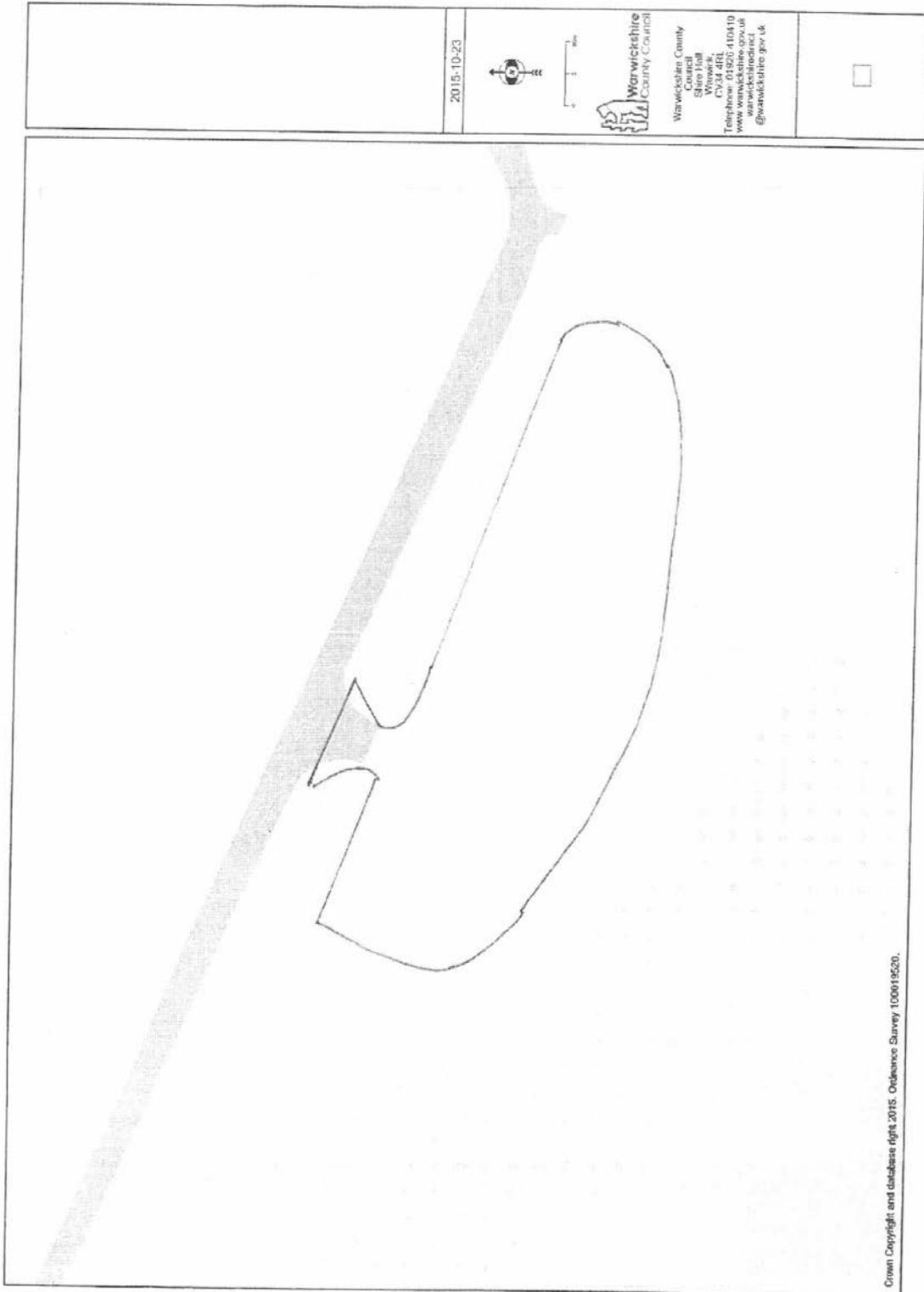


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Title:	
Scale:	1:2500
Grid Ref:	430656,294067
Operator:	GSEV
Date:	08/10/2000

APPENDIX B



(2) Application No: DOC/2015/0065

Former Baddesley Colliery, Main Road, Baxterley, Atherstone, CV9 2LE

Approval of details required by conditions no:- 7, 11, 13 and 20 of planning permission PAP/2015/0271 dated 23/06/2015 relating to further remediation works, appearance and design details - buildings, tannoy, lighting or CCTV equipment, and noise mitigation and management plan, for

Park Top Ltd

Introduction

Planning permission was granted in June this year for the use of this former colliery site for car distribution and storage following an extant 1966 planning permission. This 2015 consent changed the operational site requirements of the 1966 permission and all other subsequent variations.

The current application seeks to discharge details under four of the pre-occupation conditions attached to the new 2015 permission. A second application has also been submitted covering the remaining five pre-occupation conditions.

Local residents and the Parish Council were notified of the receipt of the applications. A number of representations have been received and these particularly focus on the lighting and CCTV details.

Present Position

No objections were received to the details of the appearance and design of the buildings and thus these details have been approved under delegated powers. This relates to condition 11 of the description in the report header above.

Consultations with a number of different agencies are underway in respect of many of the other details submitted. These will be dealt with as and when the replies are received.

The reason for this report is due to the representations received on the proposed lighting scheme. In respect of this particular issue then the Council's Environmental Health Officer is heavily involved in looking at the submitted details. In view of the technical nature of the issue and the representations received, independent outside consultants have also been commissioned to look at the proposals. In particular the remit given to them is to comment on the likelihood of adverse impacts arising, such that the residential amenity of local residents would be materially affected. Receipt of their conclusions is still awaited.

In the interim both local Members have visited the site and they have also visited JLR's premises at Damson Wood in Solihull in order to look at the impact of the lighting installed there. It should be pointed out immediately that the lighting columns at Damson Wood are much taller than those being proposed at Baxterley and thus an exact comparison should not be made.

Because of the representations received and the nature of the issues involved it is considered that the Board should also have the opportunity of visiting the Solihull site. It is understood that JLR is amenable to this suggestion.

Recommendation

That a site visit be organised to the JLR plant at Damson Wood in Solihull, and that officers report to the Board in due course on this matter once all of the consultation responses have been received.

BACKGROUND PAPERS

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

Planning Application No: DOC/2015/0065

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	1/10/2015

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.

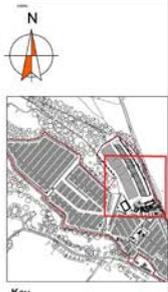
A background paper will include any item which the Planning Officer has relied upon in preparing the report and formulating his recommendation. This may include correspondence, reports and documents such as Environmental Impact Assessments or Traffic Impact Assessments.



DOC/20150095

Schedule of Accommodation		
Building	GLCA (m ²)	GEA (m ²)
A-Operations	585	6296
B-PC	1963	11439
C-Office	280	3013
Warehouse/Manifest	43	430
D-Garagehouse	43	430
E-Safety and Fuel	7.5 each	80
F-Maintenance	175	1883

- Key
- Transporters in
 - Transporters out
 - Cars into storage from road lanes
 - Cars out of storage into road lanes
 - Staff / visitors
 - Site boundary - TBC
 - Fence Line
 - 3m High Weldmesh
 - Additional 3m high acoustic and visual screens
 - Concrete security 'barriers' (70mm high rebar - see image)
 - New safety barrier (Amco type)
 - Post and rail fence (to be detailed by WYG)
 - Stable vehicle access zone
 - New building
 - Existing shaft (capped off)
 - Proposed landscape
 - Vehicle storage area
 - 5.5m x 5.2m parking bays
 - 5.5m feeder roads
 - Traffic service roads
 - Capped inspection bay
 - Light Column - indicatively shown. Height and lamp type TBC
 - Low level ground cover landscape
 - Existing retaining embankment



Key

ARCHITECTS, URBAN DESIGNERS, PLANNERS, PROJECT MANAGERS. WE ARE GP.

FOR PLANNING

Planning ID#

New Dispersal Centre, Baddley's Colliery

Site plan

Ref: N/A

Date: July 2015

Author: A.S.

Scale: 1:1,750

Project: C2453

Rev: S-01-Rev F

www.mhspg.com

(3) Application No: PAP/2015/0004

Land To Rear Of 6, Moorbrooke, Hartshill, CV10 0QQ

Outline application for construction of new vehicular access and use of land for residential development, for

Hamlin Estates Ltd

Introduction

This case is referred to the Board for determination by local Members concerned about the impacts of the proposal.

The Site

This is a rectangular overgrown paddock of some 0.3 hectares on the south-west side of Moorwood Lane about 200 metres north of its junction with the B4114 Coleshill Road in Chapel End, Hartshill. Moorwood Lane at this point is a footpath/track which hosts a public footpath but has no vehicular use. There is residential property surrounding the site on three sides. To the south bounded by a wooden fence is a small cul-de-sac of bungalows – Moorbrooke. To the north are the gables of houses at the end of the Laurel Drive cul-de-sac. Again this is a fenced boundary. To the east on the opposite side of Moorwood Lane are further residential properties off Silverbirch Close – a short cul-de-sac which runs off Laurel Drive. It presently serves three properties. There is further residential development to the south on Moorwood Lane, the closest being a bungalow. Vehicular access is provided to this property from the Lane but just beyond there are bollards preventing such access. Further to the south are the rear gardens of the terraced properties fronting the north side of Coleshill Road.

A plan illustrating the site is at Appendix A.

The site slopes steeply from Moorwood Lane in a south-west direction where there is a small water course which drains under the Coleshill Road. The difference in levels from the Lane to the top of the brook's bank varies between 10 metres at the northern end and 6 metres at its southern end. There are no trees on the site but there are strong hedgerows along the northern boundary and along the bank of the water course. There are also two groups of trees in the south and north-west corners which contain oak trees.

The line of a public sewer crosses the southern part of the site running parallel with the stream.

Background

The bungalows in Moorbrooke were granted planning permission in 1990 and the Laurel Drive and Silver Birch Close developments are part of the much larger Moorwood Estate which grew substantially in the 1990's.

The group of trees in the south-west corner are the subject of a Tree Preservation Order confirmed in 1993.

The Proposals

This is an outline planning application for the erection of up to ten dwellings with just the matter of access to be agreed at this time. All other matters would be reserved for later submissions.

An illustrative plan – see Appendix B - has been submitted in order to assist in better understanding how this might translate onto the site. Members should thus be aware that this plan is not part of the application. It shows access into the site across Moorwood Lane via an extended Silver Birch cul-de-sac. This would then run into the site with a turning area close to the Lane and ten properties around this and its' extended "limbs". The illustration shows five groups of semi-detached properties. Two such pairs would run at right angles to the end properties in Laurel Drive and a further two pairs would run across the southern half of the site. Staggered vehicle barriers would be placed in Moorwood Lane to prevent vehicular access but to retain pedestrian and cycle access. There would be 200% provision of parking spaces and a bin collection area close to the Lane. The groups of trees in the two corners would be retained and development, including access ways would be outside of the protected tree root areas. The existing hedgerow along the northern boundary with Laurel Drive would be retained.

Affordable housing provision is made through an off-site contribution of £9522 in lieu of on-site provision.

The application is accompanied by supporting documentation.

A Transport Statement concludes that there would not be a "severe" highway impact which is the test set out in the National Planning Policy Framework. The site has good accessibility and connectivity by foot to local facilities and to regular and frequent bus services.

A Tree Survey concludes that with adequate protection the protected trees can be retained within a development of ten houses.

An Ecology Survey concludes that the site consists of poor quality grass land; ruderal vegetation and bramble scrub with a low bio-diversity level. New landscaping will have a positive impact and care needs to be taken to prevent pollutants draining into the stream. There was no evidence of badger or reptile populations but a full bat survey would be needed to be undertaken prior to development commencement.

Representations

The initial submission attracted an objection from the Parish Council and nine local residents. The Highway Authority also objected and an amended plan was submitted. This is the plan as described above. Re-consultation took place and the following representations were received.

Hartshill Parish Council – The Parish Council objects on the following grounds:

- There would be increased traffic in Silver Birch Close and exiting onto Laurel Drive
- Hartshill is going to accommodate far too many houses
- The site is environmentally and geologically sensitive
- It extends ribbon development along Moorwood Lane
- It could act as a precedent for more land to be released.

Three letters of objection from neighbouring residents refer to the following matters:

- The opening up of Silver Birch Close will increase the opportunity for anti-social behaviour

- The Close is unsuitable for extra traffic not being full width and thus not allowing two vehicles to pass and leading to difficulty in turning.
- There would be no play facilities on site
- Existing houses could be overshadowed
- The site is too small
- The facilities in Hartshill are already over-subscribed
- Loss of privacy and over-looking of existing houses.
- Buildings are too close
- There will be increased surface water run-off into the stream which will lead to more flooding as the Coleshill Road culvert often overflows.

Consultations

Environmental Health Officer – No comments to make

Severn Trent Water Ltd – No objection subject to a standard condition requiring subsequent agreement to drainage measures

Environment Agency – No objection

Warwickshire Museum – No comments received

County Forester – No objection

Warwickshire County Council as Highway Authority – It submitted an early objection concerned about the extension of the cul-de-sac; turning areas and general space standards. The submission of amended plans has resulted in no objection being made subject to conditions.

Warwickshire County Council as Flood Authority – No response received at the time of preparing this report.

Fire Services Authority – No objection subject to a standard condition

Development Plan

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

Other Material Planning Considerations

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

Observations

The site is within the development boundary for Hartshill as defined by the Development Plan. Moreover Hartshill is identified in that Plan as being suitable for a minimum of 400 new houses during the plan period. It also has a wide and full range of local services and facilities. There is thus a very strong presumption that the release of this land should be supported in principle. In other words it is sustainable development and as such is fully supported by both the National Planning Policy Framework and the Development Plan.

As a consequence, there is a presumption that planning permission will be granted and there has to be significant harm caused by the proposed development if this support is to be outweighed.

The Parish Council's concern about numbers thus carries no weight given that the site is within the development boundary and that Hartshill is already required to provide a minimum of 400 houses by the Development Plan.

There are several areas where that harm might be caused.

There has been reference in the representations received to the development being too intensive. The illustrative layout suggests that up to ten houses could be accommodated here particularly now that the Highway Authority has withdrawn its objection. The resulting density, if ten were constructed would be 30 dwellings per hectare which is the "guideline" that is often used and would match that on the adjoining Moorwood Estate.

In terms of affordable housing provision then it is agreed that an off-site contribution is acceptable. The value of this has been evidenced by the submission of existing market values for smaller pairs of semi-detached houses and the development costs involved with construction of an abnormal site given its slope. The calculation has been undertaken using the Council's preferred method too. There is thus not considered to be "harm" here through non-compliance with the Development Plan's affordable housing policies.

Given the lack of evidence to rebut the conclusions of the ecology and tree surveys either from the Warwickshire Museum or from the County's tree officer, then there is not the case to advance that there would be "harmful" impacts caused by the proposed development.

The main issues here however that do need to be looked at in terms of potential harm are highway impacts; residential amenity issues and the potential to exacerbate existing flooding incidents.

Taking the first of these then the Highway Authority initially did object to the original submission but amended plans have shown that the site can be accessed and serviced via an extension to Silver Birch Close to the satisfaction of the Highway Authority. As a consequence given the response from the statutory highway authority it is not considered that harm would be caused to the degree anticipated by the National Planning Policy Framework if an objection is to be sustained.

The existing flooding situation is understood but an appropriate planning condition can be attached to the grant of any planning permission requiring a sustainable drainage system to be designed so as to limit surface water run-off. This is now normal practice. If the County Council as Flood Authority come back with an objection that cannot be overcome with such a condition, then the matter will be referred back to the Board.

In terms of residential impact then the greatest impact would be on the adjoining property in Laurel Drive particularly those properties whose side gables face the site. Members are again reminded that the layout is purely illustrative and that the final design may differ from that shown on this illustration. However the size of the site does enable separation distances to be achieved and the potential drop in levels due to the gradients needed to access the site strongly would suggest that the proposed houses would be at a lower level than the existing and thus the amenity issue may be reversed. Additionally the trees and hedgerow would be retained along this common boundary thus mitigating adverse impacts. It is not considered that in all of these circumstances that significant harm would be caused.

The other area of interest is in terms of impacts on existing services and infrastructure. It is noteworthy that there have been no objections received from the service providers and no call for contributions from those providers. A refusal based on adverse impacts would thus be unlikely to succeed at appeal. Moreover the scale of the development and the unusual development costs do affect viability here and the potential for the development to afford such contributions. This is evidenced in the small value of the affordable housing contribution which was determined using the Council's preferred method of calculation. Members have always taken the view that affordable housing contributions should take priority. Open space provision on site would be unlikely due to the slope of the site and the size required. Moreover it could lead to amenity issues with existing neighbouring residential property. The nearest alternative provision is some distance away with intervening busy roads and officers could not recommend a contribution to enhance those facilities due to this factor – the contribution not being directly related to the development, and thus not statutorily compliant. It is noticeable that the Council's own leisure service has not called for a contribution or on-site provision for all of these reasons

Given that there is support in principle here based on Development Plan policy it is not considered that there is the significant harm caused to warrant overriding this sustainable development.

Recommendation

That subject to the completion of a Section 106 Agreement in respect of the provision of an off-site contribution for affordable housing as set out in this report, and subject to there being no objection from the County Council as Flood Authority that cannot be dealt with by a condition, outline planning permission be **GRANTED** subject to the following conditions:

Standard Conditions

1. Standard outline condition reserving all matters except for access
2. Standard Outline condition number 2
3. Standard outline condition number 3
4. Standard plan numbers – The Site Location Plan received on 5/1/15 and plan number 2690/PA/001G received on 15/10/15. For the avoidance of doubt the only detail approved on plan 2690/PA/001G is that relating to the access arrangements.

Defining Conditions

5. This permission shall be for no more than ten dwellings

Reason

In the interests of highway safety and in order to reduce adverse impacts

6. None of the dwellings hereby approved shall be greater than two storeys in height.

Reason

In order to protect the residential amenity of surrounding occupiers.

Pre-Commencement Conditions

7. No development shall commence on site until such time as a bat survey has been undertaken and its findings submitted in writing to the Local Planning Authority. The written report shall contain mitigation measures to accommodate the conclusions. No work shall commence on site until the Local Planning Authority has agreed in writing that any such mitigation measures as might be recommended, have been so agreed in writing.

Reason

In the interests of nature conservation.

8. No development shall commence on site until such time as full details of the measures to be designed to dispose of surface and foul water from the site have first been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt the surface water measures shall be designed as a Sustainable Surface Water drainage scheme and the details to be submitted shall include allowances for climate change. The measures shall also include the arrangements to be proposed for the maintenance of any such system as may be approved.

Reason

In the interests of reducing the risk of pollution.

9. No development shall commence on site until such time as full details of the provision of adequate water supplies and hydrants necessary for firefighting purposes have first been submitted to and approved in writing by the Local Planning Authority. Only the approved measures shall then be implemented on site.

Reason

In the interests of public safety

Notes

1. The Local Planning Authority has met the requirements of the National Planning Policy Framework in this case by addressing by requiring amended plans and also an associated Agreement in order to address the planning issues arising.
2. Attention is drawn to Sections 149, 151, 163 and 184 of the Highways Act 1980. Further advice can be obtained from the Warwickshire County Council as Highway Authority. Similarly attention is drawn to the Traffic Management Act 2004 and the New Roads and Street Works Act 1991
3. Attention is drawn to the public sewer that crosses the southern part of the site. Advice should be sought from Severn Trent Water Ltd.
4. Standard Radon Gas Note
5. Standard Coalfield Advice Note

BACKGROUND PAPERS

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

Planning Application No: PAP/2015/0004

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	25/3/15
2	Warwickshire County Council Highways	Consultation	9/4/15
3	Hartshill Parish Council	Objection	15/4/15
4	Mr & Mrs Sweet	Objection	13/4/15
5	Mr Bright	Objection	9/4/15
6	L Milson	Objection	16/4/15
7	C Sharp	Objection	15/4/15
8	Mr & Mrs Arnold	Objection	15/4/15
9	Mr & Mrs Davies	Objection	31/3/15
10	Fire Services Authority	Consultation	31/3/15
11	K Smitham	Objection	7/4/15
12	B Harbourne	Objection	10/4/15
13	Environmental Health Officer	Consultation	16/10/15
14	Severn Trent Water Ltd	Consultation	6/5/15
15	Applicant	E-mail	8/5/15
16	Applicant	E-mail	9/10/15
17	Environment Agency	Consultation	16/10/15
18	K Smitham	Objection	21/10/15
19	Mr & Mrs Davies	Objection	25/10/15
20	Hartshill Parish Council	Objection	26/10/15
21	Mr Harbourne	Objection	29/10/15
22	Warwickshire County Council Highways	Consultation	3/11/15

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.

(4) Application No: PAP/2015/0110 and PAP/2015/0113

The Angel Inn, 24 Church Street, Atherstone, CV9 1HA

Part demolition of rear extension. Construction of 1 small retail unit and first floor storage. Erection of 5 pairs of 2 bedroom semi-detached dwellings & 2 one bedroom flats, with associated access ways and bins store and fencing, for

Arragon Properties

Introduction

These applications are reported to the Board for determination given the prominence of the site in the town.

The Site

The Angel Public House is a two and a half storey building at the northern end of the Church Street frontage at its junction with Sheepy Road facing the Market Square in the centre of Atherstone. There is a small gap in this frontage immediately to the south before a range of large three storey buildings is reached. This gap leads into a small "yard" which serves as a beer garden and access to garaging beyond at the rear of the site. St Mary's Church is on the opposite side of the road and the Council's car park is at the rear. The Phoenix yard redevelopment site is also to the south.

The building itself stands on the site of a former Inn and still retains some internal fabric dating from the early 16th Century. In 1900 the building comprised a three bay frontage but in the 1920's the southern or left hand bay was demolished leaving the present gap as referred to above and the remainder of the façade was re-fronted with the timber framing and gabled roofs.

The area being within the town centre has a variety of commercial uses at ground level with residential uses above.

The Angel Inn is not a Listed Building and a request for its inclusion on the Schedule was rejected by English Heritage in September 2014.

The building is in the Atherstone Conservation Area. St Mary's is a Grade One Listed Building and many of the properties fronting the Market Square on its three sides are listed as Grade 2.

A plan showing the location of the site is at Appendix A.

The Proposals

The proposals have been the subject of a series of amendments during the course of dealing with the case and the latest plans are those described below.

It is proposed to demolish the 19th Century two storey rear extension to the property together with the 20th Century flat roof extension facing the Sheepy Road and the rear garages. The public house use would then remain within the retained smaller building, but with a new central front door. The rear extensions would be replaced by a row of cottages designed to be "canted" so as to run with the line of the Sheepy Road and to maximise the use of the internal yard area for amenity space. Two further dwellings would be provided through a pair of semi-detached cottages erected across the rear of the site on the site of the garages.

The frontage gap would be infilled with a new building so as to replicate the appearance and scale of the building that was here originally in design and use - a retail element at ground floor with residential above and to the rear.

The applicant considers that the demolition of the rear extensions of the building is appropriate because firstly they are the most recent additions to the building - this being seen in both the roof tile line and the facing brickwork – and secondly because the historic interest in the building rests in the front portion. It also enables the site to be “opened” up. It is said that the public house use has been in steady decline despite introducing functions and diversifying with letting rooms. The proposals are set to retain a smaller more viable public house use with its own new entrance. It is accepted by the applicant that the new rear development would be canted rather than linear retaining the former ridgeline, but he considers that it is better to follow the line of the road and remarks that there is already some degree of “stagger” within the Phoenix Yard redevelopment scheme to the south. The new buildings across the rear of the site are said to provide a natural “stop” and would provide a natural abutment to the car park beyond. The new development in the frontage gap is said to exactly replicate the original building here and historic photographs have been submitted to evidence this.

The amount of demolition proposed here amounts to 134 square metres in area and 431 cubic metres in volume. This is below the threshold for demolition proposals in Conservation Areas to be referred to Historic England.

The applicant claims that the housing would all be privately rented and that this would provide affordable housing.

The proposals are shown on the plans at Appendix B

Representations

Atherstone Town Council – It objects to the amended plans

Atherstone Civic Society – It objects to the amended plans. It considers that the proposals are poorly designed with very poor amenity and which is unworthy of an historic town seriously being to the detriment of the Conservation Area. There are also a number of detailed concerns about the appearance of the proposals. (see Appendix C)

Consultations

Warwickshire County Council as Highway Authority – No objection as this is a town centre location.

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

The Council's Conservation Advisor – An objection was submitted to the original submission but that has been withdrawn subject to the receipt of amended plans and the imposition of conditions (see Appendix D).

Warwickshire Museum – No objection subject to conditions.

Environmental Health Officer – No objection subject to conditions.

Development Plan

The Core Strategy 2014 – NW1 (Sustainable Development); NW2 (Settlement Hierarchy), NW5 (Split of Housing Numbers), NW6 (Affordable Housing Provision), NW10 (Development Considerations), NW12 (Quality of Development), NW14 (Historic Environment), NW 18 (Atherstone) and NW20 (Services and Facilities)

Saved Policies of the North Warwickshire Local Plan 2006 – ENV12 (Urban Design); ENV13 (Building Design), ENV15 (Conservation) and ENV16 (Listed Buildings)

Other Material Planning Considerations

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

The Atherstone Conservation Area Designation Report 1995

The Draft Atherstone Conservation Area Appraisal 2006

Observations

a) Introduction

Being within the defined development boundary of Atherstone; within a settlement identified for major residential growth by the Core Strategy and being in its town centre, there is no objection to the redevelopment of this site in principle or to the mix of uses being proposed. It is significant that a public house use is being retained and that a new retail unit is also to be promoted. The main issue here therefore is whether this principle can be supported given the heritage value of the site and its setting.

b) Heritage Assets

The site is within the most significant part of the Atherstone Conservation Area - the Market Square - and in close proximity to a large number of Listed Buildings. The Council has a statutory duty to pay special attention to the desirability of preserving or enhancing the character and appearance of the Conservation Area. Additionally the Council has a duty to have special regard to the desirability of preserving listed buildings; their settings and any features of special architectural or historic interest that they possess. In these circumstances, the NPPF requires the identification of the significance of the heritage assets involved to be made explicit - in other words to define the “character and appearance” of the Conservation Area and the special interest of listed buildings. It is then necessary to undertake an assessment as to the impact of the proposals on that significance. In short the greater the harm to those assets then the more likely it is that the proposals should not be supported unless there are considered to be greater public benefits.

The overall significance of the town’s conservation area is that it retains much of the distinctive historic and architectural development of the town over a significant area, over different ages and through a variety of different uses. The 18th Century is particularly reflected in its appearance. The site itself lies in the most important part of the Conservation Area – the historic central market square with its almost complete enclosure by retained historic buildings. The types of building here relate to past commercial activities with different parts of the square representing different trades, now reflected in street names. The square has the finest townscape in the town. They define the open space and have a high degree of individual historic and architectural interest with high group value through almost continuously lining the square. So the significance lies not only in the particular architectural

detail of the period but also in its geographic extent and in the group value and setting of substantial sections of the street scape reflecting the historic development of the town.

The Angel Inn is not a Listed Building but it is a non-designated heritage asset. Its significance is its historic interest lies in the fact that Inns were very common in and around the square and architecturally it completes a street frontage within the most important part of the Conservation Area, although having undergone a series of changes over time, the most recent just under a century ago. It retains a use that reflects the commercial centre of the town over many years and its architectural interest arises from that series of alterations whilst retaining its most substantial internal historic assets.

The significance of the nearby listed buildings lies in their individual historic and architectural interest reflecting contemporaneous characteristics to their age. However it is their group interest in adding to the overall character and ambience of the main Market Square that is of substantial weight here.

St Mary's is the Parish Church and it carries particular historic significance reflecting that role over the centuries. It has a commanding position completing one side of the Market Square such that its setting could be said to include the whole of that square. Its architectural interest rests in the reflection of its history.

c) The Demolitions

In addressing the impact of the proposal on these heritage assets it is first proposed to deal with the issue of the proposed demolitions. The removal of the 20th Century elements is welcomed as these are discordant and inappropriate additions not reflecting the overall character and appearance of the Area and visible within the public domain. As such their removal would enhance that character and appearance. It is also agreed that their demolition would enhance the non-designated asset of The Angel Inn itself as well as in a more limited way, help the overall setting of St Mary's.

The rear extension is however historically part of The Angel Inn and has formed part of it since at least the late 19th Century. Its loss would therefore potentially cause harm to the significance of the Conservation Area and more directly to the non-designated asset of the building itself. However the level of harm to the character and appearance of the Conservation Area is not considered to be significant. The existing rear range extends from the rear of The Angel and would be replaced. In general terms a rear range would be retained, enclosing the rear yard and providing a frontage feature along one of the main approach roads into the town. These are principal characteristics adding to the significance of the Conservation Area. The demolition of this rear wing would not interfere with the retention of the historic use – as a public house – and neither detracts from the significance of the principal Market Square elevation. This part of the demolition would only have limited, if any, impact on the setting of the other Listed Buildings in the square. It would neither interfere with the overall setting of St Mary's which would retain its central place as the focus in the Square. The existing rear range would be replaced by another – albeit longer - but this would not “crowd” the setting on this side of the church because of the intervening busy road.

It is agreed that the rear range here is not in such a condition as to warrant removal due to structural problems or because of dis-repair. Alternative uses are perhaps limited to apartments but the internal arrangement doesn't naturally lend itself to this option. Given that this is a non-designated asset it is considered that in all of the circumstances explained in this section that the demolitions can be supported in principle. It is noteworthy that the Council's Heritage Consultant does not object to these demolitions.

d) The New Build

Looking first at the infill proposed for the frontage then this is welcomed. In addressing the impact of the proposal on this part of the Conservation Area, then it clearly has been designed so as to re-introduce a frontage building into the gap to the south of the Angel so as to replicate the appearance of the street scene at the turn of the 20th Century. The proposals actually do this as evidenced by the historic photographic record. There is no objection to this and the proposal in this respect would not cause harm, rather it would enhance the character and appearance of this section of the Conservation Area by reflecting the square's historic commercial frontages and architecturally through providing a complete frontage. A pedestrian access through to the car park at the rear is retained in adjoining development and this is welcomed in historic terms too.

The new rear range however does require further consideration. It is important as explained above that in heritage terms a new rear range is provided if demolition is to be supported. The scale of the replacement here is two storey and there are different ridge heights breaking up the range. This is supported. However, the key issues are the length of the new range and particularly because it is "canted" so as to follow the line of Sheepy Road along the site boundary. This is unusual and not a feature that can be found in the Conservation Area. The issue is whether it is so unusual that it causes substantial harm to the appearance and character of that Conservation Area.

As indicated above it is not considered that the new range causes harm to the non-designated asset of The Angel as a whole and that it would not cause harm to the setting of the other Listed Buildings in the Market Square. It would have some impact on the setting of St Mary's by introducing a residential frontage facing the main entrance. However this setting is somewhat compromised by the busy Sheepy Road. The commanding position of the Church as a focal point in and around the Square however would however not be harmed. The Heritage Consultant says that the new range or terrace "responds better to the plot boundary in a way that is more sympathetic to the burgage plot". He therefore does not conclude that it harms the character of the Conservation Area. He also does not object to the detached building at the rear, it "being more appropriate to the existing grain of development providing a notional flow through the plot". In all of these circumstances it is agreed with the Consultant that the amended proposal would preserve the character and appearance of the Conservation Area and the setting of St Mary's.

The Civic Society has raised a number of detailed points about the appearance of the new rear range. These have been addressed through the submission of amended plans. It can be seen that the Consultant says that the "steeper roof slopes, the addition of chimneys and the removal of porches better reflects the local vernacular". As a consequence it is agreed that the proposals can be supported subject to the conditions that he suggests.

There are no other issues raised by the consultation process to warrant refusal.

Recommendation

a) PAP/2015/0113 – Conservation Area Consent

That Consent be **GRANTED** subject to the following conditions:

1. Standard Three year condition
2. Standard Plan numbers – The Site Location Plan (676/12) and the plan number 676/7 both received on 25/2/15. For the avoidance of doubt only no other building than those shaded on plan number 676/7 shall be demolished.

Notes

1. The Local Planning Authority has met the requirements of the National Planning Policy Framework through involvement of a heritage consultant to advise on the main issues affecting the application namely demolitions within the Conservation Area.

b) PAP/2015/0110 – Planning Application

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

1. Standard Three year condition
2. Standard Plan numbers – the site location plan (number 676/12) received on 25/2/15 and plan numbers 676/20B; 676/21B received on 18/11/15 and plan number 676/22C received on 25/11/15.

Pre-Commencement Conditions

3. 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. Only the approved scheme shall then be implemented on site.

REASON

To reduce the likelihood of flooding

4. No development shall commence on site until a written scheme of investigation for a programme of archaeological evaluative work has been submitted to and approved in writing by the Local Planning Authority.

REASON

In the interests of the heritage interest in the site

5. No development shall commence on site until the programme of work and associated post-excavation analysis, report production and archive deposition detailed in the scheme approved under condition (4) have been fully undertaken to the written satisfaction of the Local Planning Authority.

REASON

In the interests of recording the heritage interest in the site.

6. No development shall commence on site until such time as details of how the existing vehicular access onto Church Street is to permanently closed and the public footway reinstated have first been submitted to and approved in writing by the Local Planning Authority.

REASON

In the interests of highway safety

7. No development shall commence on site until measures have been submitted to reduce the likelihood of waste and extraneous material being deposited on the highway during construction have first been submitted to and approved in writing by the Local Planning Authority. Only the approved measures shall then be implemented on site and they shall remain until completion of the development.

REASON

In the interests of highway safety

8. No development shall commence on site until the following details have first been submitted to and approved in writing by the Local Planning Authority:
 - a) The appearance and construction of all windows and doors including cross sections, elevations, acoustic and ventilation treatment;
 - b) The appearance and construction specification of the chimneys,
 - c) The appearance, colour and specification of metal gates,
 - d) The appearance, construction specification and cross sections of all new retaining and boundary walls and
 - e) The appearance and construction specification for the bin store and all subdividing boundary features.

Only the approved details shall then be implemented on site.

REASON

In view of the heritage value and setting of the site.

9. No development shall commence on site until samples of the following have first been provided and agreed in writing by the Local Planning Authority:
 - a) All external wall and roofing materials and
 - b) An on-site panel of brickwork (1 metre by 1 metre) including the bonding and mortar mix of the facing materials.

Only the approved materials and approved bonding and mortar mix shall then be used on site.

REASON

In view of the heritage value and setting of the site.

Other Conditions

10. All windows shall be painted timber and be either a flush casement or timber vertical sliding sash in appearance

REASON

In view of the heritage value and setting of the site

11. All window and external door reveals shall be recessed by a minimum of 75mm

REASON

In view of the heritage value and setting of the site

12. All rainwater goods shall be black painted cast iron

REASON

In view of the heritage value and setting of the site.

13. No gates shall be hung within the pedestrian accesses to the site so as to swing outwards over the public highway.

REASON

In the interests of highway safety

Notes

1. The Local Planning Authority has met the requirements of the NPPF in this case through the involvement of a heritage consultant to assist in advice on the heritage impact of the development thus leading to the submission of amended plans.
2. Attention is drawn to Sections 149, 151, 152, 163 and 184 of the Highways Act 1980. Further advice can be obtained from the Warwickshire County Council.
3. In respect of condition (3) then the details to be submitted shall include infiltration testing in accordance with BRE guidance 365; demonstrate compliance with CIRIA C697, C687, National SUDS Standards and Science Report SC30219, limit the discharge generated by rainfall events up to and including the 100 year plus 30% critical storm rates, demonstrate compliance, demonstrate detailed design of the scheme and confirm how systems will be maintained in the long term. Further background and advice can be obtained from the Warwickshire County Council.

BACKGROUND PAPERS

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

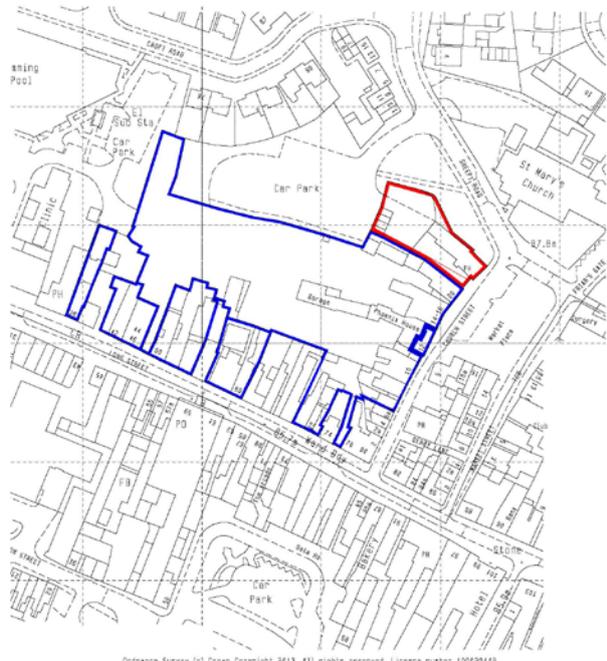
Planning Application No: PAP/2015/0110 and PAP/2015/0113

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	13/4/15
2	Atherstone Town Council	Objection	16/4/15
3	Case Officer	Letter	20/4/15
4	Warwickshire County Council Highways	Consultation	29/4/15
5	Atherstone Civic Society	Objection	1/5/15
6	Applicant	E-mail	19/5/15
7	Warwickshire Museum	Consultation	19/5/15
8	Environmental Health Officer	Consultation	4/6/15
9	Applicant	Letter	12/5/15
10	Heritage Consultant	Consultation	May 2015
11	Warwickshire County Council Flooding	Consultation	7/5/15
12	Case Officer	E-mail	17/5/15
13	Case Officer	Letter	5/8/15
14	Warwickshire County Council Flooding	Consultation	27/10/15
15	Applicant	Letter	10/11/15
16	Atherstone Civic Society	Objection	17/11/15
17	Atherstone Town Council	Objection	19/11/15
18	Applicant	Letter	17/11/15
19	Atherstone Civic Society	Objection	24/11/15
20	Applicant	E-mail	25/11/15
21	Consultant Architect	Consultation	26/11/15

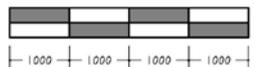
Note: This list of background papers excludes published documents which may be referred to in the report, such as The Development Plan and Planning Policy Guidance Notes.

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.

This drawing is accurate from the information that was available at the time of survey and is to be taken as a detailed representation.



1 : 1250 Location Plan



1 : 50 Scale Bar

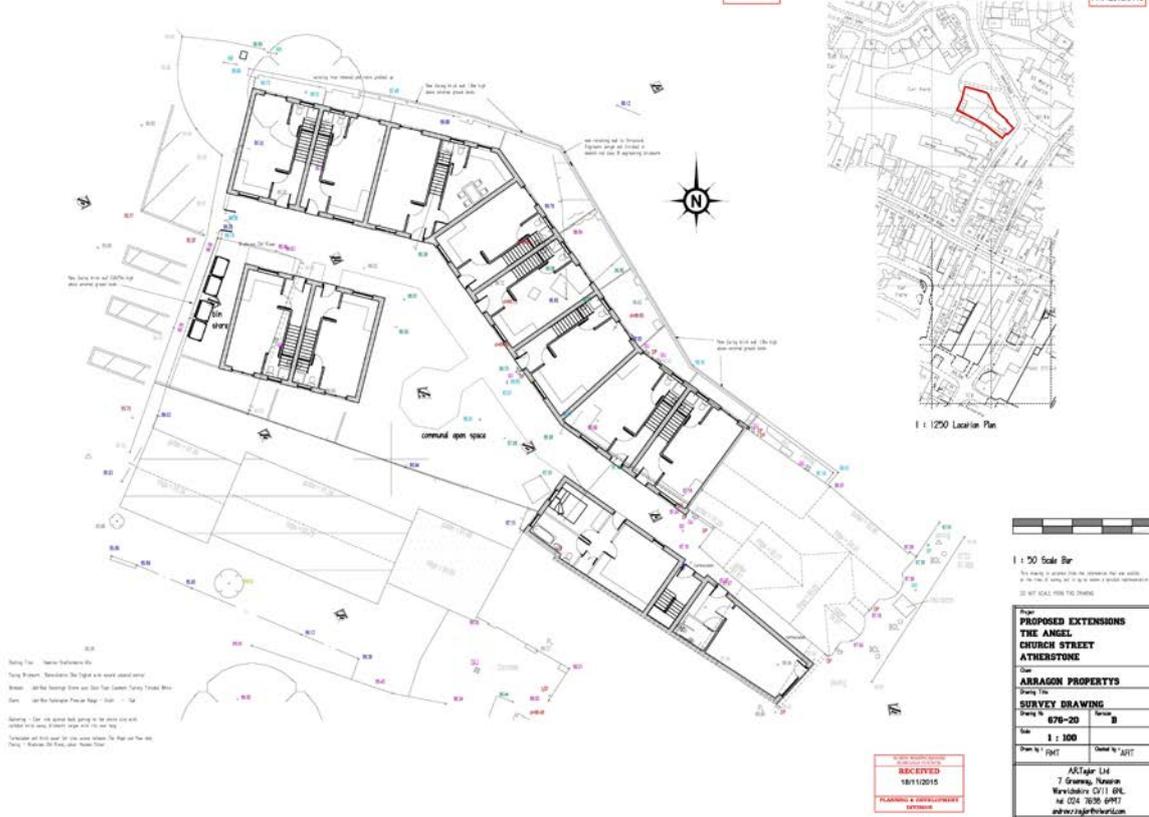
Rev	Date	Ref
DO NOT SCALE FROM THIS DRAWING		

Project	
PROPOSED EXTENSIONS THE ANGEL INN CHURCH STREET ATHERSTONE	
Client	
ARRAGON PROPERTIES LTD	
Drawing Title	
SITE LOCATION PLAN	
Drawing No	Revision
676-12	
Scale	
1 : 100	
Drawn by	
ART	
AR.Taylor Ltd 7 Greenway, Nuneaton Warwickshire CV11 6NL tel 024 7630 6997 andrew.taylor@networld.com	

NORTH WARWICKSHIRE
BOROUGH COUNCIL
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25-Feb-15
PLANNING & DEVELOPMENT
DIVISION

APPENDIX B

PAP/2015/0110

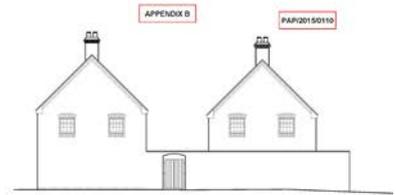


Building Type: Modern Institutional
 Party: Arragon
 Building Name: The Angel
 Address: Church Street, Athenstone
 Date: 18/11/2015

Scale: 1 : 50 Scale Bar
 PROPOSED EXTENSIONS
THE ANGEL
CHURCH STREET
ATHENSTONE
 Client: ARRAGON PROPERTIES
 Drawing Title: SURVEY DRAWING
 Drawing No: 670-20
 Scale: 1 : 100
 Date: 18/11/2015
 Drawn by: JHT
 Checked by: JHT
 Project No: 18112015
 7 Graham, Newport
 Warrickville, VIC 3048
 Tel: 034 9036 9997
 www.arragon.com.au



Elevation One



Elevation Two



Elevation Four



Elevation Five



Elevation Six



Elevation Seven

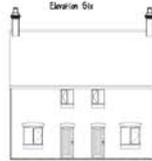


1 : 50 Scale Bar
 This drawing is intended for use in connection with the works
 to be carried out and is to be used as a guide only.
 © 2017 ARRAGON PROPERTIES

PROPOSED EXTENSIONS THE ANGEL CHURCH STREET ATKINSON TOWN ARRAGON PROPERTIES	
Plans Title SURVEY DRAWING	
Plans No SD-22	Series B
Scale 1 : 100	
Date 16/11/2017	
ARRAGON LTD 7 Granville, Newport Warrington, Cheshire WA10 4PL Tel: 01494 7036 0987 info@arragonproperties.com	



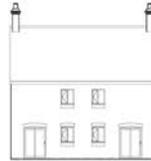
Elevation Eight



Elevation Nine



Elevation Ten



Elevation Eleven

RECEIVED
 16/11/2015
 PLANNING & DEVELOPMENT
 DEPARTMENT

Brown, Jeff

From: Judy Vero <secretary@atherstonecivicsociety.co.uk>
Sent: 17 November 2015 09:13
To: planappconsult
Cc: Brown, Jeff
Subject: FW: PAP/2015/0110: The Angel Inn, 24 Church Street, Atherstone, CV9 1HA

For the attention of Jeff Brown

PAP/2015/0110: The Angel Inn, 24 Church Street, Atherstone, CV9 1HA – Part demolition of rear extension. Construction of one small retail unit and first floor storage. Erection of five pairs of 2-bedroom semi-detached dwellings and two 1-bedroom flats with associated ways, bins stores and fencing. PAP/2015/0113 : Conservation Area Consent for this development. Amended plans.

Although we have had no re-consultation, it has come to our notice that amended plans have been submitted for this development and we wish to register our views on them.

First of all, we are pleased to see a steeper pitch in the roofs (especially on Elevation 10 and 8 and 2), the removal of the uncharacteristic arches from the upper windows, the removal of the porches and the addition of some open space (albeit very small).

However, apart from that, our objection in principle of 1 May 2015 remains. We still believe that this is a very poorly designed scheme with very poor amenity, which is unworthy of an historic town and which will have a seriously detrimental impact on the Conservation Area.

The new plans have many inaccuracies and we would question whether the scheme will be build-able from them. Our comments are as follows:

Elevation 1 We see from the layout that this is not a straight terrace but now has the shape of a dog's hind leg. The elevational drawing appears as a straight terrace when it should reflect the plan by shading or a similar device. The drop in ground level gives three additional opportunities for a step down in the roof to reflect the step down at ground level, but these have not been taken. On the third unit from the west, where it swivels by 45 degrees thus giving a triangular 'dining room', the window has been omitted. This window would, in fact give onto the neighbouring garden. On the front elevation (4?) of this terrace there is an awkward corner between this and the next unit with a window bordering directly on the join between the two units. We wonder how this will look when built and how the roof line will be reconciled. In view of the complicated structure we would suggest that the Council ask for a roof plan.

Elevation 7. This is the most important as it fronts onto the market square. Here it is essential that the new build melds seamlessly with the existing historic buildings. However, the plan is inadequate. There is not enough detail to see how the front gable and the roof will be treated. We would also make the point that black upvc guttering is not acceptable for the Conservation Area, especially for the frontage which abuts a listed building to the south.

We would also reiterate our view that these dwellings provide a minimal standard of amenity for their occupants. The internal layout is poor with the ground-floor WC leading off the kitchen/living room. Most of the dwellings so far built on the Phoenix Yard development remain empty and we worry that units that are so small and of such poor amenity will fail to find occupants, especially as they are in competition with better accommodation elsewhere in the area. We are therefore concerned that they will continue to lie empty and that the proposed development will be similarly vacant, further blighting the area. The market

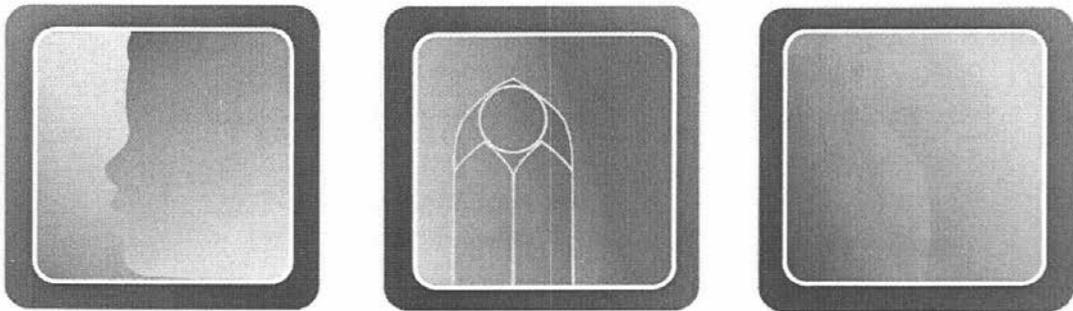
square area of the town is in urgent need of regeneration and will not, at present, easily attract occupiers. Three of Arragon's buildings, all listed, are boarded up, unoccupied and in very poor repair. It is unfortunate that there is no mechanism to insist that these buildings are repaired and occupied before a new development is begun. The state of the market square must, by now, be having an impact on the image of Atherstone.

Finally, these dwellings have no car parking and if they did find occupiers it would put more pressure on the town car parks. We would suggest that, if the Council is minded to approve the application, the developer be required to pay a commuted sum towards off-site car parking.

Judy Vero
Hon. Secretary
Atherstone Civic Society
Tel.: 01827 712250
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The Angel Inn Atherstone Warwickshire

CONSULTATION RESPONSE



understanding heritage matters

Archaeology Warwickshire Report No 1590
NOVEMBER 2015



*Working for
Warwickshire*

Project: Consultation response regarding new details for a planning application for part demolition of rear extension. Construction of 1 small retail unit and first floor storage. Erection of 5 pairs of 2 bedroom semi-detached dwellings & 2 one bedroom flats, with associated access ways and bins store and fencing.

Address: The Angel Inn, Atherstone, Warwickshire

Commissioned by: North Warwickshire Borough Council

Project Report No. 1590

Site Code: AAI15

Planning Reference: PAP/2015/0110 & PAP/2015/0113

Planning Authority: North Warwickshire Borough Council

Planning Officer: Jeff Brown

Author: Julian Bagg BSc (Hons) IHBC

Report checked by: Stuart Palmer MCIFA

Date: November 2015

Report reference: Bagg, J, 2015, *The Angel Inn, Atherstone, Warwickshire: Consultation Response*, Archaeology Warwickshire Report 1590.

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FAME



DISCUSSION

The Angel Inn is a historic public house located in a prominent position within the main square within the centre of Atherstone. The building is not listed but is considered by Historic England to have clear local interest. As such for the purposes of this planning application the building is considered a non-designated heritage asset. The building is of demonstrable local townscape, architectural and historic interest and therefore fulfils the criteria set out in local Plan Policy ENV16 as a non-listed building of local historic value. The site is within the setting of Grade II* St Marys church directly to the north and numerous additional listed buildings lining the square. As such the Local Planning Authority is statutorily required to have special regard to the desirability of preserving the setting of the listed buildings. The site also lies within Atherstone Conservation Area As such the Local Planning Authority is statutorily obliged to pay special attention to the desirability of preserving or enhancing the character or appearance of the locality.

The Angel Public house was assessed by English Heritage (now Historic England) in 2014 for inclusion on the Secretary of State's List. The building was considered to fall short of the level of special interest necessary to merit designation in the national context. However English Heritage concluded that the building is of clear local interest for its long history as a public house located within a prominent position within the Market Square. It was also noted that the building's inclusion within the conservation area also reflects its local interest and affords it an appropriate level of statutory protection.

The proposal is to demolish a detached outbuilding within the yard and the rear wing of the existing public house. It is then proposed to infill the street frontage to the yard with a shop, pedestrian passage and apartments. The proposal also includes the construction of what are effectively a terrace of eight dwellings and a further two semi-detached dwellings facing the terrace.

This consultation is in regard to new details submitted as a result of extensive consultation with the applicant's agent and designer following my earlier consultation response dated 27.05.2015. My previous response recommended refusal of the application because the layout and design of the development did not respond sympathetically to the character of the sensitive historic town centre plot. The main points of objection were as follows:

- Staggered footprint of the northern terrace
- Density of the development within the plot

- The contrived configuration of some porches
- Uncharacteristic width of the buildings and shallow roof pitches.
- Use of inappropriate materials for prominent boundary features

The revised plans and designs (Elevations 676-22 Rev C and indicative layout 676-4 Rev F) appear to have addressed my concerns regarding this proposal. The layout of the terrace now responds better to the plot boundary in a way that is more sympathetic to the burgage plot. The unblocking of the end of the plot and re-orientation of the semi-detached building is more appropriate to the existing grain of development providing a notional flow through the plot. In this respect my concerns regarding density are addressed. The form of the buildings in terms of steeper roof slopes, the addition of chimneys and the removal of porches now better reflects the local vernacular. I understand that the boundary walls will now be of a suitable brick and I would wish to know that a suitable specification is secured for the bin store area and other subdividing boundaries (Please note that the galvanised palisade fence between the adjacent new development and the carpark is utterly objectionable in this context). This and other material details can be controlled through the conditions suggested below if not agreed prior to determination.

I am satisfied that the amended proposal would now preserve the character and appearance of the conservation area and the setting of the adjacent Grade II* listed church. As such the proposal would comply with the objectives of saved Local Plan Policy ENV15 and ENV16, policy guidance in the NPPF and Section 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

DRAFT RECOMMENDATION

Approve

RECOMMENDED CONDITIONS

Pre-commencement (if not secured prior to determination)

- Sample external wall and roofing materials
- Sample panel of brickwork (1m x 1m to remain on site until completion)
- Design of windows and doors to be secured through details (1:5 scale cross sections)
- Design, specification and details of chimneys

Design, specification and details of metal gates (to be finished in an agreed colour)
Design, specification and cross section of new retaining and boundary wall
Design, specification and details of bin store and other subdividing boundary features

General

Windows to be painted timber, flush casement design, or timber vertical sliding sash
Window and external door reveals to be recessed by at least 75mm
Rainwater goods to be black painted cast iron or similar in appearance

(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.

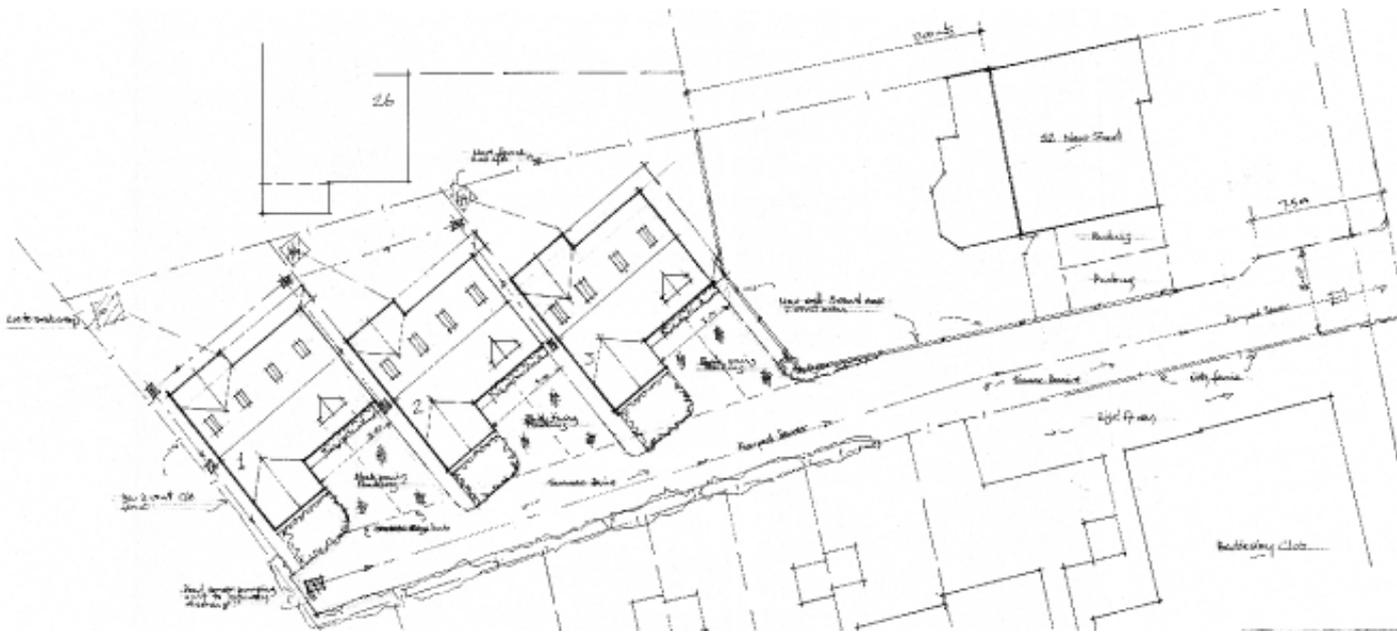
The Site

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

- 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 bungalow 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 neighbours 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.
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 an 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

DATED

2015

NORTH WARWICKSHIRE BOROUGH COUNCIL (1)

And

Mr & Mrs J Gilbert

52 New Street Baddesley Ensor
CV9 2DN

Draft

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

Relating to

Proposed 3

No. 2 Bedroom Dormer Bungalows

To rear garden land area

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 completed pursuant to 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) 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

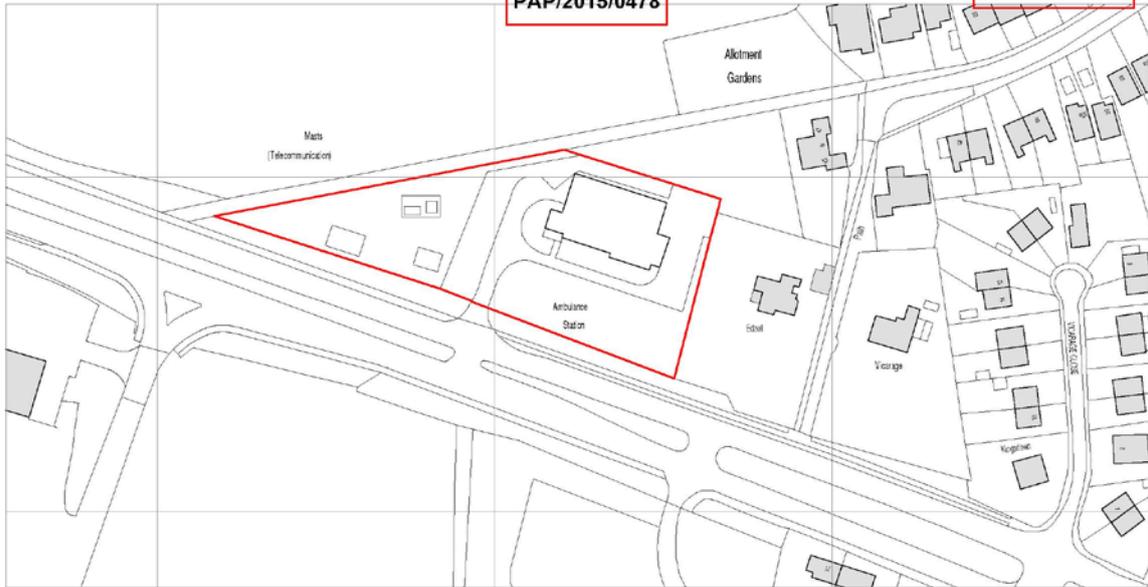
Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	24/7/15
2	Warwickshire Police	Consultation	11/8/15
3	WCC LLFA	Consultation	17/8/15
4	WCC PRoW	Consultation	17/8/15
5	Highways England	Consultation	18/8/15 4/9/15
6	NWBC EHO	Consultation	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
RECEIVED
24/07/2015
PLANNING & DEVELOPMENT
DIVISION



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JESSUP			
RESIDENTIAL DEVELOPMENT DORDON AMBULANCE STATION			
LOCATION PLAN			
scale@A4	date	drawn	drawing
1:1250	JAN 14	SPF	14006/1

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APPENDIX B



Site Area 0.386 Hectares



Scale 1:500

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DIVISION

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 @ 72.30 sq m	14 4 Bed 6 Person House @ 105.72 sq m
3 2 Bed 4 Person House @ 72.52 sq m	9 4 Bed 6 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 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	



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JESSUP/WATERLOO			
RESIDENTIAL DEVELOPMENT WATLING STREET, DORDON			
SITE PLAN			
scale@A4	date	drawn	drawing
1:500	NOV/14	SPF	14006/2C

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APPENDIX C

PAP/2015/0478



ELEVATION FROM WATLING STREET



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DIVISION

A EDITION: AMENDED 7/7/14
REVISION: DATE

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JESSUP/WATERLOO
RESIDENTIAL DEVELOPMENT
BETWEEN ST. DORCON
STREETSCENE
Scale: 1:100
NO. IN: 1/2011
DATE: 14/06/17A
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PAP/2015/0478



Plots 1 to 14



Plots 9 to 12



Plots 13 and 4

WATLING STREET DORDON

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S. P. Faizley
Chartered Architects
14006/CG/18A

(7) Application No: PAP/2015/0483

The Brambles, Main Road, Baxterley, Atherstone, CV9 2LW

Temporary Dwellinghouse to support equine business for three year period, for

Mr and Mrs M and K Smith

Introduction

The application is reported to the Planning and Development Board for determination under the Council's Adopted Scheme of Delegation at the request of a Local Member as they have spoken with the constituent and if the application continues to be recommended for a refusal then they would like it referred to the Board for discussion.

The Site

The holding comprises some 2.95 hectares of land with vehicular access directly onto Main Road. The buildings on site comprise of:

- a concrete building providing stabling for eight horses along with a hay store and tack room and an office/store at mezzanine level;
- an open fronted store providing hay storage and goat isolation facility;
- a five-bay open fronted hay store; and,
- a general purpose agricultural building permitted in 2014 and currently under construction.

The Proposal

It is proposed to site a mobile home on this land to the north west of the access driveway. The mobile home is intended to be used as a temporary rural workers home for a period of three years. The structure measures some 19 metres by 7.3 metres. The height of the structure is 2.7 metres to the eaves and 4 metres to the pitch. An existing septic tank would be used for the disposal of foul water and a new soakaway constructed to discharge to the drainage ditch along Main Road. A residential curtilage is not proposed as the structure is a temporary structure.

An occupancy condition is suggested which restricts the occupation of this dwelling house to persons employed in agriculture and equestrian uses.

Background

In 2014 an agricultural determination application was approved for the erection of a general purpose building which is currently under construction.

Development Plan

North Warwickshire Core Strategy 2014 – NW1 (Sustainable Development); NW2 (Settlement Hierarchy), NW10 (Development Considerations) and NW12 (Quality of Development).

Saved policies of the North Warwickshire Local Plan 2006 – ECON7 (Agricultural Buildings) and HSG3 (Housing Outside of Development Boundaries)

Other Relevant Material Considerations

Government Advice: National Planning Policy Framework (NPPF).

Consultations

Council's Agricultural Advisor – Based on the functional need of the scheme and its financial sustainability, there is no essential functional need for a dwelling to support the proposed business at Main Road. The proposed business is not well planned financially. The applicants' own dwelling is a short distance from the yard allowing quick easy access. Since October 2014 the applicant has taken in five liveries on a part time and DIY basis and the lack of a dwelling on site has not deterred prospective livery clients from placing their horses at The Brambles.

Following the receipt of additional information from the agent, the Council's Agricultural Advisor states that there is nothing in this additional information provided which alters his opinion that there is not an essential functional need for a dwelling to support the proposed business. They consider that the test on sight and sound is a subjective matter which, in their opinion, measures such as the security systems in place, the ability to perform early and late night checks from a location close by and each livery client having unrestricted access to the site in the event of illness or monitoring their horse's condition.

Representations

None received during the 21-day statutory consultation period.

Following concerns raised with the applicant's agent with regards to the proposal, seven letters of support were received. Most of the authors support the applicants as they have known them for many years and welcome someone living on the site to increase welfare for their stock and horses as well as adding security to this rural area. They state that this area needs more small enterprises to create jobs and support the local economy.

Observations

The site lies within the open countryside and so outside of any settlement's development boundary. Policy NW2 (Settlement Hierarchy) in the Core Strategy 2014 states that for these locations, development will be limited to that necessary for agriculture, forestry or other uses that can be shown to require a rural location. The key consideration here is whether there is an essential agricultural case to retain a permanent residential presence on the site albeit through a temporary mobile home.

National Planning Policy Framework paragraph 55 contains the guidance for local planning authorities in relation to housing in rural areas and sets out that, with a few exceptions, housing should be located where it will enhance or maintain the vitality of rural communities and that new isolated houses should be avoided. One such exception is "*The essential need for a rural worker to live permanently at or near their place of work in the countryside.*" The Development Plan reflects this position.

It is accepted that the former PPS7 is no longer a material consideration of weight, but the functional test that it contains is still a useful tool or starting point for assessing agricultural need and the consultant's analysis has used it. Moreover it is referred to in the relevant Saved Policy from the Local Plan which still carries Development Plan status – HSG3.

This proposal is for the erection of a temporary residential dwelling house for a period of three years to be occupied by persons employed in an equestrian and a goat rearing business. The Council's Consultant Rural Agent has been consulted and has provided a comprehensive report following a site meeting with the applicant. In his report, he runs through each of the criteria set out in the Annex against which to assess the operational and management function of the business. It also includes his response to the applicant's comments on that advice. It is clear that from all of that evidence that he considers that there is no functional need to have permanent residential presence on the site.

As a consequence of this conclusion, it would not normally be necessary to look at the financial test outlined in the Annex. The Council's Advisor has, however, done this in his report. His conclusion reflects that of the functional test there is no sound business plan for the operation.

The test on sight and sound is considered to be subjective. For this proposal, it is considered that this site already has measures in place for welfare and security for the current stock levels. The stable building has security cameras linked to the applicants' phone system. In addition to this, the applicant's own dwelling is one mile away from the site being in Tamworth Road, Wood End. They can access the site in around 5 minutes and so it is considered that they already have a quick and easy access to reach the site. Indeed, they already perform early and late night checks from this location. Each livery client also has unrestricted access to the site in the event of illness or monitoring their horse's condition. In addition to this, the applicants' and their livery clients benefit from permitted development rights on this site which allows them occasional overnight stays on the site as required up to a maximum of 28 days in a calendar year.

There are no planning permissions on this site for any equestrian uses or for any stable blocks. However, the building on site housing these stables appears to be long established and so it is assumed that the use is established. An agricultural determination has been approved in 2014 for a new building measuring 18 by 9 metres in footprint and 4 metres to its ridge to be used as a barn for the storage of hay, feed, bedding and equipment. This building must be used for agricultural purposes.

In light of the technical advice received it is considered that there is not a case in principle to support residential presence on the site as required by the National Planning Policy Framework and the Development Plan.

In terms of other planning considerations then the design of the mobile home is not in keeping with this rural area. The mobile home is in an isolated location and so its siting would not result in a loss of amenity, privacy or loss of light to any neighbouring properties. The vehicular access into the site is considered to be acceptable.

In conclusion it is considered that whilst there is some evidence of an initial intention to develop an equestrian and agricultural business, the evidence put forward by the applicant is insufficient to support an essential functional need for permanent residential presence on the land. This is a conclusion supported by the Council's Agricultural Advisor.

Whilst evidence of an initial intention to develop the enterprise has been shown, the longer term sustainability of the business has not been evidenced. The business is still in its infancy and is not profitable.

The six letters of support for this proposal are acknowledged. However, without verifiable agricultural justification, the proposal remains unsustainable and to support it would represent approving a new isolated house, which the NPPF states: "should be avoided unless there is a clear case for requiring a rural location." Such an approval could also set a

precedent for similar proposals for new dwellings in the open countryside. As such the proposal fails to accord with Policies NW2 of the North Warwickshire Core Strategy 2014 together with saved Policy HSG3 of the North Warwickshire Local Plan 2006 and the National Planning Policy Framework and thus is recommended for refusal.

Recommendation

That the application be **Refused** for the following reason:

The site lies within the open countryside and so outside of any settlement's development boundary. Policy NW2 (Settlement Hierarchy) in the Core Strategy 2014 states that for these locations, development will be limited to that necessary for agriculture, forestry or other uses that can be shown to require a rural location. In this respect those considerations put forward by the applicant have not been shown to provide sufficient evidence to support an essential functional need for permanent residential presence on the land. Whilst evidence of an initial intention to develop the enterprise has been shown, the longer term sustainability of the business has not been evidenced. Therefore, without verifiable agricultural justification, the proposal remains unsustainable and to support it would represent approving a new isolated house in the countryside, which the National Planning Policy Framework states: "should be avoided unless there is a clear case for requiring a rural location." As such the proposal fails to accord with Policies NW2 of the North Warwickshire Core Strategy 2014 together with saved Policy HSG3 of the North Warwickshire Local Plan 2006 and the NPPF.

Notes

1. Notwithstanding this refusal, the Local Planning Authority has worked with the applicant in a positive and proactive manner through seeking to resolve planning objections and issues and providing the opportunity to overcome reasons for refusal. However despite such efforts, the planning objections and issues have not been satisfactorily addressed. 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

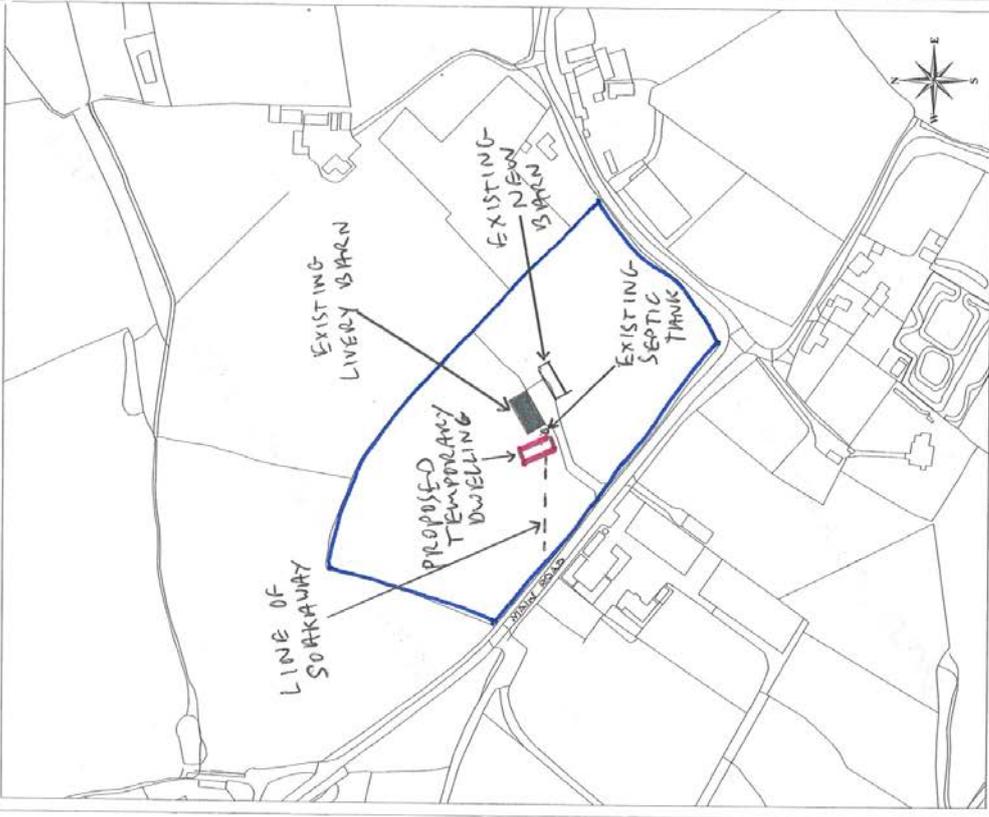
Planning Application No: PAP/2015/0483

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant's Agent	Application Forms, Plans and Statement	27/7/15
2	Paul Rhodes	Appraisal Report	August 2015
3	Applicant's Agent	Additional Information	10/9/15
4	S. Wilkinson	Email to agent	21/9/15
5	A. Trenfield	Letter of support	23/9/15
6	D. Kerrigan	Letter of support	23/9/15
7	N & J Ingram	Letter of support	23/9/15
8	Mr & Mrs Cheneler	Letter of support	Rec'd 25/9/15
9	S. Booth	Letter of support	24/9/15
10	G. Gordon	Letter of support	28/9/15
11	Mrs S Nicholls	Letter of support	23/9/15

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.

SITE PLAN



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Ordnance Survey 100017910

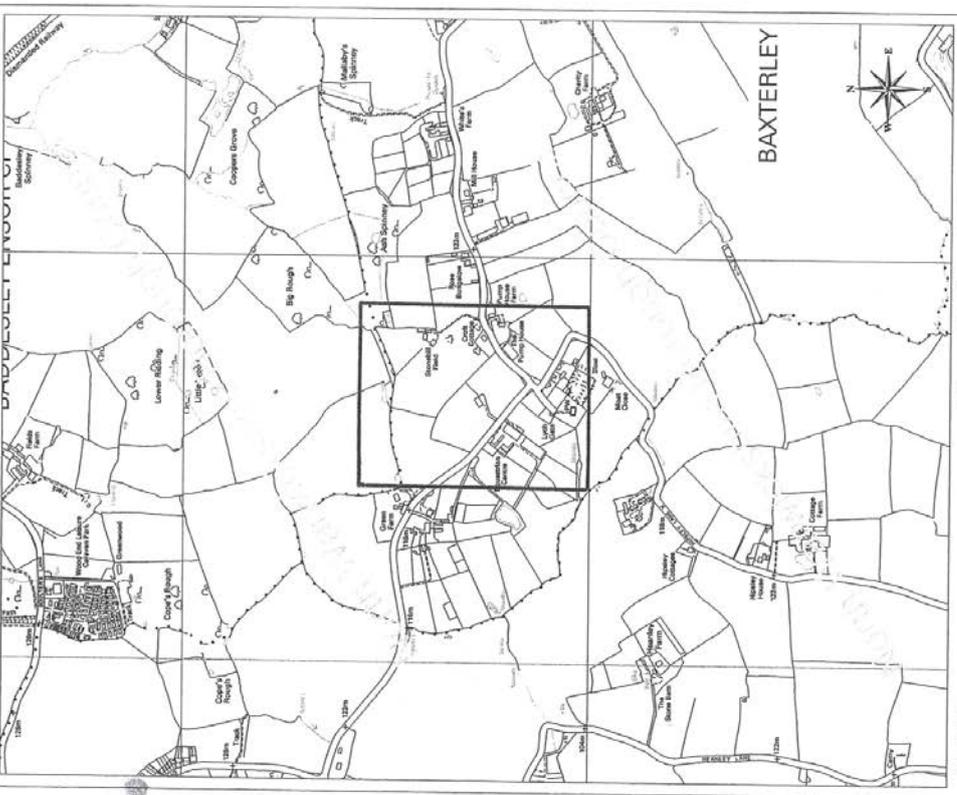
Date: 15/10/14
Scale: 1:2500



THE BEAMBLES
MAIN ROAD
BAYTEALEY
ATHERSTONE
CV9 2LW

North Warwickshire
Borough Council

LOCATION PLAN



© Crown copyright and database rights 2013 Ordnance Survey 100017910

Date: 15/10/14
Scale: 1:10000



North Warwickshire
Borough Council

(8) Application No: PAP/2015/0550

Land Adjacent to 10, Dog Lane, Nether Whitacre,

Erection of 11 dwellings and all associated works, for

Whiterock Homes Ltd

Introduction

The receipt of this application was reported to the October Board meeting when it was resolved that a site visit take place. This has now occurred and the matter is referred back to the Board for determination.

A copy of the previous report is attached for convenience at Appendix A. It describes the site and the nature of the proposal as well as identifying the relevant Development Plan policies.

Members are reminded that the 2009 Direction may apply to this case. This Direction defines when planning applications should be forwarded to the Secretary of State for his own determination. Reference will be made to this later in the report.

Additional Information

There have been no changes to the proposal since the October meeting. However the applicant has clarified the nature of the proposal. The proposed development is for eleven houses to meet identified need. In the application itself, this is described as being for 6 for social rent and 5 for open market dwellings. It has been confirmed that the open market houses will be discounted and this will be written into any Section 106 Agreement such that it would continue in perpetuity. Additionally, the first occupation of all of the properties will be focussed on those within the Parish, as identified by the Housing Needs Survey and that this "locality" clause will remain when the properties are subsequently occupied.

Secondly Members should be aware that a planning application has been submitted for the residential redevelopment of the ex-Serviceman's Social Club in Station Road. Its receipt is reported elsewhere on this agenda. This is for ten houses none of which would be "affordable". This is one of the sites referred to by the applicant in the Dog Lane case in the supporting statement relating to the search for alternative sites. He states that the new application here supports his case as that site is no longer available.

Representations

Nether Whitacre Parish Council objects to the proposal. It refers to the following matters:

- The site is in the Green Belt and outside of the village development boundary.
- The 2014 Housing Needs Survey was not reliable as it did not go to all households; is out of date, not appropriately worded and is only an indicator of "want" not "need".
- This would be out of scale with the existing size of population in Dog Lane
- It is not adjacent to the village
- It is not a suitable site for affordable housing

In expanding on its objection relating to local housing needs, the Parish Council conducted its own survey which asked respondents to answer the question, "I do/do not support the need for affordable housing in Nether Whitacre" and it mentioned that any new scheme for affordable housing would undoubtedly mean building in the Green Belt.

The Parish distributed this to all parishioners (over 400). 102 were returned with 80 responding that they did not support the need for affordable housing whilst 22 supported the need but with the caveat that the majority said this should be on brownfield land and only for local people.

Thirty six letters of objection have been received from the local community. The matters raised include:

- It is in the Green Belt – inappropriate and impacting on openness
- It would disrupt a quiet area
- Housing has already occurred in Whitacre - the former garden centre
- It's an unsustainable location
- There are properties available in Whitacre Heath
- The Housing Needs Survey cannot be relied on
- The alternative sites should have been used
- There are no amenities/services here or in Whitacre. The site is only accessed from a single track road.
- Loss of privacy and amenity due to the new build close to existing houses
- The site is not a preferred option of the Council

Eleven letters of support have been received. The matters raised include:

- The authors are local to the area and would like the opportunity to stay here
- The adjoining houses were Council houses
- Local people should have the opportunity to live locally close to their families.

Consultations

Severn Trent Water Ltd – No objection

Environment Agency – No objection

Warwickshire County Council as Lead Local Flood Authority – No objection subject to standard conditions about the design and implementation of sustainable surface water drainage systems.

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

Environmental Health Officer – No Comments to make

Assistant Director (Leisure and Community Development) – A financial contribution towards enhancement of local recreation areas would be sought, particularly for play equipment in Whitacre Heath. It is estimated that this should be around £7100.

Assistant Director (Housing) – It is confirmed that the Housing Needs Survey is a robust and objective analysis of local housing need. This is corroborated by the evidence of the most up to date figures on the Council's own housing waiting list. This shows twelve entries with half of these being for two-bedroom houses. Of the twelve, two are from Nether Whitacre with nine others resident elsewhere in the Borough. It is considered that the survey undertaken by the Parish Council during the late summer of 2015 is not a robust housing needs survey.

Development Plan

Core Strategy 2014 – NW1 (Sustainable Development); NW2 (Settlement Hierarchy), NW3 (Green Belt), NW5 (Split of Housing Numbers), NW6 (Affordable Housing Provision), NW10 (Development Considerations) and NW12 (Quality of Development).

Other Material Planning Considerations

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

The National Planning Practice Guidelines 2014

The 2009 Direction

Observations

a) The Green Belt – Appropriate or Not Appropriate Development

The site is in the Green Belt and as Members are aware there is a particular five step process that needs to be followed in the determination on this application. The first step is to establish whether or not the proposed development is appropriate or not appropriate development. New buildings proposed in the Green Belt are not appropriate development by definition in the National Planning Policy Framework. This would apply here. However the National Planning Policy Framework contains a number of exceptions and so it will be necessary to assess the proposals against those exceptions that are relevant. The only relevant one is where the development is for, “limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan”. In respect of the first of the two matters included here, it is considered that the proposal cannot be treated as limited infilling here as the development would clearly extend existing built development into an arable field with no other surrounding development. It is the second matter within this exception that needs deeper analysis.

The National Planning Policy Framework refers to “limited affordable housing for local community needs under policies set out in the Local Plan”. There are thus several elements within this definition. The whole however is really conditional on the “policies as set out in the Local Plan”. Policy NW2 of the Core Strategy says that “development for affordable housing outside of development boundaries will only be permitted where there is a proven local need; it is small in scale and is located adjacent to a village”. Policy NW3 says that housing sites would have to be locally affordable in perpetuity. Policy NW5 says that outside of named settlements “only affordable housing where there is a proven local need and it is small in scale and does not compromise important environmental assets” will be supported. Policy NW6 says that schemes of between 1 and 14 units should provide 20% affordable housing provision. The policies common themes are “proven local need” and “small in scale”. The reference to not compromising important environmental assets will be looked at below in the section under Other Harm. The reference to “adjacent to a village” will be dealt with later in this section.

Taking the two common themes first, then it is agreed that the development is small in scale. Whilst eleven dwellings would add to the houses already along Dog Lane, the % increase in the Parish as a whole is small. The Parish is taken as the base-line here because the reference to “small in scale” is in the policy context of affordable housing. The local housing need has been defined by the Needs Surveys whether undertaken by the applicant or the Parish Council on a parish wide basis and the Waiting List evidence is also collated on a Parish basis. The second theme is “proven local need” and this now needs further assessment.

The applicant is evidencing that there is a proven local need through the Housing Needs Survey undertaken by the Warwickshire Rural Housing Association and that his proposals would deliver 100% affordable provision to meet that need. This carries significant weight. It has been carried out independently by a recognised and respected organisation qualified in the relevant area. The conclusions have been verified by the Council's own housing staff as they have contacted those individuals who expressed a housing need. It has therefore been robustly checked to identify need rather than aspiration and the individual needs professionally assessed. This has directly led to the proposals now submitted in terms of numbers; house type and kind of tenure. The survey was completed in 2014 and as such it has been suggested that it is dated. Moreover there is criticism that the survey did not go to all households in the Parish. In response, the applicant has referred to the evidence of the Council's own current waiting list as identified by the housing officer above. It is said that this corroborates the 2014 survey supporting the overall level of housing need with up to date information. This is agreed and the Council's own evidence base therefore adds weight to the applicant's case. In rebuttal of this conclusion, the Parish Council undertook its own housing needs survey in the late summer. This is reported above in the representation section. However there is a fundamental serious issue with this survey. It is not a housing needs survey – there is no request for individual housing needs to be identified whether by type of accommodation or tenure and therefore no professional assessment of any individual's housing need. As a consequence no weight can be attached to it. In these circumstances it is considered that the proposed development does represent proven local need particularly as the applicant has confirmed that the provision will be made in perpetuity with a locality clause thus addressing policy NW3 of the Core Strategy on the Green Belt.

Turning therefore to the other matters raised in the relevant policies, then it is considered that there is no significant environmental harm caused in terms of adverse impacts on heritage or ecological assets as no objections have been received from any of the relevant Agencies. This issue however will be explored further below.

It is agreed that the site is not adjacent to a village. Whilst there is a line of houses here in Dog Lane and the proposals are certainly adjacent to this frontage, it can best be described as a hamlet. There will be historic evidence to show that Nether Whitacre was originally focussed here – e.g. the Church – but the main settlement is now at Whitacre Heath. This particular policy matter is thus not satisfied.

Returning therefore to the full NPPF definition of the particular exception here, it is considered that this proposal does represent, "limited affordable housing for local community needs", but that it does not meet the full requirements of all of the relevant Local Plan policies – i.e. NW2. However greatest weight here is given to policy NW3 as the site is in the Green Belt and this therefore has to be the most relevant policy. The development is for local affordable housing in perpetuity satisfying the wording of NW3. As a consequence it is considered that the overall approach of the purpose of the exception is satisfied – that of providing 100% local affordable housing - and that as such the proposal should therefore be treated in principle as appropriate development. However the issue of the location for meeting this provision will have to be re-visited later in this report.

As a consequence the presumption here is that the proposal can be supported in principle.

b) Other Harm

The next step in the process is to establish whether there would be harm caused by the proposal.

It is agreed that the proposal would extend built development onto open arable land and thus as a matter of fact and degree there would be a loss of openness of the Green Belt here and that there would be an adverse impact on one of the purposes of including land within the Green Belt – namely safeguarding the countryside. These matters would lead to the conclusion that there would be substantial Green Belt harm caused by this proposal.

In terms of other harm, then the Highway Authority has no raised an objection and neither has the County Council as Lead Flood Authority. Their concerns can be dealt with through standard planning conditions. The Environmental Health Officer has no objection. There are no recognised heritage or nature conservation assets designated on the site or in its vicinity. As a consequence it is not considered that there would be harm arising from these matters.

The design and appearance of the proposal is not considered to be of a nature that would cause harm to the area. The overall design is rural and thus traditional in character and is well set back from the road frontage with much of the existing hedgerow retained. The two units that project from the overall building line are not in keeping but not to the extent that they would lead to a refusal on design grounds. This is because they are two single storey bungalows.

It is acknowledged however that the proposed development would have an impact on the residential amenity of the occupier of the end house of the existing frontage. New built form would appear where there is none at present and there would be increased residential activity along the length of the present side boundary. Separation distances between the existing side gable and proposed rear elevation would be some 16 metres. It is considered that the impact here would be significant.

As a consequence it is considered that substantial harm would be caused to the openness of the Green Belt and that significant harm would be caused to the residential amenity of the adjoining occupier.

c) The Applicant's Case

The applicant too considers that the proposal is appropriate development in the Green Belt, but acknowledges that if a different view is taken, then the onus is on him to identify the material planning considerations which the Council can then assess to see if they amount to the very special circumstances necessary to outweigh both the Green Belt and other harm caused by the inappropriateness of the development. He identifies two such considerations.

The first is the identification of a local housing need and its direct translation into the proposals. The 2014 Survey not only investigated the actual affordable housing need of the Parish but also studied the need for market rent level housing and open market housing. That survey identified a need. The applicant acknowledges that the Survey did not initially cover the whole parish but on finding this out, extended the survey which added to the original need. The applicant too draws attention to the independent corroborative evidence of the Council's own housing waiting list data. He also says that if there are further households who were not surveyed then this could only suggest that "needs" could potentially increase not decrease.

The second consideration put forward is the applicant's site selection process which he says concludes that no other sites are available to deliver this identified need. The applicant has provided a statement which identifies a search undertaken throughout the Parish that might yield a site capable of delivering the identified housing need. The prime alternative site was the Ex-Serviceman's Social Club on Station Road at the southern end of Whitacre Heath. The site was not followed through because it was no longer for sale and thus not available; it was insufficient in size for the eleven houses identified, it was in Flood Zone 3 where the

Environment Agency's advised floor levels would have a serious visual impact and the abnormal costs of demolition, remediation and flood prevention measures. Other sites too were explored – land west of Station Road further to the south was not available as the owner was not prepared to sell; land close to the former Garden Centre site in Reddings Lane was not pursued due to abnormal development costs and land identified in the Councils Preferred Options in Coton Road was dismissed as being too small. No other alternative sites have been put forward by the local community. The applicant points out that the recent submission of the application on the Ex-Serviceman's Social Club site evidences its unavailability.

It is acknowledged that these two considerations carry substantial weight. They are both relevant to the matter in hand and are soundly based on up to date evidence. It is therefore now necessary to balance all of these considerations within a final assessment.

d) Final Assessment

It was concluded above on the balance of the evidence available that the proposals could be treated as being appropriate development in the Green Belt, thus carrying a presumption of support. The issue is whether the identified harm is of sufficient weight to outweigh that conclusion.

There are three areas to consider here – the location of the site (not being adjacent to a village); the impact on the openness of the Green Belt and the amenity impact on neighbouring occupiers.

The first is about the location and this refers back to the issue raised when exploring the appropriateness of the development. Planning policy (NW2 of the Core Strategy) is clearly meant to promote locations close to existing settlements thus not leading to dispersed development and so as to better support existing village services - in other words, to retain a sustainable approach. This provision is not met here and thus the Board has to consider whether this carries sufficient weight to override the appropriateness of the development by virtue of its affordable housing provision. It is considered that it is not. There are several reasons for this. The first and most substantial is that there is no other site available to deliver the identified housing need. The applicant has undertaken a proper sequential analysis and sites have been dismissed for proper reasons; there is no reasonable alternative prospect being suggested or promoted by the local community and its preferred alternative is simply no longer available. Even if that developer would agree to on-site provision, planning policy would only require him to provide 20% of such housing – two in this case. This does not meet the identified need thus leaving no other option but to deal with other sites. Secondly, the applicant will deliver the provision. It is his business to do so and there is a proven track record of such outcomes. Thirdly, as the Parish Council accepts, there are limited public transport links to Whitacre Heath or Nether Whitacre. As a consequence occupants of any new housing anywhere in the Parish will use private transport. Indeed the evidence behind the needs survey suggests that they commute to jobs elsewhere presently. In other words they presently rely on their own private transport. For all of these reasons it is considered that the "location" issue here is substantially weakened and thus carries no weight given the lack of reasonable alternatives.

It is acknowledged that there are no matters that would mitigate or lessen the other two adverse impacts recognised above. This could only be achieved through reducing the size of the development and/or amending the layout. The applicant has elected to do neither.

The final assessment therefore is to balance the identified harm against the delivery of 100% local affordable housing provision. It is considered that the greater public benefit here rests with the housing provision given the proven need, the lack of an alternative site and the Borough's overarching issue of delivering significant levels of affordable housing.

All of the above is premised on the conclusion that the proposal is appropriate development in the Green Belt. If the Board concludes differently then it will have to assess the planning considerations identified by the applicant in (c) above to see if they are of sufficient weight to amount to the very special circumstances necessary to outweigh the harm caused by the inappropriate development. It is not proposed to argue that case here suffice to say that it is considered that they would, for the reasons expressed earlier in this section.

There has to be mention here of two other matters.

Members are aware of the recent appeal decision at Eastlang Road in Fillongley and may be considering how they might compare. There is a substantial difference in that case to the present application. That case included open market housing which was not related to any local housing needs. It did not thus meet the NPPF requirement of being locally affordable housing, nor Development Plan policy of being 100% locally affordable housing in perpetuity. The current case here does.

Secondly, because it is concluded that the proposal is appropriate development there is no requirement for a referral to the Secretary of State under the 2009 Direction. If the Board concludes that it is inappropriate development and that it is minded to support the proposal, then it would require referral as the gross floor-space is over the threshold set out in that Direction.

Recommendation

That subject to completion of a Section 106 Agreement to deliver 100% locally affordable housing in perpetuity and the off-site recreation contribution, planning permission be **GRANTED** subject to the following conditions:

1. Standard Three year condition
2. Standard Plan Numbers condition – the location plan and plan numbers 1501/09G; 10A,11A, 12A, 13B , 14B together with plan numbers 249/D01 and 6543/100/PO all received on 28/8/15

Pre-Commencement Conditions

3. 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 first been submitted to and agreed in writing by the Local Planning Authority. Only the approved scheme shall then be implemented on site.

REASON

In order to reduce the risk of flooding

4. No development shall take place until a Construction Management Plan has first been submitted to and approved in writing by the Local Planning Authority. This shall include hours of working, hours for deliveries and the measures to be installed to limit the spread of waste material onto the highway. The approved Plan shall be adhered to at all times during the construction period.

REASON

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

5. No development shall commence until such time as details of all of the facing and surfacing materials to be used have first been submitted to and approved in writing by the Local Planning Authority. Only the approved materials shall then be used.

REASON

In the interests of the visual amenities of the area.

6. No development shall commence on site until full details of how the open space shown on the approved plan and the surface water drainage system to be approved under condition (3) have first been submitted to and approved in writing by the Local Planning Authority.

REASON

In the interests of reducing the risk of flooding and the visual amenities of the area.

7. No development shall commence on site until such time as details of the root and tree protection measures to be installed during construction have first been submitted to and approved in writing by the Local Planning Authority. The approved measures shall then be installed prior to construction commencing and remain on site until completion

REASON

In the interests to visual amenities of the area and promoting bio-diversity

Other Conditions

8. No development within Classes A, B and C of Part 1 of Schedule 1 to the Town and Country Planning (General Permitted Development) (England) (Order) 2015 shall take place.

REASON

In order to retain the openness of the Green Belt.

Notes

1. The Local Planning Authority has met the requirements of the National Planning Policy Framework in this case by thoroughly exploring all of the planning issues arising from the proposals and seeking resolution through conditions and an Agreement
2. Standard Radon Gas note
3. Standard Coalfield Advice note
4. Attention is drawn to Section 278 of the Highways Act 1980; the Traffic Management Act 2004 and the New Roads and Street Works Act 1991. Further guidance and advice can be obtained from the Highway Authority in this regard.
5. The scheme required under condition (4) above shall undertake infiltration testing in accordance with BS 365; demonstrate that the scheme is designed in accordance with CIRIA C697, C687 and the National SUDS Standards, ideally limit the discharge rate generated by all rainfall events up to and including the 100 year plus 30% critical rain storm, demonstrate compliance with Science Report SC030219 "Rainfall Management for Developments", and demonstrate detailed design in support of the scheme, any attenuation systems and outfall arrangements including calculations for a range of return periods.
6. The Warwickshire County Council acting as Lead Local Flood Authority does not consider that oversized pipes or box culverts are sustainable drainage.

BACKGROUND PAPERS

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

Planning Application No: PAP/2015/0550

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	28/8/15
2	Severn Trent Water	Consultation	13/10/15
3	Assistant Director (Leisure and Community)	Consultation	22/10/15
4	Environment Agency	Consultation	12/10/15
5	Warwickshire County Council (Flooding)	Consultation	13/10/15
6	Warwickshire County Council Highways	Consultation	25/9/15
7	Environmental Health Officer	Consultation	22/9/15
8	Environmental Health Officer	Consultation	16/9/15
9	V Iveson	Objection	5/10/15
10	D and I Starkey	Objection	6/10/15
11	M Potts and V Iveson	Objection	3/10/15
12	M Potts	Objection	3/10/15
13	J Applegarth	Objection	5/10/15
14	L Pulley	Objection	30/9/15
15	P Maclaren	Objection	30/9/15
16	Mr & Mrs Lee	Objection	30/9/15
17	G Gamble	Objection	22/9/15
18	D and J O'Reilly	Objection	28/9/15
19	J Leigh	Objection	28/9/15
20	K Leigh	Objection	28/9/15
21	C Harding	Objection	1/10/15
22	M Johnston	Objection	1/10/15
23	J Howell	Objection	28/9/15
24	A Burley	Objection	30/9/15
25	A Hughes	Objection	30/9/15
26	E Waters	Objection	30/9/15
27	J Rimmer	Objection	30/9/15
28	Mrs Harding	Objection	1/10/15
29	R Pulley	Objection	29/9/15
30	G Godwin	Objection	29/9/15
31	Mr and Mrs Carford	Objection	24/9/15
32	J Hoskin	Objection	28/9/15
33	R Jones	Objection	23/9/15
34	S Emerson	Objection	23/9/15
35	S Powell	Objection	23/9/15
36	S Steele	Objection	24/9/15
37	P Ruse	Objection	23/9/15
38	S Russell	Objection	24/9/15
39	D Owen	Objection	21/9/15

40	A Masters	Objection	28/9/15
41	S Rice	Objection	26/9/15
43	C and M Coyne	Objection	29/9/15
44	J Naylor	Objection	16/9/15
45	J Thompson	Objection	20/9/15
46	L Henderson	Objection	17/9/15
47	E and R Harris	Support	22/9/15
48	E Seal	Support	22/9/15
49	K Seal	Support	22/9/15
50	J Lowe	Support	25/9/15
51	J and R Tomlinson	Support	24/9/15
52	L Dodwell	Support	29/9/15
53	N Lowe	Support	25/9/15
54	Mrs and Mrs Tomlinson	Support	29/9/15
55	K Carney	Support	30/9/15
56	S and N Smith	Support	30/9/15
57	C Mander	Support	29/9/15
58	J Hughes	Support	1/10/15

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.

Erection of Eleven dwellings to meet identified needs and all associated works for**Whiterock Homes Ltd****Introduction**

This application is reported to the Board at the discretion of the Head of Development Control because there has been significant local interest in the proposals prior to submission and because the determination will rest on a finely balanced assessment of the planning merits. In this circumstance it is suggested that the Board should visit the site.

The Site

This is a rectangular area of part of a much larger arable field on the north side of Dog Lane just beyond a line of semi-detached houses. It measures 0.5 hectares. There is a scatter of residential buildings opposite and the Dog Inn Public House is about 200 metres to the west. The site is generally level and is presently bounded by a hedgerow along its frontage. A new boundary would be made along the rear of the site.

Dog Lane is a small country lane with a junction to the main Tamworth Road – the B 4098 - about 800 metres to the west. To the east it is a single lane carriageway through open countryside. Nether Whitacre has around two dozen residential properties generally located on either side of Dog Lane between the site and the Tamworth Road junction.

The site location is illustrated at Appendix A.

The Proposals

The proposal is for the provision of eleven new houses and bungalows of mixed tenure to meet identified local housing needs comprising six for affordable rent and five for local market sale. The applicant has worked with both the Housing Officers at the Council and with the Warwickshire Rural Housing Association to provide this scheme which matches the Parish's housing needs as identified in the Association's housing survey. The site will offer two two-bedroom bungalows, three three-bedroom and one four bedroom dwellings for affordable rent and two two bedroom and three three-bedroom dwellings for market housing.

The layout shows a single new access onto Dog Lane leading to a small curved cul-de-sac such that the proposed houses are set well back behind the existing frontage. This also enables an area of open space to be provided. The frontage hedgerow would be retained outside of the access requirements and the existing frontage trees at the eastern end of the site would be retained. Four plots next to the existing houses in Dog Lane are turned through ninety degrees and thus will stand forward of the existing building line. These would be two houses at the rear and two bungalows at the front. All eleven houses have small rear gardens and each has two car parking spaces together with space for cycle storage, refuse and recycling bins. The cul-de-sac may not be put forward for adoption as the intention is to use block paviors as surfacing materials and low level kerbs and dedicated service strips with lighting bollards so as to retain a rural appearance rather than have a full specification up to adoption standards.

The proposed layout is at Appendix B and the street scene is illustrated at Appendix C.

A number of supporting documents have also been submitted.

An Arboricultural Report describes the frontage hedgerow trees as well as those in the hedgerow on the opposite side of the lane. No tree would need to be removed to construct the access and root protection areas are advised for the remaining trees. However one of the trees – an ash – on the other side of the lane and within other ownership is recommended for felling as it is over-mature and showing signs of extensive dieback. The hedgerow itself is of good quality.

An Ecology report concludes that the site is low ecological value with the site itself being a cultivated crop. In order not to reduce bio-diversity further, the report recommends retention of as many of the trees and as much of the hedgerow as possible along with ecological enhancements. No signs were found of any protected species but the trees may have some limited use for bat foraging.

A Design and Access Statement describes how the layout and design and appearance of the housing have been arrived at identifying existing built characteristics in the area.

A Housing Needs Survey for Nether Whitacre is attached. This was undertaken in July 2014 by the Warwickshire Rural Housing Association. Over 300 survey forms were distributed and 91 were returned giving a 30% response rate which is considered to be good by the Association in its experience. Of the returns, ten indicated a need for housing – the remainder felt that they were adequately housed. Those ten were investigated further and five were assessed as in need of affordable rented accommodation – two for a two bedroom bungalow; two for a three bedroom house and one for a four bedroom house. Five were assessed as in need for open market housing – two for a two bedroom house and three for a three bedroom house. This amounts to ten new dwellings. However, since the survey was carried out, the Association has become aware of a further need and this is added to this application to make the eleven.

A Public Consultation Event took place in the Parish in June 2015. Of the 90 people who attended, 83 provided written comments. Four of these were wholly supportive and nineteen opposed the proposal. The remainder commented on specific concerns or made suggestions without giving a firm written view. The matters raised by those opposed include – it is not a sustainable location as was the Bloor development at the former garden centre site; it is green belt, it will spoil countryside, there are no amenities and there will be traffic issues.

A Planning Statement pulls together a number of planning policy issues. However it commences with an outline of how this site was selected. Significantly, it identifies a number of alternative sites that were investigated and outlines the reasons why these did not become available – see Appendix D. This explains that sites in Whitacre Heath were explored, particularly that of the ex-Serviceman's club in Station Road. However Environment Agency advice, amongst other matters, precluded its redevelopment. There were other sites looked at in the area including one suggested by the Parish Council. In short none of several alternatives looked at was available, of the right size to accommodate the identified need or they were subject to development constraints. The applicant has thus pursued the current site arguing that it meets the definition of appropriate development in the Green Belt.

Representations

Members should be aware that all households in the Parish have been notified of the application.

Development Plan

The Core Strategy 2014 – NW1 (Sustainable Development); NW2 (Settlement Hierarchy), NW3 (Green Belt), NW4 (Housing Development), NW5 (Split of Housing Numbers), NW6 (Affordable Housing Provision), NW10 (Development Considerations), NW12 (Quality of Development) and NW13 (Natural Environment)

Saved Policies of the North Warwickshire Local Plan 2014 – ENV12 (Urban Design), ENV13 (Building Design) and ENV14 (Access Design)

Other Material Planning Considerations

The National Planning Policy Framework 2012

Observations

The site is in the Green Belt and as Members are aware there are a number of steps that need to be taken when assessing the proposals against the provisions of the National Planning Policy Framework in this regard. One of these is to establish the impact of the proposals on the openness of the Green Belt and the visual impact of the development. A site visit would assist in this assessment.

In this case the balance between Green Belt policy and housing needs will be the fore of the discussion when the Board determines the application, and thus a better understanding of the setting of the site is also recommended.

Recommendation

That receipt of the application is noted and that a site visit is organised prior to determination.

BACKGROUND PAPERS

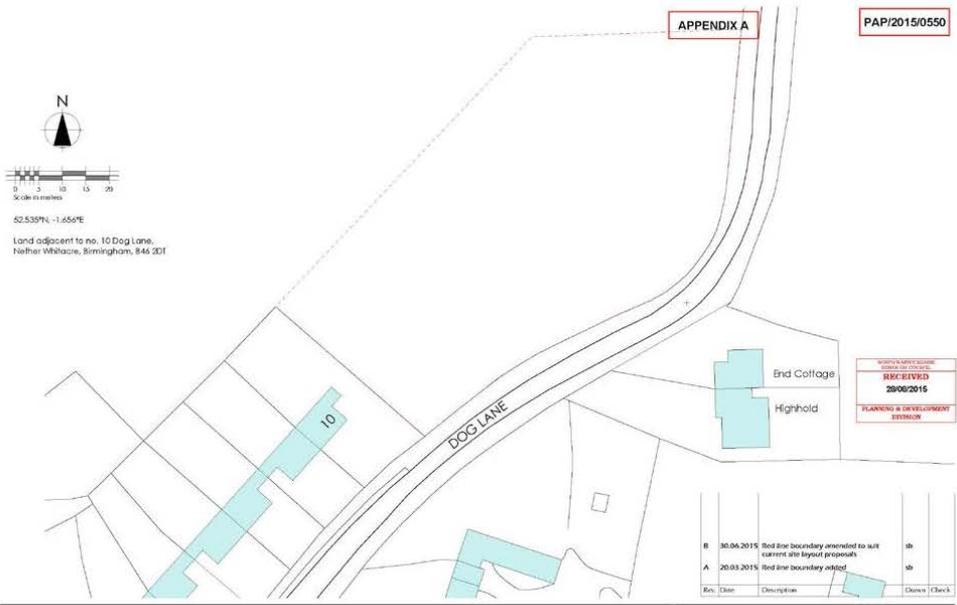
Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Planning Application No: PAP/2015/0550

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	28/8/15

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 Assessment



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Contract	Client	Sheet Title		
Dog Lane, Nether Whitacre	Waterrock Homes	Existing Site		
Date	Scale	Drawn By	Checked By	Drawing Number
06.01.15	1:500	L. Bradley	S. Buchan	1501-01B



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WALKER TROUP
1501-16

Plot No. 1501-16

Project Name: 1501-16

Client: Walker Troup

Scale: 1:100 @ A1

Date: 22/06/2015

Author: J. HODDY

Checker: S. BURTON

APPENDIX D

PAP/2015/0550



Planning Statement

For

**Erection of 11 dwellings to meet local identified needs
and all associated works**

At

Dog Lane, Nether Whitacre

For

Whiterock Homes Ltd

1. Scope of Statement
2. Details of pre-application advice
3. Site selection process
4. Context of site and constraints
5. Identified Local Housing Needs
6. Planning policy assessment including Green Belt
7. Visual impact on character of area
8. Impact on neighbours
9. Conclusion

1: Scope of Statement:

- 1.1 This statement is written by Jayne Cashmore of Creating Homes on behalf of Whiterock Homes Ltd. The Statement accompanies an application for the erection of 11 dwellings at Dog Lane, Nether Whitacre to meet the identified needs within the Nether Whitacre Housing Needs Survey. As the development includes both open market and affordable dwellings, Whiterock Homes Ltd intend to develop the houses in conjunction with Warwickshire Rural Housing Association/Stonewater Housing Association.
- 1.2 The statement first provides detail on pre-application advice received, then provides detail on the site selection, details the site and constraints, details of the identified local housing needs, and then provides an assessment of planning policy, visual impact on character of area, and impact on neighbours.

2. Details of pre-application advice

- 2.1 Whiterock Homes Ltd held a meeting on 24 February 2015 with Jeff Brown and Paul Roberts of North Warwickshire Borough Council. During the meeting, various alternative sites were discussed. The method of site identification/sequential approach is set out at section 3 of this statement.
- 2.2 Subsequent to this meeting and following identification of the Dog Lane site, Whiterock Homes Ltd worked on a number of layouts and held pre-application discussions with WCC Highways. 4 alternative layouts were submitted to Jeff Brown of North Warwickshire Borough Council for consideration. On 8 May 2015, Jeff Brown advised 'On the assumption that we will be looking at supporting the scheme then the key planning issue in respect of layout will be how to balance the impact on openness with delivering a scheme that reflects local character. To this end – option D is preferred. Much will depend on the design of the houses and the quality of the open space. I would strongly recommend that you visit the Islington Crescent development in Wood End which whilst not in the Green Belt, is much admired by Members and officers alike. Let's work on trying to improve Option D'. A drawing showing feasibility layout D accompanies this application.
- 2.3 Following this advice, a visit to the Islington Crescent development was made and layout D was progressed.
- 2.4 Consultation with the local community took place in June 2015 and a Statement of Community Involvement accompanies this application.
- 2.5 A further meeting took place on 29 June 2015 at North Warwickshire Borough Council offices with Paul Roberts and Jeff Brown, to feedback on the outcome of the public consultation event. Warwickshire Rural Housing Association were also present.
- 2.6 There has been full engagement with Nether Whitacre Parish Council by the attendance of Neil Gilliver (WRHA), throughout the process including the initiation of the Housing Need Survey, drop in sessions, various site

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identification discussions, including Dog Lane, all of which are recorded through the Parish Council minutes. At no time has the Parish Council objected to the potential of the identified application site in Dog Lane. The Parish Council have been very helpful and supportive at all stages of the process up to and including the Public Consultation.

3. Site selection process

- 3.1 As the housing need relates to Nether Whitacre Parish, it is vital that the development is provided within the Parish. There are two main settlements within the parish; Whitacre Heath and Nether Whitacre. They lie approximately 1 mile from each other. Whitacre Heath is the larger of the two villages, but both are small rural settlements with limited services. The Adopted Core Strategy policy NW2 identifies a settlement hierarchy. Whitacre Heath is identified as a Category 4 settlement and therefore arguably in locational terms, is a more sustainable settlement than Nether Whitacre. Nevertheless, whether a development is sustainable development goes significantly beyond the location of the site and it is key to consider that the identified housing needs which this development seeks to provide for relates to the entire parish of Nether Whitacre not just Whitacre Heath. Notwithstanding this, given Whitacre Heath is higher up the settlement hierarchy, sites were initially sought in the village. The sites considered in the sequential analysis are identified by the coloured markers below.



- 3.2 Ex-Servicemen's Club, Station Road, Whitacre Heath (marked yellow)

A feasibility report was carried out and is appended to this Statement (Appendix 1). The following reasons summarise why the site was unsuitable:

- No longer for sale and therefore not available

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- Insufficient site size for 11 dwellings
- Within flood zone 3. The Environment Agency advised that Floor levels would have to be set 1.7m higher which would have had considerable visual impact
- Prohibitive costs of development a brownfield site related to demolition, removal of hardstanding and initial land acquisition costs
- As the site is in flood zone 3, specialist insurers would have to be used which would be considerably more costly than a site lying outside of flood zone 3

The site was therefore discounted.

At the pre-application meeting on 29 June 2015, Jeff Brown of North Warwickshire Borough Council advised that this ex-serviceman site had now been sold to another individual who had advised the Council that the Environment Agency no longer required floor levels to be set 1.7m high and advised the applicant should once again consider the site.

Clearly the ex-serviceman site is no longer available as it has been sold to another individual. In itself, the brownfield ex-servicemans site is too small to deliver the 11 dwellings needed. However, in relation to the land surrounding, since that meeting, the applicant has corresponded with the Environment Agency (Appendix 2). They clarified their initial advice still applied and that there was no change of view. Paul Gethin (Sustainable Places Team Leader at the Environment Agency) advised he had not had communication with the purchaser of Station Road. This site has therefore been reconsidered at the request of the Council but is not available, suitable or deliverable for the proposed identified housing need.

Land west of Station Road, Whitacre Heath (marked blue)

This site lies outside the settlement boundary of Whitacre Heath and lies in the Green Belt. It is a greenfield site. The advantage of this site over the selected site is that in locational terms it is closer to the more sustainable settlement of Whitacre Heath. Whiterock Homes Ltd met with the landowners Mr Thwaite and Ms Dowling on 30th November 2014. They were not interested in selling any land or entering into any agreement for development. The site was therefore unavailable for development and discounted.

Other Sites in Nether Whitacre

Other sites within the Development Boundary of Whitacre Heath were examined however none were available on a large enough scale to provide for the 11 homes needed.

It is also noted that the Water Cycle Study states that in relation to Whitacre Heath, development is not ideal due to significant constraints from flood risk.

The other main settlement within Nether Whitacre parish is Nether Whitacre and a sequential approach was again applied, initially examining brownfield sites

Garden Centre site, Nether Whitacre (marked orange)

This site was unsuitable for the following reasons:

- Fairly detached from the settlement
- The site is not for sale
- Permission has been granted for 25 dwellings. This does not provide for the identified housing need

This site is therefore not available and the identified needs are not deliverable on this site.

Gates Lane/Readings Lane, Nether Whitacre (marked green)

Following the public consultation event, the Parish Council advised Warwickshire Rural Housing Association of a further piece of land which the landowner wished to be considered for the development. Whiterock Homes and WRHA therefore considered this site and met with the landowner on 29 June 2015.

A feasibility study of this site was considered and is appended to this report. It contains financial information and therefore should be kept confidential for consideration by planning officers. However, the feasibility study demonstrated that there were higher costs of developing the land. The site is completely covered by deciduous woodland planted by the owner many years ago and these trees are between 4 and 6 metres high. There are electric overhead cables running on the same side of the road. In addition, although the site lies in close proximity to the Garden Centre site, it has a poorer relationship to Nether Whitacre than the proposed site. Therefore given the higher development costs and less desirability of developing the site, sequentially, this site is less preferable than the Dog Lane site proposed for development in this application.

3.3 Regard has also been given to the Strategic Housing Land Availability Assessment (SHLAA) to identify whether there are any other sites of development potential in Nether Whitacre parish. It is noted that sites within the Green Belt were not considered within the SHLAA.

There was one relevant site in the SHLAA as set out below and marked red on the above aerial plan. The SHLAA concluded that the site was not currently developable. In any instance, it was not of sufficient size to meet the required housing needs.

Council Ref	PBA ID	Site address	Site Area (ha)	Greenfield/PDL	Category	Yield	Reason why unsuitable for proposed development
WH1	97	Land At 72 Nether Cottage, Whitacre Heath	0.20	Greenfield	3	7.04	Site size too small to meet all identified need.

- 3.4 The applicants have willingly considered all alternative sites. This included reconsidering sites at the request of the Council, and most recently consideration of the Gates Lane/Readings Lane site at the request of the landowner/Parish Council, even following considerable expenditure on the Dog Lane site. A comprehensive sequential test of site selection has been carried out first of all looking at sites within the development boundary of Whitacre Heath, as an identified larger settlement in the Core Strategy, then greenfield sites near Whitacre Heath, and also brownfield sites in and near Whitacre Heath and Nether Whitacre. The only site which is available, deliverable and financially viable is the Dog Lane site which has therefore been selected.

4. Context of Site and Surroundings

- 4.1 The application site lies on the edge of the settlement of Nether Whitacre and its location is shown marked pink on the above aerial plan. Nether Whitacre is a small village of sporadic, dispersed development with no overriding defined form or character.
- 4.2 The site forms part of an existing arable field and lies within the Green Belt. The south east boundary of the application site is demarcated by a hedgerow running adjacent Dog Lane. The land is predominately level. Two mature trees lie on the south eastern boundary. A tree survey has been carried out and accompanies the application.
- 4.3 When approaching from the North, the site will form the entrance point to the village from this vantage point.
- 4.4 To the south west of the site lies a linear development of semi detached dormer bungalows. To the south east of the site lies a number of residential dwellings on the other side of Dog Lane. To the north and west lies open countryside.

5. Identified Local Housing Needs

- 5.1 A detailed Investigation into the Housing Needs of Nether Whitacre was carried out by Warwickshire Rural Housing Association (WRHA) in July 2014. Nether Whitacre Parish consists of the villages of Nether Whitacre and Whitacre Heath. A copy of the Housing Needs Survey accompanies the application submission.
- 5.2 Approximately 300 survey forms were distributed and 91 were returned, giving a 30% return rate. The Survey not only investigated the actual affordable housing need of the Parish but also studied the need for market rent level housing and open market housing. The survey identified a need for both affordable rent properties and open market properties as follows:

Affordable rent:
2 x 2 bed bungalow for rent
2 x 3 bed house for rent
1 x 4 bed house for rent

Open market housing:
2 x 2 bed house
3 x 3 bed house

Since the publication of the document it was identified that the Housing Needs Survey missed a part of the village and the survey was extended to cover this area. This led to one additional affordable rent need for a 3 bed house. The overall need is therefore for 11 dwellings as follows:

Affordable rent:
2 x 2 bed bungalow for rent
3 x 3 bed house for rent
1 x 4 bed house for rent

Open market housing:
2 x 2 bed house
3 x 3 bed house

- 5.3 The Housing Needs Survey was carried out by WRHA and Paul Roberts of North Warwickshire Borough Council is satisfied it is reliable and up to date evidence of the Local Housing Needs. The proposed development is specifically to provide for the identified needs within the survey.

6. Planning policy assessment including Green Belt

- 6.1 Planning decisions must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004). The Development Plan for North Warwickshire is the Adopted Core Strategy and the saved policies of the North Warwickshire Local Plan 2006.
- 6.2 Policy NW2 and Appendix C of the Adopted Core Strategy sets out a settlement hierarchy whereby development within the Borough will be distributed. The settlement of Nether Whitacre does not fall within any category identified. Paragraph 6.7 of the Core Strategy states that 'In settlements, villages and hamlets beyond these, development that provides for local housing needs and help support local services will be permitted'.
- 6.3 Policy NW5 relates to the split of housing numbers. It identifies the way in which affordable and market dwellings will be directed towards settlements. Nether Whitacre would fall within Category 5 i.e. outside of any of the identified settlements. The policy states that only affordable housing where there is a proven local need and it is small in scale and does not compromise important environmental assets will be acceptable.

- 6.4 The proposed development seeks to provide for the local housing needs that have been identified through the Nether Whitacre Housing Needs Survey of July 2014. For the reasons set out above, the village of Nether Whitacre and the application site has been selected. The identified Housing Needs incorporate a need for both affordable units (6) and market units (5). In terms of the affordable units, the provision of 6 units is considered to be small scale and the local need is proven. With regards to the market dwellings proposed (5) these would be ring fenced and marketed to local people and seek to provide for the identified local need. The homes would be advertised to local people for a three month period.
- 6.5 Paragraph 50 of the NPPF states that 'to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should [*inter alia*] identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand'. Paragraph 55 also states that 'To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities'.
- 6.6 It is noted that the Affordable Housing Needs Sensitivity 2014 identifies a significant amount of affordable housing need over the Plan period. The need of affordable housing is 112 units per annum. The provision of the affordable homes is an important contribution to the overall need and most importantly delivers the identified need of Nether Whitacre parish. There are many communities who have identified need but have little certainty of that need being provided in the immediate future or is reliant on financial contributions for funding from larger developments within the Borough. In this instance, there is a willing landowner, developer and housing association, who has engaged with the Borough Council and Parish Council. They have already outlaid thousands of pounds into research of alternative sites and progressing this site to application stage. This demonstrates their commitment to identifying the most suitable and deliverable site to provide for the need. Importantly, funding is available for the development and there is certainty that the identified housing needs can be delivered without delay. This certainty of deliverability should carry significant weight.
- 6.7 One of the Core Planning Principles within the NPPF states that decision-taking should not be simply about scrutiny but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives. The applicants have a willingness and determination to provide for the local identified housing need within the parish. They have undertaken a thorough and comprehensive sequential appraisal and established this is the only feasible and deliverable site to provide for the need. The meeting of the housing need will enhance the vitality of the community providing local people an opportunity to live in a home that meets their needs and reside near their family.
- 6.8 Therefore the housing needs survey is a key material consideration to be taken into account in assessing the principle of development. This Statement has already verified the reliability of the survey and as such it is necessary to provide for the identified local housing needs within the parish within which the need has arisen. The Council's Housing Officer, Paul

Roberts is satisfied with the reliability and robustness of the survey. Alternative sites in Whitacre Heath have been discounted and therefore although Whitacre Heath is higher up the settlement hierarchy, in terms of meeting an identified housing need of Nether Whitacre parish, it does not automatically follow that Whitacre Heath is the most appropriate village. On the basis of the sequential site analysis carried out above, Nether Whitacre is considered to be the most suitable settlement for development to meet the identified local housing needs at this point in time. Moreover, the proposed Dog Lane development site is available and deliverable. The sequential test identifies that it is the only available and deliverable site. This cannot be overlooked in the need to provide for locally identified homes. Therefore the development is considered to meet Policy NW5 of the Core Strategy.

- 6.9 With regards to impact on the Green Belt, paragraph 89 of the NPPF identifies certain forms of development which may not be considered inappropriate within the Green Belt. Bullet point 5 states that '...limited affordable housing for local community needs under policies set out in the Local Plan'. Policy NW5 states that only affordable housing where there is a proven local need and it is small in scale and does not compromise important environmental assets will be acceptable.

Given that the development proposes the exact local housing need as identified in the Nether Whitacre Housing Needs Survey, it is considered that the development meets this exception set out in the NPPF and is not inappropriate in the Green Belt. It is noted that no other windfall sites have provided for any of the need, nor did the garden centre redevelopment proposals. In reaching this conclusion, I have had regard to the officer report in relation to the application at Eastlands Road, Fillongley (2014/0520) which sought permission for solely local identified needs and in that instance the development was considered to meet the exception set out in paragraph 89 of the NPPF.

- 6.10 If however, the Council considers that the application does not meet any of the exceptions set out in the NPPF and considers the development to be inappropriate in the Green Belt, very special circumstances must be considered. Paragraph 87 of the NPPF states that 'inappropriate development by definition is harmful to the Green Belt and should not be approved except in very special circumstances'. The NPPF goes on to state that substantial weight should be given to any harm to the Green Belt and very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm, is clearly outweighed by other considerations. It is considered that the following are very special circumstances which override the harm to the green belt, if the development is considered inappropriate:

1. The development seeks to provide for an identified local need. Both the open market and affordable housing proposed is to specifically meet an identified housing need within the parish of Nether Whitacre. The exact tenure, size and form of dwelling proposed meets that is identified as being required.
2. The NPPF is supportive of providing for local housing needs and it is appropriate that the housing needs are provided within the parish

which the need arises within. In this instance, the entire of the parish of Nether Whitacre lies within the Green Belt. Whilst the adopted Local Plan identifies a settlement boundary within Whitacre Heath, there are no sites within the settlement boundary which are available to provide for the need. There were also no brownfield sites within Whitacre Heath or Nether Whitacre which are available to deliver the housing need. As such to meet the identified need, a Green Belt greenfield site within the parish would have to be selected. A sequential test has been carried out and the proposed site is the only site which is available and deliverable to provide for the identified need.

These factors are considered to weigh strongly in favour of the development and constitute very special circumstances to override the harm by reason of inappropriateness to the Green Belt.

7. Visual impact on character of area

- 7.1 The settlement of Nether Whitacre is made up of a number of dwellings sporadically dispersed. The proposed development is sited adjacent the northern edge of the settlement and the site has been selected for reasons covered elsewhere in this statement. Policy NW13 states that 'the quality, character, diversity and local distinctiveness of the natural environment will be protected and enhanced. In particular within identified landscape character areas development will conserve, enhance and where appropriate, restore landscape character as well as promote a resilient, functional landscape able to adapt to climate change. Specific landscape, geo-diversity, wildlife and historic features which contribute to local character will be protected and enhanced'. The Design and Access Statement which accompanies the application provides details on the layout and design of the development. In visual terms, the site is currently an open field and therefore the development will have a visual impact on the character of the area.
- 7.2 The proposed development has been designed as sensitively as possible bearing in mind the scale and size of dwellings has been dictated by the Housing Needs Survey. Plots 1 and 2 are bungalows and single storey and the first plots on entry into the development. Plots 5-11 are curved to compliment the alignment of Dog Lane and create a rounded edge to the settlement. The retention of the mature trees softens the visual impact of the development as does the creation of the open frontage and public open space around which the properties are clustered. The existing boundary treatment adjacent the agricultural field on the north eastern boundary of No 10 is a conspicuously stained timber fence. Properties are also visible on the approach to the village from the East. The proposed boundary treatments adjacent the field are simple post and wire with a native hedgerow and therefore agricultural in nature and an improvement on the existing. Accompanying the application are various visualisations from various vantage points which demonstrate that the development will not have a harmful visual impact on the character of the area.

8. Impact on Neighbours

- 8.1 The nearest neighbour lies to the east of the site and is No 10 Dog Lane. This property sides onto the application site and has been most recently extended under PAP/2013/0179. Based on the plans approved as part of that application, No 10 has a side facing balcony at first floor which serves a first floor bedroom. The bedroom is principally served by a large south facing window to its front elevation and therefore the patio doors serving the balcony are not the only source of light to the room. Having regard to 'A guide for the design of householder developments' SPD, the development is set far enough away to ensure that the 45 degree line is not breached from any principle habitable room windows of No 10. It is therefore considered that the development would not result in any harmful overlooking, overbearing or loss of light to No 10.
- 8.2 The properties to the south and south east are set sufficiently far to ensure that no harmful overlooking, overbearing or loss of light would arise from the proposed development.
- 8.3 With regards to the proposed development, each of the Plots 1-11 has been carefully sited so as to ensure that they do not breach the 45 degree line.

9. Conclusions

- 9.1 The NPPF has at its heart a 'presumption in favour of sustainable development'. It states that 'there are three dimensions to sustainable development: economic, social and environmental. Paragraph 8 of the NPPF states that the three 'roles should not be undertaken in isolation, because they are mutually dependent'. It goes on to state that the 'planning system should play an active role in guiding development to sustainable solutions.'
- 9.2 The proposed development seeks to provide for the specific needs identified within the 2014 Nether Whitacre Housing Needs Survey. Pre-application discussions have been held with various parties and a community consultation event was held. A comprehensive sequential site analysis has been carried out which has resulted in the proposed site being identified. Given the application meets an identified local need it is considered to comply with Policy NW5 and paragraph 89 of the NPPF and not be inappropriate development in the Green Belt. The application is accompanied by a suite of technical documents and plans which identify that the development is of good design, will not result in harm to highways safety, neighbours, ecology, character of area or trees. The benefits of meeting the identified local need is a key material consideration which weighs strongly in favour of the proposal and balancing up all relevant planning matters, the proposal is considered to represent sustainable development, for which there is a presumption in favour.

August 2015.

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6/276

6/108