

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing 2801.13 Sheet 1 (Proposed site plan and street scene), Drawing 2801.13 Sheet 2 (Proposed detailed dwelling plans, section and elevations), Drawing 2801.13 Sheet 3 (Proposed site sections) and Drawing 7653-1 (Land survey).
- 3) No development shall take place until samples of the facing bricks and roofing tiles to be used have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved samples.
- 4) All planting and seeding undertaken in accordance with the scheme of landscaping set out within the approved plans in Condition 2 above shall be carried out in the first planting season following the occupation of the dwelling or the completion of the development, whichever is sooner. All planting and seeding undertaken in accordance with the approved scheme shall be maintained and any plants which within five years of planting or seeding die, are removed, damaged or diseased shall be replaced in the next planting season with others of a similar size and species.
- 5) Development shall not begin until drainage works have been carried out in accordance with details to be submitted to and approved in writing by the local planning authority.
- 6) No development shall commence until full details of the surfacing, drainage and levels of the car parking area have been submitted to and approved in writing by the local planning authority. All works which form part of the agreed scheme shall be completed before the first occupation of the dwelling. The areas provided for such purposes shall not be used for any purpose other than the parking and manoeuvring of vehicles.
- 7) The vehicular access to the site shall not be used unless a public highway footway/verge crossing has been laid out and constructed in accordance with the standard specification of the Highway Authority.
- 8) The development hereby permitted shall not be occupied until visibility splays have been provided to the vehicular access to the site, passing through the limits of the site fronting the public highway, with an 'x' distance of 2.4 metres and 'y' distance of 25 metres to the near edge of the public highway carriageway. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity a height of 0.3 metres above the level of the public highway carriageway.
- 9) No development shall take place until full details of noise mitigation measures are submitted to and approved in writing by the local planning authority. This must include detailed specifications for the fencing and bunding of the garden areas, details of acoustically attenuated glazing and ventilation. All works which form part of the agreed scheme shall be completed before the first occupation of the dwelling.

- 10) No construction deliveries or construction work shall take place outside of the hours of 08.00 and 18.00 Monday to Friday, 08.00 and 13.00 on Saturdays. No construction deliveries or construction work shall take place on a Sunday or Public/Bank Holidays.

(7) Application No: PAP/2015/0297

Land North of 19, Southfields Close, Coleshill,

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

Mr Alain Franck-Steier - D G Lewis Estate

Introduction

This application was reported to the Planning and Development board on 13 July 2015 but determination was deferred in order that Members could visit the site. That has now taken place and thus the item is brought back to the Board for determination.

For convenience the previous report is attached at Appendix A.

Recommendation

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



Application No: PAP/2015/0297

Land North of 19 Southfields Close, Coleshill,

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

Mr Alain Franck-Steier - D G Lewis Estate

Introduction

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

The Site

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

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

The location is illustrated at Appendix A.

The Proposal

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

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

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



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

Background

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

Development Plan

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

Saved policies of the North Warwickshire Local Plan 2006 -- ENV12 (Urban Design); ENV13 (Building Design), ENV14 (Access Design), ENV15 (Heritage Conservation), ENV16 (Listed Buildings) and TPT6 (Vehicle Parking)

Other Relevant Material Considerations

National Planning Policy Framework 2012

National Planning Policy Guidance 2014

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

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

Consultations

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

Environmental Health Officer – No comments to make

Representations

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

- Southfields Close was designed as a cul-de-sac, with houses on one side.
- The road is 5.6 metres wide, leading a turning area at the end. The turning area is used for parking which leads to a reduction in highway capacity.
- Current owners on Southfields Close, park on the road, along with existing drives, and if the owners of the new dwellings do the same, then the highway could be blocked, leading to emergency vehicle issues.

- Increase in traffic along the road.
- Existing dwellings are linked detached, and it is considered that the semi-detached development will detract from the design, character and quality of the cul-de-sac.
- Impact upon privacy to existing dwellings opposite, and also the impact upon outlook.
- The Government has put an end to “garden grabbing”.
- Concerns over building works and the issues it may cause.
- Not appropriate within a Conservation Area.
- Reduce the value of dwellings in the area.

The Town Council objects raising the following matters:

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

Observations

a) Introduction

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

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

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

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

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

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

b) Amenity

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

residential context of the area then there is already a degree of overlooking in the area. Below are photos of 19 / 21 Southfields Close.



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

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



To the rear of the site are the dwellings on Coventry Road, and to the side of Plot 2 are the rear gardens to some of these. There again will be a degree of overlooking given the residential setting. The dwellings to the rear are approximately 27 metres to the nearest parts of 138 to 148 Coventry Road. As above this distance is considered to be acceptable. The rear elevation to the dwellings is approximately 7 metres to the boundary of the rear gardens to properties on Coventry Road, which are divided by a rear vehicle access point. Numbers 19 and 21 Southfields Close have similar separation distances to the properties on Coventry Road. Photos of the properties on Coventry Road, and views from the rear access point are included below.



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

c) Parking and Traffic

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

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

The location of the vehicle access is opposite existing access arrangements. There is an argument that this would lead to a possible conflict when occupiers wish to access their respective drives and property – particularly difficult it is said when vehicles are reversing. The issue to consider here is whether this situation would be such a hazard as to warrant refusal. It is considered not because actual access into and out of these

properties would not be on a regular or frequent basis; the low levels and frequency of passing traffic, the local knowledge of the occupiers, and the fact that this kind of situation of access opposite access is commonplace throughout the Borough. There is thus nothing particularly unusual here to be significant enough to warrant a refusal. There are no known records of any accidents on Southfields Close or Springfields within the last five years. This is not to say that minor collisions may not have happened or that they are not likely to do so in the future, but it does not provide the evidence on which to base a refusal.

d) Design

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

e) Heritage

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

f) Other Issues

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

Recommendation

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

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

REASON

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

2. The development hereby approved shall not be carried out otherwise than in accordance with the plans numbered 4403 PL 01; and 4403 PL 06 (fence details) received by the Local Planning Authority on 15 May 2015; to the and the plan numbered 4403 PL 04 REV B received by the Local Planning Authority on 1 June 2015; and to the plans numbered 4403 PL 06 REV B; 4403 PL 05 REV B, and 4403 PL 03 REV B received by the Local Planning Authority on 16 June 2015.

REASON

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

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

REASON

In the interests of the amenities of the area.

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

REASON

In the interests of the amenities of the area.

5. No additional opening shall be made other than shown on the plan hereby approved, nor any approved opening altered or modified in any manner.

REASON

To protect the privacy of the occupiers of adjoining properties.

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

REASON

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

7. All ground floor and first floor windows, and ground floor doors to the side elevations to the northern facing and southern facing elevations shall be permanently glazed with obscured glass which shall provide a minimum degree of obscurity equivalent to privacy level 4 or higher and shall be maintained in that condition at all times. For the avoidance of doubt privacy levels are those identified in the Pilkington Glass product range. The obscurity required shall be achieved only through the use of

obscure glass within the window structure and not by the use of film applied to clear glass.

REASON

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

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

REASON

In the interests of the amenities of the area.

9. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which, within a period of 5 years from the date of planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

REASON

In the interests of the amenities of the area.

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

REASON

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

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

REASON

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

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

REASON

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

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

REASON

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

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

REASON

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

Notes

1. The submitted plans indicate that the proposed works come very close to, or abut neighbouring property. This permission does not convey any legal or civil right to undertake works that affect land or premises outside of the applicant's control. Care should be taken upon commencement and during the course of building operations to ensure that no part of the development, including the foundations, eaves and roof overhang will encroach on, under or over adjoining land without the consent of the adjoining land owner. This planning permission does not authorise the carrying out of any works on neighbouring land, or access onto it, without the consent of the owners of that land. You would be advised to contact them prior to the commencement of work.
2. You are recommended to seek independent advice on the provisions of the Party Wall etc. Act 1996, which is separate from planning or building regulation controls, and concerns giving notice of your proposals to a neighbour in relation to party walls, boundary walls and excavations near neighbouring buildings. An explanatory booklet can be downloaded at www.communities.gov.uk/publications/planningandbuilding/partywall.
3. In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner through seeking to resolve planning objections and issues, by suggesting amendments to improve the quality of the proposal negotiations. As such it is considered that the Council has implemented the requirement set out in paragraphs 186 and 187 of the National Planning Policy Framework.

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

BACKGROUND PAPERS

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

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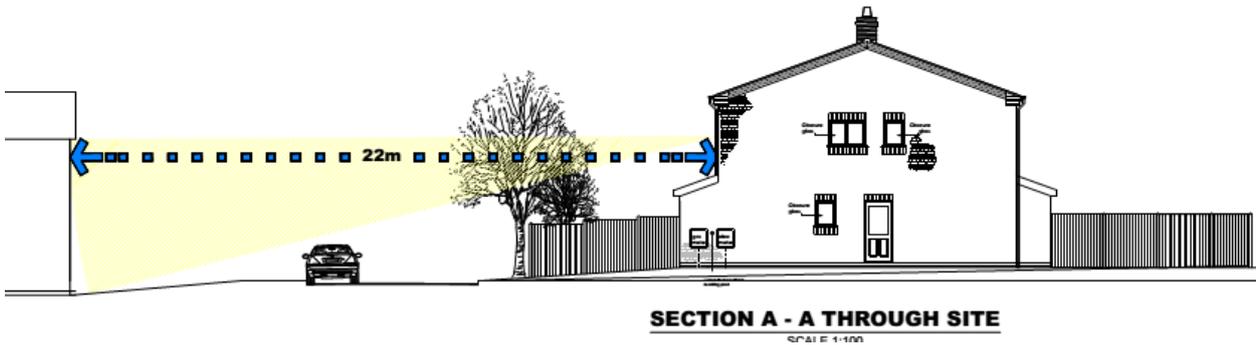
Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	15/5/15
2	WCC Archaeology	Email to NWBC	22/5/15
3	NWBC Forward Planning	Consultation response	1/6/15
4	NWBC Environmental Health	Consultation response	3/6/15
5	WCC Highways	Consultation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

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

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.

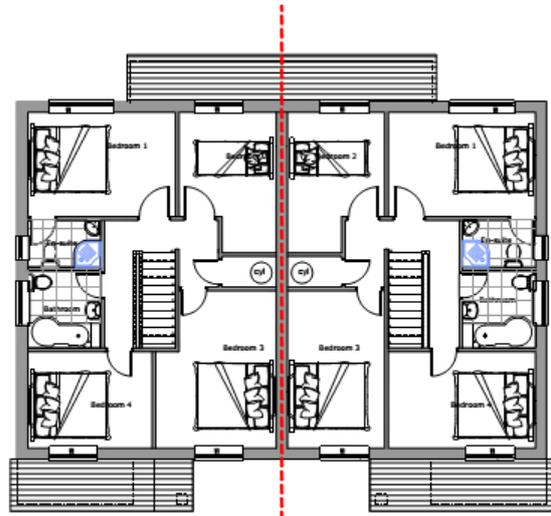


Appendix A – Plans





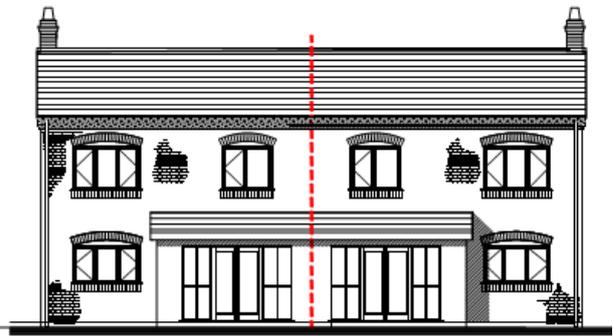
PROPOSED GROUND FLOOR



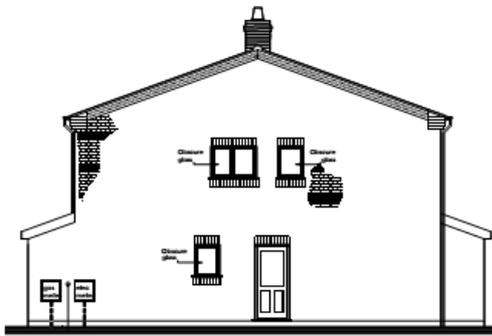
PROPOSED FIRST FLOOR



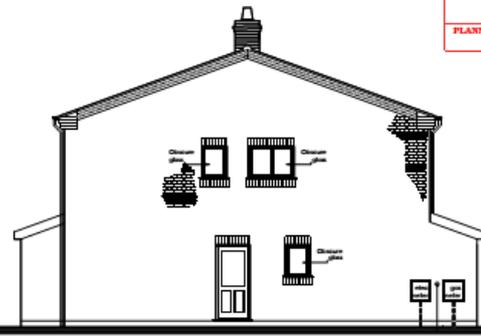
WEST ELEVATION



EAST ELEVATION



SOUTH ELEVATION



NORTH ELEVATION

01/06/2
 PLANNING & DESIGN
 DESIGN



Appendix B – Photos







(8) Application No: PAP/2015/0334

Hillcrest Farm, Birmingham Road, Water Orton, B46 1TG

Retention of kennels & cattery for

R H Farrier Services

Introduction

The application is reported to Planning and Development Board at the request of a Local Member concerned about local impacts.

The Site

The site lies to the north of Birmingham Road, the B4118, leading west out of Water Orton. It is presently accessed from this road, with fencing erected along the boundary with the highway. The access itself rises up away from the level of the highway due to a rise in the land. The site is presently occupied by a number of small buildings of varying ages and construction materials.

There is a mature hedgerow and trees to the western boundary with fencing to the northern boundary beyond which is further land within the applicant's control. The linked dwelling, known as Hillcrest is sited to the south-east facing onto Birmingham Road and is a semi-detached dwelling with the other half known as Hill Crescent. There is a further dwelling at some distance to the south-west within Birmingham City Council's control. Otherwise apart from these nearest dwellings, there are no other immediate neighbours in close proximity to the site.

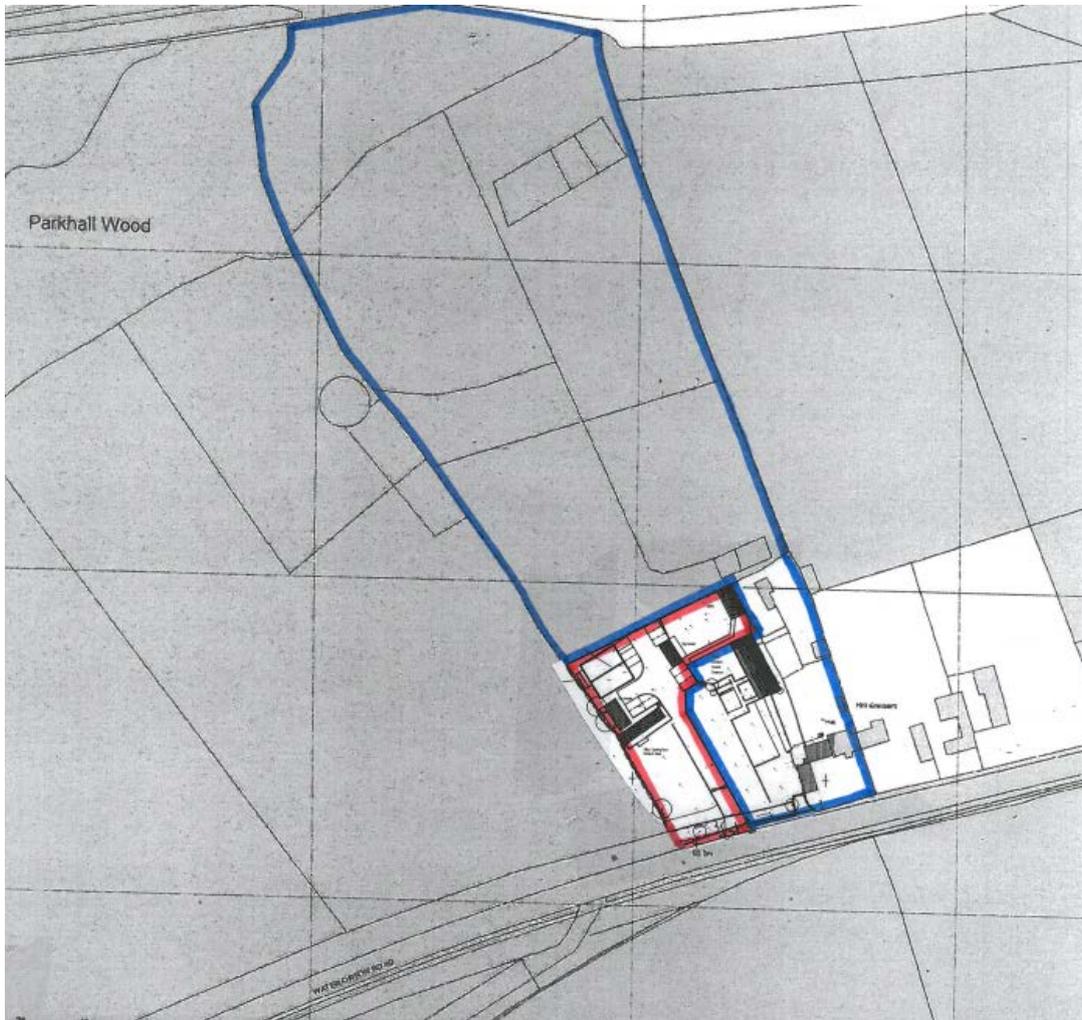
Background

The site was formerly used as an agricultural small holding with this and other land but has more recently been used for equestrian purposes. In 2011 a planning permission regularised the equestrian use along with stables, a farrier's forge and kennels. This consent was over a larger area than that contained within the current application site. In 2012 there was a planning permission for two poly-tunnels for the growing of plants and the breeding of fish, with both being for commercial sales only with no on-site retail use. These uses have not been taken up despite the partial erection of the poly-tunnels.

The 2011 permission also included extensive access improvements, which have been implemented on site. These include 2.4 by 70 metre visibility splays; a five metre wide access and gates set back 12 metres from the road with a hard surface.

The 2011 and 2012 consents have been taken up and thus these uses are lawful over the wider site which extends to the red and blue land shown on the plan below.

The kennel building approved under the 2011 permission accommodated 40 kennels.



Recently there have been changes on this wider land. The building to be used for the 2011 kennels is now used to house the applicant's own dogs – 15 kennels. He has therefore moved the main kennel use into other buildings. The original forge building has been converted to provide seven kennels with individual outside runs, with the forge being relocated to another existing shed. The stables building has been converted to house a further eight kennels. A former hay barn has been converted to provide a new 12 pen cattery.

The Proposals

The current application is to retain the changes outlined above – in other words the change of use of the buildings to kennels and the introduction of a new cattery. The application site contains the buildings referred to above but is smaller than that covered by the 2011 consent. It includes only the land within the red line shown above. A more detailed plan is attached below. The former kennel building now used for the applicant's own personal use is described and marked as "existing kennels" on this plan.

The proposals do not increase the number of kennels on the site, in fact they reduce them from 40 to 30, but they do transfer them – the 30 – to other buildings used by equestrian uses under the 2011 permission. The only increase here is for the 12 pen cattery.

Other Material Planning Considerations

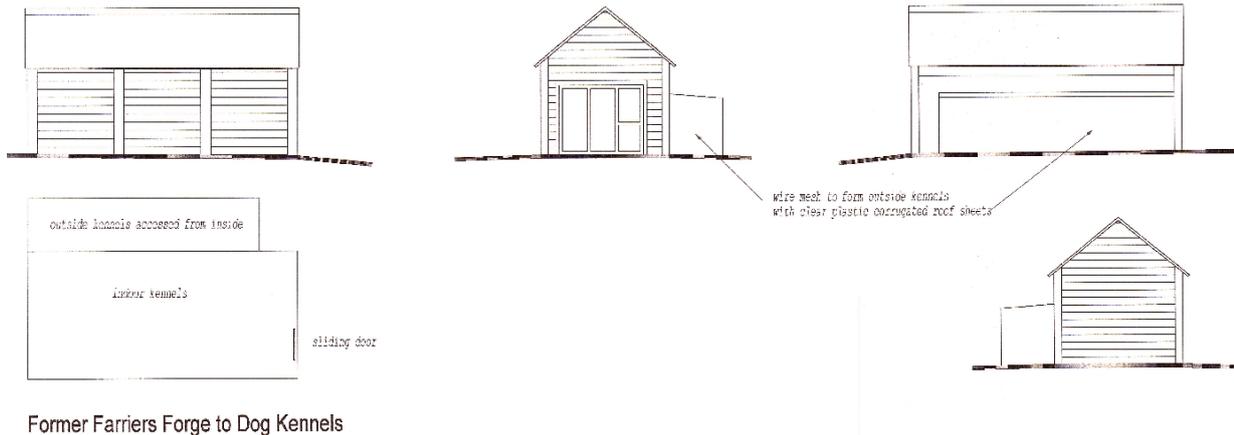
The National Planning Policy Framework – (the “NPPF”)

Observations

a) Green Belt

The site is in the Green Belt. The addition of new buildings is inappropriate development carrying a presumption of refusal, but the re-use of existing buildings is not inappropriate provided that there is no adverse impact on the openness of the Green Belt or on the purposes of including land within it. Here the proposals do not involve the introduction of any new buildings. The re-use as described above is not considered to have any adverse impact on the openness of the Green Belt hereabouts given that they are located within a larger site that has a large number of lawful existing buildings within and adjacent to it and where there are lawful uses including those to which these buildings are now put. Similarly the purposes of the Green Belt are not prejudiced here given that the buildings are existing and on brownfield land. The outside structures such as the pens and runs have no adverse impact in this overall setting. Looking at the buildings in turn, then:

- a) The forge building has been present since at least 1999. No physical changes are proposed to it except for its conversion for 7 kennels with an outside run.



- b) The hay barn has been present since at least 1999. No physical changes are proposed. It is now used as a cattery.

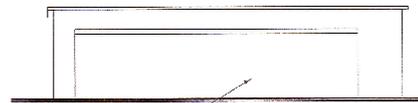


Existing appearance of the hay barn



Former Hay Barn to Cattery

- c) The stable block has been present since at least 1999. No physical changes are proposed but it would be used for dog kennels.



wire mesh to form outside kennels with clear plastic corrugated roof sheets



Former Stables to Kennels

- d) A former shed located to the side of the poly-tunnels is proposed to become the forge. There are horses kept on the land to the rear of the application site and so a forge is still required by the applicant.



Former shed to become Forge

In conclusion it is considered that the changes of use proposed do amount to appropriate development in the Green Belt as defined by the NPPF. The presumption therefore is one of approval.

It will be necessary to consider whether there are any harmful impacts to warrant moving away from this presumption. Given that dog kennels have been accepted throughout the Borough as being appropriate to a rural area and given that the lawful uses here include kennels then there is no reason to consider refusal in principle.

There are therefore perhaps two main issues that could cause harmful effects. Each will now be considered.

b) Highway Considerations

The access improvements conditioned by the 2011 permission have been implemented and were based on the uses contained in that consent – equestrian and a 40 kennel building. These access arrangements are considered to be acceptable to the uses now proposed. There is a reduction in the number of kennels and there is the loss of the equestrian use. However there is the addition of the cattery use. It is considered that the amount and nature of the traffic now generated would be less than that permitted under the 2011 consent. At worst it is considered that the difference would be neutral. As such there is no highway reason for refusal.

c) Residential Amenity

As explained above, the actual proposals would lead to a reduction in the number of kennels here. The cattery would be virtually silent. This is why there has not been an objection from the Environmental Health Officer. The nearest neighbour at Hill Crescent is situated further away from any the newly converted buildings than the existing 2011 consented building. The design of the pens and buildings also prevent dogs seeing each other (the catalyst for barking). If there are concerns with noise from the barking of dogs then these should be taken up with the appropriate Council officers.

c) Other Matters

The nature of the neighbour representations is understood. Whilst there are other cattery and kennels in the area, Members will know that “competition” “or harming an existing establishment” are not material planning considerations. Moreover the uses here have been established since 2011.

There has been some misunderstanding about this proposal because it has been assumed that the new kennels are indeed “new”. In fact they have been moved from an existing building. That building is also used as kennels but this is for the private use of the applicant thus falling outside of planning control and the total number of kennels has been reduced not increased. Therefore representations about potential increased noise and problems with vermin are not likely to stand up to scrutiny. Problems with these issues should be taken up with the relevant officers at the Council.

The same will apply to consideration of the highway impacts. At worst the traffic generated from the current proposals are likely to match that of the lawful uses under the 2011 and 2012 permissions. The Highway Authority’s requirements under these permissions have been fully implemented on site and there is sufficient parking space on the site itself. If there are cars or lorries illegally parked along the highway then the relevant authorities are better placed to deal this under their own powers. There is no submitted evidence to suggest that cars and lorries parked outside of this address are associated with the use of the site. Concerns about the speed of traffic along the road need to be addressed to the Highway Authority.

d) Conclusion

It is not considered that there is likely to be significant harm caused by this proposal as indicated above. Thus given the presumption of support in principle, a recommendation of approval is made. Conditions are included.

Recommendation

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

1. The development hereby approved shall not be carried out otherwise than in accordance with the elevation plan numbered 1307 02 received by the Local Planning Authority on 27 May 2015 and the revised site plan numbered 1307 01 received by the Local Planning Authority on 27 July 2015 and the revised site location plan numbered 1172 02 received by the Local Planning Authority on 16 July 2015.

REASON

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

2. The teaching block with office, kitchen and toilet shall remain solely ancillary to the kennelling and cattery uses hereby permitted and the former farrier and the livery uses permitted, and specifically not for residential purposes whatsoever. The cattery, kennel block and stable block shall be used for the purposes of kennels and as a cattery. These buildings shall not be replaced or extended without the prior written approval of the Local Planning Authority.

REASON

In recognition of the circumstances of the case, so as to prevent the unauthorised use of the site.

3. The occupation of the existing dwelling known as Hillcrest, Birmingham Road shall be limited to persons solely or mainly employed or last employed prior to retirement in managing the dog boarding/kennelling/cattery business hereby permitted, or the dependents of such persons including the widow or widower of such persons.

REASON

To prevent disturbance to the occupiers of nearby properties.

4. The kennel and cattery business hereby permitted shall not receive or allow collection of animals other than between 0700 and 1900 hours Mondays to Fridays, and 0800 and 1200 hours on Saturdays, Sundays, Public Holidays and Bank Holidays.

REASON

To prevent disturbance to the occupiers of nearby properties.

5. There shall be no burning of stable waste on the site whatsoever.

REASON

To protect the amenities of nearby residential property.

6. Visibility splays shall be maintained to the vehicular access to the site, passing through the limits of the site fronting the public highway, with an 'x' distance of 2.4 metres and 'y' distances of 70.0 metres to the near edge of the public highway carriageway. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.9 metres above the level of the public highway carriageway.

REASON

In the interests of safety on the public highway.

7. The car parking and manoeuvring areas shall be permanently retained for the parking and manoeuvring of vehicles.

REASON

In the interests of safety on the public highway.

Notes

1. 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.

2. Condition number 6 may require works within the limits of the public highway. This process will inform the applicant of the procedures and requirements necessary to carry out works within the Highway and, when agreed, give consent for such works to be carried out under the provisions of S184. In addition, it should be noted that the costs incurred by the County Council in the undertaking of its duties in relation to the construction of the works will be recoverable from the applicant/developer. The Area Team may be contacted by telephone: (01926) 412515. In accordance with Traffic Management Act 2004 it is necessary for all works in the Highway to be noticed and carried out in accordance with the requirements of the New Roads and Street works Act 1991 and all relevant Codes of Practice. Before commencing any Highway works the applicant / developer must familiarise themselves with the notice requirements, failure to do so could lead to prosecution. Application should be made to the Street Works Manager, Budbrooke Depot, Old Budbrooke Road, Warwick, CV35 7DP. For works lasting ten days or less, ten days' notice will be required. For works lasting longer than 10 days, three months' notice will be required.

3. The permission does not authorise signage at the site and a separate permission is required to authorise advertisement consent.

4. The Local Planning Authority has met the requirements of the National Planning Policy Framework in this matter through addressing the matters raised by the representations and in securing a clear outline of the actual development proposals.

BACKGROUND PAPERS

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

Planning Application No: PAP/2015/0334

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	27/5/15
2	Mr Wootton	Representation	2/6/15
3	Mr Wootton	Representation	14/6/15
4	C Cole	Representation	16/6/15
5	NWBC Environmental Health	Consultation reply	3/7/15
6	Case Officer	E-mail	13/7/15
7	Agent	E-mail	13/7/15
8	Case Officer	E-mail	13/7/15
9	Agent	Revised plan	16/7/15
10	Case Officer	E-mail	17/7/15
11	Case Officer	E-mail	17/7/15
12	Agent	Revised plan and supporting information	27/7/15

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.



(9) Application No: PAP/2015/0427

Land South Of Dairy House Farm, Spon Lane, Grendon,

Removal of condition no:19 of appeal reference APP/R3705/A/13/2203973 relating to controlled pedestrian crossing; in respect of erection of 85 dwellings, access and associated works, all other matters reserved, for

Mr Chris O'Hanlon - Bellway Homes Ltd

Introduction

This item is referred to the Board at the discretion of the Head of Development Control given past Board involvement in this case.

Members will be aware that an equivalent application was refused planning permission at its June meeting. This current case is a re-submission.

Background

An outline planning permission for 85 dwellings was approved in March 2014 following a planning appeal – the Council originally refusing the application.

A number of the pre-commencement conditions in respect of the details of this outline permission have subsequently been approved.

Another condition setting out separation distances was varied following a second appeal.

The original condition also contained condition number 19 which says:

“No dwelling shall be occupied until a controlled pedestrian crossing has been provided in full across the A5 Trunk Road”.

An earlier application to remove this condition was refused on 15 June this year because,

“The Local Planning Authority considers that the loss of this crossing will have a detrimental effect on road safety by removing the opportunity to have a controlled crossing in view of the increase in pedestrian and cycle use from the approved development and the overall highway and traffic environment in which the development located. The proposal does not accord with Policy NW10 of the North Warwickshire Core Strategy 2014”

The applicant has lodged an appeal with the Planning Inspectorate against this refusal, but has also re-submitted an application requesting that the case be re-considered by the Council particularly in light of the comments from Highways England.

Within that resubmission he has submitted a Road Safety Audit in connection with the proposed crossing. This is attached at Appendix B.

Additional Information

The previous report to the Board is attached at Appendix A. This explains the applicant's case as well as provides a summary of the representations received at that time.

Following the refusal, Highways England was contacted and its response is attached at Appendix C. Members attention is drawn to the final sentence, which read,

"Highways England could not support the provision of a controlled crossing at this location".

Representations

At the time of preparing this report one letter of objection has been received and this is attached at Appendix D. Any others received will be reported at the meeting.

Consultations

Highways England – No objection as set out in Appendix E.

Development Plan

The Core Strategy 2014 – NW10 (Development Considerations)

Saved Policy of the North Warwickshire Local Plan 2006 – ENV14 (Access Design)

Other Material Planning Considerations

The National Planning Policy Framework 2012

National Planning Practice Guidance – 2014: "Use of Planning Conditions"

Observations

Following the recent refusal the applicant has re-submitted the application requesting that the Council reconsiders its previous decision in light of the advice of Highways England.

Whilst Member's frustration with this matter is evident, it is clear that even a refusal here would not lead to the provision of the crossing in view of the position of Highways England. It will not agree to its provision.

In these circumstances the Board is reluctantly recommended to agree to the applicant's request.

Recommendation

That planning permission APP/R3705/A/13/2203973 dated 27/3/14 may proceed without compliance with condition 19.

BACKGROUND PAPERS

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

Planning Application No: PAP/2015/0427

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	7/7/15
2	D Cox	Objection	22/7/15
3	Highways England	Consultation	23/7/15

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.

(13) Application No: PAP/2015/0201

Land South of Dairy House Farm, Spon Lane, Grendon,

Removal of condition no:19 of appeal reference APP/R3705/A/13/2203973 relating to controlled pedestrian crossing; in respect of erection of 85 dwellings, access and associated works, all other matters reserved, for

Bellway Homes Ltd

Introduction

This application is referred to the Board by the Head of Development Control given its past interest in the site.

The Site

This is presently open agricultural land to the north of the residential frontage of the Watling Street, east of the houses in Spon lane and south of Dairy House Farm.

The issue the subject to the application affects the A5 south of the appeal site. The attached plan at Appendix A illustrates the development site in respect of its general location and the position of a potential pedestrian crossing.

Background

An outline planning permission for 85 dwellings was approved here in March 2014 following a planning appeal – the Council originally refusing the application.

A number of the pre-commencement conditions in respect of the details of this outline permission have subsequently been approved

Another condition setting out separation distances between the rear elevations of the new houses and those of existing houses in Spon Lane was varied following a second appeal.

The original decision also contained condition number 19 which says:

"No dwelling shall be occupied until a controlled pedestrian crossing has been provided in full, across the A5 Trunk Road".

The Proposals

The applicant – namely the building company now developing the site – seeks to implement the permission without compliance with condition 19. In other words, to complete the development with no pedestrian controlled condition.

Pedestrians and cyclists wishing to move south from the development would gain access onto Spon Lane. The southern end of this cul-de-sac emerges onto the A5 as can be seen at Appendix A where there is a convenience store on the north side of the A5. There are three existing crossing points across the A5 as shown on Appendix B.

Crossing 1 is close to the public house car park on the south side of the A5 and gives access to the bottom end of Boot Hill which provides access to the schools to the south.

Crossing 2 is just to the west of the store.

Crossing 3 is just to the east of Spon Lane.

The applicant has submitted the following evidence to support his case.

A Technical Note undertaken in line with the Department of Transport's specification for controlled crossings. This states that:

- The Warwickshire County Council records for January 2008 to December 14 show that there have been no personal injury accidents involving pedestrians or cyclists crossing the A5 in this area.
- Survey work on a Wednesday in March 2015 from 0730 to 1730 hours shows that only four crossings were made by pedestrians and cyclists at crossing 1 in the whole ten hours. There were 50 at Crossing 2 and 7 at crossing 3. The survey also showed that at crossing 2 the greatest number of movements was from south to north with residents crossing to gain access to the shop.
- The Note then calculates/estimates the likely number of new pedestrian/cyclist movements arising as a direct consequence of the development of the site. This work, using national modelling methods, predicts some 132 new pedestrian movements from the site. Some of these would only be to the shop or the bus stop on the northern side of the A5 so not all would end up using a crossing. Cyclist's movements are estimated at 18 new trips per day.
- The Technical Note concludes that the present crossings are not heavily used – crossing 2 being the favoured one but with the majority of movement from south to north not the other way - and that the proposed development would not generate significant numbers of pedestrian and cycle trips from people wishing to cross the A5. In other words existing and new movements would not add up to a significant need or demand.
- The survey was repeated following officer requests. The second survey was carried out in the first week in May. In the same ten hour period, crossing 2 was again the most used with 67 people and 26 people used either of the other two during the same period.

A full Road Safety Audit has also been submitted. This examined the length of the A5 covered by crossings 1 to 3 and concluded that there were safety issues involved with a proposed crossing here due to vehicle speeds; existing distances from the roundabout, bus stops and the number of private drives.

The applicant concludes that all of this technical evidence indicates that, "there are no highway safety reasons why a controlled crossing should be provided and that the existing uncontrolled crossing – number 2 – with dropped kerbs, tactile paving and central refuge is considered appropriate to accommodate any negligible increase in pedestrian/cycle movements generated by the development".

Representations

Six letters of objection have been received from local residents raising the following matters;

- a further change to planning conditions is unwelcome
- With no proper crossing there will be a fatality soon
- Road safety concerns for pedestrians without the crossing
- It will not improve connectivity to the facilities south of the A5 and will only encourage car use

Grendon Parish Council – Objection because the condition was on the outline consent and it will improve connectivity for future occupants to access the schools in Baddesley; the Grendon Pharmacy , the recreation and community facilities as well as the bus stops for Tamworth. The Highways Agency is now backing the developer who has already broken promises.

Consultations

Highways England – No objection. The full consultation response at the time of the application is provided at Appendix C. the full response to the current application is attached at Appendix D. Its position is that at the time of the planning application and the subsequent appeal, the matter of the provision of a pedestrian controlled crossing here was not certain and that it would need to be resolved outside of the planning process based on full road safety audits and technical details. This was never provided prior to a final planning decision. Now that it has been undertaken and submitted, Highways England is satisfied that the development can proceed without such a crossing.

Following the receipt of the additional survey work together with a request from officers to look again at the matter and particularly the prospect of a speed reduction on the A5, Highways England has made a further response. This is at Appendix E.

The response confirms that there is no objection to the removal of the condition.

Development Plan

The Core Strategy 2014 – NW10 (Development Considerations)

Saved Policy of the North Warwickshire Local Plan 2006 – ENV14 (Access Design)

Other Material Planning Considerations

The National Planning Policy Framework 2012

Circular 11/1995 – “The Use of Planning Conditions”

Observations

a) Introduction

It is very important to stress from the outset that whilst consideration of a refusal is acknowledged as being understandable and that the whole of the history of this

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development may not sit comfortably with the local community, the grounds for that conclusion will have to be properly evidenced if they are to be defended at an appeal. In these circumstances an Inspector would look at the matter through the evidence placed before him on two matters; the need for an improved crossing over the existing arrangements based on whether that is directly or essentially required as a consequence of the development itself and secondly on the highway safety evidence.

b) Background

It is worthwhile first examining how the condition came into being. At the time of the application, the then applicant proposed a controlled crossing through improvement of the arrangements across the A5. He argued that this would increase connectivity and lead to improved road safety. The then Highways Agency responded to the proposal by saying that the crossing "was not considered to be necessary to facilitate the development" and that "the details of the crossing (should it be required) can be discussed outside of the application". This "would allow time for the requirement for a crossing to be investigated fully and any associated issues to be addressed post determination" – see Appendix C. As it happened the Council refused planning permission. At the subsequent appeal the Highways Agency repeated its position – see Appendix D. The Planning Inspector agreed that such a crossing would "encourage more local trips by foot and promote sustainable travel" and thus safeguarded its implementation through the condition included in the planning permission. The terms of the condition are based on the occupation of the first completed house not the commencement of work, thus enabling the developer and the Highways Agency an early opportunity to examine the technical highway and road safety issues involved. Those technical matters have now been submitted and examined by Highways England. Its conclusion is that there are significant enough safety issues involved for it not to agree to such a crossing. It should be pointed out that the Highways Agency never actually agreed to such a crossing – just that its provision needed a proper technical investigation.

c) Planning Issues

Members will be fully aware that planning conditions are the subject of Government guidance in Circular 11/1995. Any appeal involving the removal or alteration of conditions will always refer to this. Planning conditions have to be necessary; relevant to planning, relevant to the development proposed, enforceable, precise and reasonable in all other respects. The condition now under review would be assessed against these tests in the knowledge of the background evidence from the Highways England. There is no need to consider the precision or enforceability tests here as these would be satisfied. It is the others that need to be questioned in light of the current supporting evidence from the applicant and from Highways England response. It is agreed, reluctantly, that the balance should rest with that evidence and that the condition is no longer compatible with the Circular tests.

This is not to conclude that the condition should never have been imposed. At the time of the appeal the crossing was proposed as part of the overall proposals. Due to the then Highways Agency response, the Inspector considered that there was merit in taking an opportunity to safeguard this possibility. This was a reasonable response and the applicant agreed, not objecting to the condition at the appeal. It was clear to the Inspector from the background that the prospect of an improved crossing would always depend on the outcome of the technical details and thus ultimately on the agreement of the Highways Agency as the appropriate highway authority. The wording of the condition thus allowed time for the applicant and the Highways Agency to look at the

technical details. That has now been carried out and the advice from Highways England as the Agency is now called is very clear. It does not consider that the improved crossing is an essential requirement of the development and that the proposals do not meet its safety requirements. In other words that it is no longer reasonable to require the crossing.

d) Alternatives

Given this situation, it is considered that it would be imprudent for the Council to insist on the provision of this crossing. As a consequence, and understanding the views of the local community a number of alternatives have been discussed with both the applicant and Highways England. Alternative locations for a controlled crossing along this stretch of the A5 have been investigated but no suitable one has been found. This is because any other location would involve "detours" for those pedestrians coming down Spon Lane wishing to cross the A5. This would act as a deterrent to the use of any such alternative. Secondly, Highways England is not at all satisfied that there is any suitable location close to the "desire" line of potential pedestrians. Officers have therefore looked at other alternatives – improving the existing crossing 2 and the possibility of reducing the speed limit here from 40 to 30 thus providing a different background to the technical road safety specification. Again here, Highways England repeats its position.

Recommendation

That the development may proceed without compliance with condition 19 of the planning permission dated 27 March 2014.

BACKGROUND PAPERS

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

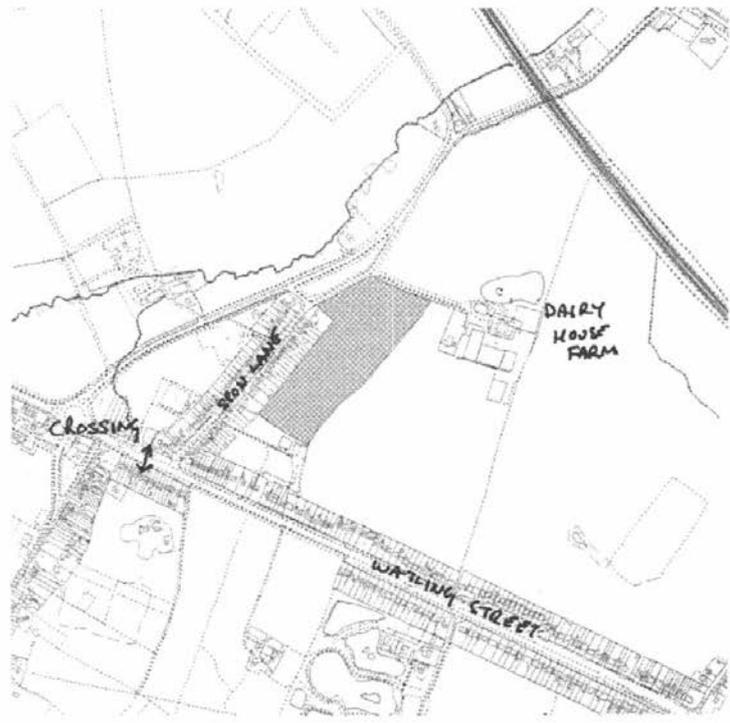
Planning Application No: PAP/2015/0201

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	30/3/15
2	Case Officer	Letter	10/4/15
3	K Goodall	Objection	11/4/15
4	J Reid	Objection	12/4/15
5	M James	Objection	13/4/15
6	S James	Objection	14/4/15
7	S Jones	Objection	14/4/15
8	C Tate	Objection	29/4/15
9	Applicant	E-mail	14/4/15
10	Highways England	Consultation	23/4/15
11	Grendon Parish council	Objection	26/4/15
12	Applicant	E-mail	11/5/15
13	Case Officer	E-mail	11/5/15
14	Highways England	Consultation	1/6/15

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

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

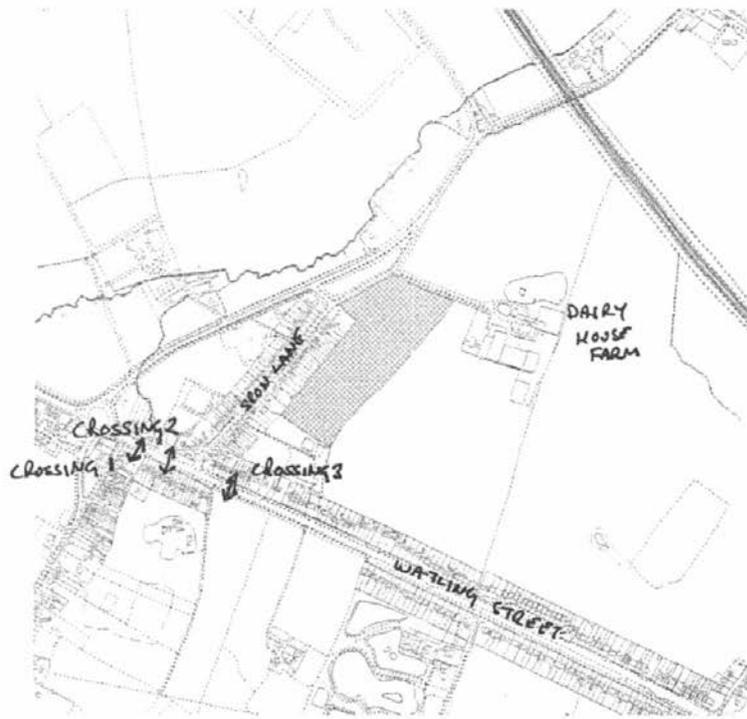


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4/207

4/228

APPENDIX B





Developing, managing, improving, maintaining

Our ref: SHARE 19635468
Your ref: PAP/2013/0224

Jeff Brown
North Warwickshire Borough Council

BY EMAIL

Kathryn Simmonite

Highways Agency
The Cube
199 Wharfside Street
Birmingham B1 1RN

Direct Line: 0121 687 4086
5 July 2013

Dear Jeff

PLANNING APPLICATION REF PAP/2013/0224, LAND SOUTH OF DAIRY HOUSE FARM, SPON LANE, GRENDON, OUTLINE APPLICATION FOR THE ERECTION OF UP TO 85 DWELLINGS, ACCESS AND ASSOCIATED WORKS, ALL OTHER MATTERS RESERVED.

Thank you for your consultation dated 17th June in relation to the above named planning application.

The Highways Agency has been in pre application discussions with the applicant's agents MEC in relation to the impact of the proposal on the strategic road network. The Transport Assessment provided in support of the planning application has demonstrated to our satisfaction that the proposal is unlikely to have a significant traffic impact on the A5.

We note that the Transport Assessment includes a proposal for a pedestrian crossing on the A5 trunk road. However as the crossing is not considered necessary to facilitate the development we are content that details of this crossing (should it be required) can be discussed outside of this application. This would allow time for the requirement for a crossing to be investigated fully and any associated issues to be addressed post determination of the application. This investigation would need to begin with a review of the type of crossing as set out in LTN 1/95 together with an NMU Audit to DMRB HD42/05.

Whilst a Travel Plan has been provided as part of our pre application discussions we note that one does not appear to be included in the documentation accompanying the planning application on your website. Efforts should be put in to promote sustainable transport choices as a means of mitigating the impact of the development through a Travel Plan. We therefore request that the following condition is attached to the grant of any planning permission. Please see attached TR110 which confirms our direction.

Condition

No development shall take place until a Site Specific Travel Plan, including details of the mechanism to be used for its delivery, monitoring and enforcement, has been submitted

05.07.13 HA response.doc

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An executive agency of the
Department for
Transport

to and approved in writing by the local planning authority, in consultation with the Highways Agency

Reason

To minimise the need to travel, particularly by private car. To ensure that the A49 trunk road continues to serve its purpose as part of a national system of routes for through traffic in accordance with section 10 (2) of the Highways Act 1980 by minimising disruption on the trunk road resulting from residual development traffic emerging from the application site.

We will provide the applicant's agents with comments on the Travel Plan we have received separately to our response to the planning application. I trust this is helpful but should you have any queries please do not hesitate to contact me.

Yours sincerely



Kathryn Simmonite
NDD Midlands Asset Development
Email: kathryn.simmonite@highways.gsi.gov.uk



**Developments Affecting Trunk Roads and Special Roads
Highways Agency Response to an Application for Planning Permission**

From: Divisional Director, Network Delivery and Development, Midlands, Highways Agency.

To: North Warwickshire Borough CouncilCouncil's Reference: PAP/2013/0224

Referring to the notification of a planning application dated 17.06.13, your reference PAP/2013/0224, in connection with the A5 trunk road, Land South Of Dairy House Farm, Spon Lane, Grendon. Outline application for the erection of up to 85 dwellings, access and associated works, all other matters reserved, notice is hereby given under the Town and Country Planning (Development Management Procedure) (England) Order 2010 that the Secretary of State for Transport:-

- a) ~~offers no objection;~~
- b) ~~advises that planning permission should either be refused, or granted only subject to conditions~~
- c) directs conditions to be attached to any planning permission which may be granted;
- d) ~~directs that planning permission is not granted for an indefinite period of time;~~
- e) ~~directs that planning permission not be granted for a specified period (see Annex A);~~

(delete as appropriate)

Signed by authority of the Secretary of State for Transport

Date: 05.07.13	Signature: 
Name: Kathryn Simmonite	Position: Asset Manager
The Highways Agency: Floor 9 The Cube 199 Wharfedale Street Birmingham B1 1RN	

Page 1

Annex A

Reason for the direction given at c) overleaf:

Condition

No development shall take place until a Site Specific Travel Plan, including details of the mechanism to be used for its delivery, monitoring and enforcement, has been submitted to and approved in writing by the local planning authority, in consultation with the Highways Agency.

Reason

To minimise the need to travel, particularly by private car. To ensure that the A5 trunk road continues to serve its purpose as part of a national system of routes for through traffic in accordance with section 10 (2) of the Highways Act 1980 by minimising disruption on the trunk road resulting from residual development traffic emerging from the application site.

Appendix D

PAP/23015/0201



South East, Midlands, North West, Yorkshire

NORTH WARWICKSHIRE BOROUGH COUNCIL
RECEIVED
30/03/2015
PLANNING & DEVELOPMENT DIVISION

RECEIVED
30 JAN 2015
Steve Preece
North Warwickshire Asset Management Council
Coventry & Warwickshire

Our ref: SHARE/19635468
Your ref: DOC/2014/0086

Planning
Jeff Brown
North Warwickshire Borough Council

via Email: planappconsult@northwarks.gov.uk

The Cube
199 Wharfside Street
Birmingham B1 1RN

Direct Line: 0121 678 8456

30 January 2015

Dear Jeff

APPROVAL OF DETAILS REQUIRED BY APP/123705/A/13/2203973 (PAP/2013/0224) DATED 27 MARCH 2014 RELATING TO SURFACE WATER DRAINAGE, TRAVEL PLAN, FIRE HYDRANTS AND WATER SUPPLY, FOUL WATER DISPOSAL, FINISHED FLOOR LEVELS, SITE COMPOUND LOCATION, MIX OF TYPE AND SIZE OF MARKET UNITS, LANDSCAPE AND ECOLOGICAL MANAGEMENT PLAN, POS PROVISION, TRANSFER AND MAINTENANCE, MATERIALS, DITCH CLEARANCE AND IMPROVEMENT WORKS, AND PEDESTRIAN CROSSING LAND SOUTH OF DAIRY HOUSE FARM, SPON LANE, GRENDON

Thank you for forwarding me details of the above referenced planning application.

The Highways Agency has reviewed the Appeal Decision Letter and the Travel Plan submitted with the application. Prior to the Appeal the Agency informed PINS that whilst the Travel Plan should be subject to a planning condition, the details of the proposed pedestrian crossing on the A5 could be discussed outside of the application. It was therefore a surprise to the Agency that the Inspector included the provision of the crossing as Condition 19.

It was the Agency's view at the original planning application stage that there was no justification for the crossing and that is still the case. It was not possible to comment in detail on the proposed crossing because the position had not been fixed and the drawing presented by the Applicant was only preliminary with insufficient detail of location. Therefore a meaningful operational assessment of the crossing could not be undertaken at that time.

The proposed crossing is included as an action in the latest Travel Plan but the information submitted for approval still does not include any justification for locating the crossing as proposed. Neither does the information include an NMU (Non-Motorised User) Audit or a Stage 1 and 2 Road Safety Audit.

Our Area Support Consultant EM Highways has reviewed the submitted proposals and find that they are not acceptable at present. The proposed location will conflict with the existing bus stop(s) and the crossing width is too wide without a refuge. As currently

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An executive agency of the Department for Transport

proposed there is could be safety implications for its use. The provision of a crossing will have to be the subject of a s278 Agreement with the Highways Agency therefore the details of the proposed crossing will have to be agreed before the crossing condition can be discharged.

The Agency's Spatial Planning Consultant, JMP Consultants Ltd, has reviewed the Travel Plan and we are content with the Plan except for the proposed pedestrian crossing. Therefore until the details of the crossing have been agreed with the Highways Agency the Travel Plan condition cannot be discharged.

Given that no development can take place prior to the discharge of the Travel Plan condition and that no dwelling can be occupied prior to the Pedestrian Crossing being provided in full, it is necessary for the Applicant to discuss and agree the details of the crossing with the Agency at the earliest opportunity.

Please feel free to contact me on the details above if you wish to discuss this response in more detail.

Yours sincerely



Steve Pearce
NDD Midlands
Email: steve.pearce@highways.qsi.gov.uk

cc: Lisa Maric (HA)
Area 9 Development Control
Paul Cawthorne (JMP)

Page 2 of 2



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Department for
Transport



Our ref: SHARE/19635468
Your ref: PAP/2015/0201

Adrian Johnson
Asset Manager
Coventry & Warwickshire
Network Delivery and Development

Jeff Brown
Planning
North Warwickshire Borough Council

The Cube
199 Wharfside Street
Birmingham B1 1RN

via Email: planningcontrol@northwarks.gov.uk

Direct Line: 0121 687 2583

1 June 2015

Dear Jeff

REMOVAL OF CONDITION NO:19 OF APPEAL REFERENCE APP/R3705/A/13/2203973 RELATING TO CONTROLLED PEDESTRIAN CROSSING; IN RESPECT OF ERECTION OF 85 DWELLINGS, ACCESS AND ASSOCIATED WORKS, ALL OTHER MATTERS RESERVED LAND SOUTH OF DAIRY HOUSE FARM, SPON LANE, GRENDON

Thank you for your email dated 11 May 2015 to which you attached additional information supplied by Bellway Homes Ltd. This information included additional accident data to December 2014, a further pedestrian survey undertaken on Thursday 7 May 2015 plus drawing number SI-S278-112 Rev A illustrating locations considered by Bellway for a controlled crossing.

Highways England has reviewed this additional information and would advise you that in our view none of the survey information provided to date would justify the provision of a controlled pedestrian crossing across the A5 in the vicinity of Spon Lane. The construction of the 85 dwellings off Spon Lane would not result in sufficient additional pedestrian activity to justify replacing the three existing central refuges with a controlled crossing. The accident information does not suggest there is a pedestrian safety problem.

Additionally you asked if consideration could be given to reducing the speed limit at this location to 30mph from 40 mph so as to make a crossing more acceptable from a safety point of view.

Speed limits are set by the appropriate traffic authority (which for the A5 is Highways England) in consultation with the Police as being appropriate for the local highway and traffic characteristics. The enforcement of speed limits on this section of the A5 is a matter for Warwickshire and West Mercia Police. Police resources for speed enforcement is limited and tends to be concentrated where there is a clear threat to road safety. This is not the case on the A5 at Grendon. Also, as indicated above, there is no existing justification for a controlled crossing on the A5 at this location therefore a reduction of the speed limit would not alter the situation.

Registered office Bridge House, 1 Walnut Tree Close, Guildford GU1 4LZ
Highways England Company Limited registered in England and Wales number 09340303



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Consequently our Response and Formal Recommendation dated 23 April 2015 as one of no objection to the proposed removal of Condition 19 attached to the planning consent APP/R3705/A/13/2203973 by the Planning Inspector still stands.

Please feel free to contact me on the details above if you wish to discuss this response further.

Yours sincerely



Adrian Johnson
NDD Midlands
Email: adrian.johnson@highwaysengland.co.uk

cc: Lisa Maric (Highways England)
Paul Cawthorne (JMP)
Fran Rowley (Turley)
Area 9 Development Control

Registered office Bridge House, 1 Walnut Tree Close, Gutterford GU1 4LZ
Highways England Company Limited registered in England and Wales number 01246363



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NORTH WARWICKSHIRE
BOROUGH COUNCIL
RECEIVED
07/07/2015
PLANNING & DEVELOPMENT
DIVISION

PAP/2015/0427

Secondment & Outsourcing

**BELLWAY HOMES DEVELOPMENT SPON LANE GRENDON
SECTION 278 WORKS - TOUCAN CROSSING WATLING
STREET A5, GRENDON**

STAGE 1/2 ROAD SAFETY AUDIT

February 2015

Waterman Aspen
4th Floor Civic House
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Birmingham
B3 3HN

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f: +44 (0)121 212 7701

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REV	ISSUE STATUS	PREPARED BY/DATE	CHECKED BY/DATE	APPROVED BY/DATE
1	DRAFT	ASD 17/02/15	CPY 17/02/15	
2	FINAL	ASD 18/02/15	CPY 18/02/15	CPY 18/02/15

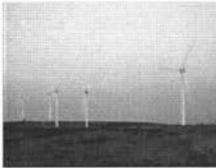
Our Markets



Property & Buildings



Transport & Infrastructure



Energy & Utilities



Environment

Disclaimer note

The client has confirmed that it is entering into the agreement under which this report is being prepared on its own behalf and not on behalf of, or for the benefit of any other party and has agreed that in any event of any claim arising out of or in connection with that agreement and/or the report itself it shall be entitled to recover from Waterman Aspen Limited only the losses, if any, it has itself suffered.

This report therefore is for the private and confidential use of the client for whom it was prepared solely for the purposes requested by the client. It should not be reproduced in whole or in part or relied upon by any third party for any use whatsoever without the express written authority of Waterman Aspen Limited.

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1.0 INTRODUCTION

1.1 This report is for a Stage 1/2 Road Safety Audit (RSA) carried out on a proposed toucan crossing on the A5 in Grendon, Staffordshire at the request of Residential and Commercial Engineering.

1.2 The RSA team, staff members from Waterman Aspen, present at the RSA were:

Adrian Dawson BSc MCIHT MSoRSA
Audit Team Leader

Chris Young MCIHT MSoRSA MIHE RegRSA (IHE) Ha Certificate of Competency
Audit Team Member

We confirm that no member of the Audit Team has been involved with the design process.

1.3 A site visit was carried out on Tuesday 17 February 2015. The weather during the site visit was sunny, with a damp road surface following earlier rain.

1.4 The RSA brief issued to the team comprised of various elements listed at Appendix Two.

1.5 The terms of reference of the RSA are as described in the Design Manual for Roads and Bridges HD19/03 – Road Safety Audit. The RSA team has examined and reported only the road safety issues of the scheme as presented and has not examined or verified the compliance of the design to any other criteria.

1.6 All of the problems described in this report are considered by the RSA team to require action in order to improve the safety of the scheme and minimise collision occurrence. However, if any of the problems or recommendations within this Road Safety Audit report are not accepted, a copy of the signed exception report from the Overseeing Organisation should be sent to the Road Safety Audit Team Leader.

2.0 PROPOSALS

The Section 278 Works relating the proposed Bellway Homes development at Spon Lane Grendon consists of new toucan crossing on the A5, a single carriageway Trunk Road with a speed limit of 40mph.

3.0 RECORDED INJURY ACCIDENT HISTORY

3.1 No accident information was provided to the audit team.

4.0 DEPARTURES FROM STANDARD

4.1 No departures from standard were recorded.

5.0 DOCUMENTS & INFORMATION NOT PROVIDED

5.1 The audit team were not supplied with and street lighting or drainage details.

5.0 MATTERS ARISING FROM THIS STAGE 1/2 ROAD SAFETY AUDIT

5.1 Problem Lack of forward visibility

Location: A5

Drawing Number – S278_110

Summary: Risk of pedestrian/cyclist injury

Whilst no speed data was presented to the audit team, the approach speed of traffic exiting from the roundabout at the junction with Boot Hill appeared to be elevated. In addition, the visibility for drivers approaching from the roundabout is only approximately 70m. This restricted visibility is considered insufficient to be safe in this instance. This consideration is based on the subjectively observed speed of traffic and the width of the crossing. If drivers see the crossing facility too late, then they may not be able to stop in time and a collision with a pedestrian/cyclist may occur.



Figure 1 - Visibility from roundabout

Recommendation

The toucan crossing should be relocated to an alternative location that provides adequate forward visibility to the primary traffic signal head. However it is noted this may present issues finding a suitable location to the presence of private driveways and existing constraints, consequently a suitable location may be a significant distance away from the roundabout junction and the desire line, so this may not be an acceptable resolution.

5.2 Problem Conflict with substation access

Location: A5

Drawing Number – S278_110

Summary: Risk of pedestrian/cyclist injury

There is an electricity substation on the northern side of the proposed crossing point, with a dropped kerb vehicular access. That access opens onto the footway at the location where pedestrians waiting to cross are likely to be standing. Even if the access were relocated to the extreme edge of the substation boundary, then a vehicle would be likely to drive over the area where pedestrians/cyclists would be likely to be standing. This could result in a conflict between a vehicle and pedestrians/cyclists.



Figure 2 - Access to electricity substation

Recommendation

The toucan crossing point should be relocated to a suitable location that does not conflict with existing dropped kerb vehicle accesses.

5.3 Problem Lack of visibility for pedestrians/cyclists

Location: A5

Drawing Number – S278_110

Summary: Risk of pedestrian/cyclist injury

At the time of the site visit, there were a number of vehicles parked on the footway on the northern side of the road, slightly to the west of the proposed location of the crossing. It was also clear that this parking is a common occurrence. Whilst the parked vehicles may not restrict visibility of the signal heads, they would obscure pedestrians/cyclists, particularly children waiting to cross and / or block visibility to approaching traffic.

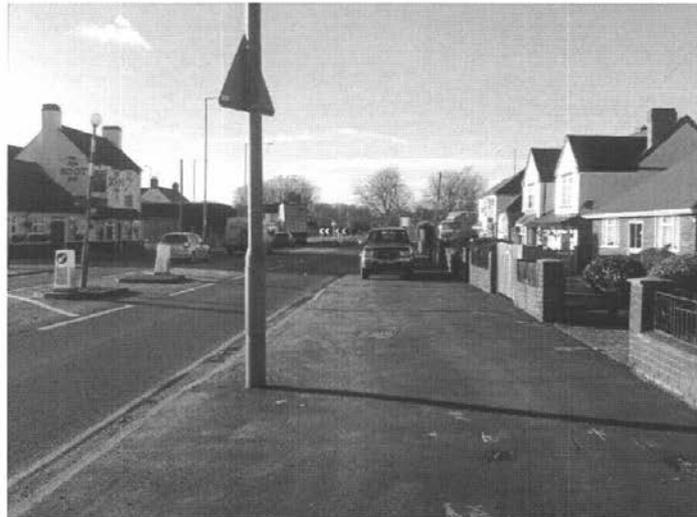


Figure 3 - Vehicles parked on footway near crossing

Recommendation

It is noted that the zig-zag markings would make such parking illegal, but it is still recommended that measures should be taken to prevent such parking.

5.4 Problem Lack of associated cycle facilities

Location: A5

Drawing Number – S278_110

Summary: Risk of pedestrian/cyclist injury

The proposed works comprise the introduction of a new Toucan crossing facility. However, there does not appear to be any other facilities for cyclists to tie in with this Toucan Crossing, be it existing or proposed on the drawing. Therefore, the Audit Team were unsure of the reasoning behind the provision of a cycle crossing where there are no facilities to link with.

Recommendation

The Toucan design should be varied to a Puffin layout, or cycle facilities should be provided to tie with this new cycle crossing point.

5.5 Problem Insufficient length of bus lay-by

Location: A5

Drawing Number – S278_110

Summary: Risk of pedestrian/cyclist injury

The lay-by for the bus stop on the north westbound approach to the proposed crossing does not appear to be long enough to contain a bus fully off the carriageway. This may result in stationary buses protruding into the carriageway. This could restrict visibility of the crossing traffic signal heads and of any pedestrians/cyclists crossing at this point. This could lead to a conflict between a vehicle and pedestrians/cyclists who are using the facility.



Figure 4 - Bus lay-by on approach to crossing

Recommendation

The toucan crossing facility should be relocated to a more appropriate location or the existing bus stop layby feature amended to ensure a bus can be fully contained within the layby

6.0 General Comments

1. There is a road drain in the kerb on the northern side of the road at the approximate location of the dropped kerb for the proposed kerb. However, there is no note on the drawing referring to its removal or conversion.



Figure 5 - road drain

2. There is a road sign (warning: children crossing) on a lighting column on the northern side of the road, slightly to the south of the proposed crossing. This will be hidden by the crossing and, if the crossing is implemented, should either be removed or relocated if still valid.
3. The drawing indicates that the existing refuge is to be removed but that the central hatching is to remain. The Traffic Signs Manual suggests that central hatching should be implemented on the approaches to a pedestrian crossing only if there is a physical central refuge/reserve.

APPENDIX ONE

7.0 AUDIT TEAM STATEMENT

AUDIT TEAM STATEMENT

I certify that the audit has been carried out in accordance with the requirements set out in HD19/03. The problems identified have been noted in this report together with associated safety improvement suggestions which we recommend should be studied for implementation.

AUDIT TEAM LEADER

Adrian Dawson MCIHT MSoRSA

Senior Road Safety Engineer
Waterman Aspen
4th Floor Civic House
156 Great Charles Street
Birmingham
B3 3HN


Signed:

Date: 18 February 2015

AUDIT TEAM MEMBER

Chris Young MCIHT MSoRSA MIHE RegRSA(IHE) HA Certificate of Competency
Associate Director
Waterman Aspen
4th Floor Civic House
156 Great Charles Street
Birmingham
B3 3HN

APPENDIX TWO

8.0 LIST OF DRAWINGS AND DOCUMENTS PROVIDED TO THE AUDIT TEAM

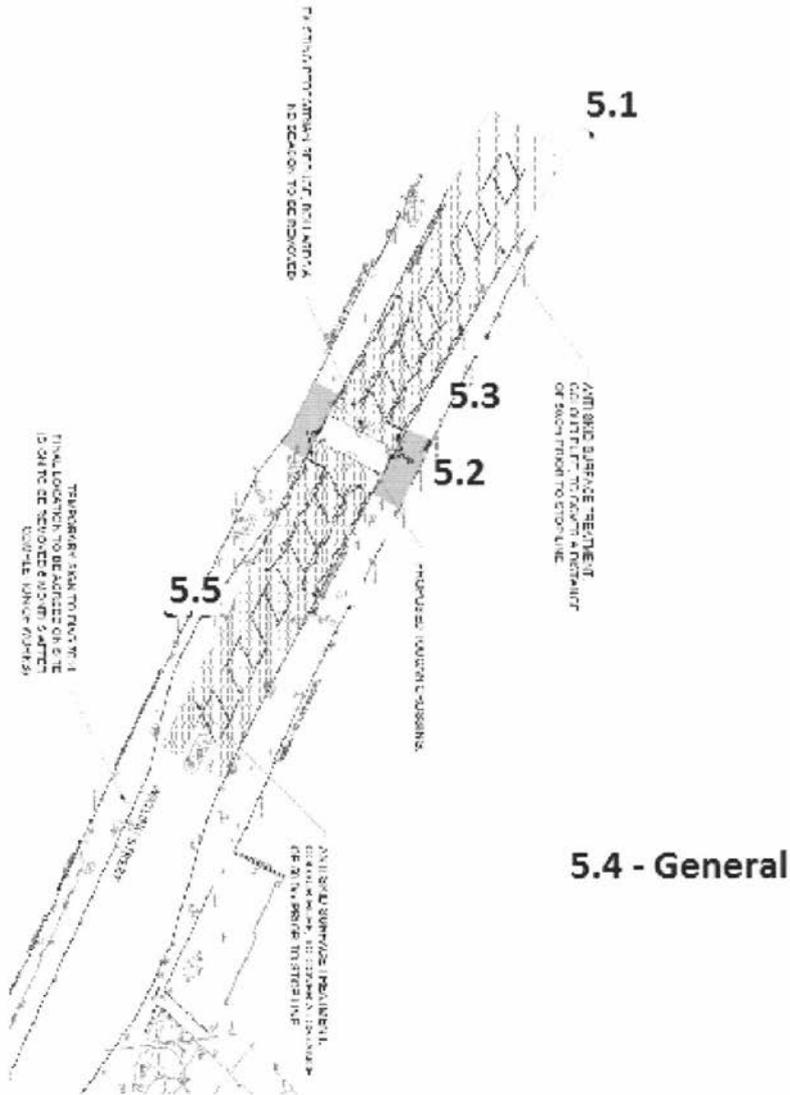
LIST OF DRAWINGS AND DOCUMENTS PROVIDED TO THE AUDIT TEAM

Drawings

S278_110

APPENDIX THREE

9.0 PROBLEM LOCATION PLAN





Stage 1/2 Road Safety Audit – Bellway Homes Spon Lane Grendon – S278 Toucan Crossing, A5, Grendon

- services**
- buildings services
 - civil engineering
 - energy & environmental
 - secondment & outsourcing
 - structural engineering
 - transport planning

- sectors**
- aviation
 - commercial
 - communication & technology
 - conservation / historic
 - education
 - energy
 - government & defence
 - healthcare
 - highways
 - hotels
 - industrial
 - marine
 - rail
 - residential
 - retail
 - sports & leisure
 - transportation
 - urban regeneration
 - waste
 - water

- united kingdom**
- belfast
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 - brentwood
 - bristol
 - cardiff
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 - derby
 - dundee
 - edinburgh
 - glasgow
 - leeds
 - lingfield
 - london
 - manchester
 - newcastle-upon-tyne
 - nottingham
 - sheffield
 - solihull
 - warrington



Brown, Jeff

From: Johnson, Adrian <Adrian.Johnson@highwaysengland.co.uk>
Sent: 18 June 2015 15:02
To: Brown, Jeff
Cc: Paul Cawthorne; Area9 DEVCONTROL; Maric, Lisa
Subject: RE: SHARE/19635468 - Proposed Crossing at Spon Lane, Grendon - Planning Application reference PAP/2015/0201

Jeff

If a developer formally requested a pedestrian crossing at this, or any other location, they would have to present a case to justify the request. They would need to include details of current and anticipated pedestrian and traffic use, anticipated pedestrian desire lines and a review of the current accident situation in the vicinity of the proposed crossing, particularly highlighting accidents involving pedestrian, all in accordance with TA 91/05 Provision for Non-Motorised Users and Local Transport Note LTN 1/95 The Assessment of Pedestrian Crossings. The proposal would also need to be supported by a proposed layout drawing and a Stage 1 Road Safety Audit. We would consider the request and provide a response based on the information submitted.

The Highways Agency did not receive a formal request for a controlled crossing from the original applicant for the Spon Lane housing development, there was simply a suggestion in the Transport Assessment and the Travel Plan that a toucan crossing could be provided subject to approval of the Highways Agency. The Highway's Agency's response to the planning application was:

" We note that the Transport Assessment includes a proposal for a pedestrian crossing on the A5 trunk road. However as the crossing is not considered necessary to facilitate the development we are content that details of this crossing (should it be required) can be discussed outside of this application. This would allow time for the requirement for a crossing to be investigated fully and any associated issues to be addressed post determination of the application. This investigation would need to begin with a review of the type of crossing as set out in LTN 1/95 together with an NMU Audit to DMRB HD42/05."

When a planning Appeal was pending the Highways Agency wrote to PINS and commented on the pedestrian crossing matter as follows:

"In addition to the above, it is worth noting that the Transport Assessment submitted in support of the application included a proposal for a pedestrian crossing on the A5 trunk road. Given that the crossing was not deemed necessary to facilitate the development, the Highways Agency was satisfied that details of the crossing could be discussed outside of the planning application."

No supporting information was submitted by the Applicant for the suggested crossing therefore the Highways Agency could not take a view on the proposal.

Earlier this year Bellway Homes provided the information necessary for considering the provision of a Toucan crossing at this location. Based on that information Highways England concluded that;

a) there is insufficient existing or forecast pedestrian demand to support the provision of a controlled crossing,

- b) there is not a material accident record that would support the consideration of a controlled crossing, and
- c) there no suitable location to provide a controlled crossing that would meet our design requirements.

Therefore, based on the information before us Highways England could not support the provision of a controlled crossing at this location.

Adrian

Adrian Johnson

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

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

Web: <http://www.highways.gov.uk>

GTN: 6189 2583

From: Brown, Jeff [mailto:JeffBrown@NorthWarks.gov.uk]

Sent: 16 June 2015 15:43

To: Johnson, Adrian

Subject: SHARE/19635468 - Proposed Crossing at Spon Lane, Grendon - Planning Application reference PAP/2015/0201

Adrian

I refer to your letter of 1 June in respect of the above. You say in that letter that you do not consider that the proposed residential development of 85 dwellings would justify a controlled crossing and that the accident information does not suggest a safety issue. Your conclusion is that you have no objection to the removal of the condition.

Can I ask a question for clarification please? If Highways England was formally approached by the developer with an application to construct a controlled crossing here under the Highways Act, would you grant or refuse such an application?

An answer would help us with our approach to the issue.

Many thanks

Jeff

Website - www.northwarks.gov.uk

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Brown, Jeff

From: David Cox <pamelaanddavid@hotmail.co.uk>
Sent: 22 July 2015 16:11
To: Brown, Jeff
Cc: Ian Bates; Bob Young; Jules Wincles; Sweet, Ray; Andy Wright; Morson, Peter
Subject: Application Ref:PAP/2015/0427

Dear Sir,

I object in the strongest terms possible to Bellway Homes attempt to shirk their responsibilities,

At the very first presentation of their proposal in Grendon Methodist Church they emphasised the dangers of the A5 and that they were committed to providing a controlled crossing to counteract this.

At the appeal, Her Majesty's Inspector made the provision of a controlled crossing one of the conditions of granting the appeal, and that no new homes should be occupied until the crossing was operating. Please tell me who has the authority to override the H.M.I. ruling or is this big business and money talking again with residents being ignored?

For Highways to say a crossing is unsafe, is obvious nonsense. It is as safe as it is placed and designed, with sufficient and properly situated warning signs for oncoming traffic.

Alternatively, the traffic around Grendon Island could be controlled by lights or even replaced by 4-way traffic lights. With the increase in traffic from the expansion of Birch Coppice and all the new homes in the area, the latter will inevitably be required at some point, so why not do it now? Presumably so that Bellway can maximise their profits at the expense of Grendon residents.

There are many areas on trunk roads where lights/ crossings are installed for safety reasons. One only has to look at the 1.5/2 mile stretch of the A5 through Brownhills to see this.

Highways should check their records to see how contradictory they are being with their statements. A few years ago, an application to build one house in the garden of 111, Watling Street, Grendon, was vetoed by Highways on the grounds of "extra traffic joining the A5" This would have been 2 or maybe 3 extra cars per day.

They, however, raised no objections to the 85 additional houses in Grendon which could generate up to 200 cars per day and presumably will not object to the 100 due for Baddesley which will generate another 200. This I feel is the height of hypocrisy, or is it the power of big business again?

Please note, this is my personal objection as a resident. You will be receiving that of Grendon Parish Council in due course.

David B. Cox - 183, Watling Street, Grendon. CV9 2PJ



Our ref: SHARE/19635468
 Your ref: PAP/2015/0247 0427

Adrian Johnson
 Asset Manager
 Coventry & Warwickshire
 Network Delivery and Development

Jeff Brown
 Planning
 North Warwickshire Borough Council

The Cube
 199 Wharfside Street
 Birmingham B1 1RN

via Email: planningcontrol@northwarks.gov.uk

Direct Line: 0121 687 2583

23 July 2015

Dear Jeff

REMOVAL OF CONDITION NO:19 OF APPEAL REFERENCE APP/R3705/A/13/2203973 RELATING TO CONTROLLED PEDESTRIAN CROSSING; IN RESPECT OF ERECTION OF 85 DWELLINGS, ACCESS AND ASSOCIATED WORKS, ALL OTHER MATTERS RESERVED LAND SOUTH OF DAIRY HOUSE FARM, SPON LANE, GRENDON

Thank you for your further consultation on this matter dated 13 July 2015.

We indicated in our Response and Formal Recommendation dated 23 April 2015 that Highways England had no objection to the removal of Condition 19 relating to the provision of a controlled pedestrian crossing on the A5 at Grendon. Since then there has been a dialogue with the applicant who has submitted further information in support of the application.

In our letter dated 1 June 2015 I confirmed that we were content with the additional information submitted by the applicant and that our previous Response and Formal Recommendation was still valid.

We note from your planning website that there is an amended application along with the additional information submitted by the applicant. We have reviewed the latest documents and confirm that they do not change our previous response of no objection. However, for the avoidance of doubt I attach a new Response and Formal Recommendation of no objection.

Please feel free to contact me on the details above if you wish to discuss this response further.

Yours sincerely



Adrian Johnson
NDD Midlands
Email: adrian.johnson@highwaysengland.co.uk

cc: Paul Cawthorne (JMP)
Fran Rowley (Turley)
Area 9 Development Control



Developments Affecting Trunk Roads and Special Roads

Highways England Response & Formal Recommendation to an Application for Planning Permission

From: Tim Harbot (Divisional Director),
Network Delivery and Development
Midlands Region
Highways England

To: **North Warwickshire Borough Council**

CC: transportplanning@dft.gsi.gov.uk
growthandplanning@highwaysengland.co.uk

Council's Reference: **PAP/2015/0247**

Referring to the notification of a planning application dated 13 July 2015 referenced above, in connection with the A5 trunk road, **REMOVAL OF CONDITION NO:19 OF APPEAL REFERENCE APP/R3705/A/13/2203973 RELATING TO CONTROLLED PEDESTRIAN CROSSING; IN RESPECT OF ERECTION OF 85 DWELLINGS, ACCESS AND ASSOCIATED WORKS, ALL OTHER MATTERS RESERVED**, Land South of Dairy House Farm, Spon Lane, Grendon, notice is hereby given that Highways England's formal recommendation is that we:

- a) offer no objection;
- ~~b) recommend that conditions should be attached to any planning permission that may be granted (see Annex A – Highways England recommended Planning Conditions);~~
- ~~c) recommend that planning permission not be granted for a specified period (see Annex A – further assessment required);~~
- ~~d) recommend that the application be refused (see Annex A – Reasons for recommending Refusal).~~

Highways England Formal Recommendation letter to LPA: v.2 JULY 2015

Re Highways Act Section 175B:

- a) ~~Highways England consents to access for any new connections to the Strategic Road Network as part of this application;*~~
- b) ~~Highways England does not consent to access for any new connections to the Strategic Road Network as part of this application~~
- c) Not relevant as there is **no common boundary** between the planning site and the SRN.
- d) ~~Not relevant as **no new access** is being proposed along the common boundary between the planning site and the SRN~~

* Where we give consent (a), under Section 175B, this is applicable only to the particular planning application and its accompanying documents, including agreed junction designs.

This represents Highways England formal recommendation and is copied to the Department for Transport as per the terms of our Licence.

Should you disagree with this recommendation you must consult the Secretary of State for Transport, as per the Town and Country Planning (Development Affecting Trunk Roads) Direction 2015, via transportplanning@dft.gsi.gov.uk.

Signed by

Date: 23 July 2015	
Signature:	
Name: Adrian Johnson	Position: Asset Manager
Highways England: The Cube 199 Wharfside Birmingham B1 1RN	

(10) Application No: PAP/2015/0459

Land South of Pogmore Spinney, Merevale Lane, Merevale,

Standalone solar PV array, access, associated infrastructure, landscaping and cable route, for

Murex Solar Ltd

Introduction

This application has recently been received and is reported at this time for information. Given the location and size of the proposal it is recommended below that Members undertake a site visit prior to determination.

The Site

This amounts to some 5.2 hectares of arable agricultural land on the east side of Merevale Lane and to the north of Twenty One Oaks. The immediate surrounding area comprises blocks of woodland and other agricultural land. Whilst on the high scarp running parallel to the A5, the actual site itself slopes towards the south with a height difference of around 10 metres. The nearest residential property is located at the junction of Merevale Lane with the Coleshill Road – some 130 metres distant; Colliery Farm to the north at 350 metres and the Bentley House Care Home to the south at 400 metres. Merevale Hall is over a kilometre to the north-east. There are no public rights of way across or near to the site.

The general site is illustrated at Appendix A.

The Proposals

The proposal comprises a 5MW photovoltaic solar array with its associated infrastructure, landscaping and cable route to enable the export of renewable energy to the National Grid – sufficient it is said for consumption by around 1000 dwellings. It is not proposed to conduct any levelling works as the arrays will be able to be fitted directly into existing ground levels such that they face south. The rows of panels would be 3.5 metres apart and vary from 0.8 metres to 2.5 metres in height above ground level with an angle of around 25 degrees. The panels would be a matt blue-grey in colour.

The arrays would be connected via an underground cable to the National Grid on the 33Kv line to the north-west. The onsite sub-station would be located on the west side of the site close to the access. It would be 9.2 by 5.8 metres and 4.2 metres tall and constructed in colour coated steel. An associated car park would be needed together with a collection of other buildings.

There will also be a collection of inverter stations throughout the array. These would be metal clad buildings measuring 6.6 by 2.8 metres and be 2.3 metres tall.

A security fence and CCTV cameras are proposed. This would be 2.5 metres tall and be similar to deer fencing which is made of a high tensile steel mesh. CCTV cameras would be located every 60 to 70 metres around the perimeter on 4.5 high metre poles.

Access to the site for construction and maintenance once installed would be via an improved existing field gate on Merevale Lane. Construction is expected to take between 12 and 15 weeks, seven days a week, with a maximum of between 18 to 20 HGV movements a day particularly at the beginning of that period.

In this case a full planning permission is sought rather than a time limited one usually 25 years.

The developer proposes to set up a Solar Charitable Trust for the duration of the operational period of the solar array. This would be for use by the local community either for community projects or for a local residents' fuel poverty scheme. No decision has yet been made or terms of reference drawn up.

Plans at Appendices B to D illustrate the matters referred to above.

A number of supporting documents accompany the application.

A Design and Access Statement describes the appearance of the various pieces of plant, equipment and structures to be installed as well as summarising operations.

An Agricultural Appraisal describes the setting and the work done in investigating the nature of the soils across the site also looking at cropping and field conditions. It concludes that the site can be classified at Grade 3B agricultural land – e.g. “land capable of producing moderate yields of a narrow range of crops principally cereals and grass, or lower yields of a wider range of crops or high yields of grass which can be grazed or harvested over most of the year”.

An Ecological Survey describes the site as an enclosure bordered by conifer and broadleaved woodland and a species rich hedgerow. A number of recommendations are made: all boundaries need to be protected during the construction period, further badger surveys are needed but the current level of activity is not a constraint, bats may use the woodland to the east and so if these trees are to be managed further survey work is needed and all construction work should be carried out between September and February to avoid the nesting bird season. The site has good potential for bio-diversity enhancement and an appropriate plan should be drawn up.

A Flood Risk Assessment shows the site to be in a low risk area for fluvial flooding. There is a low risk of surface water flooding from the PV array but the sustainable drainage system involving the use of swales running across the slope at regular intervals is supported.

A Construction Management Plan says that the construction period would last between 12 and 15 weeks. Whilst 24/7 working is suggested there would be no deliveries on Sundays as HGV movements would operate between 0730 and 1930 during the week, with hours of 0730 to 1200 on Saturdays.. All construction traffic would use Merevale Lane and the A5. The temporary site compound would be within located in the field between the actual site and Merevale Lane adjacent to the access. The majority of the HGV movements (15 to 20 a day) would be in the first 10 weeks of the overall programme.

A Statement of Community Involvement states that apart from pre-application discussions with various Agencies, the applicant undertook a “mail-shot” to residential properties within 2 kilometres of the site as well as to Baxterley Parish Council including a response sheet. The responses are said to be supportive and there was a majority of respondents saying that any community benefit should go towards a local residents’ fuel poverty scheme.

A Heritage Impact Assessment says that the site is on the edge of the Merevale Park Estate, historically part of a 12th Century Cistercian Monastery. Very little archaeological fieldwork has been undertaken but due to the proximity of the Watling Street; the former Monastery and the medieval activity in the area, the opportunity should be taken to carry out some field work here. There are three Grade 1 and nine Grade 2 star Listed Buildings including a Registered Park within 5km of the site together with a further 27 Grade 2 Buildings and eight Scheduled Ancient Monuments. The Assessment concludes that most of these assets are located some distance away from the site so as to minimise any impact on their settings or indeed on their actual architectural and historic characteristics either individually or cumulatively. Additionally intervening topography and woodland suggests that they would be partly or wholly insulated from the effects of the proposed solar array. The overall conclusion is that only six assets or groups of assets would be affected, but that the level of harm overall would be negative/minor – there being negative or minor harm to Merevale Abbey, Oldbury Camp, The Gate House and the remains of Merevale Abbey but with negative/moderate harm to Merevale Hall and is registered parkland.

A Landscape and Visual Impact Assessment concludes that the development would introduce a modern low-level engineered element into a well wooded semi-enclosed farmland landscape. As the development would contain linear elements, the proposal would relate well to the undulating terrain and the land cover pattern. Landscape character effects would occur primarily within the 0.2 to 0.3 km distance from the site principally focused to the south/south-east. No views would be available from the principal settlements in the area. There would be some localised visual impacts during construction particularly from the upper floors of Bentley House. There are no public footpaths in the area and views from the highway network would be very limited but these at worst would be transitory glimpses. Overall the Assessment concludes that the development would be accommodated within the existing landscape structure but that there would be very limited views of it from publically accessible locations or from private dwellings. These would be reduced by on-site planting and strengthening of hedgerows.

A Planning Policy Statement sets out the planning policy background referring to the National Planning Policy Framework; the 2014 Core Strategy, the saved policies of the 2006 Local Plan and to the National Planning Practice Guidance. Other Material Planning Considerations relevant to solar arrays is referred to. The Statement concludes that the development accords with this policy background.

Appendices E to H are photographs of the actual site from just inside the access track. Appendix I illustrates the site from Twenty One Oaks.

Development Plan

The Core Strategy 2014 – NW1 (Sustainable Development); NW2 (Settlement Hierarchy), NW10 (Development Considerations), NW11 (Renewable Energy), NW12 (Quality of Development), NW13 (Natural Environment) and NW14 (Historic Environment)

Saved Policies of the North Warwickshire Local Plan 2006 – Core Policy 2 (Development Distribution); Core Policy 3 (Natural and Historic Environment), Core Policy 11 (Quality of Development), ENV1 (Protection and Enhancement of Natural Landscape), ENV10 (Energy Generation), ENV13 (Building Design), ENV14 (Access Design), ENV15 (Conservation) and ENV16 (Listed Buildings)

Other Material Planning Considerations

The National Planning Policy Framework 2012

National Planning Practice Guidance 2014

Planning Guidance for the Development of Large Scale Ground Mounted Solar PV Systems – BRE

Solar Farm – 10 Commitments: Solar Trade Association.

Observations

At this stage this report is for information so as to acquaint Members with the recently submitted application. A full determination report will be prepared in due course once full consultation has taken place with a number of relevant Agencies and the local community.

Perhaps the key issues when dealing with the application will be to assess the visual impact and the impacts on the character of the surrounding landscape. As in previous cases it is recommended that Members visit the site and its surrounds.

Recommendation

That Members note the receipt of the application and undertake a site visit prior to determination.

BACKGROUND PAPERS

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

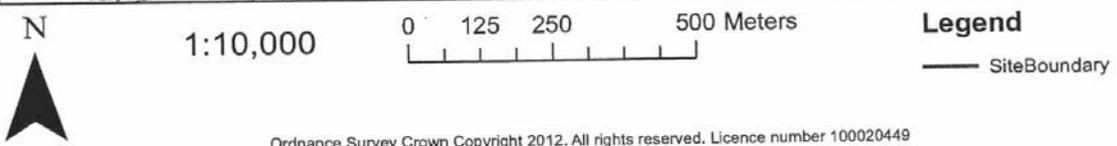
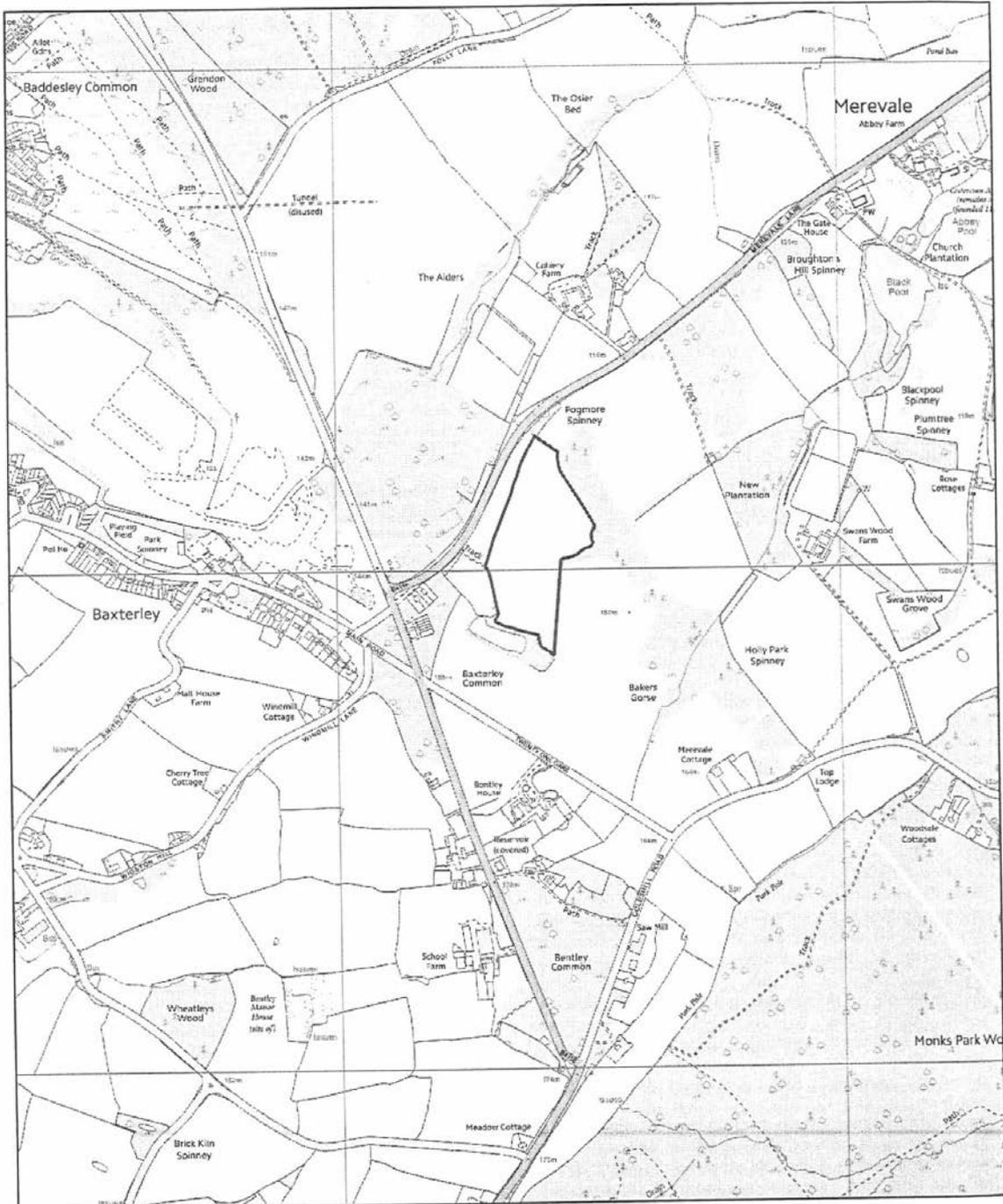
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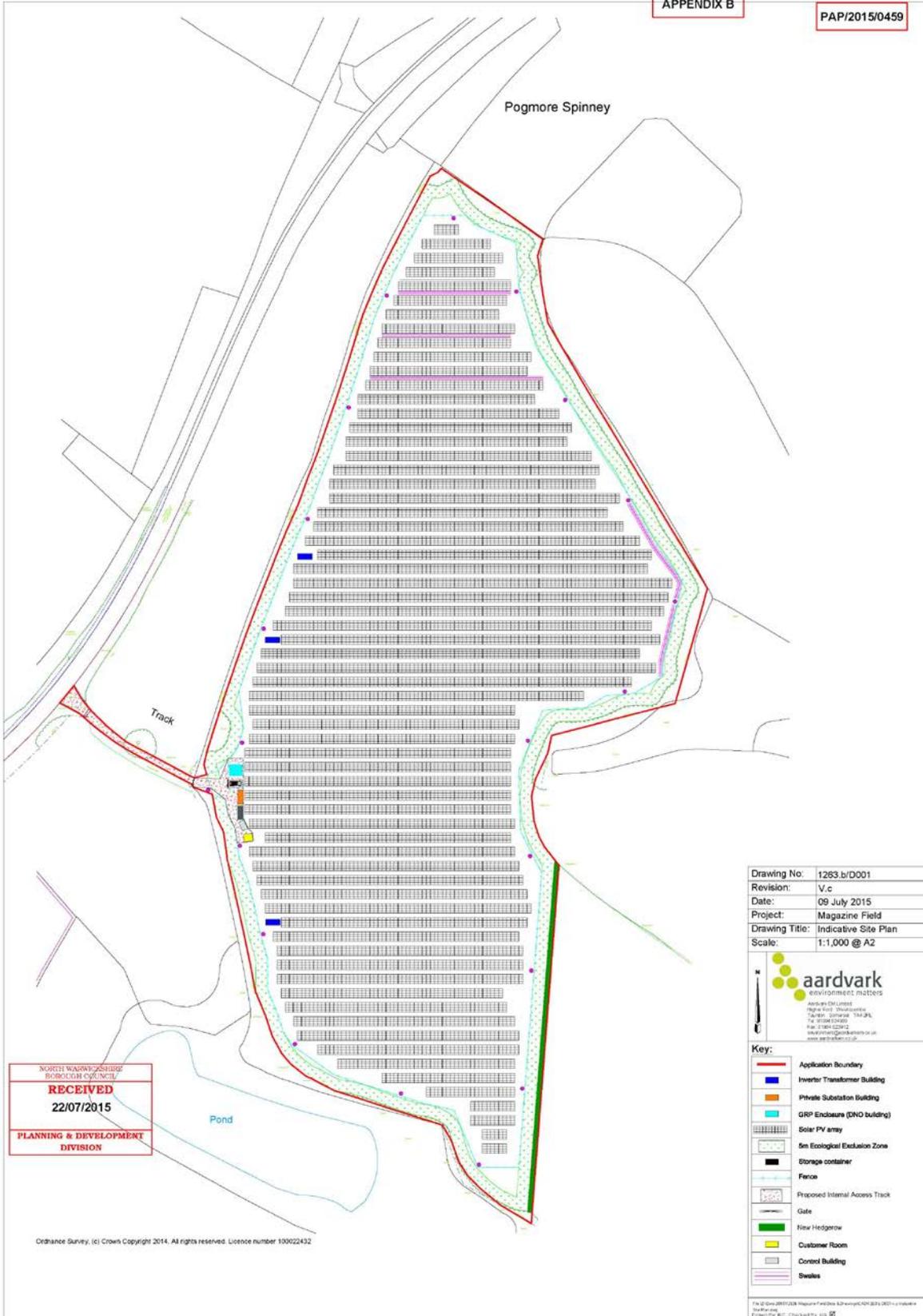
Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	22/7/15

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.

MUREX - LAND AT MEREVALE LANE SOLAR SITE PROPOSED LOCATION





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Drawing No:	1263.br/D001
Revision:	V.c
Date:	09 July 2015
Project:	Magazine Field
Drawing Title:	Indicative Site Plan
Scale:	1:1,000 @ A2

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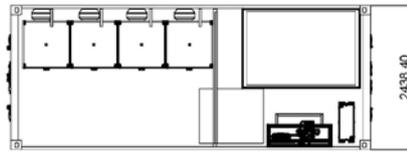
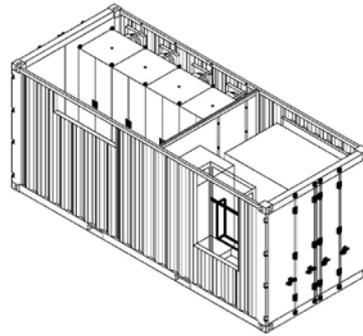
Key:

[Red line]	Application Boundary
[Blue square]	Inverter Transformer Building
[Orange square]	Private Substation Building
[Cyan square]	GRP Enclosure (DNO building)
[Hatched box]	Solar PV array
[Hatched box]	Set Ecological Exclusion Zone
[Black rectangle]	Storage container
[Blue dashed line]	Fence
[Dashed line]	Proposed Internal Access Track
[Line with arrow]	Gate
[Green line]	New Hedgerow
[Yellow rectangle]	Customer Room
[Grey rectangle]	Control Building
[Purple rectangle]	Swales

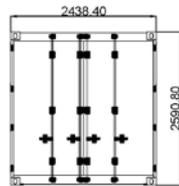
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LATERAL



PLAN



FRONT

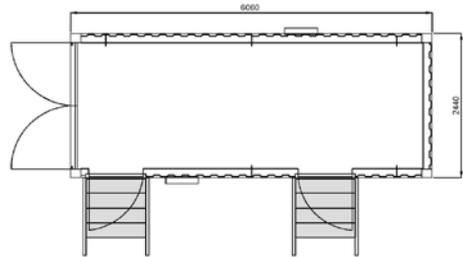
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Revision:	v.1
Date:	15 June 2015
Project:	Magazine Field
Drawing Title:	Project 3 - Magazine Field, Division and
Scale:	1:50 @ A3



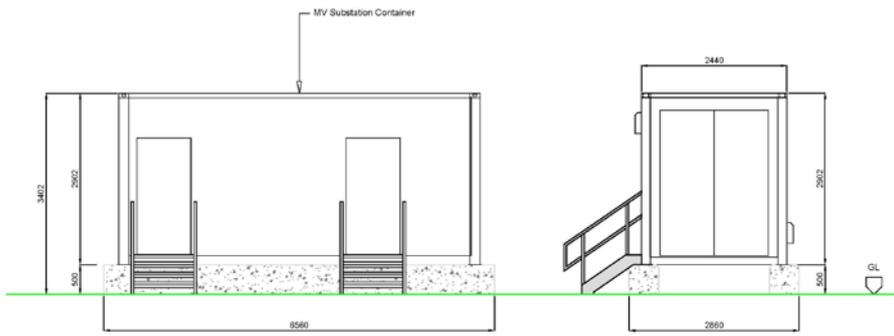
- Notes:**
- Building colour RAL 6005
 - Building will be mounted on a 500mm foundation

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FLOOR PLAN



SIDE ELEVATION

FRONT ELEVATION

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Drawing No:	1263.b\0008
Revision:	v.1
Date:	15 June 2015
Project:	Magazine Field
Drawing Title:	MV Substation Container, Elevation and Plan
Scale:	1:50 @ A3



- Notes:**
- Building colour RAL 6005
 - Building made of coated steel
 - All dimensions are indicative and in "mm".

For more information please contact the Planning Department on 01927 543434 or email planning@nwm.gov.uk
Approved by: [Signature] Checked by: [Signature]

PAP/2015/0459



Existing view
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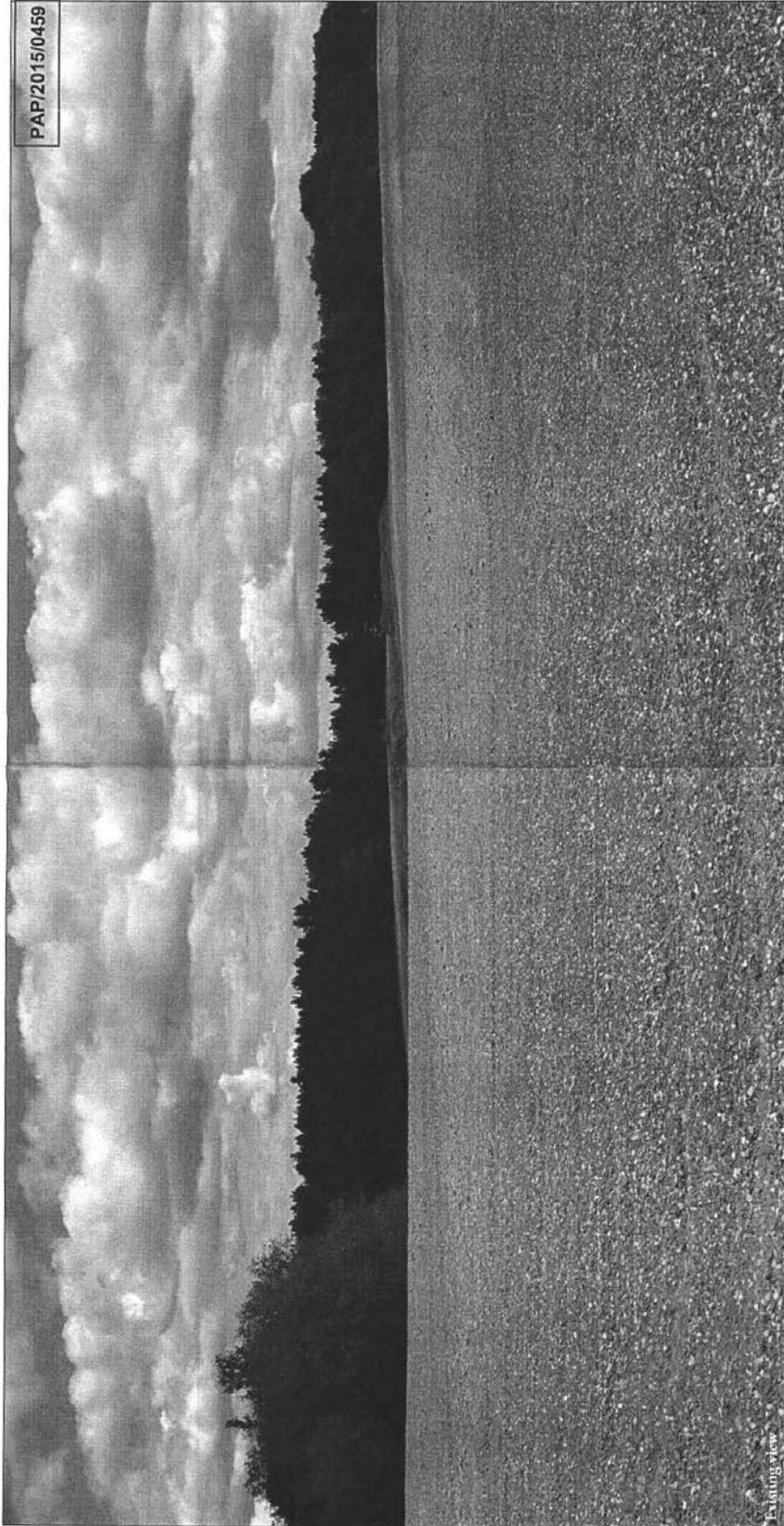
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 Viewer height: 1.6m
 Viewing distance: 300mm
 Angle of view: 60°
 Date: 3 June 2015
 Time: 1:00 p.m.
 Weather: Fine

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Project: Land at Magazine Field, Merevale
 Title: Viewpoint 1: South-western site boundary looking south-east
 Ref: 1190/06.01 sheet 4 of 4

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Existing view

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Grid reference: 428307 297003
 Location: South-western site boundary
 Camera and lens: Canon 5Diii/50mm
 Viewer height: 1.6m
 Viewing distance: 300mm
 Angle of view: 60°
 Date: 3 June 2015
 Time: 1:00 p.m.
 Weather: Fine

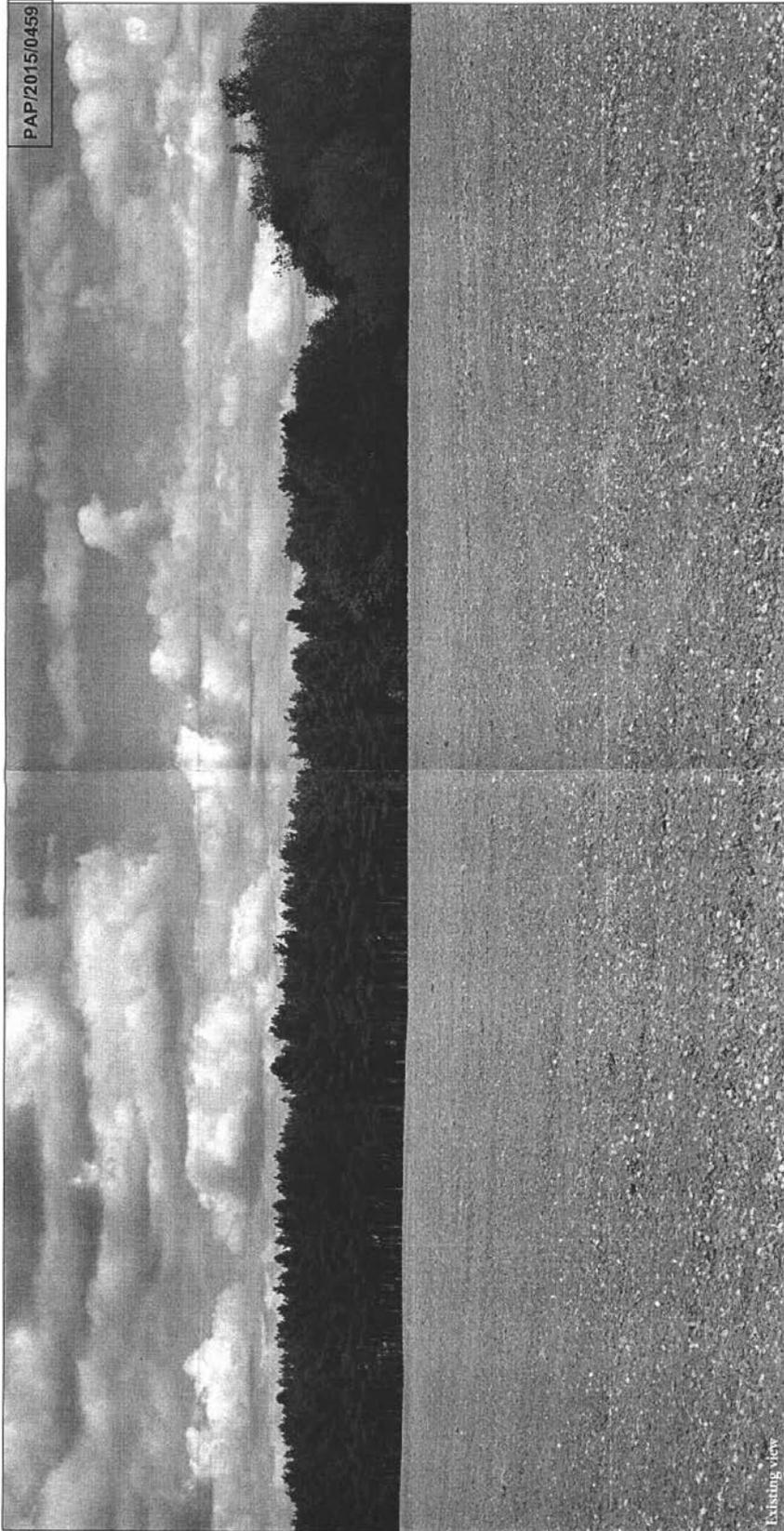
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Project: Land at Magraire Field, Merveale
 Title: Viewpoint 1: South-western site boundary looking east
 Ref: 1190/06.01 sheet 3 of 4

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Appendix F

PAP/2015/0459



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Grid reference: 428307 297003
 Location: South-western site boundary
 Camera and lens: Canon 5Diii/50mm
 Viewer height: 1.6m
 Viewing distance: 300mm
 Angle of view: 60°
 Date: 3 June 2015
 Time: 1:00 p.m.
 Weather: Fine

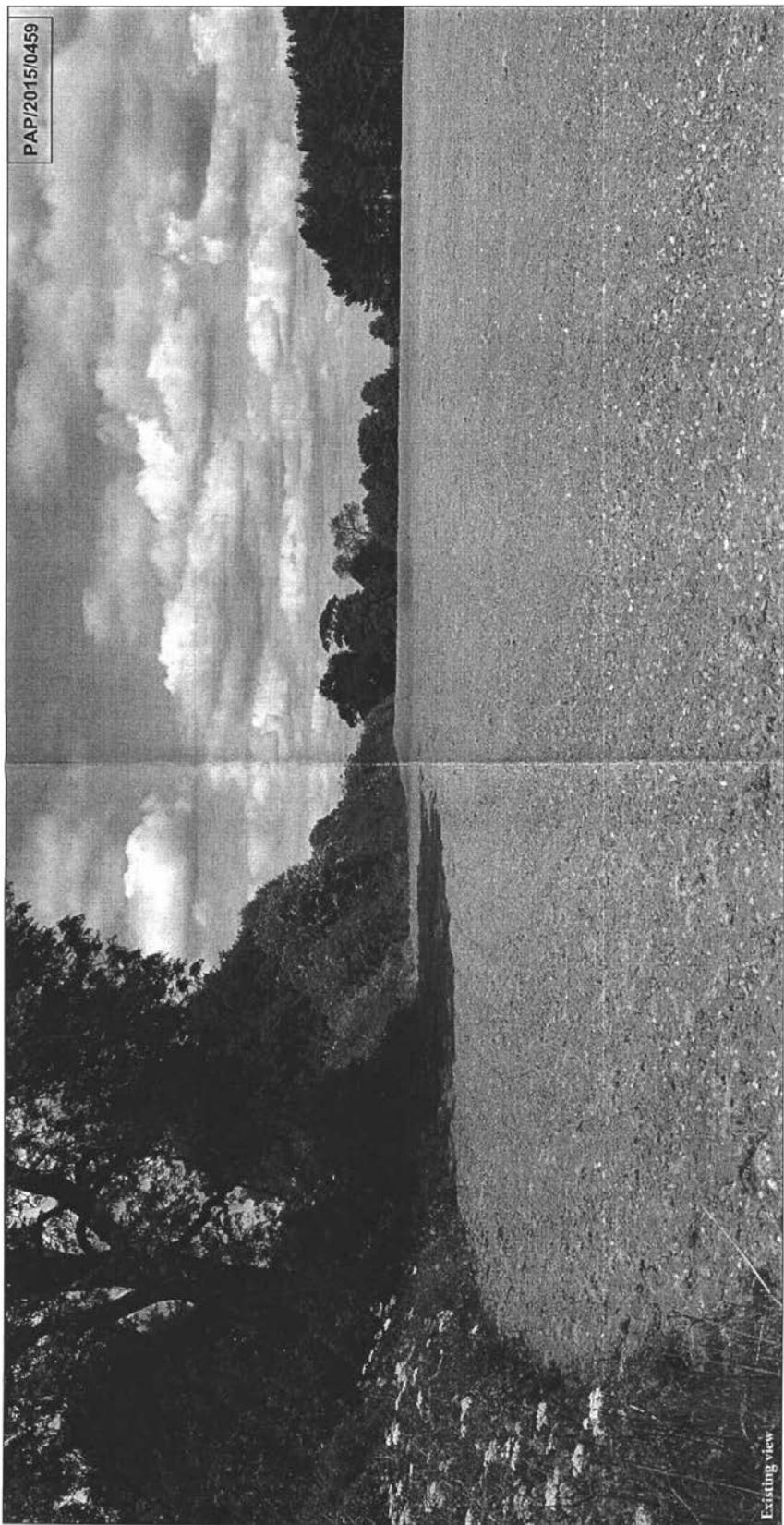
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Project: Land at Magazine Field, Merevale
 Title: Viewpoint 1: South-western site boundary looking north-east
 Ref: 1190/06.01 sheet 2 of 4

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APPENDIX G

PAP/2015/0459



continued on next page >

APPENDIX H

Project: Land at Magazine Field, Merevale
 Title: Viewpoint 1: South-western site boundary looking north
 Ref: 1190/06.01 sheet 1 of 4

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Grid reference: 428307 297003
 Location: South-western site boundary
 Camera and lens: Canon 5Diii/50mm
 Viewer height: 1.6m
 Viewing distance: 300mm
 Angle of view: 60°
 Date: 3 June 2015
 Time: 1:00 p.m.
 Weather: Fine



Existing view



Appendix II

Project: Land at Magazine Field, Merevale
 Title: Viewpoint 2: Twenty One Oaks road opposite Bentley House
 Ref: 1190/05.02

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Grid references: 428440 296611
 Location: 215m to the south of the site
 Camera and lens: Canon 5Diii/50mm
 Viewer height: 1.6m
 Viewing distance: 300mm
 Angle of view: 60°
 Date: 3 June 2015
 Time: 11:50 a.m.
 Weather: Fine

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