

Agenda Item No 5

Planning and Development Board

23 May 2011

Planning Applications

Report of the Head of Development Control

1 Subject

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

2 Purpose of Report

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

3 Implications

- 3.1 Should there be any implications in respect of:

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

4 Site Visits

- 4.1 Members are encouraged to view sites in advance of the Board Meeting. Most can be seen from public land. They should however not enter private land. If they would like to see the plans whilst on site, then they should always contact the Case Officer who will accompany them. Formal site visits can only be agreed by the Board and reasons for the request for such a visit need to be given.
- 4.2 Members are reminded of the "Planning Protocol for Members and Officers dealing with Planning Matters", in respect of Site Visits, whether they see a site alone, or as part of a Board visit.

5 **Availability**

- 5.1 The report is made available to press and public at least five working days before the meeting is held in accordance with statutory requirements. It is also possible to view the papers on the Council's web site www.northwarks.gov.uk
- 5.2 The next meeting at which planning applications will be considered following this meeting, is due to be held on Monday, 20 June 2011 at 6.30pm in the Council Chamber at the Council House.

Planning Applications – Index

Item No	Application No	Page No	Description	General / Significant
1	PAP/2008/0369	4	151 Plank Lane, Water Orton Erection of eight new two bedroom, two storey houses, with associated parking, comprising of 6 terraced dwellings and 2 semi detached dwellings. Demolition of Granny flat attached to 151 Plank Lane, Construction of new private access road.	General
2	PAP/2009/0420	53	Almshouses, Church Lane, Middleton Demolition of 6 almshouses and erection of 14 no almshouses and affordable houses with associated access and parking	General
3	PAP/2010/0058	97	Grimscote Manor, Lichfield Road, Coleshill Retention of existing marquee	General
4	PAP/2010/0315	1112	108 Long Street, Atherstone Erection of 2 no dwellings	General
5	PAP/2011/0046 & PAP/2011/0048	134	157 - 159 Long Street, Atherstone Application to extend the time period allowed to implement planning permission PAP/2007/0594 - Demolition of existing garage and erection of 2 offices, 19 apartments and 21 houses	General

General Development Applications

(1) Application No: PAP/2008/0369

151 Plank Lane, Water Orton

Erection of eight new two bedroom, two storey houses, with associated parking, comprising of 6 terraced dwellings and 2 semi detached dwellings; demolition of granny flat attached to 151 Plank Lane; and construction of new private access road for Mrs Lyn Mallee, Arden Properties.

Introduction

This application is reported to Board as a consequence of there being a Section 106 Agreement involved and proposed changes to the terms of that agreement. At the last meeting (report enclosed at Appendix A), Members requested that the agreement terms also allow for review of the affordable housing provision.

The proposed plans remain unchanged and are included in the Board report enclosed at Appendix B (December 2008). The site description and assessment is included in the Board report enclosed at Appendix C (October 2008).

It should also be noted that this application is wholly unrelated to the anticipated submission of a large scale housing application for land around Plank Lane.

Background

This application was originally deferred in October 2008 for a site visit, and subsequently approved in December 2008, subject to conditions and the completion of a Section 106 Agreement for affordable housing and an open space financial contribution (Appendix B).

Since then, there have been continued negotiations between the applicant, case officer and the Council's Housing officers to ensure the terms of this agreement are appropriate to meet the affordable housing requirements. Following an agreed draft agreement being prepared, the applicant has been seeking funding from the banks ahead of them being party to this agreement.

Reference should be made to (a), (b) and (c) at Appendix A, which sets out the former and proposed situation in respect of viability of affordable housing. It was recommended in that report that the changes to the agreement be supported.

Observations

At the last meeting, Members requested that in recognition of allowing a reduced, but still above the minimum required, affordable housing provision; the agreement terms allow for review of this provision if some time passes before implementation. This would allow scope for a greater provision to be explored with reference to the economic situation at that time.

This has been put to the applicant who comments that the permission would only be valid for three years, and thus a review would naturally occur then if the scheme was still to be pursued. In addition, lending is offered on the basis of the permission granted and any legal documents attached to that permission. To seek review of provision after the dwellings are built but before they are all/partly sold/rented would be unreasonable as it could leave the developer in arrears. However, the applicant is agreeable to a review mechanism at 2 years should the permission have not been implemented by that date.

A copy of the draft agreement can be viewed at Appendix D, with the relevant clause at paragraph 9.2. It is considered that the draft agreement should be supported as proposed.

Recommendation

That the Section 106 Agreement, which is yet to be signed, be varied to allow the provision of 4 affordable dwellings alongside the unchanged contribution towards open space, as well as including a mechanism for review at 2 years should the permission have not yet been implemented; and that following the completion of this agreement, permission subject to conditions outlined in the report at Appendix B be granted for the proposed development.

BACKGROUND PAPERS

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

Planning Application No: PAP/2008/0369

Background Paper No	Author	Nature of Background Paper	Date
1	Applicant's Accountant	Letter confirming new owner of applicant company	1/4/2011
2	Applicant	Build cost calculations and Cost/Recovery calculations	4/4/2011
3	Case Officer	Email to applicant	5/4/2011
4	Head of Development Control	Letter to applicant	12/4/2011
5	Applicant	Email to Case Officer and draft Section 106 Agreement	10/5/2011

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
(Board Report April 2011)**

General Development Applications

(1) Application No: PAP/2008/0369

151 Plank Lane, Water Orton

Erection of eight new two bedroom, two storey houses, with associated parking, comprising of 6 terraced dwellings and 2 semi detached dwellings; demolition of granny flat attached to 151 Plank Lane; and construction of new private access road for Mrs Lyn Mallee, Arden Properties.

Introduction

This application is reported to Board as a consequence of there being a Section 106 Agreement involved and proposed changes to the terms of the agreement, and previous concerns from local Members.

The site characteristics and proposal are described in the Board report enclosed at Appendix B (October 2008). The proposed plans remain unchanged from the date of that report.

It should also be noted that this application is wholly unrelated to the anticipated submission of a large scale housing application for land around Plank Lane.

Background

Members will recall this was originally deferred in October 2008 for a site visit, and subsequently approved, subject to conditions and the completion of a Section 106 Agreement for affordable housing and an open space financial contribution in December 2008 (Board report at Appendix A).

Since then, there have been continued negotiations with the applicant, case officer and the Council's Housing officers to ensure the terms of this agreement are appropriate to meet the affordable housing requirements. Following an agreed draft agreement being prepared, the applicant has been seeking funding from the banks ahead of them being party to this agreement.

Observations

a) The former situation

The great majority of this site is within the defined development boundary for Water Orton and thus there is no objection in principle to the proposal. However, the proposal includes Green Belt land, where there is a presumption against the grant of planning permission for inappropriate development, which includes new residential development. The main issue thus focussed on whether there were "very special circumstances" of such weight here to warrant overriding the above presumption.

The original proposal sought to provide affordable housing well over the minimum required by Development Plan policy and the SPD on Affordable Housing, and was a matter of substantive weight. Additional weight was also afforded by the West Midlands Regional Spatial Strategy, and an identified shortage of affordable properties with the Borough.

The Green Belt land used would be minimal, and only to provide the access road. In other words there would be no buildings on this piece of land. Those access works, by definition in planning terms, are supported in Government guidance where they maintain openness and do not conflict with the purposes of including land within the Green Belt. As the land amounts to only 5% of the development site, would contain no new buildings or other structures, and have replacement hedgerow and other planting; it was not considered that there was a material impact on the openness of the Green Belt hereabouts such that the very special circumstances necessary in this case are proven, and that they outweigh the presumption against the grant of planning permission.

This assessment is outlined in full at Appendix B.

b) The present situation

Members will no doubt be aware of the economical difficulties facing the housing sector. The rate and levels of loaning has significantly reduced since late 2008, and is having a material impact on the viability on many development proposals both across the Borough and the country. Consequently, the applicant has been unable to secure funding for the proposal in its current state.

In response, the applicant has chosen to purchase the land covered by this application to negate the need for a mortgage lender to be party to the Section 106 Agreement. However, irrespective of whether a mortgage lender would be involved or not, the viability of the proposal is now compromised by the tenure split, presently standing at 6 affordable dwellings and 2 for market sale. Consequently, the applicant has been asked to demonstrate the viability of the scheme subject to variations of the tenure split. It has been shown the scheme would not either break even or be profitable on a 6:2 or 5:3 split. However, an equal balance of 4 affordable and 4 market dwellings does provide a level of profit.

c) Very Special Circumstances

As outlined above, Members previously voted to approve the application on the basis of special circumstances being proven. These were namely:

- No material impact on openness
- A significant over provision of affordable housing, thus contributing to an identified need

The material impact on openness remains unaltered, and the same weight is afforded as it was previously.

In terms of the affordable housing, Members are reminded that if the site were to exclude any use of Green Belt land, the affordable housing contribution minimum of 40% is a material fall back for the applicant. This would amount to only 3 dwellings being made available for affordable housing purposes. Therefore, there is still some

weight afforded to this application by virtue of 4 affordable dwellings being proposed, and this contributes towards proving special circumstances.

Thus, in the context of an identified affordable housing need within Water Orton for couples and families, which remains just as urgent as two years ago, and recognition of the continuing difficulties in the economic arena, it is considered that the application should still be supported.

Recommendation

That the Section 106 Agreement, which is yet to be signed, be varied to allow the provision of 4 affordable dwellings alongside the unchanged contribution towards open space; and that following the completion of this agreement, permission subject to conditions outlined in the report at Appendix A be granted for the proposed development.

BACKGROUND PAPERS

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

Planning Application No: PAP/2008/0369

Background Paper No	Author	Nature of Background Paper	Date
1	Council's Solicitor	Email to Case Officer	21/11/2008
2	Case Officer	Email to Applicant	28/11/2008
3	Applicant	Draft Agreement and Title	6/2/2009
4	Case Officer	Email to Applicant	6/2/2009
5	Applicant	Email to Case Officer	6/2/2009
6	Forward Planning Officer	Email to Case Officer	16/2/2009
7	Forward Planning Officer	Email to Case Officer	23/2/2009
8	Housing Officer	Email to Case Officer	25/9/2009
9	Case Officer	Draft Agreement and email	9/3/2009
10	Applicant	Email to Case Officer	10/8/2009
11	Housing Officer	Email to Case Officer	24/8/2009
12	Housing Officer	Email to Case Officer	9/9/2009
13	Case Officer	Email to Applicant	29/9/2009
14	Forward Planning Officer	Email to Case Officer	14/10/2009
15	Housing Officer	Email to Case Officer	22/10/2009
16	Case Officer	Email to Applicant	23/10/2009
17	Applicant	Draft Agreement	13/11/2009
18	Case Officer	Email to Applicant	16/11/2009
19	Land Owner	Email to Case Officer	19/11/2009
20	Case Officer	Email to Land Owner	20/11/2009
21	Council's Solicitor	Amended Draft Agreement	19/11/2009
22	Case Officer	Email to Applicant	23/11/2009
23	Head of Developm't Control	Email to Council's Solicitor	23/11/2009
24	Case Officer	Email to Council's Solicitor	3/2/2010
25	Case Officer	Draft Agreement and email	3/2/2010
26	Case Officer	Email to Land Owner	3/2/2010
27	Housing Officer	Email to Applicant	5/2/2010
28	Case Officer	Draft Decision Notice	25/3/2010
29	Land Owner	Email to Case Officer	23/6/2010
30	Case Officer	Email to Land Owner	24/6/2010
31	Applicant	Email to Case Officer	24/6/2010
32	Land Owner	Email to Case Officer	21/9/2010
33	Case Officer	Email to Land Owner	22/9/2010
34	Case Officer	Emails to Applicant	22/9/2010
35	Case Officer	Email to Land Owner	30/9/2010
36	Waterloo Housing	Email to Case Officer	6/10/2010
37	Applicant	Emails to Case Officer	25+28/3/2010
38	Case Officer	Emails to Applicant	28/3/2010

Note: This list of background papers excludes published documents which may be referred to in the report, such as The Development Plan and Planning Policy Guidance Notes. A background paper will include any item which the Planning Officer has relied upon in preparing the report and formulating his recommendation. This may include correspondence, reports and documents such as Environmental Impact Assessments or Traffic Impact Assessments.

General Development Applications

(1) Application No: PAP/2008/0369

Erection of eight new two-bedroom, two-storey houses, with associated parking, comprising of 6 terraced dwellings and 2 semi detached dwellings, demolition of Granny flat attached to 151 Plank Lane, construction of new private access road, for Mr Christopher Mallee - Arden Properties

Introduction

This application was deferred by Board in October in order to seek an amended design and layout, and for clarification of access options. Also, a Section 106 agreement is involved.

For a site description, an outline of the proposal together with the Development Plan background and a note of the representations and consultations received, Members are asked to refer to Appendix A (Planning Applications report of October 13 2008 – item 2).

Further Representations

A further letter of comment has been received from the Coleshill and District Civic Society who raise no objection in principle, but ask that regard be given to the impact on neighbouring properties; Water Orton Parish Council's comments, and the balance of providing affordable housing whilst there is a small use of Green Belt land.

Amendments

At the time of preparation of this report, amended plans had been received as a consequence of the deferral, and a further round of consultation with the local community has been made. Any representations received will be reported to Board.

Appendices B and C are copies of the layout and cross sections as reported to the October Board, and Appendices D and E are copies of the amended plans. The alterations are:

- a change in the design of the proposed units to replace the gables ends with hipped roofs, and
- the introduction of a refuse collection point for individual household bins, rather than having communal bins

Observations

a) Site Layout

Following Members' requests, the applicant was asked to consider revising the layout such that the principle elevations of plots 1 to 5 would face out towards the Green Belt. This was rejected as it would lead to a number of new issues. Firstly, the parking area would not be overlooked and would be surrounded by garden fences such that the layout would not meet Secure by Design principles as set out in Policy ENV12 of the Local Plan. Secondly, it would give a disjointed appearance with the existing neighbouring properties in Long Leys Croft, again not meeting the objectives of Policy ENV12. Finally it would lead to small rear gardens, an issue covered by Policy ENV11.

Overall it was considered that there would be no design value added, particularly as any refusal based on the design of the existing layout would be very unlikely to be supported at appeal.

The applicant however has agreed to modify the roofs from gable ends to hipped so as to better reflect the surrounding properties, and as can be seen from the elevations in the Appendices this is a material improvement. The bin store has also been replaced with a collection point, and tenants will be required to store bins within their curtilages, thus addressing a matter of concern that Members became involved with on another case.

b) Access

The applicant was also asked to look at alternative access arrangements. The application was submitted with a letter from the County Highway Authority stating that the use of Long Leys Croft would cause difficulties – it was narrow, passed through a garage court and would involve a third party's land. Further clarification has now been sought regarding the private access between numbers 48 Coleshill Road and 165 Plank Lane. Even if land ownership matters could be overcome, an access in this position would not be supported by the County as it would exit right onto the existing junction between these two roads. Demolition of a bungalow to gain access would also result in a similar highway objection and also have a negative impact on the street scene along Plank Lane (in that half a semi-detached bungalow would remain). The proposed access is considered the only suitable option, and it does benefit from Highway Authority support.

c) The Section 106 Agreement

Work continues towards securing the affordable housing element of this proposal, together with seeking a financial contribution to open and green space provision within a 106 Agreement.

Recommendation

That planning permission be **Granted** subject to a Section 106 Agreement as outlined in these reports together with 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 27/CM/16F, 27/CM/20F, 27/CM/21C, 27/CM/22a & 27/CM/23c received by the Local Planning Authority on 24 October 2008 and the Tree Survey Schedule prepared by Central Tree Services Ltd received by the Local Planning Authority on 21 August 2008.

REASON

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

3. No development shall be commenced before samples of the facing bricks, roofing tiles & stone 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 shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of screen walls/fences to be erected. The approved screen walls/fences shall be erected before the dwellings hereby approved are first occupied and shall subsequently be maintained.

REASON

In the interests of the amenities of the area.

5. No development shall take place on the site until the implementation of a programme of archaeological work has been secured in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

REASON

To ensure the recording of any items of archaeological interest.

6. An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site. The contents of the scheme are subject to the approval in writing of the Local

Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archeological sites and ancient monuments

(iii) A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures.

REASON

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors [in accordance with policy ENV6 of the adopted Local Plan 2006].

7. Before the development commences a scheme for the construction of the foul & surface water drainage system shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details, and no house hereby approved shall be occupied until such time as these approved measures have been implemented in full.

REASON

To prevent pollution of the water environment.

8. The development hereby permitted shall not be commenced until a scheme for the provision of adequate water supplies and fire hydrants, necessary for fire fighting purposes at the site, has been submitted to, and approved in writing by, the Local Planning Authority. The development shall not then be occupied until the scheme has been implemented to the satisfaction of the Local Planning Authority.

REASON

In the interests of fire safety

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

REASON

In the interests of the amenities of the area.

10. 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.

11. No development or site works whatsoever shall commence on site until details of measures for the protection of trees and hedgerows have been submitted to and approved in writing by the Local Planning Authority.

REASON

In the interests of the amenities of the area.

12. No development or site works whatsoever shall commence on site until the measures approved in Condition No 11 above have been implemented in full.

REASON

In the interests of the amenities of the area.

13. No street or car park lighting shall be placed or erected on the site without details first having been submitted to, and approved in writing, by the Local Planning Authority.

REASON

In the interests of the amenities of the area.

14. Any windows on the north elevation of plot 6 and west elevation of plot 7 shall be non opening and glazed with obscured glass and shall be permanently maintained in that condition.

REASON

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

15. No work relating to the construction of the development hereby approved, including works of demolition or preparation prior to operations, or internal painting or fitting out, shall take place before the hours of 0730 nor after 1800 Monday to Friday; before the hours of 0800 nor after 1300 Saturdays and not at any time on Sundays or recognised public holidays.

REASON

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

16. There shall be no delivery or construction traffic arriving at or exiting from the site between the hours of 0830 and 0915 and 1445 and 1530 Monday to Friday during school term times.

REASON

In the interests of highway safety

17. The development shall not be commenced until amended plans of the development have been submitted showing the access road and bellmouth. no work shall commence until these plans have first been approved in writing by the Local Planning Authority. Only the approved measures shall then be implemented.

REASON

In the interests of safety on the public highway.

18. The development hereby permitted shall not be occupied until visibility splays have been provided to the vehicular access to the site with 'y' distances of 43.0 metres in both directions, and with 'x' distances of 2.4 metres to the near edge of the public highway carriageway to the east splay and 4.5 metres to the west splay.

REASON

In the interests of safety on the public highway.

19. The access to the site for vehicles shall not be used unless a bellmouth has been laid out and constructed within the public highway in accordance with the standard specification of the Highway Authority.

REASON

In the interests of safety on the public highway.

20. The access to the site for vehicles shall not be used until it has been provided with not less than 6.0 metre kerbed radiused turnouts on each side.

REASON

In the interests of safety on the public highway.

21. The access to the site for vehicles shall not be used in connection with the development hereby permitted until it has been surfaced with a bound material for a distance of 7.5 metres as measured from the near edge of the public highway carriageway in accordance with details to be approved in writing by the Local Planning Authority.

REASON

In the interests of safety on the public highway.

22. The development hereby permitted shall not be occupied until an access for vehicles has been provided to the site not less than 5.0 metres in width for a distance of 7.5 metres, as measured from the near edge of the public highway carriageway.

REASON

In the interests of safety on the public highway.

23. The development hereby permitted shall not be commenced until a scheme for the provision of adequate water supplies and fire hydrants, necessary for fire fighting purposes at the site, has been submitted to, and approved in writing by, the Local Planning Authority. The development shall not then be occupied until the scheme has been implemented to the satisfaction of the Local Planning Authority.

REASON

In the interests of fire safety

24. Before development commences, a bat detector survey should be carried out. This must be undertaken between May and September. Should any roosts be detected, a European Species Licence must be obtained before the commencement of any works. Furthermore, contractors should be made aware of those protected species that may occur on the site and the action to be taken if they are encountered.

REASON

In the interests of the biodiversity and natural amenities of the area.

Notes

This Decision Notice must be read in conjunction with a Planning Obligation completed under the terms of Section 106 of the Town and Country Planning Act 1990 (as amended). You are advised to satisfy yourself that you have all the relevant documentation.

The applicant is advised that to comply to the standard of works to trees, the work should be carried out in accordance with British Standard 3998 "Recommendations for Tree Work".

Public footpath number M40 must remain unobstructed and open for public use at all times during and after construction. It is an offence to obstruct or damage public footpaths. This permission does not authorise the interference in any way of the footpath which must be properly protected. Any furniture installed upon the legal line should conform to British Standards.

If required Warwickshire County Council's Countryside Team (01926 413427) can provide advice about the protection of public footpath during the construction of the development, further information regarding the exact location of M40 and a suitable specification for a gate.

The Development Plan policies which are relevant to this Decision are as follows: North Warwickshire Local Plan 2006 - CORE POLICY 2, ENV2, ENV3, ENV4, ENV8, ENV9, ENV11, ENV12, ENV13, ENV14, HSG2, HSG4, TPT1, TPT3, TPT6, A Guide for the Design of Householder Developments SPG (2003), Water Orton Village Design Statement SPG (2003), Affordable Housing SPD (2008) & Green Space Strategy SPD (Draft 2008); Regional Spatial Strategy (Phase 2 Revision - Preferred Options 2007) - CF2 (part C & paragraphs 3.47, 6.25 & 6.49).

Condition numbers 19, 20, 21 & 22 require works to be carried out within the limits of the public highway. Before commencing such works the applicant must enter into a Highway Works Agreement with the Highway Authority under the provisions of Section 184 of the Highways Act 1980. Application to enter into such an agreement should be made to the Development Group, Warwickshire County Council, Environment & Economy Directorate, Shire Hall, Warwick, CV34 4SX.

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 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.

Works should avoid disturbance to nesting birds wherever possible. If works overlap or coincide with the bird breeding season, a suitably qualified ecologist

should inspect the site immediately prior to the commencement of works and advise on any necessary protective measures to be taken. There is the potential for badgers to also use the site. Any steep-sided holes must either be covered overnight or left with a ramp to allow any animal a means of escape should they fall in.

Justification

The proposal conflicts with policies CP2 & ENV2 of the North Warwickshire Local Plan 2006. However, the identified need for affordable housing provision within North Warwickshire under the West Midlands Regional Spatial Strategy and within the Affordable Housing SPD (2008) are material considerations and are sufficient to in favour of the proposal and to outweigh the policies referred to above.

The proposal is however in accordance with policies ENV3, ENV4, ENV8, ENV9, ENV11, ENV12, ENV13, ENV14, HSG2, HSG4, TPT1, TPT3, TPT6, A Guide for the Design of Householder Developments SPG (2003), Water Orton Village Design Statement SPG (2003), Affordable Housing SPD (2008) & Green Space Strategy SPD (Draft 2008).

Overall it is considered that the proposal provides a significant affordable housing contribution in Water Orton without significant detriment to the amenities of the area.

BACKGROUND PAPERS

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

Planning Application No: PAP/2008/0369

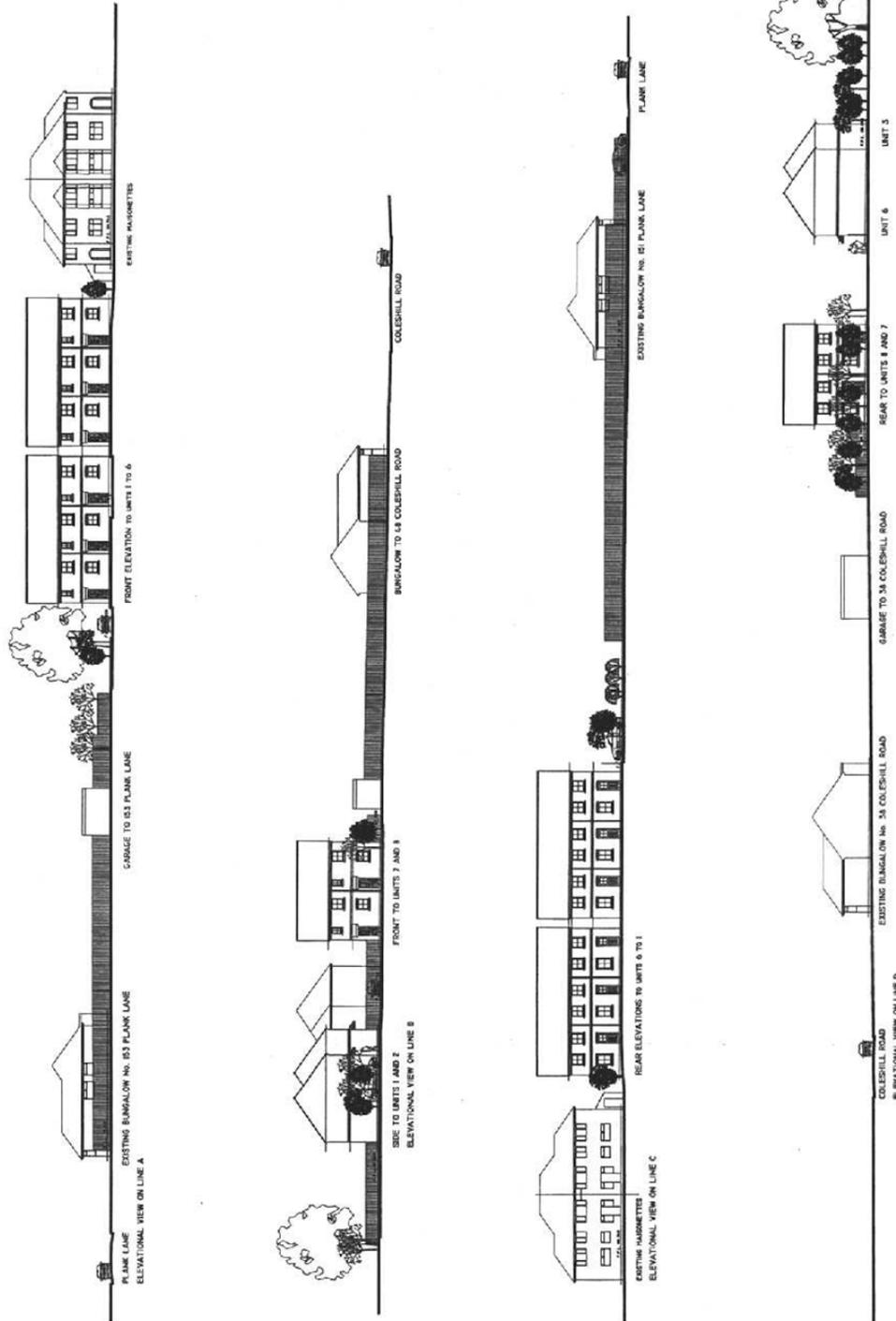
Background Paper No	Author	Nature of Background Paper	Date
1	Coleshill & District Civic Society	Email of comment	18/10/2008
2	Planning Control Manager	Letter to applicant	14/10/2008
3	Applicant	Letter to case officer	24/10/2008
4	Case officer	Email to applicant	30/10/2008
5	County Highways	Email to case officer	30/10/2008
6	Applicant	Email to case officer	30/10/2008
7	Case officer	Email to Councillors	10/11/2008
8	Councillor Lea	Email to case officer	11/11/2008
9	Applicant	Email to case officer	10/10/2008
10	Case officer	Email to Forward Planning & Housing	10/10/2008
11	Forward Planning	Email to case officer	10/10/2008
12	Case officer	Email to applicant	10/10/2008
13	Applicant	Email to case officer & amended Section 106 agreement	10/10/2008
14	Applicant's solicitor	Options agreements	13/10/2008
15	Applicant	Email to case officer & amended drawings	24/10/2008
16	Council's solicitor	Email to case officer	7/11/2008
17	Housing	Email to case officer	14/11/2008
18	Case officer	Email to Council's solicitor & Housing	17/11/2008

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.

2008 / 0369

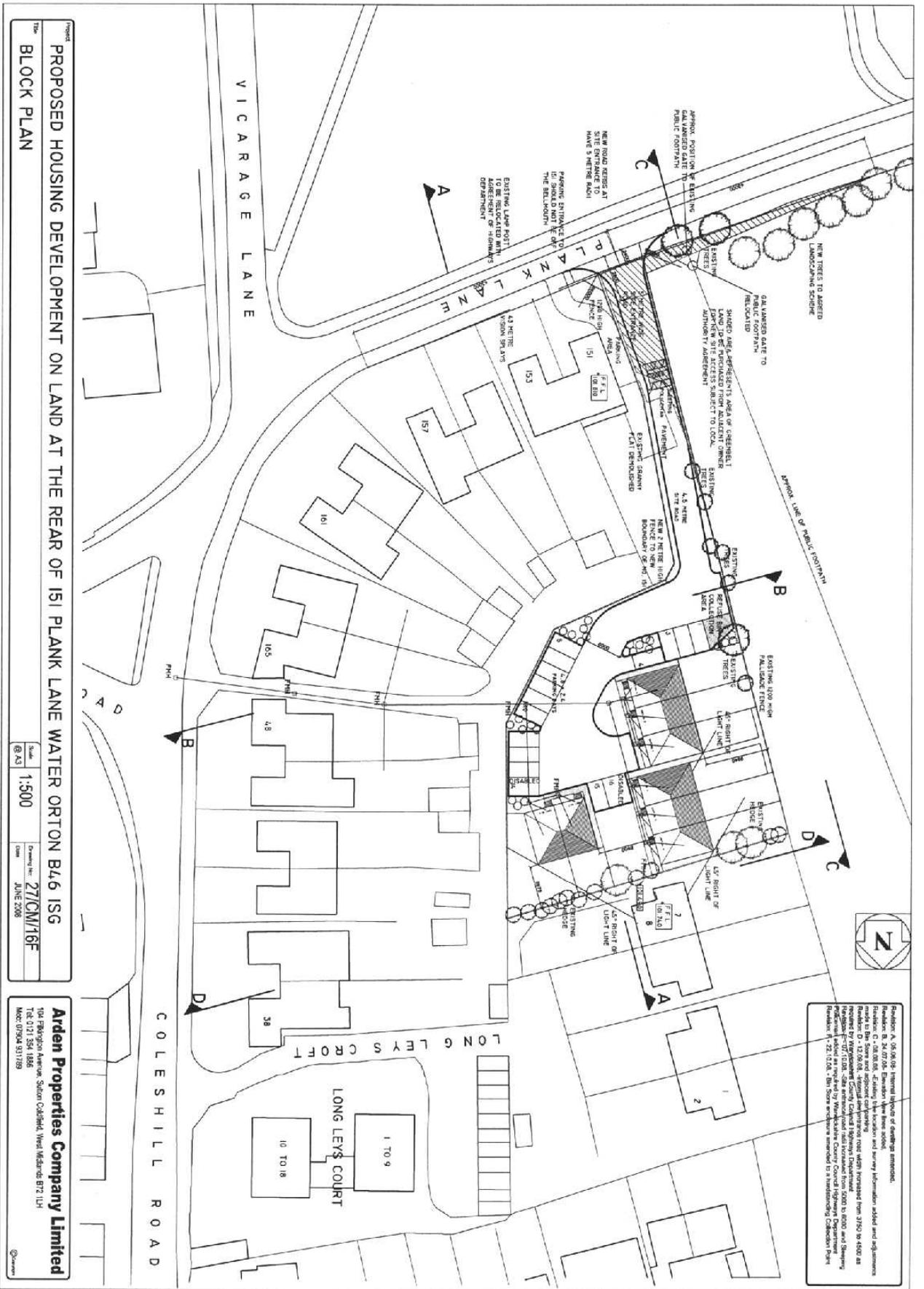
SUPERSEDED



SCALE: 1/8" = 1'-0"
 NORTH
 DATE: 11/11/2008
 DRAWN BY: J. J. JONES
 CHECKED BY: J. J. JONES

Arden Properties Company Limited
 1000 West Beaver Creek Road
 Richmond Hill, Ontario L4B 1N2
 Tel: 905.709.1111
 Fax: 905.709.1112

PROPOSED HOUSING DEVELOPMENT ON LAND AT THE REAR OF 151 PLANK LANE WATER ORTON B44 IS6
 ELEVATIONAL STREET SCENES
 SHEET NO. 1008
 DATE: 11/11/2008

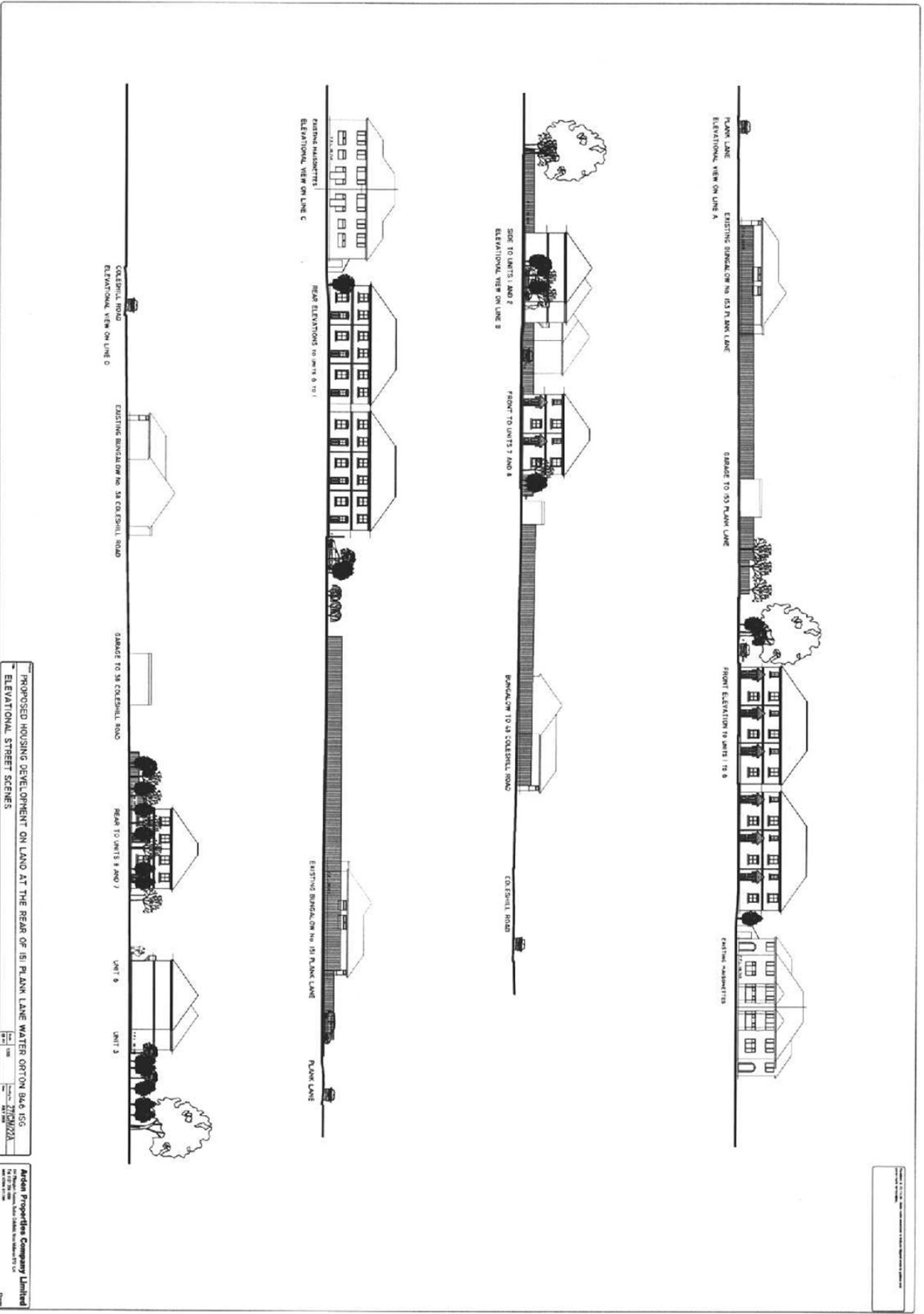


Project
PROPOSED HOUSING DEVELOPMENT ON LAND AT THE REAR OF 151 PLANK LANE WATER ORTON B46 ISG
 Block Plan

Scale: 1:500
 Drawing No: 27/CN/16F
 Date: JUNE 2008

Arden Properties Company Limited
 104 Edington Avenue, Sutton Coldfield, West Midlands B72 1UH
 Tel: 0121 354 1886
 Fax: 0121 354 1887
 Email: sales@ardenproperties.com
 Web: www.ardenproperties.com

Proposed to be used for residential purposes.
 The site is bounded to the north by the Vicarage Lane, to the east by the Colehill Road, to the south by the Long Leys Croft and to the west by the Plank Lane.
 The site is bounded to the north by the Vicarage Lane, to the east by the Colehill Road, to the south by the Long Leys Croft and to the west by the Plank Lane.
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APPENDIX C
(Board report October 2008)

() Application No: PAP/2008/0369

151 Plank Lane, Water Orton

Erection of eight new two bedroom, two-storey houses, with associated parking, comprising of 6 terraced dwellings and 2 semi detached dwellings, demolition of granny flat attached to 151 Plank Lane, construction of new private access road, for Mr Christopher Mallee - Arden Properties.

Introduction

This application is reported to Board as a consequence of there being a Section 106 Agreement involved, and because local Members are concerned about potential impacts.

The Site

A flat area of 0.24 hectares of paddock land at the rear of 151 and other frontage properties to Plank Lane and Coleshill Road. An existing granny flat annex at the side of number 151 would be demolished in order to provide the access to the development site at the rear. This access would also require additional land in order to accommodate the full access detail. This would arise by including land from the adjoining field to the west of 151 Plank Lane. The shape of the site thus resembles a "P", with the tail leading south towards Plank Lane, and the head giving the development site at the rear.

Appendix A is an aerial photograph as existing, and this also shows the paddock that is proposed as the development site; the annex to be demolished and the additional land required from the adjoining field.

There are trees and hedgerows along the western and northern boundaries to the site. Public footpath (M40) runs within the adjoining field next to the western boundary. This is accessed from Plank Lane via a kissing gate. The field boundary here along the north side of the Lane, is made up of a mature hedgerow and tall mature trees, including two Black Pines.

The north boundary of the site borders the two storey gable end of numbers 7 and 8 Long Leys Croft. The eastern and southern boundaries are defined by a 1 metre tall wooden picket fence, which borders a private access way for vehicles and garages at the rear of the bungalows fronting Plank Lane and Coleshill Road. These garages vary in size and style. Surrounding them is a mix of boundary treatments.

Number 151 would retain its dropped curb access to the bungalow onto Plank Lane. The Lane is a "D" Class County road that is characterised in this part of Water Orton by its hedgerows, trees and banks. It is also quite narrow in places.

The frontages to Plank Lane and Coleshill Road are marked by semi-detached bungalows. Two storey maisonettes are to the north accessed from Long Leys Croft. A number of the bungalows have rear extensions.