

General Development Applications

(5/e) Application No: PAP/2022/0298

South View, Weddington Lane, Caldecote, Nuneaton, CV10 0TS

Proposed garage, gym, snug and link to existing property, for

Mr Mark Spencer

Introduction

This case is referred to the Board in light of its previous interest in the site and because when this current application was referred to the Board last year, a determination was deferred for officers and the applicant to consider the issues raised by the representations received.

Members will recall that the proposals involve a retrospective application to retain built development comprising a large garage, snug, gym and a link to the existing property.

The last Board report from August 2022 is attached at Appendix A. It should be treated as an integral part of this current report.

Background

A retrospective application was submitted to the Council in 2020 for the retention of substantial building works at Southview as generally described above. This had the reference PAP/2020/0259. Representations were received from the adjoining occupier on the grounds of loss of privacy and loss of light arising from the scale of the built development, its massing and particularly its height. Two site visits were undertaken to both the application site and that of the objector. The case was eventually refused planning permission in February 2022 on the grounds of there being an adverse impact on the residential amenity neighbouring occupiers citing non-compliance with Local Plan Policies LP29 (9) and LP30.

Because of the refusal, the Board also assessed whether it would be expedient to take enforcement action. Authority to commence such action was given, but the Board also instructed officers to engage with the applicant on a “without prejudice” basis, to see if there might be an alternative proposal that could accord with the Development Policies named in the refusal Notice. That process led to the submission of this second application – PAP/2022/0298. In short, the proposal involves demolition of parts of the structures presently on site and their adaption to create a smaller built development. Objections were received and it was the content of these that led to the Board requesting deferral so that the applicant could review them too. That process has now been completed and thus the case is referred back to the Board for determination.

Appendix A as attached, includes copies of the previous reports such that Members can be reminded of the issues involved.

The Site

The site is located on the west side of Weddington Lane within a range of other similar large detached residential properties south of the junction with the A5. The houses are set well back from the road and have large front gardens. There are numerous trees within the curtilages of all of these properties.

The property to the north – Timberlea – is a bungalow and is sited on slightly lower ground than the application property. It has an existing detached garage along the common ownership boundary. A location plan is shown at Appendix B

The Proposal

The proposal is for adaptation of the existing structure along the northern boundary with Timberlea whilst still retaining garaging, a gym, snug and the link to existing property. However there would no longer be any accommodation provided in the new roof space which would comprise a hidden flat roof.

It is considered that is best to show the current proposals as the outcome of the sequence of proposals here.

The plan at Appendix C illustrates the position prior to the work commencing. It shows the swimming pool with its link to an existing garage close to the northern boundary with Timberlea.

The plan at Appendix D shows the building now on site and this is the scheme that was refused planning permission after consideration of the report at Appendix A. It shows the garage, the higher roof, the longer building and the accommodation within that space.

The current proposal is at Appendix E. It shows a reduction in height and design from the refused scheme. Appendix F contains two sections through the building as on site, but which was refused and the relationship with Timberlea, as well as the same two section lines through the current amended proposal and the bungalow “Timberlea” and its garage.

In summary, the current proposal retains the same footprint as that presently on site and its distance from the common neighbouring boundary is as now. The uses that were to be accommodated on the ground floor are to remain - a garage, gym and snug. The change is in the loss of the whole of the first or attic floor and its completion with a mansard roof rather than a normal pitched roof. The side gable window with its Juliet balcony is removed as a consequence. The footprint would come no closer to the tree that is the subject of an Order.

The new height to the highest part of the new roof as far as can be measured from the plans (elevation facing keepers gate) would be 4.4 metres. The height on site at present is 6.0 metres. The original building on the site did not have a “normal” roof structure. There was a mansard roof at the front measuring 4.5 metres with an almost flat roof at the rear, which varied between 2.5 and 3 metres because of different ground levels.

The land level at Southview is higher than Timberlea, as shown at Appendix F, measuring approximately 0.3 metres.

Development Plan

The North Warwickshire Local Plan 2021 – LP1 (Sustainable Development); LP29 (Development Considerations) and LP30 (Built Form)

Other Relevant Material Considerations

National Planning Policy Framework 2021 – (the “NPPF”).

Representations

There have been two letters of objection received, the contents of which are summarised below. Previous objections can be viewed at Appendix A.

- Does not consider there to be a material change from the last refusal.
- No objection if built smaller and a height lower with a flat roof, and complies with Building Regulations
- Planning description does not include smug.
- Description does not include demolition.
- Works started 2017 and not 2020.
- Works been completed without consent. Note that this box has been ticked as “no”, believe that these boxes should be ticked as “yes”;
- No clear dimensions on drawings.
- Trees and Hedges – I note that the boxes relating to these questions have been ticked as “no” and from the information that I submitted to the Authority, these should be ticked as “yes”.
- The proposal siting, scale, bulk and height of the buildings are not proportionate to the buildings they replaced. The appearance of the building and materials proposed would not assimilate with the character of the local vernacular. Significant and detrimental impact on the surrounding character and appearance of the area and they do not comply with the NPPF and LPA guidance.
- Domineering to the local area due to scale and mass.
- The proposed buildings do not bear any relationship to the buildings that were demolished, and they replaced.
- The reduction will not improve light.
- The planning application and drawings are inaccurate.
- The application does not reflect the footprint of the original garage and outbuilding, that the building has been constructed next to a 180-year-old oak tree, which has been pruned.
- Concerned that the construction is close to a mature oak, which may require specialist engineering to its foundations and the impact to the tree and surrounding buildings if these have not been completed.
- The quality and design of the buildings do not comply with the Authority’s guidance as they are imposing, intimidating and intrusive.
- No relation to structure demolished.
- Consider the steepness of the roof pitches (especially the Snug) may raise a number of health and safety risk relating to the buildings.

- The buildings have had an impact upon natural environment of the area.
- LPA needs to be satisfied that the garage building is safe when considering the Corporate Manslaughter and Homicide Act 2007.
- The quality and design of the buildings do not comply with the Authority's guidance as they are imposing, intimidating and intrusive
- LPA needs to consider the Human Rights Act 1998, with regards to Article 8 and potentially Article 2.
- LPA should consider potential pollution issue, which may arise from the proposed and future usage.
- Set a precedent for similar proposals in the area
- Would accept a garage which is of a similar height to the demolished structure
- Happy for the Board members to view from neighbouring land.

Observations

The issue for the Board here is whether the current proposal goes sufficiently far to removing the reason for the recent refusal. That refers to the scale and massing of the building which would have an overbearing impact on neighbouring residential amenity as well as the loss of light. Officers have visited the site after the last Board meeting and following on from that, revised plans and sections have been provided as per Appendices E and F.

It is considered that the amendments now proposed have gone sufficiently far to overcome the refusal. The height of the extension has been significantly lowered – 1.6 metres, given the revised drawings – and the use of the mansard roof reduces the “mass” of the overall structure. The length of the building is still extended as is the position now – which is 2.6 metres longer than the original garage. However, the key concern with the previous plan was its height and mass.

Members have to assess whether the current amended plan overcomes the refusal - not whether it matches the original buildings. It is considered that this does represent a material improvement and that as a consequence, whilst it will have an impact, that is not unacceptable. The section plan is Appendix F, which shows that the garage roof will be 0.17metres higher than the highest part of the nearest residential dwelling of Timberlea, as per section BB. Section AA covers a section through the application garage and neighbour's existing garage.

It is acknowledged that the overall length of the existing building has been retained, but the reduction in height is sufficient to improve the day lighting and sun lighting to the neighbouring property. The three rooflights that Members saw on a previous visit will be retained and these are shown on the plan at Appendix E. However, as Members saw on their visit, these face the side elevation of the neighbouring property and have limited if any, harmful impact. They are to be obscurely glazed.

The position in respect of the protected tree remains as set out in the previous report.

The matters concerning the steepness of the snug roof, falling objects and other legislation was dealt with in Appendix A and are not considered to have changed.

Recommendation

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

1. The development to which this permission relates must be begun no later than the expiration of six months from the date of this permission.

REASON

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

2. The development hereby approved shall not be carried out otherwise than in accordance with the plan numbered 9606-21b received by the Local Planning Authority on 23 June 2023 and plan numbered 9606-23A received by the Local Planning Authority on 15 June 2023

REASON

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

3. No additional openings within any elevation of the building hereby approved or within any part of its roof shall be undertaken.

REASON

In the interests of protecting the residential amenity of neighbouring occupiers

4. The building hereby approved shall only be used for incidental residential use in association with the residential property known as South View, Weddington Lane, Caldecote, and for no other purpose whatsoever.

REASON

In the interests of protecting the residential amenity of neighbouring occupiers.

Notes

1. The building is close to an oak tree protected by an Order. Any works close to that tree should first be discussed with the Local Planning Authority prior to being carried out.

2. The Local Planning Authority has met the requirements of the NPPF in this case by working with the applicant to achieve an amended scheme that can be supported.

3. 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.

4. You are recommended to seek independent advice on the provisions of the Party Wall etc. Act 1996, which is separate from planning or building regulation controls, and concerns giving notice of your proposals to a neighbour in relation to party walls, boundary walls and excavations near neighbouring buildings. An explanatory booklet can be downloaded at <https://www.gov.uk/guidance/party-wall-etc-act-1996-guidance>

5. The applicant is advised that to comply with the condition relating to the standard of works to trees, the work should be carried out in accordance with British Standard BS 5837:2012 "Trees in relation to design, demolition and construction - Recommendations".

6. The proposed works may require building regulations consent in addition to planning permission. Building Control services in North Warwickshire are delivered in partnership with six other Councils under the Central Building Control Partnership. For further information please see Central Building Control - Come to the experts (centralbc.org.uk), and https://www.planningportal.co.uk/info/200187/your_responsibilities/38/building_regulations ; guidance is also available in the publication 'Building work, replacements and repairs to your home' available free to download from <https://www.gov.uk/government/publications/building-work-replacements-and-repairs-to-your-home>

7. The developer is reminded that the Control of Pollution Act 1974 restricts the carrying out of construction activities that are likely to cause nuisance or disturbance to others to be limited to the hours of 08:00 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays, with no working of this type permitted on Sundays or Bank Holidays. The Control of Pollution Act 1974 is enforced by Environmental Health.

BACKGROUND PAPERS

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

Planning Application No: PAP/2022/0298

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	13/6/22

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

(5/d) Application No: PAP/2022/0298

South View, Weddington Lane, Caldecote, Nuneaton, CV10 0TS

Proposed garage, gym and link to existing property, for

Mr Mark Spencer

Introduction

This case is referred to the Board in light of its previous interest in the site.

Members will recall that they have visited this site and that of a neighbouring occupier in connection with a retrospective application to retain built development comprising a garage, gym, a link to existing property and a play-room.

Background

The previous report in connection with the then proposal is at Appendix A. In short, the Board considered that the extension here was too large, having an adverse impact on the residential amenity of a neighbouring occupier. Planning permission was refused for the reason as recommended in that report. Whilst authority was given to commence enforcement action, the Board resolved those officers engage with the applicant on a "without prejudice" basis, to review alternative proposals. The applicant has done so and has now submitted this updated application. The proposals as described below amend the present construction on the site – there would be partial demolition and "finishing off" of the remaining building.

The Site

The general description of the site and its setting is as set out in Appendix A. There had been no change since that time. A location plan is at Appendix B.

The Proposals

The plan at Appendix C illustrates the position prior to any work commencing. It shows an extension running close to the northern boundary

The plan at Appendix D shows the building now on site and this is the scheme that was refused planning permission after consideration of the report at Appendix A.

The current amended plan is at Appendix E. It shows a reduction in height and design from the refused scheme.

In summary, the current proposal retains the same footprint as that presently on site and its distance from the common neighbouring boundary is as now. The uses that were to be accommodated on the ground floor are to remain - a garage and gym. The change is in the loss of the whole of the first or attic floor and its completion with a mansard roof rather than a normal pitched roof. The side gable window with its Juliet

balcony is removed as a consequence. The footprint would come no closer to the tree that is the subject of an Order.

The new height to the highest part of the new roof as far as can be measured from the plans would be 4.5 metres. The height on site at present is 5.8 metres. The original building on the site did not have a "normal" roof structure. There was a mansard roof at the front measuring 4.5 metres with an almost flat roof at the rear, which varied between 2.5 and 3 metres because of different ground levels.

Representations

An objection has been received and this has been circulated to Members at the request of the objector, rather than appended to this report. In summary it refers to the following:

- Does not consider there to be a material change from the last refusal, by the Planning Committee.
- The proposed siting, scale, bulk and height of the buildings are not proportionate to the buildings they replaced. The appearance of the building and materials proposed would not assimilate with the character of the local vernacular. Significant and detrimental impact on the surrounding character and appearance of the area and they do not comply with the NPPF and LPA guidance.
- Domineering to the local area due to scale and mass.
- The proposed buildings do not bear any relationship to the buildings that were demolished, and they replaced.
- The reduction will not improve light.
- The planning application and drawings are inaccurate.
- The application does not reflect the footprint of the original garage and outbuilding, that the building has been constructed next to a 180-year-old oak tree, which has been pruned.
- In my opinion the quality and design of the buildings do not comply with the Authority's guidance as they are imposing, intimidating and intrusive.
- Concerned that the construction is close to a mature oak, which may require specialist engineering to its foundations and the impact to the tree and surrounding buildings if these have not been completed.
- Consider the steepness of the roof pitches (especially the Snug) may raise a number of health and safety risk relating to the buildings.
- The buildings have had an impact upon natural environment of the area.
- LPA needs to be satisfied that the garage building is safe when considering the Corporate Manslaughter and Homicide Act 2007.
- LPA needs to consider the Human Rights Act 1998, with regards to Article 8 and potentially Article 2.
- LPA should consider potential pollution issue, which may arise from the proposed and future usage.
- Set a precedent for similar proposals in the area.

5D/81

Development Plan

The North Warwickshire Local Plan 2021 – LP1 (Sustainable Development); LP29 (Development Considerations) and LP30 (Built Form)

Other Material Planning Considerations

The National Planning Policy Framework

Observations

The issue for the Board here is whether the current proposal goes sufficiently far to removing the reason for the recent refusal. That refers to the scale and massing of the building which would have an overbearing impact on neighbouring residential amenity as well as the loss of light.

It is considered that the amendments now proposed have done so. The height of the extension has been significantly lowered – 1.3 metres – and the use of the mansard roof reduces the “mass” of the overall structure. The length of the building is still extended as is the position now – which is 2.6 metres longer than the original garage. However, the key concern with the previous plan was its height and mass. This does still not match that of the original building being 1.5 metres taller. However, Members have to assess whether the current amended plan overcomes the refusal, not whether it matches the original building. It is considered that this does represent a material improvement and that as a consequence, whilst it will have an impact, that is not unacceptable. It is acknowledged that its length has been retained but the reduction in height is sufficient to improve the day lighting and sun lighting to the neighbouring property. The three rooflights that Members saw on their visit will be retained and these are shown on the plan at Appendix E. However, as Members saw on their visit, these face the side elevation of the neighbouring property and have limited if any, harmful impact.

The position in respect of the protected tree remains as set out in the previous report. The matter concerning the steepness of the snug roof, falling objects and other legislation was dealt with in Appendix A.

Recommendation

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

1. The development to which this permission relates must be begun no later than the expiration of six months from the date of this permission.
2. Standard plan numbers condition – 9606/01 and 9606/21
3. No additional openings within any elevation of the building hereby approved or within any part of its roof shall be undertaken.

REASON

In the interests of protecting the residential amenity of neighbouring occupiers.

5D/82

4. The building hereby approved shall only be used for incidental residential use in association with the residential property known as South View, and for no other purpose whatsoever.

REASON

In the interests of protecting the residential amenity of neighbouring occupiers.

Notes:

1. The Local Planning Authority has met the requirements of the NPPF in this case by working with the applicant to achieve an amended scheme that can be supported.
2. Standard Party Wall Act Informative
3. The building is close to an oak tree protected by an Order. Any works close to that tree should first be discussed with the Local Planning Authority prior to being carried out.

APPENDIX A

General Development Applications

(7/e) Application No: PAP/2020/0259

South View, Weddington Lane, Caldecote, CV10 0TS

Demolition of existing garaging, replacement garaging, gym, snug and playroom, for

Mr Spencer

Introduction

This application is reported to the Board as local Members are concerned about the impact of the proposals on neighbouring residential amenity.

Members undertook site visits on 10 July 2021 and 21 January 2022. A note of these is at Appendix A.

As a consequence of these visits, Members will be aware that the new building has almost been completed and thus this application is a retrospective one to retain it.

The Site

The site is located on the west side of Weddington Lane within a range of other similar large detached residential properties south of the junction with the A5. The houses are set well back from the road and have large front gardens. There are numerous trees within the curtilages of all of these properties.

The property to the north – Timberlea – is a bungalow and is sited on slightly lower ground than the application property. It has an existing detached garage along the common ownership boundary.

A location plan is shown at Appendix B.

The Proposal

Planning permission is sought for the demolition of an existing garage and its replacement with a new larger building in the same location to provide a replacement garage, a gym, snug and playroom. As can be seen from the location plan, the original and proposed buildings run along the northern boundary of the site and extend forwards from the main dwelling to which they are attached.

The original garage is shown as shaded on the plan at Appendix C. It was connected to the existing swimming pool. Its appearance and height in comparison to the main structures on the site can be seen here. It essentially had a flat roof surrounded by a mansard roof arrangement of different scales. The rear elevation however was effectively a single wall. The dimensions of this garage were 9.4 metres by 7.5 metres. The eaves level at the front was 2.5 metres with the mansard ridge at 4.5 metres, whereas at the rear, the eaves level was approximately 2.9 metres with the mansard ridge also at 4.5 metres.

5D/84

The proposal would create a new garage for three vehicles with a playroom within its roof space. The area between the existing swimming pool and the new garage would accommodate a gym and a snug room. It would have a normal pitched roof. Whilst the main openings would face south – there would be three roof lights added into the sung room and an additional roof light above the stairwell accessing the play-room. The plans and elevations are shown at Appendix D and again its appearance and height can be seen in comparison with the existing structures on the site. The footprint would be 12 metres by 6.8 metres, or 14.2 metres if you include the lobby and it would be 5.8 to its ridge and 2.8 metres to the eaves.

The former garage has in fact now been demolished and the new building is substantially completed. The application is thus to be treated as one seeking retrospective permission. Officers have visited the site and can confirm that the building has been constructed in accordance with the dimensions shown on the proposed plans.

A comparison between the footprint of the original garage and that now constructed is at Appendix E. A similar comparison of the rear elevations of the original garage and that now built is at Appendix F. The rear elevation is shown as this is the elevation facing the neighbouring property, Timberlea.

The application has been supported with the following documents.

A Tree report was submitted by the applicant in February 2021 which looks at the likely impact of the new building on a mature English oak tree located within the curtilage of Timberlea, close to the common ownership boundary and to the garage at Timberlea. The location of the tree is shown on Appendix D. A survey was undertaken after the original garage was demolished and the new building erected. The report concedes that the new building is within the Root Protection Zone of the tree, as is the neighbouring garage. The report notes that the closest point of the new building to the tree is 4 metres with the intervening ground being impermeable gravel. At the time of the survey it was noted that the tree appeared to be healthy, with no obvious adverse impacts. It is also likely that any impact on the root extensions of the tree would be minimal because of the 4 metre distance and there originally being hard standing here as well as the foundations of the former building. Additionally on the assumption that foundation depths of 600mm were used – which would be likely for this building – the impacts would be likely to be low. This the report says, is supported as there was no evidence of impacts on the tree's health or stability. However it was recommended that the tree should be fully re-assessed in twelve months time - ie. February 2022.

A Daylight and Sunlight report has also been submitted by the applicant to assess the impact of the development on the light received at the neighbouring property – Timberlea. It looked at the windows in the side house elevation facing Timberlea as well as the windows and roof light in its extended front elevation, together with the window in the nearby garage. It concludes that all of the neighbouring windows pass the relevant Building Research Establishment ("BRE") tests for diffuse and direct sunlight and that the development also passes the relevant BRE overshadowing test for garden and open spaces. The report's overall conclusion is that whilst the development would affect the lighting in the side elevation of the house and the outbuilding together with closest opening in the front elevation, that impact would be low in respect of the overall light receivable at the neighbouring property.

Photos provided with the application can be viewed at Appendix H. Council officer photos of the site taken from Southview and Timberlea can be viewed at Appendix L.

Background

The application property has been extended several times during the 1960's, 1970's and 1980's as well as more recently in 2011. These included the original garage now the subject of this replacement application.

A front extension to the neighbouring property to the north at Timberlea was granted in 2016. This is now completed and Members saw this on their visits.

The tree referred to above is protected by an Order which includes almost all of the trees on this side of Weddington Lane south of the A5 and within the curtilages of these properties. Its extent is shown by the shaded area at Appendix G.

Member site visits took place on Saturday 10th July at 1100 and 21 January 2021, both included visiting the applicant's property as well as that of Timberlea.

Representations

In summary, the following concerns have been raised in objection to the proposals.

- The proposal is having an impact on mental fitness and well-being, as it is so oppressive, intimidating, intrusive and overbearing.
- The light assessment has not been made for the objector's side.
- The building leads to loss light and shadowing.
- Design is not acceptable.
- The tree survey is not independent and objective
- Some branches / limbs have already fallen recently, contrary to the report.
- Does the building comply with Building Regulations with regards to foundations and tree roots. The report makes reference to 600mm foundations and that given the buildings proximity to an Oak tree, it is understood that the recommended building regulations depths are considerably greater and may require specialist engineering.
- The tree could become a hazard if the building has made it unsafe, leading to works having to take place which may not be able to be undertaken on the applicant's site.
- Does not comply with parts of the Local plan including the North Warwickshire Local Plan and NPPF
- There is a need to consider The Human Rights Act 1998 and the Corporate Manslaughter and Homicide Act 2007.

Photographs taken by the objector have already been circulated to all Board Members as well as forwarded to the applicant. They are reproduced at Appendix J.

Consultations

NWBC Tree Officer - It is highly unlikely that tree roots were not present in the construction area and therefore some must have been removed to facilitate the new building. These roots may have been quite substantial this close to the trunk of the tree. Further exploratory work however may well cause further damage to the root system of the tree. He agrees that frequent re-assessments are needed.

Warwickshire County Council Forestry Officer – The conclusions of the applicant's tree consultant, as reported above and the comments of the Council's own tree officer both suggested that there be further monitoring of the tree. Following the departure of the Council's tree officer, the County Council was requested to take a further inspection of the tree. This took place in October 2021. That Officer's report is at Appendix I. It concludes that, "Tree root damage can cause crown dieback and/or render a tree liable to windthrow. One would normally expect to see crown dieback within a few growing seasons following excessive tree root damage and this would tend to lead to a prolonged period of crown decline until the tree balances out its root to shoot ratio. From assessing the annual growth over the last four years the tree has been growing at a similar rate as another oak tree within the garden. I would therefore conclude that the tree has not suffered any short or long-term damage that it has not coped with".

NWBC Environmental Health – no comments

Development Plan

The North Warwickshire Local Plan 2021 – LP1 (Quality of Development); LP29 (Development Considerations) and LP30 (Built Form)

Other Material Planning Considerations

The National Planning Policy Framework

The NWBC Residential Householder SPG - 2003

Observations

Members will be aware that replacement outbuildings within an established residential curtilage are acceptable in principle. In this case too, the development is set well back from the road, largely not visible to the public and in an area characterised by large houses in extensive grounds. It is the potential impact of any proposal on neighbouring residential amenity that needs to be assessed in this case. There is the added matter of the impact on a protected tree. Each will be looked at in turn.

a) Design

Policy LP1 of the Local Plan requires all development proposals to demonstrate a high quality of sustainable design that positively improves the environmental quality of an area. Policy LP29 requires all new development to respect and reflect the existing pattern character and appearance of its setting. Section 12 of the NPPF also reflects these aims.

In terms of looking at the design of the proposal in isolation, then it is considered that it is in-keeping with the character and appearance of the host dwelling. It is larger than the original building here, but there are already quite substantial structures within close proximity and the new building matches their scale, design and materials used. It is also well set back from the road and is thus not in the public domain.

b) Neighbouring Residential Amenity

Notwithstanding the conclusion reached above, the proposed development will have an impact on the residential amenity of the neighbouring occupiers at Timberlea. The report will also look at the impact on the property to the south of South View – known as Keepers Gate – as well as refer to the property beyond Timberlea to the north – Highlands. Policy LP29 of the Local Plan requires new development to avoid and to address unacceptable impacts. Amongst others, these include harms caused by loss of privacy, overlooking and new development over-shadowing other property. Policy LP30 says that replacements should reflect the scale and proportions of the setting of the host dwelling amongst other things. Additionally, they should safeguard the amenity of the host premises and neighbouring occupiers.

In looking at Timberlea, the starting point on which to make an assessment here is to acknowledge that there was an existing building in this location, close to the ownership boundary and visible from Timberlea. The issue is to establish what degree of change there has been and to assess whether that amount of change has led to an unacceptable impact. In making this assessment it is necessary to look at loss of day and sunlight as well as the visual impact.

The original garage here was smaller – in footprint, in length, in width and in height. Appendices E and F illustrate the extent of changes.

These diagrams show that there will be a material change in outlook from Timberlea. The proposed building will be taller to the new ridge by some 1.6 metres with the mansard roof, but 3.6 metres if taken from the flat roof and that additional height would be over an extended length, some 4.8 metres when including the lobby. Whilst the eaves height of the new building is broadly similar to that of the original building's roof, it is the increased height and mass of the whole building that produces that material change. That is best illustrated by the plan at Appendix F. The line of the original building is marked on this for comparison purposes. Members will also have seen this view on their site visits. It is considered that there is a loss of openness here and that the massing of the proposal does have a strong presence, even given the overall character and appearance of the houses that front Weddington Lane, which is one of houses set in a spacious setting. This change is of such a scale that it is considered that it would not accord with Policy LP30 because of the massing of the development, which is overbearing and dominant.

The property at Timberlea is to the north of the new building – its side elevation being some 4.0 metres approximately metres from the new building. It is also at a slightly lower level, but from the site visits this was not generally noticeable. It faces east and its main window openings face east and west. The side elevation facing the new building includes a door and small window to a utility room, as well as a small window to an en-suite. The closest windows in the front elevation are to a bedroom and lounge and these are large floor to eaves openings. There is also a small front window in the garage facing east close to the new development. The Lighting report submitted with the application concludes

that there is a limited impact on the degree of sun and day light received by Timberlea consequent to the development. The worst affected rooms are those along the side elevation, but these are not habitable rooms – neither is the garage. The two most affected windows are those two in the new front elevation closest to the development as a consequence of the new front extension. The photographs at Appendix J show a sequence on a February morning taken from Timberlea Appendix K shows images of the previous garage and the new garage under construction. The sun will travel from east to west and thus the timings of these photos are relevant as they illustrate the likely worst impact – a winter morning. It can be seen that there is an impact on these two windows. Taken together these photographs do show the shading effect of the building as constructed. Whilst this is the case, it is not considered to be substantial, given the size of the windows and that as these are facing east, they will experience shade for a period of the day in any event even if the building was not there.

The main garden to Timberlea is at the front and it does not really have an "open" setting given the number of existing trees in the locality. It is considered that the light entering that garden is not materially affected by the new development. The courtyard in front of the house will mainly be affected as illustrated in the photographs. However, this impact is limited to a part of that courtyard and not continually through the day.

In respect of the potential loss of day and sunlight therefore, it is considered that there is an adverse impact, but that it is not considered that this would be sufficient to defend a refusal reason on its own. However, it does add weight to the conclusion reached above about the impact of the scale of the proposal.

There are rooflights added to the slope of the new roof facing Timberlea. These are shown on the plans and Members saw them on their visit. These are not considered to impact upon privacy or the potential for overlooking because of their height above floor level in the respective rooms and because they face the side elevation of Timberlea which has no habitable rooms here. There would be a larger window in the building's eastern most gable which serves the first-floor play-room – see Appendix D. Because of the length of the building, it would not overlook the front elevation of Timberlea or its front courtyard. The window faces the front garden of Timberlea which as indicated above has many trees and on balance, it is not considered that there would be a material adverse impact.

To the other side of the application site is Keepers Gate - a distance of 45 metres away. It is not considered that the building's south facing first floor dormers would have an adverse impact on loss of privacy because of this separation and other intervening buildings and trees.

Beyond Timberlea to the north is a further residential property - Highlands. Because of the separation distance – some 45 metres - there is not considered to be a material impact on residential amenity.

There are other matters that are relevant to an assessment of the balance to be made in respect of the impact of the building on the residential amenity of occupiers of Timberlea. Firstly, there is no fall-back position here as any new building in this location would not be permitted development because it would be forward of the principal elevation of the host dwelling. The former building here – now demolished – came about through the grant of planning permission not through permitted development rights. Secondly impacts can be mitigated through the use of planning conditions – in this case the most appropriate

would be to restrict any new openings beyond that now proposed and also to restrict the use of the building to use incidental to the residential use of the main dwelling. However, such conditions would not mitigate the physical impacts of the replacement building as described above.

Overall, it is considered that there is an adverse impact on the occupiers of Timberlea because of the scale and massing of the new building such that it would not accord with Policy LP29 of the Local Plan. This is given added weight because of the sun and day lighting impacts.

c) The Protected Tree

The application site is partly covered by a much wider Tree Preservation Order as illustrated at Appendix G with the location of the relevant tree to this case at Appendix D. Members saw this tree on the visits.

A summary of the applicant's submitted tree report is included above which in effect concludes that there is only likely to be limited damage to the tree's health and stability, but that further monitoring is needed.

The Council's Tree Officer did not fully endorse this report. Of particular concern was the lack of evidence about the foundations and the severing/removal of roots. He agrees that further monitoring is required.

The owner of Timberlea considers that proposal should not be determined until after a further report is undertaken as recommended by the report author and indeed the Council's tree officer.

In light of these comments and following the departure of the Council's own tree officer, the County Council's Arboricultural Manager was asked to look at the tree and to provide that later assessment. His conclusion is that the tree has not suffered any short, or long-term damage in that it has coped with the change of circumstance within its root protection area. It is considered that this up to date conclusion carries significant weight.

d) Human Rights and Corporate Manslaughter and Homicide Act

These are referred to in the representations received.

In the case of the Human Rights Act the representation refers to Article 2 (the Right to Life) and Article 8 (the Right for respect to a private life). Members are aware that the determination of this application is to be made under planning legislation – essentially this is about conformity with the Development Plan and whether there are other material considerations that indicate otherwise. The Human Rights Act is sometimes mentioned in Board reports and advice given to Members revolves around two matters. The first is that the rights mentioned are not Absolute Rights. The second is that there is appropriate and relevant other legislation here, in order to properly address the matters referred to the two Articles mentioned - the Planning Acts. That enables the matters raised to be assessed and balanced by reference to the Development Plan. As a consequence, the respect for a private and family life are fully represented by the Development Plan policies referred to in this report – Policies LP29 and LP30 of the Local Plan.

The issue around the other Act relates to two matters. Firstly, the possibility of the oak tree failing as a consequence of this development, leading to damage to buildings. Secondly to the prospect of tree branches or snow/ice falling from the building's roof onto a third party's property. As indicated previously, this application is to be determined under planning legislation. That enables consideration being given to the impact of the development on the tree's health and stability. In respect of the second matter then there are many roof slopes that affect neighbouring property throughout the Borough. As such it is considered that this is a matter that is more appropriately dealt with by civil action.

e) Conclusion

The assessment above concludes that there has been an adverse impact on the residential amenity of the occupiers of Timberlea because of the scale and massing of the building, together with some consequential sun and daylight impacts. However, there has been little adverse impact on the protected tree.

This conclusion has now to be assessed against the appropriate Development Plan policies. Policy LP29(9) says that development should "avoid and address unacceptable impacts upon neighbouring amenities through overlooking, overshadowing, noise, light, air quality or other pollution". It is considered that the building works here have not avoided a consequential unacceptable impact of overshadowing and thus the proposal would not accord with this Policy LP29(9). Policy LP30 says that amongst other things, replacements should "safeguard the amenity of the host premises and neighbouring properties". It is considered that the new building has not safeguarded the amenity of the neighbouring premises because of the scale being over-bearing and thus not reflecting the setting.

f) The Expediency of Enforcement Action

If the conclusion above is agreed by Members, and because the application is now retrospective, the Board will have to consider the expediency of enforcement action.

In this event the unauthorised development is the replacement building as shown on the plans and seen on site. Any Notice would thus require its removal. A compliance period of six months would appear to be reasonable and proportionate given the scale of the works involved as the demolition would not appear to be unusual. However, the Notice will have to address the matter of the foundations as their removal may affect the longevity and safety of the protected tree. It may be that after having taken further advice, that the Notice limits the requirements to just demolition down to slab level.

There will be an impact on the owner as there will be a cost involved in this demolition work. However, he undertook the work in advance of the receipt of planning permission and continued notwithstanding foreknowledge of this. It is not considered that this impact carries sufficient weight to override the need for the Notice.

Members will also be aware that the owner can appeal a refusal of planning permission and the service of an Enforcement Notice.

In this case if the Board does refuse planning permission, it may be that given the existence of a previous building on the site, that the owner can agree a smaller replacement building with officers, or that an amendment to the current proposals might

be considered. In either case, the owner should be aware that there will be public consultation on any alternative proposal.

Recommendation

That the application be **REFUSED** for the following reasons:

A) That planning permission be refused for the following reason:

"It is considered that the size, scale and massing of the replacement building along the boundary, will lead to adverse impacts on the residential amenity that neighbouring occupiers could reasonably expect to enjoy. In this case the scale of the proposal leads to an over-bearing development which does not accord with Policy LP30 of the North Warwickshire Local Plan 2021. This in turn leads to overshadowing and the loss of sunlight and daylight such that there is also non-compliance with Policy LP29 (9) of the North Warwickshire Local Plan 2021".

B) That, subject to the receipt of advice from the County Council's Forestry Officer, that the Head of Legal Services be authorised to issue an Enforcement Notice under Section 172 of the Town and Country Planning Act 1990 requiring the removal of the replacement garage, gym, snug and playroom to slab level with the removal of all subsequent material from the site, for the reasons as set out in the reason for refusal in (A) above and with a compliance period of six months.

C) That should it be considered necessary, authorisation also be given to initiate prosecution proceedings under Section 179 of the Town and Country Planning Act 1990 should there be evidence to show non-compliance with the Notice authorised under recommendation B above

D) That on a "without prejudice" basis, officers engage with the applicant in order to review alternative proposals

Notes

1. Notwithstanding this refusal, the Local Planning Authority has worked with the applicant in a positive and proactive manner through seeking to address the concerns and objections and allowing time to overcome the issues, through discussions and meetings so providing the opportunity to overcome reasons for refusal. However despite such efforts, the planning objections and issues have not been satisfactorily addressed/the suggested amendments have not been supplied. As such it is considered that the Council has implemented the requirement set out in paragraph 38 of the National Planning Policy Framework.

5D/92

5e/112

BACKGROUND PAPERS

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

Planning Application No: PAP/2020/0259

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	
2	Officers	Members site visit note	10/7/21
3	Officers	Members site visit note	21/1/22
4	applicant	Tree report	18/2/2021
5	WCC	Tree report – update	11/2021
6	Right of light consulting – for applicant	Day light and sunlight report	18/2/2021
7	Agent	Revised drawings	13/8/20 – 19/5/21
8	NWBC tree officer	Consultation responses	18/2/21 and 19/7/21
9	Neighbour	Photos provided to council	21/7/2021
10	Neighbour	Representation	21/10/20 and 22/10/20
11	Neighbour	Representation	12/3/21
12	Neighbour	Representation	10/5/21
13	Neighbour	Representation	1/7/21
14	Neighbour and case officer	Exchange of emails	12/3/22 – 02/09/2020
15	Officer and Building control	Exchange of email	07 and 08/2021
16	Officer and agent	Exchange of emails	3/9/20 – 22/12/20
17	Officer and agent	Exchange of emails	18/2/21 – 17/9/21
18	Officer and applicant	Exchange of emails	19/11/21 – 21/1/22
19	WCC tree officer and case officer	Exchange of emails	01/2022
20	NWBC EH and case officer	Exchange of emails	21/10/20

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 – Member site visits

PAP/2020/0259

Southview, Weddington Lane, Caldecote

Site Visit - Sat 10th July at 1105

Present:

Cllrs Dirveiks, Hancocks, D Humphries, Lees, Phillips and Parsons plus the applicant's father and J.Brown

1. The plans of the buildings that originally stood on the site were explained and the proposals as now seen on the ground were illustrated through reference to the plans.
2. Members were able to see the join with the swimming pool as well as the new gym and the garage block with the playroom above.
3. Members viewed the end gable from the drive and saw the opening that was to be glazed and fitted with a Juliette-balcony.
4. The location of the protected tree was pointed out and its distance to the end gable noted
5. Members looked around the base of the tree's trunk.
6. Members then walked around to Timberlea – the next door property

Present at Timberlea:

The same Councillors as above plus Mr and Mrs Welford (the owners of Timberlea), Mrs Brown (the owner of Highlands) and J Brown

7. Members were shown the same plans – the former building and that now standing.
8. The recent front extension to Timberlea was also pointed out.
9. The height of the new ridge was visible and comparisons with the length and height of the original building were illustrated by reference to the present building.
10. Members walked down the side of Timberlea to see the windows there.
11. The new roof lights were identified.
12. Members also looked at the tree and around its base. The extent of its canopy was pointed out.
13. The location of the proposed Juliette-balcony was also pointed out.
14. Members were shown a series of photographs by Mr Welford
15. It was agreed that these would be sent to the Council and that officers would then forward them to the whole of the membership of the Planning Board as well as to the applicant. This was pointed out to the applicant's father on return to South View.
16. The whole visit concluded at 1135.

5D/94

5e/114

PAP/2020/0259

Southview, Weddington Lane, Caldecote

Site visit – Friday 21 January 2022 at 12.30.

Present:

Cllrs Dirveiks, Simpson, Jordan, D Clews, T Clews, Jarvis, plus the applicant's father.

J Brown and I Griffin

1. The plans of the proposal were shown and the existing plans, were explained.
2. Members were able to see the extension as built with roof.
3. Members viewed the tree nearest application building
4. Members walked down the drive and around to Timberlea.

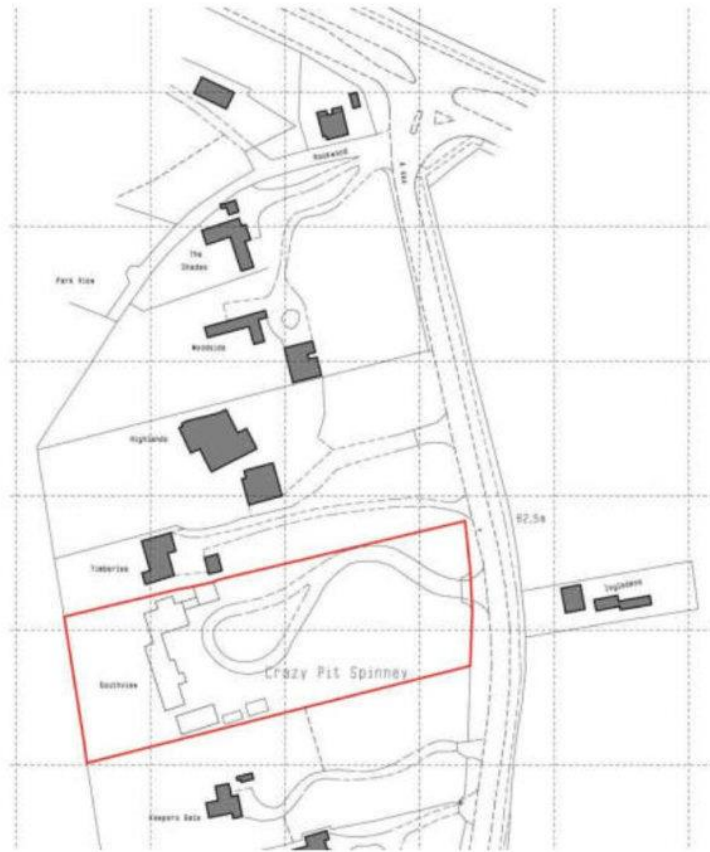
Present at Timberlea

5. The same Councillors, J. Brown and I Griffin. Mr Welford (owner of Timberlea) and Mrs Brown (owner of Highlands).
6. Members were shown the same plans of the former building and as built extension.
7. Member were shown the three roof lights to the extension as a point of reference to the proposed plan.
8. It was pointed out to member where the line of the previous garage roof was.
9. Mr Welford has put up a series of photos and a plan of the TPO, to show members what was there previously and the current scheme. Also, it was pointed out which way the sun came around on the site.
10. Members walked down the side of Timberlea to view openings and stood in the rear garden.
11. Members went to view the tree and the base and viewed the canopy.
12. The location of the end gable Juliet balcony was pointed out to members
13. The whole visit concluded at 13.00.

5D/95

5e/115

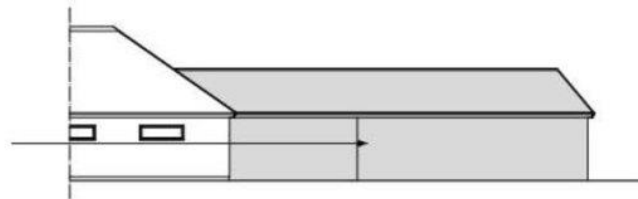
Appendix B – site location plan



5D/96

5e/116

Appendix C – Original Garage plans



ELEVATION - facing Keepers Gate.



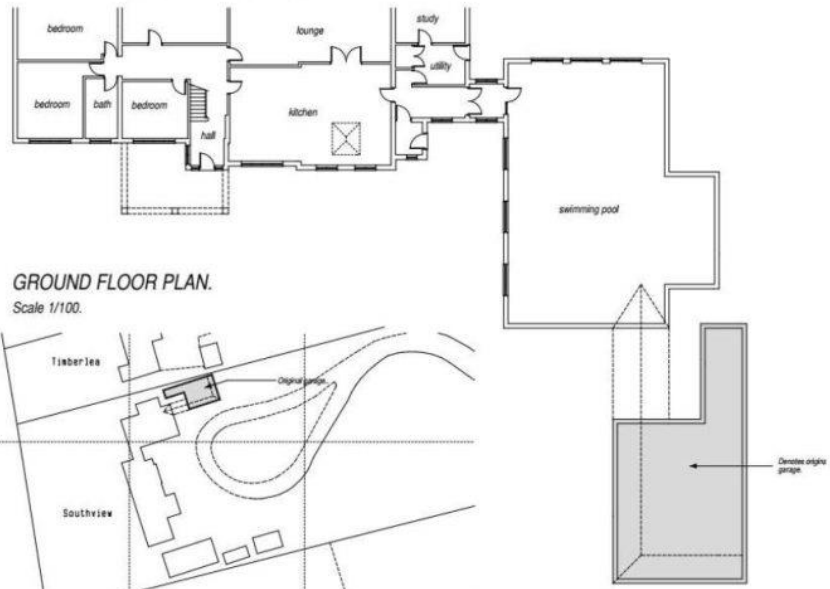
ELEVATION - facing Timberlea.

5D/97

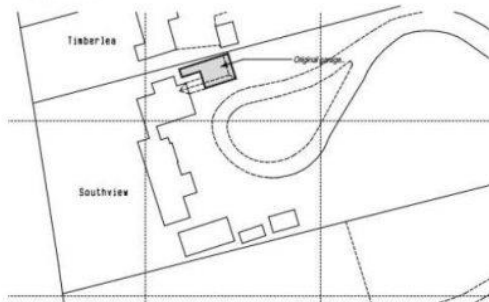
5e/117



ELEVATION - facing Weddington Road.



GROUND FLOOR PLAN.
Scale 1/100.



SITE LAYOUT.
Scale 1/500.



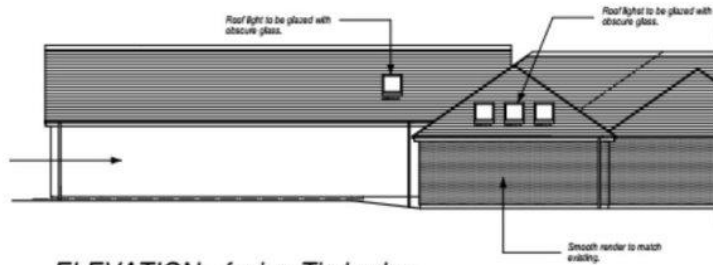
Appendix D – Proposed plans including position of tree



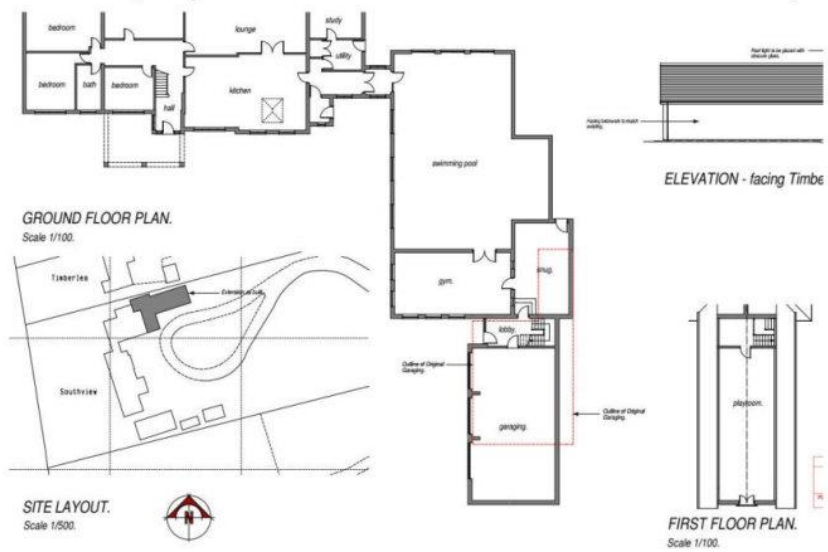
ELEVATION - facing Weddington Road.



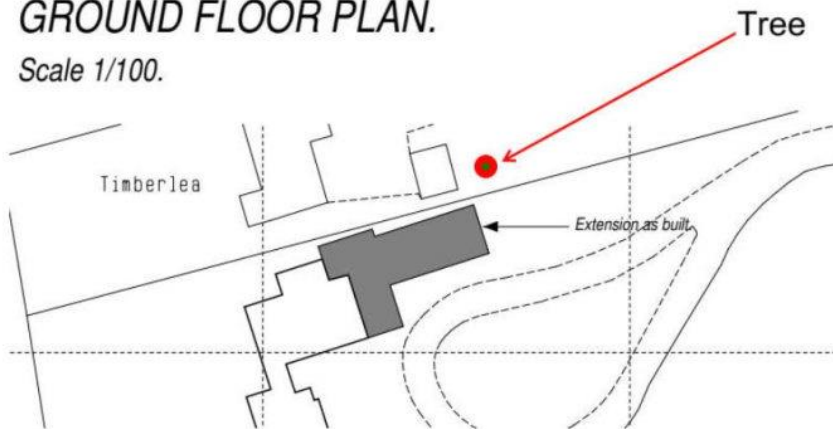
ELEVATION - facing Keepers Gate



ELEVATION - facing Timberlea.



GROUND FLOOR PLAN.
Scale 1/100.



5D/100

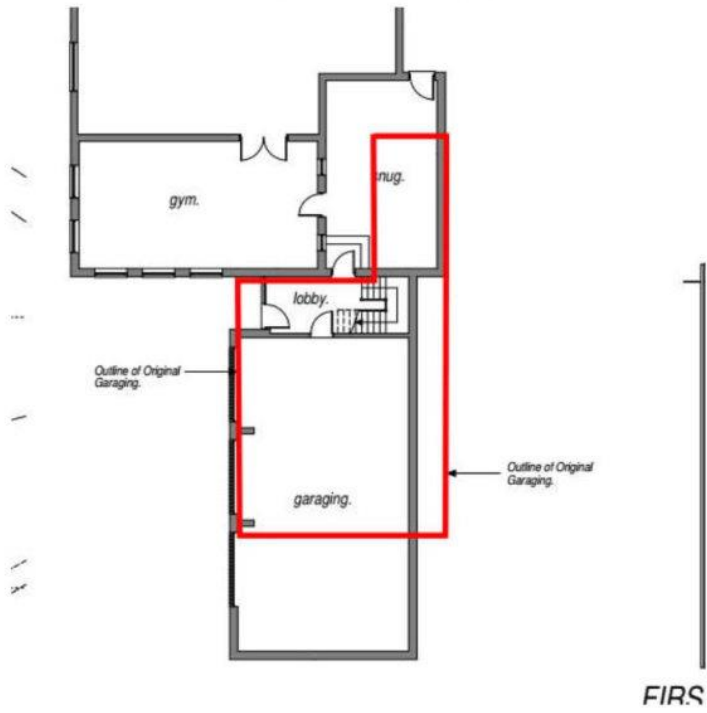
5e/120



5D/101

5e/121

Appendix E – Comparable footprint of the original garage (red) and built form

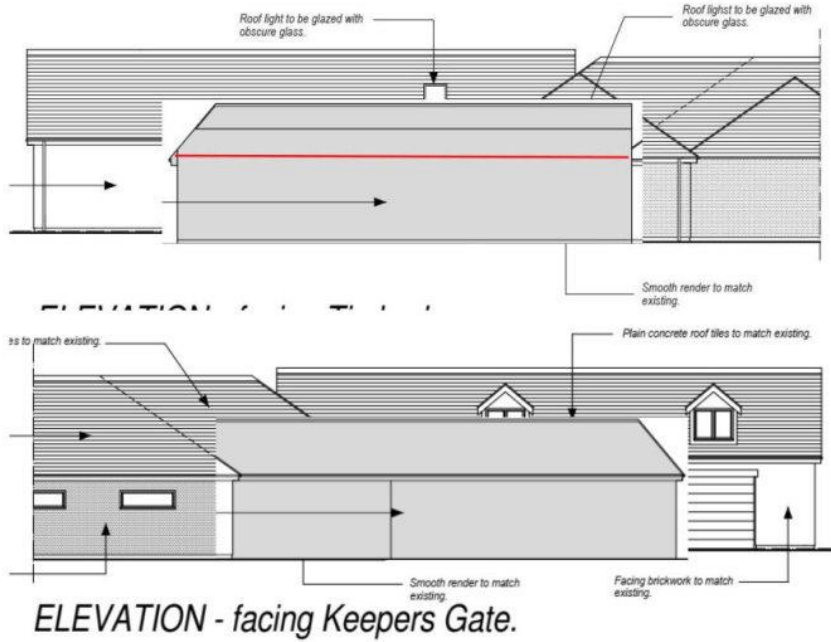


5D/102

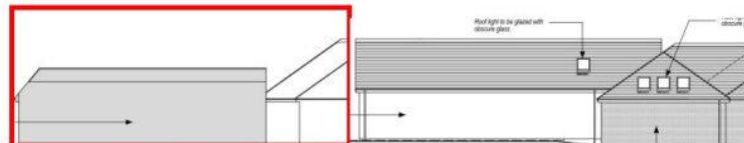
5e/122

Appendix F – Comparable elevations

Combined previous and built garage. The red line is the approximate flat roof of the previous garage. Front and rear elevations.



Rear – previous with red box



Front - previous with red box



5D/104

5e/124

Appendix G - Extract from Tree Preservation Order, with shaded area the order. The application site is defined by the balloon.



5D/105

5e/125

Appendix H – photos as provided with the application



5D/106

5e/126

Appendix I – Tree report – November 2021



Arboricultural Tree Physiological Report

Site: South View, Caldecote

Forestry Ref No: 7736

Prepared for: Mark Spencer

Prepared by: Clint Parker

Date of Inspection: October 2021

Date of Report: 9 November 2021

Clint Parker Arboricultural Manager
Warwickshire County Council
Communities
Forestry
Highways Depot, Buckley Green
Henley-in-Arden B95 5QE
Tel: (01926) 413469

5D/107

5e/127

1	Contents	
1	Contents	2
2	Introduction.....	3
2.1	Instruction and Brief	3
2.2	Site Description.....	3
2.3	Report Limitations	3
3	Survey information.....	4
3.1	Survey Methodology	4
3.2	Survey Inventory Results and Key	4
4	Observations.....	5
4.1	Measuring Annual tree growth	5
4.2	Findings	5
5	Conclusion.....	8
6	Qualifications and Experience of Author.....	8
7	References	8

2 Introduction

2.1 Instruction and Brief

Clint Parker has been instructed by Mark Spencer to arrange for the inspection of a tree growing on the adjacent property to South View called Highlands.

The instruction was also to provide a tree report following ground works carried out in October 2017 and report on the trees physiological condition, potential damage and subsequent reduced life expectancy of an Oak tree growing in an adjacent property the Highlands.

2.2 Site Description

The tree is located approximately 2 metres to the North away from the corner of a building and close to a conifer hedge running to the south. Figure 4 shows the location of the tree.

2.3 Report Limitations

Trees are living dynamic organisms whose health and condition can change rapidly; the health and safety of trees should be checked on a regular basis, and after any extreme weather.

It is not possible to guarantee the absolute safety of a tree. Even trees with no defects can fail. It is a natural occurrence for trees to shed small branches and twigs during their life span and it is therefore not practicable to predict when this may occur.

The conclusions and recommendations in this report relate to conditions found at the time of inspection and are valid for a period of 12 months only. The period of validity may be reduced in the case of any changes in the condition of the tree, or in the proximity of the tree.

This report is for the sole use of the client and must be kept together in its entirety. Any alteration or deletion from this report will invalidate it as a whole.

This report is for the trees physiological condition at the time of inspection.

This report was carried out from the property of South View only and no branches were cut or removed to take measurements.

3 Survey information

3.1 Survey Methodology

The field work, inspections, and data collection were carried out by Clint Parker, who holds the LANTRA Professional Tree Inspection certificate.

Tree data was captured and recorded on our database.

The Visual Tree Assessment method (VTA) (Mattheck and Breloer 1995) was used to assess the condition of the trees.

3.2 Survey Inventory Results and Key

Tree No: Tree number relating to the numbering on Tree Location Plan at Figure 4.

Species: Oak *Quercus robur*

Age Class: Mature: tree within final third of the estimated life expectancy

Stem Diameter: 900cm Approximate due to no access to adjacent garden
Given in centimetres at 1.5m above adjacent ground level (taken on the up-slope side of the tree base where on sloping ground).

Spread: 11m Overall diameter of crown measured in metres (m) at widest point.

Height: 20m Overall height estimated to 2 metre bandings, recorded in meters (m).

4 Observations

4.1 Measuring Annual tree growth

Oak trees annually produce what is known as determinate growth this growth involves elongation of new shoots and leaves from resting buds (see figure 1) (Hirons 2021)

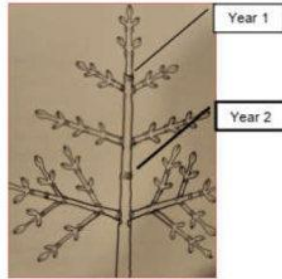


Figure 1 Woody shoot showing 3 years growth.

The measurement of this annual growth can be used to determine a tree's vitality and if measured against a tree of the same species in a similar setting can be used to determine the tree's vitality following root damage.

Other measurements include observational assessments of deadwood and crown dieback in the canopy of the tree.

4.2 Findings

- 4.2.1 Twig samples were measured from the T1 Oak (*Quercus petraea*) tree near to the property and from T2 Oak (*Quercus petraea*) located in the garden of South View as a control to determine the growth differences.
- 4.2.2 The following figures show the extension growth over 4 years as previously discussed.

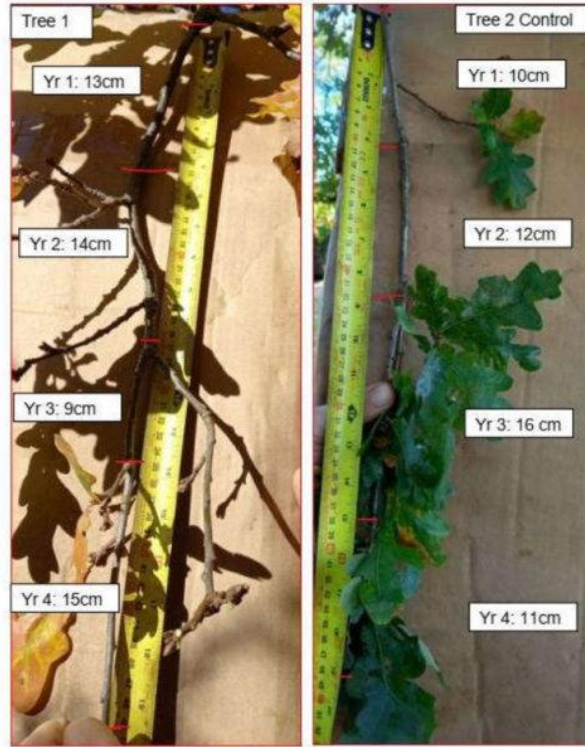


Figure 2: Showing T1

Figure 3: Showing T2

4.2.3 Within the canopy there is a sparse amount of inner deadwood as one would expect from a mature tree growing and shading out the inner branches as the outer canopy forms. There is no crown dieback in the outer canopy and figure 4 taken from google earth 16 June 2021 shows the tree to be growing like the other trees in the area.



Figure 4: Showing tree canopy cover in June 2021

5 Conclusion

5.1 Tree root damage can cause crown dieback and or render a tree liable to windthrow. One would normally expect to see crown dieback within a few growing seasons following excessive tree root damage and this would tend to lead to a prolonged period of crown decline until the tree balances out its root to shoot ratio. From assessing the annual growth over the last 4 years the tree has been growing at a similar rate as another Oak tree within the garden. I would therefore conclude that the tree has not suffered any short or long-term damage that it has not coped with.

6 Qualifications and Experience of Author

Career History

1995 – 1998	Arborist/climber/self-employed	Treewise, Leicestershire
1998 - 2003	Arborist gang leader	George Walker Tree Care Leicestershire
2003 - 2005	Tree Inspector	Warwickshire County Council
2005 – 2014	Arboricultural Officer	Warwickshire County Council
2014 – 2020	Tree Manager	Warwickshire County Council
2020 onwards	Arboricultural Team Captain	Warwickshire County Council

Education and qualifications

Quantified Tree Risk Assessment (QTRA) 2018.
Foundation Degree Arboriculture (FdSc. Arb). University of Central Lancashire 2013.
Lantra Certificate, Professional Tree Inspection 2008.
Treelife Westonbirt Arboretum – Arboricultural Association Technicians Certificate 2005.
Brooksby Agricultural College – National Certificate Horticulture/Arboriculture 1997.

Memberships

Arboricultural Association (professional member).
Municipal Tree Officers Association (MTOA).

7 References

- Hirons, A.D and Thomas P.A. (2018) *Applied Tree Biology: How Shoots Grow*. Wiley Blackwell.
- Mattheck, C, & Breloer, H, (1995). *The Body Language of Trees: A Handbook for Failure Analysis* (Research for Amenity Trees 4). London: HMSO

Appendix J – Photos of sunlight impact of extension upon neighbours property

Picture at 0940



5D/115

5e/135

Picture at 0942



5D/116

5e/136

Picture at 0948



5D/117

5e/137

Picture at 1007



Picture at 1101



5D/118

5e/138

Picture at 1139



5D/119

5e/139

Appendix K – Photos of previous garage and construction of new extension

Rear aerial view of garage and outbuilding 2016



2017 photo from Timberlea looking towards the application site and the previous garage / store



5D/120

5e/140

Previous garage and outbuilding footprint 2015



5D/121

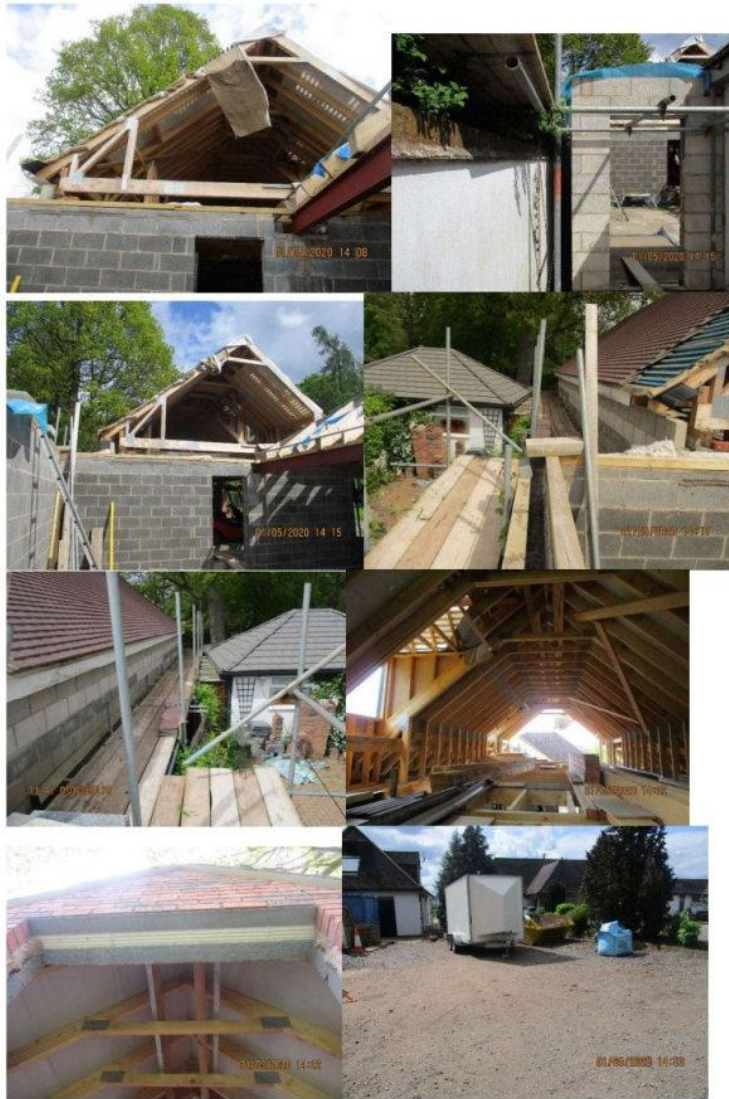
5e/141

Appendix L – Council officers photos



5D/122

5e/142



5D/123

5e/143



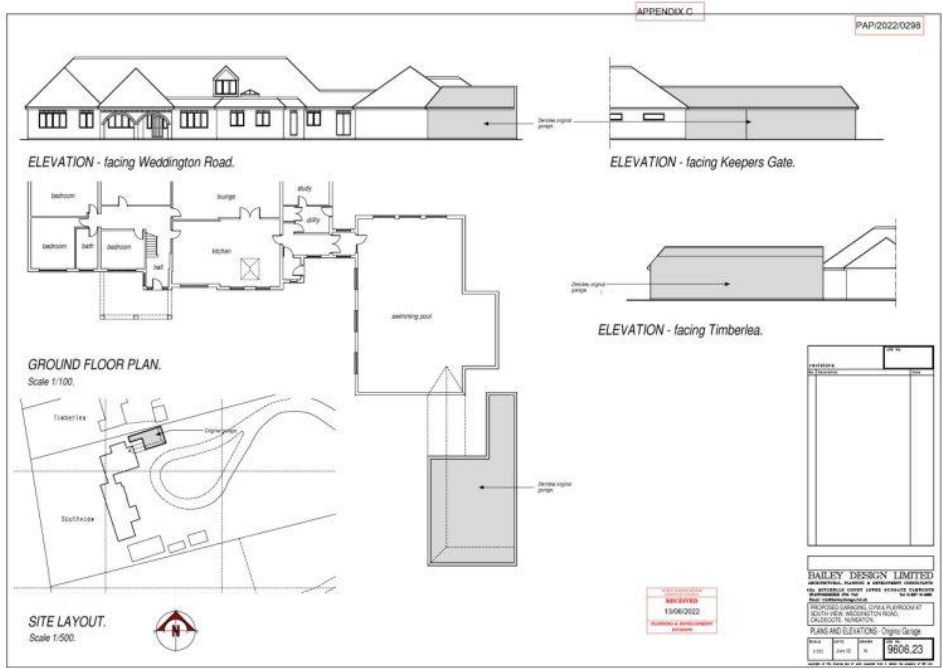
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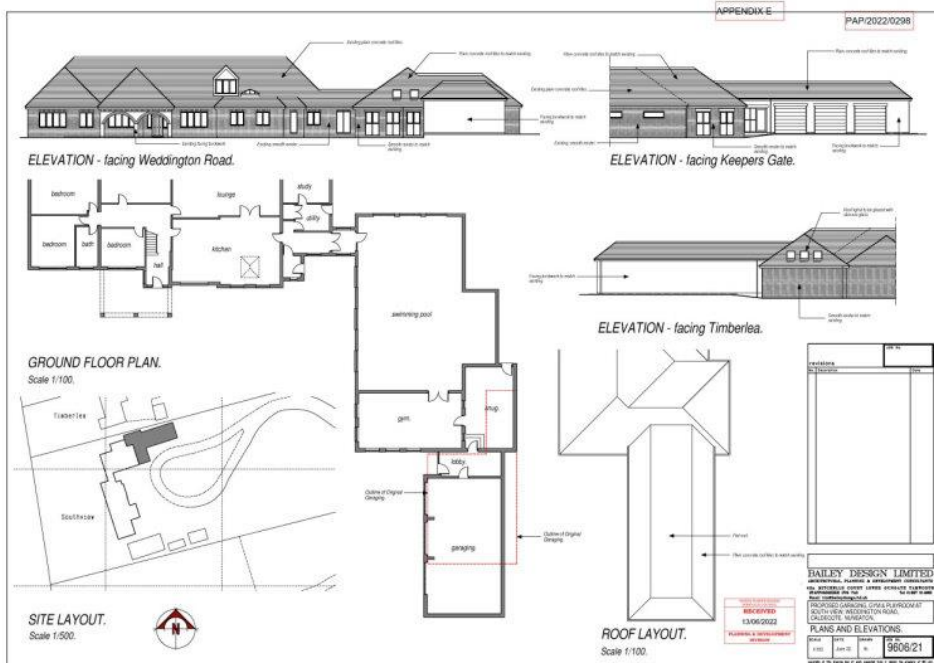
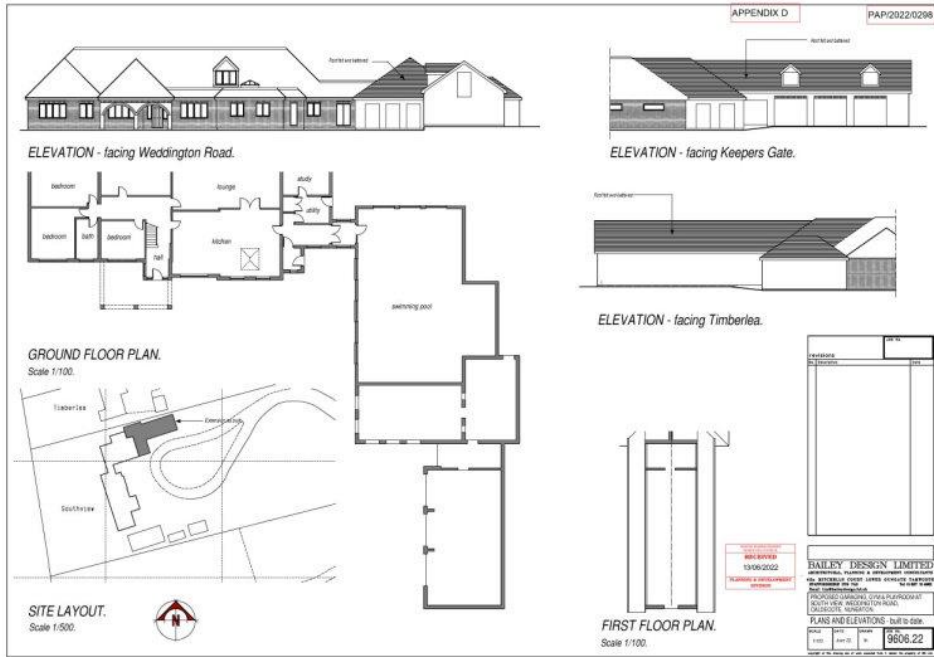
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5D/125

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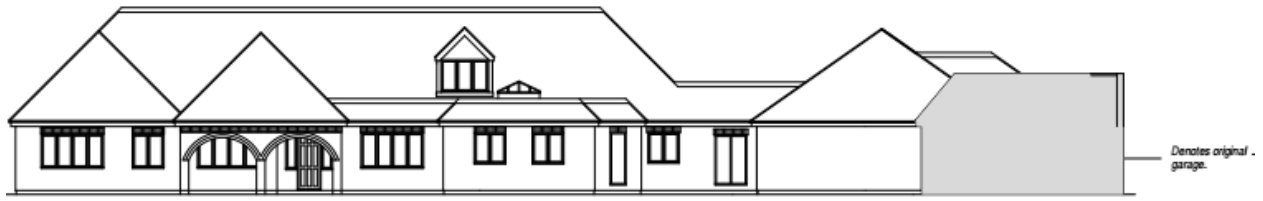
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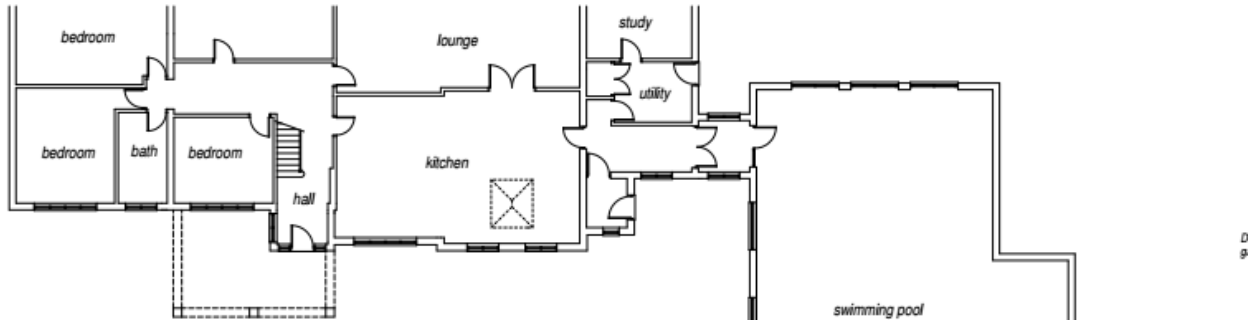
Appendix B – Site Location Plan



Appendix C – Original Building

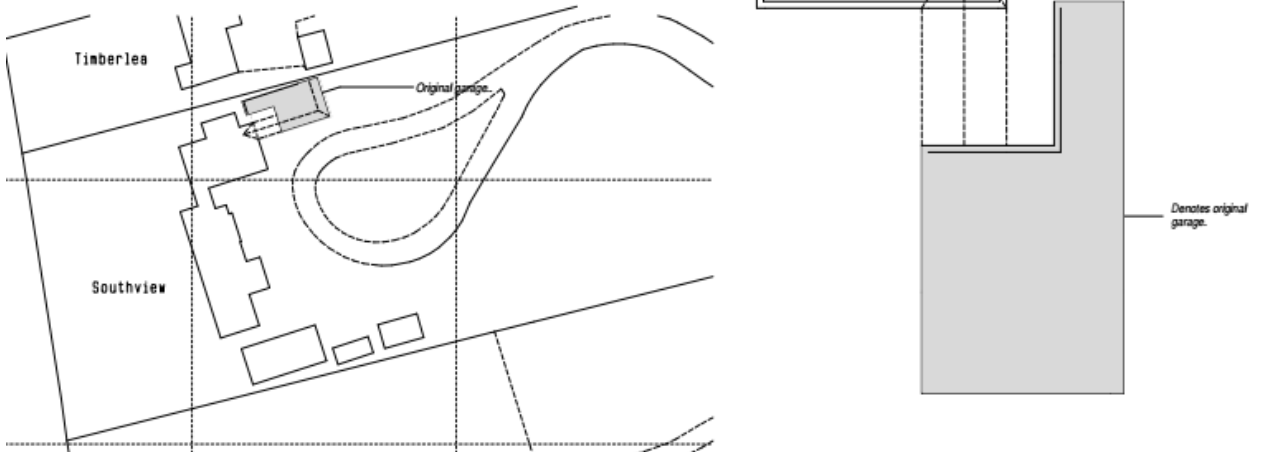


ELEVATION - facing Weddington Road.



GROUND FLOOR PLAN.

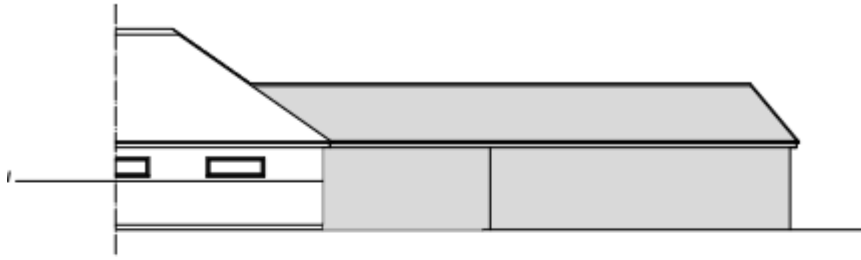
Scale 1/100.



SITE LAYOUT.

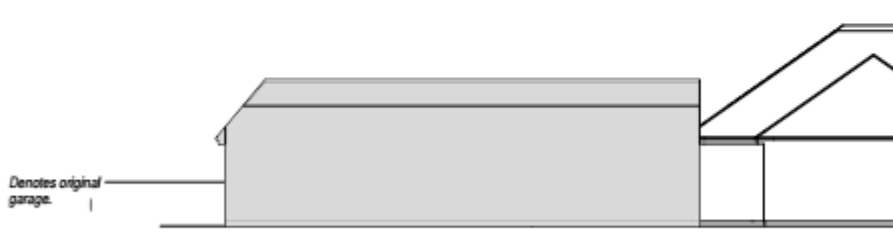
Scale 1/500.





ELEVATION - facing Keepers Gate.

SOUTH WESTON COLLEGE
 BEDFORDSHIRE COUNCIL
RECEIVED
 04/05/2023
 PLANNING & DEVELOPMENT
 DIVISION



Denotes original garage.

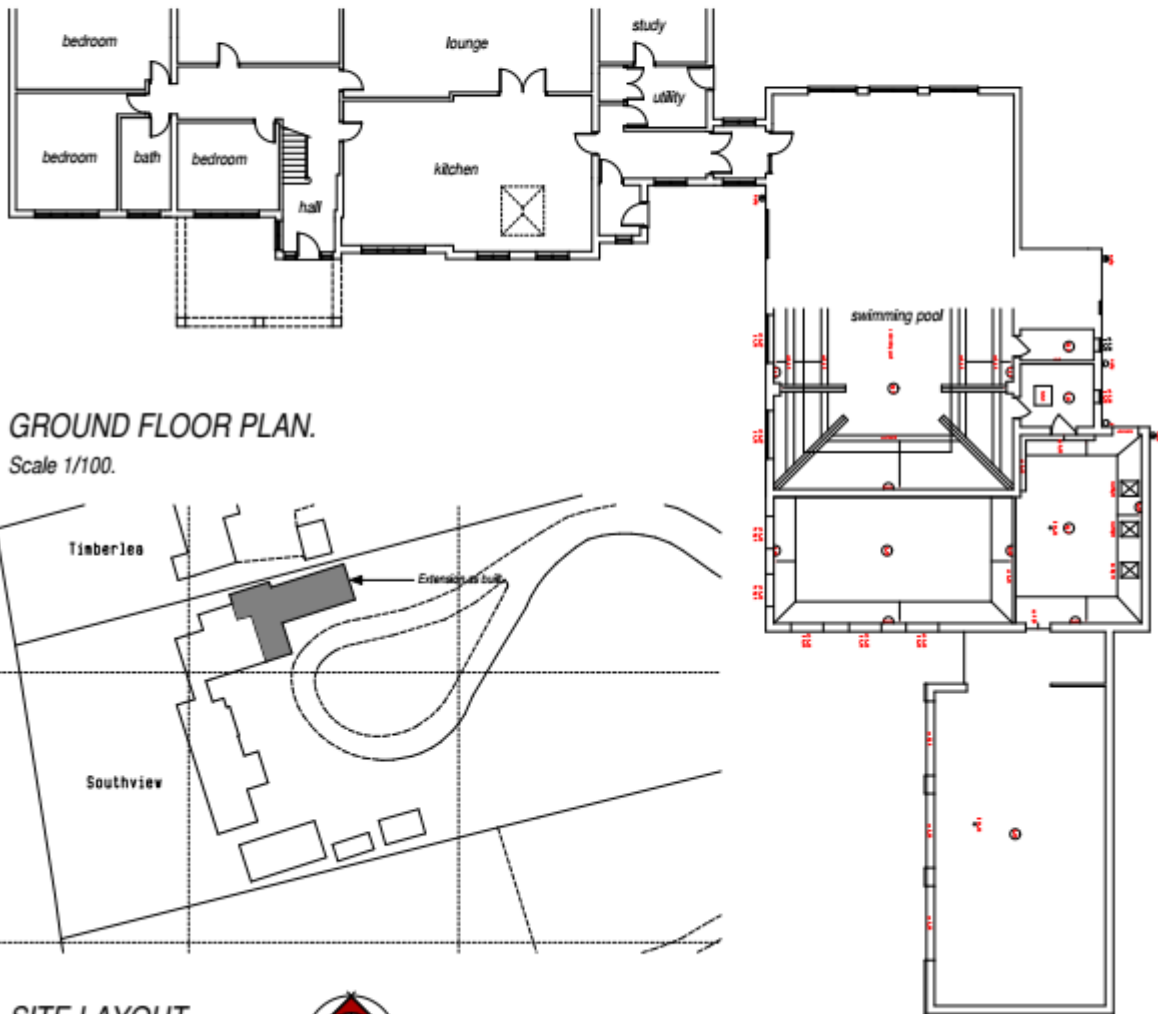
ELEVATION - facing Timberlea.

revisions		JOB No.
No.	Description	

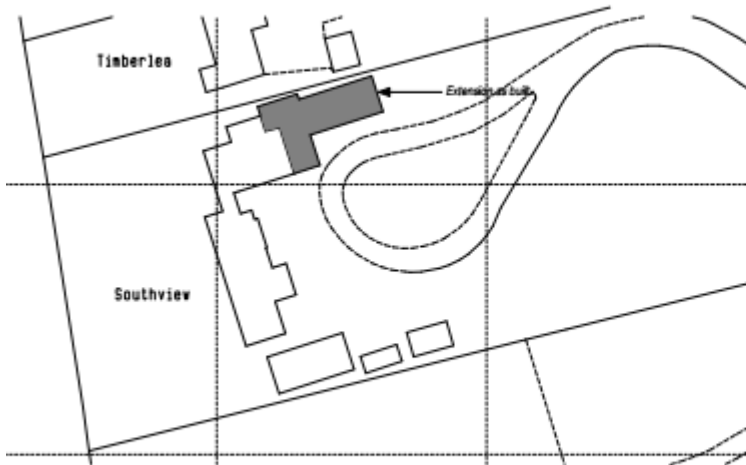
Appendix D – As Built (refused)



ELEVATION - facing Weddington Road.



GROUND FLOOR PLAN.
Scale 1/100.



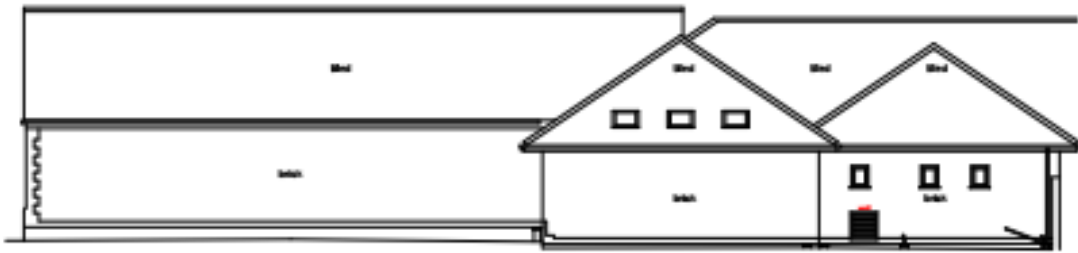
SITE LAYOUT.
Scale 1/500.





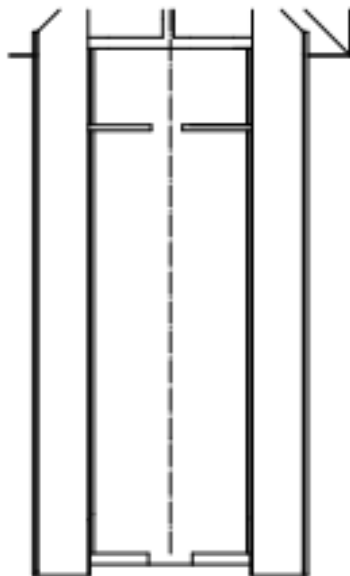
South elevation

ELEVATION - facing Keepers Gate.



South elevation

ELEVATION - facing Timberlea.



FIRST FLOOR PLAN.

Scale 1/100.

revisions		JOB No.
No.	Description	Date
A.	Layout changes - as built.	10/06/11

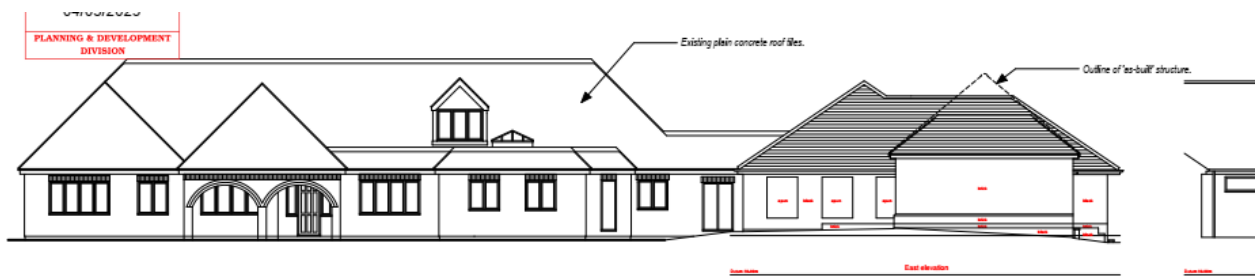
BAILEY DESIGN LIMITED
 ARCHITECTURAL, PLANNING & DEVELOPMENT CONSULTANTS
 49a MITCHELL COURT LOWER GUNGATE TANTWORTH
 STAFFORDSHIRE STY 14E
 Staff 14a@baileydesign.co.uk

PROPOSED GARAGING, GYM & PLAYROOM AT
 SOUTH VIEW, WEDDINGTON ROAD,
 CALDECOTE, NUNEATON.

PLANS AND ELEVATIONS - built to date.

SCALE	DATE	DRAWN	JOB No.
1/100.	June 22.	DL	9606.22

Appendix E – Current revised plan

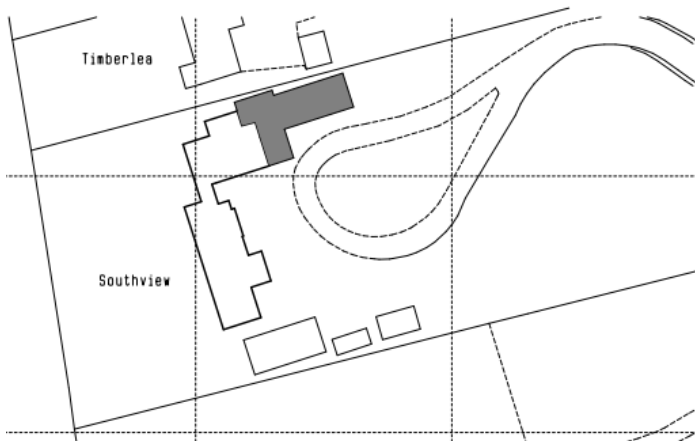


ELEVATION - facing Weddington Road.



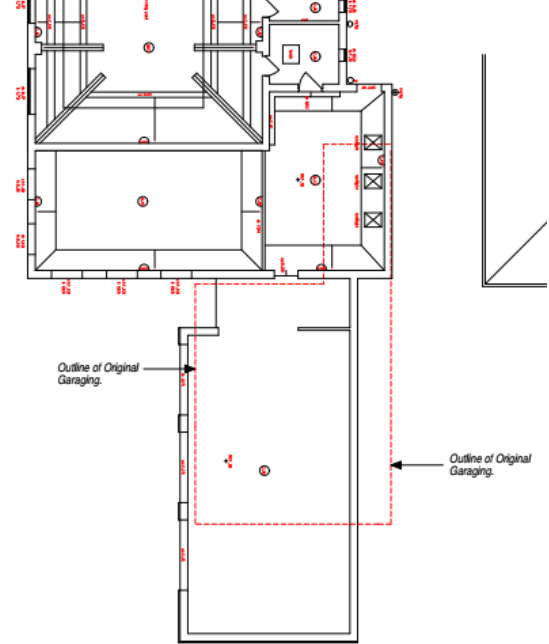
GROUND FLOOR PLAN.

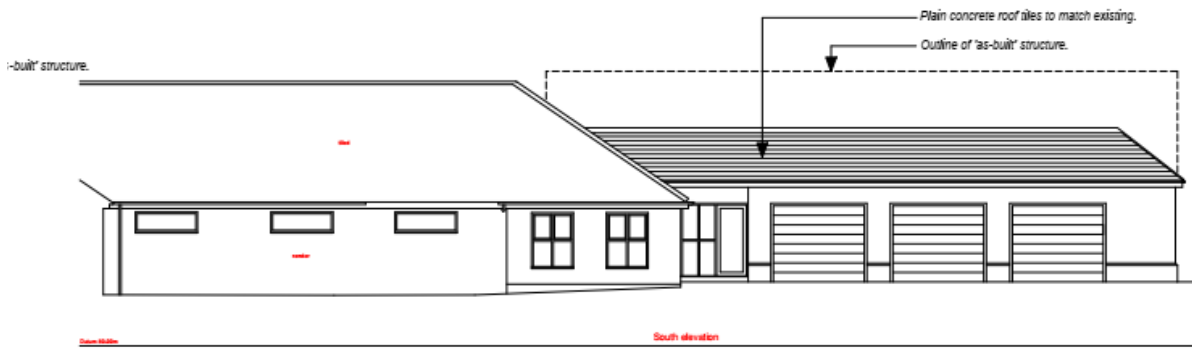
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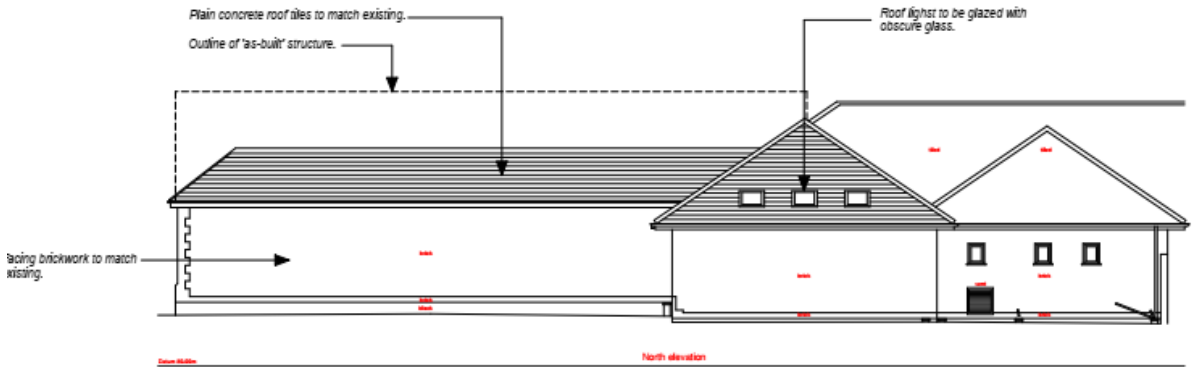
SITE LAYOUT.

Scale 1/500.

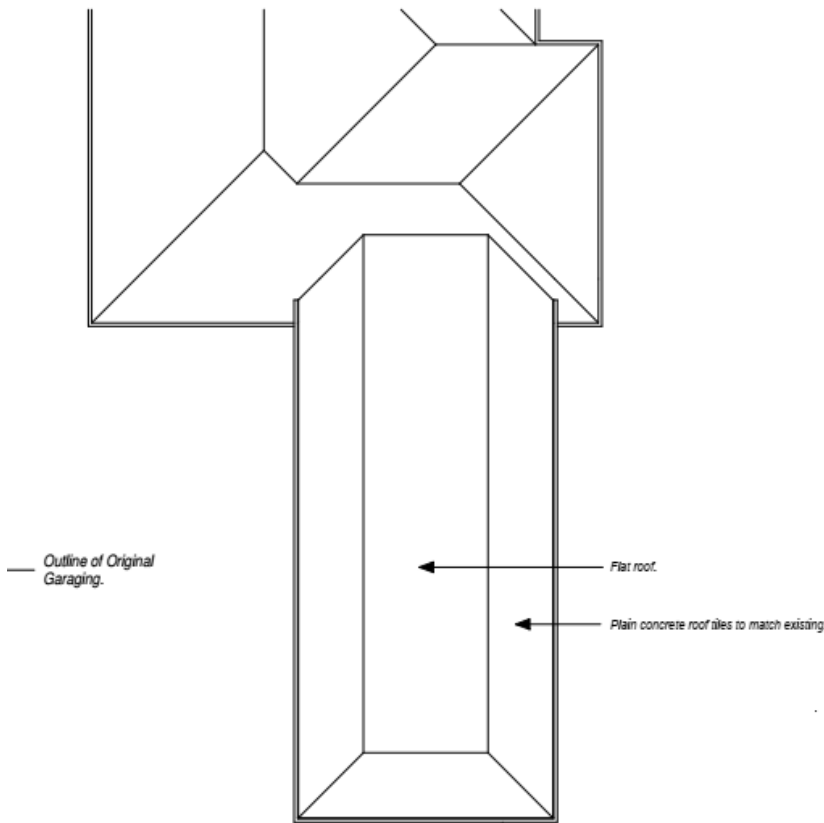




ELEVATION - facing Keepers Gate.



ELEVATION - facing Timberlea.



ROOF LAYOUT.
Scale 1/100.

revisions		JOB No.
No.	Description	Date
A.	Layout changes - as built.	CONICAL CONCRETE
B.	Minor change.	

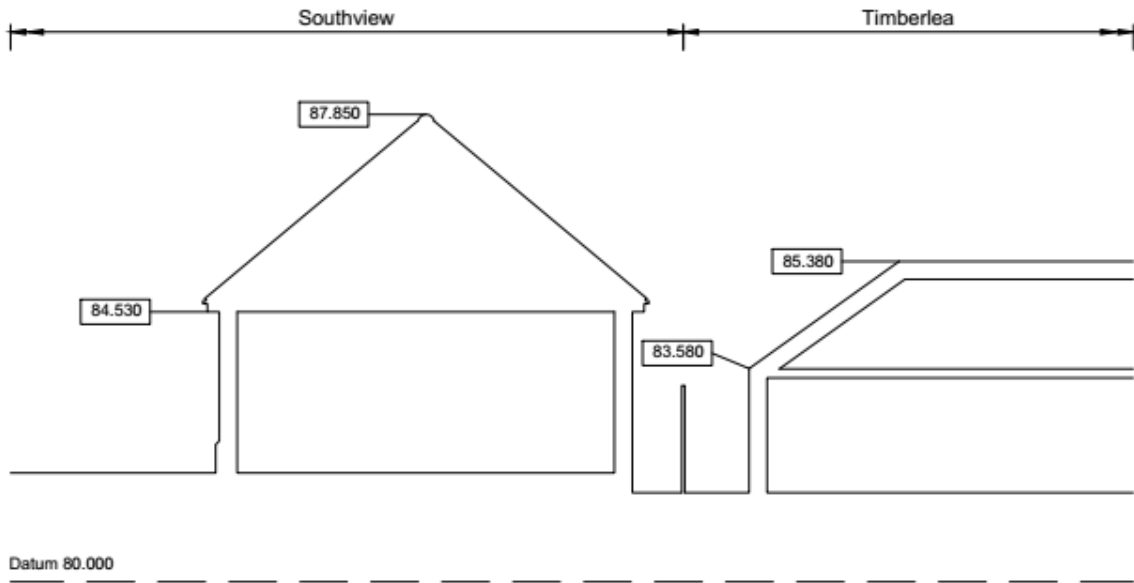
BAILEY DESIGN LIMITED
ARCHITECTURAL, PLANNING & DEVELOPMENT CONSULTANTS
49a MITCHELLS COURT LOWER GUNGATE TAMWORTH
STAFFORDSHIRE B79 7AS Tel 01827 314982
Email tim@baileydesign.ltd.uk

PROPOSED GARAGING, GYM & PLAYROOM AT
SOUTH VIEW, WEDDINGTON ROAD,
CALDECOTE, NUNEATON.

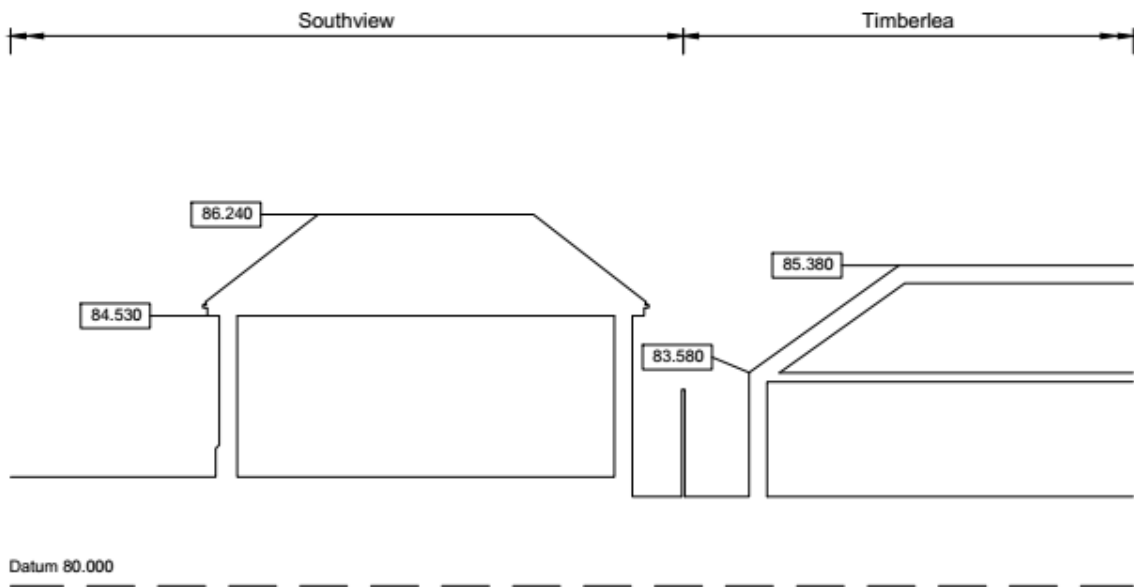
PLANS AND ELEVATIONS.

SCALE	DATE	DRAWN	JOB No.
1/100.	June 22.	tb.	9606/21

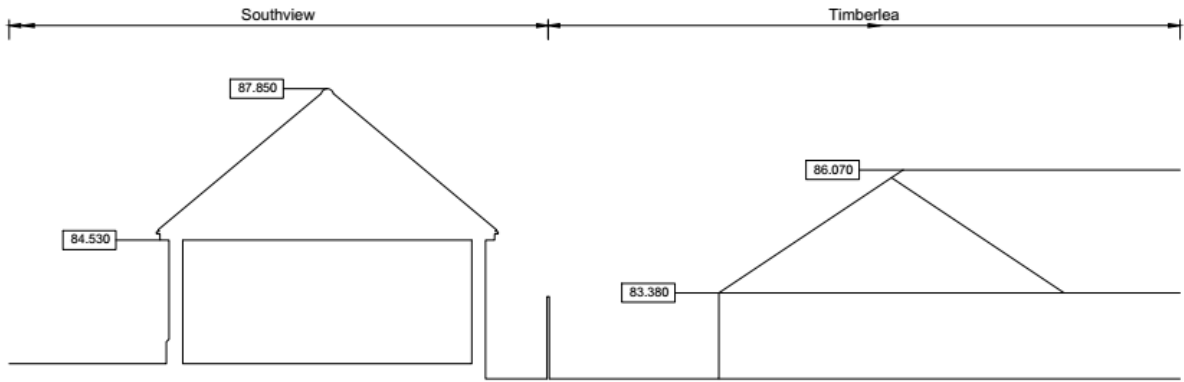
Appendix F – Sections Plan



Existing Section A - A
Scale 1:100



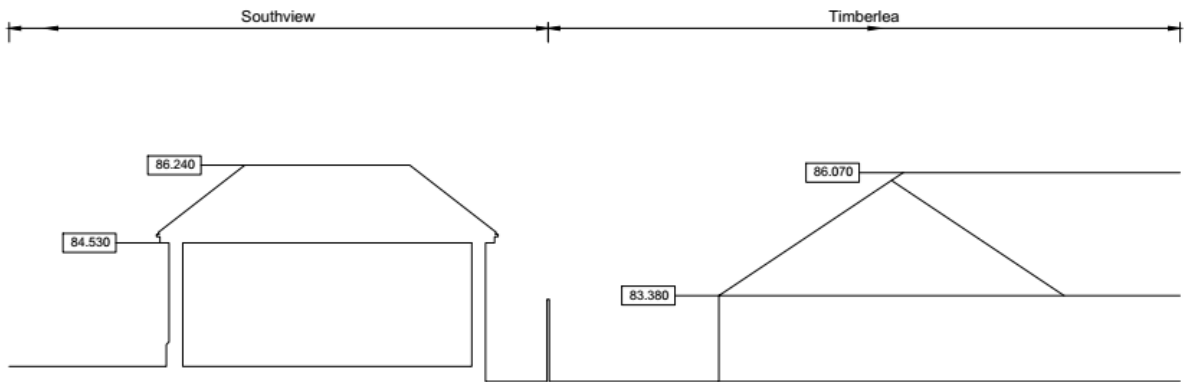
Proposed Section A - A
Scale 1:100



Datum 80.000

Existing Section B - B

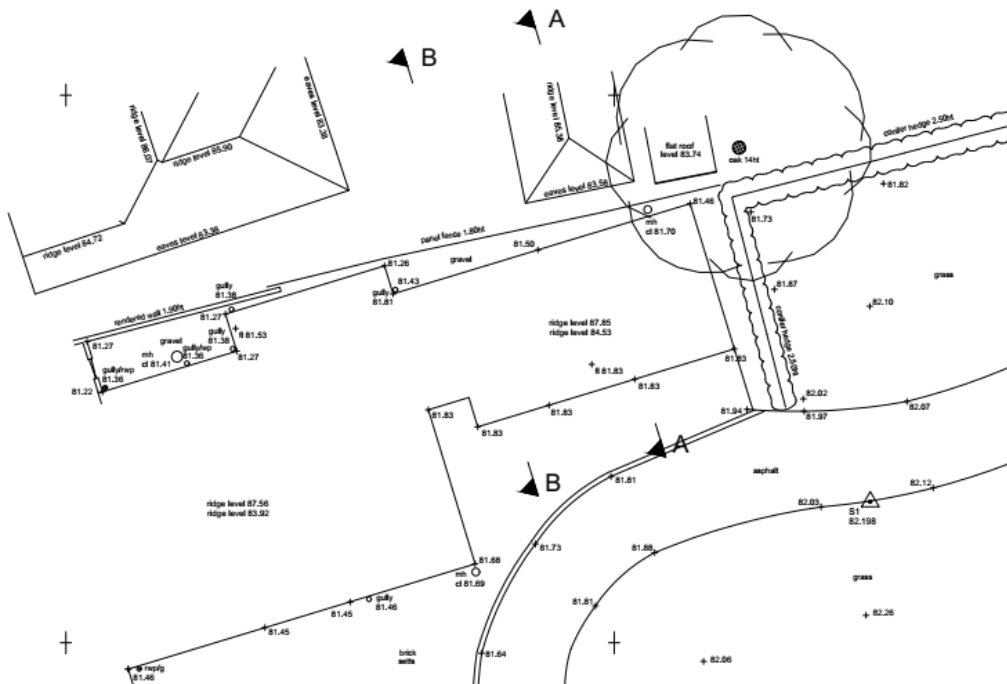
Scale 1:100



Datum 80.000

Proposed Section B - B

Scale 1:100



General Development Applications

(5/f) Application No: PAP/2023/0248

14 / 15 Tannery Close, Atherstone, Warwickshire, CV9 1JS

Works to trees in a Conservation Area.

Betula pendula T1 (04T7) - fell at ground level

Sorbus aucuparia T2 (05C3) - fell at ground level, for

Warwickshire County Council (Forestry)

Introduction

This application is reported to the Board due to the land in question being owned by North Warwickshire Borough Council.

The Site

The application site at the end of a residential cul-de-sac, Tannery Close, in the Atherstone Conservation Area.

A location plan is at Appendix A.

The Proposal

Permission is sought to carry out the following works because both trees are dead:

- Betula pendula T1 (04T7) - fell at ground level
- Sorbus aucuparia T2 (05C3) - fell at ground level

The location of the trees is shown on the Location Plan at Appendix A

A photograph is at Appendix B.

Representations

Warwickshire County Council: Forestry – No Objection to the Works

Observations

This is not an application to undertake works to trees covered by an Order. The application is a notification of works to these trees as they are protected by virtue of them being in a Conservation Area. The remit of the Board here is either to make a Tree Preservation Order for one or both of the trees or not. If not, the works can proceed.

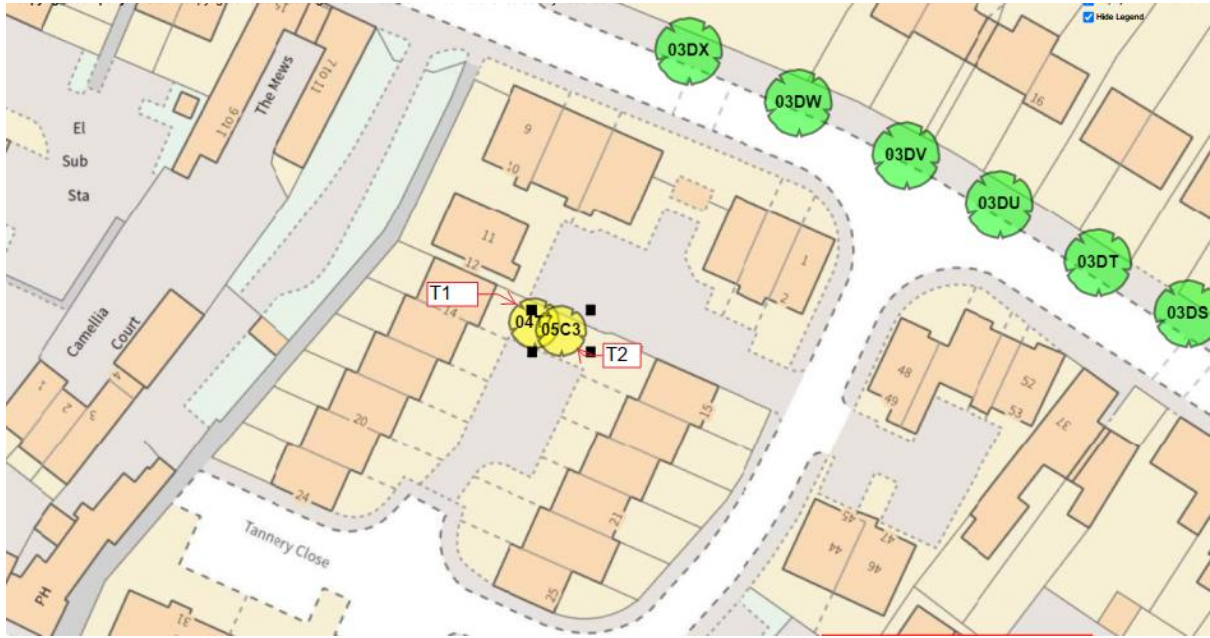
The County Forester has inspected the trees and confirms that both are dead. As a consequence, there is no case for protecting them via an Order.

Although not within the remit of this report, a recommendation is made to the relevant Council Division that replacement trees are planted as appropriate.

Recommendations

- a) That the works may proceed.
- b) That the Council considers replacement trees as appropriate

Appendix A



APPENDIX B



General Development Applications

(5/g) Application No: PAP/2018/0755

Land to east of Former Tamworth Golf Course, North of Tamworth Road - B5000 and west of M42, Alvecote,

Outline application - Demolition of all existing buildings and construction of residential dwellings including extra care/care facility; a community hub comprising Use Classes E(a)-(f) & (g) (i) and (ii), F.2 (a) & (b), drinking establishment and hot food takeaway uses, a primary school, the provision of green infrastructure comprising playing fields and sports pavilion, formal and informal open space, children's play area, woodland planting and habitat creation, allotments, walking and cycling routes, sustainable drainage infrastructure, vehicular access and landscaping, for

Hallam Land Management Ltd

1. Introduction

- 1.1 The receipt of this application was first reported to the Board in February 2019. It resolved that progress reports should be brought to the Board and that representatives of the Board should if appropriate, meet the applicant and also representatives from the Tamworth Borough Council. A progress report was tabled in October 2020. That full report is attached as Appendix A and it contains the initial 2019 report as an Appendix.
- 1.2 As a reminder to Members, whilst the great majority of the application site is within North Warwickshire, there is a portion of the site within the administrative area of Tamworth Borough Council. This is land to the south of the B5000 at Chiltern Road, and it is included in order to accommodate the proposed vehicular access into the site. An appropriate application was therefore also submitted to that Council. Additionally, as the whole of the extensive western boundary of the site directly adjoins the administrative boundary with Tamworth, that Council has been formally consulted on the substantive application submitted to this Council. The reference to Tamworth in paragraph 1.1 above is as a consequence of these factors.
- 1.3 A general location plan is attached at Appendix B.
- 1.4 The current proposed layout for the site is at Appendix C
- 1.5 In accordance with the Board resolution, a further meeting has recently been held with representatives of the Board and the applicant. A note of this is attached at Appendix D

2. Observations

- 2.1 During the course of dealing with this application, a number of issues have arisen and the purpose of the recent meeting was to enable further discussion on these matters.
- 2.2 This report will not expand on the note of that meeting as it is clear that further work has been agreed as set out in the Note. One of the outcomes of the meeting was to arrange a site visit in advance of a determination report being presented to the Board, such that Members could better understand the characteristics of the site and thus be able to assess the issues raised in the note through that understanding.

3. Recommendations

- a) That further meetings are arranged as appropriate with the applicant and representatives of the Board
- b) That at an appropriate time, a meeting be arranged with officers and Members of the Tamworth Borough Council and
- c) That a site visit be arranged for the Board Members.

General Development Applications

(#) Application No: PAF/2018/0755

Land to east of Former Tamworth Golf Course, North of Tamworth Road - B5000 and west of M42, Alvecote,

Outline application - Demolition of all existing buildings and construction of up to 1540 dwellings (including a 100 bed unit extra care home) a community hub (up to 2,250m² of gross floorspace for use class A1-A5, B1a-B1b, D1 and D2) a two form entry primary school, the provision of green infrastructure comprising playing fields and sports pavilion, formal and informal open space, children's play areas, woodland planting and habitat creation, allotments, walking and cycling routes, sustainable drainage infrastructure, vehicular access and landscaping, for

Hallam Land Management Ltd

Introduction

The receipt of this application was reported to the Board many months ago and notwithstanding the lapse of time, there has been considerable progress made in understanding the various impacts of the proposal from the perspective of a number of consultation bodies. They have all had to be considered by the applicant and by officers in order to provide Members with a comprehensive view.

The previous report - at Appendix A - referred to a number of procedural matters in its Introduction and because of the scale of the proposal and its potential impacts beyond the Borough, the Board agreed to the recommendation therein that progress reports should be brought back to the Board and that there be ongoing consultation with the Tamworth Borough Council.

The substantive delay since that initial report has been due to gathering together the various consultation responses in order to try and ensure that those from neighbouring Agencies and Authorities were in agreement and because of the delays in progressing the Examination into the emerging Local Plan. For instance, in respect of the former reason, it is important that associated infrastructure and highway impacts are co-ordinated between the respective Authorities. In respect of the second, Members will know that the majority of the application site is one that is allocated for residential development in that emerging Plan. Officers now consider that it is opportune to bring Members up to date and so to outline in general terms where progress has been made and where there are still differences to resolve.

The Observations section of the previous report highlighted a number of key matters and thus it is proposed to follow that outline for this current report.

Changes in Material Planning Considerations

Before doing so Members should be aware that there have been changes to some of the material planning considerations that affect this proposal.

The National Planning Policy Framework – (the “NPPF”) - was updated in February 2019. The final determination report will therefore outline the weight that is to be given to this when the application is referred to the Board for a decision.

The Council’s emerging Local Plan was submitted in March 2018 and the Examination in Public took place in the Autumn of 2018 and the Spring of 2019. The Inspector requested significant additional evidence and information as a consequence of his assessment of the overall soundness of the draft Plan. In the main this focussed on the clarity needed to deliver major transport infrastructure enhancements to the A5 in order to provide the extra capacity needed to accommodate the growth being proposed in the draft Plan. That additional evidence and information has now been submitted and is the subject of further public consultation. It is anticipated that a further round of Hearings will take place in October with Main Modifications published soon afterwards. If this is the case, then the policies in that Plan as it may be modified, will carry greater weight than at the time of Submission of the draft Plan.

There has been no further change in the status of the adopted Tamworth Local Plan.

The phased residential development on the former Tamworth golf course immediately to the west of the application continues.

Phase 2B of the HS2 railway line remains as a material planning consideration.

Observations

a) The Allocation – H 13

The land to the west of Robeys Lane remains as a proposed housing allocation in the emerging Local Plan as identified as site H13 for 1270 dwellings. This proposal was debated at the recent Examination Hearings and proposed Main Modifications to the Plan are anticipated at the end of the year. At the present time the allocation remains as a material planning consideration.

b) The Meaningful Gap

The Meaningful Gap already carries full weight as it is identified in the Core Strategy of 2014 – Policy NW19. The Emerging Plan sought to define the Gap geographically and this was the subject of discussion at the Examination Hearings. The outcome of those Hearings in respect of the extent of the Gap is still awaited. At present the land within the application site on the east side of Robeys Lane is within the Gap as identified in the emerging Plan.

c) Highway Impacts

There are three highway authorities involved in this application – the Warwickshire and Staffordshire County Councils and Highways England. The three Authorities have worked together in order to understand the impacts arising from the levels of traffic to be generated by the development. As a consequence, they have agreed the modelling to be used as well as the particular existing traffic junctions that would be put under pressure. Their consultation responses are thus consistent and neither objects to the application subject to conditions and a number of off-site mitigation measures. There is no objection from the two County Authorities to the two proposed access points into the

site from the B5000 or to the illustrative layout put forward in the Master Plan. Staffordshire has agreed that junction enhancements at the two roundabouts to the west of the site on the B5000 in Tamworth are needed in order to provide easier access into the routes leading south on to the A5. Warwickshire has requested contributions towards traffic signalisation at the B5000/Market Street/Bridge Street junction in Polesworth as well as requesting better cycle and pedestrian links to the Polesworth Schools and to the Birch Coppice Estate. Additional bus stops on the B5000 and enabling bus route extensions through the new development site are also fully supported by both County Highway Authorities.

Highways England has not objected and neither has it requested any off-site enhancements

Notwithstanding this agreement between the three highway authorities, Officers have taken up three matters with the Warwickshire County Council. These are:

- The first is a series of issues to do with the northern end of Robey's Lane and its continuation over the canal and rail bridges through Alvecote. Both Warwickshire and Staffordshire County Councils agree that additional traffic arising from the development is most unlikely to use this route as the greater "desire" route is into Tamworth and /or to the A5 and the M42 – in other words to the south. They therefore both consider that the existing traffic lights here at the bridges will be adequate to control increased flows and that through monitoring, the timing of those lights may have to be extended in order to act as a deterrent. Clearly the opportunity for physical road improvements here is virtually non-existent and thus the traffic light control is the only measure that is being suggested to mitigate additional traffic – in other words it can be used to deliberately add in significant delay. Officers are currently discussing this in more detail with the County Council. The reason for this is to establish whether the modelling undertaken has under-estimated the amount of traffic that will want to travel north from the application site to the A453, to Junction 11 of the M42 and thus to the M1. Additionally, the new employment site at Junction 11 should be factored into that modelling.
- Secondly, there is concern about the three canal bridges in Polesworth – at the Tamworth Road, Grendon Road and Market Street. These are narrow and have noticeable vertical alignments. They presently act as "pinch-points". However, there is very little if any room for their widening or re-alignment. Moreover, they are all non-designated local heritage assets. Officers are in discussion with the County Council as to how to deal with these features.
- Finally, officers are looking to the County Council to give greater clarity to its request for footpath and cycleway improvements in order to provide sustainable and safer routes to local schools as well as to similar links to the residential development now underway on the site of the former Tamworth golf course.

Officers will provide more information on these three matters when the case is reported for determination.

d) Schools and Health Facilities

The Warwickshire and Staffordshire County Councils acting as the Local Education Authorities have agreed a Statement of Common Ground in respect of assessing the education requirements arising from this substantial residential development. In short, they agree that the provision of a two-form entry primary school with early years provision, in the first phase of the development at the southern end of the application site and delivered by the developer would be supported, in lieu of primary school contributions. Members will be aware that a primary school was also included in first phases of the former Tamworth golf course site which is located closer to the northern portion of the current application site. In respect of Secondary and post-16 provision, the contributions would be directed primarily to the Warwickshire County Council for improvements at Polesworth School with sufficient monitoring written into any Agreement such that contributions could be redirected to Staffordshire secondary schools.

Officers will be meeting County Council representatives in order to ensure that the early provision of the Primary School in the first phase, if the application is approved, is fully resourced.

Similarly, the Warwickshire North and the South Staffs CCG's have agreed a level of contribution which they will then be used to enhance and improve existing facilities. The George Eliot NHS Trust has also requested a contribution. No other NHS Trust has done so. It is understood that the lack of response from other Trusts follows a similar pattern for residential planning applications in Tamworth.

e) Recreation/ Open Space

Members will have seen from the illustrative Master Plan – Appendix B - that there is a substantial amount of recreational, play areas, amenity areas, woodlands and allotments all included in the overall proposal. Indeed, this amounts to just over 50% of the total application site. This now includes additional land that has been added since the original submission in order to accord with the Council's adopted guidelines and requirements. All parties agreed that this provision should be made on-site rather than there being contributions to enhance existing provision. Sport England does not object given the compliance with the Council's overall published strategy.

There will however need to be a contribution to indoor sports provision. In this regard a figure has been agreed in line with the Council's adopted Guidelines. However, the Tamworth Borough Council has also requested a contribution as it considers that some of the "indoor" provision may be better used in the town. Officers are presently reviewing the position, both to seek a solution and in order to ensure that there is no double-counting in the respective contribution requests.

f) Affordable Housing

Similarly, in respect of affordable housing provision, there has been a request from the Tamworth Borough Council that any new housing approved here should in the main, accommodate affordable housing needs arising from Tamworth's local requirements. Further discussion between relevant officers continues. However, the overall provision of affordable housing for the whole site is yet to be determined. Relevant Development

Plan policy will require 40% provision, but the applicant has indicated at submission that this could not be achieved. He submitted a Viability Appraisal with the application but this was in the knowledge that this would need revision, as he did not know the final level of contributions that would be sought either in a Section 106 Planning Agreement, or the costs involved with off-site highway improvements under Agreements made under the Highways Act. That initial Appraisal is being reviewed and once updated and submitted, it will be referred to the District Valuer ("DV") for scrutiny. Members will be aware that because of the scale of this proposal and the length of its "build-out" period, the DV will be requested to review the applicant's appraisal with monitoring reviews in place to assess values at appropriate phases in the course of completing the development.

The issue of affordable provision also needs to be seen in the context of the recent Government proposals for "First Homes" which has been out for consultation in the last few months. This widens the range of such provision. As yet, as explained above, the applicant has not put forward an affordable housing "package" and once known, this will be subject to further discussion with relevant officers both here and in Tamworth.

g) Alvecote Wood

There has been a significant amount of concern expressed about the impact of the proposals on the Ancient Woodlands of Alvecote and Betty's Wood just beyond the eastern edge of the application site. The Wood fronts Robeys Lane. The overriding concern here is about the potential impact on the bio-diversity value of these designated assets from trespass – either human or by dogs and cats. Officers have been involved with the owner of the Woods, the applicant and the Warwickshire Wildlife Trust in order to establish what can be done in the event of a grant of planning permission. Because of the scale of the overall proposal there would be "space" within the application site to provide a substantial landscaped buffer zone on the west side of Robey's Lane. This buffer of around 90 metres (including Robeys Lane) is shown on the Master Plan at Appendix B and would be in excess of national guidance. This particular area could be the subject of a planting and management plan agreed with the respective Wildlife Agencies in order to ensure that there is no trans-boundary ecological impact and that appropriate natural barriers are included so as to restrict trespass.

h) Wider Context

Given the two substantial housing allocations in the Emerging Local Plan in this part of the Borough - H13 as here for 1270 dwellings and H7 on the east side of Polesworth and Dordon for 2000 dwellings – Members are reminded of the Infrastructure Delivery Plan that runs alongside the Emerging Plan. This has been prepared in partnership with a wide number of Agencies in order to establish the starting point for considering levels of new infrastructure necessary to deliver all of the proposals in the Local Plan. It was submitted to the Secretary of State with the Emerging Local Plan. In this way, there is a co-ordinated approach to overall infrastructure delivery. As such the various matters raised above are all in-line with that Delivery Plan and they do not prejudice the level or scope of provision for the remaining allocated site H7.

Recommendation

That the report be noted and a that further report be referred to the Board to outline progress on the matters raised prior to determination.

APPENDIX A

General Development Applications

(#) Application No: PAP/2018/0755

Land to east of Former Tamworth Golf Course, North of Tamworth Road - B5000 and west of M42, Alvecote,

Outline application - Demolition of all existing buildings and construction of up to 1540 dwellings (including a 100 bed unit extra care home) a community hub (up to 2,250m² of gross floorspace for use class A1-A5, B1a-B1b, D1 and D2) a two form entry primary school, the provision of green infrastructure comprising playing fields and sports pavilion, formal and informal open space, children's play areas, woodland planting and habitat creation, allotments, walking and cycling routes, sustainable drainage infrastructure, vehicular access and landscaping, for

Hallam Land Management Ltd

Introduction

Members have been familiar with this proposal for a little while now given the residential allocation of the majority of the site in the Submitted Local Plan; the presentations given to Members, the community consultation events and the submission of an earlier application for 500 dwellings on one part of the current site.

This report therefore formally records receipt of the application and provides a description of the site and surroundings as well as a summary of the proposals. It will also outline the relevant parts of the Development Plan together with other material planning considerations.

Before doing so, there are a number of procedural matters that need to be set out.

Firstly, part of the site is within the administrative area of Tamworth Borough Council in order to accommodate the proposed vehicular access into the site – the land south of the B5000 at Chiltern Road. An appropriate planning application has been submitted to that Authority. Additionally that Council has been formally consulted on the substantive application submitted to this Council. There will therefore have to be coordination between the two Authorities in respect of procedures and timetabling. Members will be kept informed as matters progress.

Secondly, this application has been submitted during the Examination in Public for the Council's Submitted Local Plan for North Warwickshire. That Examination is continuing and is anticipated to be finished prior to the determination of this application. Members are aware that the weight to be given to this emerging Plan will be strengthened as it continues its course. The Inspector's findings may therefore become a material planning consideration in the determination of the application.

Thirdly, this application is accompanied by an Environmental Statement. This is available to view on the Council's website. It contains the applicant's supporting documentation as well as identifying impacts – adverse as well as beneficial – such that mitigation measures can be recommended where appropriate. This is a substantial document and Members are invited to study this in order to better understand the applicant's case.

Fourthly, the scale of the proposal and its location means that both the Warwickshire County Council and the Staffordshire County Council will have significant interests in the proposal. This will extend from them acting as Highway Authorities, as well as to their role as Education and Public Health Authorities. It is anticipated that there will be co-ordinated and agreed positions in respect of their assessments of the proposal and their potential requests for the delivery of appropriate infrastructure.

Fifthly, this leads to the position, that should the proposal be supported, to a significant role for the content of a Section 106 Agreement in order to deliver appropriate co-ordinated infrastructure.

Sixthly, officers will be asking the applicant whether the current outstanding application for 500 dwellings is now to be withdrawn.

Finally, because of the matters raised above, it is likely that progress reports may need to be brought to the Board in advance of a full determination report.

The Site

This is 96 hectares of mainly arable land sited north of the B5000 Tamworth Road, east of the former Tamworth Golf Course and west of the M42 Motorway. It extends north to the Alvecote Marina. Robey's Lane divides the site into two main parcels. Roughly one third is to the east and this comprises agricultural land within three fields, the largest of which abuts the B5000. The remaining two-thirds is to the west where the site is predominantly agricultural land, but it also includes the Daytona Go-Kart track as well as the house and range of buildings at Woodhouse Farm. The house known as Priory Farm to the immediate east of the go kart track is excluded from the site. The site does include land south of the B5000 around the junction of Chiltern Road with the B5000.

The site is gently undulating with the highest points being at its southern end – e.g. the go kart track with a level of 110m AOD. It then has a slight drop in the centre of the site before rising again to 100m AOD in its north western corner.

The site as a whole is open in character with the large fields, little hedgerow cover and a small number of trees. There are however stronger hedgerows bounding Robey's Lane along its southern section and along the B5000 northern frontage. There are tree belts along the B5000, around Priory Farm, along a water course bounding the western edge of the site and towards the northern edge of the site approaching the Alvecote Marina.

To the west of the site was the site of the former Tamworth golf course but this is now being residentially developed in a series of phases amounting to 1100 houses. A primary school and a community centre are also to be provided. The more established residential areas of Tamworth are then to the immediate west. To the south of the B5000 is the residential area of Stonydelph in Tamworth which extends up to Chiltern Road. Beyond are the North Warwickshire Recreation Ground and a small collection of houses between the B5000 and the line of the former Tamworth Road, before the B5000 passes over the M42.

To the east of the site is open agricultural land up to the M42 and beyond, this extends up to the western edge of Polesworth. To the immediate east of Robey's Lane towards the northern half of the site is Alvecote Wood which is a designated Ancient Woodland.

To the north are the Alvecote Marina; the west coast main railway line, the Coventry Canal, the Alvecote Pools SSSI, Alvecote Priory and the village of Alvecote.

The nearest local centre to the site is Stonydelph – 1.1km – which contains a range of facilities including a retail convenience store, a doctor's surgery, a fish and chip as well as a community hall. There are two existing primary schools here – Stonydelph and Three Peaks (1.4 and 1.6km distant). The closest Secondary Schools are at the Landau Forte Academy in Amington and at Polesworth School – both around 2.2 kilometres distant. There is also a surgery at Dordon and both Polesworth and Dordon have a range of local services and facilities.

In respect of public transport provision, Arriva's 65 bus service operates hourly along the B5000 linking Tamworth and Nuneaton. There is a bus stop at the Recreation Ground referred to above. Tamworth has a train station with national and regional connections.

For convenience, the application site is illustrated at Appendix A.

The Proposals

In overall terms the application seeks outline planning permission for up to 1450 dwellings plus a range of associated facilities and green/open space infrastructure. All matters except for access arrangements are to be reserved for further consideration.

The applicant refers to two phases – phase one being that part of the site to the east of Robey's Lane and the second being the larger part of the site to the west. An illustrative Masterplan provides the framework for the two phases. The majority of the development – some 1300 of the units – would be to the west of Robey's Lane in Phase Two. This would include the extra care home and the community hub. That possible uses within the hub could include a mix of uses – retail, financial services, café/restaurants, takeaways, a nursery and places of worship. To the east of Robey's Lane and in the first phase would be the balance of the houses, 150, the primary school and its playing field and a number of other open space uses – playing fields, allotments, children's play areas and structural landscaping.

In terms of the housing provision then a mix of housing is proposed: 2% being one bedroomed, 20% with two bedrooms, 42% with three, 24% with four and 6% being five bedroom properties. The balance is taken up with the extra care facility. An overall 20% affordable provision is being proposed – excluding the care home number. The applicant has submitted a Viability report to justify this level of provision.

There are two vehicular accesses proposed into the site – both off the B5000. The principal access takes the form of a new four-arm roundabout junction providing access to and from the B5000 and linking with Chiltern Road. The second access onto the B5000 is through a signalised "T" junction where Robey's Lane meets the B5000. It would continue a short distance north and then divert to the north of Priory Farm such that it serves the southern half of the Phase Two development. It would connect with the access from the new roundabout running through Phase One to meet about half way along Robey's Lane. The existing section of Robey's Lane between the two link points would become a pedestrian/cycle way. North of this the existing Robey's Lane would remain in order to provide access to Alvecote and the north. There would be opportunities for pedestrian and cycle connections towards the west into the residential developments under construction on the former golf course site.

The illustrative Masterplan is included at Appendix B.

In preparing the application, the applicant has undertaken a range of community consultations. There have been three joint presentations to Members of both Councils. The two central issues raised were traffic impacts and infrastructure provision. Additionally the applicants have undertaken two public consultations- one in Polesworth and the second in Tamworth. The main issues raised were the matter of principle; traffic impacts, infrastructure provision, the impact on the Meaningful Gap between Tamworth, Polesworth and Dordon, the mix of housing, schools and recreational facilities.

As indicated above the applicant has submitted an Environmental Statement. It is not proposed to itemise all of the chapters in that document. However he has prepared a Planning Statement in which there are summaries of these chapters. The relevant part of that Statement is attached at Appendix C. It also provides a useful summary of the applicant's case – note that the Appendices to the Statement are not attached. Members are advised to review the main Environmental Statement in order to better understand the applicant's full case.

Background

There are outstanding outline planning applications for up to 500 dwellings with associated infrastructure lodged with the Council and the Tamworth Borough Council, on the Phase One land. Access is proposed from the B5000 incorporating the same roundabout access as described above.

Planning permission for the residential redevelopment of the former Tamworth golf course by up to 1100 houses was granted in 2016 by the Tamworth Borough Council. Reserved matters are now being dealt with such that over 725 of these have now been approved in detail and work is well underway on the initial phases. The Section 106 Agreement accompanying the outline for this development requires the

early provision of a primary school and the arrangements for the delivery of the community centre through Tamworth Borough Council.

The Go-Kart track referred to above is a lawful use.

Buildings at Woodhouse Farm benefit from planning permissions for commercial uses. The small triangle of land between the southern end of the site and the B5000 beyond the existing karting track has the benefit of a planning permission for new commercial buildings.

The Development Plan

The Core Strategy 2014 – NW1 (Sustainable Development); NW2 (Settlement Hierarchy), NW4 (Housing Development), NW5 (Split of Housing Numbers), NW6 (Affordable Housing Provision), NW10 (Development Considerations), NW11 (Renewable Energy), NW12 (Quality of Development), NW13 (Natural Environment), NW14 (Historic Environment), NW15 (Nature Conservation), NW16 (Green Infrastructure), NW19 (Polesworth and Dordon), NW21 (Transport) and NW22 (Infrastructure)

Saved Policies of the North Warwickshire Local Plan 2006 – HSG3 (Housing Outside of Development Boundaries), HSG 4 (Densities), ENV4 (Trees and Hedgerows), ENV9 (Air Quality), ENV12 (Urban Design), ENV13 (Building Design), ENV14 (Access Design), ENV15 (Heritage Conservation) and ENV16 (Listed Buildings)

Other Material Planning Considerations

The National Planning Policy Framework 2018 – (the "NPPF")

The Submitted Local Plan for North Warwickshire 2018 – LP1 (Sustainable Development); LP2 (Settlement Hierarchy), LP5 (Meaningful Gap), LP6 (Amount of Development), LP7 (Housing Development), LP8 (Windfall Allowance), LP9 (Affordable Housing Provision), LP14 (Natural Environment), LP25 (Historic Environment), LP16 (Nature Conservation), LP17 (Green Infrastructure), LP24 (Recreational Provision), LP25 (Transport), LP28 (Strategic Road Improvements), LP29 (Walking and Cycling), LP31 (Development Considerations), LP32 (Built Form), LP35 (Water Management), LP36 (Parking), LP37 (Renewable Energy), LP38 (Information and Communication Technologies) and LP39 (Housing Allocations)

The Affordable Housing SPD 2008

Affordable Housing Addendum 2010

Strategic Housing Land Availability 2016

Coventry and Warwickshire Joint Green Belt Study 2016

North Warwickshire Level 1 Strategic Flood Risk Assessment (2008 and 2013 update)

Landscape Character Assessment 2010

North Warwickshire Archaeological Assessment 2010

North Warwickshire Playing Pitch Strategy 2017

North Warwickshire Open Space, Sport and Recreation SPD 2017

Assessment of the Meaningful Gap 2018

North Warwickshire Greenspace Strategy 2017

Observations

Clearly a proposal of this scale raises a whole raft of issues both detailed and otherwise. In order to assist Members, the following broad headings will need to be explored during the course of dealing with the application and ultimately in its determination.

The principle of supporting the proposal or not is the crucial issue. On the one side of the balance is the fact that the site is not recognised by the settlement hierarchy in the adopted Core Strategy. On the other hand the greater part of the site is however identified as a housing site in the Submitted Local Plan – Site H13. That Plan is currently at Examination in Public and the weight to be given to it will increase as it progresses through that Examination. However the final balance will also be influenced by other factors. Firstly, Members will know that through the Daw Mill appeal, the development boundaries of the Core Strategy were found to be “out-of-date” and thus the terms of the NPPF come into the balance whereby sustainable development should be approved unless there is significant demonstrable harm. Secondly the matters of the Council’s housing land supply will need to be considered.

The second broad area to consider will be the impact of the development on the Meaningful Gap. This is introduced in the Core Strategy at Policy NW19, which explains its planning purpose. Its geographic definition however is identified in the Submitted Local Plan and is the subject of a number of representations, to be discussed in the continuing Examination. Part of the application site – the whole of phase One - is in this identified area.

The principle of the main access location into the development is also an issue. This is because the primary access proposed – the roundabout at Chiltern Road – leads to development within the Meaningful Gap – 150 houses and the primary school. The issue here is whether this arrangement is the only means of access available to facilitate and implement the whole development, or whether alternatives can be found to do the same, without requiring development within the Meaningful Gap.

Highway impacts over the whole of the local and wider highway network will be a major issue. That network will include access into the centres of Tamworth as well as through Polesworth and Dordon. There are also concerns about routes through Stonydelph to the A5 and Junction 10 of the M42; those through Amington in Tamworth and also through the closest North Warwickshire villages of Alvecote and Shuttington.

The affordable housing provision is below the Core Strategy requirement of 40% and the equivalent in the Submitted Plan – also 40%. Clearly this will need to be examined to see if the viability report is sufficiently robust to evidence the lower provision.

Additionally the implementation and management of the care home will need to be resolved.

The scale of the proposal will require an understanding of the impacts on existing services – particularly Schools and health facilities but also on the emergency services and established recreation facilities. The advice and guidance of the appropriate infrastructure Agencies will thus need to be coordinated and understood.

Other impacts will need to be evaluated such as whether there would be harm to heritage and ecological interests. The latter will be a significant issue given the presence of Alvecote Wood which adjoins the site and the Alvecote Pools SSSI.

There is a substantial amount of open space and green infrastructure included in the proposals. The Board will need to understand and to have confidence that, should the development be supported, this would be enabled not only in full, but that it is maintained in perpetuity as the development matures.

Consideration of all of these issues has led the applicant to submit his Illustrative Master Plan for the development. Members too will need to understand how this has been arrived at and whether it does adequately mitigate adverse impacts and lead to sustainable development.

Recommendation

That the receipt of the application be noted and that officers, in collaboration with colleagues in the Tamworth Borough Council be requested to provide progress reports and that if appropriate, the applicant be invited to meet representatives of the Board and Tamworth Members as the application proceeds

BACKGROUND PAPERS

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

Planning Application No: PAP/2018/0755

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	21/12/18

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

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

5. PLANNING HISTORY AND COMMUNITY CONSULTATION**Planning History**

- 5.1. In May 2017 the Applicant submitted a planning application (PAP/2017/0257) to NWBC for 500 dwellings with associated green infrastructure, sustainable drainage and vehicular access. This comprised land to the east of Robey's Lane only (Phase 1). A duplicate application was also submitted to TBC for the reasons set out in Section 3. Both applications remain undetermined.
- 5.2. Prior to the submission of PAP/2017/0257, a Screening Opinion under the Town and Country Planning (Environmental Impact Assessment) (England) Regulations 2011 was sought in April 2016 and provided by the LPA in May 2016 confirming that an EIA was required for the Phase 1 application.
- 5.3. Scoping Opinions for the ES this application were sought and provided in September 2017 and March 2018 under the 2017 Regulations.
- 5.4. Although not related to the site itself, it is relevant to reference the permission at the Former Tamworth Golf Course. This was granted outline permission (ref :0088/2015) in January 2016 by the neighbouring planning authority, Tamworth Borough Council, for the demolition of clubhouse and construction of up to 1,100 dwellings, primary school, local community centre, parking, green infrastructure comprising community woodland, extension to local nature reserve, formal and informal open spaces, footpaths, cycleways, water areas (including a sustainable urban drainage system), landscaping and vehicular access.
- 5.5. Subsequent reserved matters approval has been granted, initially for 218 dwellings (reference: 0136/2016); a further 254 dwellings (reference: 0400/2016) and in June 2018 for 252 dwellings (0129/2018), meaning a total of 724 dwellings have been approved in detail at the time of writing.
- 5.6. The Section 106 Agreement that was completed with the outline planning permission on the golf course site details the delivery of key infrastructure associated with the permission. Of particular note is the requirement for the provision of the primary school which is due to be provided within 24 months of commencement or before the commencement of the 250th dwelling. The local centre delivery is set out in Schedule 9 of the Agreement and confirms that once remediation has been undertaken and within a period of 5 years of the commencement date, the owner

will transfer the land to Tamworth Borough Council. The Borough Council is then obligated to provide the local centre within a period of 5 years.

Community Consultation

- 5.7. In preparing this planning application the Applicant has engaged with a range of stakeholders in formulating the proposals and has undertaken a series of meetings and consultation events.

Presentation to Local Ward Members

- 5.8. Presentations to the elected local ward councillors of both NWBC and TBC were undertaken on 5 and 26 March 2018, with a further 'update' presentation on 8 October 2018. The presentations explained the key elements of the scheme, the policy background and strategy for infrastructure. There was then an opportunity for members to have question and answer sessions with the Development Team. The presentations were well attended with member representatives from both Council's together with lead officers from both LPA's.
- 5.9. The key issues raised at both presentations and from members of both Council's were traffic, both in terms of scope of assessment and impact, and infrastructure provision.
- 5.10. The Development Team explained that the scope of the Transport Assessment had been derived from discussions with the two local highway authorities, Warwickshire County Council and Staffordshire County Council, together with Highways England.
- 5.11. Strong concern was expressed by Tamworth members in particular that the scope of the junctions to be assessed did not extend sufficiently west and that key junctions were not being assessed. Post the presentation and through officers, the Applicant was supplied with alternative junctions that Tamworth members considered should form part of the assessment. The submitted TA appraises each of these additional junctions but found that the impact would be so limited that they did not warrant further modelling assessment.
- 5.12. In respect of traffic impact the TA has identified that improvement works will be required at both the Pennine Way/Sandy and Glascoate Rd/Mercian Way junctions. This mitigation will ensure that the development has an acceptable traffic impact.
- 5.13. The delivery of infrastructure, specifically relating to education and health is recognised to be a key issue for a development of the size proposed. A clear strategy

In respect of primary school provision has been established with delivery of a new school on site. The scheme will also make a financial contribution towards secondary school places derived from the development. Whilst members wanted more information on the specific schools that would potentially accommodate new pupils, the local education authorities are undertaking work on how to accommodate children from all emerging NWLP development and so are currently unable to be specific on this. This issue will therefore be resolved during the course of the application and any Section 106 Agreement will need to be clear on where any contribution will be spent.

- 5.14. It was explained to members that two forms of 'Health' contributions have been requested from the Primary Trust and the George Eliot Trust. Similarly to the education contribution, at present the health authorities have not determined the exact location of where the Primary Trust contribution would be allocated. This will again be determined during the course of the application.

Public Consultation Events

Tamworth Bowls Club – 20 March 2018 4-8pm

Tithe Barn, Polesworth – 21 March 2018 4-8pm

- 5.15. Public consultation events were arranged to exhibit the development proposals, explain the content and rationale of the scheme and to take questions from members of the public.

- 5.16. The above events were advertised through the following methods:

- Approx 2220 leaflets hand delivered to local residents' addresses. The industrial estate to the east of Sandy Way were not individually leafleted due to the potential difficulty of delivering to such addresses, though notices were erected.
- Advertisement in Tamworth Herald and Nuneaton News & on Tamworth Herald online
- Posters displayed at the following venues: Polesworth Memorial Hall, Polesworth Co-op, Polesworth Sports and Social Club, Polesworth Library, Polesworth Baptist Church, G&J Chesters Newsagents, Dordon Village Hall and Polesworth Parish Council.
- An email was sent to all North Warwickshire and Tamworth Ward Councillors

- An email was sent to the parish councils of Polesworth, Dordon and Shuttington and Alvecote.

5.17. A plan showing the area of local residents consulted, together with a copy of the newspaper advertisement, the poster and the email/letter sent to ward councillors and the parish council is contained within **Appendix A**.

Summary of Comments

5.18. A total of 130 people attended the two events, with 71 attending the exhibition in Tamworth and 59 the event in Polesworth. A total of 17 feedback sheets were either deposited at the event or provided through the comments facility hosted on the website of FPCR Environment and Design Ltd. These are provided at **Appendix B**.

The main comments received were as follows:

- **Principle of Housing** - From the feedback sheets only 5 out of 17 respondents supported the principle of housing. Many of the visitors to the event explained that it wasn't the housing per se which was objectionable but the absence of infrastructure to sustain it.
- **Traffic** – the largest concern regarding the scheme is traffic. Residents are concerned that the large scale of the scheme will inevitably exacerbate existing problems with the B5000 and Pennine Way in particular, with other impacts on the A5 and the M42 junction. Several suggestions of having direct access onto M42.
- **Infrastructure** – the provision of schools, doctors, shops, dentists, leisure facilities were all identified by residents as being critical to any housing scheme. There remains significant concern that the existing facilities are unable to cope with the additional housing planned on this site and other sites.
- **Meaningful Gap** – as with the 'Phase 1' application there was concern expressed regarding building in the proposed Meaningful Gap. Some residents acknowledged the improvement in setting the built development further west, but they commented that this does not overcome the principle or eroding the space between Tamworth and Polesworth.
- **Mix of Housing** – residents expressed a desire for affordable housing and housing suitable for first time buyers and the elderly. Bungalows are

desirable and generally people felt 2/3 bedroom properties were most required.

- **Primary school** – most respondents to the feedback forms and verbal feedback supported the provision of a primary school on the site.
- **Open Space/Sports Facilities** - Some support, though others felt that the provision was insufficient or that it should be provided elsewhere such as Polesworth.

5.19. The principal objections were traffic impact and infrastructure. The suggestion of a direct junction off the M42 is not supported by Highways England and is not a realistic alternative. The 'response' to the issues concerning traffic and infrastructure are set out in the Planning Appraisal section of this statement, where all of the other issues raised are also addressed.

6. PLANNING POLICY

- 6.1. The Development Plan comprises the North Warwickshire Core Strategy (2014) and the Local Plan (2006). The new Development Plan was initially being created on a two tier system with the Site Allocations and Development Management Policies forming part of the Plan. However, NWBC announced that the new Local Plan will be merged into a single document to take account of greater development requirements. The new Local Plan was submitted to the Secretary of State for examination in March 2018. However, at present the Development Plan for the determination of planning applications will remain to be the Core Strategy and 2006 Local Plan.
- 6.2. This section identifies the key local and national planning policy and also the emerging policy from the Draft Local Plan. Appendix 4.1 of the ES contains a summary of all of the relevant policies within the North Warwickshire Core Strategy (2014), the North Warwickshire Local Plan (2006), and the Submission Draft North Warwickshire Local Plan (2017). Section 8 of this Statement appraises how the proposed development performs against the relevant local and national planning policy and other material considerations. Below are listed the main policies, both local and national, which are relevant to the proposed development.

Core Strategy (2014)

- 6.3. The relevant policies of the Core Strategy are as follows:
- Policy NW1 – Sustainable Development
 - Policy NW2 – Settlement Hierarchy
 - Policy NW4 - Housing Development
 - Policy NW5 – Split of Housing Numbers Policy
 - Policy NW6 – Affordable Housing
 - Policy NW10 – Development Considerations
 - Policy NW11 – Renewable Energy Efficiency
 - Policy NW12 – Quality of Development
 - Policy NW13 – Natural Environment
 - Policy NW14 – Historic Environment
 - Policy NW15 – Nature Conservation
 - Policy NW16 – Green Infrastructure
 - Policy NW19 – Polesworth and Dordon
 - Policy NW21 – Transport
 - Policy NW22 – Infrastructure

Local Plan (2006)

- 6.4. Appendix B of the adopted Core Strategy explains that many of the policies of the Local Plan are replaced by the Core Strategy. However, a number of Saved Local Plan policies survive. The relevant policies are as follows:

- Policy HS3G – Housing Outside of Development Boundaries
- Policy HSG4 - Densities
- Policy ENV4 – Trees and Hedgerows
- Policy ENV9 – Air Quality
- Policy ENV12 – Urban Design
- Policy ENV13 – Building Design
- Policy ENV14 – Access Design
- Policy ENV15 – Heritage Conservation, Enhancement and Interpretation
- Policy ENV16 - Listed Buildings, Non Listed Buildings of Local Historic Value and Sites of Archaeological Importance

National Planning Policy Framework (NPPF - 2018)

- 6.5. A key material consideration in the determination of the application is the NPPF. The NPPF was revised in 2018 and it is against this latest version that the application is appraised. The main relevant policies, by reference to their paragraph numbers are listed below:

- Paragraph 8 – Achieving Sustainable Development
- Paragraph 11 – Presumption in Favour of Sustainable Development
- Paragraph 59, 64, & 73 – Delivering a Sufficient Supply of Homes
- Paragraphs 91-92, & 94-95 – Promoting Healthy and Safe Communities
- Paragraphs 102-103 & 108-111 – Promoting Sustainable Transport
- Paragraphs 117-118 & 122-123 – Making Effective Use of Land
- Paragraphs 124, 127 & 128 – Achieving Well-Designed Places
- Paragraphs 148 150, 155, 163 and 165– Meeting the Challenge of Climate Change, Flooding and Coastal Change.
- Paragraphs 170, 175, 178, 180 and 181 – Conserving and Enhancing the Natural Environment
- Paragraphs 189-190, 192 and 196 - Conserving and Enhancing the Historic Environment

Emerging North Warwickshire Local Plan (2017)

- 6.6. The NWLP will replace the Core Strategy, incorporating some amendments and will include site allocations and development management policies to provide a new Local Plan for the period up to 2033. The NWLP was submitted for examination in March 2018 and at the time of writing the initial strategic hearing sessions are envisaged for July 2018, although this is not confirmed and may be subject to change.
- 6.7. Paragraph 48 of the NPPF sets out the weight that should be given to relevant policies in emerging plans. The relevant policies are as follows:
- Policy LP1 – Sustainable Development
 - Policy LP2 – Settlement Hierarchy
 - Policy LP5 – Meaningful Gap
 - Policy LP6 – Amount of Development
 - Policy LP7 – Housing Development
 - Policy LP8 – Windfall Allowance
 - Policy LP9 – Affordable Housing Provision
 - Policy LP14 - Natural Environment
 - Policy LP15 - Historic Environment
 - Policy LP16 - Nature Conservation
 - Policy LP17 – Green Infrastructure
 - Policy LP24 – Recreational Provision
 - Policy LP25 – Transport Assessment
 - Policy LP28 – Strategic Road Improvements
 - Policy LP29 – Walking and Cycling
 - Policy LP31 – Development Considerations
 - Policy LP32 – Built Form
 - Policy LP35 – Water Management
 - Policy LP36 – Parking
 - Policy LP37 – Renewable Energy and Energy Efficiency
 - Policy LP38 – Information and Communication Technologies
 - Policy LP39 – Housing Allocations
- 6.8. In some instances policies are largely carried forward from those included within the adopted core strategy. However, altered policies in relation to housing requirement,

Planning Statement
Hillam Land Management Ltd
Land to the East of Tamworth Golf Course

FREETHS

distribution, strategic policies (such as the MG) and allocations have been not been subject to examination and therefore at the time of writing should be afforded limited weight.

7. FIVE YEAR HOUSING SUPPLY

Introduction

- 7.1. The latest five year housing land supply report ("FYHLSR") is for the period up to 31 March 2018 and concludes that NWBC had a housing supply of 4.8 years.
- 7.2. Prior to the publication of the above figure in June 2018, an Inspector for a recent appeal (3189584) for 70 dwellings at a site in Ansley the decision of which is attached as **Appendix C** did not deem it necessary to come to a conclusion on housing land supply¹. The principal reason for this is the Secretary of State decision in March 2018 at land at Daw Mill Colliery, Daw Mill Lane, Arley (Appeal ref: 3149827). In this decision the SoS determined that Policy NW2 of the Core Strategy which relates to settlement hierarchy is out of date, in in agreement with the conclusions of the Appeal Inspector². On this basis the Anstey Inspector came to the conclusion that as NW2 is out of date, the tilted balance of Paragraph 11 of the NPPF is in any event engaged. This position equally applies to this application.
- 7.3. Notwithstanding the above position, the LPA has now confirmed they are unable to demonstrate a five year housing supply.

¹ Paragraph 14
² Paragraph 27/IR376

8. PLANNING APPRAISAL

- 8.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. The starting point for establishing whether the principle of development is acceptable is therefore the adopted Core Strategy and the Saved Policies of the Local Plan.

The Principle

- 8.2. Policy NW2 of the Core Strategy sets out the settlement hierarchy and the site falls within category 5, 'outside of the above settlements' (referring to the named settlements of the policy). The site therefore sits in open countryside and only permits development either necessary for agriculture, forestry or other uses that require a rural location or small scale affordable housing. The application scheme meets none of these requirements and so there is a conflict with Policy NW2 of the Core Strategy. Equally Saved Policy HSG3 of the Local Plan deals with housing outside settlement boundaries and has similar restrictions to Policy NW2 on types of permitted development. The proposal is therefore contrary to Policy HSG3.
- 8.3. Paragraph 11 of the NPPF, specifically footnote 7, confirms that relevant policies for the supply of housing should not be considered up-to-date if the LPA is unable to demonstrate a five year housing supply.
- 8.4. As demonstrated in section 7 the LPA is unable to provide a five year housing supply and furthermore Policy NW2 has been deemed out of date by the Secretary of State. The LPA's housing supply policies should not be considered up-to-date and accordingly the presumption in favour of sustainable development and the 'tilted balance' is engaged.
- 8.5. The most pertinent Development Plan policies which directly affect housing supply in this case are policies NW2, NW4 and NW5 of the Core Strategy and Saved policy HSG3 of the Local Plan.
- 8.6. Policies NW2 and NW5 direct and distribute development around the borough based on the settlement hierarchy and are underpinned by sustainability credentials. The Inspector in the 2017 Ansley appeal decision, applied moderate weight to these policies. Whilst this is noted, it is submitted that the emerging Local Plan is catering for a higher number of dwellings and is introducing an alternative tier into the

settlement hierarchy through Policy LP2 with category 2 being "settlements adjoining the outer boundary of the Borough". The emerging NWLP has not been subject to examination and therefore new policies not brought forward from the Core Strategy should only be capable of limited weight. However, in accordance with the thrust of the SoS decision (Appeal decision 3149827), it is considered that both NW2 and NW5 should be given limited weight.

- 8.7. A similar logic applies to Policy NW4 which defines the overall housing requirement. This again should only limited weight, given that the emerging Local Plan is a) committing to a higher OAN figure and accommodating requirement from the CWHMA and b) that NWBC has undertaken to accommodate 3,790 dwellings from the GBSBCHMA, albeit subject to infrastructure testing. In short the housing requirement figure is set to change by a highly significant and challenging amount.
- 8.8. Policy HSG3 dates from the Local Plan (2006) and relates to development needs prior to the Core Strategy or the original NPPF(2012). Whilst the purpose of the policy, to protect countryside, clearly retains some value given, its age it should be afforded very limited weight.
- 8.9. In applying the above judgements on the weight that should be afforded to the local plan policies, it is clear that the extent of the shortfall of housing supply is significant. Whilst the LPA are in the process of coming forward with a new Local Plan, it is still to be examined and therefore the 'remedy' is some way off coming to fruition.

The Meaningful Gap

- 8.10. Policy NW19 relates to the MG. The portion of the site to the east of Robey's Lane is contained within the MG and this is proposed for approx 240 dwellings, a primary school, and a range of green infrastructure.
- 8.11. The MG policy is different to the policies appraised above which explicitly deal with housing supply in terms of quantum and distribution or are directly restrictive. The MG policy states that any development to the west of Polesworth and Dordon must respect the separate identities of Polesworth, Dordon and Tamworth and must maintain a meaningful gap between them. The policy does not seek to define the extent of the gap and any area of search to which development may be acceptable. Indeed the Inspector's report for the Core Strategy³ advises that the policy enables

³ Issue 2 Page 5 Para 21.

flexibility and the exploration of options through the Site Allocations DPD (albeit, that this will be now replaced by the emerging NWLP). The policy also identifies that the broad location of growth will be to the south and east of the settlements (Polesworth and Dordon).

- 8.12. The purpose of Policy NW19 is relatively simple in that it directs the area of growth to the south and east of Polesworth and Dordon, seeks to protect the identities of Polesworth, Dordon and Tamworth and maintain a meaningful gap between these settlements. It is considered that the absence of a five year housing supply should significantly reduce the weight given to this policy in the decision making process.
- 8.13. In addition, the emerging Local Plan seeks to propose 1270 dwellings on part of the application site, to the west of Robey's Lane land, adjoining Tamworth's administrative boundary. There has therefore been a shift in the broad location of housing in this particular area, with the emerging Local Plan acknowledging that land to the south and east of Polesworth is no longer the sole focus of significant development.
- 8.14. The emerging NWLP contains Policy LP5 which effectively would replace Policy NW19 and this i) proposes a defined MG as set out on the Proposals Map ; ii) repeats the requirement of NW19 that any development must respect the separate identities of Polesworth and Dordon and Tamworth and maintain a MG between them and iii) requires that all new development within this gap should be small in scale and not intrude visually into the gap or physically reduce the size of the gap. In summary the differences therefore are that the MG is defined, the emphasis on significant development to the south and east of Polesworth and Dordon is removed and a requirement for any development within the gap to be 'small' is introduced.
- 8.15. The definition of the area forming the proposed MG had been established prior to the consultation on the Draft Local Plan which began in November 2016. The MG was first subject to a consultation between 29 January to 12 March 2015. This proposed a MG based on an exercise which divided land which conceivably could be considered within the Gap into 'Areas' and identified which areas were and were not proposed to form part of the Gap. The consultation made it clear that the MG would be given weight as policy from the decision at Committee to consult on its scope (January 2015). Based on this original consultation the land subject to this application was in land covered by Areas 3, 4 and 5 and all were proposed to form

part of the MG. An objection was submitted against the proposed MG on the following principle grounds:

- There is no justification for a specific Meaningful Gap Policy
 - The adoption of the Meaningful Gap Assessment as policy compromises the emerging Site Allocations process and undermines the emerging Local Plan.
 - Notwithstanding the principle objection and without prejudice, the methodology of the Assessment is significantly flawed. Substantial and overriding weight is given to landscape considerations without the required evidence in the form of a full landscape assessment.
 - Consequently the landscape and overall conclusions of the Assessment are also flawed and it is recommended that Areas 3 and 4 are removed from the proposed Meaningful Gap.
- 8.16. A copy of the objection, together with the accompanying Landscape Appraisal from FPCR is provided at Appendix D.
- 8.17. Following NWBC's consideration of the consultation responses, they published a new report in August 2015 which omitted Areas 4 and 5 from the MG. The area to the east of Robey's Lane, Phase 1, which forms part of Area 3, remained in the MG. It is the August 2015 definition of the MG on which the emerging NWBC and Policy LP5 is based. This was carried forward to the submission draft consultation which was supplemented by a further evidence document entitled "Assessment of the Value of the Meaningful Gap (January 2018)."
- 8.18. Firstly, the weight that should be given to the definition of the MG under Policy LP5 is very limited. The policy is subject to a number of strong objections and the consultation on which it was based was flawed for two key reasons. Firstly, the MG boundary was formed in advance of identifying any potential sites for development to meet the Plan's housing requirement. Such an assessment should have been undertaken in parallel with potential identification of sites. Secondly it was heavily reliant on landscape judgements which were not reached with the benefit of appropriate landscape evidence. This was clearly an issue of concern for the Inspector in the appeal decision (3136495) in November 2016 concerning Land to the East of the M42 (Junction 10), of which the Meaningful Gap was a principal issue. The Inspector is critical of the Council's evidence base for the Meaningful Gap judgements, commenting that there is a lack of 'qualitative assessment of how the

character of the area would change or how it would be perceived from any locally important viewpoints". A copy of this appeal decision is contained in **Appendix E**.

- 8.19. The Submission Draft Local Plan consultation that ran from November 2017 to January 2018 was extended to March 2018 to allow supplementary documents to be considered, including the Assessment of the Value of the Meaningful Gap. However, this document continues to fail to assess the credentials of the MG objectively and in an evidenced based manner. A copy of the Applicant's objection to the MG Policy is contained in **Appendix F**.
- 8.20. The evidence behind defining Area 4 (Phase 2/land west of Robey's Lane) within the MG was clearly flawed and was quickly rectified, however Area 3, including the portion of the application site to the east of Robey's Lane (Phase 1) remains in the MG.
- 8.21. Chapter 10 of the ES and the accompanying Landscape and Visual Impact Assessment (LVIA), deals with the issue of the MG in detail. The first important point of note is that this application is significantly different to application PAP/2017/0257, in that the extent of the residential development has been pulled further west to align with the existing settlement pattern of Stoneydelph to the south. The residential area east of Robey's Lane accounts for just 6.7ha of a total of 30ha in this portion of the site. The illustrative masterplan demonstrates a logical relationship with existing built development and provides a variety of open space between the residential element of the scheme and the eastern boundary.
- 8.22. In summary the development of this site would be observed as a component of the built up area of Tamworth and there would remain an ample distance between the proposed development and the built up areas of Polesworth and Dordon to protect identities of settlements and maintain a MG
- 8.23. There are a number of features that would help maintain a MG. Firstly, the M42 acts as a definitive physical barrier which separates the settlements of Tamworth and Polesworth. Further major infrastructure is planned on the east of the M42 with the planned route of HS2. The HS2 infrastructure will also act as a deterrent/barrier from development creep from the east.

⁴ Paragraph 26 - 3136495

- 8.24. The illustrative masterplan demonstrates that a significant area of structural planting is proposed along the eastern and northern eastern boundaries of the site and this will join up to Alvecote Wood. This will form a comprehensive and sensitive landscaped edge to the development. This coupled with the additional buffer of the playing pitches and the alignment with built development to the south will further reduce any perception of settlement identities being threatened. The LVIA confirms that the Meaningful Gap is not a landscape quality designation and yet landscape value appears at the heart of the reason why the site is proposed to be included in the Meaningful Gap. The LVIA comments that *"The site is not subject to any landscape designation contains no significant or rare landscape features and displays no marked sense of scenic quality. It is not particularly tranquil, performs no public recreational function, and has no known cultural associations."*⁴
- 8.25. The overall conclusion within the ES on landscape effects is that the development in the longer term will have a **Moderate/Minor Adverse** impact on landscape character and this is not deemed to be 'significant'. In this context and having regard for the wider conclusions of the LVIA, it is considered that landscape character should not be a legitimate reason for inclusion of the site within the MG and furthermore development of the site poses no unacceptable harm to either landscape or the concept of a MG. It is therefore submitted that compliance is achieved with Policy NW19 of the Core Strategy.

Summary of the Principle of Development

- 8.26. It is accepted that the site sits outside of settlement boundaries and therefore there is conflict with Policy NW2 of the Core Strategy and Policy HSG3 of the Local Plan. However, these policies are out of date both by the virtue of the wider development needs emerging through the NWLP and the constraints that these policies would place on this and the absence of a five year housing supply. They therefore should be attributed limited weight. Whilst on a site of this size, there is inevitably some harm caused to the open countryside, we submit that this is significantly outweighed by the number of benefits that the scheme will generate.
- 8.27. In addition we submit that Policy NW19 should also be given reduced weight in the planning balance by reason of the absence of a five year housing supply, but notwithstanding this, we submit that the application site should not be within any

⁴ Para 10.4.75 - LVIA Appendix 10.1 of ES

defined MG and the scheme poses no harm to its objectives of respecting settlement identity and retaining a MG.

8.28. A key part of the pre-application consultation process was explaining why the development site is required to be extended beyond that proposed for allocation, to include land east of Robey's Lane (Phase 1). There are a number of reasons why this is necessary and these are set out below:

- The Phase 1 land is required to deliver the most appropriate vehicular access and to ensure early deliver of housing and infrastructure on the site.
- The emerging NWLP site allocation proposes access via the FTGC. This involves third party land, the detailed residential layouts for the FTGC make no provision for a major access to be taken through their site and there are a range of ecological and ground level constraints.
- Alternative access points onto B5000 either technically constrained in relation to proximity to Robey's Lane junction or if utilising Robey's Lane significantly changes the character of the southern part of this lane through the size of roundabout required.
- Fundamentally the Highway Authority requires two access points and two entirely separate access points could not be achieved with the extent of the allocation as proposed.
- The go kart business remains in operation and is a later Phase of development. In practice a developer will not want to commence development adjacent to an existing noisy use and the development needs to be phased to accommodate this.
- Without the principal access being east of Robey's Lane, as proposed, there is a significant risk that development will be delayed and will not achieve the number of dwellings required in the Plan period.

Sustainability

8.29. It has been established that the presumption in favour of sustainable development against the 'tilted balance' in favour of development in paragraph 14 of the Framework is engaged. This next section of the Planning Appraisal looks at the sustainability of the site in relation to its location and access to services. It is recognised that sustainability for the purposes of the paragraph 14 definition takes a much wider scope and this is summarised in the 'Planning Balance'.

- 8.30. The site is considered to be within a sustainable location, situated on the edge of an urban area of Tamworth. The key components to determine whether a site is sustainable in location terms is access to a wide range of services and facilities by methods of public transport, walking and cycling.
- 8.31. Firstly, the scheme proposes a wide range of facilities and services as part of the proposed development. A community hub will be delivered that can accommodate retail, a food/drink offer, together with other community uses and is proposed in the heart of the development. The scheme will also provide a two-form entry primary school and it is envisaged that this will be delivered after the first 150 dwellings.
- 8.32. It is acknowledged that delivery of service and facilities will take time, albeit that the primary school is identified for early delivery and in the interim future residents may need to rely on existing facilities.
- 8.33. The ES contains a local facilities plan for both Tamworth and Polesworth respectively. It is anticipated that for local services the main focus of direction for future residents is likely to be the Stonydelph area and in time, the local centre approved as part of the FTGC development.
- 8.34. The Stonydelph local centre is approximately 0.65 miles from the application site and offers a range of local shops and facilities, including a convenience store, which service day to day needs. The distance is above the desirable distance of 400m to local facilities but nonetheless is within a distance that is convenient for pedestrians to access the local centre from the site. Chiltern Drive joins up to a dedicated pedestrian and cycle route which runs to the south of the local centre and provides an attractive walking/cycling environment to access facilities.
- 8.35. In respect of education facilities, the nearest primary schools are Stonydelph Primary School and Three Peaks Primary School at 1.4km and 1.7km respectively from the site. At these distances, walking is still realistic, in the case of the Stonydelph Primary School in particular. Beyond the first few years of the development it is evident that children will attend the proposed on-site primary school and so convenient and safe walking and cycling routes to the school will be secured in the long term.
- 8.36. With regards to secondary education it is commonplace to travel greater distances to access schools. However, the facilities plans and the TA record that there are two secondary schools within 2.2km of the site. Walking, cycling and public transport are

alternatives to the private car in accessing these schools and therefore these are sustainably accessible.

- 8.37. Access to public transport is very convenient with bus stops outside of the site's southern boundary on Tamworth Road. The No.65 operated by Arriva provides two buses an hour into Tamworth and from the Polesworth Sports Ground stop (opposite the site) journey times are 20 minutes. In addition Tamworth train station is a strategic location, providing regular journeys to London Euston, Birmingham, Nottingham, Derby and Stafford. This provides genuine sustainable transport choices for people seeking to access employment.
- 8.38. It has been demonstrated that the development site is within an accessible location for a range of services and facilities. The provision of facilities and services will increase as the development progresses in line with the submitted Phasing Plan. The proposal therefore accords with the sustainability objectives of Policy NW10 of the Core Strategy and the NPPF.

Layout/Masterplanning

- 8.39. The indicative masterplan provides the framework for the development of the site and is based on a green infrastructure led scheme which will create a highly attractive environment.
- 8.40. The residential element of the scheme is provided over 40.6ha and would represent a net density of circa 38 dwellings per hectare. This density is considered to strike the appropriate balance between the character of the site on the edge of an urban area and making the best use of land. The density must also be assessed in the context that the residential development will sit within a site that provides 50ha of green infrastructure. The masterplan layout is based on an irregular grid pattern structure that provides legibility but variety, and allows integration of both open space within the residential heart of the scheme but also on the periphery of the built environment. The children's play space sits centrally within the masterplan, sited within a large area of open space and accessible to all residents.
- 8.41. In respect of dwelling types, it is intended to provide a range of 1-5 bed dwellings with an indicative mix as follows:
- 1 bed – 25 (1.5%)
 - 2 bed – 300 (19.5%)
 - 3 bed – 650 (42%)

32

- 4 bed – 370 (24%)
- 5 bed – 95 (6%)
- Extra Care – 100 (6%)
- Total: 1540

- 8.42. The above mix, whilst being indicative and therefore flexible and capable of change, embraces the requirement to provide a genuine mix of housing which will help meet the housing requirement of the area.
- 8.43. The Design and Access Statement details the evolution of the design and the placemaking objectives in detail. Drawings and diagrams are provided demonstrating street hierarchies and patterns of development, together with key design principles for the different types of streets envisaged. In short the D&A Statement provides a well thought out framework that will enable the delivery of a characterful development.
- 8.44. The D&A Statement also confirms that the scheme will largely be two-storey dwellings, with some limited use of two and a half storeys and a maximum residential building height of 10.5m (apart from the extra care home which will be 12m).
- 8.45. The green infrastructure provides a variety of different forms of open space including a zone for new woodland and structural planting on the eastern boundary of the site, providing a buffer to Alvecote Wood. Formal playing pitches, including a pavilion for changing facilities is proposed to the east of Robey's Lane and children's play equipment is distributed throughout the layout. Green Infrastructure penetrates throughout the layout which will help deliver an attractive living environment.
- 8.46. In summary it is submitted that the indicative site layout and masterplanning principles of the development demonstrate that a high quality and varied scheme can be delivered on this site. The scheme will provide a diverse range of housing types and sizes and the development will successfully integrate with the extensive green infrastructure proposed on the site. Accordingly the proposal is considered to meet the relevant criteria of Policy NW10 and NW12 of the Core Strategy and Policy ENV12 of the adopted Local Plan.

Access and Traffic Generation

- 8.47. It is proposed to access the site from Tamworth Road (B5000), utilising two separate junctions. The principal access is proposed on the Site Access Design drawing CIV15596/06/001/A05. This shows a four arm roundabout positioned to link up the B5000 and Chiltern Road to the south, entering into the Phase 1 portion of site, east of Robey's Lane. The carriageway width of the site access will be 6.75m and will include 3m wide footway/cycleways either side of the carriageway.
- 8.48. The second access point is shown on drawing CIV15596/06/001/A02 and is a signalised junction between the B5000 and Robey's Lane. This involves accommodating a footway/cycleway for a short section of Robey's Lane before it turns west into the site, north of Priory Farm.
- 8.49. A third access is proposed to link Phase 1 and Phase 2 of the site together, across Robey's Lane and this is shown on drawing on drawing WIE/15569/06/017/A01
- 8.50. The Transport and Access Chapter of the ES (chapter 5) and the accompanying Transport Assessment (TA) set out in detail the traffic impact of the development. The scope of this has been agreed with Warwickshire County Council, Staffordshire County Council and Highways England. The TA utilises the Paramics Model used in the preparation of the emerging NWLP and an extended assessment has been agreed for junctions beyond the scope of Paramics, within Staffordshire.
- 8.51. The TA identifies that there will need to be works undertaken at two junctions to improve their capacity. These are the Pennine Way/Sandy Lane junction and the Glascote Road/Mercian Way roundabout (also identified for improvement in the Strategic Transport Assessment), both of which are to the west of the development site within Tamworth. A junction improvement for Pennine Way/Sandy Lane has been prepared and is proposed in the TA⁶. With respect to Glascote Rd/Mercian Way, a committed scheme for improvement from WCC is shown in the TA⁷ and it is envisaged that a proportionate financial contribution will be provided to assist with delivery of this.
- 8.52. Once mitigation has been delivered the ES Chapter concludes a **Negligible** impact. The proposal does not create any severe transport impacts and therefore in

⁶ Appendix L
⁷ Appendix M

accordance with Paragraph 109 of the NPPF the proposal is acceptable in transport terms.

Noise

- 8.53. ES Chapter 6 assesses the noise impacts of the development analysing the road traffic noise, construction noise, plant noise from the proposal on existing receptors and further analysing noise from existing sources to new residents from the scheme.
- 8.54. The overall conclusions of the ES chapter is that the noise effects from traffic generation for existing residents will be **Minor Adverse** at worst for nearby dwellings in the short term, reducing to **Negligible** in the long term.
- 8.55. In respect of noise from construction the impact is considered to be at worst **Minor Adverse** and by its nature such impact will be temporary. In terms of impacts on residents of the proposed dwellings, the scheme has been assessed with regards to traffic noise (including the M42) and the go-kart track, which is envisaged as a later phase of development. Noise from both sources will be mitigated as an inherent part of the layout and design of the scheme and consequently a suitable environment will be provided for future residents. The significance of the effect of noise is considered to be **Negligible**.

Ecology

- 8.56. The site does not form part of any International, National or Locally designated ecological sites. To the north of the site is Alvecote Pools Site of Specific Scientific Interest (SSSI) which is considered of National value. Alvecote Wood, which is adjacent to the site boundary and FTGC local wildlife site are of County level value. The ecological assessments undertake a comprehensive overview of the impact on designated sites, habitats and flora, arboricultural features and protected species.
- 8.57. No direct impacts to the features of interest of the SSSI are predicted as a consequence of the application and equally it is considered unlikely that the features of value within the SSSI will be affected by construction noise. The residual impact on Alvecote Wood is concluded as **Negligible** in the ES given the sensitive site design including the buffering from development and the complementary extension of woodland as part of the masterplan.
- 8.58. In terms of protected species the residual impacts are listed for each species and against each potential effect. Impacts on Badgers, Great Crested Newts and Bats

are largely assessed as **Negligible**, though there are instances with both species of **Minor Beneficial** impacts through the creation of new habitat.

- 8.59. In respect of breeding birds the impact is considered to be **Minor Adverse** for arable farmland birds.
- 8.60. In summary no significant impacts are predicted to occur to designated sites, habitats and flora, arboricultural features or protected species. Indeed there are predicted to be some local minor benefits. The scheme is considered to comply with the requirements of Policy NW15 of the Core Strategy, Policy ENV4 of the adopted Local Plan and Paragraph 175 of the NPPF.

Air Quality

- 8.61. The impact of the scheme on Air Quality has been assessed as part of the ES (Chapter 8). The chapter sets out the UK Air Quality Objectives and Pollutants and undertakes an assessment based on the proposed development and other committed development (including FTGC).
- 8.62. The assessment appraises a range of existing and proposed receptor locations against a number of scenarios and the results conclude that subject to suitable mitigation, the residual impacts of both the construction and operational phase would be **Negligible** and therefore not significant.

Heritage

- 8.63. There are no designated heritage assets within the site or immediately adjacent to it. Polesworth conservation area is located approximately 900m to the east of the site. There is an scheduled ancient monument, Alvecote Priory and dovecote, to the north of the site. The heritage chapter assesses a range of designated and non-designated heritage assets within its study area.
- 8.64. No heritage assets are recorded on the site and potential for unrecorded assets is considered to be at most low. No adverse impact on the setting of any surrounding heritage assets has been identified and in all cases the site is substantively screened by topography, woodland or buildings. The only potential effect identified as 'significant' with the development is the potential for truncation or removal of unrecorded archaeological features. However, a geo-physical survey has been undertaken and the archaeological potential is considered to be low. Further evaluation phases may comprise field-walking and/or trial trenching and appropriate

mitigation could be put in place in the unlikely event of finding any interest of value. This could be secured by an appropriately worded condition.

- 8.65. The residual impact of the construction phase is considered to be **Negligible** which is not significant in terms of EIA regulations. No operational impacts have been identified with the proposed development.
- 8.66. The proposed scheme complies with the requirements of Policy NW14 of the Core Strategy, Policies ENV15 and ENV16 of the adopted Local Plan and the relevant paragraphs of the Historic Environment chapter of the NPPF.

Landscape and Visual Impact

- 8.67. The impact on landscape has already been covered in part in the assessment of the Meaningful Gap. In brief Chapter 10 of the ES analyses the impact of the development on the landscape character and a range of visual receptors.
- 8.68. At the operational stage of development, following completion, at all levels bar the site and its immediate context the impact is assessed **Minor Adverse or Negligible** at completion, reducing to **Negligible** by Year 15 as the benefits of the green infrastructure prosper.
- 8.69. At site level, the 'on completion' stage of the scheme would result in a **Moderate Adverse** landscape effect. However such effects would reduce in the longer term and the residual landscape effects would lessen to **Moderate-Minor Adverse**. This is not considered significant in EIA terms.
- 8.70. From a visual perspective, very few receptors of high sensitivity would be affected. Marked adverse effects would be limited to visual receptors that are localised to the site and whilst there would be a level of change and effect for these localised receptors (which vary between 'High' and 'Low' at the operational stage), this is moderated by the existing presence and visibility of built and urban features that are often discernible within the context of the site. The ES assesses each visual receptor in turn and this is not repeated here.
- 8.71. For all visual receptors, it is judged that the level of adverse effects would lessen in the longer term on account of the scheme's perimeter landscape framework that would filter and 'soften' views of the built form and assist in assimilating the proposed development into the landscape. In conclusion, it is assessed that the proposed development would not result in any unacceptable long-term landscape and visual

effects. The proposal is therefore considered to comply with the aims of Policy NW13 of the Core Strategy.

Flooding and Drainage

- 8.72. The site is located wholly in Flood Zone 1 (the area of least flood risk) and hence mitigation is not considered necessary. A Sustainable Drainage Statement has been produced to support the planning application at this location. This details the proposed surface water drainage strategy for the site.
- 8.73. It is proposed that surface water runoff from the site is limited to the greenfield runoff rate. This approach seeks to mimic the site's natural drainage regime, minimising the impact on the wider catchment. Water will be attenuated at the site prior to discharge using sustainable urban drainage systems, with storage provided up to the 1 in 100 year plus climate change event. A 40% climate change allowance is to be provided at the site. Limiting runoff from the site, and accommodating it on-site up to the aforementioned event, provides betterment over the current drainage regime.
- 8.74. During the construction phase the impact on the water environment is considered **Negligible**. In the operational phase the proposed development will remain in Flood Zone 1, hence the impact on flood flows is considered to be **negligible**. The surface water drainage strategy proposed will limit runoff at the site to the greenfield rate, and provide attenuation up to the 1 in 100 year plus climate change event. This will have a **minor beneficial** impact by reducing runoff to the surrounding area and providing water quality improvements. The scheme complies with the requirements of Policy NW10 of the Core Strategy and Paragraphs 155 and 163 of the NPPF.

Geology and Contamination

- 8.75. The geology and contamination chapter is supported by a Geo-Environmental Desk Study. The chapter confirms that following implementation of the mitigation measures, the risk to construction workers from contamination is **Negligible**. Equally the risk to the underlying Secondary A Aquifer and nearby surface water receptors is considered to be **Negligible**.
- 8.76. During the operational phase of development the chapter concludes that following the incorporation of appropriate gas protection measures into building design the risk of gas build-up following gas migration into buildings will render the risk

Negligible. Where present, impermeable surfaces and use of capping material will reduce the likelihood of exposure to soil-borne contamination by future on-site residents and the risk from such contamination is therefore considered **Negligible**.

- 8.77. The integration of a suitable surface water drainage scheme will reduce the risk to the Secondary A Aquifer and nearby surface waters and the risk from contamination is considered **Negligible**. In conclusion, it is clear from the assessment that there is no significant impact from contamination as a consequence of the development and the proposal complies with Policy NW10 of the Core Strategy.

Best and Most Versatile Agricultural Land

- 8.78. Paragraph 170 of the NPPF requires that LPAs take into account the economic and other benefits of the best and most versatile agricultural land.
- 8.79. Chapter 15 of the ES analyses this issue and identifies The agricultural land at the site is predominantly of subgrade 3a quality (72%), with 20% at grade 3b and 8% non-agricultural. The scheme would result in the loss of 68ha of best and most versatile (BMV) land and this is judged as a **Moderate Adverse** impact, which is classed as significant. It should be noted that Grade 3a land is judged as markedly less significant than Grades 1 and 2, of which the site contains neither of these classifications. There is no mitigation for such a loss, ie: once its lost it cannot be replaced, but this must be understood in its wider context.
- 8.80. Appendix 15.2 of the ES assesses agricultural land on a wider scale across the district. Land across the Borough, surveyed by the former Ministry of Agriculture, Fisheries, and Food (MAFF), was shown to have a similar composition of land grades to the application site with 66% classified as BMV land. In summary therefore it is considered unlikely that an area of land similar to the size proposed for development could be identified that does not include BMV land. On this basis and having regard to the significant positive impact that this development would have on housing supply, it is concluded that the impact on BMV land is acceptable.

Amenity

- 8.81. The application is submitted in outline and so a detailed appraisal of amenity impacts for future residents is not possible at this stage. However, it is clear from the masterplan that the scheme would create a landscape led development which would meet the needs of future residents.

Planning Statement
Hillam Land Management Ltd
Land to the East of Tamworth Golf Course

FREETHS

8.82. The D&A details how a high quality designed scheme will be delivered which integrates open space into the housing layout providing an attractive living environment. In summary the scheme provides the framework to ensure that future residents will have a high degree of amenity.

9. AFFORDABLE HOUSING STATEMENT

- 9.1. The current policy requirement for affordable housing is defined by Policy NW6 of the Core Strategy which states that on greenfield sites provision of 40% shall be provided subject to viability. The policy explains a target affordable housing tenure mix of 85% affordable rent and 15% suitable intermediate tenure should be provided wherever practicable. The Affordable Housing SPD (2008, updated in 2015) provides more detailed guidance.
- 9.2. The emerging policy (LP9) in the draft Local Plan takes the same approach in terms of requirement (40%) but confirms that compliance with the policy can be achieved through either on-site provision or a financial contribution. The policy contains the same mechanism for challenging provision on viability grounds. The supporting text also introduces that a minimum of 20% of the affordable housing element will be delivered through starter homes.
- 9.3. The application is supported by a comprehensive viability appraisal which examines the viability of providing the policy required 40% of affordable housing. This returns a negative residual land value and is therefore not viable. The viability report concludes that affordable housing of 20% is viable and therefore this level of affordable housing is proposed as part of the application. This amounts to 308 affordable units. As a comparison the adjoining FTGC site also secured 20% affordable housing as part of its planning permission.
- 9.4. Initial discussions have been held with NWBC's Housing Strategy Department on the mix of affordable units and this is likely to follow the tenure split required by policy. In respect of size of units, it is understood that highest demand is for smaller units of two bedrooms or under and this is where the majority of provision will be concentrated. There will however be a mix of provision across 1-4 bedroom sized dwellings.
- 9.5. The exact composition of the affordable housing will be subject to discussion with officers during the application once there is greater certainty on agreement of the principles of the viability appraisal.

10. OPEN SPACE STATEMENT

- 10.1. The ES contains a chapter on open space (chapter 16). The Green Space Strategy (2017) ("GSS"), Playing Pitch Strategy ("PPS") and Planning Obligations for Open Space, Sport and Recreation SPD ("OSSR SPD") have been reviewed in detail as part of this assessment, together with the corresponding evidence reports for Tamworth Borough Council.
- 10.2. This statement summarises the policy requirements and the open space and playing pitches proposed as part of the development. It also briefly deals with the potential requirement for a leisure contribution.
- 10.3. The ES at table 16.5 details the open space requirements by typology identified in the GSS, based on 1700 dwellings, the quantum tested in the ES. The application itself is for a maximum quantum of 1540 dwellings and so the requirement will be less than stated in the ES.
- 10.4. Of a total site area of 96ha, the parameters plan demonstrates that a total of 50ha will be provided as 'green infrastructure'. Some of this area includes items excluded from the SPD definition and when SUDS (2.5ha), zones for structural planting (13.1ha), existing vegetation (4.5ha) and footway and cycleways (1.7ha) are removed this figure, this reduces to 28.2ha. A sport pitches provision of 3.9ha, subject to assessment below, reduces the total to 24.3ha of open space under the SPD definition. This amounts to 25% of the site, which in isolation far exceeds the typical 14% of the site being given over to open space as set in the OSSR SPD.
- 10.5. The proposed scheme provides a variety of the different typologies of open space identified in GSS. In regards to natural and semi-natural green space and amenity space the masterplan provides 13.3ha and 9.5ha respectively. This is significantly in excess of the requirement of the OSSR SPD, which based upon the population of a 1540 dwelling scheme equates to 6.62ha for natural and semi-natural green space and 2.2ha of amenity green space.
- 10.6. The proposed development includes provision for two Neighbourhood Equipped Areas of Play ("NEAP") and two Local Equipped Areas of Play ("LEAP") as part of the scheme. Figure 16.2 of the ES shows that the proposed position of these play areas will be within the required 400m walking distance from any proposed dwelling for a LEAP and within 1000m for a NEAP, as prescribed by the GSS. The southern

NEAP will also include facilities for older children in the form of multi use games area (MUGA).

- 10.7. The masterplan provides 0.5ha for allotments (including a community orchard). This is below the quantum required on a simple application of the SPD formula, which for 1540 dwellings is 0.73ha. However, the GSS identifies that the borough has an over-supply of allotments at present and therefore any additional demand is likely to be catered for in existing supply.
- 10.8. The only typology of open space identified within the GSS not provided on site is Parks and Gardens. However, the requirements of the SPD are not meant to be prescriptive so that each site has to provide the exact proportion of each different typology of open space. Further, to the north east of the site is Pooley Country Park which would fall within this category. Whilst pedestrian access is limited from the site, it nevertheless provides a local facility for residents of the development.
- 10.9. In respect of playing pitches, the PPS identifies that an additional 18 sports pitches (football, cricket, rugby and hockey) will be required to cater for development projected up to 2031. If you apply the requirement derived from the projected population of this proposed development, based on 1540 dwellings, this equates to a need for four sports pitches.
- 10.10. The masterplan proposes a total of seven pitches, comprising one adult football pitch, two mini soccer pitches (U9/U10) and two smaller mini soccer pitches (U7/U8) to the south of the NEAP and allotments. In addition two further mini soccer pitches (1 x U7/U8 and 1 x U9/U10) are proposed within the primary school site. A changing room facility will be provided as part of a pavilion.
- 10.11. The scheme therefore again out performs requirement. Should the LPA require a different mix of playing pitches, as currently the proposal is football orientated, this potentially could be accommodated.
- 10.12. One area that the scope of the ES chapter does not address was the leisure provision. The Leisure Facilities Strategy (2017) identifies requirement up to 2031 and amongst other matters highlights that a replacement of Polesworth Sports Centre is likely to be required, together with increased swimming pool capacity and fitness stations.

- 10.13. The OSSR SPD⁴ undertakes an assessment of the proposed allocated sites in the emerging NWLP and how these could contribute to leisure provision. Part of the application site is identified in the form of 'Land to the West of Robey's Lane' and based on a proposed allocation of 1191 dwellings, then a calculation of £1,344,214 is derived based on meeting need for swimming pools, sports halls, fitness studios gyms and indoor bowls. The proposed allocation has increased to 1270 dwellings and the application proposes 1540 dwellings, so taking the latter (application) figure this would increase the contribution to £1,738,110. However, the SPD exercise in calculating how leisure facilities should be provided is a strategic overview looking at the borough as a whole. Whilst the Applicant is amenable in principle to paying a contribution towards such matters, this will need to be demonstrated to pass the CIL regulations and be considered within the spectrum of the viability case.
- 10.14. Overall it has been demonstrated that the proposed scheme delivers a high quality green infrastructure which will both create an attractive environment and provide significant opportunity for recreation and amenity enhancement. The scheme is therefore considered to comply with, and indeed exceed, the requirements of Policy NW16 of the Local Plan and the OSSR SPD.

⁴ Figure 9 P33

11. SECTION 106 OBLIGATIONS (HEADS OF TERMS)

- 11.1. It is anticipated that the following items will be required to be secured through a Section 106 Agreement:
- 11.2. **Affordable Housing** – the application as submitted proposes 20% affordable housing (308 dwellings) and is supported by a viability appraisal. Although discussions have commenced with the Council's housing officer, these will continue through the course of the application and the mix of tenure, type of dwellings and the trigger points for delivery will be secured through the Agreement.
- 11.3. **Education** – Based on the requirements of Warwickshire County Council the development would derive the following requirement for education places.
- Early years Education – 34 places
 - Primary Education – 233 places
 - Secondary Education – 167 places
 - Sixth Form Education – 33 places.
- 11.4. This is based on 1540 dwellings and so the final figures will be less based on the fact that no education facilities will be derived from the extra care home and a reduction should also be applied for the smaller sized dwellings.
- 11.5. A primary school is proposed on the eastern portion of the site and this will be a two-form entry school with capacity for 420 pupils. Discussions with the LPAs and local education authorities (LEAs) have indicated that this will be required as an early phase of the development and therefore, subject to confirmation of the funding mechanism, it is proposed to be delivered at 150 dwellings. It is understood that existing primary schools in Tamworth have capacity to absorb school places from this development for the first 150 dwellings. For early years provision discussions will be undertaken to ascertain whether the LEAs would require this as part of the proposed primary school, located elsewhere on the site (the scheme includes provision for unspecified D1 uses) or an off-site contribution.
- 11.6. With respect to the delivery of the primary school it is proposed that this will be on the basis of a contribution per place derived from the development. The phasing mechanisms for such payments will be negotiated with the LPA and LEAs.

- 11.7. Secondary school places will be created via a financial contribution. The Applicant has discussed with the LEAs the potential options for where additional capacity will be created to serve this development. A wider exercise to incorporate other Local Plan sites is being undertaken and so the LEAs have been unable to specify which schools may be expanded at this stage. However, it is envisaged that contributions will be directed to both Polesworth and Tamworth schools.
- 11.8. The financial contribution will therefore be calculated using WCC standard cost of place per education category. The trigger points for delivery will be negotiated with the LPAs and LEAs.
- 11.9. **Health** – Discussions with the George Eliot Trust and NHS England in respect of Primary Trust provision have derived that contributions will be required of £887,785.36 and £334,216.96 respectively (based on 1540 dwellings). The Applicant has sought information from NHS England (through North Staffordshire NHS) as to where any contribution for the Primary Trust will be directed. At this stage NS NHS are unable to confirm whether the monies will be used to extend existing facilities or contribute to a new facility, or its location. However, this will be resolved during the course of the application. The trigger points for payment will be subject to negotiation.
- 11.10. **Maintenance of Public Open Space** – The maintenance of all public open space within the scheme is proposed to be covered by a Management Company. The Section 106 will provide the details of this. The trigger points and provision of open space on the site is proposed to be secured by planning condition.
- 11.11. **Off Site Highway Works/Contributions** – There are two main junction improvements proposed as part of the application. These are Pennine Way/Sandy and Glascote Rd/Mercian Way. The requirement for these junction improvements could potentially be secured by condition and their trigger points will be discussed with the local highway authorities. However, in the case of the Glascote Rd/Mercian Way objection, the proposal is for this to be a contribution and so accordingly it will form part of the S.106.
- 11.12. **Travel Plan** – the requirements of the travel plan will be secured through the S.106.
- 11.13. **Other Contributions** – during the Phase 1 application contributions were requested from the Police and WCC Rights of Way. Assuming such contributions are again requested these will be considered on their merits based on evidence. As identified

in section 10, it is also anticipated that a leisure contribution will be sought by NWBC and the details of this will be subject to further discussion.

- 11.14. Importantly all contributions/requests will need to be demonstrated to be compliant with Regulations 122 and 123 of Community Infrastructure Regulations (as amended) and are subject to viability.

12. PLANNING BALANCE

12.1. It has been established that the policies governing housing supply are out of date and the LPA is unable to demonstrate a five year housing supply. Accordingly the proposal falls to be determined against the 'tilted balance' within Paragraph 11 of the NPPF which states that where policies are out of date, permission should be granted unless there any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole or specific policies indicate development should be restricted.

12.2. There are a number of significant economic, social and environmental benefits associated with the scheme, which are set out below in their respective categories, recognising that they are not mutually exclusive.

12.3. Economic Benefits

- The construction of the scheme is anticipated to cost circa £215 million and will generate approximately 1850 full time construction jobs. In addition the House Builders Federation report (2015) estimates that for every 1 direct job created, the development supports 0.5 indirect jobs in the supply chain.
- 'Operational Phase ' jobs will also be created through the provision of businesses/services in the community hub and at the primary school. At the mix of uses are flexible at this stage it is difficult to quantify this benefit.
- The new additional spending capacity to the local economy from future residents
- New Homes Bonus

12.4. Social Benefits

- Delivery of 1540 dwellings, including provision of 20% affordable housing. The scheme will deliver a wide housing mix including elderly accommodation that will seek to address housing need both in the borough and beyond. This should be afforded substantial weight in the balance in both contributing to five year supply and continued supply in the emerging Plan period including assisting in meeting the 'aspirational' targets of the emerging Local Plan.

- Provision of a new primary school on the site which will have a capacity significantly in excess of the child places created by the development and thus will have wider benefits to the existing community.
- Framework for the provision of a high quality built environment that will provide a highly attractive living experience for future residents
- 50ha of green infrastructure which will provide a range of facilities for the enjoyment of both future residents and neighbouring existing residents including children's play facilities, sports pitches, allotments and other recreational open space.

Environmental Benefits

- The site is located within a sustainable location with walking and cycling opportunities and access to a strong public transport service.
 - The ecological chapter of the ES has identified some net benefits from the scheme, at a local level, in respect of trees, hedgerows and some protected species.
 - 50ha of green infrastructure, with the provision of an extensive woodland to adjoin Alvecote Wood is considered in particular to be a benefit.
- 12.5. In respect of adverse impacts, it is recognised that an intrusion into the countryside of this scale will bring about a level of harm. However, it is considered that this harm is very limited on the basis of the landscape features of the site, that the development would not erode any objectively assessed meaningful gap, and through the mitigating design features of the scheme including the high proportion of green infrastructure.
- 12.6. The development results in the loss of approx 68ha of BMV land and this is an 'adverse' impact. Although the ES identifies this as 'significant' this must be understood in the context of the fact the agricultural land profile across the borough is very similar to that of the application site. Accordingly, to achieve the level of housing required by the emerging NWLP some loss of BMV land is inevitable. This point is demonstrated by the proposed allocation of 66ha (69%) of the site which includes a high proportion of the BMV land.

13. CONCLUSION

- 13.1. The proposed development is contrary to Policy NW2 of the Core Strategy and Policy HSG3 of the adopted Local Plan. However, these housing policies are considered out of date and the LPA is unable to demonstrate a five year housing supply. The presumption in favour of sustainable development against the tilted balance of Paragraph 11 of the NPPF is therefore engaged.
- 13.2. The scheme would make a significant contribution towards housing supply, both in the immediate five years and beyond this, assisting in delivering the requirements of the emerging Local Plan.
- 13.3. The part of the site to the east of Robey's Lane is proposed as MG in the emerging NWLP but this is not justified by the LPA. Notwithstanding this the scheme has evolved from the Phase 1 submission to limit the extent of residential incursion to the east, so that it aligns with existing settlement pattern of Stoneydelph to the south. The submitted scheme would still maintain a MG and the Landscape chapter of the ES and the supplementary LVIA explains that the landscape character of the site is not of any significant value and cannot justify the inclusion of part of the site within the MG.
- 13.4. The ES which accompanies this application has identified a single residual 'significant' adverse impact through the loss of BMV land, which is unable to be mitigated. However, to achieve the LPA's housing requirement the loss of some BMV land is necessary and this is not considered to outweigh the beneficial impacts of the application, either in isolation or combined with the loss of open countryside.
- 13.5. On the contrary it is concluded that the benefits of the scheme far outweigh any adverse impacts and on this basis, and in accordance with paragraph 11 of the NPPF it is recommended that planning permission be granted for the development.

APPENDIX D

PAP/2018/0755

Land to the east of the former Tamworth Golf Course, north of Tamworth Road (the B5000) and west of M42, Alvecote

Minute of a Meeting held on Friday 16th June 2023 at 1300 hours in the Council Offices at Atherstone

Present:

Members: Councillors Dirveiks, Humphries, Reilly, Ridley, Parsons, Phillips and Simpson

For the Applicant (Hallam Land Management): Messrs Bassett, Burton, Gowlett, Hill and McFarlane

NWBC Officers: D Barratt and J Brown

1. Introduction

- 1.1 A briefing note had been circulated to all attendees prior to the meeting. This provided background information on the proposed development as well as identifying a number of matters for discussion. This is attached at Appendix A.
- 1.2 The meeting was chaired by Councillor Simpson – the Chairman of the Planning and Development Board
- 1.3 Following introductions, the applicant provided a short outline of Hallam’s background as a promoter of strategic sites, including sites larger than its current interest here. Officers then gave a short outline of the background contained in Appendix A.
- 1.4 The Chairman opened the discussion and followed the order of the Briefing Note as an agenda.

2. The Strategic Gap

- 2.1 Three questions were raised in the briefing note – what is proposed in the strategic gap? Why is this, and how does this “fit” with Local Plan Policy LP4?
- 2.2 In response to the first question, the applicant referred to the indicative layout that had been circulated and explained that the overall proposal was for up to 1540 dwellings with 240 (16%) being shown in the Gap on the east side of Robeys Lane. Additionally, 40% of the overall green infrastructure proposed in the development would be located in the Gap. This would include open amenity space, tree planted areas extending around the site’s perimeter and extending north as a buffer to Alvecote Wood, as well as playing fields. A 2-Form Entry Primary School was also proposed here.

- 2.3 In respect of the second question, then the applicant referred back to the initial identification of the site as an allocation in the planning process. Vehicular access was to be gained via the site of the former Tamworth golf course to the west which had been granted planning permissions for residential redevelopment by that Council. However, those permissions did not enable access points and the ground levels of the topography of the land prohibited such provision. As a consequence, the applicant had agreed with both the Staffordshire and Warwickshire County Councils as Highway Authorities (SCC and WCC), that two access points were necessary and that both should be from the B5000. The location of these was determined by highway considerations. Hence the proposal includes improvements to the Robeys Lane junction as well as a new roundabout on the B5000 which would include Chiltern Avenue to the south of the B5000. The applicant stressed that these arrangements were requirements of both SCC and WCC and that there were no other alternatives that would meet their approval. Given that the main access into the allocated site needed to be off the B5000 at Chiltern Avenue, it was inevitable that there would be an incursion into the Strategic Gap. The proposed layout therefore had been designed so as to limit the impact of any development here. This is reflected in the eastern limit of built development which aligns with that south of the B5000.
- 2.4 The applicant then outlined his arguments for compliance with Policy LP4. Attention was drawn to the actual wording of the Policy as it did not preclude new development from occurring. The key criteria were whether development would retain the physical and visual separation between the settlements so as to prevent their coalescence. The applicant considered that the indicative layout does so, given the highway requirements.
- 2.5 Members raised a number of questions.
- 2.6 The proposal in part of the Gap would be a "hard sell" to the local community because once it is breached there would be further pressure to release even more for development. Could the figure of 240 be reduced?
- 2.7 The applicant responded by saying that in order to actually enable the delivery of the allocated land, then access had to be where it is now proposed. That together with a link road into the allocation would be significant investment and thus some new development was needed to retain viability. However, recognising the sensitivity of the importance of the Gap to the local community, the layout shows a substantial green edge within this part of the proposal. An earlier proposal had looked at 500 houses here and so there had been some movement to reduce numbers. Additionally, Robeys Lane by itself is not suitable to act as a distributor road catering for a development of the size as allocated - its width, the bends, the hedgerows and visibility etc. A new road is thus necessary. It was considered more beneficial to retain the Lane in large part as a cycle/pedestrian way in the overall development. The new road enables this. Also, the new School would be appropriate in the earlier stages of the development of the allocated site. Access to it would be directly off the distributor road under the proposal and its own playing fields could adjoin other recreational facilities in order to increase the amount of open space in this area.

2.8 In light of this, Members asked if more of the built development could not be located elsewhere on the allocated land where there was already open space identified in the indicative layout. One Member identified the large area just to the west of Robeys Lane in the north-east corner of the site.

2.9 In response, the applicant drew attention to the change in levels at the western boundary of the site adjoining the former golf course site; the higher ridge levels in the north-eastern area of the site which was why this had been left "open", and the north/south pylon line that runs through the site. WPD would not divert this. Additionally, visually it would be beneficial to retain some open land between the development on the former golf course and the allocated land.

2.10 In summarising this discussion, the Chairman acknowledged the WCC/SCC access requirement; the need to access the land the subject of the allocation, and the physical constraints over that land. The main issue from his perspective was compliance with Policy LP4. In particular he drew attention to the wording and the emphasis on "visual" and "physical" separation. Officers also drew attention to the wording in para 7.28 of the Reasoned Justification to the Policy LP4 which provides a "test" for assessment of this separation. In the current scenario, this meant that someone travelling along the B5000, should have a clear sense of having left one settlement, travelling through an undeveloped area and then entering the second settlement.

2.11 It was agreed that it would be beneficial if the applicant could provide some visual representation of this "test".

3.Highway Impacts

3.1 The Briefing Note asked what off-site highway requirements had been asked for by the Highway Authorities and then identified three particular issues.

3.2 In response, the applicant identified four off-site highway improvements – the proposals at Chiltern Avenue, improvements on the B5000 at Sandy Way and Mercian Way in Tamworth, signalisation of the Bridge Street and Market Street junction in the centre of Polesworth and potential improvements to the canal bridges in Polesworth.

3.3 Members asked about access to the main highway network – ie. the A5 and the Motorways. They were sceptical about the modelling undertaken and agreed by the two County Councils, as that suggested a greater proportion of traffic generated by this development would travel west along the B5000 and then use the connections south to the A5.

3.4 Additionally, they asked whether the modelling included contingencies for the closure of the M42 and thus traffic diverting through Polesworth, for the delays in getting improvements to the A5 and what were the arrangements to prevent traffic travelling north through Alvecote and on to Shuttington.

3.5 Members agreed that improvements to the canal bridges would not be welcome on highway and heritage grounds. The applicant agreed that WCC had no costed schemes for such works or that these improvements would be feasible.

3.6 It was agreed that the applicant would provide further background information and responses to the queries raised in paras 3.3 and 3.4 above.

4. Section 106 – Schools

4.1 The applicant pointed out that a Primary School is proposed on site. This was agreed by WCC/SCC and would have ready access within the first phase of the development.

4.2 The level of education contributions sought by the two Local Education Authorities was £16 million. This had been used in the applicant's viability appraisal. It had been calculated using SCC pupil ratio formulae but agreed by WCC. In summary this would be a primary contribution to SCC for Tamworth school, provision of the 2FE primary school and the Secondary element going to WCC for the Polesworth School.

4.3 Members were particularly concerned about the ability of the Polesworth School to expand given its "contained" site and traffic issues.

4.4 It was agreed that officers would contact WCC Education in order to provide more detail on the purpose of the secondary contribution.

5. Section 106 – Health

5.1 The applicant explained that they had included contributions amounting to £1.45 million for health provision. No details had been provided from the various Agencies about how this would be spent. This was not unusual given their experience on other developments throughout the country.

5.2 In response to a Member question, the applicant confirmed that there was space reserved in the indicative layout and the application description for a community hub and that this could provide an opportunity for onsite provision, if the Agencies were able to facilitate this.

5.3 It was agreed that officers would try and get more detail from the Agencies involved.

6. Recreation and Open Space

6.1 The applicant pointed out that some 25% of the overall site was set aside for open space (as defined in the SPD) including recreation provision – in excess of the Council's SPD on provision which recommends 14%. Additionally, there was an off-site contribution sought for indoor provision of £1.76 million.

6.2 Members raised an issue about accessibility to the Pooley Country Park – a major recreation/green asset close to the site. The applicant explained that there was no direct pedestrian access from the site due to intervening third party land ownerships. There was however access from the canal to the north.

6.3 The applicant would look to see what else might be done

6.4 The applicant explained the “buffer” to the west of Alvecote Wood being an area of Ancient Woodland – this ranged from 80 metres to 285 metres which is well in excess of the Woodland Trust’s recommended minimum distance of 15 metres. Conditions could be looked at to further consider boundary treatment plus the provision of sign posting and Notice Boards.

7. Affordable Housing

7.1 By way of background, officers outlined the policy position here being 40% on-site provision for greenfield sites. However, a Viability Appraisal had been prepared by the applicant in light of the scale of the proposal, the total sum of the contributions that was being sought through Section 106 and the current change in house values and building costs. This had been investigated by the District Valuer (DV) following substantial engagement with the applicant. The DV’s report had concluded that 30% on-site provision would be proportionate and that there should be reviews of the Appraisal as the development proceeds, given its long-time span for implementation. The 30% figure has been agreed with the applicant, but there were concerns about the uncertainty of outcome from a review. An alternative would be that the applicant would be prepared to agree a higher % figure, after the completion of say 1000 dwellings.

7.2 The meeting was also reminded that Tamworth Borough Council (TBC) had requested involvement in securing nominations for its residents to be housed in the on-site provision in the development. This would need a greater involvement with TBC and this Council’s housing officers.

7.3 Officers also requested that there should be flexibility in the type of on-site provision within the 30% overall figure.

7.4 Members said they wanted to keep an open mind as to on-site provision. Whilst this was appropriate and should be made, the alternative of an equivalent off-site contribution in lieu for a proportion of the 30% could be considered. This would assist the Council to secure/deliver its own housing needs throughout the Borough which were not currently being met – particularly OAP housing and that for younger people. As such, Members asked whether the applicant would consider this as an option in principle.

7.5 The applicant agreed in principle to look at off-site contributions as part of the overall package alongside on-site provision. They could also look at transferring stock on the site to the Council. The care home proposed for the site, would be included in the on-site proportion of affordable housing.

7.6 It was agreed that there needed to be involvement with the Council’s Housing Officers to look at what provision the Council would like to see on site and also how the request from TBC might be followed through.

8. Bio-Diversity Nett Gain

8.1 The applicant was satisfied that the proposal would meet the 10% nett gain figure which would be introduced later this year. There were no off-site contributions being considered, as everything would be on-site. This however did not include dedicated nature reserves, per se, but

there would be areas of green infrastructure where ecological enhancement would be concentrated.

9. Other Matters

9.1 A number of other matters were raised during the meeting.

9.2 Firstly, the community hub proposed would amount to a size equivalent to accommodate a number of shops.

9.3 There would be no bus terminus on the site, but the layout would enable a circular bus route throughout the development.

9.4 The meeting discussed the practicalities of locating the school in the first phase and close to the main distributor road. The main issue was to avoid traffic/parking congestion at certain times of the day and to enable a safe environment for the children. Whilst the applicant stressed that this was an outline planning application, he did agree to look at this in more detail so as to not to create the above issues arising further down the reserved matters stages of the planning process.

9.5 Members highlighted the need to provide clear guidance on the design and appearance of all new dwellings. They also asked about density.

9.6 The applicant responded by saying that they had prepared a Design and Access Statement which covers the street hierarchy and potential design criteria for different characteristics of the whole site, including density. Density would be fairly standard throughout the site, not being higher in one area and lower in another.

9.7 Officers agreed that Design Codes could be conditioned as part of any planning permission.

9.8 The applicants confirmed that the Parameters Plan which would be conditioned, would also add more certainty as there may well be two or three different house builders on the site.

9.9 A question was asked about how many developers would be expected to develop the site. The applicant expected this to be 2 or 3, each of whom could be expected to build at a rate of 50 a year.

10. Policy H5

10.1 It was agreed that the matters within H5 had been discussed, but that the applicant needed in its Master Plan to give some clarity on the impact on the Ancient Monument.

11. Next Steps

11.1 It was agreed that a further meeting would be arranged after several of the actions identified above had been completed. These are set out below.

11.2 The Chairman asked that the Board should also visit the site prior to that meeting.

11.3 The Chairman stressed the need for the applicant to re-engage with the local community prior to the determination report being brought to the Board.

11.4 The meeting with TBC would be arranged when appropriate.

11.5 The meeting closed at around 1500 hours.

Actions for the Applicant

1. To review and reconsider the content and amount of the development proposed in the Strategic Gap given the need to “minimise its impact” on the Gap, so as to reinforce the visual and physical separation of Polesworth and Tamworth. Visual imagery would be helpful here.
2. To respond to the highway concerns raised at paras 3.3 and 3.4 above.
3. To look at how pedestrian and cycle access into the Pooley Country Park might be enhanced.
4. To consider how the 30% affordable housing provision might be implemented, if an off-site financial contribution was agreed in lieu of part of that provision.
5. To see how Design and Appearance can best be dealt with at outline stage – perhaps via planning conditions.
6. To re-engage with the local community through revised consultation based on the outcomes of this meeting.

Actions for Officers

1. To request greater detail and certainty from WCC on its Education request through any 106 Agreement.
2. To request greater detail and certainty from the Health Agencies on their Health provision requests through any 106 Agreement.
3. To arrange an early meeting between the applicant and the Housing Officer in respect of on-site provision and how the TBC request might be dealt with.