

**(3) Application No: PAP/2018/0762**

**Land East of Islington Farm, Tamworth Road, Wood End,**

**Outline application for residential development (class C3) with associated access, landscaping, open space and drainage infrastructure, with all matters reserved save for access, for**

**Summix IFW Developments Ltd**

**Introduction**

This application was reported to the February Meeting of the Board when it was resolved that a site visit take place. The previous report is attached at Appendix A and a note of the visit is attached at Appendix B.

It is not proposed to repeat matters contained in the previous report but only to update where appropriate.

**Representations**

Forty three letters of objection have been received. The matters raised include:

- The site is outside of the development boundary of Wood End
- This is not infill development –it will lead to the loss of village character.
- A recent appeal in the village was refused
- NWBC already has a five year housing supply
- It's premature to the outcome of the Submitted Plan
- The original public consultation was for 105 not 145 houses
- The land is understood to be “common ground”
- There will be an adverse impact on all local infrastructure and services
- There are no new amenities proposed for the village
- There will be increased crime
- Is there any social housing?
- Boulters Lane has no pavement
- There are empty houses in the village
- There will be adverse traffic and highway impacts
- There is already congestion in the village with on-street car parking particularly outside the only shop

- There are water pressure problems and broadband connections are slow

## **Consultations**

Warwickshire Fire Services – No objection subject to a standard condition.

Police (Architectural Liaison) – No objection.

Environmental Health Officer - No objection subject to standard conditions.

Warwickshire Archaeologist – Initially lodged an objection requiring initial survey work. This has been undertaken and as reported below, no significant finds were made.

Warwickshire Wildlife Trust – A Bio-diversity Assessment is needed to show that there is an overall gain. This was undertaken and it shows a net loss which is being compensated for through an off-setting contribution. Bat surveys were also needed in view of there being buildings on and trees on the site. These have been undertaken but concluded that there was no evidence of bat roosts in either the buildings or the trees.

Warwickshire County Council Ecology – It initially raised an objection as its assessment showed a net loss, but agrees with the approach taken by the Wildlife Trust.

NWBC Housing – No objection

Warwickshire County Council (Rights of Way) – No objection

Warwickshire County Council as Lead Local Flood Authority – There was an initial objection subject to further work being carried out. This has now been submitted and the objection is withdrawn subject to standard conditions.

Warwickshire County Council as Highways Authority – An initial objection was followed by the receipt of additional information which has led to that objection being withdrawn subject to conditions

## **Draft Section 106 Heads of Terms**

Warwickshire County Council (Rights of Way) – A contribution of £13,720 is requested for the maintenance of public footpaths in the locality.

Warwickshire County Council (Highways) – A contribution of £19,000 is requested for enhancement of bus infrastructure

Warwickshire County Council (Primary Care) – A contribution of £31,468 is requested for enhancing premises at the Polesworth and Dordon Group Practice.

George Eliot NHS Trust – A contribution of £97,255 to enhance hospital services

Warwickshire Ecology and Warwickshire Wildlife Trust – A contribution of £71,000 is to be provided for off-site bio-diversity off-setting.

Police – A contribution of £18,505 is requested for enhancing existing services

NWBC Leisure – £124,748 for off-site youth provision and enhancement at Wood End Recreation Ground and a commuted sum of £96,000 for its maintenance together with £36,241 for off-site indoor enhancements at Atherstone or Polesworth.

Affordable Housing – The applicant is proposing 40% on-site provision with a mix of 60 (rented) and 40 (shared ownership) by tenure.

## **Development Plan and Other Material Planning Considerations**

There has been no change in the Development Plan policies from the previous report at Appendix A.

However reference will be made below to the North Warwickshire Landscape Character Appraisal of 2010 and to appeal decisions at Daw Mill (ref: APP/R3705/W/16/3149827) and Polesworth (ref: APP/R3705/W/18/3207348)

## **Observations**

### **a) The Principle of the Development**

Wood End is identified as a Category 4 settlement in the Core Strategy. Here policy NW2 of the Core Strategy says that new development will be limited to that identified in the Strategy, or that included in a Neighbourhood or other Locality Plan. As neither of these alternatives is applicable here, policy NW5 of the Core Strategy has to be relied on. This says that Wood End will cater for a minimum of 30 new dwellings in the plan period usually on sites of no more than ten units. The site is also outside of the Development boundary for Wood End as defined by the Strategy. Since the adoption of the Core Strategy in 2014, planning permissions have already been granted for 30 dwellings. It is therefore understandable why there are the objections raised which refer to non-compliance with the Development Plan and thus why there is the call for refusal.

However Members will know that this is not an automatic refusal. This is because the Plan's development boundaries have been found to be out of date in the Daw Mill appeal decision and thus they presently carry no weight. Additionally in a very recent appeal decision – Taylor Wimpey at Polesworth - the Inspector concluded that the Council did not have a five year housing land supply, it being 4.75 years. The Core Strategy is thus out of date in respect of its housing policies. As a consequence of both of these circumstances, the NPPF is engaged as the primary planning policy against which to assess the application. Paragraph 11 (d) of the NPPF says that planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF taken as a whole. As a consequence, it is necessary to better understand if there are such impacts and to conclude what weight they might be afforded in the final planning balance.

Members will also be aware that part of the application site is included as a housing allocation site in the Submitted Local Plan 2018. This is site H28 in that Plan which is shown as being allocated for 28 houses. This site comprises the western most part of the current application site.

In all of these circumstances, the situation therefore is that there is a presumption that planning permission should be granted in principle.

## **b) Adverse Impacts**

There are a number of potential areas where adverse impacts could arise and each will need to be explored.

It is of substantial weight that the Warwickshire County Council as Highway Authority has not raised an objection. As can be seen above there was an initial objection with the Highway Authority requiring additional details - a Road Safety Audit for the proposed access onto Tamworth Road and more detail on the potential trip generation from the site. This was subsequently received and the County Council accepted the figures and that these would not adversely impact on the capacity of the nearby junctions in the village. The Audit revealed the lack of pedestrian crossing facilities at the site junction and a concern that turning vehicles might over-ride the kerbs. As a consequence tactile paving crossing points have been added and swept path drawings submitted to show that larger vehicles would not over-ride the kerbs. Additionally a recommended condition requires footpath connections along Boulters Lane. As a consequence, the objection of the Highway Authority was withdrawn subject to conditions. Members will note too, that the access into the allocated site – H28 in the Submitted Local Plan – is that which is being proposed now. Whilst there is a clear difference in proposed housing numbers, the principle of a new access here has been accepted in principle previously by the Highway Authority. The proposal would thus not conflict with Policy NW10 of the Core Strategy.

In respect of the other objections received from the Agencies, then it can be seen that additional information was submitted to the Local Flood Authority but at present a final response is awaited, but it is not anticipated that there will be an objection in principle. In response to the Warwickshire Museum's concern, the applicant carried out pre-determination trenching in accord with an agreed brief from the Museum. The results showed very little in the way of significant "finds". However the evaluation report was referred to the Museum and its formal final response is awaited. In both this and the Lead Local Flood Authority matters, it is highly likely that planning conditions will be recommended by those Agencies. If this is the case, then there would be no adverse harm that would carry significant weight and thus the proposal would satisfy Policies NW10 and NW14 of the Core Strategy.

There has been an exchange on bio-diversity impacts as the NPPF requires all new development proposals to provide a nett benefit. In this case that can mostly be provided on-site through the requirement for the perimeter amenity areas, but that is insufficient to meet the degree of loss. As a consequence and in line with NPPF and Development Plan policy, an off-setting contribution has been agreed. This would satisfy the overall NPPF requirement and thus there is no ground here for an objection under Policy NW15 of the Core Strategy.

The North Warwickshire Landscape Character Appraisal shows that the site is within the Wood End to Whitacre Landscape Area. This is described as having the following characteristics ..... " an extensive area of mixed undulating farmland within open arable fields and woodland to upper slopes and more intimate pastoral valleys, punctuated by a dispersed and ancient settlement patterns of small hamlets, scattered rural properties, farmsteads and all connected by an intricate network of narrow hedged lanes". Wood End is described as having a "core of vernacular buildings but with recent expansion that has not detracted from traditional settlement character. Modern houses are found on the edge of most settlements but do not detract markedly from the traditional settlement character". It is not considered that the location of this development would materially affect the "settlement character" of Wood End. It is bounded on two sides by

lengthy stretches of established built up areas and to the north it is behind a partial frontage development in Boulters Lane. Its development would still retain an overall compact built form for the settlement. The issue here is its size, but that too is mitigated by the development having established residential development to three sides and the significant perimeter open and amenity space that is being proposed. There will still however be a landscape and visual impact because of its size and the change in ground levels with the land gently rising from Tamworth Road north towards Boulters Lane. In landscape terms there is not considered to be a material adverse impact on the description outlined above for this Landscape Character area as the development is likely to be absorbed within the general landscape. There will however be a visual impact. That will be adverse because a sizeable new built development will appear on open land and that is emphasised because of the change in ground levels. However that impact would very largely be local in extent and the greatest change would be from users of the adjoining public footpath as well as from residents that back onto the site. Users of Boulters Lane would have limited visibility because the highest ground levels are to the south of this road. The site itself is therefore not that visible in the immediate landscape or indeed the wider landscape. It is not visible from further afield. Mitigation of the harm through on-site perimeter planting would lessen these impacts as would controlling the finished floor levels. Although there would be harm caused to Policy NW12 of the Core Strategy, it is concluded overall that the level of that harm is limited.

Representations refer to the potential impacts on local services and facilities. As can be seen from the report above, various Agencies have requested contributions to mitigate the impacts of the increased population – particularly recreation enhancement in Wood End. There have been no objections subject to contributions. It is noteworthy that the Education Authority has not requested such a contribution. This was questioned and the response was that “our calculations show that there is forecast to be sufficient capacity in existing local schools to accommodate the additional pupils generated by this development“. Given these circumstances an objection based on there being harm caused to local services would not carry any weight.

The issue raised by several of the representations is that the single shop in the village has limited car parking and as a consequence there is already congestion caused by customers driving to the site. There is no opportunity here to add more parking spaces. However on the benefit side is that the shop would be likely to remain more viable with the increased customer base and thus less likely to be lost, and the shop itself is within both walking and cycling distance of the site thereby encouraging a healthier life-style. Overall there would be an impact but the issue is whether that would cause demonstrable significant harm. The greater likelihood of the shop remaining viable would balance that harm. There is thus some benefit and some harm caused here.

The site is at the rear of a frontage of established residential property along Tamworth Road. Separation distances to the illustrative proposed houses would vary between 13 and 50 metres. Bearing in mind that this is an outline application then conditions can assist in controlling these distances as well as proscribing open space and landscaping between the various properties. In these circumstances, although there would be change that would not be material enough to warrant harm being caused under Policy NW10 of the Core Strategy.

There is one matter however where greater harm would be caused – this is impact of traffic moving on the new access road directly between numbers 113a and 117a Tamworth Road and to a different degree by the pedestrian access between numbers 117 and 119. Landscaping and screening can assist here, but it is recognised that there would be a material change to the residential amenity of these properties. The impact

on the latter would be less as this is already used as a vehicular access leading up to Islington Farm and the cottage. Vehicular access to these properties would then be via the new estate road, thus improving the situation. The new access would pass between 113a and 117a, but this would be a wide corridor not unlike other road junctions in the village. Additionally this is the identified route of the access into the allocated site – H28 in the Submitted Plan. An access here has thus already been acknowledged. There would however be a moderate adverse impact due to the increased amount of traffic that would be generated by this application and this would not accord with Policy NW10 of the Core Strategy.

In respect of other matters raised, then the Title Deeds of the current land owners show no evidence of this being “common land”.

### **c) The Planning Balance**

As indicated in section (a) above, the determining issue here is whether there is significant and demonstrable harm caused to outweigh the presumption in support for this development because the Development Plan is out of date.

On the benefit side of the balance are the development assisting the Council to close and to maintain a five year housing supply; to provide a policy compliant on-site affordable housing provision so as to assist and to maintain a supply of much needed housing, the contributions to be provided particularly for local recreation provision and enhancement together with potentially maintaining the viability of the village shop. On the harm side is the limited visual and landscape harm caused, the moderate harm caused to the residential amenity of the occupiers of property immediately adjacent to the road access into the site and to potential greater traffic issues at the shop.

It is considered that in the final balance, the benefits do outweigh the harms.

### **Recommendation**

That subject to the response from the Warwickshire Museum having no objections that cannot be dealt with by planning conditions as well as completion of a Section 106 Agreement on the terms set out in this report, then outline planning permission be **GRANTED** subject to the following conditions:

### **Standard Conditions**

1. Details of the appearance, landscaping, layout and scale (hereinafter called “reserved matters”) shall be submitted to and approved by the Local Planning Authority before any development takes place and the development shall be carried out as approved.
2. The first application for approval of reserved matters shall be made to the Local Planning Authority not less than two years from the date of this permission. All applications for approval of reserved matters shall be made to the Local Planning Authority not later than five years from the date of this permission.
3. The development hereby permitted shall take place not later than three years from the date of approval of the last of the reserved matters to be approved.

## Defining Conditions

4. Standard Approved Plans condition – the site plan numbered P18/0080/011/B received by the Local Planning Authority on 24/12/18 and the Proposed Site Access Plan numbered 20018/02C.
5. The development hereby approved shall be carried out in accordance with the Flood Risk Assessment and Surface Water Drainage Strategy (reference 890216/R1(1)) of 10/12/18; the Technical Note (890216/R2(0) of 27/3/19 and the LLFA letters of 7 and 17 May 2019 referenced 890216/R3 and R4. The development shall limit the discharge rate generated by all rainfall events up to and including the 100 year plus 40% (allowance for climate change) critical rain storm to 20l/s for the site; provide provision of surface water attenuation storage to provide attenuation up to the 1 in 100 year event plus 40 % (allowance for climate change) in accordance with Science Report SC030219 and surface water is to be provided via a minimum of two trains of treatment using the proposed drainage features within the drainage design.

### REASON

To reduce the risk of flooding

6. Not more than 145 two storey dwellings shall be constructed on the application site.

### REASON

In the interests of minimising adverse harms and the local character and distinctiveness of the settlement.

7. Within the submission of any reserved matters as referred to in condition (1) relating to layout and/or landscaping, the location and extent of green space (comprising natural green space, parks, gardens and informal green space) situated on the eastern boundary of the application site shall broadly conform with that shown on the Land Use Parameter Drawing numbered P18/0080/022/01A received on 24/12/18

### REASON

In the interests of securing a development that has the least visual and landscape harm and which maximises the opportunity to plan for development that does not detract from the character of the village.

8. Notwithstanding the Parameter Plan referred to in condition (6), the reserved matters application for the layout and landscaping shall include provision for an on-site Locally Equipped Area for Play measuring 400 square metres together with a Local Area of Play measuring 100 square metres

REASON

In the interests of promoting health and well-being in line with Development Plan policy and that of the NPPF 2019.

9. The reserved matters shall be designed so as to include details of electric vehicle charging points within at least 10% of the dwellings hereby approved and so as to include space for three refuse bins within the curtilage of each dwelling.

REASON

In the interests of reducing energy demands and to appropriate waste disposal arrangements

**Pre-Commencement Conditions**

10. Any Archaeology conditions recommended by the Museum
11. No development shall commence on site until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. Only the approved scheme shall then be implemented on site.

REASON

In the interests of reducing the risk of flooding.

12. No development shall commence on site until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. This shall include details of:
  - a) The phasing of the development
  - b) The means of preventing mud, waste and debris being deposited on the public highways
  - c) The means of dust suppression
  - d) An HGV routeing plan
  - e) Details of the location of site compounds; workers car parking areas and other storage compounds including their migration through the site and phases
  - f) Details of the hours of construction
  - g) Details of the hours of deliveries



h) Details of on-site security and security lighting

i) Details of on and off site contacts for the purposes of resolving complaints

The development shall proceed in accordance with the approved Management Plan at all times.

REASON

In the interests of the amenities of the residents in the area and for highway safety reasons.

13. No development shall commence on site until details of a scheme for the provision of adequate water supplies and fire hydrants necessary for fire-fighting purposes has first been submitted to and approved in writing by the Local Planning Authority. Only the approved measures shall then be implemented on site.

REASON

In the interests of public safety

14. No development shall take place on site until a preliminary assessment for contaminated land has been undertaken and submitted to the Local Planning Authority. If that identifies contamination a further detailed investigation shall be carried out and details of remediation measures shall then be included within that submission. Only remediation measures approved in writing by the Local Planning Authority shall then be undertaken on site.

REASON

In the interests of reducing the risk of pollution

15. In the event that contamination is found at any time during construction that was not identified in the assessment submitted under condition (14), it must be immediately reported in writing to the Local Planning Authority. An investigation and risk assessment must be included and a remediation scheme prepared. Remediation measures shall only be undertaken following the written approval of the Local Planning Authority.

REASON

In the interests of reducing the risk of pollution

16. Where remediation measures have been undertaken in pursuance of conditions (14) and (15), a post remediation verification report shall be submitted in writing to the Local Planning Authority.

REASON

In the interests of reducing the risk of pollution

17. No development shall commence on site until a scheme of noise mitigation for protecting occupants of the development from noise from Boulters Land and Tamworth Road has first been submitted to and approved in writing by the Local Planning Authority. Any mitigation measures that are so approved shall be installed prior to occupation of each dwelling where such mitigation is required and these shall be maintained thereafter. Subsequent replacements shall achieve the same level of attenuation as approved under this condition.

REASON

In the interests of reducing the risk of noise pollution

18. No development shall commence on site until a low emissions strategy for mitigating any air quality impacts arising from the development is submitted to and approved in writing by the Local Planning Authority. All works so approved shall be completed before occupation of any dwelling

REASON

In the interests of reducing the risk of pollution.

19. No development shall commence on site until an Ecological Management Plan has been submitted to and approved in writing by the Local Planning Authority. It shall include:

- Measures for the protection and retention of existing trees and hedgerows
- Descriptions and evaluation of the features to be managed
- The aims and objectives of management
- Appropriate options for achieving these objectives
- An up to date Bio-Diversity Impact Assessment demonstrating that “no net loss” has been achieved.
- A works schedule including an annual work plan capable of being rolled forward every five years
- Details of the body or organisation responsible for the management, monitoring and remedial actions of the plan

REASON

In the interests of protecting the bio-diversity interests of the site.

## **Pre-Occupation Conditions**

20. No house hereby approved shall be occupied until all of the following three matters have been fully completed to the written satisfaction of the Local Planning Authority.
- a) the existing speed hump in Tamworth Road at the new site access has been at an alternative location in that Road;
  - b) the existing footway along Boulters Lane has been extended in an easterly direction by 90 metres to connect to Public Right of Way T67, and
  - c) The whole of the access arrangement as shown on the approved plan has been installed.

### **REASON**

In the interests of highway safety

21. The electric vehicle charging points approved under condition (8) above shall be installed in each of the respective dwellings before each is occupied for residential purposes to the written satisfaction of the Local Planning Authority.

### **REASON**

In the interests of energy reduction

22. No dwelling hereby approved shall be occupied until it has been provided with space for three refuse bins as approved under condition (8) above.

### **REASON**

In the interests of sustainable development.

23. No dwelling hereby approved shall be occupied until any post remediation verification report required by condition (16) has first been agreed in writing by the Local Planning Authority.

### **REASON**

In the interests of sustainable development

24. No dwelling hereby approved shall be occupied until a detailed maintenance plan has been submitted to and approved in writing to show how the surface water systems are to be maintained in perpetuity.

### **REASON**

In the interests of reducing the risk of flooding

25. No dwelling hereby approved shall be occupied until the mitigation measures identified in condition (5) have been fully implemented to the written satisfaction of the Local Planning Authority

#### REASON

In the interests of reducing the risk of flooding.

#### Notes:

1. The Local Planning Authority has met the requirements of the NPPF in this case through pre-application engagement and substantial work with the various technical agencies and bodies to overcome concerns such that the proposal could be supported.
2. Attention is drawn to Sections 149, 151, 163 and 278 of the Highways Act 1980; the Traffic Management Act 2004, the New Roads and Street Works Act 1991 and all relevant Codes of Practice.
3. The details required under condition (xi) shall include demonstration that all other options other than the surface water pump have been considered at detailed design, including evidence of the engagement with the land owner surrounding the Penmire Brook to make outfall into the existing watercourse; show that if a pumped surface water solution is necessary, to provide hazard modelling, including flood depths, velocities and exact flow routes to demonstrate the potential impacts from a pump failure along with size and storage information to demonstrate that the pumping station is a suitable outfall in line with best practice including back up measures in case of failure, demonstrate that if a pumped surface water solution is necessary, that there is capacity within the proposed attenuation pond to store repeat storm events should the pumped system fail, demonstrate compliance with CIRIA C753, demonstrate detailed designs in support of any surface water drainage scheme including details of any attenuation system and outfall arrangements over a variety of return periods and provide evidence to show agreement from Severn Trent Water Ltd to connect to the existing surface water network.
4. Warwickshire County Council as the Lead Local Flood Authority does not consider that oversized pipes or box culverts are sustainable drainage. Should infiltration not be feasible at this site, alternative sustainable drainage should be used, with a preference for above ground solutions. Surface water run-off should be controlled as near to its source as possible through a sustainable drainage approach to surface water management. Sustainable drainage systems are an approach to managing surface water runoff which seeks to mimic natural drainage systems and retain water on-site as opposed to traditional drainage approaches which involve piping water off site as quickly as possible.
5. Standard Radon Gas Informativ

## BACKGROUND PAPERS

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

Planning Application No: PAP/2018/0762

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	24/12/18
2	Neighbour	Objection	23/1/19
3	Neighbour	Objection	22/1/19
4	Neighbour	Objection	21/1/19
5	Neighbour	Objection	21/1/19
6	Neighbour	Objection	11/1/19
7	Neighbour	Objection	31/1/19
8	Neighbour	Objection	23/1/19
9	Neighbour	Objection	28/1/19
10	Neighbour	Objection	28/1/19
11	Neighbour	Objection	31/1/19
12	Neighbour	Objection	31/1/19
13	Neighbour	Objection	31/1/19
14	Neighbour	Objection	31/1/19
15	Neighbour	Objection	31/1/19
16	Neighbour	Objection	31/1/19
17	Neighbour	Objection	31/1/19
18	Neighbour	Objection	31/1/19
19	Neighbour	Objection	1/2/19
20	Neighbour	Objection	1/2/19
21	Neighbour	Objection	30/1/19
22	Neighbour	Objection	29/1/19
23	Neighbour	Objection	30/1/19
24	Neighbour	Objection	21/2/19
25	Neighbour	Objection	31/1/19
26	Neighbour	Objection	31/1/19
27	Neighbour	Objection	31/1/19
28	Neighbour	Objection	31/1/19
29	Neighbour	Objection	5/2/19
30	Neighbour	Objection	1/2/19
31	Neighbour	Objection	30/1/19
32	Neighbour	Objection	31/1/19
33	Neighbour	Objection	13/2/19
34	Neighbour	Objection	18/2/19
35	Neighbour	Objection	27/2/19
36	Neighbour	Objection	1/2/19
37	Neighbour	Objection	22/2/19
38	Neighbour	Objection	22/2/19
39	Neighbour	Objection	22/2/19
40	Neighbour	Objection	22/2/19
41	Neighbour	Objection	1/5/19

44	Neighbour	Objection	30/4/19
45	WCC Fire Services	Consultation	24/1/19
46	WCC Police	Consultation	14/1/19
47	Environmental Health Officer	Consultation	14/1/19
48	WCC Museum	Consultation	1/2/19
49	WCC Museum	Consultation	11/4/19
50	WCC Museum	Consultation	30/4/19
51	WTT	Consultation	17/1/19
52	WCC Ecology	Consultation	29/1/19
53	WTT	Consultation	22/3/19
54	WTT	Consultation	9/4/19
55	WCC Rights of Way	Consultation	1/2/19
56	Police	Consultation	1/2/19
57	WCC Infrastructure	Consultation	11/2/19
58	WCC Public Health	Consultation	11/2/19
59	WCC Education	Consultation	15/2/19
60	WCC Surface Water	Consultation	23/1/19
61	WCC Surface Water	Consultation	12/4/19
62	WCC Highways	Consultation	22/1/19
63	WCC Highways	Consultation	15/3/19
64	NWBC Recreation	Consultation	26/4/19
65	Applicant	E-mail	10/6/19
66	WCC Flooding	Consultation	23/5/19
67	George Eliot NHS Trust	Consultation	29/5/19
68	NWBC Recreation	Consultation	21/5/19 and 10/6/19

*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**

**(#) Application No: PAP/2018/0762**

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**Outline application for residential development (class C3) with associated access, landscaping, open space and drainage infrastructure, with all matters reserved save for access, for**

**Summix IFW Developments Ltd**

### **Introduction**

The receipt of this application is reported to the Board for information at this time and a full determination report will be made in due course.

### **The Site**

This in total is just over six hectares of agricultural land on the east of Wood End extending from the rear of the existing frontage properties in Boulters Lane in the north to the rear of those fronting Tamworth Road to the south. It is part of a much larger field. The land slopes up from Tamworth Road to Boulters Lane. The site adjoins the established residential area of Wood End to the west – Delves Crescent and Meadow View - with agricultural land to the east. The site also includes a property on Tamworth Road – number 115 – in order to provide access into the application land, together with a smaller corridor between 117 and 119 and the existing buildings in and around Islington Farm.

A public footpath runs from Tamworth Road but this does not cross the site.

This site is shown at Appendix A.

### **The Proposals**

This is an outline application which seeks consent in principle for the residential development of the land. The only detail to be submitted is that relating to the access arrangements. The site would be accessed wholly by a single vehicular access from Tamworth Road on the site of the demolished number 115. A further pedestrian access would be sought between number 117 and 119. Further footpath connections with Boulters Lane and the public path to the east are proposed.

An indicative masterplan has been submitted and this suggests a development of up to 145 dwellings with a large area of open amenity space running along its eastern boundary. Also proposed are perimeter tree planting at the rear of existing properties backing onto the site and retention of existing trees to the west of the site.

The applicant is prepared to provide on-site affordable housing at the 40% level – i.e. 58 units.

The Masterplan is attached at Appendix B

The applicant has submitted a number of supporting documents.

The Transport Assessment concludes that the development would not have a material impact on safety or the operation of the local road network.

A Flood Risk Assessment concludes that the site lies in Flood Zone One and as such there is a very low risk of fluvial flooding. Surface water drainage will be regulated through a series of sustainable drainage measures on site.

An Air Quality Assessment concludes that with appropriate construction phase mitigation, the development would meet national and local planning policies.

A Noise Screening Assessment states that noise levels from existing sources are unlikely to require site specific mitigation measures.

An Archaeological Report concludes there would be no impact on the setting of Listed Buildings and that there is unlikely to be an underground interest.

The Ground Conditions Study reports that from initial desk based work that pollutant linkages would be low but that further investigation would be needed in respect of possible contaminants in filled ponds and from gas emitting from former miner workings.

The Ecological Report concludes that the site has generally low wildlife interest with no evidence of badgers, otters or water voles and with low potential for other protected species. Existing trees and boundary hedgerows are important and enhancement on site would increase its bio-diversity.

The Tree Survey agrees that the retention of existing trees on the site should be retained.

A Landscape Assessment concludes that because of the scale of the development and its setting that there would be limited impact on the landscape character, but that there would be moderate changes in respect in visual terms, especially from the viewpoint of adjoining residents. Proposed mitigation in the form of perimeter planting and the retention of an open boundary to the east are all beneficial.

A Design and Access Statement shows how the illustrative Masterplan has been drawn up.

### **Development Plan**

The Core Strategy 2014 – NW1 (Sustainable Development); NW2 (Settlement Hierarchy), NW 5 (Split in Housing Numbers), NW6 (Affordable Housing Provision), NW10 (Development Considerations), NW12 (Quality of Development), NW13 (Natural Environment), NW14 (Historic Environment), NW15 (Nature Conservation) and NW20 (Services and Facilities)

Saved Policies of the North Warwickshire Local Plan 2006 – ENV13 (Building Design)



## **Other Material Planning Considerations**

The National Planning Policy Framework

The Submitted Local Plan for North Warwickshire 2018 – LP1 (Sustainable Development); LP2 (Settlement Hierarchy), LP9 (Affordable Housing Provision), LP14 (Landscape), LP15 (Historic Environment), LP16 (Natural Environment), LP20 (Green Spaces), LP321 (Development Considerations), LP35 (Water Management) and LP39 (Housing Allocations)

## **Observations**

The determination report will outline all of the responses that are received from the various technical Agencies, Infrastructure bodies and from the local community. These will help members to assign weight to any potential harmful impacts that might arise as a consequence of this proposal. That harm has then to be placed into the assessment of the final planning balance that the Board will have to undertake. Members will be familiar with this. It's because the site is not an allocated site either within the adopted Core Strategy or the Submitted Plan. However whilst it does adjoin the development boundary of Wood End, Members will be aware that these development boundaries have been found to be out-of-date through planning appeal decisions. Into this context has to be added the progress being made on the Submitted Plan as it continues through its Examination in the next few months. The final assessment of that balance will thus not be straight forward.

## **Recommendation**

That the receipt of the application be noted and that the Board undertakes a visit to the site in order to better understand its setting.

## BACKGROUND PAPERS

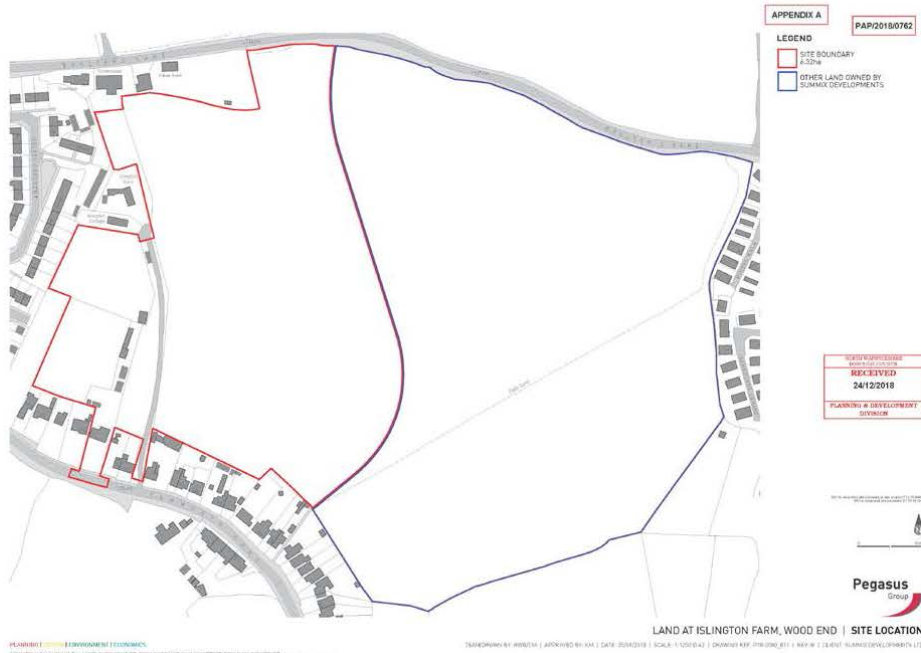
Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Planning Application No: PAP/2018/0762

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	24/12/18

*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.*





**PAP/2018/0762**

**Islington Farm, Tamworth Road, Wood End**

**Member Site Visit - 1 June 2019 at 1100**

Present: Councillors Chambers, D and T Clews, Dirveiks, D and M Humphries, Jarvis, H Phillips, Simpson and Symonds together with J Brown.

1. Members walked from the car park in Wood End up the Tamworth Road and looked at the site of the proposed single vehicular access into the site. This would involve the demolition of the bungalow at number 115. The nature of the remaining buildings on either side was noted as was the nature of the road, its visibility and the speed humps.
2. Members then looked at the present access into Islington Farm that would be retained for pedestrian access
3. The group entered the site via the public footpath running between numbers 137 and 139. Here the extent of the site was described. The trees along Boulders Lane were identified as well as the roof of Silver Bren and the outline of the caravan park. The contours were also noted.
4. Members returned to Tamworth Road.
5. The visit concluded at 1120

**(4) Application No: PAP/2018/0764**

**Land to the rear of, Trinity Close, Warton,**

**Erection of 23 dwellings comprising of 2 and 3 bed houses with landscaping and parking spaces for Church Row cottages, for**

**Village Partnership Ltd**

**Introduction**

This application is reported to the Planning and Development Board as the majority of the site is owned by the Borough Council.

**The Site**

The application site comprises a former allotment site and the car park to the former Hatters Arms Public House, which is now closed. Its former car park access will form the vehicle access to the site

The land is not flat with a noticeable rise towards Trinity Close which is to the north

To the west is a Grade 2 Listed Church. There is established housing to the east and to the south with a public footpath running along the western boundary.

The site is around 0.54 hectares containing some landscaping which has grown after the loss of the allotments but this would be removed.

The outline of the site is shown at Appendix A and the aerial view is shown below.



## The Proposal

This is a detailed application for the erection of 23 dwellings comprising 2 and 3 bed houses with landscaping and parking spaces (41 in total). All of the houses are to be affordable.

The site has a single vehicle access route, off Church Road and the proposal includes six parking spaces for residents of Church Row directly to their rear, who presently have to park on the road.

The layout is a cul-de-sac as determined by the shape and size of the site.

The materials are expected to be compatible with the local area and be a mix of brick, rendering and roof tiles.

There will be a retaining wall to the side of plot 23 and behind plots 18-23, given the difference in land height levels. Plots 18-23 will be around 1 metre higher than plot 1.

Plot 19 down to plot 11 will have a change in floor level of around 0.6 metres.

The scheme will also contain a number of car charging points.

The ridge heights will be comparable to those on Ivy Croft road to the rear of the site.

Below is the proposed site layout plan. Further plans can be viewed in Appendix A.

Below is the proposed layout for the site.



## **Background**

The Hatters Arms was approved for a conversion to two dwellings and parking in 2015 but that cannot now be taken up due to the passage of time submitted. The future use of the property thus remains unknown.

## **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 and Energy Efficiency), NW12 (Quality of Development), NW13 (Natural Environment), NW14 (Historic Environment), NW15 (Nature Conservation), NW16 (Green Infrastructure) and NW22 (Infrastructure)

Saved Policies of the North Warwickshire Local Plan 2006 – ENV4 (Trees and Hedgerows); ENV6 (Land Resources), ENV8 (Water Resources), ENV12 (Urban Design), ENV13 (Building Design), ENV14 (Access Design), ENV15 (Heritage Conservation); TPT1 (Transport Considerations), TPT3 (Access and Sustainable Travel and Transport) and TPT6 (Vehicle Parking).

## **Other Material Planning Considerations**

The National Planning Policy Framework 2019 - ("the NPPF")

The Submission Version of the Local Plan for November 2018 - LP1 (Sustainable Development); LP2 (Settlement Hierarchy), LP6 (Amount of Development), LP7 (Housing Development), LP9 (Affordable Housing Provision), LP11 (Economic Regeneration), LP14 (Landscape), LP15 (Historic Environment), LP16 (Natural Environment), LP31 (Development Considerations), LP32 (Built Form) and LP35 (Water Management)

## **Consultations**

Environmental Health Officer – No objection subject to standard conditions.

Warwickshire County Council (Ecology) – There would be a net loss of bio-diversity requiring an off-setting contribution

Warwickshire County Council as Lead Local Flood Authority – It initially raised an objection but additional information has been submitted and a final response is awaited.

Warwickshire County Council (Public Rights of Way) – No objection

NWBC Heritage officer – No objection

Warwickshire Fire Services - No objection subject to a standard condition

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

Warwick Museum – A standard condition is requested.



## **Draft Section 106 Heads of Terms**

Warwickshire County Council (Rights of Way) - A contribution of £1238.49 towards the maintenance of local public footpaths is requested

Warwickshire County Council (Education) – A contribution of £133,644 is requested towards primary and secondary education in the village and at Polesworth

Warwickshire County Council (Highways) - A contribution of £2100 is requested towards traffic and road safety

Warwickshire County Council (Libraries) – A contribution of £482 is sought to enhance local services

Warwickshire County Council (Ecology) – The off-setting contribution would be £73,505

The George Eliot NHS Trust – A contribution of £15,412 is requested towards enhancing hospital services.

## **Representations**

Polesworth Parish Council – It has concern over parking issues along Church Road

Thirteen letters have been received from local residents referring to the following matters:

- Impact on already over - stretched services
- Highway and parking issues will worsen giving rise to further safety and congestion issues particularly with on-street parking and Church activities
- There is already a lot of new development in the village
- There will be amenity impacts on the Church Road cottages as well as houses in Trinity Close and Ivycroft Road
- Loss of wildlife

## **Observations**

### **a) The Principle of Development**

The site lies within the Warton development boundary. Notwithstanding that it is not an allocated site in the 2014 Core Strategy, the principle of development here is accepted because of this location. This position is carried forward in the Submitted Regulation 19 Local Plan. As such there is no objection in principle to the development as it is infill development within a sustainable location.

Moreover the proposal is for a 100% affordable housing development which would provide a substantial benefit to Warton and fully comply with Development Plan policy.

The main issues here as thus to assess whether there is any significant demonstrable harm likely to arise that would outweigh the presumption of approval.

## **b) Highways**

Policy NW10 (6) in the Core Strategy requires development to provide for proper vehicular access in accordance with adopted standards. The access to the site off Church Road, has been found to be acceptable by the Highway Authority following earlier concerns. The proposal was initially for 28 dwellings and because of concerns about visibility exiting from the site particularly from on-street car parking, the proposal has been reduced to 23 dwellings and provision made for off-street car parking within the site for residents of the cottages to the south of the proposed access. In light of this it is not considered that there is a highway reason for refusal given the change in circumstance and that this was accompanied by Road Safety Audits verified by the County Council.

## **c) Surface Water Drainage**

A revised drainage scheme has been undertaken following initial comments from the Lead Local Flood Authority. The final response is still awaited to these revisions, but an objection in principle is not anticipated and any comments are likely to be able to be reflected in planning conditions.

## **d) Residential Amenity**

The application has been submitted with cross section plans which show the proposed properties would be backing onto established residential back gardens around the site. In the case of Ivycroft Road ridge line heights are similar and separation distances are acceptable – the minimum being 19 metres with the remainder being 21 metres. In the case of the 19 metre distance the only openings in the proposed rear elevation are to a bathroom and conditions can apply here and a bedroom. The closest property to Trinity Close would be at 17 metres however this property has its side gable facing the development thus not giving rise to an amenity issue. At the other end of the site the distance from the rear of Church Row is 19 metres to the side gable of the closest proposed house.

It is not considered that the residential amenity of neighbouring occupiers will be materially affected by the new development thus leading to a significant demonstrable adverse harm.

## **e) Design and Layout**

The scheme has been designed to meet the size and constraints of the site. This means that the layout is for all intents and purposes has to be designed as a quite narrow cul-de-sac. Much attention has therefore been given to the design of the houses and to their detailed positioning so as to enhance the overall appearance and quality of the development. This has led to a slight curve being introduced to the initial stretch of the road; to more landscaping, to the slight setting back of some units, to different materials and to a slightly different built form being introduced as a focal point for the initial length of the road. An artist's impression of these changes is included below. As a consequence the development fully accords with Development Plan policy.



### **f) Landscaping and Ecology**

The application has been submitted with a landscaping scheme, which shows private gardens, public areas of amenity and landscaped areas. Additionally conditions can require bat and bird boxes. It is considered the landscaping will provide some balance against the removal of the existing site landscaping and ecology through the development. However as reported above the development does lead to a nett loss of bio-diversity and this is resolved through the request for off-setting contributions.

### **g) Listed Building**

There is a Grade 2 Listed Church to the south-west of the site. The Council is thus statutorily required to have special regard to the desirability of preserving this building or its setting or any features of special architectural or historic interest it possesses. The proposal must be assessed against Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, Section 16 of the NPPF, Policy NW14 of the North Warwickshire Core Strategy and saved policy ENV 16 of the current Local Plan (2006).

The NPPF at section 16 paragraph 193 states that *“when considering the impact of the proposed development on the significance of the designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.”*

In this case it is the impact of the new development on the setting of the Church that is considered the most important consideration.

The church stands alone within a churchyard with much landscaping. It already has housing development to the south. It is considered that this already harms the setting of the church. The proposal will result in a better design of housing than existing and will retain boundary vegetation. The separation distance between the nearest dwelling to the church is considered to be acceptable so not to result in unacceptable harm. Overall it is considered that the development would cause less than substantial harm.

The NPPF states at paragraph 196 that where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. The proposal will provide 23 affordable houses, which is a significant public benefit and it will also clean up a site which has become unused. As a consequence it is considered that these benefits would outweigh the less than substantial harm caused and thus not lead to an unacceptable impact. The development thus accords with the relevant policy background.

#### **h) Services**

There was concern raised about the impact on local services. However, this is a 100% affordable housing development that will be managed by a Registered Provider in partnership with the Borough Council. As a consequence the occupants of these properties will already be resident in Warton and its immediate surroundings through the letting arrangements. There would thus be little additional demand placed on existing facilities.

#### **i) Section 106 Matters**

As reported above, there have been requests from various Agencies for contributions towards mitigating impacts arising from the development. None of these are unusual and Members will have seen these elsewhere. In this case the requests have been forwarded to the applicant as is normal practice to establish whether these would impact on the viability of the scheme. In this particular case because of the proposed 100% provision, he has said that this would be the case. If the proposal had been for open market housing, the affordable housing element would have been 40% - that is 9 dwellings. The difference of not having those 14 as open market houses is said to be substantial in viability terms. As is normal in such a circumstance the applicant has submitted a viability appraisal based on the contributions sought and this has been verified by the Council's Director of Streetscape as being reasonable in terms of the assumed costs of developing the site.

There are three other matters here that should be added into the assessment of the 106 contributions. The first is that the proposal is for 100% affordable housing to be operated and managed by a Registered Provider in Partnership with the Council as the Housing Authority. This means that there would be a substantial community and public benefit in meeting the local community's housing needs that would not otherwise have arisen if the development was for open market housing. Moreover such a proposal would substantially assist in meeting the Council's Core Strategy planning objectives in meeting affordable housing requirements. This is significant because the provision of affordable housing in the whole of the Borough is not presently meeting the overall policy requirement. It is also unusual to agree to a "block" of such housing as Members have looked to disperse affordable units throughout the whole site. However, here the opportunity to provide for a significant boost to that provision outweighs that concern.

The second is that the Council in this case is the land owner. In order to be wholly transparent it is a matter of fact that the Council agreed to reduce the capital receipt arising from the sale of this land in order to facilitate the direct involvement of a Registered Provider and thus deliver 100% affordable housing. If sold at open market value that could not be achieved. Normally, no weight is given to land value in the overall assessment of viability, but in this particular case it is a material planning consideration of significant weight.

The third is that because of this Partnership, the occupants of these houses are highly likely to be local residents from Warton and the surrounding area – not new residents. This arrangement is controlled through the letting and occupancy arrangements. As a consequence, there would be likely to be no greater pressure or impacts placed on local services than at present – e.g. the schools; library, health facilities and public footpaths.

Hence there would be no significant mitigation required and thus there is a strong likelihood that such requests would not be statutorily compliant. However the one contribution that falls outside of this consideration is that off the bio-diversity offsetting. There will be net loss whoever occupies the houses. It is considered that as the net loss is small compared with other sites and that because of the overall viability issue and the substantial public housing benefit arising, the greatest overall community benefit in the final planning balance lies with the delivery of the affordable housing.

The issue therefore in the final planning assessment is thus whether the opportunity for increased affordable housing outweighs the other contributions that would otherwise be sought from the residential development of this site. All of these considerations suggest that in this particular case, the 106 contributions should not be sought.

## Conditions

The recommendation below includes the use of pre-commencement condition(s) (this is a condition imposed on a grant of planning which must be complied with before any building or operation comprised in the development is begun or use is begun). The Town and Country Planning (Pre-commencement Conditions) Regulations 2018 provide that planning permission for the development of land may not be granted subject to a pre-commencement condition without the written agreement of the applicant to the terms of the condition.

## Recommendation

That subject to no objections being received from the Lead Local Flood Authority that cannot be dealt with by planning conditions, planning permission be **GRANTED** with the following conditions:

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

### REASON

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

2. The development hereby approved shall not be carried out otherwise than in accordance with the Ground Investigation Report of September 2018, by Arena Geo received by the Local Planning Authority on 13 June 2019, to plan number 18-119-02 (soft landscaping proposals) received by the Local Planning Authority on 23 May 2019, to the Road Safety Audit Stage 1 of Mott Macdonald, David Tucker Associates, 18208/SK02 A, 18208/400, 18208/171, 18208/151A received by the Local Planning Authority on 2 April 2019; to plans 2018-881-03A and 2018-881-02 REV A received by the Local Planning Authority on 3 June 2019, to

the plans 20447-03 (proposed site access and visibility splays), 20447-05, 2018-882-11, 2018-882-09, 2018-882-10, 2018-882-08, 2018-882-07, 2018-882-06, 2018-882-05, 2018-882-04 received by the Local Planning Authority on 17 May 2019.

#### REASON

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

3. No works shall commence to construct the external surfaces of the buildings until the 100% on-site affordable housing as part of the development hereby permitted has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2 to the National Planning Policy Framework (or any future guidance that replaces it). The scheme shall include:
  - i) the type, tenure and location on the site of the affordable housing units
  - ii) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing units; and
  - iii) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

#### REASON

To ensure that the development provides housing for social needs.

4. No works other than demolition shall take place until a preliminary assessment for contaminated land has been undertaken. If the assessment identifies potential contamination a further detailed investigation shall be carried out and details of remediation measures shall be provided where necessary. All works shall be carried out by a competent person and agreed in writing by the Local Planning Authority prior to commencement of development.

#### REASON

To ensure that risks from land contamination to the proposed end users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

5. In the event that contamination is found under condition 1, at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Planning Authority. An investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority.

#### REASON

To ensure that risks from land contamination to the proposed end users of the

land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

6. Where remediation works have been carried out in pursuance with the preceding conditions 1 and 2, a post remediation verification report shall be submitted in writing to and approved by the Local Planning Authority before the development is first occupied.

#### REASON

To ensure that risks from land contamination to the proposed end users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors

7. The development hereby approved shall not commence until:

- a) a Written Scheme of Investigation (WSI) for a programme of archaeological evaluative work shall be submitted to and approved in writing by the local planning authority.

- b) the programme of archaeological evaluative work and associated post excavation analysis, report production and archive deposition detailed within the approved WSI shall be undertaken. A report detailing the results of this fieldwork shall be submitted to the planning authority.

- c) An Archaeological Mitigation Strategy document (including a Written Scheme of Investigation for any archaeological fieldwork proposed) shall be submitted to and approved in writing by the local planning authority. This should detail a strategy to mitigate the archaeological impact of the proposed development and should be informed by the results of the archaeological evaluation.

The development, and any archaeological fieldwork post-excavation analysis, publication of results and archive deposition detailed in the Mitigation Strategy document, shall be undertaken in accordance with the approved Mitigation Strategy document.

#### REASON

To ensure the recording of any items of archaeological interest.

8. No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority and Local Highway Authority. The Construction Management Plan shall be strictly adhered to and shall provide for:

- the anticipated movements of vehicles; the parking and loading/unloading of staff, visitor, and construction vehicles;
- the loading and unloading of plant and materials; the storage of plant and materials used in constructing the development; a turning area within the site for construction vehicles;

- wheel washing facilities and other measures to prevent mud/debris being passed onto the public highway; a construction phasing plan; and a HGV routing plan
- Storage of plant materials used in conjunction with the development
- Measures to control the emission of dust during construction
- Noise levels on the site
- Site lighting details, and
- Details of the contact for any local concerns with the construction activities on the site

The approved Construction Management Plan shall be adhered to throughout the construction period of the development.

REASON

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

9. The development hereby permitted shall not be occupied until a scheme for the provision of adequate water supplies and fire hydrants necessary for firefighting purposes at the site, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to occupation of any dwelling to the satisfaction of the Local Planning Authority

REASON

In the interests of Public Safety from fire, and the protection of Emergency Fire Fighters.

10. There shall be no occupation of any dwellings until the parking area to the side of plot 1 and behind Church Row Cottages until details have been provided to the Local Planning Authority to define how the parking area for 6 vehicles will be marked out and retained for use for 1 - 4 Church Row Cottages, Church Lane, Warton. The parking spaces shall retain in use for Church Row cottages at all times.

REASON

In the interests of the amenities of the area.

11. No occupation of the dwellings shall take place on site until details of the street lighting including light spillage, has been submitted to and approved in writing by the Local Planning Authority. The equipment shall be installed, operated and maintained in accordance with the approved scheme before the development is first occupied.

REASON

In the interests of the amenities of the area.

12. Prior to occupation of any of the dwellings hereby approved details of hedgehog friendly fencing, bat and bird nest boxes within and around the site shall be submitted to and approved in writing by the Local Planning Authority. The



approved fencing shall be installed and maintained as such at all times thereafter.

REASON

In the interests of nature conservation, thus achieving sustainable development objectives set out in the National Planning Policy Framework.

13. Before occupation details of the electric charging points as set out on the approved layout plan under condition 2 shall be provided to the Local Planning Authority for approval. The charging points shall be installed prior to first occupation on the site, and the electric charging points and bays shall be installed in accordance with the approved details and shall thereafter be maintained for the life of the development.

REASON

In the interests of the amenities of the area.

14. No development whatsoever within Class A, B, C, E and F of Part 1, of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 shall commence on site without details first having been submitted to and approved by the Local Planning Authority, in writing.

REASON

In the interests of the amenities of the area.

15. No work relating to the construction of the development hereby approved, including works of demolition or preparation prior to operations, or internal fitting out, shall take place before the hours of 0730 nor after 1800 Monday to Friday, before the hours of 0800 nor after 1300 Saturdays nor on Sundays or recognised public holidays.

REASON

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

16. The development shall not be occupied until an access for vehicles has been provided to the site, in accordance with Drawing Number 20447-03 (Proposed Site Access & Visibility Splays).

REASON

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

17. No burning shall be carried out on the site.

REASON

In the interests of the amenities of the area.

18. The visitor parkings spaces to the front of plots 1-8 on the site plan shall be marked with V and remain as visitor spaces at all times.

REASON

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

19. No additional windows or door openings in all elevations and roof plains shall be made, other than as shown on the plans hereby approved, nor shall any approved windows or doors be altered or modified in any manner.

REASON

To protect the privacy of the occupiers of adjoining properties.

20. All side facing windows and any front or rear facing windows that serve bathrooms be permanently glazed with obscured glass which shall provide a minimum degree of obscurity equivalent to privacy level 4 or higher and shall be maintained in that condition at all times. For the avoidance of doubt privacy levels are those identified in the Pilkington Glass product range. The obscurity required shall be achieved only through the use of obscure glass within the window structure and not by the use of film applied to clear glass.

REASON

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

21. The landscaping and planting scheme hereby approved under condition 2 shall be implemented before occupation of the site, and in the event of any tree or plant failing to become established within five years thereafter, each individual tree or plant shall be replaced within the next available planting season, to the satisfaction of the Local Planning Authority.

REASON

In the interests of the amenities of the area.

22. The construction of the estate roads serving the development including footways and verges shall not be other than in accordance with the standard specification of the Highway Authority.

REASON

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

**Notes**

1. The submitted plans indicate that the proposed works come very close to, or abut neighbouring property. This permission does not convey any legal or civil right to undertake works that affect land or premises outside of the applicant's control. Care should be taken upon commencement and during the course of building operations to ensure that no part of the development, including the foundations, eaves and roof

overhang will encroach on, under or over adjoining land without the consent of the adjoining land owner. This planning permission does not authorise the carrying out of any works on neighbouring land, or access onto it, without the consent of the owners of that land. You would be advised to contact them prior to the commencement of work.

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

3. In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner through seeking to resolve planning objections and issues and by suggesting amendments to improve the quality of the proposal. As such it is considered that the Council has implemented the requirement set out in paragraph 38 of the National Planning Policy Framework.

4. Wildlife and Countryside Act 1981 - Birds. Please note that works to trees must be undertaken outside of the nesting season as required by the Wildlife and Countryside Act 1981. All birds, their nests and eggs are protected by law and it is thus an offence, with certain exceptions. It is an offence to intentionally take, damage or destroy the nest of any wild bird whilst it is in use or being built, or to intentionally or recklessly disturb any wild bird listed on Schedule 1 while it is nest building, or at a nest containing eggs or young, or disturb the dependent young of such a bird. The maximum penalty that can be imposed for an offence under the Wildlife and Countryside Act - in respect of a single bird, nest or egg - is a fine of up to £5,000, and/or six months' imprisonment. You are advised that the official UK nesting season is February until August.

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 applicant is advised that to comply with the condition relating to the protection of trees, the measures should be in accordance with British Standard BS 5837:2012 "Trees in relation to design, demolition and construction - Recommendations".

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. Public footpath number M65 passes close to the site. Care should be taken, particularly during construction works, to ensure that this route is kept open at all times.

8. Highways have set out that the development hereby permitted shall not commence or continue unless measures are in place to prevent/minimise the spread of extraneous material onto the public highway by the wheels of vehicles using the site and to clean the public highway of such material.

9. Condition number 16 requires works to be carried out within the limits of the public highway. Before commencing such works the applicant / developer must enter into a Highway Works Agreement with the Highway Authority under the provisions of Section 184 of the Highways Act 1980. Application to enter into such an agreement should be made to the Planning & Development Group, Communities Group, Warwickshire County Council, Shire Hall, Warwick, CV34 4SX. In accordance with Traffic Management Act 2004 it is necessary for all works in the Highway to be noticed and carried out in accordance with the requirements of the New Roads and Streetworks Act 1991 and all relevant Codes of Practice. Before commencing any Highway works the applicant / developer must familiarise themselves with the notice requirements, failure to do so could lead to prosecution. Applications should be made to the Street Works Manager, Budbrooke Depot, Old Budbrooke Road, Warwick, CV35 7DP. For works lasting ten days or less ten days notice will be required. For works lasting longer than 10 days, three months notice will be required.

10. Condition number 16 and 22 requires that the estate roads including footways, verges and footpaths are designed and laid out in accordance with the principles set out in 'Transport and Roads for Developments: The Warwickshire Guide 2001' and constructed in accordance with the Highway Authority's standard specification. The applicant / developer is advised that they should enter into a Highway Works Agreement with the Highway Authority made under Section 38 of the Highways Act 1980 for the adoption of the roads. The approval of plans for the purposes of the planning permission hereby granted does not constitute an approval of the plans under Section 38 of the Highways Act 1980. An application to enter into a Section 38 Highway Works Agreement should be made to the Planning & Development Group, Communities Group, Warwickshire County Council, Shire Hall, Warwick, CV34 4SX. In accordance with Traffic Management Act 2004 it is necessary for all works in the Highway to be noticed and carried out in accordance with the requirements of the New Roads and Street Works Act 1991 and all relevant Codes of Practice. Before commencing any Highway works the applicant / developer must familiarise themselves with the notice requirements, failure to do so could lead to prosecution. Application should be made to the Street Works Manager, Budbrooke Depot, Old Budbrooke Road, Warwick, CV35 7DP. For works lasting ten days or less, ten days notice will be required. For works lasting longer than 10 days, three months notice will be required.

11 Section 163 of the Highways Act 1980 requires that water will not be permitted to fall from the roof or any other part of premises adjoining the public highway upon persons using the highway, or surface water to flow - so far as is reasonably practicable - from premises onto or over the highway footway. The developer should, therefore, take all steps as may be reasonable to prevent water so falling or flowing.

12. Pursuant to Section 149 and 151 of the Highways Act 1980, the applicant/developer must take all necessary action to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's/developer's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.

13. The applicant/developer is required to contribute £75 per dwelling for sustainable welcome packs and to help promote sustainable travel in the local area. For further information regarding Sustainability Packs. Contact Christine Lambert on 01926 412105.

14. With regarding to condition 3 and affordable housing you are advised to Contact Paul Roberts (Housing Strategy and Development Officer), on 01827 719459, to discuss the requirements and the mix of housing in Warton.

15. It is recommend that an independent noise consultant undertakes a comprehensive assessment to determine noise levels on the site. The same must identify any noise mitigation measures that might be required so to meet the standard of BS8233:2014 Guidance on sound insulation and noise reduction for buildings. The Contractor shall comply with the general recommendations set out in BS 5228: Parts 1 and 2 : 1997 'Noise and Vibration Control on Construction and Open Sites', together with any specific requirements in the contract.

16. With regards to refuse collections, you are advised to contact the Waste team to agree an indemnity to cover waste collections being undertaken on the site.

17. Public footpath AE11 must remain open and available for public use at all times unless closed by legal order, so must not be obstructed by parked vehicles or by materials during works. The applicant must make good any damage to the surface of public footpath AE11 caused during works.

18. Warwickshire Police have no objections to this outline planning and request that the below be incorporated into the design as they will go some way to ensuring the residents do not become victims of crime or anti-social behaviour.

- If the proposed development includes homes where there is rear access to multiple dwellings, evidence shows that the distribution of burglary in terraced housing with open rear access footpaths shows that up to 85% of entries occurred at the back of the house.
- Where there is rear access to multiple rear gardens this access needs to be gated at the front of the building line and with a self-closing spring, and a snap shut lock, that needs a key to release.
- All perimeter fencing should be 1.8 metre high close boarded fencing however where it backs onto open space it should be topped with 0.2 trellis, so the overall height is 2 metres in height.
- Lighting on adopted highways, footpaths, private roads and footpaths and car parks must comply with BS 5489-2:2016. A Uo value of 0.4 or 40% is recommended to ensure that lighting installations do not create dark patches next to lighter patches where our eyes would have difficulty in adjusting quickly enough for us to see that it was safe to proceed along any route.
- Fencing or similar be considered along the open space areas and balancing pools, this will refrain vehicles driving onto the open space causing anti-social behaviour or injuring someone who is using the space for play.
- Footpaths and emergency routes that lead onto the development should have staggered bollards installed to stop motor bikes riding onto the site. Building sites and in particular, site offices and storage areas are becoming common targets for crimes such as theft of plant and fuel. These sites should be made as secure as possible. All plant and machinery should be stored in a secure area. Tools and equipment should be marked in such a way that they are easily identifiable to the company.

- Consideration should be given to the use of security patrols. Developers are now requested to inform the local Safer Neighbourhood Policing Team, which covers the area of the development that they have arrived on site and provide contact numbers of the site manager for us in the case of an emergency. A grid reference for the site should be provided. This will help to reduce the possibilities of a delayed response
- Gates to the building frontages with secondary gates to the individual gardens and update the external works boundary fencing detail

## BACKGROUND PAPERS

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

Planning Application No: PAP/2018/0764

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	24/12/2018
2	Police	Consultation response	14/1/19
3	NWBC Streetscape	Consultation response	14/1/19
4	WCC Ecology	Consultation response	15/1/19
5	WCC FRM	Consultation response	16/1/19
6	WCC Highways	Consultation response	17/1/19
7	WCC Footpaths	Consultation response	23/1/19
8	NWBC Env Health	Consultation response	23/1/19
9	Historic England	Consultation response	24/1/19
10	WCC Fire	Consultation response	24/1/19
11	NWBC Heritage	Consultation response	25/1/19
12	WCC Infrastructure	Consultation response	31/1/19
13	WCC Archaeology	Consultation response	1/2/19
14	Polesworth PC	Consultation response	7/2/19
15	WCC Education	Consultation response	21/3/19
16	WCC Highways	Consultation response	3/4/19
17	WCC highways	Consultation response	15/4/19
18	WCC highways	Consultation response	10/5/19
19	WCC highways	Consultation response	13/5/19
20	NWBC Refuge	Consultation response	21/5/19
21	Police	Consultation response	21/5/19
22	WCC highways	Consultation response	24/5/19
23	George Eliot Trust	Consultation response	4/6/19
24	WCC FRM	Consultation response	13/6/19
25	George Eliot Trust	Consultation response	19/6/19
26	Press Notice	Press notice	10/1/19
27	Neighbour	Representation	11/1/19
28	Neighbour	Representation	23/1/19
29	Neighbour	Representation	23/1/19
30	Neighbour	Representation	28/1/19
31	Neighbour	Representation	29/1/19
32	Neighbour	Representation	30/1/19
33	Neighbour	Representation	31/1/19
34	Neighbour	Representation	8/2/19
35	Neighbour	Representation	29/5/19
36	Neighbour	Representation	5/6/19
37	Neighbour	Representation	6/6/19
38	Neighbour	Representation	7/6/19
39	Case officer and agent	Exchange of emails	8/2/19
40	Case officer and agent	Exchange of emails	11/2/19

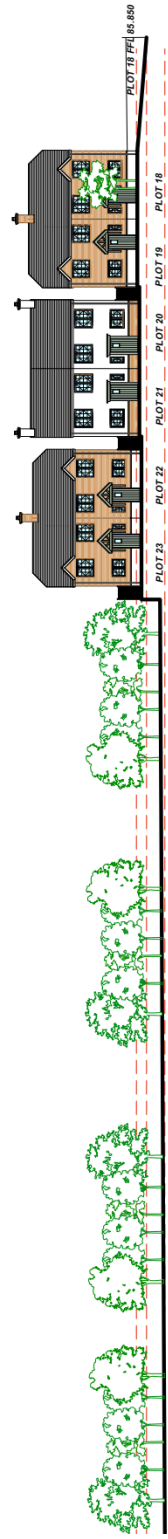
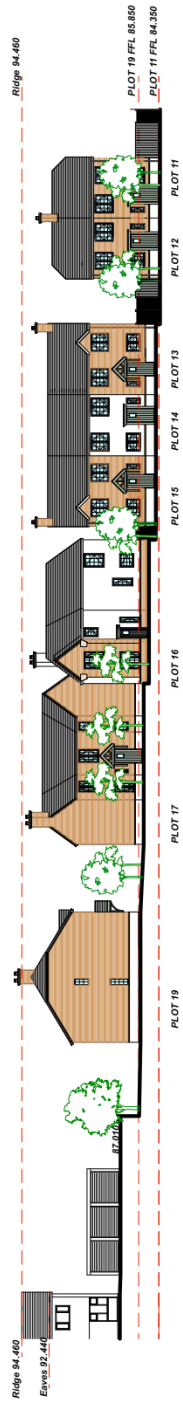
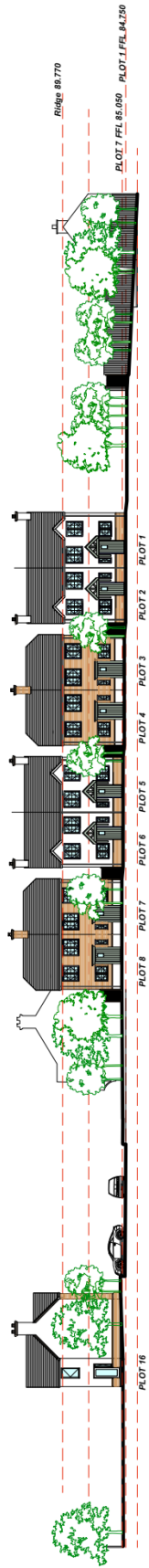
41	Case officer and agent	Exchange of emails	12/2/19 and 13/2/19
42	Case officer, developer and agent	Exchange of emails	14/1/19 – 25/1/19
43	Case officer and agent	Exchange of emails	19/2/19
44	Case officer and agent	Exchange of emails	5/3/19
45	Case officer, highways, developer and agent	Exchange of emails	2/4/19
46	Case officer, developer and agent	Exchange of emails	7/1/19 – 28/2/19
47	Case officer and agent	Extension of time emails agreement	21/6/19
48	Neighbour	Application comments	7/1/19
49	Case officer	Email to neighbour	7/1/19
50	Case officer, developer and agent	Exchange of emails	7/1/19
51	Case officer, developer and agent	Exchange of emails	8/1/19
52	Case officer, developer and agent	Exchange of emails	10/1/19 – 21/1/19
53	Case officer, developer and agent	Exchange of emails	23/1/19 – 31/1/19
54	Case officer, developer and agent	Exchange of emails	1/2/19 - 28/2/19
55	Case officer, developer and agent	Exchange of emails	4/3/19 – 29/3/19
56	Case officer, developer and agent	Exchange of emails	2/4/19 – 17/4/19
57	Case officer, developer and agent	Exchange of emails	3/5/19 – 30/5/19
58	Case officer, developer and agent	Exchange of emails	3/6/19
59	Case officer, developer and agent	Exchange of emails	4/6/19 – 14/6/19
60	Case officer, developer and agent	Exchange of emails	17/6/19 – 25/6/19

*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.*

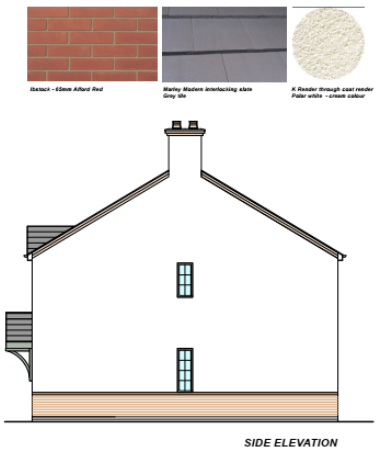
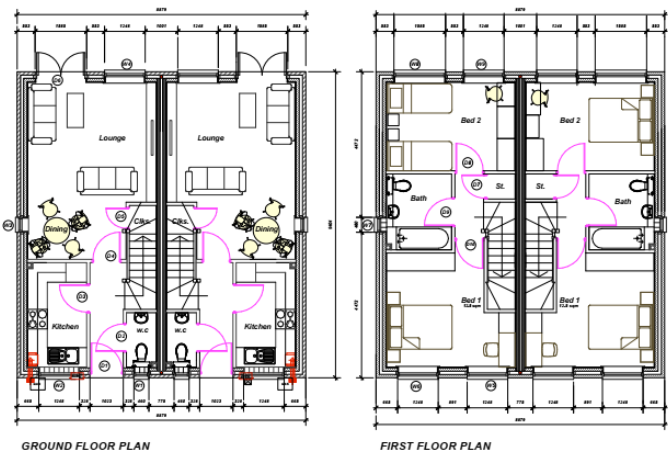
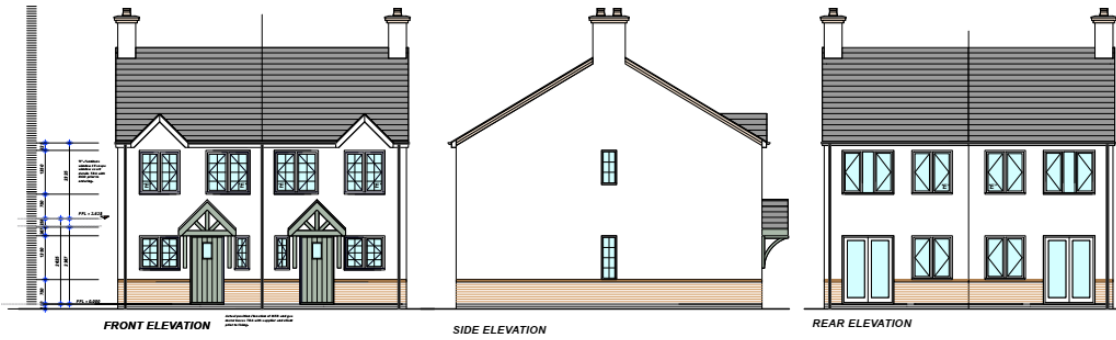
*A background paper will include any item which the Planning Officer has relied upon in preparing the report and formulating his recommendation. This may include correspondence, reports and documents such as Environmental Impact Assessments or Traffic Impact Assessments.*



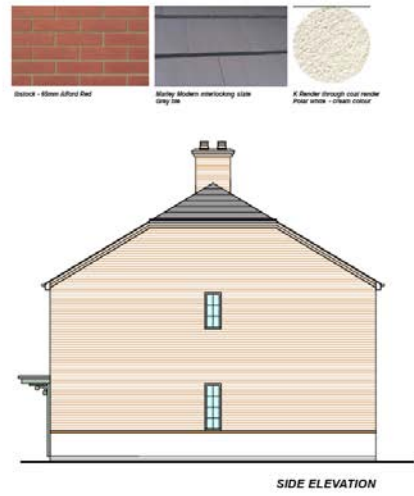








**UNIT 1,2,5,6,9&10**



**UNIT 3,4,7,8,11 & 12**



FRONT ELEVATION



REAR ELEVATION



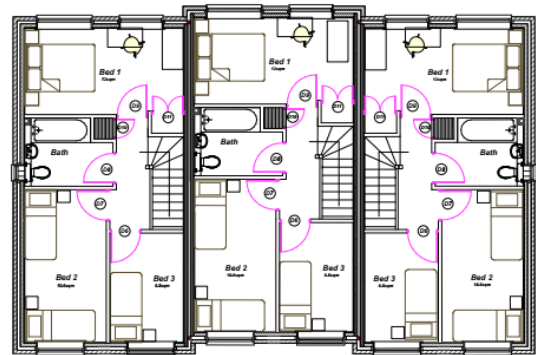
SIDE ELEVATION



SIDE ELEVATION

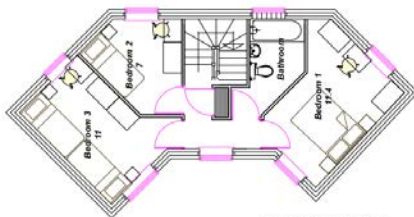


GROUND FLOOR PLAN

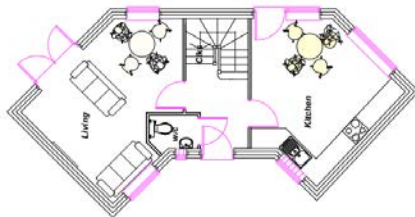


FIRST FLOOR PLAN

**UNIT 15,14 & 13**



FIRST FLOOR PLAN - 2



GROUND FLOOR PLAN

1 BED / 5 PERSON 87sqm

PLANNING & DEVELOPMENT  
 REC-215123  
 17/05/2019  
 PLANNING & DEVELOPMENT  
 00782838

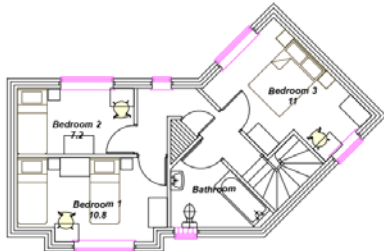


FRONT ELEVATION

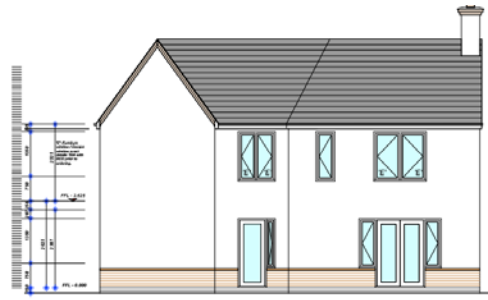


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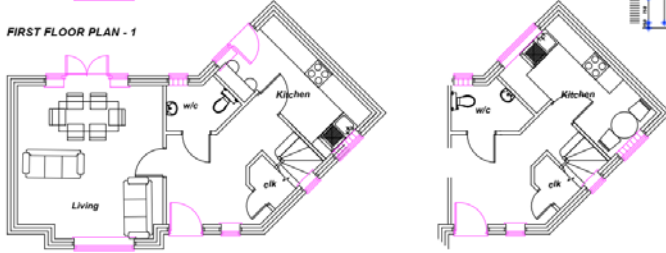
**UNIT 17**



FIRST FLOOR PLAN - 1

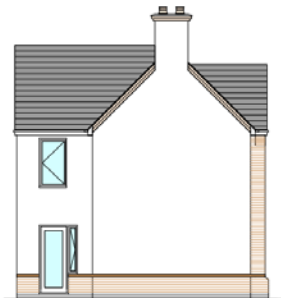


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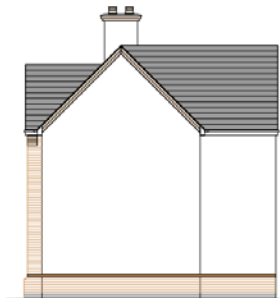


GROUND FLOOR PLAN

3 BED / 5 PERSON 89.6sqm



SIDE ELEVATION



SIDE ELEVATION



FRONT ELEVATION

UNIT 16

NORTH WADSWORTHSHIRE  
 HIGHWAYS AUTHORITY  
**RECEIVED**  
 17/05/2019  
 PLANNING & DEVELOPMENT  
 DIVISION

PF

Based upon the DISPENSE SURVEY MAPS with the permission of  
 THE CONTROLLER OF NEWCASTLE'S STATUTORY OFFICE  
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REV	DESCRIPTION	DRAWN	INITIALS	DATE	DRAWING STATUS	CHECKED BY	DATE

**DAVID TUCKER ASSOCIATES**  
 CONSULTING ARCHITECTS  
 Forester House, Dodder Lane,  
 Birtley, Tyne and Wear  
 NE26 3JN  
 Tel: 0191 261 0100  
 Fax: 0191 261 0101  
 www.davidtucker.co.uk

JOB TITLE: **Hotters Arms** CLIENT:

DRAWING TITLE: **Vehicle Tracking**

SCALE: 1/500 DRAWN BY: **BP** DATE: **May 19** DRAWING NO: **2C**



**Drainage Legend**

Green line	100mm Storm Water	Green box	100mm Storm Water
Blue line	150mm Storm Water	Blue box	150mm Storm Water
Orange line	200mm Storm Water	Orange box	200mm Storm Water
Red line	300mm Storm Water	Red box	300mm Storm Water
Black line	400mm Storm Water	Black box	400mm Storm Water
Black line	500mm Storm Water	Black box	500mm Storm Water
Black line	600mm Storm Water	Black box	600mm Storm Water
Black line	750mm Storm Water	Black box	750mm Storm Water
Black line	900mm Storm Water	Black box	900mm Storm Water
Black line	1200mm Storm Water	Black box	1200mm Storm Water
Black line	1500mm Storm Water	Black box	1500mm Storm Water
Black line	1800mm Storm Water	Black box	1800mm Storm Water
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Black line	29700mm Storm Water	Black box	29700mm Storm Water
Black line	30000mm Storm Water	Black box	30000mm Storm Water

RECEIVED  
 03/02/2019  
 PROJECT & SITE OFFICE

**PRELIMINARY**

**RITZPATRICK**  
 The Huber Pty. Church Road,  
 Melbourne

**BANNERS GATE**  
 CIVIL, STRUCTURAL & ARCHITECTURAL DESIGN SERVICES



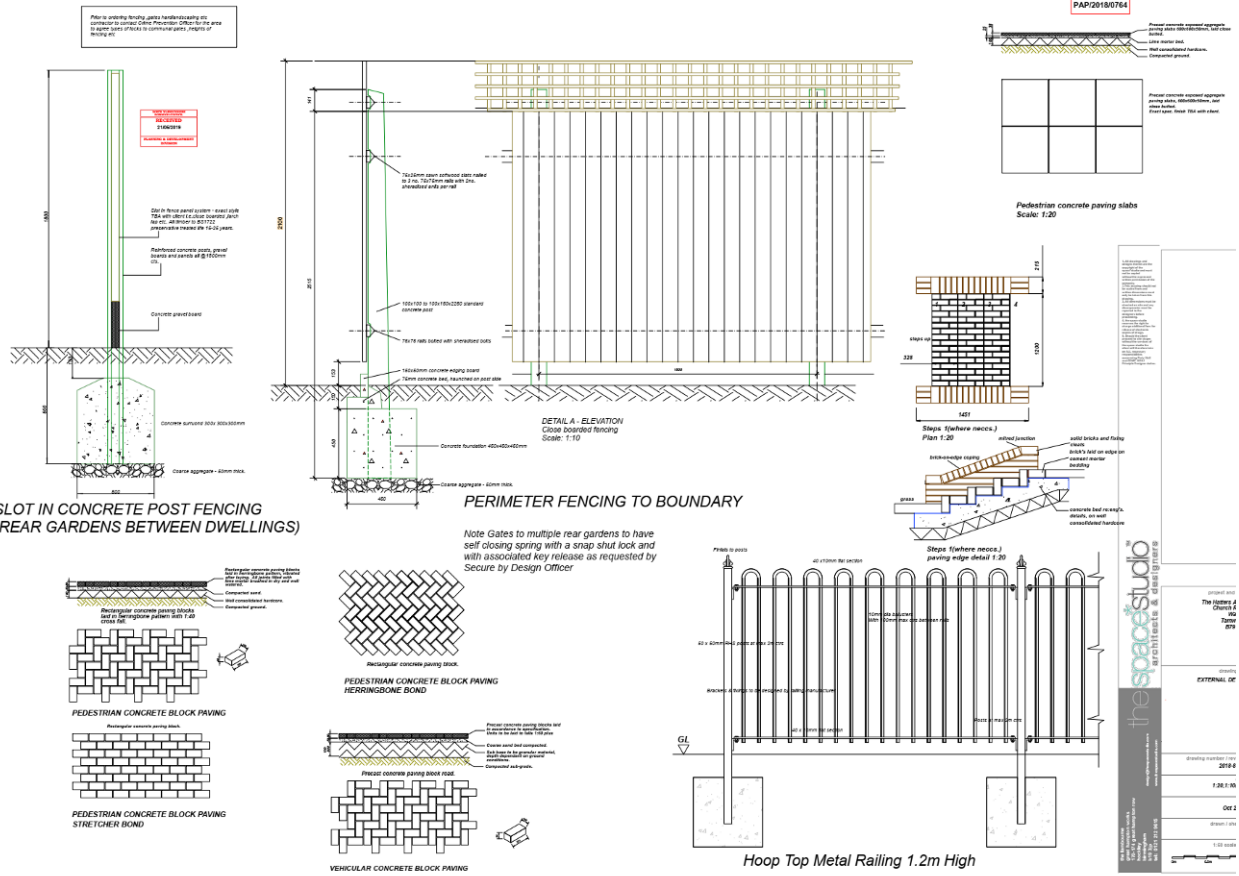
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 PROJECT & SITE OFFICE

**PRELIMINARY**

**RITZPATRICK**  
 The Huber Pty. Church Road,  
 Melbourne

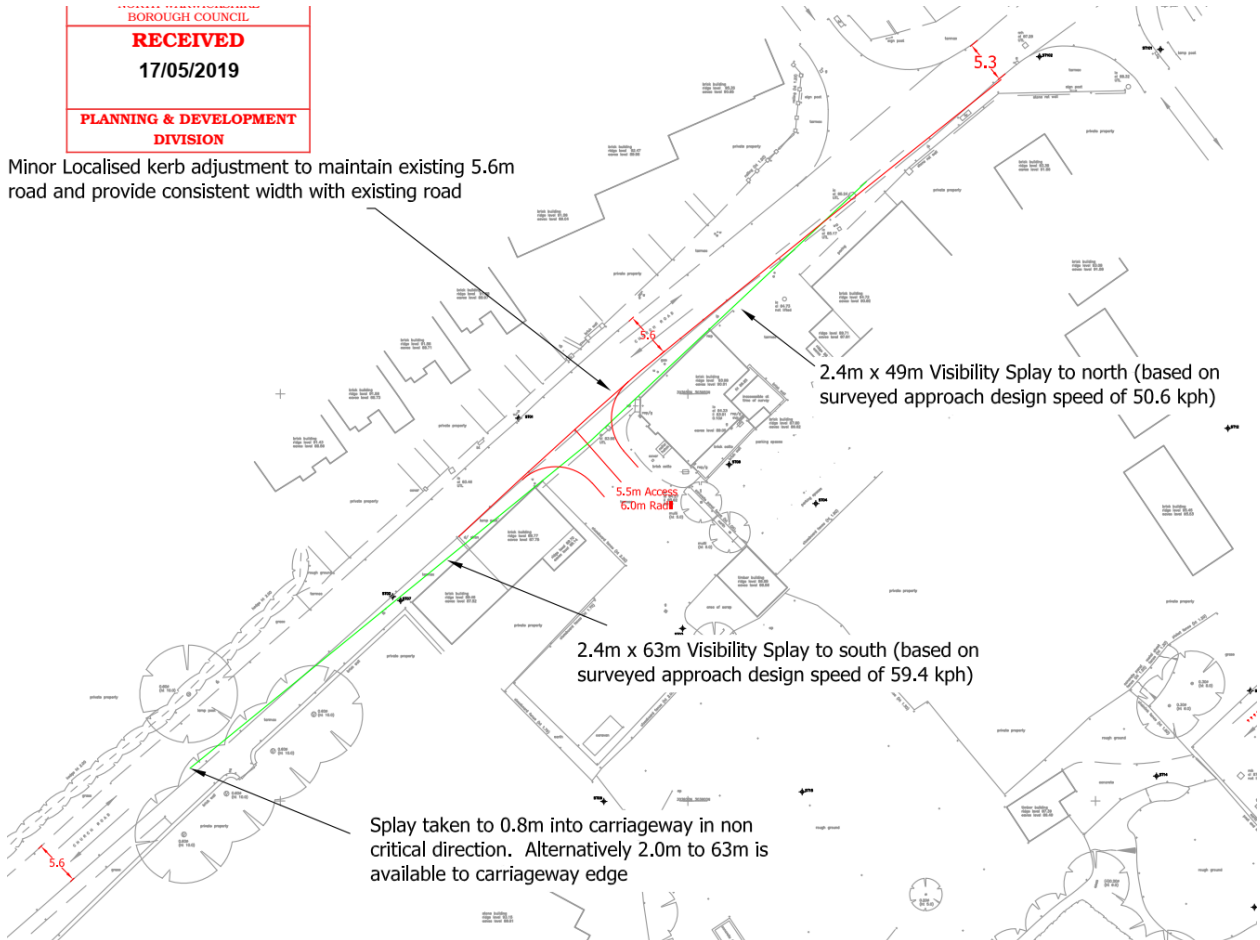
**BANNERS GATE**  
 CIVIL, STRUCTURAL & ARCHITECTURAL DESIGN SERVICES

← Flood routing (100yr-40% flood event)



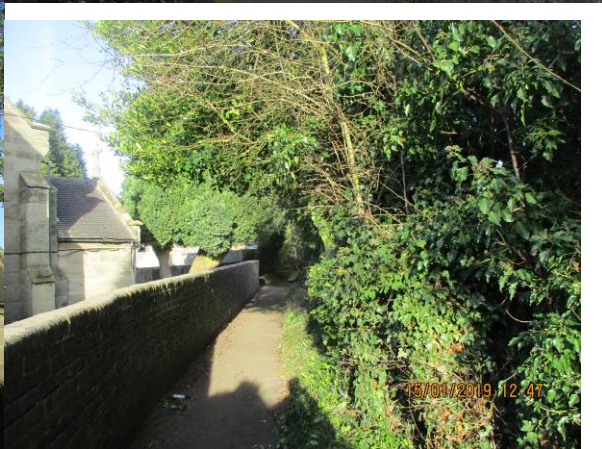
**BOROUGH COUNCIL**  
**RECEIVED**  
**17/05/2019**  
**PLANNING & DEVELOPMENT**  
**DIVISION**

Minor Localised kerb adjustment to maintain existing 5.6m road and provide consistent width with existing road





Appendix B – Photos









**(5) Application No: PAP/2019/0022**

**Land North East Of Manor Farm Buildings, Main Road, Shuttington,**

**Outline application for a residential development of 24 dwellings, all matters are reserved except for access, for**

**Mr & Mrs R & R Arnold And Bell**

**Introduction**

The Application is reported to Members of the Planning and Development Board because it is for land allocated in the Submitted Local Plan but which has not yet been adopted.

**The Site**

The application site is located to the north of the village of Shuttington and to the south of the Shuttington and Alvecote Parish Hall (also known as Shuttington Village Hall). The site extends to 1.21 ha and is identified as an allocation site for 24 dwellings (H25 – Land south of Shuttington Village Hall) in the Submitted Local Plan.



Vehicular access is to be achieved off Main Road via an existing vehicular access on the south-eastern boundary of the site, which also serves the neighbouring commercial uses.

There are no public rights of way within or adjoining the site, however distance views of the site can be obtained from the footpath that intersects the field to the rear of the application site.

The site is outside of a flood zone however situated within a Coal Development High Risk Area.

A utilities station (Gas) is located to the south eastern boundary of the application site.

## **The Proposal**

This is an outline application for a residential development of 24 dwellings with all matters reserved except for access. As a consequence, the final layout of this development is a matter reserved for future determination. However, an indicative masterplan showing an illustrative site layout has been submitted as part of the application.

The application is also supported by the following documents:

- Planning, Design and Access Statement prepared by Fisher German
- Statement of Community Involvement prepared by Fisher German
- Transport Assessment prepared by PTB Transport Planning Ltd.
- Noise Assessment prepared by Noise Assess Ltd.
- Landscape and Visual Appraisal prepared by Aspect Landscape Planning
- Flood Risk Assessment prepared by Residential and Commercial Engineering Ltd.
- Heritage Impact Assessment prepared by Locus Consulting
- Archaeological Geophysical Survey prepared by pre-construct geophysics Ltd.
- Extended Phase I Habitats Survey prepared by Sensible Ecological Survey Solutions Ltd. dated 2014
- Update to Ecology Survey prepared by Quants Environmental dated May 2018
- Coal Mining Risk Assessment prepared by GRM Development Solutions November 2018

The proposal would be the subject of a Section 106 Agreement.

## **Development Plan**

North Warwickshire Core Strategy (October 2014) - NW1 (Sustainable Development); NW2 (Settlement Hierarchy), NW4 (Housing Development), NW5 (Split of Housing Numbers), NW6 (Affordable Housing), NW10 (Development Considerations), NW11 (Renewable Energy and Energy Efficiency), NW12 (Quality of Development), NW13 (Natural Environment), NW15 (Nature Conservation) and NW21 (Transport)

North Warwickshire Local Plan 2006 (Saved Policies) - ENV12 (Urban Design); ENV13 (Building Design), ENV14 (Access Design), HSG4 (Densities); TPT1 (Transport Consideration in New Development), TPT2 (Traffic Management and Traffic Safety), TPT3 (Access and Sustainable Travel and Transport), TPT6 (Vehicle Parking), ENV4 (Trees and Hedgerows), ENV10 (Energy Generation and Energy Conservation) and ECON5 (Facilities Relating to the Settlement Hierarchy)

## **Other Relevant Material Considerations**

National Planning Policy Framework 2019 - ("the NPPF")

The North Warwickshire Local Plan Submission Version 2018 - LP1 (Sustainable Development); LP2 (Settlement Hierarchy), LP6 (Amount of Development), LP7 (Housing Development), LP9 (Affordable Housing Provision), LP14 (Landscape), LP16 (Natural Environment), LP29 (Walking and Cycling), LP31 (Development Considerations), LP32 (Built Form), LP35 (Water Management), LP36 (Parking), LP37 (Renewable Energy and Energy Efficiency) and LP39 (Housing Allocations)

The Daw Mill appeal decision – APP/R3705/W/16/3149827

The Taylor Wimpey appeal decision – APP/R3705/W/18/3207348

## **Consultations**

Warwickshire County Council as Lead Local Flood Authority – No Objection subject to conditions.

Warwickshire County Council (Ecology) - The proposal shows a nett loss of bio-diversity and thus offsetting contributions will be needed unless further improvements can be achieved on site.

Warwickshire County Council (Rights of Way) - No objection.

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

Warwickshire County Council (Archaeology) – No objection subject to standard conditions

Environmental Health Officer – No objection subject to standard conditions

North Warwickshire Borough Council (Streetscapes and Waste) - No objection subject to conditions

Severn Trent Water Ltd. - No comments received

Coal Authority – No objection to the proposed development subject to the imposition of a standard condition

Police (Architectural Liaison) – No objection

Warwickshire (Fire and Rescue – No objection subject to a standard condition

## **Draft Terms of a Section 106 Agreement**

Recreation and Open Space – A contribution of £129,721 is requested for the provision improvement and maintenance of open space.

Leisure Facilities – A sum of £31,367 is required for the provision of indoor leisure facilities.

Warwickshire County Council - A sum of £3018 towards the maintenance of public footpaths in the locality

George Eliot NHS Trust - A sum of £16,097 is requested towards enhancements to the Trust's services

Bio-Diversity Offsetting - A maximum sum of £44,944 is required for off-site offsetting should there be no on-site bio-diversity gain at reserved matters stage.

Affordable Housing – 40% on site provision with a 65/35 tenure split between socially rented and shared ownership.

## **Representations**

Shuttington Parish Council - It objects raising the following matters:

- Increased traffic along Main Road
- The capacity of the existing drainage systems
- The adequacy of the access in terms of visibility and safety with no footpath connections
- There may be nuisance caused from events at the Village Hall
- The bus service is inadequate
- Parking provision should be made to be sufficient

Four other representations have been received. These are summarised as follows:

- Does not consider that the development would comply with the parking standards
- Will increase car ownership
- Concerns with regards to sewerage capacity as knowledge of regular issues experienced in village
- Would like to see public open space to be accessible to and useable by all local residents with playground equipment if possible
- Support creation of footpath up to the junction with New Road and would encourage a pedestrian crossing across New Road.
- Access created from the development to the Parish Playing field and hall. This would make it much safer for local children to walk down to the playing field from the village.
- Support the idea of street naming which reflects the history of the village and suggest that the Council developers should involve the local parish in this.
- Additional planting and some kind of safety barrier around the pond
- Volume of traffic, dangerous driving and speeding are problems within out village. Any measures to mitigate this would be most welcome.
- Concerned about the cumulative impact around the Parish that may have impact on traffic in the area.
- Both the village hall and the playing field are an important asset to the village. Concerns of the pressure on these amenities.
- The risk of new residents on the boundary to the field complaining about visual and noise pollution during out annual calendar of events and club activity.
- The impact that any surrounding drainage changes from the development may have on the ground condition of the playing field itself.
- Hope there is scope to adjust the proximity of proposed dwellings to the playing field boundary, we would request as a minimum that sufficient measures are made with installation of perimeter fencing designed to eliminate audible noise or visual annoyance from the direction of the playing fields back towards the residencies.



- Villages are ruined over years by development.
- This is a green field site not a brownfield one and should not be marked for development.
- Residents tend to use football field to walk dogs, already this is an overused recreational area; an additional tiny green within the site does nothing to alleviate this.
- Seek for quality materials within any proposed design of properties.
- Rare varieties of owls located close by. There is no mention of these this information needs to be looked into and further consultation house by house with the local residents.

## **Observations**

### **a) The Principle of Development**

The site is outside of the development boundary for Shuttington and in such a location the Core Strategy says that development will be limited to that identified in the Strategy or to that which requires a rural location or is for community affordable housing. The Strategy says that for Shuttington a minimum of ten houses should be catered for. As a consequence because of the size and location of this development, these policies point towards a refusal of planning permission.

However there are four material planning considerations that weigh against that conclusion. Firstly, as Members are aware from the Daw Mill appeal decision, the Borough's development boundaries are out of date. Additionally following the Taylor Wimpey appeal decision, Members will be aware that there is not a five year housing land supply – it being found to be 4.75 in that appeal. As a consequence of these two considerations, the NPPF says that the Core Strategy is out of date, and thus planning decisions need to be taken in accordance with its policies – para 11 of the NPPF. This paragraph says that when the Development Plan is out of date planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF taken as a whole. In other words there is a presumption of approval unless there is demonstrable evidence of significant adverse impacts. This report will see if there is such evidence available.

It was stated above that there were four material considerations that weighed against the initial conclusion. The third is that this site is allocated for up to 24 houses in the Submitted Regulation 19 Local Plan that has just completed its Examination in Public. This is the site known as H25. Representations were made about this proposed allocation by the local community and these are in essence replicated in the representation section above. As the Council at the time of writing has yet to receive the Inspectors initial report, full weight cannot be given to this proposed allocation. It is considered that it should have moderate weight because it is in the Submitted Plan.

This third consideration therefore gives some additional weight to the presumption to grant planning permission here.

The final consideration is that this site is an extension of an existing settlement and not an isolated location in open countryside. The site will have direct access off the existing access from Main Road on the south eastern boundary of the site. The nearest bus stops to the site are located 200 metres from the centre of the site, on Main Road.

These stops are served by the number 785/785 bus route, which provides regular services to Tamworth (including the Train Station). Additionally, these stops are served by School Bus Services to Polesworth Secondary School and Newton Regis Primary School. The settlement also has a convenience store, church and village hall. It is considered that the location is therefore sustainable and thus this too adds weight to the presumption to support.

Consideration of any adverse impacts is now necessary, in order to assess the planning balance as set out in the NPPF.

## **b) Highway and Access Implications**

Policy NW10 of the Core Strategy states that development will provide for proper vehicular access, sufficient parking and manoeuvring for vehicles in accordance with adopted standards.

The access to the site is proposed to be taken from an existing access that serves commercial activities to the west of the site from Main Road. It is of significant weight that the Highway Authority has no objection to the proposed access arrangements and that it raises no concerns about highway capacity. It notes that the submitted Transport Assessment concludes that the development proposal would generate a relatively low number of vehicular trips during the peak hours. In addition a junction assessment of the Site Access/Main Road T-junction has been carried out. The document indicates that the development proposals will have a negligible impact on the operation and capacity of that junction.

Comments have been made in respect to access the site for pedestrians into the site so as to increase connectivity and for safety reasons. This is illustrated on the indicative layout. There have been no objections raised by the County Council and this can be taken forward by planning condition.

## **c) Loss of Biodiversity**

The application site comprises arable land and is bounded by mature hedgerows with scattered trees which are proposed to be maintained. This habitat type is widespread and abundant in the wider area and provides limited biodiversity value. There is a small area of semi-mature hawthorn, ash and oak within the south of the site which is of greater value and this should be retained where possible. It is identified that a single ash tree to the south of the site could provide a moderate bat roost potential. Whilst a representation raised the matter of owls in the vicinity, this has not been recognised in the survey reports. It is noted the detailed plans for the site are not currently known. However the applicant's ecology report identifies a number of mitigation measures which can be included by condition – e.g. bird and bat roosting boxes.

The County Ecologist raises concerns about the loss of biodiversity through the development of this site. Through the use of the County Council's Biodiversity Impact Assessment calculator, the outline scheme shows a net loss of 1.10 biodiversity units across the site. The habitat is predominantly classed as semi-improved grassland with occasional trees and surrounding intact hedgerows.

Paragraph 174 of the NPPF states that when determining planning applications, Authorities should aim to conserve and enhance biodiversity by applying the principle of if significant harm resulting from a development cannot be avoided, adequately mitigated or as a last resort, compensated for, then planning permission should be refused.

The Ecologist state that a net biodiversity loss of 1.10 biodiversity units across the site is contrary to the NPPF and as such is recommending that until it can be demonstrated that no net loss can be achieved, either through additional planting or pond habitat within the site, then an off-site offsetting contribution will be needed. The Trust thus seeks £44, 944 through a Section 106 Agreement. The Agreement should be flexible enough to review this figure following the approval of reserved matters in respect of the layout and landscaping then agreed

As such it is considered that a conditional permission will accord with the requirements of the NPPF, significant harm to biodiversity can be avoided.

#### **d) Archaeology**

The Planning Archaeologist at Warwickshire Museum identified that the development lies within an area of significant archaeological potential, adjacent to the possible extent of the village's Medieval Settlement.

A Heritage Impact Assessment and a Geophysical Survey has been submitted to accompany the planning application. This did not identify any anomalies that could be confidently attributed to the presence of potentially significant archaeological deposits and thus concluded that there was low potential to contain archaeological deposits relating to Prehistoric activity. The County Archaeologist reflects that the conclusion of the Assessment is based upon the limited known prehistoric activity for the surrounding area. He notes that whilst few remains pre-dating medieval period have been identified from the immediate vicinity of the site, this may reflect a lack of previous investigation across this area, rather than a lack of archaeological remains. However he considers that the archaeological potential for this site is low but that should planning consent be granted, conditions relating to a programme of archaeological evaluative works and associated post-excavation work should be added to the Notice.

#### **e) Residential Amenity and Impact on Character**

The application is submitted in outline format and so any later reserved matters application can ensure the layout and design would accord to the relevant development management policies.

It is noted that there is an aspiration for two-storey properties across the site and to retain the existing hedgerows at the site. The application site is predominantly flat and a topographic survey has been supplied.

There are no immediate residential properties within proximity. As such it is not considered that there will be a significant loss of privacy or loss of light. The proposal thus complies with Policy NW10 of the Core Strategy.

It is noted that the proposed indicative layout shows properties along the southern boundary with the dwellings orientated with gardens ending with a gap to Main Road. It is considered this arrangement is inward facing and that there would be no wider connection with the village. Given the proposal is in outline form with all matters

reserved apart from access, it is considered that any reserved matter for site layout should seek to revise this layout here.

The indicative site layout shows an attenuation pond to the south east of the site and no development along the eastern boundary with the Village Hall. An objection has been received in regards to the impact of the activities held at the Village Hall and the future occupants within the proposed homes.

A Noise Impact Assessment has thus been submitted as part of the application. It is identified that the main sources which have the potential to affect the proposed residential plots are road traffic on Main Road; the commercial industrial operations to the southwest, the Shuttington and Alvecote Parish Hall and its sports fields to the north. The initial outline assessment has been made of the potential noise impact of these sources on the proposed residential plots. The assessment has been carried out to investigate potential constraints on residential development at the outline planning stage based on the submitted indicative masterplan. The Environmental Health Team has reviewed the report and suggests that a further assessment must be carried out to establish the worst case noise conditions on the site once the proposed layout is known. It is noted that a potential significant source of noise could be dog racing held on Saturdays from March onwards and thus this activity and other events in the parish hall have not been sufficiently assessed at this time. Whilst the events at the Parish Hall are relatively infrequent however, further monitoring would be required to assess the impact from these events and to recommend any suitable mitigation measures. The future layout of the site should therefore bear this in mind and look to have the houses located away from the boundary with the Hall. The future Assessment can be conditioned and its scope agreed with the Environmental Health Officer.

#### **f) Surface Water Drainage**

Warwickshire County Council as the Lead Local Flood Authority has no objection to the proposal subject to the imposition of conditions.

#### **g) Affordable Housing**

Policy NW6 (Affordable Housing Provision) requires that 40% of the dwellings be affordable units. This can be required through a Section 106 Agreement whereby 40% of the dwellings will be affordable units – that is 10 - with 6 of these units being socially rented units and the remaining 4 being shared ownership. The Council's Housing Officer is supportive of this mix in the context of Shuttington's housing needs.

#### **h) Access to services and education**

Warwickshire County Council has not asked for any contributions towards education from this proposal.

#### **i) Other Matters**

The Application is accompanied by a Coal Mining Risk Assessment, but the application site has not been the subject of either a Phase I Desk Study or a Phase 2 Intrusive Ground Investigation.

The Coal Authority mining report confirms the likely presence of coal seams at or close to the ground surface. The risk therefore posed to the ground surface from any un-recorded workings in shallow coal seams is assessed as high. The Coal Authority

report also confirms that there may be local area mine entries of which the Coal Authority have no knowledge and shallow un-recorded workings are likely to be present beneath the site. The risk of un-recorded mine entries is assessed to be moderate.

The assessment sets out a mitigation strategy going forward. Measures are required to confirm and quantify the risk associated with the presence of coal seams at or close to the ground surface. It is proposed that a scheme of probe drilling is required to confirm the underlying geology. If unrecorded mine works were identified at shallow depth stabilisation using drilling and grouting would be required.

Furthermore as the coal seams that underlie the applications site at shallow depth are generally considered productive, the risk of unrecorded mine entries being present is assessed as moderate. Should any unrecorded workings be identified, then the risk from unrecorded mine entries should be increased to high. The risk can be better quantified by stripping the ground surface to natural ground and carrying out a visual inspection. If evidence of unrecorded mine entries are found they will require investigation and potentially drilling, grouting and capping.

Concerns have been expressed about sewerage and utility pipework under the site. The information provided by Severn Trent Water in the Flood Risk Assessment indicates that there are no public sewers within the site boundary. In respect of foul water drainage then the same letter indicates that a gravity connection can be made to a public combined sewer to the east of the site.

Finally it is identified that there are gas mains and equipment owned by Cadent within close proximity of the application site. Cadent have provided an informative for the developer to engage with Cadent prior to development.

These matters are taken forward by condition and will be formally assessed at the reserved matters stages

## **Conclusion**

As reported above the presumption here is that planning permission should be granted unless there are demonstrable significant harms identified. The assessment above based on the consultation responses is that there are none arising and that where there are issues these can be dealt with by planning conditions. It is thus considered that in the final planning balance this outline proposal (with its details of access) can be supported.

## **Conditions**

The recommendation below includes the use of pre-commencement condition(s) (this is a condition imposed on a grant of planning which must be complied with before any building or operation comprised in the development is begun or use is begun). The Town and Country Planning (Pre-commencement Conditions) Regulations 2018 provide that planning permission for the development of land may not be granted subject to a pre-commencement condition without the written agreement of the applicant to the terms of the condition. In this instance the Agent has formally agreed these prior to the presentation of the Application to Planning and Development Board.

## Recommendation

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

### Standard Conditions

1. This permission is granted under the provisions of Article 4(1) of the Town & Country Planning (Development Management Procedure) (England) Order 2010 on an outline approval, and the further approval of the Local Planning Authority shall be required with respect to the under-mentioned matters hereby reserved before any development is commenced:-

- (a) appearance
- (b) landscaping
- (c) layout
- (d) scale

#### REASON

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

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

#### REASON

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

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

#### REASON

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

### Defining Conditions

4. The development hereby approved shall not be carried out otherwise than in accordance with the plan referenced 1719-02 entitled 'Site Plan' received by the Local Planning Authority dated 11<sup>th</sup> January 2019 and the access arrangements as set out on plan number T18524/001 also received on 11/1/19. The layout to be included in the reserved matters referred to above in condition 1 shall include open and amenity open space adjacent to the site's boundary with the village hall.

#### REASON

To ensure that the development is carried out strictly in accordance with the approved plans and that it respects the presence of the adjoining occupier.

5. The maximum number of dwellings hereby permitted shall not be greater than 24.

#### REASON

To protect the character of the area and ensure that a detailed scheme harmonises with the immediate and wider surroundings.

#### Pre-commencement conditions

6. The development shall not be commenced until a scheme for the provision and the delivery of affordable housing has been submitted to and approved by the Local Planning Authority in writing. In accordance with the provisions of Policy NW6 of the North Warwickshire Core Strategy Adopted October 2014, 40% of the development shall be delivered as affordable housing, achieved through on site provision or through a financial contribution in lieu of providing affordable housing on-site.

The scheme shall include the following details:

- i) The numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 40% of housing units being affordable housing.
- ii) the tenure of the housing units;
- iii) the timing of their construction, and their phasing in relation to the occupancy of the market housing at the application site;
- iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing units; and
- v) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

#### REASON

To make appropriate provision for the delivery of affordable housing in accord with the provisions of Policy NW6 of the North Warwickshire Core Strategy Adopted October 2014.

7. No development shall take place until full details of the finished levels, above ordnance datum, of the ground floors of the proposed buildings, in relation to existing ground levels have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved levels.

#### REASON

To ensure the proposal would be in-keeping with the rural setting

8. Prior to the submission of any Reserved Matters applications for any phase of development a Written Scheme of Archaeological Investigation shall have been submitted to and approved in writing by the local planning authority. The scheme shall include:
- i) the programme and methodology of site investigation and recording;
  - ii) the programme for post investigation assessment and analysis;
  - iii) the provision to be made for publication and dissemination of the analysis;
  - iv) the provision to be made for archive deposition of the analysis and records of the site investigation;
  - v) the submission of an Archaeological Mitigation Strategy to be submitted to and approved in writing by the local planning authority.

The Strategy shall then be implemented as approved.

#### REASON

In view of the application sites location within an area of archaeological potential.

9. No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority and Local Highway Authority. The Plan shall provide for: the anticipated movements of vehicles; the parking and loading/unloading of staff, visitor, and construction vehicles; the loading and unloading of plant and materials; the storage of plant and materials used in constructing the development; a turning area within the site for construction vehicles; wheel washing facilities and other measures to prevent mud/debris being passed onto the public highway; delivery, demolition and construction working hours; a HGV routing plan; noise control during construction; details of the contact for any local concerns with the construction activities on the site.

The approved Construction Management Plan shall be adhered to throughout the construction period for the development.

#### REASON:

To safeguard the character and appearance of the area, living conditions and road safety.

10. Prior to the commencement of the development the relevant site investigations as recommended within the Coal Mining Risk Assessment Report (GRM, 22<sup>nd</sup> November 2018) received by the Local Planning Authority dated 11<sup>th</sup> January 2019 are undertaken. No works shall take place until the undertaking of an appropriate scheme of intrusive site investigations and a submission of a report of findings arising from the intrusive site investigations has been undertaken prior to development. All works shall be carried out by a competent person and



agreed in writing by the Local Planning Authority prior to commencement of development.

\* The submission of a report of findings arising from the intrusive site investigations;

\* The submission of a scheme of remedial works for approval; and

\* Implementation of those remedial works. All works shall be carried out by a competent person and agreed in writing by the Local Planning Authority prior to the commencement of development.

11. No works other than demolition shall take place until a preliminary assessment for contaminated land has been undertaken. If the assessment identifies potential contamination a further detailed investigation shall be carried out and details of remediation measures shall be provided where necessary. All works shall be carried out by a competent person and agreed in writing by the Local Planning Authority prior to commencement of development.

#### REASON

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised.

12. In the event that contamination is found under Condition 11, at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Planning Authority. An investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority.

#### REASON

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised.

13. Where remediation works have been carried out in pursuance with the preceding conditions 11 and 12, a post remediation verification report shall be submitted in writing to and approved by the Local Planning Authority before the development is first occupied.

#### REASON

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised.

14. Prior to the submission of a reserved matters application for any phase of development, an independent noise consultant must undertake a comprehensive assessment to determine noise levels on the site arising from use and activity both inside and outside of the adjoining Village Hall. The same must identify any

noise mitigation measures that might be required so to meet the standard of BS8233:2014 Guidance on sound insulation and noise reduction for buildings.

#### REASON

To identify the nearby noise receptors and mitigate these to protect the amenities of future occupants at the site.

15. No development shall commence until details of electric vehicle charging bays are submitted and approved in writing by the local planning authority. Prior to first occupation the electric charging points and bays shall be installed in accordance with the approved details.

#### REASON

To ensure the development provides suitable and usable locations for sustainable travel.

16. No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority in consultation with the LLFA. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall include the following information:
  - Provide Ground Investigation details and infiltration testing in accordance with the BRE 365 guidance to establish the feasibility of using infiltration to manage the surface water runoff from the site. Where infiltration is feasible this should be used as a primary means of outfall from the development site.
  - Demonstrate that the surface water drainage system(s) are designed in accordance with 'The SuDS Manual', CIRIA Report C753 through the submission of plans and cross sections of all SuDS features.
  - Limit the discharge rate generated by all rainfall events up to and including the 100 year plus 40% (allowance for climate change) critical rain storm to the QBar Greenfield runoff rate of 2.8l/s.
  - Demonstrate the provisions of surface water run-off attenuation storage are provided in accordance with the requirements specified in 'Science Report SC030219 Rainfall Management for Developments'.
  - Demonstrate detailed design (plans, network details and calculations) of the surface water drainage scheme including details of all attenuation and outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.

- Provide plans and details showing the allowance for exceedance flow and overland flow routing. Water must not be directed toward properties nor flow onto third party land. Overland flow routing should look to reduce the impact of an exceedance event.

REASON

To prevent the increased risk of flooding; to improve and protect water quality; and to improve habitat and amenity.

17. Prior to the commencement of any development of site the following shall be submitted to and approved in writing by the Local Planning Authority:

- A scheme of intrusive site investigation/gas monitoring
- A report of the findings arising from the intrusive site investigations/gas monitoring
- A scheme of remedial works/mitigation

The approved remedial works/mitigation shall be fully implemented.

REASON

In order to address the Coal Mining legacy at the site.

18. That a scheme for the landscaping of the site, including the retention of any existing trees, hedgerows and shrubs and planting of additional trees, hedgerows and shrubs, shall be submitted to and approved in writing by the Local Planning Authority before development commences.

REASON:

To safeguard the character and landscape of the area.

19. Bat and bird boxes shall be installed in accordance with details including phasing that have been submitted to and approved in writing by the Local Planning Authority before development commences.

REASON:

To safeguard and enhance biodiversity.

20. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed in accordance with the approved details before the buildings are occupied.

REASON:

To safeguard the character and appearance of the area and protect residential amenity.

21. The development hereby permitted shall not be occupied until a scheme for the provision of adequate water supplies and fire hydrants necessary for firefighting purposes at the site, has been submitted to and approved in writing by the local Planning Authority. The approved scheme shall be implemented in full prior to occupation of any dwelling to the satisfaction of the Local Planning Authority.

REASON

In the interests of Public Safety from fire and the protection of Emergency Fire Fighters.

22. No occupation and subsequent use of the development shall take place until a detailed maintenance plan, written in accordance with CIRIA C753, is implemented and provided to the LPA giving details on how surface water systems shall be maintained and managed for the lifetime of the development. The name of the party responsible, including contact name and details, shall be provided to the LPA and LLFA within the maintenance plan.

REASON

To ensure the future maintenance of the sustainable drainage structures.

23. The development shall not be occupied until a turning area has been provided within the site so as to enable the largest vehicle likely to enter the site, to leave and re-enter the public highway in a forward gear.

REASON

To ensure appropriate access and site circulation

24. The development shall not be occupied until the access for vehicles to the site and footway along the norther side of Main Road have been provided in general accordance with Drawing Number T18524.001.A and to the standard specification of the Local Highway Authority.

REASON

In the interests of Highway safety.

Ongoing

25. The access to the site shall not be reconstructed/widened in such a manner as to reduce the effective capacity of any drain or ditch within the limits of the public highway.

REASON

In the interests of Highway safety.

26. No external lighting shall be installed on any external wall or roof of any building or within the open land comprised in the application site other than in accordance with details first submitted to and approved in writing by the local planning authority.

REASON

To protect the character of the area.

## BACKGROUND PAPERS

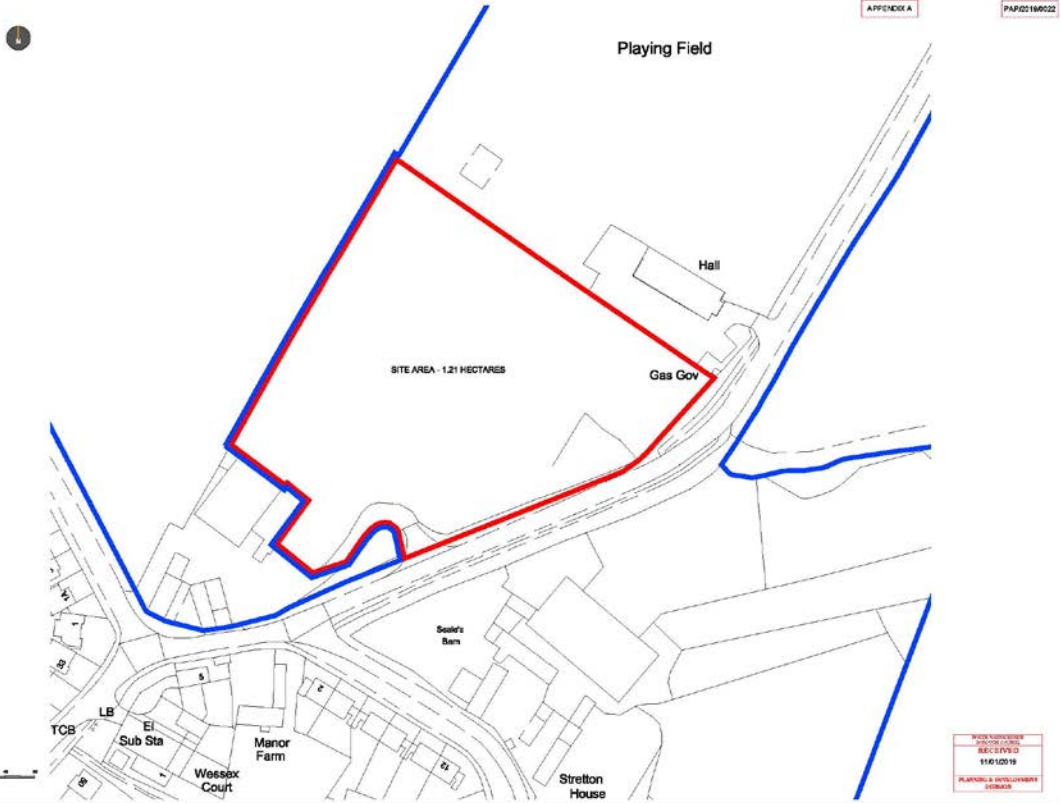
Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Planning Application No: PAP/2019/0022

Background Paper No	Author	Nature of Background Paper	Date
1	The Agent	Application Forms, Plans and Statement(s)	11.01.2019
2	The Agent	Site Location Plan	11.01.2019
3	The Agent	Artists Impression 1719-20	11.01.2019
4	The Agent	Illustrative Masterplan Final	11.01.2019
5	NWBC Waste and Transport Manager	Consultation Response	30.01.2019
6	Warwickshire County Council Highways	Consultation Response	30.01.2019
7	Design Out Crime Officer Warwickshire Police	Consultation Response	1.02.2019
8	Warwickshire Rights of Way Officer	Consultation Response	4.02.2019
9	Warwickshire County Council Fire and Rescue	Consultation Response	5.02.2019
10	Lead Local Flood Authority	Consultation Response 1	8.02.2019
11	Coal Authority	Consultation Response	11.02.2019
12	Warwickshire County Council Ecological Services	Consultation Response	12.02.2019
13	Warwickshire County Council Archaeology	Consultation Response	13.02.2019
14	Warwickshire County Council Ecological Services	Consultation Response Addendum	18.02.2019
15	NWBC Environmental Health	Consultation Response	22.02.2019
16	NWBC Housing Team	Consultation Response	28.02.2019
17	Warwickshire County Council Infrastructure Team	Consultation Response	5.03.2019
18	Lead Local Flood Authority	Consultation Response Final	27.03.2019
19	George Elliot Trust	Consultation Response	4.06.2019
20	Cadent	Consultation Response	14.06.2019

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

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



SITE PLAN  
1719-02

Plot Number	Description
1	2 Bedroom Detached
2	3 Bedroom Detached
3	2 Bedroom Detached
4	3 Bedroom Detached
5	3 Bedroom Detached
6	3 Bedroom Detached
7	3 Bedroom Detached
8	3 Bedroom Detached
9	3 Bedroom Detached
10	3 Bedroom Detached
11	3 Bedroom Detached
12	3 Bedroom Detached
13	3 Bedroom Detached
14	3 Bedroom Semi Detached
15	3 Bedroom Semi Detached
16	3 Bedroom Semi Detached
17	3 Bedroom Semi Detached
18	3 Bedroom Semi Detached
19	3 Bedroom Semi Detached
20	3 Bedroom Semi Detached
21	3 Bedroom Semi Detached
22	3 Bedroom Semi Detached
23	3 Bedroom Semi Detached
24	3 Bedroom Semi Detached
25	3 Bedroom Semi Detached
26	3 Bedroom Semi Detached
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