

Agenda Item No 4

Planning and Development Board

8 April 2019

Planning Applications

Report of the Head of Development Control

1 Subject

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

2 Purpose of Report

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

3 Implications

- 3.1 Should there be any implications in respect of:

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

4 Site Visits

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

5 **Availability**

- 5.1 The report is made available to press and public at least five working days before the meeting is held in accordance with statutory requirements. It is also possible to view the papers on the Council's web site: www.northwarks.gov.uk.
- 5.2 The next meeting at which planning applications will be considered following this meeting, is due to be held on Monday, 20 May 2019 at 6.30pm in the Council Chamber at the Council House.

6 **Public Speaking**

- 6.1 Information relating to public speaking at Planning and Development Board meetings can be found at:
https://www.northwarks.gov.uk/info/20117/meetings_and_minutes/1275/speaking_and_questions_at_meetings/3
- 6.2 If you wish to speak at a meeting of the Planning and Development Board, you may either:
- e-mail democraticservices@northwarks.gov.uk;
 - telephone (01827) 719222; or
 - write to the Democratic Services Section, The Council House, South Street, Atherstone, Warwickshire, CV9 1DE enclosing a completed form.

Planning Applications – Index

Item No	Application No	Page No	Description	General / Significant
1	PAP/2017/0278	5	Land at, Nuneaton Road, Mancetter, Outline application for erection of up to 115 dwellings with public open space, landscaping and sustainable drainage system (Suds) and vehicular access point from Nuneaton Road. All matters reserved except for means of access	General
2	PAP/2018/0140	33	Land East of Castle Road & North of Camp Hill Road, Hartshill & Nuneaton, Outline application for mixed development comprising the erection of up to 382 residential (class 3a) dwellings together with a local centre providing up to 280sqm net sales area with ancillary parking (22 spaces) associated access to Castle Road and Camphill Road (including demolition of 116 and 118 Camp Hill Road), sustainable drainage system (Suds) open space, landscaping and related infrastructure works, including courtyard bungalow development of two bed sheltered bungalows (Class C3b) and 28 x 2, 3 and 4 (Class 3a) discount for sale ""starter homes""	General
3	PAP/2018/0687 & PAP/2018/0689	66	Land South Of Warton Recreation Ground, Orton Road, Warton, Approval of reserved matters for appearance, landscaping and scale following planning application PAP/2017/0551 dated 03/08/2018 Variation of condition 4 of planning permission PAP/2017/0551 relating to site location plan and site access plan in respect of the developable area.	General
4	PAP/2018/0744	75	Land South East Of M42 Junction 10, Trinity Road, Dordon, Approval of reserved matters for appearance, landscaping, layout and scale relating to ""Phase 2 Unit 4"" of development addressing land east of Trinity road	General

5	PAP/2019/0141	88	St Marys Church, Friars Gate, Atherstone, Works to trees protected by a tree preservation order	General
6	PAP/2019/0153	91	Land Rear of 1 to 6, St Benedicts Close, Atherstone, Works to tree in Conservation Area	General
7	PAP/2019/0154	93	St Mary and All Saints Church, Coventry Road, Fillongley, Work to tree in Conservation Area	General

General Development Applications

(1) Application No: PAP/2017/0278

Land at, Nuneaton Road, Mancetter, CV9 1NL

Outline application for erection of up to 115 dwellings with public open space, landscaping and sustainable drainage system (Suds) and vehicular access point from Nuneaton Road. All matters reserved except for means of access, for

Gladman Developments Ltd

Introduction

The receipt of this application was reported to the Board a little while ago, but it is now brought for determination. The delay in reporting was largely caused by the need for further archaeological assessments as well as resolving a number of outstanding technical matters. For convenience the previous report is attached at Appendix A. It is not proposed to repeat the content of that report apart from updating it where necessary. It should however be treated as an integral part of the determination of the case

The three significant changes in material planning circumstances since the earlier report are the adoption of the Mancetter Neighbourhood Plan in July 2017 such that it is now part of the Development Plan; publication of the revised NPPF in early 2019 and the submission of the Local Plan for North Warwickshire in November 2018 with the subsequent ongoing Examination in Public. These will be referred to below.

Apart from a revision of the access arrangements into the site off the Nuneaton Road, there has been no change to the proposal itself.

The application site is illustrated at Appendix B.

The illustrative Master Plan is at Appendix C.

Representations

Mancetter Parish Council – It objects to the proposal as the site is outside of the defined development boundary for Mancetter. However if it is to be approved, then the development must protect the heritage and archaeology in the area; provide high quality links into Mancetter, satisfy the Highway Authority, reflect the character of Mancetter, retain a buffer with the permitted chicken shed to the east and ensure that the capacity of local schools and health facilities are considered.

Ten letters of objection have been received referring to the following matters:

- The Transport Assessment should take account of Dobbies; HGV movements at The Green and the Woodford Lane junction on the A5.
- Who will maintain the open space?
- The access point will be dangerous

- The development should not look like an estate
- The chicken broiler permission will have an impact
- Existing infrastructure is at capacity – e.g. car parking in Atherstone
- The site floods
- There is no footpath on Quarry Lane
- Brownfield sites should be used first
- Loss of views

Consultations

Warwickshire County Council as Highway Authority – No objection subject to conditions including a footpath extension to join up with the existing pavement along Nuneaton Road.

Highways England – No objection.

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

Warwickshire County Fire Services – No objection.

Warwickshire County Council as Flood Authority – Initially lodged an objection and at the time of preparing this report its final response is still awaited. The Board will be updated at the meeting.

Environmental Health Officer – No objection subject to conditions.

Network Rail – No objection subject to standard advice and conditions.

Warwickshire Wildlife Trust – No objection in principle subject to conditions.

Natural England – No objection in principle.

Warwickshire Museum – It lodged an objection requiring pre-determination investigations on that part of the site to be developed. That has now been completed and as a consequence the objection has been withdrawn subject to conditions.

Historic England – It originally objected to the proposal, but on the conclusion of additional on-site evaluation work and proposed mitigation measures, it has concluded that the proposals would cause less than substantial harm to the nearby Scheduled Ancient Monuments. However the level of harm is within the upper half of the less than substantial scale and mitigation is unlikely to reduce that harm to below the middle of less than substantial harm.

Ancient Monument Society – It defers to Historic England

Severn Trent Water Ltd - No objection.

Environmental Health Officer – No objection subject to suitable conditions in respect of further ground investigation and noise mitigation measures to be built into any new dwellings.

NWBC Tree Officer – No objection.

NWBC Housing – No objection.

Draft Section 106 Agreement

A draft Section 106 Agreement would include the following obligations:

- Education - £260,700 to go towards the QE School in Atherstone
- Police - £14,768 to go towards enhancing existing facilities
- WCC Primary Care - £24,958 towards improvements or extensions to the Atherstone Surgery
- George Eliot NHS Trust - £46,763 to go towards enhancing existing hospital services
- WCC Highways - £22,500 towards improving the bus stop outside of the former Plough Inn in Nuneaton Road and towards a Traffic Regulation Order extending the 30mph speed limit eastwards to beyond the site access.
- Rights of Way - £6,786 towards maintaining public footpaths within the vicinity of the site
- Affordable Housing – 40% on-site provision.

Development Plan

In light of the adoption of the Mancetter Neighbourhood Plan, a full list of relevant Plan policies follows.

The Core Strategy 2014 – NW1 (Sustainable Development); NW2 (Settlement Hierarchy), NW4 (Housing Development), NW5 (Split of Housing Numbers), NW6 (Affordable Housing Provision), NW10 (Development Considerations), NW11 (Renewable Energy), NW12 (Quality of Development), NW13 (Natural Environment), NW14 (Historic Environment), 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), TPT1 (Transport Considerations), TPT3 (Access and Sustainable Travel) and TPT6 (Vehicle Parking)

Mancetter Neighbourhood Plan – DP1 (Sustainable Development); SB2 (Development Outside of Settlement Boundaries), BE1 (Mancetter Conservation Area), BE2 (Protecting and Enhancing Local Character), BE3 (Protecting and Enhancing Archaeological Sites), NE and L1 (Protecting the Countryside and Landscape), T and A1 (Development related traffic requirements) and CFOS3 (Designation of Local Green Spaces)

Other Material Planning Considerations

As above, an up to date list is as follows.

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

The Submitted Local Plan for North Warwickshire 2018 – LP1 (Sustainable Development); LP2 (Settlement Hierarchy), LP7 (Housing Development), LP9 (Affordable Housing Provision), LP14 (Landscape), LP15 (Historic Environment), LP16 (Natural Environment), LP17 (Green Infrastructure), LP25 (Transport Assessments), LP29 (Walking and Cycling), LP31 (Development Considerations), LP35 (Water Management) and LP36 (Parking)

The North Warwickshire Landscape Character Appraisal 2010

The Mancetter Conservation Area Designation Report

The Community Infrastructure Regulations 2010

Observations

The previous report identified a number of key issues in the determination of this application. These will be covered in the following paragraphs.

a) The Principle of the Development

The application site is outside of the development boundary defined for Mancetter in the Core Strategy. It does however adjoin that boundary, as it abuts the rear of frontage residential properties on the south side of Quarry Lane and those on the west side of the Nuneaton Road. However the proposed developable part of the application site only adjoins a small length of the boundary at its far south-eastern edge. It is neither land proposed for new development within the Strategy. Notwithstanding this, Mancetter itself is combined with Atherstone and identified as a “Market Town” in Policy NW2 of the Strategy. That Policy says that new development will be permitted in the combined development boundary or adjacent to it. So whilst not allocated, the proposed application site would accord with the Policy, notwithstanding its limited link to the actual developable area.

Members are aware too, that following the Daw Mill appeal decision, the development boundaries of the Strategy are out-of-date. Given the conclusion above, the weight to be given to its potential for development is increased.

The Mancetter Neighbourhood Plan supports only small scale new residential development outside of development boundaries and this proposal would not accord with policy SB2 of that Plan. However because of the matters raised above, that conclusion carries little weight.

The NPPF (paragraph 11) says that where the most important policies for the determination of determining an application are out of date, then planning permission should be granted unless one of two conditions are satisfied. The first is that any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies the NPPF taken as a whole. Secondly, it is when policies in the NPPF that protect areas or assets of particular importance provide a clear reason for refusal. The relevant policies include those that relate to designated

heritage assets and non-designated heritage assets of archaeological importance which are demonstrably of equivalent significance to scheduled monuments. As a consequence, even with the overall conclusion set out in the previous paragraph, there are two further assessments needed before there can be unqualified support given to the proposal in principle. These assessments carry substantial weight being in the NPPF.

There are further considerations to apply here too. The first is that the Council can demonstrate a five year housing land supply – 5.8 years as at March 2018. The second is that the Council can demonstrate that it is meeting the Housing Delivery Test as set out in the NPPF. These factors are considered to reduce the weight given to the benefits side of the final planning balance because they reduce the need to cover or fill any gap in the overall objective of delivering new housing.

A further consideration is the Submitted Local Plan now at Examination. Notwithstanding that the Examination Inspector has indicated that the housing requirement for the Borough should rise above the Core Strategy Level, the application site is still not an allocated site. However until the Inspector publishes his final report, the content of this emerging Plan can only carry moderate weight and the Council will not rely on it in the final planning balance.

This report therefore will lead towards an assessment of the final planning balance. On the benefits side of that balance is the support given by Policy NW2; the need to meet the Council's housing requirements and the fact that para 11 of the NPPF is engaged because of the out-of-date development boundaries. There is thus a presumption of approval. The report will focus on the harm side of the balance because of the engagement of the NPPF, to see whether that presumption is outweighed through an assessment of the two conditions described above.

b) Highway Impacts

The applicant's Transport Assessment has been scrutinised by both Highways England and the County Council as Highway Authority to the extent that both of their initial objections have been withdrawn. Highways England was satisfied that the traffic to be generated from the development would not have a material impact on the A5 and the County Council was satisfied that with amendments the design of the proposed access onto the Nuneaton Road could be agreed.

The County's response however does pick up on the NPPF's increased emphasis on alternative modes of transport as well as safety issues. As a consequence it has asked for the following measures:

- The extension of the 30 mph speed limit to beyond the proposed access. This is not in the applicant's gift, but a contribution towards the cost of making the appropriate Traffic Regulation Order is requested from the applicant. This would appear in the draft 106 Agreement.
- The extension of the footpath that presently ends at the last house on the southern Nuneaton Road frontage along to the proposed access. This would probably be achieved through a Section 278 Highway Agreement, but would need to be conditioned.

- Contributions towards improvements to the bus stop outside the former Plough Inn which is the closest stop to the development. This would be in the draft 106 Agreement.

The final responses from the two Highway Authorities should be given substantial weight and as a consequence it is considered that traffic impacts would not cause more than limited harm.

The representations received refer to safety issues about the proposed access and general wider traffic impacts. In both cases the relevant Highway Authorities have been fully involved. The County Council has deliberately sought amendments to the access to the site to make it safer and has concluded that there would be no material impact. It is not considered that these representations would outweigh the responses from the relevant statutory Highway Authorities.

It is in these circumstances that the proposal is considered to accord with Policy NW10 of the Core Strategy and Policy T and A1 of the Mancetter Neighbourhood Plan.

c) Drainage Issues

The site is in Flood Zone One which is the zone with the lowest risk of fluvial flooding. The site is however bisected by a small water course in a depression where there is slightly greater risk. The site levels fall towards this water course and thus the general approach towards surface water discharge from the applicant is to drain to the road frontage and attenuate that flow in the form of balancing ponds before discharge into the water course. The geology of the site suggests that infiltration to ground water might become a greater issue. Other mitigation measures such as raising finished floor levels are also proposed.

The County Council acting as Lead Local Flood Authority originally objected to the proposal but its final response is awaited.

Foul water would drain by gravity to connect to the existing public sewer network in Nuneaton Road. Severn Trent Water has confirmed that there is capacity in that network and that it will undertake any necessary works in respect of capacity at the Atherstone Treatment Works.

These responses from the relevant Agencies will carry substantial weight and dependant on the comments of the County Council it is not anticipated that drainage issues would cause significant harm. The representations received would not override this conclusion as the proposals would in effect provide on-site betterment. The proposals would, subject to the final receipt of the County's response, be likely to accord with Policy NW10 of the Core Strategy.

d) Ecological Issues

Members will know that the NPPF requires there to be bio-diversity gains as a consequence of new development proposals. However where there are losses identified, then compensation in the form of bio-diversity off-setting needs to be addressed. In this case the applicant has undertaken a full ecological appraisal of the site and this has been reviewed by the Warwickshire Wildlife Trust.

There are no designated sites on or adjoining the site and the nearest are a significant distance away – Ensor’s Pool and Woodlands and Jee’s Quarries. Similarly non-designated local wildlife sites are dispersed around the site and are some distance away.

The applicant’s appraisal describes the site as being two arable fields with field hedgerows but none of “importance” under the Hedgerow Regulations. The stream that bisects the site has steep banks and is lined with mature trees and woodland. There is also a small pond close to the West Coast Main line. The site therefore offers some diverse habitats which have resulted in potential for badgers, bats and newts.

The accompanying tree survey supports the illustrative Master Plan for the site in that it shows retention of the existing tree cover. Notwithstanding some loss of trees to facilitate the access and road layout the overall conclusion is that additional planting around the perimeter of the site would more than compensate for this loss. The Council’s tree officer does not object to the proposal.

The Warwickshire Wildlife Trust has reviewed the appraisal and confirms that there is likely to be no overall nett loss of bio-diversity, indeed there would be a small nett gain. This is because the valued elements of the site are to be retained and enhanced - the northern field is to be left open; the water course and its banks are to be left untouched along with the majority of the hedgerows. The enhancements proposed include wildflower meadow seeding in the northern field; improvements to wildlife connectivity throughout the site, the introduction of the sustainable drainage measures on site and strengthening of existing hedgerows. These measures would be included in a Landscape and Ecological Management Plan which in the event of an approval, would be conditioned.

Given this response it is not considered that the development would cause significant harm to the overall ecological value of the site, but that there would be some nett benefit. The proposal thus accords with Policies NW13 and NW16 of the Core Strategy and Policy NE and L2 of the Neighbourhood Local Plan.

e) Landscape and Visual Amenity

In terms of landscape character then the site straddles the Anker Valley and the Baddesley to Hartshill Uplands Landscape Character Areas.

The main characteristics of the former are its valley landform with a predominantly and intensively farmed arable landscape and pockets of pastoral land close to the river and settlements which have an urbanising influence connected by transport routes. The applicant concludes that the effects on this character description would be confined to the site itself and particularly localised to its southern half and to up to 200 metres around the site. That impact would be adverse, but as indicated, only local in extent. There would be no impact arising from the northern half.

The main characteristics of the second Area are its distinct and unified upland landscape on steeply sloping and undulating rocky scarps with a complex land use pattern of settlements, woodland, recreation, quarrying and farmland. The applicant reaches similar conclusions in respect of impacts on this description as before.

Overall therefore he concludes that the impact on landscape character would be localised although permanent in extent, but proposed planting would further mitigate these impacts. This summary is agreed as the overall landscape descriptions would not

be materially affected suggesting that in overall landscape terms the development could be absorbed without significant harm.

In terms of the visual impact of the proposals then the applicant has looked at this from a variety of different viewpoints. He has concluded that there would be medium to moderate adverse impacts from the edge of Mancetter, but these would be limited to its periphery with no impacts from Hartshill or Witherley. He concludes that there would be medium to moderate adverse impacts from users of the railway, Nuneaton Road and Quarry Lane, but that these would be transitory. In respect of the local footpath network, there would be low adverse impacts, again largely because of the transitory nature of the impact. There would also be low adverse impacts when viewed from the higher land to the south – the Hartshill Hayes Country Park. This is a consequence of the development being some distance away and lying within a small depression.

Overall therefore he concludes that there will be adverse visual impacts but that these are generally of low significance for a variety of reasons. However it needs to be pointed out that development at the far southern end of the site does lie on higher ground and it is considered that this would be perceived as an outlier to Mancetter when viewed from the higher ground to the south-west, rather than as being part of the built form of that settlement. However in overall terms, there would be no significant harm caused. It is considered that the proposals accord with Policy NW13 of the Core Strategy and Policy NE and L1 of the Mancetter Neighbourhood Plan.

f) The Impact on the Character and Appearance of the Area

Notwithstanding the overall conclusion reached in the section above, there is concern that the proposal does not accord with Policy NW12 of the Core Strategy which says that new development must positively improve a settlement's character and appearance and the appearance and environmental quality of an area. In this case, part of the assessment here deals with conservation and enhancement of the historic environment. This will be dealt with subsequently below, so at this time it is the policy imperative as outlined above that will need assessment. This Policy is supplemented by Policies DP1 and BE2 of the Neighbourhood Plan.

Mancetter is a compact settlement whose built form is constrained – the slopes down to the River Anker; the west coast main line, Quarry Lane and the Nuneaton Road. It is not a settlement that is characterised by ribbon development along traffic routes or is it one that displays a dispersed or scattered built form containing open spaces. Its recent expansion has been westwards.

The proposed development is wholly at odds with this local distinct character. It extends built form by developing in depth along the Nuneaton Road extending the settlement eastwards. Its developable area is unconnected to the settlement visually or physically because of the exclusion of the northern field and built development on its higher sections will be visible upsetting the openness of this side of the village.

It is not considered that the development therefore “positively improves” the settlement's character and appearance as required by Policy NW12. This conclusion is given added weight by the content of Section 12 of the NPPF – particularly paragraph 127. Here there is reference to developments adding overall quality to an area; being sympathetic to local character and history including the surrounding built environment and landscape setting and establishing a strong sense of place. These criteria add detail to the generality of NW12 and support the overall conclusion.

The proposal is thus not considered to accord with Policies NW12 of the Core Strategy and BE2 of the Neighbourhood Plan.

g) Ground Conditions

The documentation submitted with the application suggests that there is a low risk of the site being contaminated, but that further intrusive investigations need to be scoped for two areas of the site – adjoining the rail line and around a derelict shed. This could be dealt with by planning condition. The Environmental Health Officer agrees and thus there is not considered to be a significant harm caused if the development were to proceed in these circumstances. The proposal accords with Policy NW10 of the Core Strategy.

h) Local Services and Facilities

Representations received refer to the impact of this development on local services which are considered to be operating at capacity at the present time. The relevant Agencies have been consulted and the responses are reported in the section above describing the draft Section 106 Agreement. Contributions have been requested and as can be seen they relate to enhancements for local facilities – e.g. the QE School and the Surgery.

It is in these circumstances that it is considered that the impacts on local services would not be significant and thus little harm would be caused. The proposal accords with policies NW1 and NW22 of the Core Strategy.

i) Affordable Housing

The proposal includes 40% on-site provision for the delivery of affordable houses. This is a policy compliant provision and thus Policy NW6 of the Core Strategy is satisfied.

j) Open Space and Recreation

A small play area is to be provided on site, but the most significant aspect here is the retention of the northern field as an undeveloped open amenity space. The proposal would satisfy Policy NW10 of the Core Strategy and Policies CFSO1 and 2 of the Mancetter Neighbourhood Plan.

The issue here though is that in the event of an approval, the open space, and particularly the northern field has to be properly maintained and managed. The applicant proposes a Management Company as one would be used to maintain the open and amenity space of the proposed development half of the site. However there is an argument that because of the archaeological significance of the northern part of the site and its potential contribution to the Council's objectives to widen the Borough's tourism and business opportunities, that the land should be within the control of the Council. This is an option that will need to be worked through but at present, in terms of the determination of the application; it is relevant that there are options available.

k) Air Quality, Noise and Odour

The applicant's noise assessment recommends that mitigation measures will be required to screen noise in respect of some outside gardens and internal rooms – i.e. those closest to the railway line and to the Nuneaton Road. These measures would include planting; close boarded fencing, acoustic glazing and ventilation. These matters can be addressed in the final design following any grant of an outline approval. At this stage there is no significant harm caused by the noise environment in the locality to warrant an adverse impact.

In respect of air quality arising from traffic generation, the applicant's assessment shows that there would be no significant harm caused. It is accepted that there would be a decrease in air quality because of the nature of the development, but the projected levels would not approach the minimum thresholds necessary to give rise to concern.

The applicant has also considered the effect of the planning permission for the broiler unit – 100 metres to the south-west of the application site. He concluded that as the Planning Inspector in that case agreed that there would be no harmful odour impact at the nearest residential properties to that development at 110 metres, that there would be no significant consequence for the proposed development as the closest of the new houses would also be at this distance.

These conclusions have been confirmed by with the Council's Environmental Health Officer.

In these circumstances there is not considered to be a significant harmful impact arising from these considerations. Representations have drawn attention to these matters, but the Environmental Health Officer's response would carry substantial weight in this assessment. The proposals would accord with Policy NW10 of the Core Strategy.

l) Heritage Impacts – Conservation Area and Listed Buildings

The application site is not within the Mancetter Conservation Area. However it does abut the south-east corner of the Area in Quarry Lane. The Council has a statutory duty to have special regard to the desirability of preserving and enhancing the character or appearance of Conservation Areas.

The significance of the Conservation Area is that it encapsulates a group of historic buildings which once formed the core of the historic environment. The area centres on the church, its church yard and the green fronted by the Gramer's Almshouses and Mancetter Manor. There are a number of historic and listed buildings around the Green. The eastern side remains largely undeveloped characterised by open fields leading down to the River Anker. Buildings here retain sufficiently wide gaps to maintain open views. The eastern boundary is marked by residential frontages but it is close to open countryside. There has been extensive expansion of the village towards the west such that it now is part of the built up area of Atherstone.

The greatest impact on this description arising from the development would be the transition from open countryside to the built up area of the village as approached from the east. However that would have a limited impact on the character and appearance of the Conservation Area. This is because of the separation distance of the proposed built area of the site; the prevailing character of the established built development between the site and the Area not being of high historic merit and the prospect of visual mitigation through landscaping along the site's road frontage. As such there is

considered to be less than substantial harm caused to the character and appearance of the Conservation Area and this would be at the lower end of that harm.

The Council also has a statutory duty to have special regard to the desirability of preserving the setting or any features of special architectural or historic interest of Listed Buildings in the locality of a development proposal. Here there are no such buildings adjoining the site but there are several to the north within the core of the historic core of the village. The most significant are the Church (Grade 1); The Manor House (Grade 2 star), Gramer Cottages and Almshouses (Grade 2) and Mancetter Manor (Grade 2 star). There are also a number of non-designated assets. It is not considered that the development would impact on the settings of any of these assets. There is no inter-visibility between them and the assets have quite contained settings. The open views to the Manor from across the open land towards the A5 would not be prejudiced. For the same reasons the railway crossing keeper's cottage on Quarry Lane is obscured by modern bridge abutments and the listed Buildings fronting the A5 in Witherley are sufficiently distant not to have settings physically or visually challenged by the proposals. As a consequence less than substantial harm would be caused to the settings of these assets and that would be at the lower end of that harm.

Members will be aware that even less than substantial harm carries great weight in the final planning balance and this will be carried forward.

Because Policy NW14 of the Core Strategy deal with heritage assets as a whole, it is not appropriate to conclude on whether the proposal accords with it at this stage. As the proposal does not involve development in the Conservation Area, Policy BE1 of the Neighbourhood Plan carries no weight.

m) Heritage Impacts – Archaeology

The impact of the proposals on the extent of Roman archaeology in Mancetter is the central issue in the final planning balance and thus it will be dealt with separately in this section. Policy NW14 refers to all heritage assets as does Section 16 of the NPPF. The Neighbourhood Plan refers to heritage assets in DP1, but specifically to this Roman archaeology in Policy BE3.

There are two Scheduled Ancient Monuments very close to the application site – A Roman Camp which is defined in three areas of Mancetter Village and The Manduessedum Roman Villa and settlement which occupies an extensive area to the south–east of the village. These are illustrated at Appendix C.

In terms of the significance of these assets, then the Roman Camp includes parts of a succession of Roman vexillation fortresses and other camps, which are important to understanding Roman military strategy during the early period of Roman occupation. Further archaeological remains of the succession camps are known to survive outside of the scheduled monument area including the northern part of the application site. It therefore has the equivalent significance to those of a Scheduled Monument. In this case, the Monument occupies an elevated position on the west side of the River Anker which is best appreciated in important views south and east from the monument where there is presently an absence of development. The setting of the monument therefore makes a positive contribution to the significance of the monument in both the evidential value of surviving archaeological remains associated with the fort and the appreciation of its elevated strategic position.

The Manduessedum Scheduled monument is particularly important because of the survival of a large number of Roman features within the landscape, including a villa, a defended settlement, an industrial complex, a number of Roman roads, a port and ferry settlement, early field systems and human burials. These features developed over a long period and provide insights into some of the more scarce and less well recognised elements of Roman occupation. Although close to modern built development, the surrounding landscape remains principally rural in character and makes a positive contribution to the significance of the setting of the monument.

The Camp and villa sites also have a topographical relationship and this increases their significance. The camp's elevated position in relation to the settlement is very evident when viewed from the latter. This emphasises the strategic location of the camp and the selection of the settlement's location in an area under its control. It is the absence of development between these heritage assets and on raised ground to the east of the camp, that helps preserve this experience of the relationship between the two monuments.

The applicant has undertaken an assessment of the potential impacts of the development on these two Monuments and in particular the settings. The two essential conclusions are firstly that by removing all possibility of any new development in the northern most of the two fields comprising the application site, the degree of harm to the setting of the Roman Camp Monument and any possible disturbance to underground features as reported above, would be substantially removed. Secondly, an archaeological evaluation of the southern field was undertaken in accordance with a Scheme agreed by the County Archaeologist, which showed a Roman Road to the fort and indications of iron slag in a pit suggesting that iron smelting was taking place in the vicinity. Together with the objective of reducing the impact of the development on the setting of the Roman Camp, this led to a series of mitigation measures being proposed by the applicant on the southern field – the layout would accommodate the route of the Roman road (building on its line); all buildings would be two storey in height, there would be strengthened perimeter planting – particularly along the northern boundary of the developable area as well as in the housing area itself and an on-going programme of archaeological works. These measures are illustrated on the plan at Appendix C.

Historic England has reviewed the proposals with these measures included. In particular it concludes that as the camp looks down into the proposed site, an increase in tree planting along the watercourse will not achieve effective screening as the housing and associated infrastructure in the higher parts of the developable area will still be readily visible and harm the current contribution that the site makes to the significance of the monument. Tree planting along the Nuneaton Road would not effectively screen the development in views from the Manduessedum site towards the roman camp and therefore harm will occur, due to a weakening through distraction of the dominance of the camp's elevated position. The proposed building height restriction would still mean that buildings would be visible from both sites.

It therefore repeats its overriding concern that the setting of the Roman Camp Monument makes a strong positive contribution to the significance of that monument. The experience of the fort's dominant position in the landscape is most evident in this southeast side of the monument and the non-designated parts that are directly linked to it. This contribution comes from the views to and from the monument on this side; the relationship between the fort and the settlement below, the present rural setting which gives an understanding and experience of the landscape in which the fort was constructed and this is far more evident on this side of Mancetter. It concludes that the proposals would still diminish the contribution made by the setting. In short, this side of

the monument should remain open. The mitigation measures are of benefit, but the overall level of cumulative harm, whilst now less than substantial, is still at the higher level of that harm.

The NPPF says that the more important the heritage asset is, the greater the degree of weight should be given to its conservation. These assets are of national importance and thus the conclusion of Heritage England has to be given substantial weight in the final planning balance.

It is therefore considered that the proposals do not accord with Policy NW14 of the Core Strategy or Policy BE3 of the Neighbourhood Plan.

As a consequence the Board will need to follow the approach set out in the NPPF. This is to weigh the harm caused against the public benefits of the proposal. This exercise should be taken in the context of the assessing the application as a whole and this is set out in consideration of the final planning balance below.

n) The Draft 106 Agreement

All Members will be aware that Section 106 Agreements have to accord with the Statutory requirements which are set out in the CIL Regulations. Those Members that sit on the Section 106 Working Group too will have seen the evidence base that the Planning Inspectorate requires when it considers such Agreements against the Regulations. The draft terms of the Agreement relating to this application are set out above. Officers are fully satisfied that each obligation meets the CIL Regulations and that there are both evidential and planning policy reasons for their inclusion. Members can take comfort from other cases, where similar obligations were included and successfully tested at appeal.

o) The Final Planning Balance

As outlined right at the beginning of this section there is a presumption in favour of supporting this development. However that is subject to the two assessments set out in the NPPF - whether there is significant and demonstrable harm caused when the NPPF is considered as a whole, or where the policies of the NPPF that protect areas or assets of particular importance provide a clear reason for refusal. It is the second of these that has to be considered here given the conclusions under sections (l) and (m) above. It is proposed to review the second of these first, given that this was where harm was assessed as being caused in the preceding section of this report.

On the public benefits side of the balance the applicant considers that there are social, environmental and economic benefits. In summary these are identified as:

- The delivery of much needed new housing in a suitable and sustainable location
- The delivery of a wide range of houses including a policy compliant provision of 40% on-site affordable dwellings
- Formal and informal open space and green infrastructure
- Job opportunities when the site is under construction – 97 over a four year build out period

- The Council would benefit from £900,000 in New Homes Bonus over a five year period
- Household expenditure would be around £1,659,000 a year within the local economy
- And a net gain in bio-diversity

He considers that these benefits carry significant added weight in view of the Examination Inspector's initial note that the Emerging Local Plan should be looking for a substantial step change in housing provision in the Borough and that in his view there is still not a five year housing land supply. It is therefore his position that these benefits outweigh any cumulative harm caused by the development including that caused to the protected archaeological assets.

Officers take a different view.

As has been reported at the beginning of this section it is accepted that Policy NW2 of the Core Strategy is out of date in respect of its development boundaries and thus paragraph 11 of the NPPF is engaged – in other words that there is presumption in favour of supporting this proposal. The applicant considers that these matters in essence clearly outweigh harms. However less weight is given to the housing benefits than the applicant and greater weight is given to the protection required for heritage assets, such that the balance swings in the opposite direction.

In respect of the first matter it is agreed that the Examination Inspector is looking for a step change in housing delivery in the Borough, but it is of substantial weight that notwithstanding this, this site is not included as an allocated or as a safeguarded site in the Submitted Local Plan. This is because of the potential harm caused to heritage assets. Secondly, the Examination Inspector asked the Council to update its five year housing figure for the benefit of the Examination. This leads to a 5.8 year supply using a 5% buffer. Moreover the Council is meeting the new Housing Delivery Test as set out in the NPPF. It is for these reasons that the weight to be given to the applicant's housing delivery benefit is significantly weakened.

In respect of the second matter then Historic England maintains that even with the mitigation measures set out above, that the harm caused to the significance of the heritage assets here is at the upper end of less than substantial. This is because the essence of that significance is its openness which would be compromised here and secondly, because the heritage assets are of national importance thus attracting greater weight as recognised by the NPPF.

It is agreed that other benefits would accrue as set out by the applicant but employment benefits would be largely temporary and other developments in the Market Town of Atherstone with Mancetter will enhance local expenditure and subsequent increases in Council Tax will compensate for the loss of the Housing Delivery Bonus. Affordable housing will also be delivered in the Market Town through other developments.

As a consequence of all of these factors, it is concluded that the public benefit test of the NPPF in respect of the harm caused to heritage assets is not satisfied. The proposal cannot therefore be supported under paragraph 11 (d) (ii) of the NPPF.

The schedule of potential harms assessed above confirms that there were two areas where there is significant demonstrable harm likely to be caused – the first was in respect of the conservation and protection of historic assets. The other was in respect of the adverse impact on the character and appearance of Mancetter and the environmental quality of the area – Policy NW12 of the Core Strategy; BE2 of the Neighbourhood Plan and Section 12 of the NPPF. Again it is not considered that the benefits of the proposal would outweigh that harm. This is for the reasons already outlined. This would therefore lead to the conclusion that the proposal neither can be supported under paragraph 11 (d) (i) of the NPPF.

Recommendation

That subject to there being no objection from the Warwickshire County Council as the Lead Local Flood Authority, planning permission be **REFUSED** for the following reasons:

1. It is considered that significant and demonstrable harm is caused to the setting of two nationally important heritage assets – the Scheduled Ancient Monument sites of the Mancetter Roman Camp and the Manduessedum Roman villa – to the degree that the public benefits supporting the proposal are not outweighed by that harm in the final planning balance. The proposals do not therefore accord with Policy NW14 of the North Warwickshire Core Strategy 2014 and Section 16 of the National Planning Policy Framework 2019.
2. It is considered that significant and demonstrable harm is caused because the proposal does not positively improve the character and appearance of Mancetter or the environmental quality of the area. This is because of the lack of connectivity and positive integration of the new built development with the built form of Mancetter. The proposal does thus not accord with Policy NW12 of the North Warwickshire Local Plan 2014 and Section 12 of the National Planning Policy Framework 2019.

Notes

1. Notwithstanding the refusal, the Planning Authority has met the requirements of the NPPF in this case through the exchange of information in respect of technical issues in order to overcome objections so as to focus on the central heritage issue.

BACKGROUND PAPERS

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

Planning Application No: PAP/2017/0278

Background Paper No	Author	Nature of Background Paper	Date
1	Mancetter PC	Objection	31/7/17
2	Resident	Objection	3/8/17
3	Resident	Objection	26/6/17
4	Resident	Objection	16/6/17
5	Resident	Objection	17/6/17
6	Resident	Objection	19/6/17
7	Resident	Objection	15/6/17
8	Resident	Objection	27/6/17
9	Resident	Objection	27/6/17
10	Resident	Objection	27/6/17
11	Resident	Objection	28/6/17
12	Environmental Health Officer	Consultation	15/6/17
13	WCC Police	Consultation	16/6/17
14	Natural England	Consultation	15/6/187
15	Warwickshire Fire Services	Consultation	20/6/17
16	WCC Museum	Consultation	23/6/17
17	WCC Rights of Way	Consultation	23/6/17
18	WCC Museum	Consultation	2/2/17
19	WCC Infrastructure	Consultation	
20	Ancient Monuments Society	Consultation	3/7/17
21	Place Partnership	Consultation	3/7/17
22	Consultant Heritage Officer	Consultation	7/7/17
23	NWBC Housing	Consultation	19/7/17
24	WCC Highways	Consultation	14/7/17
25	GE NHS Trust	Consultation	7/7/17
26	NWBC Tree Officer	Consultation	4/8/17
27	Network Rail	Consultation	27/11/17
28	WCC Highways	Consultation	22/12/17
29	WCC Museum	Consultation	2/2/18
30	WCC Highways	Consultation	24/5/18
31	Warwickshire Wildlife Trust	Consultation	22/6/18
32	WCC Education	Consultation	
33	WCC Public Health	Consultation	
34	WCC Flooding	Consultation	23/6/17
35	STW Ltd	Consultation	31/5/17
36	Highways England	Consultation	26/9/17
37	Highways England	Consultation	26/9/17
38	WCC Flooding	Consultation	5/3/17
39	Historic England	Consultation	22/12/17
40	Historic England	Consultation	26/6/17
41	Historic England	Consultation	29/6/18

42	Historic England	Consultation	21/3/19
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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.

(6) Application No: PAP/2017/0278**Land at, Nuneaton Road, Mancetter, CV9 1NL****Outline application for erection of up to 115 dwellings with public open space, landscaping and sustainable drainage system (Suds) and vehicular access point from Nuneaton Road. All matters reserved except for means of access, for****Gladman Developments Ltd****Introduction**

The receipt of this application is reported to the Board in view of its significance to the settlement of Mancetter, such that Members can understand the proposal and the issues involved prior to its determination at a later meeting. Consultations and notifications are underway and responses will be reported to the Board in due course when the application is reported for determination. These consultations include local residents as well as the usual range of Agencies and infrastructure providers.

A recommendation is also made for Members to undertake an accompanied site visit as the majority of the site is not accessible to the public.

The Site

The application site comprises two arable fields measuring approximately 8.6 hectares in size and lies on the south east edge of the settlement of Mancetter. The site is bounded to the north by a local road known as Quarry Lane; to the east by Nuneaton Road, to the south by a hedgerow and an agricultural field and to the west by an embankment associated with the West Coast Main Line railway. At the centre of the site is a small stream lined by a hedgerow and block of woodland.

The larger outline site is illustrated at Appendix A.

The Proposal

This outline application is for the erection of up to 115 dwellings with all matters reserved except for means of access. The proposal is accompanied by an Initial Development Framework which shows the following:

Potential developable area = 3.33 hectares
Public Open Space = 1.06 hectares
Informal Open Space = 3.3 hectares
Landscape Mitigation = 0.75 hectares
Drainage Basin = 0.19 hectares

The application is supported by a large amount of accompanying Information which comprises of:

- 1) Design and Access Statement
- 2) Landscape and Visual Impact Assessment
- 3) Transport Assessment
- 4) Travel Plan

- 5) Ecological Appraisal
- 6) Arboricultural Assessment
- 7) Preliminary Risk Assessment (Phase 1 Site Investigation)
- 8) Flood Risk Assessment Report
- 9) Foul Drainage Analysis Report
- 10) Air Quality and Odour Screening Report
- 11) Noise and Vibration Assessment Report
- 12) Archaeological Desk Based Assessment
- 13) Geophysical Survey Report
- 14) Statement of Community Involvement
- 15) Planning Statement
- 16) Socio-Economic Statement

There is potential to create new pedestrian footways and access points off Nuneaton Road and Quarry Lane via new and existing field gateways.

The following Draft Heads of Terms for a Section 106 Agreement are submitted:

40% affordable housing provision which equates to up to 46 affordable dwellings on site with a mixture of affordable rented units and shared ownership units.

Other possible financial contributions that may be required by statutory consultees towards:

- Education
- Health Services
- Public Open Space
- Biodiversity Offsetting
- Public Transport and Highway Works

Development Plan

North Warwickshire's Core Strategy Adopted October 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), 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), TPT1 (Transport Considerations), TPT3 (Access and Sustainable Travel and Transport) and TPT6 (Vehicle Parking)

Other Material Planning Considerations

National Planning Policy Framework 2012

National Planning Practice Guidance 2016

The Council's Draft Local Plan 2016

Observations

The site lies outside of the Development Boundary for Mancetter. Policy NW2 in North Warwickshire's Core Strategy states that residential development for Market Towns such as Atherstone with Mancetter, will be considered where sites adjoin the development boundary. Policy NW18 (Atherstone) in the Core Strategy goes on to state that further growth of the Atherstone and Mancetter area, outside of the current boundaries, will be focused in the broad direction north of Holly Lane Industrial Estate and South of the Anker Valley floodplain. This site has not been identified as a preferred housing allocation for Atherstone/Mancetter in the Council's 2016 Draft Local Plan.

The proposed development of this green field site highlights the following key issues which will need to be addressed:

- 1) Sustainability** - That the sustainability of the site is assessed to ensure that residential development is appropriate for this site and that such a development scheme will be easily assimilated into the neighbouring settlement of Mancetter. Nuneaton Road does have a regular bus service with two bus stops within 150 metres of the site. These stops are served by the No.48 service between Leicester and Coventry and the No. 767 local service between Tamworth and Nuneaton. However, at present, the public footpath along Nuneaton Road does not extend up to this site.

The site adjoins Mancetter's settlement boundary. Policy NW2 (Settlement Hierarchy) in the Core Strategy identifies Mancetter with Atherstone as being a Category 1 Market Town settlement. The site is located within approximately 1.5km from a wide range of community facilities including a nursery/pre-school, a primary school, a secondary school, a special needs school, an adult day care facility, a church, a village hall, a scout group headquarters, a public house, a convenience store, a post office, a park with play and sport pitches and a garden centre.

- 2) Infrastructure** - That the existing infrastructure is able to accommodate this level of development in this location. In particular, there is an issue that the proposed development scheme may impact on the highway safety of road and pedestrian users along Nuneaton Road and with the junction onto the A5 Trunk Road. The proposal involves the creation of a new vehicular access onto Nuneaton Road. As previously mentioned, there is not a public footpath along the frontage of this site. Policy NW10 and Saved Policies ENV14 and TPT3 stress the importance of ensuring that the vehicular access to the site is safe and the need to demonstrate that priority is given to pedestrians, cyclists and those using public transport.
- 3) Impact on the Setting of the Scheduled Ancient Monument and the Roman Fort** – There are no designated heritage assets within the application site boundary. There are two Scheduled Monuments in close proximity to the application site being the Roman Camp which is scheduled in three locations being 20 metres north-west, 100 metres north and 200 metres north of the proposed site and the Manduessedum Roman Villa and settlement with associated industrial complex located 160 metres north-east of the application site. Policy NW14 (Historic Environment) in the Core Strategy states that such assets will be protected and enhanced, commensurate to the significance of the asset. Development on this site has the potential to affect the Scheduled

Monument either directly or indirectly. The site also has the potential to contain below-ground heritage assets within and around the site. In addition to this, Mancetter's Conservation Area lies approximately 30 metres to the north-west. An Archaeological Desk-Based Assessment has been submitted with this application for consideration.

- 4) Loss of Ecology** - The proposal involves the loss of a green field site and the loss of vegetation. The proposed development will require the removal of a lot of the site's hedgerows including the felling of trees. None of the trees are protected by a Tree Preservation Order. Policy NW15 (Nature Conservation) states that development should help ensure that there is a net gain of biodiversity and geological interest by avoiding adverse impacts first then providing appropriate mitigation measures and finally seeking positive enhancements wherever possible. An Ecology Appraisal and an Arboricultural Report have been submitted with the application.
- 5) Surface Water Drainage Issues** – The site includes a brook. The site is located within Flood Zone 1. However, an element of surface water flooding is shown on the maps held by Warwickshire County Council. A Flood Risk Assessment has been submitted with the application. The proposal is to construct a surface water attenuation pond on the site.
- 6) Visual Impact on the Surroundings** – A topographic survey of the site has been undertaken. The site falls from approximately 85m AOD at the southern corner, to approximately 73.5m AOD at the lowest extent of the eastern boundary. The final site levels and ground floor levels of dwellings have not yet been determined. The proposed access would join Nuneaton Road at around 75m AOD. A Design and Access Statement and a Landscape and Visual Impact Assessment accompany the application.
- 7) Ground Contamination** – The site is generally classed as a low risk from potential contamination to human health, vegetation and ground water. Areas of moderate risk have been identified on the site for example, adjacent to the rail embankment. An area of high risk has been identified where a shed with an asbestos roof stood. A Phase 1 Site Appraisal has been submitted investigating the former uses of the land. This report recommends that a targeted Phase 2 site investigation and risk assessment is undertaken focussed on the areas of moderate and high risk.
- 8) Residential Amenity** - The proposed development scheme has the potential to impact on the residential amenity of neighbouring properties by virtue of overlooking, loss of privacy and disturbance due to traffic. The proposal adjoins the West Coast Main Line. The proposal also adjoins the site where planning permission has been granted at appeal for the erection of a 40,001 bird broiler unit. Policy NW10 seeks to ensure that development proposals avoid and address unacceptable impacts upon neighbouring amenities for adjoining residential properties and for the occupiers of the proposed dwellings through overlooking, overshadowing, noise, light, fumes or other pollution. An Air Quality and Odour Screening Report and a Noise and Vibration Assessment Report have been submitted for consideration.

9) Affordable Housing - The proposed development scheme does include a commitment to provide affordable housing provision of 40% of the dwelling houses as required under Policy NW6 (Affordable Housing Provision). The provision will include rented housing as well as shared ownership. The mix of housing types and tenures will need to be agreed with the Housing Officer. A Statement of Community Involvement and a Socio-Economic Statement has been submitted with the application.

Recommendation

That the application be noted and that Members agree to undertake a site visit.

BACKGROUND PAPERS

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

Planning Application No: PAP/2017/0278

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	26/5/17

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

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

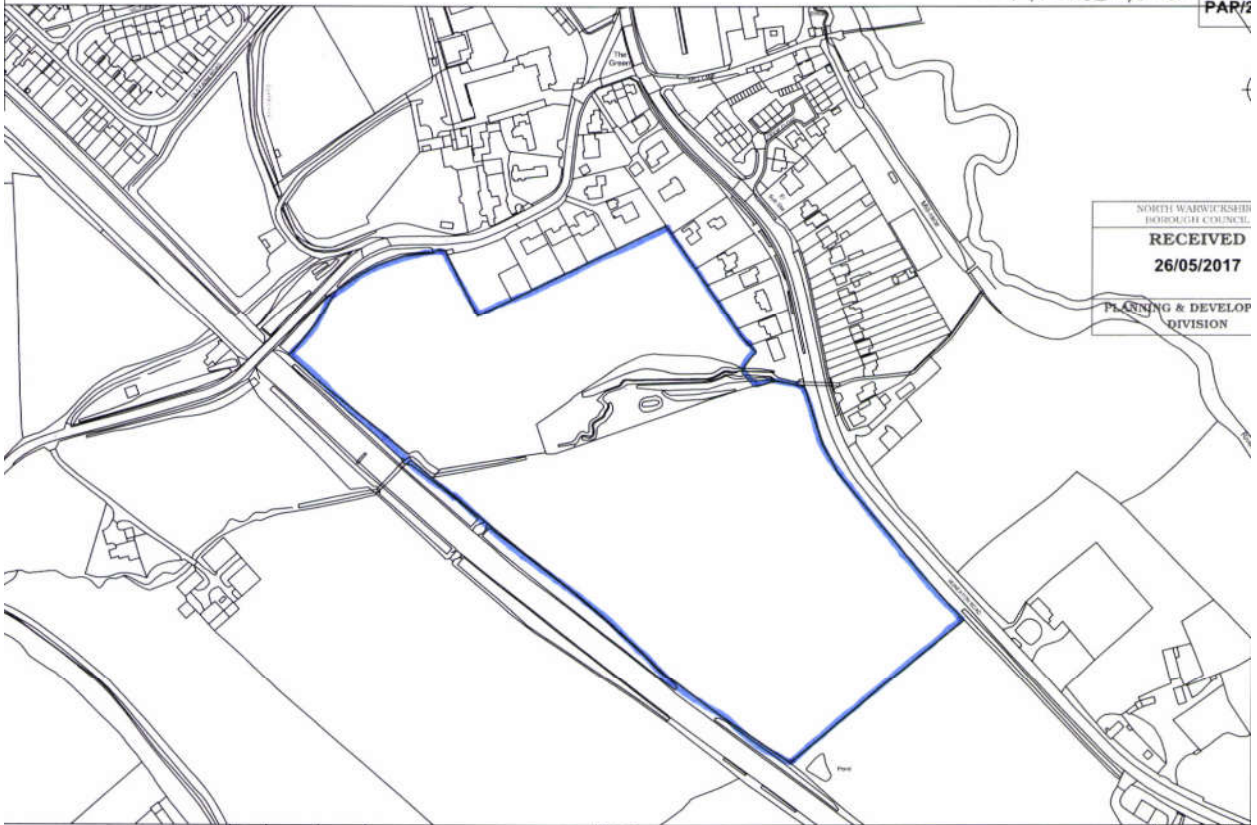
APPENDIX A – SITE LOCATION PLAN




APPENDIX B – PROPOSED DEVELOPMENT LAYOUT



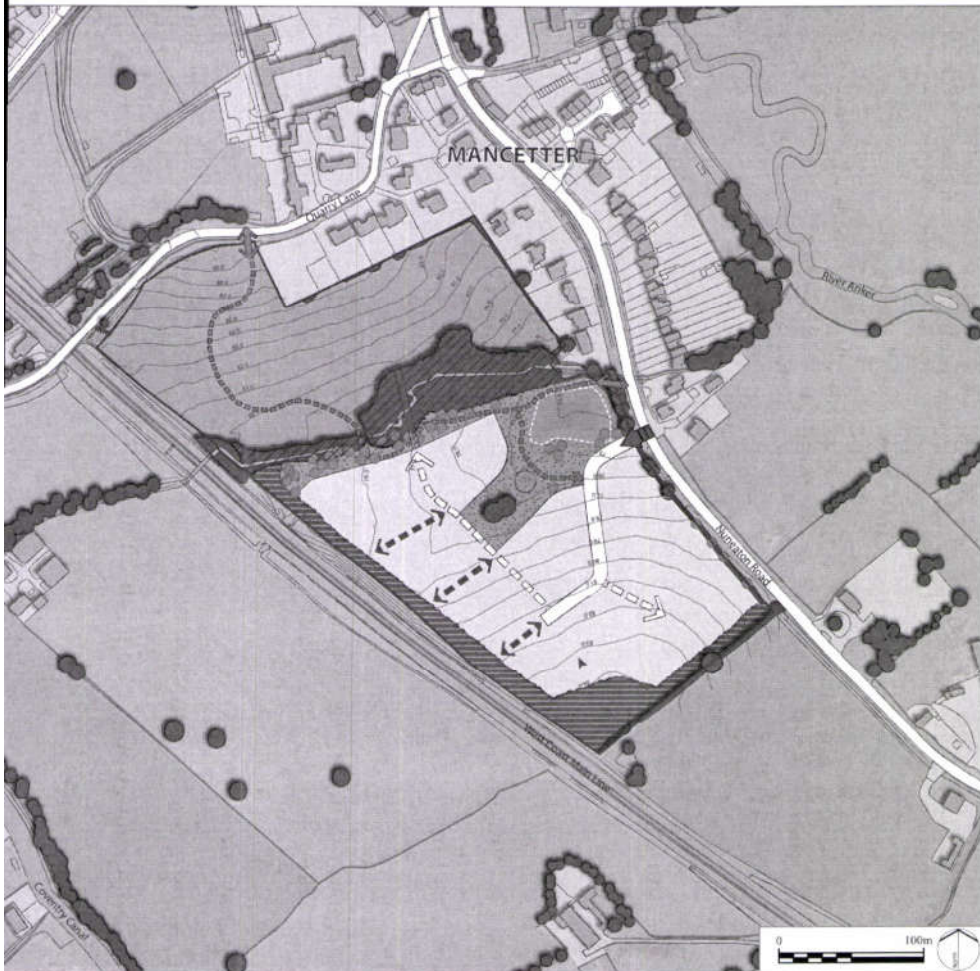




SOUTH WARWICKSHIRE
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DIVISION

 <p>GLADMAN Gladman Road, Keresland's Rise Compton Verdon Park Compton, Oxford OX12 1LR Tel: 01296 268888 Fax: 01296 268881 www.gladman.co.uk</p>	<table border="1"> <tr> <td>*</td> <td>*</td> <td>*</td> <td>*</td> </tr> <tr> <th>Rev</th> <th>Date</th> <th>By</th> <th>Revision notes</th> </tr> <tr> <td colspan="4"> <p>Status</p> <p style="text-align: center;">Legal</p> </td> </tr> </table>			*	*	*	*	Rev	Date	By	Revision notes	<p>Status</p> <p style="text-align: center;">Legal</p>				<p>Project</p> <p style="text-align: center;">Nuneaton Road, Mancetter</p>	<p>Drawn by CLG</p> <p>Scale(s) 1:125</p>	<p>Issue</p>
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	Rev	Date	By	Revision notes														
<p>Status</p> <p style="text-align: center;">Legal</p>																		
			<p>Title</p> <p style="text-align: center;">Location Plan</p>	<p>Drawing No</p> <p style="text-align: center;">2014-1</p>														

APPENDIX C



- LEGEND**
- Application boundary (8.67ha)
 - Potential site access
 - Potential developable area (3.33ha)
 - Proposed public open space (1.06ha)
(includes watercourse and treeline area south of the watercourse)
 - Informal Open Space (3.20ha)
 - Proposed landscape mitigation (0.75ha)
(includes effect to railway line and south eastern hedgerow)
 - Proposed location of drainage basin (0.19 ha)
 - Proposed play area (0.04ha)
(indicative location)
 - Proposed primary road (indicative alignment)
 - Proposed secondary road (indicative alignment)
 - Proposed secondary road with street trees (indicative alignment)
 - Proposed tree planting
 - Potential pedestrian link
 - Potential informal footpath (indicative alignment)
 - Retained trees & scrub
 - Retained hedgerows
 - Retained watercourses
 - Historic view corridor through removal of ground storey vegetation
 - Succession tree planting in existing woodland / tree belt
 - Contours (1m interval)

PAP/

B Contours added
 A Minor amendments following comments from Cgls
 REV. DESCRIPTION

LDADesign

PROJECT TITLE
**NUNEATON ROAD
 MANCETTER**

DRAWING TITLE
INITIAL DEVELOPMENT FRAMEWORK

ISSUED BY	Peterborough	T: 01733 310
DATE	Apr 2018	DRAWN
SCALE@A3	1:2500	CHECKED
STATUS	Final	APPROVED

DWG. NO. 6475_101_B

No dimensions are to be scaled from this drawing.
 All dimensions are to be checked on site.
 Area measurements for indicative purposes only.

© LDA Design Consulting Ltd. Quality Assured to BS EN 290
 Sources: Ordnance Survey, FPCH Tree Survey (ref: 6538-A-02)

Notes: Ordnance Survey material by permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown Copyright 2016. All rights reserved. Reference number 0100031673
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(2) Application No: PAP/2018/0140

Land East of Castle Road & North of Camp Hill Road, Hartshill & Nuneaton,

Outline application for mixed development comprising the erection of up to 382 residential (class 3a) dwellings together with a local centre providing up to 280sqm net sales area with ancillary parking (22 spaces) associated access to Castle Road and Camphill Road (including demolition of 116 and 118 Camp Hill Road), sustainable drainage system (Suds) open space, landscaping and related infrastructure works, including courtyard bungalow development of two bed sheltered bungalows (Class C3b) and 28 x 2, 3 and 4 (Class 3a) discount for sale "starter homes", for

Tarmac Trading Limited

Introduction

The receipt of this application was reported to the Board a little while ago and it is now reported for determination. Members will be aware of the general outline of the proposed development from that report and the earlier presentations made to the Board by the applicant. For convenience and as part of the consideration of the determination, that initial report is attached at Appendix A. It is not proposed to repeat the content of that here, only to update it where appropriate.

One of the proposed access points to enable the development is off the Camp Hill Road and that is located within the Nuneaton and Bedworth Borough Council's area. A planning application has been submitted to that Council for those works. That Council has indicated that it will await determination of the principal application prior to its consideration of its application.

The application site is illustrated at Appendix B and an illustrative Master Plan is attached at Appendix C. More detail on the two access points is provided at Appendices D and E.

Representations

Hartshill Parish Council – It acknowledges that it has been engaged with the applicant throughout the process and that its approach towards the application has been to seek a development which is in accordance with the criteria set out in its Neighbourhood Plan.

Twenty five letters have been received from local residents objecting to or making representations on the proposal. The matters referred to are:

- There are too many houses being proposed – they are not needed.
- There are safety concerns about the proposed two vehicular access points; concerns about the amount of traffic that will use these, also amenity concerns particularly in respect of additional traffic now passing directly by houses and rear gardens and the relocation of the bus stop.
- Access should be via Mancetter Road not Camp Hill Road.

- The working at the quarry has resumed and this will impact on the development – air quality/noise and vibrations from the blasting. Housing next to the quarry is not appropriate.
- There will be an adverse impact on trade at the established retail stores in Hartshill from the proposed centre
- More bungalows are needed
- There is not enough capacity in the local schools and health centres
- There will be a loss of village character
- The outfall from the drainage is into a residential area
- The proposal is contrary to the Neighbourhood Plan
- There will be loss of wildlife from the development.

A letter from Marcus Jones MP indicates that he has concerns about the impact on existing highway infrastructure bearing in mind other developments approved, particularly in the Galley Common area.

Consultations

Warwick County Archaeologist - Following a significant amount of evaluation work undertaken after an initial objection, there is no objection, subject to standard pre-commencement conditions.

Warwickshire County Council as Highway Authority - Following initial objections a substantial amount of additional work has been undertaken resulting in the withdrawal of that objection subject to conditions and Section 106 contributions.

Warwickshire County Council as Lead Local Flood Authority - Following initial objections there has been a significant amount of additional information supplied such that the objection has been withdrawn subject to standard conditions.

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

Sport England – No objection subject to proportionate contributions being agreed towards open space/recreation and sports facilities.

Historic England – No objection as less than substantial harm is likely to be caused.

Warwickshire Wildlife Trust – There is no net gain in bio-diversity and thus an objection was lodged, but this is now tempered by bio-diversity offsetting as set out in the draft 106 terms.

Environmental Health Officer – No objection.

Director of Housing – No objection.

A Draft Section 106 Agreement – Heads of Terms

Draft terms for a Section 106 Agreement have been submitted amounting to just over £3 million worth of contributions. These are itemised below:

Education – A total of £1,746,415 has been requested by the Warwickshire County Council. This includes contributions towards the Hartshill Secondary School; Michael Drayton Junior School and Camp Hill Primary School, as well as for early years' provision and for sixth form and SEND support.

Libraries – A contribution of £7053 towards the Hartshill Library.

Primary Care – A contribution of £250, 000 towards a new Hartshill Surgery.

George Eliot NHS Trust – A contribution of £200,217 towards services at the Hospital.

Police – A contribution of £48,240 towards Police services.

Sport Facilities – A contribution of £24,200 towards enhancing local facilities.

Open Space and Recreation – A total contribution of £368,000 towards improvements to the Snow Hill Recreation ground; for an on-site play area and towards maintenance of the Snow Hill Wood which would be transferred to the Parish Council.

Bio-Diversity off-setting – A contribution of £140,583 towards enhancements at Hartshill Hayes

Off-site Highways - A total of £300,000 towards improvements (traffic lights) at the B4111 Nuneaton Road/Atherstone Road/Woodford Lane junction and towards extending cycle way marking on Camp Hill Road and Green Lane to meet up with existing arrangements.

Additionally, the applicant will undertake to add traffic lights to the Bucks Hill/Victoria Road/Coleshill Road junction. This would be agreed under Section 278 of the Highways Act 1980.

Affordable Housing – 27% provision is proposed. This will include the four bungalows and the 28 starter homes.

Development Plan

The Core Strategy 2014 – NW1 (Sustainable Development); NW2 (Settlement Hierarchy), NW5 (Split in Housing Numbers), NW6 (Affordable Housing Provision), NW10 (Development Consideration), NW12 (Quality of Development), NW13 (Natural Environment), NW14 (Historic Environment), NW15 (Nature Conservation) NW20 (Services and Facilities) and NW22 (Infrastructure)

Saved Policies of the North Warwickshire Local Plan 2006 – ENV4 (Trees and Hedgerows); ENV12 (Urban Design) ENV13 (Building Design) and ENV14 (Access Design)

Hartshill Neighbourhood Plan 2017 – H14 (Land at Hartshill Quarry – Site Development Framework); H15 (Land at Hartshill Quarry – Design), H15 (Land at Hartshill Quarry –

Access and Car Parking), H17 (Land at Hartshill Quarry – Open Spaces and Green Infrastructure) and H18 (Land at Hartshill Quarry – Integrating with and enhancing the vitality of the wider area)

Other Material Planning Considerations

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

The Submitted Local Plan 2018 – LP1 (Sustainable Development); LP2 (Settlement Hierarchy), LP7 (Housing Development), LP9 (Affordable Housing Provision), LP15 (Historic Environment), LP16 (natural Environment), LP22 (New Services and Facilities), (Recreational Provision), LP29 (Walking and Cycling), LP31 (Development Considerations), LP32 (Built Form) and LP39 (Housing Allocations)

The Community Infrastructure Levy Regulations 2010

The Draft Air Quality SPD – 2019

The North Warwickshire Landscape Character Appraisal 2010

Observations

a) The Principle of the Development

Members will know that the Core Strategy identifies Hartshill and Ansley Common together as a Local Service Centre appropriate as a location for new development and that this be for a minimum of 400 houses – Policy NW5. In respect of the location for this increase in housing development, then Policy NW2 of the Core Strategy says that in Hartshill and Ansley Common, this development will be permitted in or adjacent to development boundaries. This current application site abuts the Hartshill development boundary at its western and southern boundaries and together with the recent planning permission for 75 dwellings off Coleshill Road, the proposal would accord with both of these two policies.

The site is part of a larger one that is allocated for up to 400 dwellings within the Submitted North Warwickshire Local Plan 2018 – site H19 in Policy LP39. This Plan is not yet adopted and does not therefore carry full weight. It is currently under Examination in Public and the Inspector dealing with the Plan has indicated that the housing requirement for the Borough should rise above the Core Strategy figure of 3650 by 2029 and thus the need to address a higher provision carries weight. There have been six representations submitted to the allocation H19 in the Submitted Plan and these all relate to concerns about the capacity of the infrastructure to cope – highways and local facilities. These are all however matters which are dealt with directly as a consequence of this application and will be reviewed later in this report. As such it is considered that these representations would not prejudice the determination of this application.

Members will be aware too that the development boundaries as defined by Policy NW2 of the Core Strategy have been found to be out of date. Given the fact that the application site abuts the established built up areas of Hartshill and Nuneaton; that Hartshill is identified as a Local Service Centre in the Core Strategy with a wide range of local facilities and services and that it is well served by public transport, it is considered that in general terms the proposal is sustainable development. In line with the NPPF, it should therefore be supported unless there is significant demonstrable harm caused.

These matters will be looked at below, but in principle the proposal would appear to accord with the NPPF.

The Board is aware too that as at March 2018, the Council had a 5.8 year housing land supply. Whilst this does not render the housing policies of the Core Strategy “out of date”, Members will be aware that there would have to be significant and demonstrable harms caused if the Board was minded to refuse the application on the grounds that the Borough has a five year supply. Those potential harms will be reviewed later in the report but at this stage in the report, it is considered that this possible argument should not carry substantial weight.

The Hartshill Neighbourhood Plan, as part of the Development Plan, has a set of policies that look to shape the development of the allocation H19 and as such the principle of supporting the current application is acknowledged.

When all of these matters are put together, it is considered that there is support in principle for this development and that unless there are significant and demonstrable harms caused, the Board will be recommended to do so.

A number of the representations received in respect of the planning application, refer to this matter of principle. The outline above carries greater weight than the view that too many houses are being proposed and the Neighbourhood Plan does recognise that this land will be developed. As such there is no representation made that would challenge the conclusion set out above,

The report will now turn to a review of a large number of more detailed issues to assess the level of any such harm. Many of the representations received relate to these matters too. The two central issues are highway impacts and the impact of the resumption quarrying activity directly to the north of the site. These will be addressed first.

b) Highway Matters

The applicant’s Transport Assessment has been scrutinised by the Highway Authority to the extent that the County Council’s initial objection was only very recently withdrawn. The issues that it was considering revolved around the two access points into the site and the extent of likely impacts on the surrounding highway network. Both issues dealt with matters of safety as well as those of recent planning permissions and future potential land allocations. The County Council is now satisfied that the two proposed access points are satisfactory and these are illustrated at Appendices D and E.

Much of the scrutiny of the proposal has been related to an assessment of potential off-site impacts. The Highway Authority has identified the following two measures that will be needed to mitigate those impacts:

- The developer will fully fund the cost of installing signals at the Camp Hill/Buck Hill/Coleshill Road/Victoria Road cross roads and this will be delivered through a Section 278 Agreement under the 1980 Highways Act. The cost is in the order of £510k.
- A contribution towards improvements at the Nuneaton Road/Atherstone Road/Woodford Lane junction – the junction under the West Coast Main line. This junction has been identified by the County Council in its Strategic Transport Assessment supporting the Submitted Local Plan and thus can be justified as the

application site was taken into account in that Assessment as an allocated site. The full cost of improvements here cannot be fully laid at the applicant's proposals and thus a proportionate contribution of £150k has been requested.

In order to satisfy the new NPPF's increased emphasis of alternative modes of transport, the County Council is requesting the following:

- Cycle infrastructure improvements in Camp Hill Road and Green Lane in order to connect cycle lanes from the proposed Camp Hill junction to existing lanes in Nuneaton on these two roads.

No contribution is sought in respect of public transport as the majority of the site will be within 400 metres of existing bus stops, with the remainder being within 450 metres. The existing services are good and frequent with destinations being Atherstone, Tamworth, Nuneaton and Coventry. As such there is no enhancement sought. Bus operators may in the event of an approval, choose to re-route through the development but that is a matter for them. The layout that is eventually approved however should allow for this possibility.

The outcome of the County Council's scrutiny of the proposal should be given substantial weight and as a consequence it is considered that traffic impacts can be mitigated to the extent that they are not severe and thus can be supported.

Traffic impacts generated the most concern from the representations received. Whilst the Highway Authority's response should outweigh these concerns, there were a couple of matters raised that require explanation.

The first was that there should be no second access onto Camp Hill Road with that second access being off the Mancetter Road to the east. This would in effect lead to an alternative route if not a by-pass to the several congested junctions in Hartshill. This was the original outcome when the site was first considered, but ownership issues have led to the submission of only part of the site – albeit almost two thirds. Members will be familiar with the need to determine the application submitted and not the one they might prefer. In this case the highway solution is acceptable to the County Council. The later applications dealing with layout may wish to ensure that there are no ransom strips at the eastern end of the site so as to retain the possibility of a third access point onto Mancetter Road.

The second matter was the implications for the Plough Hill Road/Coleshill Road junction in Chapel End. The County Council has taken a significant amount of time to look at impacts here. Its conclusion was that this development would only add a small amount of additional traffic at the junction, bearing in mind the great majority of new traffic at the junction would be from the extant and committed developments in Galley Common. The County Council considered that there would however be a material impact at the Bucks Hill junction and that is why the works are proposed there. This too has the benefit of impacting on the Plough Hill Road junction through better regulation of the traffic flows through the network.

As concluded above, given the response of the County Council it is considered that the impacts arising from the development are likely to give rise to limited harm.

c) The Impact of the Quarry

When the allocation for this site first appeared in the early drafts for the new North Warwickshire Local Plan, the quarry to the north was inactive. There is an extant planning permission which expires in 2042 and thus there was always the possibility of quarrying activity re-commencing. That of course has now happened with the quarry under new ownership. Its presence is a material planning consideration and significant weight has to be given to it. If approved, the new residential properties will be located close to that quarry. The potential impacts do therefore need to be assessed. In this regard these impacts are vibration as a consequence of blasting; the noise from blasting and any resultant air quality issues. The applicant undertook a number of assessments which were submitted with the application and these have been updated in light of initial comments from the Council's Environmental Health Officers; the County Council's monitoring of the site under the terms of the planning permission and complaints received from local residents about the blasting. Each of these will now be reviewed.

In respect of the first of these, the blasting takes place under controlled circumstances. The County Council acting as Minerals Planning Authority has confirmed that this activity is taking place within the parameters set out in the extant quarry planning permission. Members will be aware that the enforcement of these parameters and thus the blasting regime is the responsibility of the County Council. Its Officers have already been fully engaged with the local community since recommencement of the activity, but there has not been any enforcement action taken. Monitoring of the blasting has taken place and the most affected existing residential property is some 95 metres from the potential extraction area. As extraction nears that property, the blasting regime will alter under the conditions set out in the permission. The applicant reasonably points out that the closest of the proposed properties would be 135 metres distant from extraction operations. Again the planning permission has conditions restricting blasting levels as extraction approaches that distance. The applicant therefore points out that the quarry operations are outside of his control but that there are relevant conditions attached which recognise the approach of extraction towards his development. Non-compliance with those conditions is a matter for the Mineral Planning Authority. It is also pertinent to point out that there has been no move made by that Authority to commence a review of those conditions following the allocation of this site, even in its draft stages, and there have been no representations made to the Submitted Local Plan. These matters therefore carry significant weight and thus it is considered that there would be no material adverse impact and therefore that there is limited harm caused.

In respect of noise emissions, then the submitted assessments show that ambient noise levels even with continued blasting, will fall within accepted noise guidance. Blasting is the main noise issue raised by the representations, but blasting will not take place continually and the blasting regime is controlled by the quarry's planning permission. New residents will certainly become aware of the quarry activity, but that occurs presently. There is no evidence to suggest that any noise emitted from the quarry would result in significant adverse harm. Both the Borough Council and the County Council have access to other legislation should that be considered appropriate if there were to be material noise concerns.

The same conclusions arise from consideration of the air quality impacts of the quarry operations – i.e. dust emissions. The matter here is to control dust from blasting and from subsequent removal of the rock, at source. The current quarry permission is thus the key control here.

The Environmental Health Officer has been fully involved in all of these matters and acknowledges that the present controls operating at the quarry are not being breached. Complaints will continue to be investigated by both the Borough and the County Councils, but the enforcement of the quarry working conditions is a matter for the County.

It is in all of these circumstances that it is not considered that this issue gives rise to “unacceptable” impacts which is the test set out in Development Plan policy.

d) Heritage Matters

The application site is not within, nor does it adjoin a designated Conservation Area. However there are number of Listed Buildings around the site – notably in Hartshill and particularly the Castle and the Church. The Castle too is a Scheduled Ancient Monument. The Council has a Statutory Duty to have special regard to the desirability of preserving a Listed Building or its setting or any features of special architectural or historic interest which they possess. The applicant has undertaken a thorough assessment of the significance of each of the assets. In this case there are no direct impacts on the majority of these Listed Buildings, but the impact of the proposal on their settings does need to be assessed. In practically all of these cases however, the site is some distance away from these buildings; there is intervening development and established vegetation or the ground topography restricts visibility or ambience. There is thus no impact. However there are three assets where further assessment needs to be undertaken.

Hartshill Castle is located on the western edge of the village and is a Scheduled Ancient Monument as well as a Grade 2 Listed Building. Its significance derives from the architectural, artistic and historic interest of its built fabric, the motte-and-bailey features and its strategic location in a visually commanding position, together with its enclosure in the 14th Century. The Castle has no historical or functional connection to the application site and the visual impact of the Castle will be unaffected by the proposed development and the site itself does not contribute to the significance of the Castle. As a consequence of this assessment, its significance will not be harmed. It is also of significant weight that Historic England has not raised an objection.

Holy Trinity Church is a Grade 2 Listed Building built of local Hartshill granite rubble with sandstone dressings in the Neo-Norman style. The apse and small tower will be visible from within the application site and it is only separated from the site by a re-ordered churchyard containing re-located headstones but partially screened by vegetation. As a consequence there would be an impact on the setting of the Church as its open aspect to the east would be harmed. However this is considered to be of limited harm provided an open buffer of land behind the Church can be retained in the Master Plan for the site, thus increasing separation distances.

The final asset is Charity Farm, which is an undesignated asset but one that appears in the Neighbourhood Plan as of local value. It is a brick farmhouse and yard backing onto the site close to the new junction onto Castle Road. Its significance is as a local farmhouse contributing to the historic interest and aesthetic value of the local street scene. The development will impact on its setting by bringing new development closer

to the asset. This would be moderate harm given that the main road through the development would be likely to change the character of the eastern boundary of the setting.

As a consequence of these assessments, it is considered that the impact on the settings of these assets when taken together is limited and thus less than substantial harm would be caused.

In respect of underground assets, then the applicant has noted that there have been finds recorded from the site and that his further on-site evaluation work has established that there is some potential for prehistoric activity and a high potential for further evidence of Romano-British activity to be found within the site. The latter is linked to the known kiln sites of the Mancetter/Hartshill pottery industry. It is also likely that medieval and post medieval agricultural and settlement remains are present at the western end of the site. Later quarrying activity is also likely at its eastern end. As a consequence of this evaluation the Warwickshire Museum have no objection to the development but has asked for pre-commencement investigations to be undertaken. A scheme for this work has been agreed. This is a proportionate response given the applicant's evaluation work. It is thus agreed that the proposal would cause less than substantial harm to these underground assets.

In respect of the local geological sites in the former Jeas Quarry, it is considered that the application site is too distant to have any impact.

Apart from the view that the development would alter the village character of Hartshill there were no representations received directly relating to harms being caused to local heritage assets.

In conclusion therefore, bearing in mind all of the matters raised above, it is considered that overall there would be less than substantial harm caused to heritage assets in the vicinity of the site. Mitigation measures would lessen this harm further through the use of design in the final Master Plan layout. Members will know that even less than substantial harm has to be given great weight in the final planning balance. That will be undertaken in the concluding sections of this report.

e) Ecological Matters

Members will know that the NPPF requires there to be bio-diversity gains as a consequence of new development proposals. However where there are losses identified, then compensation in the form of off-setting needs to be addressed. In this case, the applicant has undertaken a full ecological appraisal of the site and this has been reviewed by the Warwickshire Wildlife Trust and the County Council.

The closest statutory nature conservation site is the Ensor Pool SSSI which is separated from the site by significant areas of existing residential development. It is agreed that the designation will not be affected by the development.

There are however two non-statutory sites present – The Snowhill Wood and Hartshill Quarry Local Wildlife Sites. The former is a broad-leaved woodland and the latter is known to support common reptiles. Both have the potential to be impacted by increased

recreation pressure as a consequence of the development in the absence of mitigation. In respect of the quarry, then this site is far less accessible than the former, and the existing footpath along the established bank here is very likely to continue to direct pedestrian access away from the site. This is a continuation of the present arrangement and thus it is considered that increased pedestrian use along the path is likely to only have a limited impact on the habitat of the Wildlife Site. There is more likely to be a greater impact through pedestrian use of Snowhill Wood. Mitigation measures will include new footpaths that directly link to the Snowhill recreation ground just beyond the wood; new fencing, strengthened planting, way marked paths and interpretation boards. These measures would be included within a Management Plan and the wood itself is proposed to be disposed of directly to the Parish Council. That Plan would be accompanied by a commuted maintenance sum. These mitigation measures are considered to be proportionate and significant, such that the potential impact on the bio-diversity value of the woodland can be managed and thus the degree of harm would be limited.

The majority of the site comprises arable and improved pasture land that has limited nature conservation value and supports no notable botanical species. Features of value include hedgerows, mature trees and woodland. The majority of these features can be retained through the design of the layout for the site and indeed their connectivity can be enhanced as a consequence.

In respect of protected species on the site then bat surveys do show that the site is suitable for foraging and roosting and there was a moderate level of bat activity found. The small, existing buildings on the site however have only low potential for roosting. However the Trust agrees with the applicant that this is not considered to be unexceptional. As a result, with good practice and mitigation there should not be harm caused to the local population. These measures would include retaining and enhancing "green corridors"; the installation of bat boxes and the longer term maintenance of Snowhill Wood. There was limited evidence to show that the habitats that other species might need, were present on site but there is agreement that the presence of protected species on the site is not likely to act as a constraint to development. Indeed, the measures outlined above to incorporate features within the layout and the enhancement of the woodland, are the preferred method of enhancing bio-diversity.

Notwithstanding these measures, the Bio-diversity Impact Assessment shows a small nett loss as a consequence of the development. As indicated above this can be compensated through bio-diversity off-setting and this is the case here. The draft 106 Agreement includes provision for such a payment and it is anticipated that this would be focussed on enhancements at the nearby Hartshill Hayes Country Park.

Some of the representations received refer to the loss of wildlife as a consequence of the proposals. That will be the case, but the level of impact as indicated above is likely to be limited. Nevertheless, there is a net loss here and that will have to be added to the harm side of the final planning balance.

f) Drainage Matters

The land levels on the site mainly fall southward to converge at an existing ditch running through the central part of the site. The ditch is culverted under an old quarry access which passes over it. It discharges into a large storm water sewer in Hillside Drive in the established residential area to the south which then runs south eastwards into the Camp Hill area of Nuneaton and eventually into the River Anker. There are other smaller boundary ditches which feed into this system. The site itself is in Flood Zone One which is the zone that is at least risk of fluvial flooding. However there have been reported flooding instances in the corridor comprising the ditch and the sewer particularly at the outfall into Hillside Drive. Surface water is considered to pose a low risk within the site and then only confined to the ditch course but there is a higher risk off-site as described above. There is a known sewer flooding problem north of the site that is downstream of the combined sewer in Church Road, but there are no direct connections from the site to this sewer. Severn Trent Water has however identified a foul sewer at the southern end of the site which has adequate capacity for the full development's requirement for domestic drainage.

The site's ground conditions would not favour use of infiltration drainage as a solution. As a consequence a surface water drainage solution has been designed to provide attenuation on site with final outfall to the south and the sewer referred to above. The site would effectively be divided into three sections. A small area to the very north-west would fall northwards and discharge into the existing combined sewer on Church Road and the two very much larger areas would fall southwards either side of the central ditch to which they would eventually discharge at the far southern end of the site. Attenuation basins are thus proposed either side of the ditch as well as underground tanks and oversized sewers at the far southern end before it discharges into the outfall running off-site. These systems are designed to restrict discharge rates from the site to green field equivalent values and will include flow control mechanisms – e.g. hydro-brakes.

The County Council acting as the Lead Local Flood Authority asked for substantially more information on the capacity of the attenuation systems described above in respect of severe storms so as to “test” them against exceedance rates – i.e. when rainfall exceeds projected levels. The County was satisfied with that additional information and has not raised an objection subject to standard conditions. This carries substantial weight and as a consequence the degree of harm caused by surface water flooding impacts is considered to be limited.

The representations received have referred to the existing problems sometimes experienced off site at the southern end of the site, as acknowledged above. The applicant and the County Council are aware of this issue and the withdrawal of the objection is significant. In short the County Council is saying that as well as satisfactorily draining the site, these systems will also improve the local situation by attenuating surface flows before they discharge into the sewer running under the Hillside Drive area.

As concluded above, it is therefore considered that limited harm should be added to the harm side of the final planning balance.

g) The Impact on the Character and Appearance of the Area

In terms of landscape character then the site falls within the “Baddesley to Hartshill Uplands” Landscape Character Area of North Warwickshire. This is described as a “distinct upland and steeply undulating landscape located on a rocky escarpment which has led to rock quarrying activity both past and present. The landform also gives rise to characteristic upland woodland, heath and marginal pastoral farmland. The landscape is heavily disturbed by these quarrying activities and related modern industries. There are long views to the north over the Anker Valley”.

The application site however is well contained visually with it not being visible from the north and confined to locations around its perimeter. The proposal would extend the built up area of Hartshill into an area under agricultural use with a relatively low topography and perimeter hedgerow and woodland. There would be no landscape impact over the wider area, nor would there be an impact on the ridgeline of the escarpment when viewed from the north. However, there would be adverse permanent change to the local landscape because of its scale. But the development would be well related to the existing settlement edge and to the established built form. It would continue the same built form in scale and appearance. It is considered therefore that the adverse impact amounts to moderate landscape harm.

In terms of overall visual impact, then the site has the ability to absorb the development as impacts would be local. Retention of existing features throughout the site together with new landscape planting would reinforce this general conclusion. However the local impacts would be adverse as they would be where existing residential property backs onto the site and particularly in the vicinity of the new access onto Castle Road.

The representations received do not really focus on these matters. They rather refer to the loss of village character and thus the distinctiveness of the village. Whilst the local community still understand and perceive Hartshill to be a village, in terms of built form it is well connected physically to the more urban areas of Nuneaton, Galley Common and Ansley Common. As indicated above this site is self-contained visually and can absorb this level of development without substantial landscape or visual harm. It is well connected to the existing built form. It is considered to be sustainable development because of this and this is reflected in the Core Strategy and the Submitted Local Plan.

The Hartshill Neighbourhood Plan is part of the Development Plan and it acknowledges the principle of development here. That Plan as indicated above, contains several policies intended to address the issues raised by the representations. The proposal will be assessed against these later on in this report. At the present time, it is considered that the policy background here does override the weight to be given to the representations made.

As a consequence of these matters, it is considered that the proposal has limited landscape harm and limited to moderate visual harm.

h) The Impact on Services and Facilities

There are several areas to look at here.

As Members are aware, the Infrastructure Agencies are consulted on all major applications and in this case that has led to the request for a number of contributions as set out in the draft Section 106 terms at the beginning of this report.

The Education contribution is made of several elements which cover the range of education requirements arising from the size of the development. Work is already underway on extending the Michael Drayton Junior School and the contribution will go towards the cost of that. It is known that the County Council is looking to replace the Hartshill School and the contribution will be added to any funding agreed by the Education Funding Agency. The contributions here are proportionate to the requirements arising from the development and thus there is no adverse impact as a consequence.

The Health contributions are similarly in line with others made for new development in North Warwickshire. That for Primary Care will be put towards a new Surgery in Hartshill which the County Council is anticipated to be proposing quite soon. The NHS Trust contribution is in line with similar requests for the George Eliot Hospital. There is thus no adverse impact as a consequence of the proposed development.

The recreation/open space contributions are made up of three elements. As Members are aware this type of contribution is focussed on new on-site provision as well as going towards enhancements of off-site existing facilities. A new play area is to be proposed on-site and the sports contribution could well be used in conjunction with a proposal to replace the Secondary School and its Sports Hall. Significantly though, the majority of the contributions will be focussed off-site on the established Snowhill recreation ground.

The applicant has met the Parish Council several times and the value of the contribution will cover the proposed improvements which it has requested. Additionally, the contribution will cover costs for the improvement and enhancement to Snowhill Wood. It is also understood that the applicant is proposing the transfer of the Wood to the Parish Council. In all of these circumstances it is considered that the contributions are entirely community focussed and that as a result there is no adverse impact.

The Police and Library contributions reflect those already agreed on other residential developments in the Borough.

There have been representations submitted on the grounds that the development will add pressure to existing services which do not have capacity. The contributions described above are a direct and proportionate response to this. They too have been requested by those Agencies which manage these services. As such the representations will carry little weight.

One other matter has been raised in the representations, namely the impact of the new retail unit on the viability of the established outlets – one in Church Road opposite the School and the second on the Green. It is unlikely that the trade at these two locations will be affected as their existing catchments will remain largely unaffected. The new

centre will certainly cater for the new population and there would be some migration from existing residents, but there is no evidence submitted to show that these centres would be materially prejudiced. As Members are aware too, competition between outlets is not a planning consideration. Whilst there may be some adverse impact arising, it is considered that this would be minor.

In all of these circumstances it is considered that the impacts on local services and facilities would not be material and thus little harm would be caused.

i) Residential Amenity Impacts

Members will know that this is an outline application and thus that separation distances between new houses and established ones will be a matter for later consideration when the detailed layouts are submitted. The Master Plan attached to this report is illustrative. It is thus considered that these matters will be reviewed at that time. They should not prevent the support in principle for the development.

However there are two locations where there will be an immediate impact – where the two new access points leave the site to connect to Castle Road and the Camp Hill Road. This is because these access arrangements will directly impact on the residential amenity of neighbouring occupiers. There will be harm caused in these two locations and without mitigation that harm could be moderate. It is thus important at this stage to register this impact such that measures can be included within the later detailed submissions. These will not remove the harm but they should lessen it. As a consequence the harm caused does need to be added into the final planning balance.

j) The Impact of the Hartshill Neighbourhood Plan

The Neighbourhood Plan acknowledges that this site is to be developed and therefore seeks to set out a framework to be followed such that it does result in a development that does “belong” to Hartshill and one that in the words of Policy NW12 of the Core Strategy, “demonstrates a high quality of sustainable development”. The Policies quoted above outline the framework sought and are detailed. It is not proposed to run through all of the matters as these will more realistically affect the later detailed plans subsequent to any outline permission. The general thrust of the policies however will need to be addressed at this stage.

The main elements of Policy H14 have all been achieved – early engagement with the Parish Council; the extent of the scope for the Transport Assessment and the undertaking of a pre-determination Archaeological Evaluation, measures for Snow Hill wood, a full flood risk assessment and reviews of how the Snowhill Recreation Ground can be enhanced.

Policies H15, H16, H17 and H18 all deal with the design of the development which as indicated above will need to be assessed in any later applications and this is not relevant at this time. The policies seek good quality design and lay down a number of criteria which presently cannot be assessed – e.g. separation distances; landmark buildings, car parking provision, connecting green infrastructure and strong built frontages. It is important to recognise however that consideration of the current application will not prejudice these matters.

As a consequence it is clear that the requirements set out in Policy H14 in respect of consideration of the principle of the development have been satisfied. There is therefore not cause to consider a reason for refusal based on this Plan.

k) Affordable Housing Provision

This is a green-field site and the policy requirement for affordable housing is 40% provision subject to viability. In this case 20% is being proposed – that is 78 units – which will include four new bungalows. On top of this the applicant is proposing 28 “starter homes” following changes in Government policy and the new NPPF, which would include such provision as being “affordable”. This means that the overall provision would be 27%. This clearly does not accord with 40% provision but the applicant argues that there are unusual costs involved with the access arrangements and that there are substantial 106 contributions all of which affects viability. He has therefore submitted an appraisal for consideration as is required by the Policy.

This will be discussed below, but in the interim it is acknowledged that the Council's Housing Director is satisfied that the 27% provision reflects local needs, particularly as the recent 75 houses built in Ansley Common, referred to in section (a) above, included 100% affordable provision. On top of this, the bungalows are an added benefit which will enhance the overall mix of housing on the site. It is also acknowledged that the 106 Agreement is very likely to amount to £3 million in contributions. Initially therefore a possible refusal based on non-compliance with policy provision is not clear cut. The overall viability assessment will be reviewed later.

In overall terms it is considered that there may not be harm caused by not meeting the affordable provision in full.

l) Air Quality

Whilst air quality matters were looked at in the context of the quarry operations above, the development will clearly generate increased traffic movements and updated air quality assessment reports have been submitted particularly in light of the draft Air Quality SPD that Members have been briefed on. These assessments show that air quality would not be materially affected. The Environmental Health Officer agrees with the assessment.

m) The Draft 106 Agreement – CIL compliance

All Members will be aware that Section 106 Agreements have to accord with the Statutory requirements which are set out in the CIL Regulations. Those Members that sit on the Council's Section 106 Working Group too will have seen the evidence base that Planning Inspectors require when they consider such Agreements against the Regulations. The draft terms of the Agreement relating to this application are set out above. Officers are fully satisfied that each obligation meets the CIL Regulations and that there are both evidential and planning policy reasons for their inclusion. Members can take comfort from other cases, where similar obligations were included and successfully tested at appeal.

n) The Draft 106 Agreement – Viability

Given the conclusion in respect of the content of the draft 106 Agreement, it is necessary to see whether that level of contribution materially affects the viability of the development. The applicant argues that it does. He points out that there are other costs here that need to be taken into account over and above those identified in the draft 106 terms – the cost of acquisition of the two houses to be demolished to make way for the new access onto Camp Hill Road; the construction of the access arrangements; the additional cost of the Bucks Hill Section 278 works at £500k and a £1.5 million upgrade to electricity provision on the site. These have resulted in the submission of a viability appraisal which the applicant claims shows that the 40% affordable provision cannot be satisfied. The District Valuer has thus been engaged to test this appraisal.

His initial conclusions show that there could be a greater degree of flexibility against the policy requirement. However the full 106 requirements were not known at the time of that initial consultation and there was no allowance made for the inclusion of the 28 “starter” homes or the extra care bungalows. It has also been pointed out that house values from new estates in Nuneaton have been included as a guide. It has been suggested that Hartshill values may be lower. As a consequence subsequent assessments show that that flexibility is now far more limited in scope. Further exchanges with the Valuer acknowledge that the full 27% provision is within the range of possibilities for the development of this site.

Officers take the view that the balance that has now been identified in this report between all the competing contributions, the additional costs not included and the overall scope of the affordable provision being proposed is one that should be supported. This site is an allocated site and in terms of meeting the Council’s Local Plan increased housing requirements in a sustainable way, it is important that it be delivered.

o) The Final Planning Balance

As outlined right at the beginning of this section there is no objection in principle to the residential development of this site. As a consequence the Board is in a position that a refusal should only be considered, as outlined in the NPPF, if there are significant and demonstrable harms that cumulatively or singly outweigh that principle. The outline of the numerous planning considerations set out above indicates that there is not a single harm of such weight to do so. Cumulatively the level of harm is still considered to be minor to moderate. In the final planning balance, even when the great weight of the heritage harm is added, it is considered that all harms are outweighed by the significant weight and benefit to be attached to supporting the principle – it is an allocated site; it will assist in the early delivery of new market and affordable houses in the Borough, it is acknowledged as a housing site by the Neighbourhood Plan and the overall proposal contains local community benefits that have evolved with community engagement (the Snowhill recreation ground enhancement, the Snowhill Wood transfer and contributions to local services).

Recommendation

That planning permission be **GRANTED** subject to the draft Section 106 Agreement as outlined in this report and the following conditions:

Defining Conditions

1. Details of the appearance, landscaping, layout and scale (hereinafter called “reserved matters”) shall be submitted to and approved in writing by the Local Planning Authority before any development takes place and the development shall be carried out as approved.

Reason: Standard outline reason

2. If the development hereby permitted is to be constructed in more than one phase, details of the proposed phases of construction shall be submitted to the Local Planning Authority for approval prior to, or at the same time as the first application for approval of reserved matters. Development shall be carried out in accordance with the approved phasing details, or such other phasing details as shall subsequently be submitted to and approved in writing by the Local Planning Authority.
3. The first application for approval of the reserved matters shall be made to the Local Planning Authority not later 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.
4. 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.
5. Insofar as it relates to the vehicular access points into the site, the development hereby permitted shall be carried out in accordance with the following approved plans: MID3709/110D and 120E.
6. Not more than 382 dwellings shall be constructed on the application site, four of which shall be bungalows constructed to Part M (4) Category 2 of the Building Regulations.
7. Not more than 280 square metres of retail ground floor area shall be constructed on the application site together with not less than 22 associated car parking spaces.
8. The reserved matters shall be designed within the parameters contained on plan number N001/00216 and the Vision Statement dated February 2018.
9. The FPCR Management Plan for Snow Hill Wood dated January 2018 and received on 6/3/18 is hereby approved.

10. 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.

Pre-commencement conditions

11. No development shall commence on site until:

- a. an Archaeological Investigation of the site undertaken in accordance with the Written Scheme of Investigation prepared by Wessex Archaeology referenced 212750/01 and dated September 2018 has first been fully completed and the results of that investigation submitted to the Local Planning Authority.
- b. an Archaeological Mitigation Strategy for the site based on the evaluation submitted under (a) above, has been submitted to and approved in writing by the Local Planning Authority.
- c. Development shall then only proceed on site in accordance with the approved Strategy.

12. No development shall take place on site until detailed technical drawings for the two accesses into the site, one from the B4114 Camp Hill Road and one from Church Road, in accordance with the plan numbers MID3709/120/G and MID3709/110D, have first been submitted to and approved in writing by the Local Planning Authority. The two accesses shall then only be constructed in accordance with the approved technical drawings.

13. No development shall commence on site until detailed technical drawings for the signalisation of the B4114 Coleshill Road/Victoria Road/Camp Hill Road/ Bucks Hill crossroads in accordance with plan number MID/3709/100F have first been submitted to and approved in writing by the Local Planning Authority. The signalisation shall then only take place in accordance with the approved technical drawings.

14. No development shall commence on site until a Construction Management Plan has first been submitted to and approved in writing by the Local Planning Authority. The Plan shall include details of:

- a) The phasing of the development
- b) The means of preventing mud, waste and debris to be deposited on the public highway
- c) The means of suppressing dust
- d) An HGV routing plan
- e) Details of the location of site compounds; workers car parking areas and any other storage compounds, including their migration through the phases
- f) Details of the hours of construction – bearing in mind the presence of local Schools

- g) Details of the hours of deliveries- bearing in mind the presence of local Schools
- h) Details of on-site security
- i) Details of contacts on site for the purposes of resolving complaints

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

15. 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
16. No development shall commence on site until a detailed surface water drainage scheme, based on sustainable drainage principles and the Flood Risk Assessment prepared by Systra dated July 2017 and referenced 105112/R/02, has first been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the results of infiltration testing in accordance with BRE365 guidance; demonstrate compliance with the SUDS Manual CIRIA Report C753, limit the discharge rate generated by all rainfall events up to and including the 100 year plus 40% critical rain storm to the QBar greenfield runoff rate of 3ls/sec/ha for the site, demonstrate accordance with Science Report SC030219, demonstrate detailed design in support of any surface water drainage scheme, including any attenuation system and outfall arrangements, demonstrate performance against a range of return periods and storm durations, provide plans and details showing the allowance for exceedance flow and overland flow routing, include drainage features to be utilised through the development site particularly source control measures which seek to minimise and slow surface water before leaving the site and provide a maintenance plan giving details of how the entire surface water systems are to be maintained and managed after completion in perpetuity. Only the approved drainage scheme shall then be implemented on site.
17. No development shall commence on site until a specification for the on-site play area has first been submitted to and approved in writing by the Local Planning Authority. Only the approved specification shall then be implemented on site
18. No development shall commence on site until details of a proven means of outfall have first been submitted to the Local Planning Authority together with details of surveys conducted along watercourses to assess their suitability to accept flows and downstream connectivity.

Pre-Occupation Conditions

19. There shall be no occupation of any of the site for residential purposes until the whole of access works shown on plan number MID3709/120E as supplemented by the drawings approved under condition (7) above, have been fully completed to the written satisfaction of the Local Planning Authority.
20. There shall be no occupation of the 101st dwelling on the site until the whole of the signalisation works as approved under condition (8) above have been fully completed to the written satisfaction of the Local Planning Authority.
21. There shall be no occupation of the 151st dwelling on the site until the whole of the access works shown on plan number MID3709/110D as supplemented by the drawings approved under condition (xii) above have been fully completed to the written satisfaction of the Local Planning Authority.
22. The electric vehicle charging points as approved under condition (10) 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 and shall be maintained for the life of the development thereafter.
23. No dwelling hereby approved shall be occupied until it has been provided with space for three refuse bins as approved under condition (10) above.

Other Conditions

24. Any gas boiler installed in any dwelling hereby permitted shall meet a dry NOx emission concentration rate of less than 40mg/kWh. That dwelling shall not be occupied until confirmation in writing by the Local Planning Authority has been obtained that the boiler meets this requirement. The boiler shall be maintained as such for the life of the development thereafter.

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 in order to overcome concerns such 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 Warwickshire County Council as the Lead Local Flood Authority does not consider that oversized pipes or box culverts as sustainable drainage. Should infiltration not be feasible at the 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 run-off which seek 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.

- 4 Attention is drawn to the nearby quarry which is the subject to a conditional planning permission granted by the Minerals Planning Authority – namely the Warwickshire County Council.
- 5 Standard Radon Gas Informative

BACKGROUND PAPERS

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

Planning Application No: PAP/2018/0140

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	2/3/18
2	M Jones MP	Representation	22/5/18
3	Resident	Objection	7/5/18
4	Resident	Objection	25/4/18
5	Resident	Objection	23/4/18
6	Resident	Objection	16/4/18
7	Resident	Objection	16/4/18
8	Resident	Objection	13/4/18
9	Resident	Objection	13/4/18
10	Resident	Objection	10/4/18
11	Resident	Objection	3/4/18
12	Resident	Objection	30/3/18
13	Resident	Objection	29/3/18
14	Resident	Objection	28/3/18
15	Resident	Objection	28/3/18
16	Resident	Objection	28/3/18
17	Resident	Objection	28/3/18
18	Resident	Objection	28/3/18
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25	Resident	Objection	22/3/18
26	Resident	Objection	15/3/18
27	Resident	Objection	12/3/18
28	Resident	Objection	21/3/18
29	Resident	Objection	21/3/18
30	Resident	Objection	8/3/18
31	WCC Public Health	Consultation	
32	Place Partnership	Consultation	10/4/18
33	GE NHS Trust	Consultation	
34	WCC Fire Services	Consultation	20/3/18
35	Warwickshire Wildlife Trust	Consultation	29/3/18
36	WCC Flooding	Consultation	16/4/18
37	Sport England	Consultation	3/4/18
38	WCC Highways	Consultation	25/4/18
39	WCC Highways	Consultation	12/12/18
40	WCC Highways	Consultation	18/12/18

41	WCC Highways	Consultation	14/1/19
42	WCC Highways	Consultation	19/2/19
43	WCC Museum	Consultation	20/3/18
44	WCC Museum	Consultation	18/10/18
45	NWBC Waste Officer	Consultation	19/1/18
46	WCC Ecology	Consultation	10/4/18
47	NWBC Open Spaces Officer	Consultation	4/4/18
48	Warwickshire Police	Consultation	26/3/18
49	Environmental Health Officer	Consultation	29/3/18
50	WCC Infrastructure	Consultation	10/5/18
51	District Valuer	Consultation	25/10/18
52	District Valuer	Consultation	20/3/19
53	WCC Ecology	Consultation	21/3/19

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.

(10) Application No: PAP/2018/0140

Land East of Castle Road & North of Camp Hill Road, Hartshill & Nuneaton,

Outline application for mixed development comprising the erection of up to 382 residential (class 3a) dwellings together with a local centre providing up to 280sqm net sales area with ancillary parking (22 spaces) associated access to Castle Road and Camphill Road (including demolition of 116 and 118 Camp Hill Road), sustainable drainage system (Suds) open space, landscaping and related infrastructure works, including courtyard bungalow development of two bed sheltered bungalows (Class C3b) and 28 x 2, 3 and 4 (Class 3a) discount for sale ""starter homes"", for

Tarmac Trading Limited

Introduction

This application is reported to the Board for information at this time. This report will outline the content of the application; describe the supporting documentation, identify the relevant Development Plan policies together with any other material planning considerations. A full determination report will be brought back to the Board in due course once the consultation period has expired.

The Site

The site lies on the western edge of Hartshill which is about three miles north-west of Nuneaton town centre. Hartshill is situated between Nuneaton and Atherstone. The southern boundary of the site adjoins the common administrative boundary with Nuneaton and Bedworth BC, although the village maintains an independent character despite being close to the neighbouring settlements of Ansley Common, Galley Common and the Camp Hill area of Nuneaton.

Hartshill is also an important education centre which benefits from two primary schools and a secondary Academy school; two local supermarkets, three public houses, a café, florist and post office and other local businesses together with a doctor's surgery, church, library and community centre, along with a number of recreational and social facilities.

In terms of accessibility, Hartshill is close to the A5 trunk road which in turn means that it has good access to the M42, M69 and M1. It is also served by bus services that run from the edge of the site on Castle Road and Camp Hill Road into the centre of Atherstone and Nuneaton and further afield. Hartshill is a sustainable settlement and it will consequently see its population grow over the plan period.

The District Council and Parish Council have endorsed and supported this housing growth focused on the application site on the western edge of the village.

The area immediately surrounding the site can generally be characterised as residential. The proposal adjoins existing houses fronting Castle Road with school playing fields adjoining the south west boundary of the site. On the south side the site includes Snow Hill Wood and residential development fronting onto Camp Hill Road and off Hillside Drive (in Nuneaton).

To the north is an embankment that is designated as a Local Wildlife Site and is surmounted by the 'Quarryman's Walk' long distance footpath.

The closest school is Hartshill Academy, part of the Midland Academy Trust, which is located within walking distance to the south west of the site. The primary school that shares the same site is the Nathaniel Newton Primary that is again accessible from the site.

The location of the application site has the potential to reduce vehicular movements as it is located within easy walking and cycling distance from Hartshill and Chapel End via the Camp Hill Road access.

In addition the nearest bus stops located on Castle Road provide access to six bus routes (numbers 5, 48, 207, 766, 767 and Cx48) offering a combined peak frequency of one bus every 10 minutes between Nuneaton, Tamworth, Atherstone and Coventry.

The Camp Hill Road access is also served by six buses with stops located adjacent to the site entrance. These buses provide a combined peak frequency of one bus every 10 minutes between Nuneaton, Tamworth, Cawston, Atherstone and Coventry. Bus services operate between 07.30 and 18.00 hrs, facilitating travel by bus for traditional commuting purposes. The journey to Nuneaton takes around 20 minutes.

An identical application has been submitted to Nuneaton and Bedworth Borough Council (NBBC) however it is only the Camp Hill Road access which falls within the boundary of that Local Planning Authority.

An overall site location plan is attached at Appendix A.

Background

The applicant has been involved in pre-application discussions with Council Officers, Hartshill Parish Council and the Neighbourhood Plan Steering Group. Members were also briefed on the emerging application on 14 December 2016 and again on 10 July 2017.

Two public consultation events; a community planning morning (22 October 2016) and a public exhibition (8 April 2017) were arranged and held by the applicant.

The Proposal

The application seeks outline planning approval for a residential development of up to 382 dwellings with a new local convenience store with ancillary parking area, landscaping and public open space and a through road between Castle Road, and Camp Hill Road, in addition to associated infrastructure works comprising a sustainable drainage system (Suds), including a Management Plan for Snow Hill Wood.

The means of access (a priority junction on Castle Road and a second priority junction with ghost right turn lane on Camp Hill Road) are submitted as part of the outline application, however all other matters (i.e. appearance, landscaping, layout and scale) will be determined as part of a reserved matters application.

The application has been submitted by Tarmac Trading Limited and is accompanied by the following supporting documents.

An Ecological Appraisal concludes that the site is of low wildlife interest. The grassland was found to be not particularly diverse in grasses and wildflowers. None of the trees scattered throughout the site supported features suitable for bat roosts or for foraging, however enhancements such as bat and bird boxes are recommended within the report. No signs of other protected species were found, which was anticipated due to the lack of suitable habitats. There was also limited connectivity to habitats outside of the site.

The report concludes that the overall ecological impact of the proposal will thus be limited.

A Woodland Management Plan has also been submitted with the application for the long term retention and management of the 3.5 hectare Snow Hill Wood.

A Transport Statement together with a Travel Plan (prepared by Systra) has been submitted. This concludes that there is no material or overriding highway or transport reason to support a highway reason for refusal.

A Flood Risk Assessment concludes that the site is located within Flood Zone 1 and is therefore at low risk of flooding. However the proposal does increase the amount of non-permeable surfacing on the site and thus surface water flooding risk will increase. As a consequence sustainable drainage measures are to be included such as on site water storage with floor levels set higher than ground level so as to reduce the risk should these storage measures themselves fail.

A Design and Access Statement describes the setting of the site and outlines several different styles and designs of the variety of built form in the vicinity. This concludes by identifying a number of constraints and opportunities related to the proposed development of the site. The proposed illustrative layout is also explained in some detail.

A Planning Statement brings together all of these documents and puts them into a planning context. It explains the national and local policy background as well as outlining the emerging policies for the town. It also indicates that the precise layout of dwellings has yet to be determined, but the submitted design Vision Statement, Masterplan, Illustrative Layout and Phasing Plan submitted with the application show that the site is to be developed in three phases to accommodate up to 382 dwellings in a variety of sizes and types, at a net density of 35 dwellings per hectare, including a percentage (20%) for socially rented houses and an additional 20% for "starter homes".

The Statement concludes that the proposal is sustainable development and thus that it should be permitted as there would be no significant or demonstrable harm arising. Possible draft Heads of Agreement for a Section 106 Agreement are said to include a contribution towards affordable housing; education provision if justified, as well as to offsite local play and open space provision and enhancement. Other supporting documentation is also submitted.

Development Plan

The Core Strategy 2014 – NW1 (Sustainable Development); NW2 (Settlement Hierarchy), NW5 (Split of Housing Numbers), NW6 (Affordable Housing Provision),

NW10 (Development Considerations), NW12 (Quality of Development), NW13 (Natural Environment) and NW15 (Nature Conservation)

Saved Policies of the North Warwickshire Local Plan 2006 – ENV4 (Trees and Hedgerows); ENV8 (Water Resources), ENV12 (Urban Design), ENV13 (Building Design), ENV14 (Access Design), TPT1 (Transport Considerations) and TPT6 (Vehicle Parking)

Hartshill Neighbourhood Plan 2017 – H3; H4, H5, H6, H7, H8, H10, H11, H14, H15, H16, H17 and H18

Other Material Planning Considerations

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

National Planning Practice Guidance,

The North Warwickshire Local Plan Submission Version - March 2018

Observations

Members will be aware that the application site is part of an allocated site in the Submission Version of the North Warwickshire Local Plan 2018 – site H19 – for up to 400 houses. As such the development is appropriate in principle both in terms of its location and its overall content. From recent presentations to Members, the Board will be aware of its setting and the connections that are proposed in respect of access to the surrounding road network and to local services. In this respect the re-opening of the adjoining quarry will become a significant issue in the determination of the application.

Members will appreciate that the details of the proposed access arrangements are included within this application but that other matters such as layout and appearance are not. Indicative and illustrative plans have been submitted in order to give an idea as to the potential layout of the site and its phasing. The Hartshill Neighbourhood Plan is part of the Development Plan and many of its policies are directly focussed on this allocated site. However much of their content will only be relevant at the later reserved matters stages. However the main parameters of the site’s development will need to be established at this outline stage.

The impact of the proposal on local services and facilities will be reported in the later report and much will depend on the responses from the main Agencies – WCC Education and Public Health for instance. The Board will also wish to understand the impacts on Snow Hill Wood and the adjoining recreation area. The proposals include what is termed a “local centre” and this is anticipated to refer to a retail outlet. However the location and scope of such a facility will need investigation to ensure that there is no adverse impact on the viability of established facilities in Hartshill itself.

At the present time Members are asked to note the receipt of the application. Several Members have already visited the site prior to the Council considering the Submission Version of the Local Plan. Members may wish to take another look now that the application has been submitted.

Recommendation

That the application be noted at this time and a site visit be arranged.

5/181

4/60

BACKGROUND PAPERS

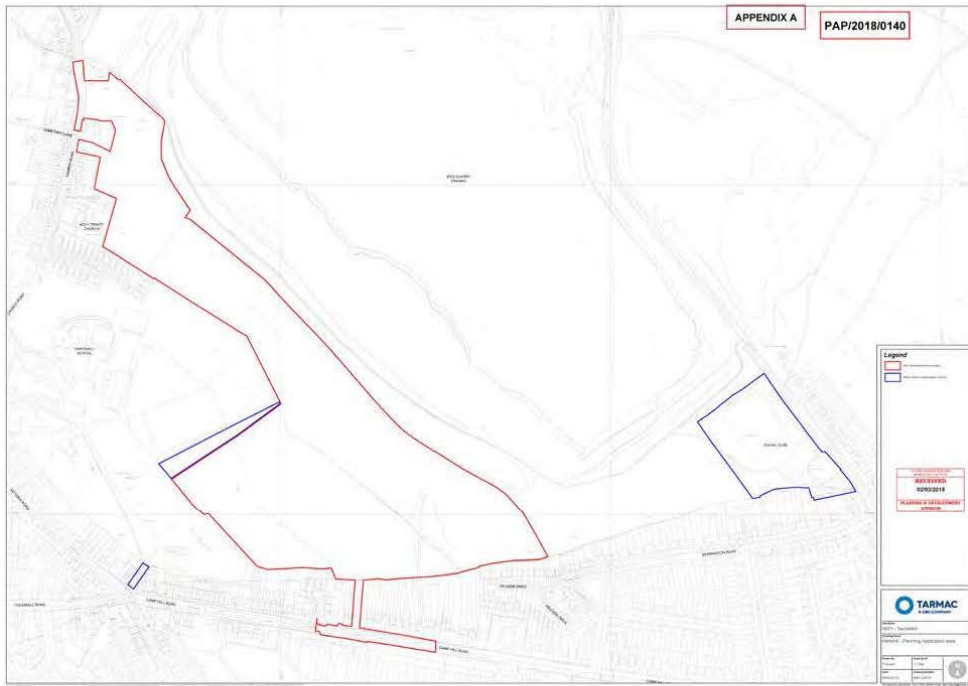
Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Planning Application No: PAP/2018/0140

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	2/3/18

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

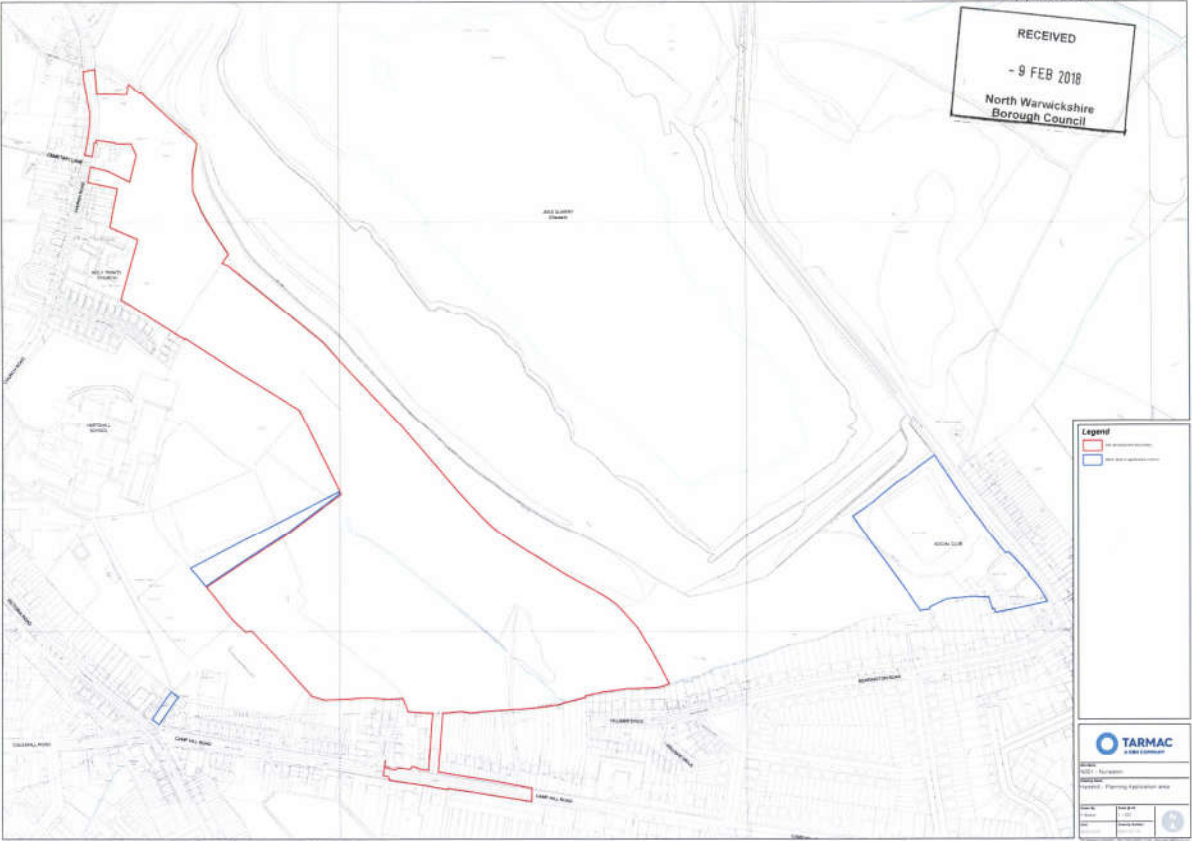
A background paper will include any item which the Planning Officer has relied upon in preparing the report and formulating his recommendation. This may include correspondence, reports and documents such as Environmental Impact Assessments or Traffic Impact Assessments.



5/183

4/62

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- 9 FEB 2018
North Warwickshire
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APPENDIX C



Legend

- [Symbol] Proposed Lane
- [Symbol] Proposed Footway
- [Symbol] Proposed Grass Verges
- [Symbol] Existing Driveways
- [Symbol] Visibility Splay

TARMAC
A CIBI COMPANY

Scale: 1:500
Date: 07.02.18
Author: [Name]
Checker: [Name]

APPENDIX D



NOTES

- Do not scale from this drawing.
- All dimensions are in metres.

KEY

- [Symbol] Proposed cartway
- [Symbol] Proposed footway
- [Symbol] Proposed grass verges
- [Symbol] Existing driveways
- [Symbol] Visibility splay

D	20.11.18	Development access repositioned	BS	BS
C	07.02.18	Verge moved alongside cartway	BS	BS
B	07.02.18	Proposed footway with drainage	BS	BS
A	07.02.18	Building removed	BS	BS

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TARMAC LTD

LAND AT HARTSHILL
NORTH WARWICKSHIRE

GENERAL ARRANGEMENT
CHURCH ROAD

MEN	Scale	EO	BS
A3	07.02.18	1:500	
DRAFT			MDD2709-115



(3) Application No: PAP/2018/0687 and PAP/2018/0689

Land South Of Warton Recreation Ground, Orton Road, Warton,

(2018/0687) Approval of reserved matters for appearance, landscaping and scale following planning application PAP/2017/0551 dated 03/08/2018,

(2018/068) Variation of condition 5 of planning permission PAP/2017/0551 relating to site location plan and site access plan in respect of the developable area

Both for

Bellway Homes (East Midlands)

Introduction

These applications are referred to the Board for determination given the Board's previous interest in this site.

Outline planning permission was granted in August 2018 for the residential development of the site for up to 100 dwellings with details of the access onto Barn End also approved.

The Site

This is a large open area of agricultural land on the south side of Warton stretching from established development in Ivycroft Road and more recent development in Copeland Close south to the Orton Road and bound to the east by Barn End Road. The Recreation ground is to the north-west, as is other open agricultural land. It is relatively flat but with a recognisable slope running from the south to higher ground to the north.

The Proposals

The first application seeks approval of reserved matters for the layout, landscaping and appearance of the proposed development. The plans show access off Barn End Road - as already approved - extending into the site with a number of cul-de-sac. Additionally the proposed construction access onto Orton Road is illustrated with an indication that this might also become a further access into the site at a later date.

The original plans submitted with this application led to the submission of objections referring to the new development being too close to established dwellings in Ivycroft Road. As a consequence amended plans for the layout were received and these were circulated for re-consultation. The major changes made were to include open amenity space at the rear of the majority of the houses in Ivycroft Road; to include single storey development at the side of one of the properties here, to enlarge much of the private amenity space for the new houses, to remove much of the on-street parking and rear parking areas as well as to re-arrange parts of the layout to introduce more focal points.

Because the proposed layout includes the Orton Road access and also because it now includes an amenity area of open land running along the boundary of Ivycroft Road, the development area has increased slightly from that approved in the outline consent and illustrated on the plan approved under condition 4 of that permission. The second

application is to vary that condition so as to substitute the new larger development area being proposed under the application for reserved matters.

Additionally, the amendments made in respect of the Ivycroft Road properties backing onto the site, have led to a change in house types and as a consequence the affordable housing provision on site will reduce from 40 to 38.

The proposed layout for consideration by the Board is attached at Appendix A.

A selection of house types is at Appendix B.

Representations

Eight representations have been made referring to the following matters:

- More houses are not needed and will change the character of the village
- A second access off Orton Road is needed
- Speeding along Barn End Road
- The traffic increases will cause safety issues
- The proposed access onto Orton Road reduces the landscaped buffer around the site and should be removed
- The Barn End Road junction will be dangerous because of on-street car parking along its length.
- No information of the impacts on infrastructure and particularly increased traffic
- Loss of countryside.
- Who will maintain the open space?
- The roads in Warton are not properly maintained now
- The impact on residential amenity of existing houses in Ivycroft Road
- The plans do not accurately reflect the existing built arrangements along Ivycroft Road.
- There is also a gate missing off the drawing

Consultations

Warwickshire County Council as Highway Authority – It originally submitted a detailed objection relating to the proposed layout. As a consequence amended plans were submitted to overcome these detailed matters. At the time of preparing this report the final observations of the County were still awaited.

Warwickshire County Council (Public Rights of Way) – No objection, but points out that the existing footpaths should not be obstructed or diverted without the appropriate consents.

Environmental Health Officer - Reminds the applicant that pre-commencement conditions on the outline still remain to be discharged. Consideration should be given to provide electric vehicle charging points within properties.

Warwickshire County Council as Flood Authority – No objection.

NWBC Housing – No objection as the reduction is minor and other sites in Warton have on-site provision.

Development Plan

The Core Strategy 2014 - NW10 (Development Considerations); NW12 (Quality of Development) and NW13 (Natural Environment)

Other Material Planning Considerations

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

The Submitted Local Plan for North Warwickshire 2018 – LP1 (Sustainable Development); LP31 (Development Considerations), LP32 (Built Form) and LP16 (Natural Environment)

Observations

Consideration of these proposals will start with the approval of reserved matters.

Members will be aware that an outline planning permission for up to 100 houses with access off Barn End Road has been granted. As a consequence the principle of new residential development here has been accepted by the Council and its consideration now is to be focussed on the detail of the layout. That being said, the applicant has been aware of the access concerns expressed and has included a construction access off Orton Road which is designed, should it be required at a later date, to become a second access into the development. This follows the Board’s request.

The amended layout is a significant improvement over the original submission. In particular it now proposes an area of open amenity space at the rear of property in Ivy Croft Road. Where new development does abut that rear boundary there is now a bungalow proposed. As a consequence the impact of the new development on the residential amenity of the existing occupiers is much improved. However the re-arrangement to accommodate this has led to the loss of units – two, two storey affordable dwellings.

The other main change has been the removal of substantial lengths of on-street car parking area and rear parking courts. This had led in some degree to the enlargement of the overall development area but in street scene terms this is a positive change. It also has the side effect of enlarging private rear amenity space.

The design and appearance of the houses reflects the area and there has been a concerted effort to introduce more focal properties at certain main junction’s e.g. double-sided frontages and linked buildings to turn a corner.

Representations made still refer to infrastructure impacts, but the Section 106 Agreement accompanying the outline permission has addressed these to the satisfaction of the relevant agencies and bodies. The County Council as Highway Authority is responsible for the maintenance of roads in Warton and matters to do with speed limits. As a consequence representations should be directed to that Council.

One of the matters raised concerns the omission of a gate from one of the Ivycroft Road house curtilages providing access into the current open field. This is not shown on the plan. The gate is not on the line of a public footpath and appears to be an informal arrangement. It is omitted from the proposed layout because access from it may well involve trespass over the land once developed and in any event it would not require a

planning application. The retention of the gate is a private matter to be resolved between the occupier and Bellway Homes.

The latest plans can therefore be supported.

If Members agree this layout then there will be a consequence in that the developable area across the site would be enlarged, thus reducing the width of the perimeter open amenity spaces. A balance therefore has to be agreed. It is considered that that has been struck with the latest plans. The built environment within the developable area is much improved; there is less impact on the amenity of residents in Ivy Croft Road and the perimeter “buffer” is still a significant feature.

A second consequence is the loss of two affordable units. The provision would reduce from 40% to 38%. Given the response of housing officers and that affordable provision is agreed on other housing sites in Warton including a 100% proposal at the rear of the former Hatters Inn, the proposal can be supported.

Recommendations

- a) That subject to the completion of a Deed of Variation to the existing 106 Agreement as described above and there being no outstanding objection from the County Council:

b) In respect of application PAP/2018/0689

That planning permission be **GRANTED** so as to substitute plan number S0000/300/05B in condition 4 of planning permission PAP/2017/0551 dated 3/8/18 and that a fresh Notice be issued to include all of the remaining conditions in PAP/2017/0551.

c) and in respect of application PAP/2018/0687

That plan number S0000/100/01L and the house elevations, floor plans and soft landscaping proposals received on 19/11/18 be **APPROVED** in discharge of condition 1 of planning permission PAP/2018/0689 subject to the following conditions:

1. No development shall commence on the construction of any house or garage hereby approved until such time as full details of the facing, surfacing and roofing materials to be used for each together with details of all boundary treatments have first been submitted to and approved in writing by the Local Planning Authority. Only the approved materials and treatments shall then be implemented on site.

REASON

In the interests of the visual amenities of the area so as to provide a development that is in keeping with its setting

2. No development shall commence on the construction of any house until details of how space is to be provided for the collection of household waste and refuse from that property together with the provision of electric vehicle charging points have first been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall then be implemented on site.

REASON

In the interests of sustainable development and the visual amenities of the area.

Notes

1. The Local Planning Authority has met the requirements of the NPPF in this case through engagement with the applicant in order to add value to the initial submission by seeking amended plans to improve the quality of the appearance of the site and to lessen its impact on neighbouring residential amenity.
2. Attention is drawn to all of the Informatives added to the outline permission reference PAP/2018/0689 dated 8/4/19

BACKGROUND PAPERS

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

Planning Application No: PAP/2018/0687 and PAP/2018/0689

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	19/11/2018
2	Head of Development Control	Letter	7/12/18
3	Resident	Representation	5/12/18
4	Resident	Objection	23/12/18
5	Resident	Objection	26/12/18
6	Resident	Objection	27/12/18
7	Resident	Objection	8/2/19
8	Resident	Objection	9/2/19
9	Resident	Representation	18/2/19
10	WCC Flooding	Consultation	12/12/18
11	Environmental Health Officer	Consultation	18/12/18
12	WCC Rights of Way	Consultation	2/1/19
13	WCC Highways	Consultation	22/1/19
14	Applicant	Letter	7/2/19
15	Head of Development Control	Letter	7/2/19
16	Resident	Objection	26/2/19
17	Applicant	E-mail	27/2/19
18	Resident	Representation	28/2/19
19	Applicant	E-mail	
20	Resident	Representation	8/3/19

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.

APPENDIX A

PAP/2018/0687

Wastebrch	2	2	2
Leisure	3	2	3
Childcr	3	2	3
Playcr	3	2	3
Watre	4	2	2
Watre	4	2	2
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Watre	4	2	2

02.06.18	1:500 # A1	L1E
20000/100/01		1

Bellway
 Bellway Homes (UK) Ltd, 3 Bonhill Court, Wetherby Road, Wetherby, West Yorkshire, LS23 7DQ, Yorkshire, England. Tel: 0113 282 9826 Fax: 0113 282 0467

Land off Bam End Road, Warton

Planning Layout

APPENDIX B

PAP/2018/0687

Bellway

Do not scale other than for Local Authority Planning purposes.

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The windows indicated to the side elevations are optional windows only. The default position will be that each of these windows is included unless referred to as omitted on the separate materials schedule or external finishes plan.

The location of the rainwater downpipes is illustrative only. The detailed engineering layout will illustrate the plot specific location of the downpipes, and this must be followed.



Front Elevation

Side Elevation

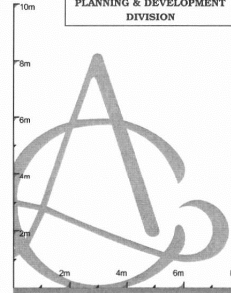
Elevations Correspond to Floor Plan Drawing: SC-4B-2S-P1

NORTH WEST YORKSHIRE BOROUGH COUNCIL

RECEIVED

19/11/2018

PLANNING & DEVELOPMENT DIVISION



Rear Elevation

Side Elevation

THE SCRIVENER

ELEVATIONS
 Created: Wetherby: 18/10/18 11:00:00 AM
 Project: SC-4B-2S-P1

Bellway

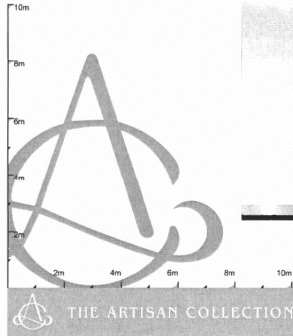
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The windows indicated to the side elevations are optional windows only. The default position will be that each of these windows is included unless referred to as omitted on the separate materials schedule or external finishes plan.

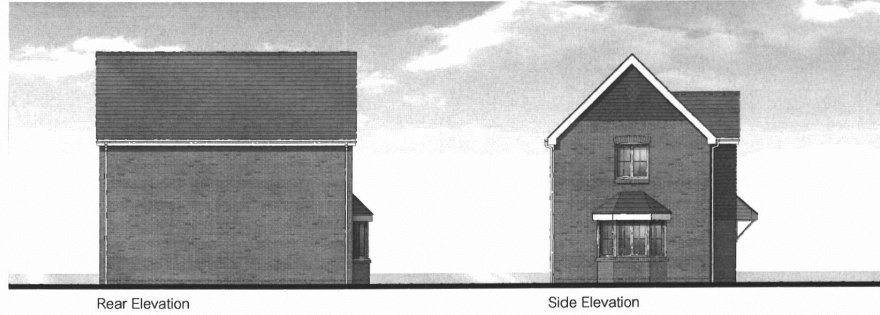
The location of the rainwater downpipes is illustrative only. The detailed engineering layout will illustrate the plot specific location of the downpipes, and this must be followed.

Elevations Correspond to Floor Plan Drawing:
TH-3B-2S-P1



PAP/2018/0687

NORTH WARWICKSHIRE
BOROUGH COUNCIL
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19/11/2018
PLANNING & DEVELOPMENT
DIVISION



THE THATCHER
ELEVATIONS 06.06.2018
Drawing Number: TH 1:100 & A3
PROJECT TH-3B-2S-C5-E

Bellway

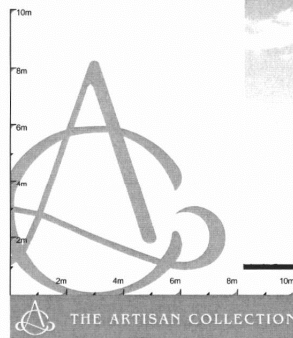
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The windows indicated to the side elevations are optional windows only. The default position will be that each of these windows is included unless referred to as omitted on the separate materials schedule or external finishes plan.

The location of the rainwater downpipes is illustrative only. The detailed engineering layout will illustrate the plot specific location of the downpipes, and this must be followed.

Elevations Correspond to Floor Plan Drawing:
CU-4B-2S-P1



PAP/2018/0687

NORTH WARWICKSHIRE
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19/11/2018
PLANNING & DEVELOPMENT
DIVISION



THE CUTLER
ELEVATIONS 06.06.2018
Drawing Number: CU 1:100 & A3
PROJECT CU-4B-2S-C5-E

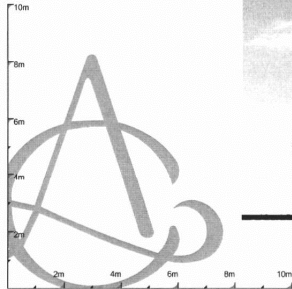
Do not scale other than for Local Authority Planning purposes.

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The windows indicated to the side elevations are optional windows only. The default position will be that each of these windows is included unless referred to as omitted on the separate materials schedule or external finishes plan.

The location of the rainwater downpipes is illustrative only. The detailed engineering layout will illustrate the plot specific location of the downpipes, and this must be followed.

Elevations Correspond to Floor Plan Drawing:
BO-4B-2S-P1



THE ARTISAN COLLECTION

PAP/2018/0687

RECEIVED
19/11/2018
PLANNING & DEVELOPMENT
DIVISION



Front Elevation

Side Elevation



Rear Elevation

Side Elevation

THE BOWYER
ELEVATIONS
Quantity: 1000
Date: 19/11/2018
Scale: 1:100
Project: BO-4B-2S-C&E

(4) Application No: PAP/2018/0744

Land South East Of M42 Junction 10, Trinity Road, Dordon,

Approval of reserved matters for appearance, landscaping, layout and scale relating to "Phase 2 Unit 4" of development addressing land east of Trinity road, for

St Modwen Developments Ltd

Introduction

This application was referred to the last Board meeting but determination was deferred so that Members could look at the site and then subsequently, so that representatives of the Board could meet the applicant in order to discuss the concerns of the Board. These relate to the location of the service yard of this unit being on the "outside" of the development.

The previous report is attached for convenience at Appendix A.

The site visit and meeting has now taken place and a note of each is attached at Appendices B and C.

The applicant asked that a note be circulated to those present at the meeting and this is attached at Appendix D.

Observations

There has been no change in planning considerations since the previous Board meeting and as such the recommendation to the Board remains one of approval, bearing in mind the evidence base outlined in the previous report.

However a number of issues were raised at the meeting and much can be added to the detail of any planning permission that might be granted. These matters include:

- a) Conditions restricting the use of vehicles with refrigeration equipment from using the site in addition to the previous condition requiring no refrigeration plant or equipment to be located on site as well as any fuel pumps.
- b) Conditions requiring the erection of an acoustic fence running along the southern site boundary of Unit 4
- c) Conditions requiring the provision of on-site amenity accommodation for HGV drivers.
- d) Demonstration on an amended plan, that additional screening would be added to the site boundary where it is closest to the proposed unit.

One of the key issues raised at the meeting was that St Modwen agreed to undertake a demonstration that HGV reversing alarms/signals would not be heard at Freasley. It is anticipated that this would be concluded in time for the Board meeting.

Given that Members at the meeting considered that it had led to matters becoming clearer to them and that the use of additional conditions was of comfort, they did feel that the outcome of the demonstration was important. Given this overall position the recommendation suggests that the grant of planning permission is delegated to the Corporate Director Environment subject to the agreement of the Chairman of the Board and the Planning Opposition Spokesperson.

Recommendation

That subject to the Board Chairman and Planning Opposition Spokesperson being satisfied with outcome of the demonstration as described above, the Corporate Director Environment be delegated to issue a planning permission as set out in Appendix A, together with additional conditions and amended plans as outlined in this report.

(5) Application No: PAP/2018/0744

Land South East Of M42 Junction 10, Trinity Road, Dordon,

Approval of reserved matters for appearance, landscaping, layout and scale relating to "Phase 2 - Unit 4" of development addressing land east of Trinity road, for

St Modwen Developments Ltd

Introduction

This application is reported to the Board at the discretion of the Head of Development Control in view of the Board's previous consideration of the issues involved here, at other sites in the Borough.

Outline planning permission was granted for this commercial development at appeal in November 2016. Phase One details were subsequently approved along with subsequent pre-commencement conditions. Similarly the details of Phase Two were agreed and again conditions are in the course of being discharged. However the second phase details excluded one unit – number 4. The details of that unit are now submitted.

The Proposals

The unit amounts to a 10,335 square metre building for uses within the B1(c), B2 and B8 Use Classes. It would be located on the northern side of the main access road into phase two from Trinity Road. Further larger units have already been approved further to the north. The building would be 15 metres tall and clad in a mix of different shades of grey to match existing buildings. It would be set down on a lower development plateau which would be set into the existing ground levels. There is significant earth bunding and landscaping already approved to the south such that the top of that mounding would be some three metres above the building's floor level. When trees mature it is considered that they would match the height of the building. The nearest residential property to the south, is some 400 metres distant.

Both noise and lighting assessment reports have been submitted.

The general layout is illustrated at Appendix A which shows the wider geographic setting. Appendix B shows the elevations.

Consultations

Warwickshire County Council as Highway Authority – No objection

Environmental Health Officer – No objection subject to conditions

Representations

Dordon Parish Council – No comments received,

One letter has been received which on behalf of local residents refers to:

- The landscaping along the car park boundary needs to be more pronounced.
- A hipped roof would lessen its visual impact
- A general concern about visual impacts
- The ground level appears to be higher than that originally approved

Development Plan

The Core Strategy 2014 – NW10 (Development Considerations)

Other Material Planning Considerations

The National Planning Policy Framework

The Submitted Local Plan for North Warwickshire 2018 – LP31 (Development Considerations)

Observations

The proposal is typical of the type of development already approved here and on similar estates in the Borough. The design, appearance and the materials to be used are all similar to that to be implemented in both phases of the present development. There is thus no objection in principle here as the development would be very much in keeping with the proposals already approved for this estate. Indeed a hipped roof would not be in keeping.

The main concern here is that the service yard is outward facing, towards the south-west and the small hamlet of Freasley. This raises a number of issues, all to do with potential adverse impacts arising for residents from possible noise and light pollution as reflected by the representation. The applicant considers that he has addressed these concerns through the submission of noise and lighting impact reports. The applicant argues that because the distance to the nearest house is some 400 metres; the proposed mounding and planting and the lowering of the floor level of the building, there would only be negligible impacts either from noise emissions or from light pollution.

It is proposed to explore three matters – visual impact; noise and lighting.

Looking at the first of these, then the approved Parameters Plan for the whole site has a height limit of ten metres alongside the north-eastern side of the estate road. The proposed building at 15 could not therefore be located close to that road without breaching the approved Parameters Plan. The building, at 15 metres, is located in part of the site where 18 metres is the maximum height. As a consequence the submitted plans fully align with the already approved parameters for the site.

The Board could approve a 15 metre tall building alongside the road, but because of the greater proximity to Freasley and the increase in height, it would be more visible from Freasley and would be seen above the intervening landscaping and mounding. Moreover the finished floor level of the development plateau and the height of the building (15 metres) is still well below (1.8 metres) that which could be allowed under the Parameters Plan.

There is thus a strong argument against having a 15 metre building close to the road, as in visual terms the impact would be greater than that which could be developed under the approved parameters.

The light levels proposed are typical of such developments. Here the columns will be inward facing and there would be no visible light sources. Light spillage is to be contained in the site boundary because the luminaries would be at the horizontal. Light sources on the facing external elevation would face downwards. There would be a glow from the unit but with maturing tree planting that should be mitigated. The impacts are thus considered to be limited and not material.

The noise issue is of greater concern – because of issues that have arisen elsewhere in the Borough. The Applicant's assessment has used a "worst case" scenario - assuming higher noise levels than those typically used for B8 uses; background levels that are lower than those actually measured and making no allowance for the intervening landscaping and distances to the closest of the Freasley houses. In his analysis no adverse impacts would be experienced at Freasley.

The Council's Environmental Health Officer agrees and the conditions recommended would be precautionary – e.g. boundary fencing and reserving details of all refrigeration and air conditioning plant. In respect of the fence, then the applicant is going to be providing a security fence around the site in any event.

It therefore makes sense that this feature should be a fence serving two purposes – for security and noise attenuation. The detail of this can be conditioned. Conditions can also be added so as not to include any cold storage areas, plant or equipment in the building without prior approval of those details. In light of these comments, there would be little demonstrable evidence to support a refusal based on significant adverse noise impacts.

Recommendation

That the plans received on 17 December 2018 be **APPROVED** in partial discharge of condition 1 of planning permission APP/R3705/W/15/3136495 dated 28 November 2018, subject to the following conditions:

1. The building hereby approved shall not be occupied until full details of the perimeter boundary treatment have first been submitted to and approved in writing by the Local Planning Authority. Only the approved detail shall then be implemented on site.

REASON

In the interests of visual amenity and to reduce the risk of noise emissions from the service yard

2. No refrigeration plant or equipment shall be installed within or as an extension to the building and no fuel pumps shall be installed within the service yard.

REASON

In the interests of reducing the risk of noise emissions from the site

Notes

1. The Local Planning Authority has met the requirements of the National Planning Policy Framework in this case by working with the applicant in order to address matters arising from the consultation process.

BACKGROUND PAPERS

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

Planning Application No: PAP/2018/0744

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	17/12/18
2	Resident	Representation	7/1/19
3	Applicant	E-mail	7/1/19
4	WCC Highways	Consultation	10/1/19
5	Environmental Health Officer	Consultation	15/2/19

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.

Table 1: Proposed Land Use Schedule

Lot No.	Area (sq. m)	Proposed Land Use	Proposed Building Area (sq. m)	Proposed Floor Area (sq. m)	Proposed FSI
1	1200	Commercial	1200	2400	2.0
2	1500	Commercial	1500	3000	2.0
3	1800	Commercial	1800	3600	2.0
4	2000	Commercial	2000	4000	2.0
5	2500	Commercial	2500	5000	2.0
6	3000	Commercial	3000	6000	2.0
7	3500	Commercial	3500	7000	2.0
8	4000	Commercial	4000	8000	2.0
9	4500	Commercial	4500	9000	2.0
10	5000	Commercial	5000	10000	2.0
11	5500	Commercial	5500	11000	2.0
12	6000	Commercial	6000	12000	2.0
13	6500	Commercial	6500	13000	2.0
14	7000	Commercial	7000	14000	2.0
15	7500	Commercial	7500	15000	2.0
16	8000	Commercial	8000	16000	2.0
17	8500	Commercial	8500	17000	2.0
18	9000	Commercial	9000	18000	2.0
19	9500	Commercial	9500	19000	2.0
20	10000	Commercial	10000	20000	2.0
21	10500	Commercial	10500	21000	2.0
22	11000	Commercial	11000	22000	2.0
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28	14000	Commercial	14000	28000	2.0
29	14500	Commercial	14500	29000	2.0
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31	15500	Commercial	15500	31000	2.0
32	16000	Commercial	16000	32000	2.0
33	16500	Commercial	16500	33000	2.0
34	17000	Commercial	17000	34000	2.0
35	17500	Commercial	17500	35000	2.0
36	18000	Commercial	18000	36000	2.0
37	18500	Commercial	18500	37000	2.0
38	19000	Commercial	19000	38000	2.0
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41	20500	Commercial	20500	41000	2.0
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43	21500	Commercial	21500	43000	2.0
44	22000	Commercial	22000	44000	2.0
45	22500	Commercial	22500	45000	2.0
46	23000	Commercial	23000	46000	2.0
47	23500	Commercial	23500	47000	2.0
48	24000	Commercial	24000	48000	2.0
49	24500	Commercial	24500	49000	2.0
50	25000	Commercial	25000	50000	2.0

Table 2: Proposed Land Use Schedule

Lot No.	Area (sq. m)	Proposed Land Use	Proposed Building Area (sq. m)	Proposed Floor Area (sq. m)	Proposed FSI
51	25500	Commercial	25500	51000	2.0
52	26000	Commercial	26000	52000	2.0
53	26500	Commercial	26500	53000	2.0
54	27000	Commercial	27000	54000	2.0
55	27500	Commercial	27500	55000	2.0
56	28000	Commercial	28000	56000	2.0
57	28500	Commercial	28500	57000	2.0
58	29000	Commercial	29000	58000	2.0
59	29500	Commercial	29500	59000	2.0
60	30000	Commercial	30000	60000	2.0
61	30500	Commercial	30500	61000	2.0
62	31000	Commercial	31000	62000	2.0
63	31500	Commercial	31500	63000	2.0
64	32000	Commercial	32000	64000	2.0
65	32500	Commercial	32500	65000	2.0
66	33000	Commercial	33000	66000	2.0
67	33500	Commercial	33500	67000	2.0
68	34000	Commercial	34000	68000	2.0
69	34500	Commercial	34500	69000	2.0
70	35000	Commercial	35000	70000	2.0



APPENDIX A

PAPERWORK

1. Introduction

The following documents are to be submitted with the planning application:

- 1.1 Planning Application Form
- 1.2 Site Plan
- 1.3 Floor Plans
- 1.4 Sectional Views
- 1.5 Schedule of Materials
- 1.6 Photometric Analysis
- 1.7 Environmental Assessment
- 1.8 Traffic Assessment
- 1.9 Landscape Assessment
- 1.10 Other relevant documents

2. Planning Application Form

The Planning Application Form should be completed and signed by the applicant. It should include the following information:

- 2.1 Name of Applicant
- 2.2 Name of Project
- 2.3 Address of Site
- 2.4 Description of Proposed Development
- 2.5 Reason for Proposing the Development
- 2.6 Details of any Consultations
- 2.7 Declaration of Interest

3. Site Plan

The Site Plan should show the following details:

- 3.1 Boundaries of the Site
- 3.2 Proposed Buildings and Structures
- 3.3 Proposed Parking Spaces
- 3.4 Proposed Driveways and Access Points
- 3.5 Proposed Landscaping and Green Spaces
- 3.6 Proposed Fences and Walls
- 3.7 Proposed Street Lighting
- 3.8 Proposed Signage
- 3.9 Proposed Utilities and Services

4. Floor Plans

The Floor Plans should show the following details:

- 4.1 Overall Site Plan
- 4.2 Proposed Buildings and Structures
- 4.3 Proposed Parking Spaces
- 4.4 Proposed Driveways and Access Points
- 4.5 Proposed Landscaping and Green Spaces
- 4.6 Proposed Fences and Walls
- 4.7 Proposed Street Lighting
- 4.8 Proposed Signage
- 4.9 Proposed Utilities and Services

5. Sectional Views

The Sectional Views should show the following details:

- 5.1 Proposed Buildings and Structures
- 5.2 Proposed Parking Spaces
- 5.3 Proposed Driveways and Access Points
- 5.4 Proposed Landscaping and Green Spaces
- 5.5 Proposed Fences and Walls
- 5.6 Proposed Street Lighting
- 5.7 Proposed Signage
- 5.8 Proposed Utilities and Services

6. Schedule of Materials

The Schedule of Materials should list the following details:

- 6.1 Proposed Building Materials
- 6.2 Proposed Landscaping Materials
- 6.3 Proposed Fencing Materials
- 6.4 Proposed Signage Materials
- 6.5 Proposed Street Lighting Materials

7. Photometric Analysis

The Photometric Analysis should show the following details:

- 7.1 Proposed Street Lighting
- 7.2 Proposed Signage
- 7.3 Proposed Fences and Walls
- 7.4 Proposed Utilities and Services

8. Environmental Assessment

The Environmental Assessment should show the following details:

- 8.1 Proposed Buildings and Structures
- 8.2 Proposed Parking Spaces
- 8.3 Proposed Driveways and Access Points
- 8.4 Proposed Landscaping and Green Spaces
- 8.5 Proposed Fences and Walls
- 8.6 Proposed Street Lighting
- 8.7 Proposed Signage
- 8.8 Proposed Utilities and Services

9. Traffic Assessment

The Traffic Assessment should show the following details:

- 9.1 Proposed Buildings and Structures
- 9.2 Proposed Parking Spaces
- 9.3 Proposed Driveways and Access Points
- 9.4 Proposed Landscaping and Green Spaces
- 9.5 Proposed Fences and Walls
- 9.6 Proposed Street Lighting
- 9.7 Proposed Signage
- 9.8 Proposed Utilities and Services

10. Landscape Assessment

The Landscape Assessment should show the following details:

- 10.1 Proposed Buildings and Structures
- 10.2 Proposed Parking Spaces
- 10.3 Proposed Driveways and Access Points
- 10.4 Proposed Landscaping and Green Spaces
- 10.5 Proposed Fences and Walls
- 10.6 Proposed Street Lighting
- 10.7 Proposed Signage
- 10.8 Proposed Utilities and Services

11. Other relevant documents

Other relevant documents should include the following:

- 11.1 Planning Application Form
- 11.2 Site Plan
- 11.3 Floor Plans
- 11.4 Sectional Views
- 11.5 Schedule of Materials
- 11.6 Photometric Analysis
- 11.7 Environmental Assessment
- 11.8 Traffic Assessment
- 11.9 Landscape Assessment

aspect

Tunworth East
Unit 4 Planning Plan Overview
St Modwen (as AIA Architects)
15th Feb 2022
15th Feb 2022
15th Feb 2022
15th Feb 2022



APPENDIX B

PAPERWORK

1. Introduction

The following documents are to be submitted with the planning application:

- 1.1 Planning Application Form
- 1.2 Site Plan
- 1.3 Floor Plans
- 1.4 Sectional Views
- 1.5 Schedule of Materials
- 1.6 Photometric Analysis
- 1.7 Environmental Assessment
- 1.8 Traffic Assessment
- 1.9 Landscape Assessment
- 1.10 Other relevant documents

2. Planning Application Form

The Planning Application Form should be completed and signed by the applicant. It should include the following information:

- 2.1 Name of Applicant
- 2.2 Name of Project
- 2.3 Address of Site
- 2.4 Description of Proposed Development
- 2.5 Reason for Proposing the Development
- 2.6 Details of any Consultations
- 2.7 Declaration of Interest

3. Site Plan

The Site Plan should show the following details:

- 3.1 Boundaries of the Site
- 3.2 Proposed Buildings and Structures
- 3.3 Proposed Parking Spaces
- 3.4 Proposed Driveways and Access Points
- 3.5 Proposed Landscaping and Green Spaces
- 3.6 Proposed Fences and Walls
- 3.7 Proposed Street Lighting
- 3.8 Proposed Signage
- 3.9 Proposed Utilities and Services

4. Floor Plans

The Floor Plans should show the following details:

- 4.1 Overall Site Plan
- 4.2 Proposed Buildings and Structures
- 4.3 Proposed Parking Spaces
- 4.4 Proposed Driveways and Access Points
- 4.5 Proposed Landscaping and Green Spaces
- 4.6 Proposed Fences and Walls
- 4.7 Proposed Street Lighting
- 4.8 Proposed Signage
- 4.9 Proposed Utilities and Services

5. Sectional Views

The Sectional Views should show the following details:

- 5.1 Proposed Buildings and Structures
- 5.2 Proposed Parking Spaces
- 5.3 Proposed Driveways and Access Points
- 5.4 Proposed Landscaping and Green Spaces
- 5.5 Proposed Fences and Walls
- 5.6 Proposed Street Lighting
- 5.7 Proposed Signage
- 5.8 Proposed Utilities and Services

6. Schedule of Materials

The Schedule of Materials should list the following details:

- 6.1 Proposed Building Materials
- 6.2 Proposed Landscaping Materials
- 6.3 Proposed Fencing Materials
- 6.4 Proposed Signage Materials
- 6.5 Proposed Street Lighting Materials

7. Photometric Analysis

The Photometric Analysis should show the following details:

- 7.1 Proposed Street Lighting
- 7.2 Proposed Signage
- 7.3 Proposed Fences and Walls
- 7.4 Proposed Utilities and Services

8. Environmental Assessment

The Environmental Assessment should show the following details:

- 8.1 Proposed Buildings and Structures
- 8.2 Proposed Parking Spaces
- 8.3 Proposed Driveways and Access Points
- 8.4 Proposed Landscaping and Green Spaces
- 8.5 Proposed Fences and Walls
- 8.6 Proposed Street Lighting
- 8.7 Proposed Signage
- 8.8 Proposed Utilities and Services

9. Traffic Assessment

The Traffic Assessment should show the following details:

- 9.1 Proposed Buildings and Structures
- 9.2 Proposed Parking Spaces
- 9.3 Proposed Driveways and Access Points
- 9.4 Proposed Landscaping and Green Spaces
- 9.5 Proposed Fences and Walls
- 9.6 Proposed Street Lighting
- 9.7 Proposed Signage
- 9.8 Proposed Utilities and Services

10. Landscape Assessment

The Landscape Assessment should show the following details:

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ajia architects

ST. MODWEN

Tunworth East
11th Feb 2022
11th Feb 2022
11th Feb 2022
11th Feb 2022

Unit 4
Elevations

6371 - 09

PAP/2018/0744

Site Visit – Friday 22 March 2019 at 1100

Present:

Councillors Jarvis, Lewis, Morson, Phillips and Simpson; Messrs Hickman and Barnes from St Modwen, Mr Pritchard a local Freasley resident and J Brown

1. Members walked onto the Phase Two site and saw the location of the rear elevation of Unit 4 which had been pegged out on the land. The extent of the service yard had similarly been pegged.
2. Members looked at the proposed layout for Unit 4 and considered its layout with the benefit of the pegs.
3. The M42, the A5 and the Freasley area were pointed out.
4. The issues that had been raised in the Board meeting were raised – land levels; the distance to Freasley, the intervening bunding and fencing as well as some discussion about noise levels and operating conditions.
5. There was also reference to the outline consent with its conditions in respect of the heights of new buildings.
6. The visit concluded at around 1130

PAP/2018/0744

Meeting – Friday 22 March 2019 at 1130

Present:

Councillors Jarvis, Lewis, Morson, Phillips and Simpson together with Messrs Hickman and Barnes from St Modwen and J Brown

1. It was agreed by all that the meeting would be more appropriately held on site following the site visit, rather than transferring to Atherstone.
2. The meeting ran through the issues that had been raised at the Board meeting.
3. A number of matters were left to action as a consequence:
 - i) St Modwen would prepare cross sections from Unit 4 through to Freasley with particular attention given to where the site boundary is closest to Unit 4.
 - ii) St Modwen would look to see if they could strengthen the planting at this point too.
 - iii) St Modwen would take advice to see if they it would be able them to let and operate the unit, with no vehicle reverse warnings at certain hours of the day
 - iv) St Modwen would agree to a condition restricting refrigerated vehicles on site
 - v) St Modwens would undertake to run a demonstration replicating vehicle reverse warning signals, to see if they would be audible at Freasley
4. Members ideally would like to be in receipt of this information for its meeting on the 8th April even if it arrived after publication of the agenda.
5. The meeting concluded at around 1200

St Modwen Developments Ltd**Land South East of M42 J10
Proposed Employment Development – Phase 2a / Unit 4
Reserved Matters (PAP/2018/0744)****Note on Issues Raised at Planning Board****Planning Prospects Ltd (PPL)
March 2018****Introduction**

The above reserved matters application was considered at North Warwickshire Borough Council's Planning Board meeting held on 4th March 2019. The Board resolved to defer a decision pending a site visit and further discussions with the applicant.

During the Board meeting Members raised questions in relation to matters including the noise assessment submitted in support of the application, and also job creation. Some further brief commentary in relation to these issues is provided below by way of summary.

Noise

The application is supported by a Noise Impact Assessment prepared by specialist consultants Hoare Lea. The full report is available as part of the application. The report and its findings have not been challenged by the Council's Environmental Health Officer. The Environmental Health Officer has no objections to the scheme, subject to conditions, which the applicant has agreed to.

In terms of the issues raised by Members, and the way they are addressed by the Noise Impact Assessment:

- Continuous measurement of existing background noise was carried out between a Friday at noon and the following Monday at 10:00 a.m. As such, this covered a full range of background noise conditions, including the quietest periods throughout the night.
- The edge of the site is 360 – 370m from the nearest residential property at Freasley. The proposed building is a further 50m distant from Freasley. The nearest dwellings are within about 150m of Trinity Road, and 200 – 250m from the M42.
- The existing noise climate is determined by traffic flows on Trinity Road and the M42. As a matter of fact these traffic flows are very substantially greater than those directly associated with the proposed development. The M42 in particular carries very high volumes of HGVs at maximum speed (60 mph), and is far closer to Freasley than the site access which will be reached by very low volumes of HGVs travelling at low speeds. It is inevitably the case that existing road noise will dominate.

- It was assumed that the scheme would operate through the night, as a worst case scenario.
- It was assumed that noise generated from within the building would be at the upper end of what might be expected for an employment unit of this type.
- The assessment used the lowest recorded existing background noise levels as a reference point as a worst case scenario. For the majority of the survey period background noise levels were significantly higher than the lowest recorded figure used.
- The assessment considered all sources of noise associated with employment development, including those (such as HGVs and reversing alarms) specifically referenced by Members.
- Importantly, the detailed figures in the assessment made no adjustment for the barrier effect of the landscaped bund which will be created as part of the development. In other words, it assumed this barrier would not exist.
- All predicted noise generated from the proposal was shown to be markedly lower than existing background noise at the nearest residential properties. The highest noise rating was associated with HGV movements but this, at the quietest night time period, would give rise to a level almost 12db lower than the existing background noise at the nearest properties.
- The screening effect of the landscaped bund would be to reduce the noise level by approximately 10db. HGV movements during the quietest night time period would therefore in reality give rise to a level about 22db lower than the existing background noise at the nearest properties, and will not be noticed.

In this context, using a set of worst case scenario assumptions, at the quietest time of the night, and with no allowance made for screening from the bund, noise generated from the scheme will be significantly lower than that already experienced by local residents. This is largely because those residents are far closer to the M42 and Trinity Road than they will be to the scheme, and those roads have far more traffic, travelling far faster, than will be associated with the scheme.

The screening effect of the bund will improve this position further.

Finally, the Noise Impact Assessment made no reference at all to the acoustic fence around the yard which the applicant subsequently agreed to provide. This will create a further benefit still.

It should also be noted that the planning permission allows for an 18m high building in this location. Unit 4 is designed at 15m, so well within the maximum allowed. The acoustic fence will line the edge of the yard and so provide an effective and immediate screen as close as possible to the noise source. The bund and its associated landscaping are positioned immediately to the south of the estate road, again to provide effective screening. With these measures in place there will be no intervisibility between Unit 4 and residential properties to the south, and the path for noise will be blocked.

Job Creation

The existing outline planning permission would allow the building to be occupied for manufacturing or warehousing and distribution (B8) uses. Members raised questions about the value of B8 jobs. A number of observations can be made in this regard:

- March 2019 research published by the British Property Federation notes that average pay in the B8 sector is greater than national average pay. These are, relatively, well paid jobs.
- The same research shows that the rate of employment growth in this sector is expected to outstrip the national average over the next 20 years, even following the recent significant employment growth already experienced (40% from 2013 – 2017). There will be a growing demand in this sector.
- It also demonstrated the significant value of B8 activity to the UK economy. Economic productivity in the sector is estimated at £100 billion GVA per year, and predicted to grow by 83% between 2013 and 2035.
- The sector has transformed in recent years and increasingly relies on a wide range of skilled staff alongside the traditional warehouse operatives. These of course include HGV drivers, but the office space provided within buildings such as these often accommodates roles including management, personnel, IT, sales, customer support, accountancy, product development and so on.
- The number of jobs associated with Unit 4 would depend on the identity of the occupier. However, based on average levels, around 160 full time jobs would be expected to be associated with the scheme.

For these reasons it is considered that employment within this sector is valuable, would be significant at this site, and should be welcomed.

Conclusion

The comments above address two areas of particular interest to Members at the Board meeting. The applicant will be pleased to provide further information on these or indeed any other issues to assist Members as required.

(5) Application No: PAP/2019/0141

St Marys Church, Friars Gate, Atherstone, CV9 1EZ

Works to trees protected by a tree preservation order, for

North Warwickshire Borough Council

Introduction

This application is reported to the Board as the Council maintains the land concerned.

The Site

These trees are in front of St Mary's Church at the northern end of the Market Square.

The location is shown at Appendix A.

The Proposals

There are three trees proposed for Crown reduction each by two metres with associated crown thinning and the removal of deadwood. The trees are two maples and one cherry.

Representations

None received at the time of writing this report but there will be a verbal update at the meeting.

Development Plan

The Core Strategy 2014 – NW15 (Natural Environment) and NW14 (Historic Environment)

Saved Policies of the 2006 Local Plan – ENV4 (Trees and Hedgerows)

Other Material Planning Considerations

The National Planning Policy Framework

The Submitted Local Plan 2018 – LP16 (Natural Environment)

The Atherstone Conservation Area Designation Report

Observations

These are routine maintenance works that are necessary to retain both the good health of the trees and their public amenity value within the centre of the town and in the core of its Conservation Area.

Recommendation

The Consent is granted for the proposed works.

BACKGROUND PAPERS

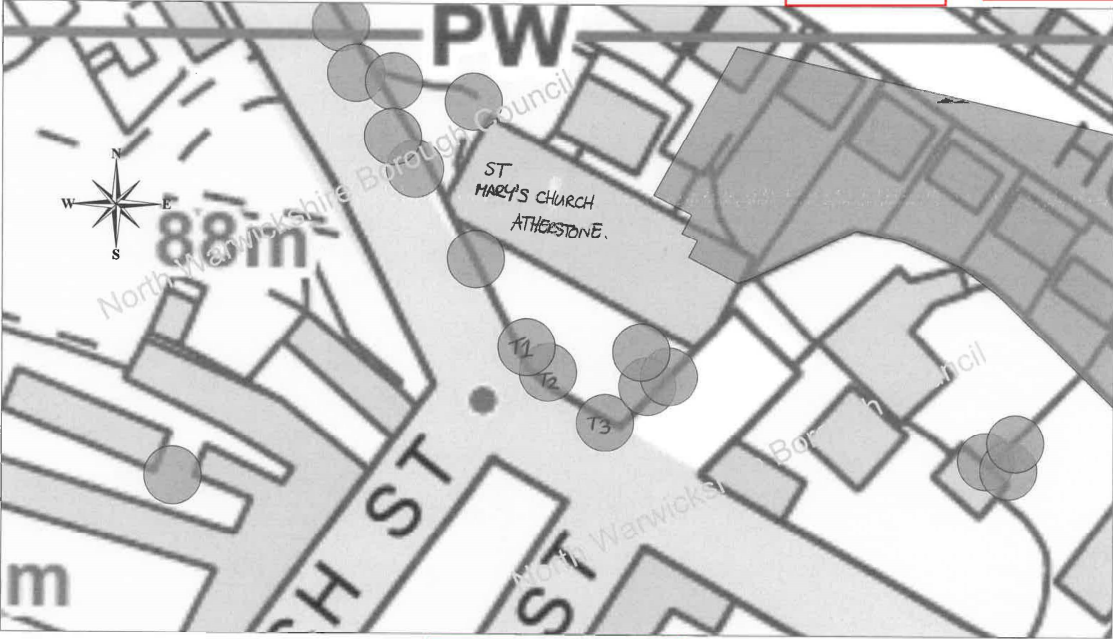
Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Planning Application No: PAP/2019/0141

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	8/3/19

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.



Date: 08/03/19
Scale: 1:701

T1 - MAPLE
T2 - CHEBY
T3 - MAPLE



NORTH WARWICKSHIRE
BOROUGH COUNCIL
RECEIVED
08/03/2019
PLANNING & DEVELOPMENT
DIVISION

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(6) Application No: PAP/2019/0153

Land Rear of 1 to 6, St Benedicts Close, Atherstone, CV9 1EP

Works to tree in Conservation Area, for

North Warwickshire Borough Council

Introduction

The application is reported to the Board as the Council is the land owner.

The Site

St Benedict's Close is the residential frontage of flats on the south side of South Street opposite the Co-op Supermarket car park. The tree concerned is at their rear close to the end of the Owen Street cul-de-sac.

The Proposals

Members will recall that at a previous meeting the Board requested further information on the health of the tree following removal of surrounding vegetation. This was connected to proposal to relocate a store which would have necessitated the loss of the tree. The recent inspection has revealed that the cherry tree shows numerous areas where bacterial canker has infected the tree; its splitting into twin stems with a central cavity and root weakness as much of the root plate is under hardstanding.

Observations

The tree is in the Atherstone Conservation Area but is not protected by an Order. In these circumstances the Board's remit is solely to consider whether an Order should be made or not. Whilst the tree is in the Area, it has only limited general public amenity value. It is considered that this is outweighed by the evidence regarding the health of the tree and as such it would not be appropriate to make an Order.

Recommendation

- a) That the work may proceed and
- b) That the Council's Green Space Officer (Trees) be requested to secure the planting of an appropriate replacement tree at an appropriate location.

BACKGROUND PAPERS

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

Planning Application No: PAP/2019/0153

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	19/3/2019

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.

(7) Application No: PAP/2019/0154

St Mary and All Saints Church, Coventry Road, Fillongley, CV7 8ET

Work to tree in Conservation Area, for

North Warwickshire Borough Council

Introduction

The application is referred to the Board as the land is maintained by the Borough Council.

The Site

The Church is located in the centre of the village on the east side of the Coventry Road.

The Proposals

It is proposed to fell a Corsican Pine located on the Church Lane frontage of the church yard. The tree has been inspected and is a mature specimen. Remedial works were undertaken in February last year but the most recent inspection has revealed there has been movement to the root plate and that there has been consequential structural failure. The ground conditions here are wet and there is a nearby underground culvert. The possibility for the tree to fall over the highway is thus considered to be high.

Observations

The tree is in the designated Conservation Area and thus is not protected by an Order. The Board's remit here is that it has to consider whether it is appropriate to make an Order or not. Whilst the tree does have public amenity value and is one that should be a candidate for an Order, it is considered that in the circumstances here, the tree is potentially dangerous and the risk in retaining it does outweigh the public benefit of its protection.

The Board will note too that the recommendation is for a more suitable replacement tree to be found.

Recommendation

- a) That the works may proceed and
- b) That the Green Space Officer (Trees) be requested to contact local representatives with a view to the planting of a suitable replacement tree.

BACKGROUND PAPERS

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

Planning Application No: PAP/2019/0154

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	19/3/19

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.