

**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, 6 August 2018 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: www.northwarks.gov.uk/downloads/file/4037/.
- 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	CON/2018/0016	5	Unit 6, Netherwood Industrial Estate, Ratcliffe Road, Atherstone, Warwickshire, Change of use from B1C, B2 and B8 industries to 'sui generis' for the use of the property for collecting, sorting and recycling of non-ferrous metals	General
2	CON/2018/0017 CON/2018/0018 CON/2018/0019	8	Packington Lane Landfill Site, Packington Lane, Little Packington, Coleshill, Warwickshire, Variation of conditions to allow the continuation of green waste composting and wood shredding for a further ten years	General
3	PAP/2016/0280 & PAP/2017/0551	12	Land Opposite 84 To 104, Orton Road, Warton, Outline application for erection of 72 dwellings with associated access, parking and landscaping Land south of Warton Recreation Ground, Orton Road/Barn End road, Warton Outline application for up to 100 dwellings, all matters reserved except for access.	General
4	PAP/2017/0539	60	Angel Ale House, Church Street, Atherstone, Erection of 6 dwellings	General
5	PAP/2018/0123	70	The Vicarage, Newlands Road, Baddesley Ensor, Variation of condition no: 2 of planning permission PAP/2014/0250 to enable 1 attached garage per plot.	General
6	PAP/2018/0215	80	The Vicarage, Newlands Road, Baddesley Ensor, Variation of condition no: 2 of planning permission PAP/2017/0299 relating to raising of the eaves to the front and rear projected gables and replacement of a velux roof light to dormer on both properties; in respect of erection of two detached dwellings	General
7	PAP/2018/0235	91	Labri, Ansley Lane, Arley, Coventry, Warwickshire, Erection of garage to rear	General

8	PAP/2018/0272	100	Over Coppice Farm, Boulters Lane, Wood End, Atherstone, Retrospective application for continued occupation of accommodation for agricultural worker	General
9	PAP/2018/0300	108	Land Opposite Thompsons Meadow, Spon Lane, Grendon, Outline application for residential development	General
10	PAP/2018/0357	127	Recreation Ground, Johnson Street, Wood End, Prior notification for erection of 25m monopole to support 6no: telecommunications antennae for shared use by Vodafone and Telefonica, with the installation of 2 no: dishes and 2 no: ground based equipment cabinets	General

General Development Applications

(1) Application No: CON/2018/0016

Unit 6, Netherwood Industrial Estate, Ratcliffe Road, Atherstone, Warwickshire, CV9 1PL

Change of use from B1C, B2 and B8 industries to 'sui generis' for the use of the property for collecting, sorting and recycling of non-ferrous metals, for

Mr D Rees

Introduction

This application has been submitted to the County Council as Waste Authority and it has invited the Borough Council to make representations so as to assist in its determination.

The Site

This is a small unit wholly within an established industrial estate comprised of similar units on the north side of Carlyon Road in Atherstone. It is shown on the attached plan at Appendix A.

The Proposal

This is as described above. The applicant states that there would be an anticipated 15 vehicle movements a day from both customers and business vehicles and that all sorting would take place inside the building.

Development Plan

The Core Strategy 2014 – NW2 (Settlement Hierarchy) and NW10 (Development Considerations)

Other Material Planning Considerations

The National Planning Policy Framework

The Submitted North Warwickshire Local Plan 2018 – LP2 (Settlement Hierarchy) and LP31 (Development Considerations)

Observations

This site is located centrally within an established industrial estate where this type of vehicle activity and general activity is to be expected. Residential property is some distance away. Given the small nature of the site and this background there is no objection. The use will be the subject of other Regulatory regimes governed by the Environment Agency.

Recommendation

That the County Council be informed that there is no objection in principle to the proposal and that the County Council should satisfy itself that the appropriate environmental controls are in place prior to the grant of any planning permission.

BACKGROUND PAPERS

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

Planning Application No: CON/2018/0016

Background Paper No	Author	Nature of Background Paper	Date
1	Warwickshire County Council	Letter	5/6/18

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.

(2) Application Nos: CON/2018/0017-CON/2018/0018 and CON/2018/0019

Packington Lane Landfill Site, Packington Lane, Little Packington, Coleshill, Warwickshire, CV7 7HN

Variation of conditions to allow the continuation of green waste composting and wood shredding for a further, for

SUEZ Recycling and Recovery UK Ltd

Introduction

Three applications have been submitted to the County Council as the Local Waste Authority and it has in turn invited the Borough Council to make any representations in order to assist their determination.

The Site

Members will be familiar with the former landfill site south of the M6 Motorway and on the east side of the A446.

Background

A number of planning permissions have been granted by the County Council for waste recycling operations here whilst the former landfill site was being completed. Those consents were time limited so that operations would finish at expiry of the landfill and restoration. They affect the wood shredding and composting operations at the site.

The Proposals

Presently the landfill site is undergoing restoration and there is estimated to be around three years remaining to complete the final contours. There will then be an aftercare period of five years during which the restoration scheme can be monitored and any remedial work undertaken by the site operator. As a consequence of this timetable the applicant is wishing now to secure a specified end-date to these consents - 2028 – rather than the more ambiguous present “end of operations” condition.

The plan at Appendix A illustrates the location of the present uses.

Development Plan

The Core Strategy 2014 – NW3 (Green Belt); NW10 (Development Considerations), NW12 (Quality of Development) and NW13 (Natural Environment)

Warwickshire Waste Core Strategy 2013 – 2028: - Policies CS1 (Waste Capacity); CS4 (Small Scale Waste Sites), CS5 (Re-use and Recycling), DM1 (Natural and Built Environment), DM2 (Health, Economic and Amenity Impacts), DM6 (Flood risk and Water Quality) and DM 8 (Restoration)

Other Material Planning Considerations

The National Planning Policy Framework 2012

The National Planning Policy for Waste

The Submitted North Warwickshire Local Plan 2018 – LP3 (Green Belt); LP14 (Landscape), LP15 (Environment) and LP31 (Development Considerations)

Observations

The site is in the Green Belt. Waste development including the recycling of waste is deemed to be inappropriate development by virtue of the NPPF. It thus carries the presumption of refusal and is considered therefore to cause substantial Green Belt harm by definition.

In terms of actual Green Belt harm, then the uses cause limited harm to the openness of the area given their location around the perimeter of the large mound; the limited number of buildings and that the uses are reversible in that they are not presently permanent. There is also no recognisable other harm.

The applicant argues that consents already exist here which condition the length of the permissions to the expiry of landfill and restoration operations at the former landfill site, and this application now provides a specific end date. He says that there has been no change in the planning policy circumstances since the grant of those permissions which would materially impact on the proposal that is now being put forward.

In the circumstances here there is no objection to these proposals given the background described above.

Recommendation

That the County Council be informed that there is no objection to these three proposals

BACKGROUND PAPERS

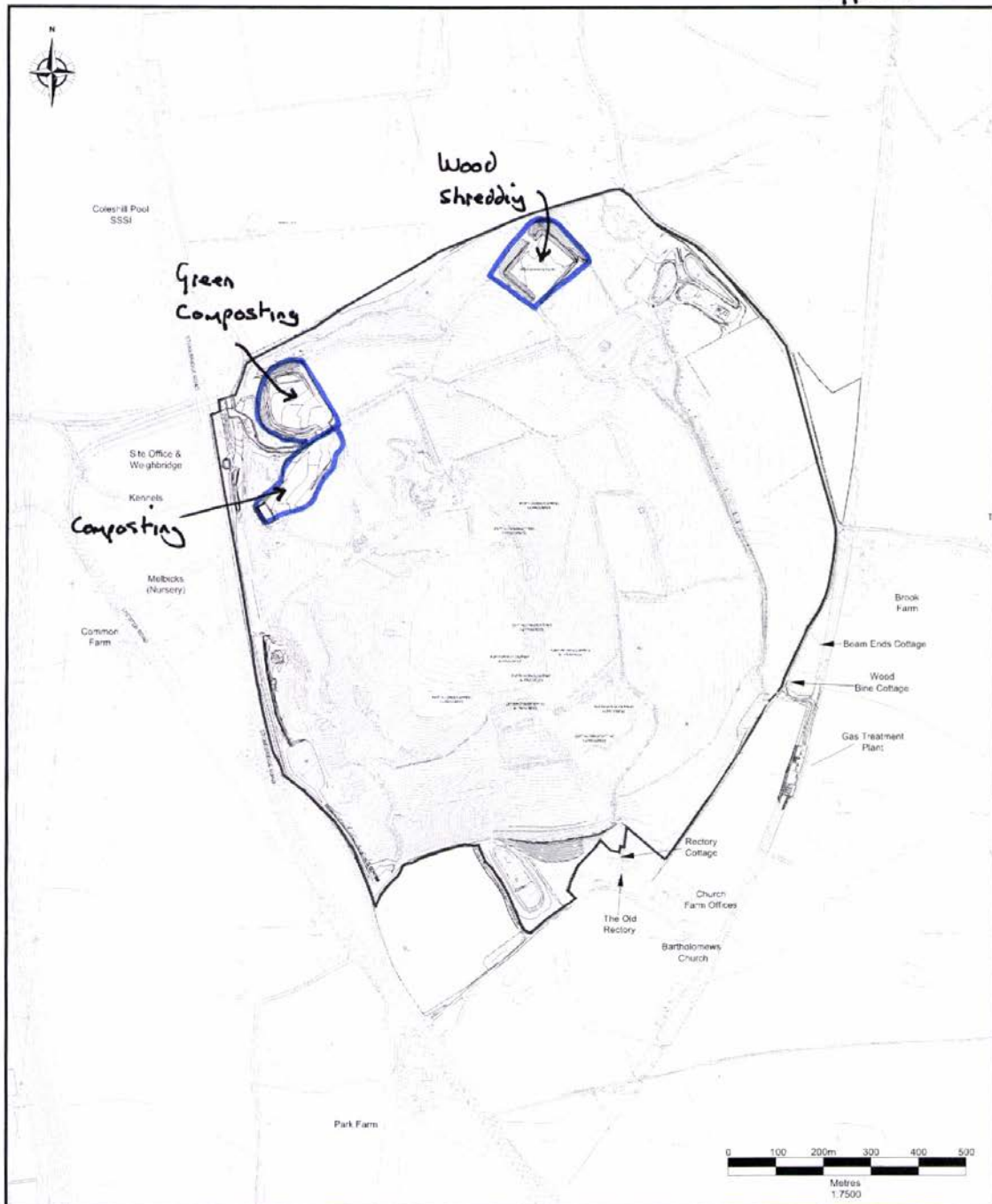
Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Planning Application No: CON/2018/0017, 0018 and 0019

Background Paper No	Author	Nature of Background Paper	Date
1	Warwickshire County Council	Letters	6/6/18

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.



Notes
 1. Reproduced from the Ordnance Survey Map with the permission of the Controller of Her Majesty's Stationary Office. Crown Copyright, Licence Number 100034910.
 — Land Under SITA's Control
 — Application Boundary

	Title: Parkington Landfill Site Compost Facility 1	Scale: 1:7500 @ A3	Date: RB	Author:	Date:
	Sub-Title: Site Location Plan	Issue: Apr 2018	Drawing: Lp4-COM1-0415-01	Checked: NK	Approved:

(3)-Application No's PAP/2016/0280 and PAP/2017/0551

A) PAP/2016/0280

Land opposite 84 to 104 Orton Road, Warton, B79 0HU

Outline application for erection of 72 dwellings with associated access, parking and landscaping for

Mr I Wilson – Warwickshire County Council

B) PAP/2017/0551

Land south of Warton Recreation Ground, Orton Road/Barn End Road, Warton

Outline application for up to 100 Dwellings; all matters reserved except for access for

Richborough Estates

Introduction

Members will recall that determination of these two cases was deferred at the Board's February, March and April meetings. In each case the Board was minded to support the grants of planning permission, but that officers were asked to review the County Council's highway responses with that Council and to report back to a group of nominated Members. That has now occurred and the Member group considered that both cases should be referred back to the full Planning Board.

For convenience the past reports dealing with application "A" are at Appendix A and that for application "B" is at Appendix B.

Discussion with the Highway Authority

In both cases, the main reason for the deferrals was concern about the Highway Authority having no objection to either of the proposed access arrangements – in the case of application "A" onto Orton Road and for "B" onto Barn End Road. Having heard from objectors who live close to these access locations, the Board asked the County Council to consider alternative locations and to review the speed limits on the surrounding approach roads into Warton.

This exchange took the form of two parts. Firstly, officers specifically referred the site specific matters relating to the two applications to highways officers to see if there was the possibility of a change in their responses. The second was a meeting between the Leader of this Council, the Head of Transport and Economy at Warwickshire together with the Portfolio Holder at the County for Transport and the Environment in order to raise the more general point about traffic speeds and the potential for widening the extent of existing speed limits on the approach roads into Warton. This was followed up with news of recent accidents at Warton being forwarded to those representatives. They agreed to review the cases again, as well as to look at the issue of the speed limits. The exchange arising from the first part described above resulted in their being no change from the initial consultation responses from the County Council. The letters are attached at Appendices C and D. As a consequence of the meeting referred to above,

the Head of Transport and Economy at the County agreed to undertake a review of this exchange and this resulted in there being no change of view, with no objections being retained.

In short, the County Council stands by its original consultation responses to both of these two planning applications.

Additional Material Planning Considerations

There are two planning considerations that have arisen since deferral of these cases.

The first is that Members will be aware from the report referred to its May meeting, that Policy NW2 of the Core Strategy is now out of date in respect of development boundaries. The Secretary of State has confirmed this in the recent Daw Mill appeal decision. This is a new material planning consideration affecting these applications since they were last reported to the Board and it is also referred to in other cases on the Board's agendas since that Daw Mill decision. The consequence of this is that Policy NW2 in respect of its development boundaries is out of date and thus carries limited weight. For it to be used as a refusal reason, the Board will have to show that there is significant harm caused by a proposal and that there is robust evidence available to demonstrate that level of harm. This is the "test" set out in the NPPF.

The second is that the Council has published its annual return for its five year housing land supply. This is dated the end of March 2018 and shows a 4.8 year supply. This would mean that the Core Strategy housing policies are out of date and thus as above, the presumption is to grant planning permission unless there is significant and demonstrable evidence to support an adverse harmful impact.

In short, these two considerations are of substantial weight and weigh heavily in favour of endorsing the Board's decision that it is minded to support the grant of planning permissions in both cases.

Observations

The Board has already resolved that it supports the grants of planning permission in both of these cases. That was an agreement in principle that the sites can be developed, as they have been identified as such in the emerging Local Plan. That resolution now carries even more weight following the matters raised in the paragraph above, particularly as that emerging Local Plan has now been submitted to the Secretary of State and the sites are thus seen by the Council as being sustainable developments.

This therefore brings the Board to consideration of whether there is significant and demonstrable harm. The Board has been advised on several occasions that this is the "test" that now applies because of the consequences of the Daw Mill decision. In both cases the Board has been investigating whether that test is applicable because of the locations of proposed access points for both developments. The NPPF states quite categorically that if a refusal is to be considered on highway grounds, then any residual harm occurring, that is harm after the imposition of planning conditions and/or off-site improvements, should be "severe", if it is to warrant such a decision.

In the Orton Road case – application "A" - the County was asked to consider the re-location of the proposed access further along Orton Road, even if that meant the extension of the 30 mph speed limit further out of the village. It has done so, including

looking at moving it the other way. It can be seen from the County's responses that it will not accept either alternative.

In the Barn End Road case – application “B” – the County was asked to consider relocating the access onto Orton Road and for that to be accompanied by an extension of the 30 mph speed limit along that stretch of Orton Road. It can be seen from the response again that it will not accept that alternative.

It also refers to the requested review of speed limits. It does not agree that these applications directly warrant such work. There is a suggestion however that the developers make a contribution towards such work through Section 106 Agreements. The County quite properly leaves the consideration of that suggestion to this Council as Planning Authority.

Officer advice to the Board is that this suggestion should not be followed through. There are several reasons for this:

- It is work that is required to look into an existing problem. As such, it is not statutorily compliant with Section 106 of the Planning Act.
- It is not related to the direct impact of the proposals. As such it is not compliant.
- It is work that may result in actions that are wholly not within the gift of the developer. They are in the gift of the Highway Authority acting under the Highways Act. It is therefore not compliant.
- The outcome of the work is unknown. That is dependent on the procedures and process under the Highways Act. It is therefore not compliant
- The County Council as the Statutory Highway Authority has no objection to the current proposals.
- The developers quite reasonably and properly are following that highway advice.

As such, the Board would be strongly advised not to follow this route, as it could be under legal challenge if it did.

Member's concerns and frustrations are very well understood and officers have followed them through fully, which has clearly resulted in a higher level review of the initial responses. The Highway Authority maintains its position and in these circumstances, given the planning policy background; the changed circumstances, the substantial weight that is given to the NPPF and the statutory background to Section 106 matters, the recommendation to the Board on both cases is that planning permissions be granted.

However two suggestions can perhaps be made to assist Members - one for each case.

In respect of the Barn End Road application – “B” – the grant of an outline planning permission is followed through, but Members might wish to keep the option of a secondary access onto Orton Road open. This is because the application is an outline application. Whilst the access is presently shown to be solely via Barn End Road, the subsequent approval of reserved matters application will look at layout and it might be worth “flagging” the potential for safeguarding the option of a secondary access onto

Orton Road within the layout details. This is particularly so, if a construction access has to be sited off Orton Road.

In respect of the Orton Road application – “A” – the recommendation below is that planning permission now be granted, but the Board may wish to retain its resolution that it is minded to grant planning permission and that Members ask the County Council for one final review of the access provision here. This is because the applicant is in fact the County Council itself, and therefore the suggestion that traffic speed studies are undertaken for this stretch of road is far more appropriately addressed if the applicant is also the Highway Authority.

However, notwithstanding these suggestions, Members will undoubtedly want to follow through the wider issue of speed limits in and around the village with the Highway Authority and to supplement their previous concerns as expressed at earlier meetings. Officers are following through on making arrangements from a previous resolution for leading Planning Board members to meet County Council representatives. Members might also wish to request that the County Council gives priority in its programmes for exploring speed limit extensions within Warton.

Section 106 Matters

In respect of Section 106 matters then the report to the March Board - Appendix A – explains the Board’s concerns about the situation in respect of the emergency services for Application “A”.

There was also concern expressed about the apparent inconsistent approach from the County Education service in respect of Applications “A” and “B” together with a further application for residential development off Little Warton Road. This matter has now been resolved and the County Council has provided a coherent and comprehensive response. In short this enables a contribution of £369,072 towards the Village primary school from Application “A” together with a contribution of £52,070 towards the village school from Application “B”, plus a further £460,549 towards provision at Polesworth for secondary provision from Application “B”. The third application – that off Little Warton Road would provide £87,032 for the village school and £200,024 for post 16 provision in the area. In total therefore £1,168,747 is required for the education contributions.

In order to clarify matters therefore the following contributions would arise from Application “A”:

- £369,072 for the village school
- £104,477 for enhancement of open space in Warton
- £41,507 for the provision of health care services for the George Eliot NHS Trust
- 40% of the units to be affordable housing

In respect of Application “B” the contributions would be:

- £52,070 for the village school
- £460,549 for secondary provision
- £2189 for Library enhancements

- £125,929 for recreation provision
- £21,702 for enhancements at the Polesworth and Dordon Group Practice.
- 40% of the units being affordable housing

It is important to stress that these contributions are not wholly focussed on Warton and that they should not be seen as “compensation” for the new development. They are directly related to the impact of the developments on services and facilities. It should be remembered too that those local services include locations outside of Warton.

Additionally enhancement of local recreation provision has its limits too and therefore the increase in population will be impacting on the need for playing pitch provision, which can only reasonably be provided elsewhere – e.g. at Polesworth.

Other Matters

During the course of application “A”, a local resident requested that the Council consider the making of a Tree Preservation Order on an oak tree within the Orton Road frontage opposite the existing terrace of houses here. The Council’s tree officer has inspected the tree and considers that it is not appropriate to make such an Order. His assessment is set out in Appendix E.

Members will also recall the issue of the configuration of the parking places outside the existing houses in Orton Road under application “A”. The applicant has provided a further plan – Appendix F – which is supported by the County Council and now forms part of the plans under this application and will need to be substituted in the conditions.

Recommendations

A) PAP/2016/0280

That outline planning permission be granted subject to a Section 106 Agreement as set out in this report and the conditions as recorded in Appendix A.

B) PAP/2017/0551

1. That outline planning permission be granted subject to a Section 106 Agreement as set out in this report and the conditions as recorded in Appendix B
2. That notes be added to the Notice strongly recommending that the Council will be looking for the possibility of a secondary access onto Orton Road within the layout to be submitted under the subsequent application for the approval of reserved matters.

C) That the issue of traffic speed limits in the village is raised at the forthcoming meeting between leading Planning Board Members and the County Council to discuss local highway issues and the responses received from that Authority in respect of planning applications.

General Development Applications

(1) (A) **Application No: PAP/2016/0280**

Land Opposite 84 To 104, Orton Road, Warton, B79 0HU

Outline application for erection of 72 dwellings with associated access, parking and landscaping, for

Mr Ian Wilson - Warwickshire County Council

(B) **PAP/2017/0202**

Land rear of 29 to 40 Little Warton Road, Warton

Outline application for the erection of up to 56 dwellings and associated works, including a play area, the demolition of 47 Little Warton Road and details of the access for

Walton Homes

Introduction

Members will recall that as well as being reported to the last meeting, these sites adjoin each other. Determination of both applications was deferred at that meeting for a number of planning reasons as well as for Members to better understand the arrangements to be included in the respective draft Section 106 Agreements.

The cases are referred back to the Board to report progress on these matters.

Application B

In respect of the Little Warton Road site, Members sought inclusion of a small play area on the site given the distance of the existing play area in Warton from the site. The applicant has agreed to give explicit recognition of this addition within the description of the application and this is now outlined in the header above. However this led to the matter of maintenance of that play area. The applicant has already been asked to contribute to the enhancement of facilities at Abbey Green in Polesworth and therefore that contribution should be diverted either in whole or in part to the Council if it intends to take over the on-site play area. Discussions with the relevant Division are still continuing.

Moreover the Board asked officers to investigate why no education contribution was sought for this site of up to 56 houses whereas it was on the adjacent site for 72. This matter is still being pursued with the County Council.

Application A

In respect of the Orton Road site, Members sought clarification about two matters as well as Section 106 issues.

In respect of the former then the first was connected with the new on-street car parking provision to be proposed outside of the existing properties on the other side of the road.

In particular they sought inclusion of a disabled space. The applicant responded to this with an amended plan but this was referred back to him as the disabled space was not considered to be the correct size and the parking provision appeared to block access ways to the rear of the properties. The applicant has responded by saying that no access rights exist here - access may be being obtained through practice and custom and thus it is informal. Moreover they do not have properly constructed cross-overs. Both the Highway Authority and the applicant point out that existing parking arrangements here are technically "illegal" with residents parking and thus trespassing on the opposite highway verge which also causes a safety hazard. The current proposals offer a major betterment with some regulated on-street provision and a new on-site car park specifically safeguarded for residents.

The matter of the dimension of the disabled space has been referred back to the applicant.

The second matter related to the location of the proposed site access. Officers were asked to see if an alternative could be provided further to the east. The applicant and the County Council have been engaged in the location of this access since the submission of the application and it has gone through several iterations as a consequence of highway authority guidance and advice. There are two main issues with a re-location to the east. Firstly the required vision splays would need third party land as the splays would be larger because the access would be outside of the 30mph zone. Secondly the provision of the on-street car parking provision outside the existing properties on the other side of the road and the re-alignment of the road to accommodate this, could be prejudiced because of the road engineering geometry to accommodate this provision – in short, it works with the current proposal. As a consequence it is considered when taken overall and therefore on balance, that there is a greater public benefit in that what is now being proposed as betterment over an adverse existing situation. There is however an on-going request from residents to explore a scheme where the re-alignment of the existing road extends much further into the application site thus suggesting that the "old" road becomes a cul-de-sac in front of the existing houses. This has been explored with the Highway Authority. There are detailed engineering reasons why this cannot be accommodated. In particular the appropriate highway construction standards would not be achieved at either end where the new road would "tie-in" with the existing – particularly at the western end where third party land would be required and it would lead to the re-location of the additional car parking area for existing residents. As referred to above, these matters had been raised earlier in the processing of this application and the Highway Authority has concluded that the current proposal offers the best overall highway solution. Members are reminded that the Board should take a decision on the proposals that are now in front of it. In this case there is no highway reason for refusal and both the applicant and the Highway Authority have considered alternatives prior to issuing its support for the current arrangement.

As a consequence of all of these matters it is considered that the current arrangements as proposed can be supported.

The Board also asked officers to investigate contributions from the "blue light" services in respect of this application. The Fire Services Authority has not made a request as it sees the imposition of a condition on the grant of a planning permission as its best option. Members will be familiar with this approach whereby fire-fighting provision on site through hydrants and water supply is conditioned on practically every application. The same would apply here. In respect of the Ambulance service then Members from time to time see responses from Public Health Warwickshire – usually for contributions towards the CCG's. However Public Health Warwickshire provides a joint and coordinated response from the CCG's, its own service and the Ambulance Service. So should an explicit requirement arise from this service it would be recognised in the consultation response from Public Health Warwickshire. There was none in this case.

As far as the Police Authority is concerned then it has says that it only responds to applications of over 100 dwellings. Hence nothing has been requested here. However as reported above, this site adjoins a second site and the combined dwelling count is 128. The Police have been asked to comment and as a consequence have responded by asking for contributions to both sites - £8501 in respect of this one and £6611 for application B.

The report above refers to the apparent situation in respect of an inconsistent approach towards requests for education contributions. The outcome of the ongoing discussions may also affect this site.

Observations

It is considered that the matters raised by the Board in requesting deferral of decisions on these two cases have been considered since the last meeting. However the education contribution situation remains outstanding as does the recreation contribution for application B. Deferral of the applications is thus again requested. However if other matters are considered to be resolved by the Board, it is important that the respective applicants be given comfort that the only outstanding matters are by way of agreeing the terms of the respective Section 106 Agreements.

Recommendations

- a) That in respect of Application A, planning permission be **GRANTED** subject to the conditions set out in the previous report and subject to the completion of a Section 106 Agreement.
- b) That in respect of Application B, planning permission be **GRANTED** subject to the conditions contained in the previous report and subject to the completion of a Section 106 Agreement.
- c) That in both cases, the terms of the respective Agreements be referred back to the Board for confirmation.

BACKGROUND PAPERS

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

Planning Application No: PAP/2016/0202

Background Paper No	Author	Nature of Background Paper	Date
1	Head of Development Control	Letters	06/02/2018
2	Applicant	E-mail	07/02/2018
3	WCC Education	E-mail	07/02/2018
4	Place Partnership	Letter	19/02/2018

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BACKGROUND PAPERS

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

Planning Application No: PAP/2016/0280

Background Paper No	Author	Nature of Background Paper	Date
1	Head of Development Control	Letters	06/02/2018
2	Applicant	E-mail	13/02/2018
3	WCC Education	E-mail	13/02/2018
4	Applicant	E-mail	16/02/2018
5	Mr Newton	E-mail	15/02/2018
6	Place Partnership	Letter	19/02/2018

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.

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APPENDIX A





Land to the Rear of 47 Little Warton Road, Warton B79 0HR



Promap

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Drawing 4660.88 Context Plan : Scale 1.10000@A4 : April 2017

ROTHAMBLE BOROUGH COUNCIL
RECEIVED
24/04/2017
PLANNING & DEVELOPMENT DIVISION

(2) Application No: PAP/2017/0551

Land South Of Warton Recreation Ground, Orton Road/Barn End Road, Warton,

Outline application for up to 100 dwellings; all matters reserved except for access, for

Richborough Estates, M & A Caton

Introduction

This case is reported to Board at the request of Councillors in recognition of the scale of the development and the cumulative impacts of the developments proposed in Warton.

The Site and the Proposal

The site has an area of 4.48ha. It is situated on the south side of the village of Warton and has frontages to Barn End Road and Orton Road. Agricultural land lies to the south and west and the village recreation ground lies to the north-west. A site immediately to the north benefits from planning permission for 29 dwellings. The site is shown edged red in the aerial photograph below.



The site is in use for the production of crops and is broadly level land with no tree or shrub cover with the exception of at its outer boundary. The land is shown in the photograph below (taken from the junction of Barn End Road and Orton Road)



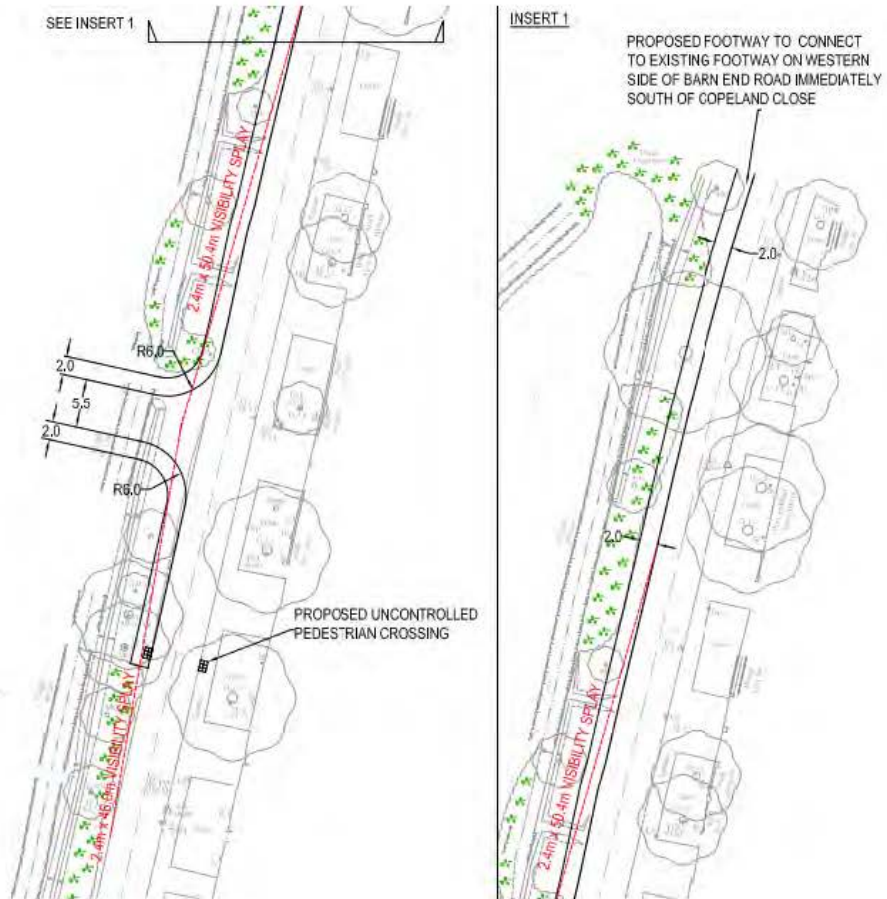
The application is accompanied by an Illustrative Masterplan (reproduced below) and other supporting documents:

- Planning Statement, prepared by Pegasus Group;
- Design and Access Statement, prepared by Pegasus Group;
- Affordable Housing Statement, prepared by Pegasus Group;
- Open Space Statement, prepared by Pegasus Group;
- Landscape and Visual Appraisal, prepared by Pegasus Group;
- Agricultural Land Classification Report, prepared by Soil Environment Services;
- Transport Assessment, prepared by PTB Transport Planning;
- Travel Plan, prepared by PTB Transport Planning;
- Flood Risk Assessment, prepared by BWB;
- Sustainable Drainage Statement, prepared by BWB;
- Foul Water and Utilities Assessment, prepared by BWB;
- Ecological Appraisal, prepared by Just Ecology;
- Reptile Survey Report, prepared by Just Ecology;
- Great Crested Newt Survey Report, prepared by Just Ecology;
- Tree Survey, prepared by Midland Forestry; and
- Ground Conditions Desk Study, prepared by ASL.



A new access is proposed to Barn End Road. Details of the access are shown below:

5/41



The photograph below shows the stretch of Barn End Road onto which the new access will be formed:



The proposal would be the subject of a Section 106 Agreement with the following elements and sums having been agreed (subject to final correction on the

apportionment of the education contributions between the three development sites in the same village):

- The application proposes 40% affordable housing on site as required by policy.
- County Council Contributions - Broken down as follows:

Two new bus stops on Little Warton Road near the junction with Barn End Road - **£9,000**.

Sustainable Travel Packs - Contribution of £75 per dwelling - **£7,500**

Libraries - Expansion of service to meet customer needs generated by residential developments. Monies will be used to improve, enhance and extend the facilities or services of a specified library service point where local housing development will mean an expected increase in numbers of people using those facilities – **£2,189**

Education:

Provision stage	Number of children generated	Provision	Contribution requested
Primary	18	Contribution towards provision at Warton Nethersole CofE Primary School	£228,690
Secondary	13	Contribution towards additional provision at The Polesworth School	£206,453
Post 16	5	Contribution towards additional provision at The Polesworth School	£90,920

Total Contribution	£526,063
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- North Warwickshire Borough Council:
Recreation contribution addressing Built Sport Facilities and Playing Pitches - **£125,929**
- Public Health/CCG:
- Capital contribution of **£21,702** for the improvement and/or extension of the Polesworth and Dordon Group Practice.

Background

Members have expressed the view that the cumulative effect of development in the village should be considered and that there should be consistency of approach to the determination of all applications, particularly in respect of developer contributions.

The applications below are current applications proposing major residential development in the same village. They have been previously reported to Board, and

Board has resolved to approve the developments in principle, subject to the satisfactory resolution of developer contribution negotiations.

PAP/2016/0280	21	Land Opposite 84 To 104, Orton Road, Warton, Outline application for erection of 72 dwellings with associated access, parking and landscaping
PAP/2017/0202	38	Land Rear of 29 to 49, Little Warton Road, Warton, Outline application for erection of up to 56 no. dwellings and associated works, including the demolition of 47 Little Warton Lane (outline:point of access)

Development Plan

North Warwickshire Core Strategy (October 2014): NW1 (Sustainable Development); NW2 (Settlement Hierarchy), NW4 (Housing Development), NW5 (Split of Housing Numbers), NW6 (Affordable Housing Provision), NW10 (Development Considerations), NW11 (Renewable Energy and Energy Efficiency), NW12 (Quality of Development), NW13 (Natural Environment), NW15 (Nature Conservation), NW16 (Green Infrastructure) and NW22 (Infrastructure) Saved Policies of the North Warwickshire Local Plan 2006: ENV4 (Trees and Hedgerows); ENV6 (Land Resources), ENV8 (Water Resources), ENV12 (Urban Design), ENV13 (Building Design), ENV14 (Access Design), TPT1 (Transport Considerations), TPT3 (Access and Sustainable Travel and Transport) and TPT6 (Vehicle Parking)

Other Material Planning Considerations

The National Planning Policy Framework 2012 (NPPF)

Planning Practice Guidance 2017

The North Warwickshire Local Plan Submission Version, March 2018

Appeal Reference: APP/R3705/W/16/3149573 – Ansley

Consultations

Environmental Health Officer - Agrees with the findings of the desk study, that a further intrusive investigation for potential contamination will be required. A dust management plan will also be required for the development in line with the IAQM guidance. He recommends that, should permission be granted, hours of construction are limited to 08:00 to 18:00 on weekdays and 08:00 to 13:00 on Saturdays.

Natural England – Initially raised queries about the likely impact on the Alvecote Pools SSSI and the Birches Barn Meadow SSSI, however, upon receipt of additional information supplied by the applicant, it concluded that the development will not have significant impacts on designated sites.

Warwickshire Wildlife Trust – No objection. Comments on the issues relating to the presence of protected species and the need for additional surveys (bat and badger).

Lead Local Flood Authority – No objection subject to conditions.

Warwickshire County Council Highways Authority – No objection subject to conditions

Severn Trent Water – No objection subject to conditions.

Waste and Transport Manager, NWBC – Comments on what will be required at the approval of reserved matters stage - recommends a practical bin storage facility for every property, each capable of holding a minimum of 3 x 240L wheeled bins and the need to see a vehicle flow plan for a 26T RCV on all areas of adopted highway. Comments that the illustrative plan shows a high proportion of dwellings (40%) serviced from private drives where the refuse collection service will not enter (by vehicle or foot). Concrete collection points adjacent to the adopted highway to cater for properties located on private drives.

Warwickshire County Council Public Health (Public Health) and NHS Warwickshire North Clinical Commissioning Group (the CCG) – Comments that the design of the development should adhere to Building for Life 12 principles, advocates that parking should not dominate the street scene as on road parking can impact on the ability of emergency vehicles to navigate roads and asks that consideration be given to the inclusion of green gyms and the installation of electric vehicle charging point on this development.

Design Out Crime Officer Warwickshire Police – No objection.

Sport England – Raises no objection.

Fire Service - No objection subject to conditions

AD (Housing) – Advises that up to date demands suggest that an appropriate mix for affordable housing would be 20 x 2 bed houses, 5 x 3 bed houses and 2 x 4 bed houses.

Warwickshire County Council Footpaths – No objection but identifies that given that the section of public footpath crossing the site would be serving the proposed residential development and will link to the adjacent proposed development to the north, it would also expect the developer to improve the surface of the public footpath to bring it up to the same standard as other footways within the site, such as with a tarmac surface. The section of public footpath crossing the site should preferably also have street lighting and be included in any adoption agreement for the site. It seeks confirmation that such resurfacing works will be undertaken or funded by the applicant.

Tree Officer, NWBC – No objection. The trees at the site are mainly located to the edges of the proposed development site, these trees do provide a small amount of amenity to the local area but given the historic use of the land (agricultural) they have not been maintained to a high standard and as such do not warrant protection by way of Tree Preservation Orders. The tree removals and works are acceptable. The Illustrative Masterplan re-planting scheme is well constructed and in keeping with the local area.

Planning Archaeologist, Warwickshire Museum – Advised that the site lies within an area of archaeological potential approximately 150 metres southwest of the medieval settlement of Warton (Warwickshire Historic Environment Record MWA9578) and approximately 500 metres east of a possible cropmark complex (MWA6728). Evidence of a possible Roman settlement has also been recorded approximately 850 metres to the northwest of the site (MWA 220). Whilst there is little other direct evidence for pre-

medieval activity that has been identified from the immediate vicinity of the site, this may be a reflection of a lack of previous investigations across this area, rather than an indication of the potential for below ground archaeological deposits to survive across the site.

He therefore recommends that the applicant be requested to arrange for an archaeological evaluation to be undertaken before any decision on the planning application is taken.

Whilst the applicant has undertaken a geophysical survey, the Planning Archaeologist is of the view that trial trenching is also required.

Representations

Letters have been received from 19 individuals raising the following matters:

- The village will struggle to accommodate the traffic generated, particularly given that three other developments are also planned. Speeding and parking difficulties at the school are already a problem. The likely traffic generation is greater than that assumed in the Transport Assessment.
- The crossroads at Barn End Road and Orton Road is the site of many accidents (though most are non-reportable).
- Increased volumes of traffic on local roads will exacerbate congestion elsewhere in Polesworth, Grendon, Atherstone and Tamworth. The traffic report supplied has only considered traffic levels and the traffic leaving the village, and at the school in Polesworth, it has not considered other areas of existing traffic congestion.
- The village has inadequate services (sewerage, doctors and other health care, dentists, schools, public transport)
- The development impacts should be looked at collectively with other developments, including Dordon, Grendon, Polesworth and Tamworth's large development in Robey's Lane (off the B5000) and along the Ashby Road (B5493).
- There is no need for more houses.
- Housing should not be built on green fields.
- The scale of development will mean that the village will lose its village identity.
- Plans for up to 80 houses and now that has increased to up to 100.
- Residents of Barn End Road will suffer noise and headlight disturbance from the new junction and the volume of traffic using it.
- Loss of opportunity for on street car parking in the vicinity of the new junction will be a problem for existing households.
- An access off Orton Road, away from existing dwellings, would be preferable.
- Other amenities should be provided for a new larger village, such as improved sporting facilities.
- The density of housing is too high given its context.
- There would be no objection if 20 houses were proposed here.
- The development would be contrary to NPPF core planning principles and its promotion of sustainable travel.
- The site is outside of the defined development boundary.
- The site is productive arable land. BREXIT potentially means that this type of land will be of national importance.

- The development will impact adversely on the quality of life for occupiers of properties on Barn End Road and Ivy Croft Road.
- The residents will not have access to high quality public transport.
- Costs of increased road maintenance should be identified and met.
- There will be an increase in risk to vulnerable road users because of increased traffic volumes.
- There would be an adverse impact on flora and fauna.
- Flooding has been an issue for the current residents bounding the proposed site and the current drainage will not be able to cope with the increase in dwellings.
- The village has already had the required housing development as per the local plan and this site is not preferred in the pending local plan, this build exceeds the identified housing requirement for the village.
- Warton is a dispersed settlement where development proposals should be considered very carefully: infilling could ruin the character of the village while estate development would overwhelm it.
- The layout of the new houses would result in loss of light and loss of view to adjacent properties
- existing property has a balcony from the bedroom with seating area. From this area the occupiers would be looking into bedroom windows and gardens.
- Loss of privacy to existing dwellings.
- Loss of property value.
- The maintenance of a landscaped strip between existing and new dwellings is advocated.
- Surface water drainage of adjacent properties on Ivycroft Road is still unresolved.
- Catering for Birmingham housing need is not providing housing for local people.
- If this application is to be decided by councillors at Board, the objector indicates a desire to speak.
- Bats roosting nearby make use of the trees and hedgerows lining the Barn End Road boundary.
- The development is advanced for political reasons.

Observations

Core Strategy Policy NW1 (Sustainable Development) states that planning applications which accord with the policies in the Core Strategy should be approved without delay, unless material considerations indicate otherwise. On this basis this report will assess the proposal against the Development Plan policies in the Core Strategy which are considered to be up-to-date.

a) The Principle of Development

The site lies outside the Development Boundary for Warton. Policy NW2 in North Warwickshire's Core Strategy seeks to develop a broad distribution pattern in accordance with the Borough's settlement hierarchy. Warton is a category 4 settlement where development is limited to that identified in the Plan or has been identified through a Neighbourhood or other locality plan.

The site lies adjacent to the development boundary for Warton as the development boundary includes the residential properties along Barn End Road and Ivy Croft Road. However, the site has been identified as an allocated housing site in Policy LP39 as part of housing site H27 (Land off Barn End Road, Warton) in the North Warwickshire Local Plan Submission Version March 2018.

SAP part of Site Proposal WAR8

14.89 Some of the land off Barn End Road is being proposed for housing development. A developed site for a minimum of 80 can be created by the introduction of a landscaped area which effectively recreates a strong boundary to the open field beyond.

H27 Land off Barn End Road, Warton

Some 4.5 hectares is allocated for housing at land off Barn End Road, Warton providing for a minimum of 80 units. A landscaping strip will be provided to the east of the site to create a strong landscaped boundary to the field beyond. Contributions will be required for health and educational facilities. Improved and / or new recreational facilities will be provided.

The site allocation indicates that the site should provide for a minimum of 80 dwellings.

The site will have direct vehicular and pedestrian access onto Barn End Road. A bus service between Tamworth and Atherstone operates from the village (although improved access to bus stops would be a necessary requirement of the development). There is a shop and post office in Warton and a primary school on Maypole Road. There are pedestrian linkages to services within the village which comply with the requirements of Policy NW10 (4) and (5) to promote healthier lifestyles for the community to be active and to encourage sustainable forms of transport focussing on pedestrian access and provision of bike facilities.

Based on the above it is considered that the site proposed is in a sustainable location being located adjacent to the development boundary of Warton. The site is identified as an allocated housing site in the Emerging Local Plan. As such it is considered that the scheme complies with Policy NW2 and Policy NW10 in the Core Strategy.

The main impacts of approving residential development should now be considered.

b) Highway Infrastructure

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

The access to the site is proposed to be taken from Barn End Road, in the form of a priority 'T' junction. The Highway Authority offers no objection to the proposed access arrangements and raises no concern about highway capacity. It notes that the submitted Transport Assessment (TA) appropriately calculates trip generation of the proposed development utilising the TRICS database and uses a robust methodology. The modelling undertaken shows that the impact on the operation of the highway network will be minimal. The Highway Authority therefore concludes that the development can be accommodated and cannot be considered as 'severe' in accordance with Paragraph 32 of the National Planning Policy Framework.

The Highway Authority notes that the applicants have submitted a Travel Plan, however, it advises that it does not recognise Travel Plans for residential development as they are not enforceable once the development has been completed. Therefore the Highway Authority provides Sustainable Travel Packs for each dwelling at a cost of £75.00, equating to a total sum of £7,500.00.

The Highway Authority has considered the access arrangements as identified in preliminary drawing number, T17533-001 Rev A. Though it considers the proposals to be acceptable in principle, when considering the provided tracking drawings, it is noted that a Road Safety Audit Stage 1 has not been provided to support the access arrangements. Based on its assessment of the proposal and accident records within the vicinity of the access the Highway Authority considers that the provision of the Road Safety Audit Stage 1 can be conditioned to accompany the need of technical detailed drawings prior to the commencement of development.

c) Loss of Biodiversity

The site consists of arable land surrounded by hedgerows.

The indicative site layout that has been supplied incorporates a substantial landscaped strip and shows that structural landscaping would be established/maintained in and around the site.

d) Archaeology

The Planning Archaeologist at Warwickshire Museum identified a potential for the site to have archaeology associated the medieval settlement of Warton, a possible cropmark complex and a possible Roman settlement. He indicated that whilst there is little other direct evidence for pre-medieval activity this may be a reflection of a lack of previous investigations across this area, rather than an indication of the potential for below ground archaeological deposits to survive across the site. He sought pre-determinative evaluation, with a geophysical survey being the initial phase.

The applicant has supplied a geophysical survey report which concludes that there were 'no anomalies of possible archaeological interest have been identified by the survey, with all the anomalies relating to various agricultural practices, natural variations and modern ferrous debris'.

The Planning Archaeologist has been supplied with this report. He remains concerned that a negative report does not fully demonstrate that there is no archaeology of importance. He points to current Historic England guidelines which indicate that any reference to 'negative evidence' must be fully qualified and explained. Lack of geophysical anomalies cannot be taken to imply a lack of archaeological features, and in such cases an alternative evaluation procedure such as trial trenching, should be considered. In light of the size of this application site and the lack of previous archaeological work having been undertaken within the vicinity of the proposal he does not consider that the potential for the site to contain archaeological deposits has been adequately demonstrated.

This stance has to be balanced against the stance taken at the other development sites in the village. The County Council's proposal on Orton Road for 72 dwellings identified a comparable historic context, however, the stance in that instance did not require pre-determinative evaluation, instead required a programme of evaluation ahead of the submission of reserved matters. Given the size of the current site and, dependent on the importance of any archaeology identified, there would be some scope for variances in the layout at reserved matters stage. It is considered that a consistent stance should be adopted and a programme of evaluation ahead of the submission of reserved matters will also be acceptable in this instance.

e) Residential amenity and village character

With regards to the residents to the north and north east of the site, the application is submitted in outline format and so any reserved matters application can ensure that the units are all orientated to maintain a sufficient degree of privacy between existing and proposed residential properties. The proposed indicative layout shows properties side on to each other or with rear gardens abutting rear gardens. Whilst separation distances will need to be reviewed at the reserved matters stage, there is scope for these arrangements to be shown to cause no significant demonstrable harm to residential amenity.

As such it is not considered that to grant outline planning permission here for housing would result in the significant loss of privacy, over dominance or loss of light to nearby residents. The proposal thus complies with Policy NW10 (Development Considerations) in the Core Strategy 2014.

The site layout shown on the indicative plan makes provision for a broad landscaped belt around the periphery of the site to soften its visual impact on the setting of the village edge and to accord with the provisions of the emerging local plan in the site allocation. The development will abut other modern housing development and will achieve access via a road which has an existing frontage of dwellings. It is not considered the development will appear as an alien or disproportionately large addition to the settlement in this context.

To ensure that the site achieves the broad landscaped belt around the periphery it would be appropriate to control, by condition, the extent of the developable area, as shown below hatched blue:



The land beyond the hatched blue area shall be used for the purpose of landscaping, nature conservation and sustainable drainage measures only.

f) Affordable Housing

Policy NW6 (Affordable Housing Provision) requires that 40% of the dwellings shall be affordable units. This can be required through a Section 106 Agreement.

The proposed development will meet policy provisions of Core Strategy Policy NW6 and emerging Local Plan Policy LP9, which require green field sites of more than 10

dwellings to provide 40% affordable housing on site (40 dwellings). Whilst the policies prescribe a target affordable housing tenure mix of 85% affordable rent and 15% suitable intermediate tenure wherever practicable, informal discussions with the Council's Housing and Strategy Officer), have identified that approximately 65% affordable rent and 35% shared ownership would be reflective of the local housing market.

The submitted indicative masterplan is therefore based on the schedule of accommodation below.

Market Housing		
No. Beds	No. Dwellings Proposed	% of market total
2	8	13.3%
3	36	60.0%
4	16	26.7%
Total 48 units (60% of units proposed)		
Affordable Rented Housing		
No. Beds	No. Dwellings Proposed	% of affordable total
2	20	50%
3	5	12.5%
4	2	0.5%
Affordable rented sub-total 67.5%		
Affordable Shared Ownership Housing		
No. Beds	No. Dwellings Proposed	% of affordable total
3	13	32.5%
Affordable rented sub-total 32.5%		
Total 40 Dwellings (40% of total dwellings proposed)		

This is an appropriate, policy compliant, provision to meet local affordable housing need and the application can be supported in this respect. The provisions would be made a requirement of the associated S106 Agreement.

h) Access to services and education

A number of the objections received raise concerns about the pressure on the existing services in the area from the occupiers of these units.

Education providers, health service providers and the Borough Council, as the provider of formal sports and recreation provisions, have all set out the financial contributions that would be appropriate to cater for the needs arising from the development. The applicant has indicated a broad acceptance of the Heads of Terms and the sums of money sought (set out above). In these circumstances, it cannot be concluded that the development would be to the detriment of existing infrastructure provisions, as it would appropriately address the needs arising as a result of it. Having said this, the negotiations are not fully concluded at this stage, in terms of the distribution of contributions between the three Warton sites. The report recommendation caters for the conclusion of these ongoing negotiations.

These contributions sought are in accordance with Policy NW22 (Infrastructure) in the Core Strategy.

i) Surface water drainage

Warwickshire County Council as the Lead Local Flood Department has no objection to the proposal subject to the imposition of a planning condition requiring a detailed surface water drainage scheme to be submitted for the site. In view of the area of land

proposed to remain free from development it is considered that a satisfactory surface water drainage scheme can be submitted in accordance with the proposed wording of the planning condition. This is in accordance with Policy NW10 (Development Considerations).

j) Loss of Agricultural Land

The application is accompanied by an Agricultural Land Classification Analysis. The analysis determines that the site is Graded 3B. This is land of moderate quality – see table below.

Grade	Description
1	Excellent quality agricultural land with no or very minor limitations to agricultural use.
2	Very good quality agricultural land with minor limitations which affect crop yield, cultivation or harvesting.
3a	Good quality agricultural land capable of producing moderate to high yields of a narrow range of arable crops or moderate yields of a wider range of crops.
3b	Moderate quality agricultural land capable of producing moderate yields of a narrow range of crops or lower yields of a wider range of crops.
4	Poor quality agricultural land with severe limitations which significantly restrict the range of crops and/or level of yields.
5	Very poor quality agricultural land with very severe limitations which restrict use to permanent pasture or rough grazing, except for occasional pioneer forage crops.

This is therefore not land which is identified in the NPPF as being the 'Best and most versatile agricultural land', which the NPPF sets out is Land in grades 1, 2 and 3a of the Agricultural Land Classification.

An objector expresses concern that following Brexit land in agricultural production should be retained for food self sufficiency. There is no national or local policy that has this objective.

The application cannot be resisted on the basis that it would result in the loss of important agricultural land.

k) Ground Conditions

The application is accompanied by a desk study to determine any potential environmental and geotechnical risk issues and liabilities pertaining to the future development of the site. The report findings identified that, due to the limited potential for contamination to be present, the potential risk to the identified receptors is generally considered to be low. The potential risk posed by the migration of hazardous ground gases associated with the former onsite pond and landfills and infilled quarries and ponds within the vicinity of the site is considered to be moderate.

Any residual risk is likely to be mitigated by the use of physical barriers including cover layers, contaminant resistant water supply infrastructure and gas resistant membranes. It is considered that traditional strip or pad foundations may be appropriate for the proposed development with foundations placed within the natural strata. Foundations may need to be locally deepened within the vicinity of existing or proposed trees and through any Made Ground or organic materials. The report recommends that an intrusive ground investigation is required ahead of any development works to determine

the founding properties of the underlying ground conditions and to determine the actual contaminative ground conditions. The intrusive investigation should include an assessment of hazardous ground gases. The Council's Environmental Health Officer concurs with these findings and recommendations. There are no ground conditions that would preclude the development of the land subject to conditions.

I) Impact on Biodiversity

The site comprises predominantly arable land with semi-improved grassland field margins and hedgerows along the southern and eastern boundaries and part of the northern boundary along with an area of tussocky semi-improved grassland and tall ruderal, and broad-leaved trees. The wider landscape predominantly comprises arable and pasture fields bounded by hedgerows and trees.

Part of the northern boundary contains a species rich hedgerow of approximately 2 to 3 metres in height. Off site and adjacent the north-west boundary is a body of standing water. The southern boundary contains a well maintained species rich hedgerow of approximately 1 to 2 metres in height with a dry ditch on the south side of the hedge. The eastern boundary contains a well maintained species rich hedgerow on a half bank of approximately 1 to 2 metres in height.

Existing hedgerows and trees will be retained as inclusive, legible components or 'markers' of the development, ensuring the site field boundaries are maintained and safeguarded, in some instances historic hedgerows are reinstated. The strategy includes a landscaped edge of public semi-natural open space to the south, west and east linking to a public right of way and a reinforced green corridor to the north. This will curtail the development edges creating a strong, meaningful landscape buffer.

The Ecological Appraisal by Just Ecology makes a clear recommendation that the hedgerows should be retained as they are key wildlife corridors. The report recommends that wildlife corridors of at least 10m wide are retained to the north, east and southern boundaries. The Warwickshire Wildlife Trust points out that this will need to be incorporated in the design at the reserved matters stage.

A badger sett exists in the vicinity. The Warwickshire Wildlife Trust concludes that the development will not harm badgers or this sett as it is outside the developable area and can be protected by a suitable buffer and fenced off during construction. Foraging routes are retained to the south and west, but not to the north. As stated in the survey report, a badger survey will need to be conducted within a few months of the construction starting to make sure than no new setts have been dug elsewhere in on the site. This could be a planning condition.

Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection.

The application is proposes an ecology enhancement strategy indicates that it 'provides options which could provide an ecological net gain'. The National Planning Policy Framework, March 2012, looks to ensure that development achieves bio-diversity net gains if it is to be considered sustainable development (Paragraphs 9, 109 and 118). The approval of reserved matters applications should be able to demonstrate that this is achieved. It would therefore be appropriate to require the carrying out of a Bio-Diversity Impact Assessment as a conditional requirement of planning permission.

It is considered that, subject to conditions the development would not cause harm to interests of nature conservation or bio diversity.

Conclusions

It is recommended that this outline proposal (with details of access) for residential development is supported. It is considered that the development would be sustainable development, being adjacent to the existing settlement and in accord with the emerging development plan. The proposed S106 contributions address concerns raised about the capacity of local schools and health services and transport provision. This site is an allocated site for housing under Emerging Policy LP39 (Housing Allocations) of the Submission Version of March 2018. It has been demonstrated that the application site can be developed with up to 100 dwellings in accordance with the policies in the Development Plan. Detailed concerns about the effect of the built form on existing dwellings would be addressed at the reserved matters stage.

Recommendation

That subject to the signing of a Section 106 Agreement covering the draft Heads of Terms as set out in this report, the Council is minded to **GRANT** outline planning permission with the following conditions:

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

REASON

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

- 2) Application for approval of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this permission.

REASON

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

- 3) The development hereby permitted shall take place not later than two years from the date of approval of the last of the reserved matters to be approved.

REASON

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

- 4) The development hereby approved shall be carried out in accordance with the site location plan numbered P17-0427-017-1 and the plan numbered Proposed Site Access Layout T17533_001_Rev A received by the Local Planning Authority on 13 October 2017, and no more than 100 dwellings shall be constructed on the site. The developable area of the site shall be confined to the area of land hatched blue on the attached plan – ‘Plan One – Developable Area’. The land beyond the hatched blue area shall be used for the purpose of landscaping, nature conservation and sustainable drainage measures only.

REASON

To reduce the impact of the proposal on the open countryside.

- 5) No development shall take place on site until a Construction Management Plan has been submitted to the Local Planning Authority for approval in writing, which shall remain in force throughout the construction period. The Plan shall provide details of the arrangements for:
- The location of storage compounds and car parking for site operatives and visitors;
 - The HGV Routing Plan;
 - The hours of working and the hours of delivery of goods, plant and materials;
 - Wheel washing facilities and any dust suppression measures particularly to prevent mud and debris entering the public highway;
 - Noise control during construction;
 - A dust management plan in line with the IAQM guidance
 - Site lighting details;
 - Measures for the protection of trees that are to be retained;
 - Household refuse from occupied dwellings during construction; and,
 - The contact for any local concerns with regards to the construction activities on the site.

REASON

In the interests of highway safety and of the amenity of neighbouring residents.

- 6) Prior to the commencement of the development detailed technical drawings, with a supporting Road Safety Audit, in general accordance with preliminary drawing T17533-001 Rev A, shall be submitted and approved in writing by the Local Planning Authority. Thereafter the approved highway access works shall be implemented in accordance with the approved plans. No part of the site shall be occupied until the approved highway access works have been completed, as evidenced by the issuing of a Certificate of Substantial Completion by the Highway Authority.

REASON

In the interests of highway safety.

- 7) The development hereby permitted shall not commence until drainage plans for the disposal of foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

REASON

To ensure that the development is provided with a satisfactory means of drainage as well as reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

- 8) No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles, the approved FRA and Sustainable Drainage Statement, *Richborough Estates Ltd, Orton Road_BWB Consulting_ ORW-BWB-EWE-XX-RP-YE- 0001_October 2017* and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority in consultation with the LLFA. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall:
- Undertaken infiltration testing in accordance with the BRE 365 guidance to clarify whether or not an infiltration type drainage strategy is an appropriate means of managing the surface water runoff from the site.
 - Demonstrate that the surface water drainage system(s) are designed in accordance with 'The SuDS Manual', CIRIA Report C753.
If infiltration is not viable, limit the discharge rate generated by all rainfall events up to and including the 100 year plus 40% (allowance for climate change) critical rain storm to the QBar Greenfield runoff rate of 5 l/s for the site.
 - Demonstrate the provisions of surface water run-off attenuation storage in accordance with the requirements specified in '*Science Report SC030219 Rainfall Management for Developments*'.
 - Demonstrate detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details of any attenuation system, and outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.
 - Provide plans and details showing the allowance for exceedance flow and overland flow routing, overland flow routing should look to reduce the impact of an exceedance event.
 - Provide evidence to show an agreement from Severn Trent Water to connect to the existing surface water network.
 - Provide a maintenance plan to the LPA giving details on how the entire surface water systems shall be maintained and managed after completion for the life time of the development. The name of the party responsible, including contact name and details shall be provided to the Local Planning Authority.

REASON

To prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; and to ensure the future maintenance of the sustainable drainage structures.

- 9) No development shall commence until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), shall have been submitted to and approved in writing by the Local Planning Authority. The scheme of investigation shall have the purpose of determining the founding properties of the underlying ground conditions to determine the actual contaminative ground conditions and shall include an assessment of hazardous ground gases. If any contamination is found, a report

specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the approved development shall be submitted to and approved in writing by the Local Planning Authority. The site shall be remediated in accordance with the approved measures and timescale and a verification report shall be submitted to and approved in writing by the Local Planning Authority. If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the Local Planning Authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the Local Planning Authority within 28 days of the report being completed and approved in writing by the Local Planning Authority.

REASON

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

10) Prior to the submission of any Reserved Matters applications for any phase of development:

- a) a Written Scheme of Investigation (WSI) for a programme of archaeological evaluative work shall be submitted to and approved in writing by the Local Planning Authority.
- b) the programme of archaeological evaluative work and associated post-excavation analysis, report production and archive deposition detailed within the approved WSI shall be undertaken. A report detailing the results of this fieldwork shall be submitted to the Local Planning Authority.
- c) An Archaeological Mitigation Strategy document (including a WSI for any archaeological fieldwork proposed) shall be submitted to and approved in writing by the Local Planning Authority. This should detail a strategy to mitigate the archaeological impact of the proposed development and should be informed by the results of the archaeological evaluation.

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

REASON

In view of evidence recorded of proximity to the medieval settlement of Warton (Warwickshire Historic Environment Record MWA9578), a possible cropmark complex (MWA6728) and possible Roman settlement (MWA 220).

11) The hours of construction shall be limited to 08:00 to 18:00 on weekdays and 08:00 to 13:00 on Saturdays only. There shall be no construction at any other times.

REASON

In the interests of residential amenity.

- 12) Prior to the commencement of development a badger survey shall be conducted to establish to up to date presence or absence of badger sets and badger activity. A report of the findings and recommendations for action in respect of the findings shall be submitted to and approved by the Local Planning Authority in writing. The agreed recommendations and actions shall be implemented in full thereafter.

REASON

In recognition of the presence of a protected species.

- 13) An ecological management plan (EMP) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The content of the EMP shall include the following:
- a) Measures for the protection and retention of existing trees and hedgerows.
 - b) Description and evaluation of features to be managed.
 - c) Aims and objectives of management.
 - d) Appropriate management options for achieving the aims and objectives.
 - e) An up-to-date Biodiversity Impact Assessment demonstrating that 'no net loss' to biodiversity has been achieved.
 - f) A work schedule, including an annual work plan capable of being rolled forward over a five-year period.
 - g) Details of the body or organisation responsible for the implementation and ongoing management, monitoring and remedial actions of the plan, including the mechanism for funding.

The approved plan shall be implemented in full accordance with the approved details and maintained as such at all times thereafter.

REASON

In the interests of protecting the biodiversity interests of the site.

- 14) None of the residential units hereby permitted shall be occupied until a scheme for the provision of adequate water supplies and fire hydrants, necessary for fire fighting purposes at the site, has been submitted to and approved in writing by the Local Planning Authority. The development shall not then be occupied until the scheme has been implemented to the satisfaction of the Local Planning Authority.

REASON

In the interest of public safety from fire and for the protection of the Emergency Fire Fighters.

Notes

1. Severn Trent Water advise that although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under The Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the building.
2. Warwickshire County Council as the Lead Local Flood Authority does not consider 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.
3. 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 (SuDS) are an approach to managing surface water run-off which seeks to mimic natural drainage systems and retain water on-site as opposed to traditional drainage approaches which involve piping water off-site as quickly as possible.
4. The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is also available on the Coal Authority website at:
5. www.gov.uk/government/organisations/the-coal-authority
6. Wildlife and Countryside Act 1981 - Birds. Please note that works to trees must be undertaken outside of the nesting season as required by the Wildlife and Countryside Act 1981. All birds, their nests and eggs are protected by law and it is thus an offence, with certain exceptions. It is an offence to intentionally take, damage or destroy the nest of any wild bird whilst it is in use or being built, or to intentionally or recklessly disturb any wild bird listed on Schedule 1 while it is nest building, or at a nest containing eggs or young, or disturb the dependent young of such a bird. The maximum penalty that can be imposed for an offence under the Wildlife and Countryside Act - in respect of a single bird, nest or egg - is a fine of up to £5,000, and/or six months' imprisonment. You are advised that the official UK nesting season is February until August.
7. Public footpath AE11 must remain open and available for public use at all times unless closed by legal order, so must not be obstructed by parked vehicles or by materials during construction.
8. The applicant must make good any damage to the surface of public footpath AE11 caused during construction.
9. If it is necessary to temporarily close public footpath AE11 for any length of time during construction then a Traffic Regulation Order will be required. Warwickshire County Council's Rights of Way team should be contacted well in advance to arrange this.

10. Any disturbance or alteration to the surface of public footpath AE11 requires the prior authorisation of Warwickshire County Council's Rights of Way team, as does the installation of any new gate or other structure on the public footpath.
11. The design of the reserved matters scheme shall have regard to the following:
The illustrative plan submitted with the application shows a significant proportion of the planned development (approximately 40%) accessible down private drives only. Please note that the Council's Waste and Recycling Service will not travel along (vehicle or on foot) paved/private drive areas to collect waste receptacles. It would require the placement of hard surfaced collection points adjacent to the adopted highway. It will require the submission of a vehicle flow plan for a 26T RCV on all areas of adopted highway for the development. The Council will require the provision of a bin storage facility capable of holding a minimum of 3 x 240 litre wheeled bins within the curtilage of each dwelling.
12. In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner through seeking to resolve planning objections and issues and suggesting amendments to improve the quality of the proposal. As such it is considered that the Council has implemented the requirement set out in paragraphs 186 and 187 of the National Planning Policy Framework.

PLAN ONE - DEVELOPABLE AREA

PAP/2017/0551



- KEY**
- 1 SITE LOCATION
 - 2 1.17 ACRES / 148 HECTARES
 - 3 PROPOSED BUILT FORM
 - 4 KEY LANDMARK BUILDINGS
 - 5 NEW PEDESTRIAN LINKS
 - 6 EXISTING PUBLIC RIGHTS OF WAY
 - 7 NEW SITE ACCESS VIA BARN END ROAD
 - 8 POTENTIAL ATTENUATION POINTS LOCATIONS
 - 9 ADJACENT COMPLETED RESIDENTIAL DEVELOPMENT
 - 10 EXISTING OFF-SITE FLOOD PROTECTED BY A 5M ECOLOGY OFF-SET
 - 11 SOFT DEVELOPMENT EDGE SET BACK FROM BARN END ROAD AND ORTON ROAD
 - 12 REVEALED WOODWAYS TO ENHANCE LOCAL NATURE OF THE LOCAL CONTEXT
 - 13 NEW WOODLAND PLANTING TO ENHANCE NATURE OF THE LOCAL CONTEXT
 - 14 KEY MEDIAN SPACES WITH LANDSCAPED VERGES TO REFLECT WARTON CHARACTER
 - 15 NEW FOOTPATH LINK TO EXISTING RECREATIONAL GROUNDS
 - 16 NEW PEDESTRIAN FOOTPATH ON WESTERN SIDE OF BARN END ROAD, CONNECTING INTO ORTON ROAD JUNCTION
 - 17 LOWER LEVELS ON DEVELOPMENT EDGE, ENHANCE STRATEGY FOR SOFT APPEARANCE
 - 18 DUAL SIDED FORMAL STREETS WITH A HIGH DENSITY OF SETBACKS OVERLAPPING, PROVIDING A LEGIBLE CHARACTER
 - 19 SHARED SURFACE STREETS, PROVIDING FOOTSTRAID PERMEABILITY THROUGH THE SITE
 - 20 NEW AREA OF PUBLIC OPEN SPACE
 - 21 3m WILD LIFE CORRIDOR
 - 22 POST AND WIRE FENCE TO WESTERN BOUNDARY
- DEVELOPMENT QUANTUM**
CIRCA 180 DWELLINGS @ 38 DPH

LAND OFF BARN END ROAD, WARTON, WARWICKSHIRE - ILLUSTRATIVE MASTERPLAN

PLANNING | DESIGN | ENVIRONMENT | ECOSPHERE | www.pegasus.co.uk | TEAM/DESIGN BY: SJ/WEL | APPROVED BY: SJW | DATE: 11/09/17 | SCALE: 1:1250 @ A3 | DRAW: P17-SUT_015_REV B | CLIENT: RICHBOURGH ESTATES LTD |

RECEIVED 09/01/2018
PLANNING & DEVELOPMENT SECTION

Pegasus
On-It

BACKGROUND PAPERS

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

Planning Application No: PAP/2017/0551

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	13 10 17 28 11 17 09 01 18
2	Collett	Representation	01 11 17
3	Mark	Representation	01 11 17
4	Douglas	Representation	01 11 17
5	Studd	Representation	06 11 17
6	Armstrong	Representation	06 11 17
7	Simkins	Representation	06 11 17
8	Lytton	Representation	20 11 17
9	Atwood	Representation	20 11 17
10	Barker	Representation	20 11 17
11	Fletcher	Representation	20 11 17
12	Mrs Cater	Representation	20 11 17
13	Mr Cater	Representation	20 11 17
14	Miss Cater	Representation	20 11 17
15	Miss Cater	Representation	20 11 17
16	Middlesmoor	Representation	20 11 17
17	Clinton	Representation	20 11 17
18	Talbot	Representation	20 11 17
19	Briers	Representation	27 11 17
20	Lytton	Representation	14 12 17
21	Waste and Transport Manager	Consultation Response	01 11 17
22	Warwickshire County Council Public Health and NHS Warwickshire North Clinical Commissioning Group	Consultation Response	20 12 17
23	Jones	Representation	02 11 17
24	Design Out Crime Officer Warwickshire Police	Consultation Response	03 11 17
25	Lead Local Flood Authority	Consultation Response	09 11 17 4 12 17 20 12 17
26	Sport England	Consultation Response	04 12 17
27	Fire and Rescue	Consultation Response	15 11 17
28	NWBC Housing and Strategy Officer	Consultation Response	15 11 17
29	Warwickshire Wildlife Trust	Consultation Response	08 11 17
30	Environmental Health Officer	Consultation Response	20 11 17

31	Natural England	Consultation Response	20 11 17 11 12 17
32	Planning Archaeologist, Warwickshire Museum	Consultation Response	22 11 17
33	Warwickshire County Council Footpaths	Consultation Response	29 11 17
34	NWBC Trees Officer	Consultation Response	05 12 17
35	Warwickshire County Council Highways Authority	Consultation Response	20 12 17 26 01 18
36	Severn Trent Water	Consultation Response	30 01 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.



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APPENDIX C

Jeff Brown BA Dip TP MRTPI
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Date: 6th February 2018
Our ref: PAP/2016/0280
Your ref: 160280

Dear Ben

● Proposed Residential Development at Orton Road, Warton

I refer to the outline planning application for 72 dwellings at the above site. This matter was referred to the Council's Planning and Development Board on 5th February. It resolved to defer a determination and one of the matters involved in that decision was the position of the new access off Orton Road into the site.

I appreciate that your letter of 20 December indicated that there was no objection to the access as proposed. The Planning Board has asked me to investigate whether there is an acceptable alternative location. The present proposal is opposite the existing row of terraced properties here. It was considered that by moving the access further north that it would be more distant from those properties and thus safer.

I acknowledge that I do not have a plan on which to illustrate that potential alternative, but the agent acting on behalf of the applicant is likely to be in contact with you in order to follow this through. In the interim I'd welcome your thoughts on whether an alternative location is at all feasible. In this regard I'd appreciate a fairly swift response if that it possible

● Yours faithfully

Jeff Brown
Head of Planning Control

Your ref: PAP/2016/0280
My ref: 160280



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22nd February 2018

Dear Mr Brown

PROPOSAL: Outline application for erection of 72 dwellings with associated access, parking and landscaping

LOCATION: Land Opposite 84 To 104 Orton Road, Warton

APPLICANT: Mr I Wilson

Thank you for your letter dated the 6th February, firstly may I apologise for the delay in responding to the matters you have raised. I have now had the opportunity to review the matters raised and review the case file and provide the following information.

The Highway Authority as part of its assessment of the planning application and discussions with the applicants transport consultants have had lengthy discussions about the appropriateness of the access arrangements.

The proposed access is located within the existing 30mph speed limit area, and can achieve visibility splays in accordance with Manual for Streets, which states the minimum level of visibility which is required in a 30mph speed limit is 43 metres in either direction. The Highway Authority noted that the access would impact on existing parking arrangements on Orton Road which required mitigating which the applicants have proposed through the revised submissions for the access arrangements. However a Road Safety Audit Stage 1 had not been submitted, in contrary to Policy LUT 8 of the Warwickshire Local Transport Plan, however if was consider this could be conditioned prior to the start of construction alongside the provision of technical drawings.

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Warwickshire*

If the North Warwickshire Planning and Development Board still consider the access arrangements to be unsafe then the lack of a Road Safety Audit Stage 1 can be utilised as a grounds for refusal, if the condition is not sufficient based on their consideration and deliberation of the application and access arrangements.

In terms of viable alternative locations these constrained by existing factors. I note that the Board have asked whether moving the access to the north away from the terraced houses would provide a safer access arrangement. It is difficult to consider this matter without technical drawings, and it should be noted that no communication with the applicant, nor their consultants has taken place in respect of the option identified. The following text provides a commentary of moving the access to the east and west of the existing proposed location.

Moving the Access to the East on Orton Road:

The Highway Authority considers this to be unfeasible, as the access would not be able to conform to our standards. The Highway Authority requires new access arrangements to a maximum distance of 25 metres from existing junctions, unless exceptional circumstances can be justified. If the access was moved to the East it would conflict with access for the lay-by serving existing properties. In addition this would cause the loss of 16 community parking bays and recycling arrangements to the local area, which would ease existing on-street parking issues on Orton Road.

In addition an access at this location would require the loss of existing hedgerow. In addition the visibility splay would cross third party land, outside their control. Therefore there would be no planning methods which would prevent the existing landowner of planting in this location and creating an obstruction to visibility. This is a Highway Safety issue which the Highway Authority would not accept.

Moving the Access to the West on Orton Road:

Relocating the access to the West would overcome the conflict with the properties, however the access would now be located on a section of road applicable to the national speed limit of 60mph. At this speed the Highway Authority requires the use of standards in accordance with Design Manual for Roads and Bridges. Therefore the Highway Authority would require a visibility splay with the 'y' axis distance of 90 metres to be achieved, unless a speed survey demonstrates a lower vehicle speed at this location.

It should also be noted that the width of the maintained adopted highway network at this part of the site narrows considerably. Therefore this would require the loss of a substantial amount of hedgerow and trees to achieve the full distance required for a safety level of visibility. Whilst this is not a highway issue, it is a material planning consideration, which the Local Planning Authority would have to take into the planning balance.

Once again the visibility splay would cross third party land, outside their control. Therefore there would be not planning methods which would prevent the existing landowner of planting in this location and creating an obstruction to visibility. This is a Highway Safety issue which the Highway Authority would not accept.

In conclusion, I cannot provide a definitive answer to a suitable local for a revised access location. This is due to no technical information being provided, and no communication with the applicants nor their consultants. The comments above are based on our assessment of the development site and highway network and not technical information. It should be noted that revised access arrangement drawings would need to be supported with the identified visibility, required vehicle tracking drawings for the refuse vehicle and a Road Safety Audit Stage 1.

I trust the above provides some clarification in regards to the matters you have raised in your email. However if you have any further questions please do not hesitate to contact me.

Yours sincerely

Ben Simm

Ben Simm
Development Group



**North Warwickshire
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Date: 6th March 2018
Our ref: PAP/2016/0280
Your ref:

Dear Ben

Proposed Residential Development at Orton Road, Warton

I refer to my letter of 6th February and your reply of 22 February.

The case was referred back to the Council's Planning Board on 5th March. It resolved that it was minded to support the grant of planning permission subject to further research into a couple of highway matters and I would ask you to respond to these please as soon as you are able.

The first relates to the option of relocating the proposed access point further to the east along Orton Road. Whilst understanding the reasons for your concerns about this as expressed in your letter of 22 February, I have been asked to investigate whether the 30 mph limit could be extended further out of the village to the east. If this was the case, then it is suggested that the visibility splays for the new access also further to the east, would then be in a 30mph zone and might then be able to be provided without the need for third party land or the removal of hedgerows. I would welcome your thoughts on this.

The second relates to the lack of any request by your Authority for traffic calming in Orton Road at the point of the 30 mph limit and further to the west. It is suggested that these measures would reduce traffic speeds and thus increase road safety at the proposed site access location, whether as now proposed or as suggested further towards the east. Again I'd welcome your thoughts on this please.

I am under a degree of pressure from the applicant to resolve these outstanding queries and would thus welcome an early response.

Yours faithfully

Jeff Brown
Head of Planning Control

Your ref: PAP/2016/0280
My ref: 160280



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FAO : Jeff Brown

23rd March 2018

Dear Mr Brown

PROPOSAL: Outline application for erection of 72 dwellings with associated access, parking and landscaping
LOCATION: Land Opposite 84 To 104 Orton Road, Warton
APPLICANT: Mr I Wilson

Thank you for your letter dated the 6th March, in response to your response dated the 22nd February. Please find below in the following text the response the enquiries raised in your further response.

Extension of the 30mph Speed Limit;

The Committee as the determining can, if its is considered necessary to make the development acceptable, request a financial contribution to enable the speed limit to be extended. The contribution would be £12,000.00 and secured through a Section 106 Agreement.

However the extension of the Speed Limit would still not be guaranteed to be implemented, as it must follow its formal process under the Traffic Regulation Order process under the Highways Act 1980. There is no certainty that the 30mph speed limit would be extended especially based on 85th percentile speeds, and whether Warwickshire Police will support and enforce the speed limit.

If the application was improvement but the speed limit extension rejected through its separate process, then the access arrangements would not be sufficient for the existing identified speed of the road at this location, with insufficient visibility required.

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Traffic Calming on Orton Road:

The Highway Authority can only request mitigation which is related to the proposed development, and not existing situations on the highway network, in accordance with the National Planning Policy Framework, Planning Practice Guidance, and Department for Circular 02/2013.

The Highway Authority has not requested traffic calming at this location as there is no accident record for personal injury accidents which suggest that Orton Road is unsafe with the cause being the excessive speed of vehicles. However the existing arrangements and layout of Orton Road, within the 30 limit is sufficient to support a low speed environment. The Highway Authority also has to consider bus services and operators who won't serve areas with physical traffic calming, especially vertical features, which cause delay and discomfort to passengers on their services.

In addition it is not the responsibility of the applicant to mitigate individual motorists behaviour on the network, which is a matter for Warwickshire Police.

I trust the above provides some clarification in regards to the matters you have raised in your email. However if you have any further questions please do not hesitate to contact me.

Yours sincerely

Ben Simm

Ben Simm
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Date: 11th April 2018
Our ref: PAP/2017/0551
Your ref:

Dear Ben

Proposed Residential Development off Barn End Road, Warton Richborough Estates

I wrote to you recently – 6 March – in respect of two sites in Warton as a consequence of the referral of two planning applications to our Planning and Development Board. I received your reply dated 23 March. I am instructed by the Council's Planning and Development Board to write again in respect of a further third application for new housing in Warton – that for up to 100 dwellings off Barn End Road for Richborough Estates – PAP/2017/0551.

The reason for the request is similar to that of my 6 March letter.

The present proposal has a single access from Barn End Road and your Authority responded with no objection. This was reported to the Board on 9th April and it resolved to support the application in principle and thus it is minded to grant an outline planning permission. However, the Board had some reservations about the proposed access – particularly there being a lot more traffic using Barn End Road and the high level of existing on-street car parking. The Board has asked if you would consider an access on to Orton Road as an alternative. I would therefore ask for your response outlining the reasons for your reply and if this is considered not to be acceptable, why the Barn End Road proposal is preferable.

However, the Board anticipates that the alternative location off Orton Road is probably not going to be supported by your Authority because of the speed limit for that stretch of road. I have therefore been asked if you would extend your reply to explain whether it is possible or indeed likely for the village speed limit to be extended out of the village so as to include this stretch of Orton Road and if so, whether that would make the possibility of a relocated site access more acceptable.

Additionally, I would ask if you would look at the possibility of two access points into the site, one off Orton Road and one off Barn End Road – either joined through the internal layout, or as two cul-de-sacs.

I look forward to hearing from you on these matters. If it would be helpful, we could arrange a meeting to run through these Warton issues.

The applicant in the Richborough case was present at the 9th April Board meeting and I know that he has instructed his transport consultants to explore the scenarios set out above. I am sure that they will be in touch with you very soon.

Yours faithfully

Jeff Brown
Head of Planning Control

Your ref: PAP/2017/0551
My ref: 170551



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FAO : Jeff Brown

3rd May 2018

Dear Mr Brown

PROPOSAL: Outline application for up to 100 dwellings; all matters reserved except for access
LOCATION: Land South Of Warton Recreation Ground, Orton Road/Barn End Road, Warton
APPLICANT: Pegasus Group

Thank you for your letter dated the 11th April, in regards to whether an access would be feasible from Orton Road and a potential change in speed limit Please find below in the following text the response the enquiries raised in your further response.

Proposed Access onto Barn End Road:

The Highway Authority undertook a robust assessment of the proposed access arrangements, and accepted the visibility splays and design parameters which accord with Manual for Streets due to the 30mph speed limit of this section of highway.

Whilst it was noted in our response, dated 20th December 2017, that a Road Safety Audit Stage 1 had not been provided, and therefore is contrary to Policy LUT 8 of the Warwickshire Local Transport Plan.

If the members have misgivings or concerns about the access, then they could defer the application and request this information which the Highway Authority would review. However it is unlikely that this would change the Highway Authority decision and I think it has been comfortably covered with a condition. I would not recommend it as a reason for refusal, as it can be easily overcome. However, I leave that for you to consider as an option as the Local Planning Authority.

*Working for
Warwickshire*

Proposal for an Access onto Orton Road:

The Highway Authority considers that an access onto Orton Road would be problematic. Due to the speed of the road at 60mph, and possibly greater and access would have to be designed and visibility splays achieved in accordance with Design Manual for Roads and Bridges. For an access to acceptable a visibility splay of 4.5m x 215m.

This would result in a substantial loss of hedgerow, and the ecological and landscape impact would have to be considered as part of the proposal. In addition the full extent may not be achieved to the left as the crossroad junction would be within the visibility splay and impact upon highway safety, due to a plethora of movements at one location in proximity to the access.

Extension of the 30mph Speed Limit on Orton Road:

It is unlikely that an extension to the 30mph on Orton Road to accommodate a proposed access would be successful. The reason being is that Orton Road at this location is very rural in its nature with hedgerows either side. In addition it is very straight with dominance for the motorist, creating a high speed environment.

The 30 mph would not be supported by the Road Safety Team as it is unlikely that the 85th percentile speeds would be suitable for Warwickshire Police to enforce the speed limit. If Warwickshire Police will not enforce then technically the Highway Authority cannot support the proposed speed limit without exceptional circumstances, such as a significant accident record. Having check the accident data records there is no accident record at this location.

In addition whilst development would be on the south side it would be behind a buffer and significant screening, and there would be no development to the north of Orton Road. Therefore the road layout, except for an access, would not change and would still be conducive to a high speed environment.

I trust the above provides some clarification in regards to the matters you have raised in your email. However if you have any further questions please do not hesitate to contact me.

Yours sincerely

Ben Simm

Ben Simm
Development Group

Appendix F



TREE EVALUATION METHOD FOR PRESERVATION ORDERS (TEMPO)

SURVEY DATA SHEET & DECISION GUIDE

Date: 22/05/2018. Surveyor: A WATKINS.

Tree details
 TPO Ref (if applicable): Tree/Group No: Species: OAK.
 Owner (if known): Location: ORTON ROAD, WARTON

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

Part 1: Amenity assessment

a) Condition & suitability for TPO

- 5) Good Highly suitable
- 3) Fair Suitable
- 1) Poor Unlikely to be suitable
- 0) Dead Unsuitable
- 0) Dying/dangerous* Unsuitable

Score & Notes 1) SIZEABLE VENEER NOTED WITHIN THE CROWN OF THE TREE. TWIN-STEMMED FORM OF TREE DOES NOT PROMOTE STRUCTURAL INTEGRITY.

* Relates to existing context and is intended to apply to severe irremediable defects only

b) Retention span (in years) & suitability for TPO

- 5) 100+ Highly suitable
- 4) 40-100 Very suitable
- 2) 20-40 Suitable
- 1) 10-20 Just suitable
- 0) <10* Unsuitable

Score & Notes 1) WILL REQUIRE REMOVAL TOWARDS LOWER END OF SPAN TO PREVENT HAZARD/DANGER TO HIGHWAY.

* Includes trees which are an existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality

c) Relative public visibility & suitability for TPO

Consider realistic potential for future visibility with changed land use

- 5) Very large trees with some visibility, or prominent large trees Highly suitable
- 4) Large trees, or medium trees clearly visible to the public Suitable
- 3) Medium trees, or large trees with limited view only Suitable
- 2) Young, small, or medium/large trees visible only with difficulty Barely suitable
- 1) Trees not visible to the public, regardless of size Probably unsuitable

Score & Notes 4) TREE IN CLEAR VIEW FROM HIGHWAY.

d) Other factors

Trees must have accrued 7 or more points (with no zero score) to qualify

- 5) Principal components of arboricultural features, or veteran trees
- 4) Tree groups, or members of groups important for their cohesion
- 3) Trees with identifiable historic, commemorative or habitat importance
- 2) Trees of particularly good form, especially if rare or unusual
- 1) Trees with none of the above additional redeeming features

Score & Notes 0) NO REDEMING FEATURES

Part 2: Expediency assessment

Trees must have accrued 9 or more points to qualify

- 5) Immediate threat to tree
- 3) Foreseeable threat to tree
- 2) Perceived threat to tree
- 1) Precautionary only

Score & Notes 2) POTENTIAL DEVELOPMENT SITE IN CLOSE PROXIMITY TO THE TREE.

Part 3: Decision guide

- Any 0 Do not apply TPO
- 1-6 TPO indefensible
- 7-10 Does not merit TPO
- 11-14 TPO defensible
- 15+ Definitely merits TPO

Add Scores for Total:
9

Decision:
DOES NOT MERIT TPO