

**(3) Application No: PAP/2016/0679**

**Land South of 1 To 7 The Beeches, Laurel Avenue, Polesworth, B78 1LT**

**Outline application for erection of up to 31 no: dwellings and associated works (with details of point of access), for**

**Mr N Misselke - Elford Homes**

**Introduction**

This application was referred to the Board's June and July meetings but determination was deferred in order to enable Members to visit the site and for the applicant's agent to investigate an alternative point of vehicular access from Common Lane, together with the possibility of reducing numbers.

Since July's meeting, an amended plan has been submitted by the agent showing a vehicular access from Common Lane in the position where the existing field access is located. A pedestrian access is also proposed into Laurel Avenue. The number of dwellings remains though as up to 31.

For convenience the last two reports are attached at Appendix A and a copy of the amended plan is attached at Appendix B.

**Consultations**

Highway Authority – It has received the amended plan and its comments will be reported at the meeting.

**Representations**

All those residents who were consulted on the original application have been re-notified as well as the Polesworth Parish Council. At the time of preparing this report, one letter of objection has been received from a local resident maintaining objections to the proposal. It is said that, "squeezing 31 dwellings onto two fields is not acceptable. This development will still use Common Lane and the junction onto the B5000 which is already congested."

**Observations**

Members will recall that there is no objection to this proposal in principle.

The July Board was informed that the Highway Authority no longer objected to the use of Laurel Avenue to access this proposed residential site. However, following a discussion and with the advantage of the site visit, it deferred determination as it wanted to know about the feasibility of an alternative vehicular access directly onto Common Lane.

An amended plan has now been submitted. The amended plan shows:

- vehicular access directly from Common Lane which enters the site in its north-eastern corner in the position of the current field access gate;

- the realignment and upgrading of Common Lane in this location to accommodate the vehicular access;
- the extension of the footpath on the western side of Common Lane leading into the proposed site.
- a footpath connection into the site from Laurel Avenue, and
- the extension of the footpath on the eastern side of Laurel Avenue leading up to the proposed footpath into the development site.

A consultation exercise is currently being undertaken on this amended plan and the Board will be verbally updated on the contents of any letters received. This will include observations received from the Highways Authority.

This site does have dual street frontages onto Common Lane and Laurel Avenue and so there is a possibility of accessing the site from either of these roads. The use of Laurel Avenue was originally proposed to ensure that the development fully integrated with the settlement of Polesworth by developing along the eastern side of Laurel Avenue and by utilising existing pedestrian links with Bardon View Road. The revised proposal to use The Common as the only vehicular access into the site will lessen the impact on the residents of Laurel Avenue and The Beeches from traffic generated from the proposal. However, there is still a requirement that the development of this site is fully integrated with the settlement of Polesworth. The inclusion of a pedestrian/cycle link from the site onto Laurel Avenue so that the main services can be accessed via the link with Bardon View Road is thus important.

The Highway Authority has already confirmed that the traffic proposed to be generated from this scheme can be accommodated within the existing road network which includes the junction onto the B5000. The comments of the Highway Authority on this amended proposal to access the site from Common Lane are now awaited. If the Highway Authority has no objections to a vehicular access directly onto Common Lane and a pedestrian/cycle link onto Laurel Avenue, it is recommended that the Board support this amended plan subject to the signing of a Section 106 Agreement and subject to the conditions contained in the previous reports along with any revised conditions proposed by the Highway Authority.

If the Highway Authority objects to any vehicular access onto Common Lane and this objection cannot be overcome then clearly the Board will have to reach a decision on the original proposal to use Laurel Avenue.

## **Recommendation**

That subject to the Highway Authority confirming that it has no objections to the amended proposal to provide a vehicular access into the site from Common Lane and pedestrian/cycle links onto Laurel Avenue, then this amended proposal be supported subject to:

1. The signing of a Section 106 Agreement covering the draft Heads of Terms (but omitting affordable housing which will be dealt with by condition);
2. the conditions contained within the report to June's Board with an amendment to condition 4 to read as follows:

"The development hereby approved shall not be carried out otherwise than in accordance with the Location Plan numbered 1000-174 101 received by the Local Planning Authority on 28 November 2016, the plan numbered 19109-04

received by the Local Planning Authority on 19 July 2017 and the plan numbered 1000-174 150E received by the Local Planning Authority on 21 July 2017 which shows the site boundary and the approved access road into the site. For the avoidance of doubt, the site layout and housing types shown on plan numbered 150E are not approved.

#### REASON

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

3. amendments to conditions 13, 14, 15 and 16 in the July’s Board Report as directed by the Highway Authority and
4. the inclusion of condition 17 (affordable housing)

## BACKGROUND PAPERS

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

Planning Application No: PAP/2016/0679

<b>Background Paper No</b>	<b>Author</b>	<b>Nature of Background Paper</b>	<b>Date</b>
1	The Applicant or Agent	Amended plan	20/7/17
2	J Dorrell	Objection	20/7/17

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

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

## General Development Applications

(1) Application No: PAP/2016/0679

Land South of 1 To 7 The Beeches, Laurel Avenue, Polesworth, B78 1LT

Outline application for erection of up to 31 no: dwellings and associated works (with details of point of access), for

Mr N Misselke - Elford Homes

### Introduction

This case was referred to the Board's June meeting but determination was deferred in order to enable Members to visit the site. This has now taken place and a note of that visit will be circulated at the meeting.

Since June's meeting, a response has been received from the Highways Authority and this report will address the detail raised in that reply.

For convenience the last report is attached at Appendix A.

### Highways

A copy of the County Council's letter is at Appendix B

In short Warwickshire County Council has removed its original objection to the proposal. They confirm that a Transport Statement has been provided with the proposal which provides further data in relation to existing vehicle flows and speeds on the surrounding network. In this Transport Statement, surveys have been taken on Common Lane. The average speed recorded is 26mph northbound and 27mph southbound and therefore access arrangements of 2.4m by 43m visibility splays are required.

The traffic generation assessment calculates a vehicle trip generation of 17 vehicles in the morning peak, 15 in the afternoon peak and a 12 hour prediction of 139 additional vehicle movements. The Highways Authority states that personal trips are higher than these levels and therefore sustainable access to the site is going to be important.

A Stage 1 Safety Audit has also been undertaken for the scheme and has been reviewed by the County's Road Safety team. They have raised concerns about the lack of footpath proposed to the south of the site in front of proposed plots 1 to 3. Indeed, Laurel Avenue currently does not comply with the Council's adoptable highway standards which require a highway to be 5 metres wide and a footway to be 2 metres wide.

As such, and in order to overcome the County Council's concerns it will require the following to be incorporated into a revised site layout plan at the detailed reserved matters stage:

- A two metre wide footway adjacent to the entire development site frontage on Laurel Avenue;

- Two metre wide footways on both sides of the new site access road and around the turning head,
- A carriageway width of 5.5 metres,
- Site parking provision to fully comply with the Council's adopted parking standards and,
- The provision of an accessible route to local bus facilities on Bardon View Road.

Since the application was reported to the Planning and Development Board in June, two further objection letters have been received from local residents regarding the highway network and pedestrian footpaths being unsuitable for these additional dwellings.

The highway improvements required by the Highways Authority can be included in a suitably worded condition to ensure that the full details of the footway along the development side of Laurel Avenue and the accessible route to the public footpath leading to Bardon View Road are provided. Based on the recommendations of the Highway Authority and the amendments required to the scheme at the reserved matters stage, it is considered that the amended proposal will address the requirements in Saved Policy TPT3 in the North Warwickshire Local Plan 2006 and that the development will make provision for safe and convenient pedestrian and vehicular access and circulation. As such there is no significant and demonstrable highway harm that can be evidenced to show that this would amount to "severe" harm, which is the test set out in the NPPF for highway impacts.

### **Affordable Housing**

The applicant has asked if the Board would consider agreeing to the affordable housing provision requirement being incorporated into an appropriately worded condition rather than being included in the Section 106 Agreement. The reason for this request is that discussions with the majority of Social Registered Landlords have indicated that they prefer the affordable housing to be secured by a planning condition, as this increases the amount of funding that is available to them. The Board has agreed to affordable housing being secured by a planning condition for other schemes in the Borough so it is considered that a condition can be used in this instance.

### **Recommendation**

That subject to the signing of a Section 106 Agreement covering the draft Heads of Terms (but omitting affordable housing) that planning permission be approved with the conditions included in June's report to the Planning and Development Board along with the additional highway conditions:

"13) Prior to the commencement of development, a plan detailing the provision of vehicular and pedestrian access to the site including a footway along the full length of the site frontage along Laurel Avenue shall be submitted to and approved in writing by the Local Planning Authority. The submission shall include a Stage 1 Safety Audit and swept paths. The dwelling houses hereby permitted shall not be occupied until the access has been laid out and hard surfaced in accordance with the approved details and made available for use and retained as such thereafter.

### **REASON**

In the interests of the safety of pedestrians using Laurel Avenue.

14) Prior to the commencement of development, visibility splays shall be provided to the vehicular access to the site passing through the limits of the site fronting the public highway with an 'x' distance of 2.4 metres and 'y' distances of 43 metres to the near edge of the public highway. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway.

REASON

In the interests of highway safety.

15) The development hereby permitted shall not commence unless measures are in place to prevent/minimise the spread of extraneous material onto the public highway by the wheels of vehicles using the site and to clean the public highway of such material.

REASON

In the interests of highway safety.

16) At the reserved matters stage a revised site layout plan for the development to show the following information shall be submitted to and approved in writing by the Local Planning Authority:

- A two metre wide footway adjacent to the entire development site frontage on Laurel Avenue
- Two metre wide footways on both sides of the new site access road and around the turning head,
- A carriageway width of 5.5 metres,
- Site parking provision to fully comply with the Council's adopted parking standards and
- The provision of an accessible route to local bus facilities on Bardon View Road.

REASON

In the interests of highway safety.

17) The development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme. The scheme shall include:

- i. the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 40% of housing units being affordable housing of which 65% of these units shall be affordable rented units and 35% of these units shall be shared ownership units;
- ii. the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing
- iii. the arrangements for the transfer of the affordable housing to an affordable housing provider; and,
- iv. the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

## REASON

To provide a suitable mix of affordable housing units as required by Policy NW6.

### **Additional Notes**

2) Condition numbers 13, 14 and 15 require works to be carried out within the limits of the public highway. Before commencing such works the applicant/developer must serve at least 28 days' notice under the provisions of Section 184 of the Highways Act 1980 on the Highway Authority's Area Team.

This process will inform the applicant of the procedures and requirements necessary to carry out works within the Highway and, when agreed, give consent for such works to be carried out under the provisions of Section 184. In addition, it should be noted that the costs incurred by the County Council in the undertaking of its duties in relation to the construction of the works will be recoverable from the applicant/developer.

The Area Team may be contacted by telephone: 01926 412515. In accordance with Traffic Management Act 2004 it is necessary for all works in the Highway to be noticed and carried out in accordance with the requirements of the New Roads and Streetworks Act 1991 and all relevant Codes of Practice.

Before commencing any Highway works the applicant/developer must familiarise themselves with the notice requirements, failure to do so could lead to prosecution. Application should be made to the Street Works Manager, Budbrooke Depot, Old Budbrooke Road, Warwick, CV35 7DP. For works lasting longer than 10 days, three months' notice will be required.

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

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



## BACKGROUND PAPERS

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

Planning Application No: PAP/2016/0679

Background Paper No	Author	Nature of Background Paper	Date
1	Highways Authority	Consultation response	28/4/17
2	Mr Exley	Objection	14/6/17
3	Mr Hall	Objection	14/6/17
4	Agent	E-mail	5/6/17

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

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

## APPENDIX A

### General Development Applications

(#) Application No: PAP/2016/0679

Land South of 1 To 7 The Beeches, Laurel Avenue, Polesworth, B78 1LT

Outline application for erection of up to 31 no: dwellings and associated works (with details of point of access), for

Mr N Misselke - Elford Homes

#### Introduction

This application is reported to the Planning and Development Board at the discretion of the Head of Development Control in view of the objections received.

#### The Site

The proposed development site lies to the south of the settlement of Polesworth. The site is bound by properties along The Beeches to the north; the road known as Common Lane to the east, the property known as Laurel End and an agricultural field to the south and properties along Laurel Avenue to the west.

The site measures some 1.04 hectares in size and is bound by a mature hedgerow along all of the boundaries. The gardens of the properties on The Beeches form the northern boundary.

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



### **The Proposal**

The scheme relates to the development of this field with residential units. It is submitted in outline format along with the details of the vehicular access from Laurel Avenue. The indicative layout submitted with the proposal shows that the majority of the site is to be developed with a maximum of 31 dwellings.

The following documentation has been submitted with the application:

- Flood Risk Assessment
- Proposed Streetscenes
- Phase One Preliminary Ecological Appraisal
- Site Survey
- Coal Mining Risk Assessment
- Transport Statement

The proposal would be the subject of a Section 106 Agreement with the following draft heads of terms:

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- 40% of the units being affordable housing units with 65% of these units being affordable rented units and 35% being shared ownership.
- £1451.07 per unit towards enhancements to the Public Open Space in Abbey Green, Polesworth.
- Maintenance and management of the hedgerows within the site.
- Maintenance and management of the surface water attenuation features.

### **Development Plan**

The Core Strategy 2014 - NW1 (Sustainable Development); NW2 (Settlement Hierarchy), NW4 (Housing Development), NW5 (Split of Housing Numbers), NW6 (Affordable Housing Provision), NW9 (Employment), NW10 (Development Considerations), NW11 (Renewable Energy and Energy Efficiency), NW12 (Quality of Development), NW13 (Natural Environment), NW14 (Historic Environment), NW15 (Nature Conservation), NW16 (Green Infrastructure), NW19 (Polesworth and Dordon) 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 - (the "NPPF")

The National Planning Practice Guidance

The Council's Draft Local Plan for North Warwickshire Consultation Document 2016

The Ansley Appeal Decision – reference:: APP/R3705/W/16/3149573

### **Consultations**

Warwickshire Police – It confirms no objection to this proposal, however advice is offered on design and layout to ensure that residents do not become victims of crime or anti-social behaviour.

Warwickshire County Council as Highway Authority – The County originally objected to the proposal as the application was not accompanied by a Stage 1 Road Safety Audit along with concerns about swept paths for refuse vehicles and visibility splays and the access arrangements into the site were substandard and too narrow. A Transport Statement has now been submitted and revised comments from the Highways Authority are awaited.

Severn Trent Water Ltd – It confirms no objections to the proposal subject to the imposition of a drainage condition.

Warwickshire County Council as the Lead Flood Authority – The County confirms that following receipt of a Flood Risk Assessment, it now has no objection to the proposal.

However, it is recommended that a planning condition is imposed on any consent granted.

Environmental Health Officer – It is confirmed that hours of construction should be restricted to 0800 to 1800 during weekdays and 0800 to 1300 on Saturdays. A dust management plan is also recommended to be submitted for approval. A ground investigation survey will be needed.

Warwickshire Fire and Rescue Service – It confirms no objection to this proposal subject to the imposition of a planning condition.

Warwickshire Museum - It confirms no objections to the proposal. However, as the site lies within an area of archaeological potential, then some archaeological work will be required as part of a planning condition.

Warwickshire County Council's Infrastructure Team – It confirms that contributions towards sustainable travel packs and libraries are required from this scheme.

Warwickshire Wildlife Trust – No comments received

**Representations:**

Polesworth Parish Council – They object to this proposal as the site is not allocated in the current Local Plan.

County Councillor Dave Parsons – He supports the representations made below as the access is inadequate. Common Lane and in particular Laurel Avenue are narrow with lots of parked cars. The residents of Laurel Avenue are deeply concerned about this problem. This application should be rejected or suspended until the full picture of future development in this area becomes clear.

50 letters of objection from local residents regarding:

- Unsuitable vehicular access onto Laurel Avenue and The Beeches.
- Increase in traffic using Laurel Avenue and the junctions leading up to the proposed access.
- There are a lot of parked cars along Laurel Avenue and so it is narrow in places.
- The footpath along Laurel Avenue is only on one side of the road and does not stretch along the complete length of the road. Concerns are raised about the safety of pedestrians using Laurel Avenue.
- This will add to the traffic congestion onto the A5 and the B5000 which is already congested.
- The Draft Local Plan states that the building of homes and businesses cannot be carried out unless infrastructure is provided alongside it including health, education, flooding and drainage, traffic and shops and community centres. This infrastructure is not being provided alongside this development.
- The central area of Polesworth is already very congested and cannot cope with any increase in population.
- This site lies outside of the development boundary for Polesworth and should not be allowed.
- The site has surface water drainage issues and the stream which runs alongside the eastern boundary has been flooded several times; this proposal will increase the flooding in the area.

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- There are issues with the capacity of the sewers along Laurel Avenue and the top of Common Lane; the sewers cannot cope with this proposed increase in dwellings in the area.
- By reason of its size, depth, width, height and massing the proposed development will result in overlooking and loss of privacy for the existing neighbouring properties.
- The scale of the development will be visually overbearing and the impact on neighbouring properties in The Beeches and Laurel Avenue will be unacceptable. It will block light and cause overlooking.
- The development will compromise the character of the area and ruin the rural nature of the current setting.
- The proposal only includes two car parking spaces per dwelling which is not adequate.
- The proposal lacks any public open space.
- This proposal will remove hedgerows including the hedgerow along Laurel Avenue.
- There is no Biodiversity Offsetting required for the scheme.

One letter of no objection in principle has been received. The author does raise questions about how the roads will cope with the additional traffic particularly Goodere Avenue and Common Lane.

## **Observations**

### **a) Introduction**

Members are aware that the recent appeal decision at Ansley is a material planning consideration of significant weight in the determination of this case. This appeal related to the issue of whether the Borough has a 5-year housing land supply.

This report will assess this proposal against the Development Plan policies in the Core Strategy and the weight to be given to these policies as a result of the Appeal decision.

### **b) The Principle of Development**

The site lies outside of the Development Boundary for Polesworth. Policy NW2 in North Warwickshire's Core Strategy seeks to develop a broad distribution pattern for development with more than 50% of the housing and employment requirements being provided in or adjacent to the Market Towns outside of the Green Belt and their associated settlements. Polesworth with Dordon are identified as one of these Market Towns.

This proposed site lies adjacent to the development boundary for Polesworth as the development boundary includes the western side of Laurel Avenue and the southern side of The Beeches. As such, the proposal accords with this Policy.

The site has a street frontage to Laurel Avenue and The Common. There is a public footpath which runs from Laurel Avenue onto Bardon View Road next to the parade of shops and the bus stop for the hourly service between Tamworth and Atherstone. These pedestrian linkages 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.

The site has been identified as a preferred housing allocation for Polesworth in the Council's Draft Local Plan 2016. As such it is considered that the site proposed is in a sustainable location being located adjacent to Polesworth and so complies with the settlement hierarchy as laid out in Policy NW2 and the criteria in Policy NW10.

In addition to this, the Inspector involved in the recent appeal decision at Ansley gave weight to the more recent housing need evidence from 2015 for the Coventry and Warwickshire housing market area 2011-2031, which shows that the Council's objectively assessed need has increased to 5280. It is acknowledged that this new requirement is set out in Policy LP6 of the emerging North Warwickshire Local Plan. As such, the Inspector concluded that on the evidence before them, the Council's five year housing land supply figure was closer to 3.5 years than 5 years.

The Council has produced a revised housing land supply figure which demonstrates that the Council has a 4.5 year housing land supply. This is less than the required 5 year land supply and so paragraph 49 of the NPPF is engaged. In short the housing provision policies in the Core Strategy are out of date. As such, bullet point 4(1) of paragraph 14 of the Framework is thus triggered. Paragraph 14 states that Councils should:

"where the development plan is absent, silent or relevant policies are out of date, grant permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessing against the policies in the Framework taken as a whole."

As such there is a therefore a presumption that the principle of residential development is accepted in this sustainable location at the present time. However, the test that needs to be fulfilled in accordance with paragraph 14 is whether the adverse impacts of granting a planning permission here for housing would significantly and demonstrably outweigh the benefits.

The main impacts of approving residential development in this location are:

- The impact on the highway Infrastructure.
- The impact on the character and appearance of the area.
- The impact on residential amenity.
- The impact on the surface and foul water drainage in the area.

#### **c) Highway Infrastructure**

The proposal involves a new priority controlled T-junction to be provided on the eastern side of Laurel Avenue. The Highway Authority had objected to the original submission due to a lack of information on swept paths for refuse vehicles, visibility splays and the absence of a Stage 1 Safety Audit. Concerns were also raised about the inadequate access arrangements proposed involving a substandard access road; no footways on the site frontage and private driveways being too narrow with substandard aisle widths.

To address this objection the applicant has submitted a Transport Statement with a Stage 1 Safety Audit. The amended proposal shows Laurel Avenue being widened to 5.0 metres as it fronts the site along with a 2.0 metre footway provided on the eastern side of Laurel Avenue between the proposed development and the existing footway on the southern side of The Beeches. To accommodate this, existing lamp columns in the eastern verge will be repositioned at the back of the proposed footway. Visibility splays



of 2.4m x 43m are provided and this may require the relocation of three lamp columns/electricity poles. The layout has been subjected to a Stage 1 Road Safety Audit as requested by the County Council and no issues have been identified by that Council.

At present there are 34 dwellings on Laurel Avenue. The existing traffic flows and speeds in the area are low. Over a 12 hour period, the development is predicted to generate 139 two-way vehicle trips. During the peak periods the proposal is anticipated to generate circa 17 two-way movements. This equates to one extra vehicle every 3 minutes during peak periods. As such the Transport Statement concludes that the predicted traffic to be generated from the site will not be material and would not have any significant impact on the local highway network. The overall flows on Common Lane would remain less than 60 vehicles per hour which is well within the capacity of a cul-de-sac road where the Manual for Streets confirms at para 7.2.14 that shared spaces are appropriate in cul-de-sacs where the volume of vehicular traffic is below 100 vehicles per hour which it is and will be in this case.

A resident has drawn Officer's attention to some of the assumptions made in the Transport Statement and questioned whether these assumptions and calculations are correct. Their correspondence has been passed onto the Highways Authority as well as the Highway Engineer responsible for producing this report for consideration.

As stated above, the Highways Authority has been consulted on the amended plan and additional information. No response has been received to date. The additional information and amended plan should address their concerns with regards to the lack of information submitted and the need for a footpath link and swept paths. Observations received from the Highways Authority will be reported verbally to the Planning and Development Board.

#### **d) The impact on the character and appearance of the area**

The proposed site comprises two enclosed fields. When viewed from the east on Common Lane looking to the west, the site is obscured by mature trees and a hedgerow. From views from the south, views of the site are again obscured by a mature hedgerow. The properties of The Beeches and Laurel Avenue are generally set at a higher level than the development site.

The loss of open countryside and open fields would amount to some harm to the character of the area. Policy NW12 of the Core Strategy is predominantly a design policy and states that all development proposals must demonstrate a high quality of sustainable design that positively improves the individual settlement's character, appearance and quality of an area. The policy is relevant to the determination of the proposal and there would be some conflict with it.

The Phase 1 Ecology Report demonstrates that the majority of the site is of 'low ecological value.' However, the hedgerow boundaries have been identified as having moderate wildlife value, and these would be retained as far as possible. A condition can be imposed to ensure that apart from the section of hedgerow which needs to be removed to provide the vehicular and pedestrian access and the necessary visibility splays, the remaining hedgerow is to be retained and protected during the construction activity.



The Site Survey submitted with the application shows that the site is set at a lower level compared to the housing surrounding its northern and western boundaries. As such, development here would appear as an extension of the existing residential development introducing a well-defined edge to the development boundary allowing development on both sides of Laurel Avenue and to the western side of Common Lane. It is thus considered that development on this site would have a minimal impact on the character and appearance of the countryside in this locality.



#### **e) The Impact on Residential Amenity**

With regards to the residents to the north and south of the site, the application is submitted in outline format and so any reserved matters application can look at the possibility that all of the units are orientated to have their rear gardens backing onto any rear gardens of these existing residential properties. The dwellings can be limited in height to two-storey only and by virtue of Laurel Avenue and The Beeches being constructed on higher ground for parts of the site, many of these new dwellings will appear as being the height of single storey dwellings.

The loss of a view is not a material planning consideration. By retaining and enhancing the majority of landscaping around the site, the obstruction of views into and out of the site will be reduced.

A number of the objections focus on the high density proposed for this site. The density proposed is 31 dwellings per hectare which is a similar density to the housing estate which lies to the north and west of the site.

As such it is not considered that there will be a significant loss of privacy or loss of light from the proposal for the residents to the north and south of the site. The proposal thus complies with Policy NW10 (Development Considerations) in the Core Strategy 2014.

**f) The impact on the surface and foul water drainage in the area**

Policy NW10(11) in the Core Strategy 2014 states that development should protect the quality and hydrology of ground or surface water sources so as to reduce the risk of pollution and flooding, on site or elsewhere. The application is accompanied by a Flood Risk Assessment. Residents have commented on the site flooding around the drainage ditch in the middle of the two fields. Although this shown to lie within an area at low risk of flooding from all sources it is recommended that the ditch running through the site be piped assuming permission from Severn Trent Water can be granted. Similarly, permission to divert the 100mm pipe shown on sewer maps to run across the site to the north of the ditch should also be sought, assuming the location of the pipe is found to be correct following further ground investigations.

The proposal includes:

- An outfall to the existing ditch running adjacent to the site with flows controlled by a Hydrobrake system limited to 5 litres per second.
- Drainage runs demonstrating that the site can be drained to the outfall by gravity
- The inclusion of permeable paving beneath portions of the proposed access road and driveways to reduce the amount of impermeable area on site.
- Attenuation of surface water for all storm events up to and including the 1 in100-year event plus an additional 40% to account for climate change within cellular attenuation tanks located beneath areas of proposed permeable paving (providing a total of 145m<sup>3</sup>).

In the absence of soakaway testing the drainage strategy assumes that infiltration is not feasible at the site. Should infiltration be an option for draining at least part of the site attenuation then volumes will be reduced.

Residents have also reported issues with foul water flooding in the area. The Flood Risk Assessment report also recommends that although not related to the risk of flooding, further investigation and consultation with Severn Trent should be undertaken to ensure that there is no cross-connection along the sewer network upstream of the site following these reports of sewage along the ditch running adjacent to the site. Severn Trent Water has commented on the proposal and stated that having reviewed their sewer records and the enclosures provided, they have no objections to the proposal.

Warwickshire County Council as Local Lead Flood Authority has also confirmed that they have no objections to the proposal subject to the imposition of a planning condition requiring the submission of details of the surface and foul water drainage schemes for the site.

On the basis that the statutory consultees on surface and foul water drainage have no objections to the proposal, it is considered that the site can be developed so as to accord with Policy NW10(12) of the Core Strategy 2014.

**g) Affordable Housing**

Policy NW6 (Affordable Housing Provision) requires that 40% of the dwellings shall be affordable units. The applicant has agreed that this can be included in the Section 106 Agreement whereby 40% of the dwellings are affordable units with 65% of these units being socially rented units.

#### **h) Impact on the Archaeological Value of the Site**

The site lies within an area of archaeological potential. Warwickshire County Council's Planning Archaeologist has commented that whilst little direct evidence for pre-medieval activity 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 a lack of archaeological remains. The Planning Archaeologist confirms that there is no objection to the principle of development, however, some archaeological work will be required if consent is forthcoming. They recommend that a planning condition be imposed on any consent granted.

As such it is considered that as the application is submitted in outline format, any concerns raised about the potential for development on this site to impact on the setting of the heritage assets in the locality can be dealt with through the additional survey work taking place.

#### **i) 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. Warwickshire County Council has not asked for any contributions towards education from this proposal. A contribution is required towards the provision and improvement of Abbey Green open space in Polesworth. There have been no objections raised by the NHS regarding the provision of medical services in the area.

#### **Conclusions**

The scheme involves the development of two fields in the open countryside. Although Policy NW2 encourages the development of land adjoining the development boundaries of the Market Towns outside of the Green Belt, there are other policies in the Core Strategy which the development of this site needs to be assessed against. The weight given to these other policies in this report has been assessed as minimal.

Members have also been made aware of the implications of the recent appeal decision in the Borough and how it impacts on the determination of this application. Whilst the Council cannot demonstrate a five year housing land supply, there is a presumption to approve sustainable development without delay unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

It is considered that the development of this site and the indication that the proposal would accommodate 31 dwellings would cause a minimal level of harm to the character and appearance of Polesworth and to the landscape character and visual receptors. This harm in this location is thus not considered to be significant.

As such it is recommended that subject to the Highways Authority having no objections to the additional information and amended plan submitted, planning permission is approved subject to the following conditions:

## Recommendation

Subject to the Highways Authority having no objections to the additional information and amended plan submitted, it is recommended that planning permission be **GRANTED** subject to the following conditions:

- 1) This permission is granted under the provisions of Article 5(1) of the Town & Country Planning (Development Management Procedure) (England) Order 2015 on an outline approval, and the further approval of the Local Planning Authority shall be required with respect to the under-mentioned matters hereby reserved before any development is commenced:-
  - (a) appearance
  - (b) landscaping
  - (c) layout
  - (d) scale

### REASON

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

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

### REASON

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

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

### REASON

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

- 4) The development hereby approved shall not be carried out otherwise than in accordance with the Location Plan numbered 1000-174 101 received by the Local Planning Authority on 28 November 2016 and the plan numbered 1000-174 150C received by the Local Planning Authority on 27 April 2017 which shows the site boundary and the approved access road into the site. For the avoidance of doubt, the site layout and housing types shown on plan numbered 150C are not approved.

### REASON

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

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

REASON

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

- 6) No development shall take place until detailed surface and foul water drainage schemes for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, have been submitted and approved in writing by the Local Planning Authority. The scheme shall be subsequently implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall:

- a) Infiltration testing, in accordance with BRE 365 guidance, to be completed and results submitted to demonstrate suitability (or otherwise) of the use of infiltration SuDS
- b) Demonstrate that the surface water drainage system(s) are designed in accordance with CIRIA C753
- c) Evidence that the discharge rate generated by all rainfall events up to and including the 100 year plus 40% (allowance for climate change) critical rain storm has been limited to the QBAR runoff rates for all return periods
- d) 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 drainage 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.
- e) Demonstrate the proposed allowance for exceedance flow and associated overland flow routing.
- f) A foul water drainage scheme including evidence from Severn Trent Water that there is adequate capacity within their sewerage assets for this development.
- g) Provide a Maintenance Plan to the Local Planning Authority giving details on how the entire surface water and foul 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, for the maintenance of all features within the communal areas onsite (outside of individual plot boundaries) 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.

- 7) Prior to the commencement of development a dust management scheme shall be submitted to the Local Planning Authority for their approval in writing. The approved scheme shall then be implemented on site.

REASON

In the interests of the residential amenity of the neighbouring dwelling houses.

- 8) No development shall take place until:
- a) A Written Scheme of Investigation (WSI) for a programme of archaeological evaluative work shall be submitted to and approved in writing by the Local Planning Authority.
  - b) The Programme of archaeological evaluative work and associated post-excavation, 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 Written Scheme of Investigation for any archaeological fieldwork proposed) shall be submitted to and approved in writing by the Local Planning Authority. This should detail a strategy to mitigate the archaeological impact of the proposed development and should be informed by the results of the archaeological evaluation. The development and any archaeological fieldwork post-excavation analysis, publication of results and archive deposition detailed in the Mitigation Strategy document, shall be undertaken in accordance with the approved Mitigation Strategy document.

REASON

In view of the site's location within an area of archaeological potential.

- 9) In advance of any construction works taking place as part of this consent, a site investigation of the nature and extent of contamination, based on a Phase 1 Assessment for the application site, shall be submitted to and approved in writing by the Local Planning Authority. If any unacceptable contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The report shall include a validation plan to be followed in order to demonstrate how the remediation has achieved relevant objectives. The site shall be remediated in accordance with the approved measures before development commences.

REASON

In the interests of the health and safety of the occupiers of these residential units.

- 10) Within three months of the completion of the measures identified in the approved remediation scheme as required under condition 9, a validation report (that demonstrates the effectiveness of the remediation carried out) shall be submitted to the Local Planning Authority.

REASON

In the interests of the health and safety of the occupiers of these residential units.

- 11) There shall be no more than 31 dwellings constructed on this site and none shall have a height greater than two-storeys.

REASON

In the interests of the amenities of the area.

- 12) Prior to the commencement of development on the site, details of how the hedgerow around the site is to be retained, protected and enhanced during the development of this site shall be provided for the written approval of the Local Planning Authority. The details shall exclude the section of hedgerow which needs to be removed to provide the vehicular and pedestrian access and to provide the necessary visibility splays. The approved details shall be implemented in full on site and the hedgerow shall then be retained at all times.

REASON

In view of the ecological value of this hedgerow.

- 13) Any Highway Conditions

**Notes**

The hours of construction shall be restricted to 0800 to 1800 hours during weekdays and 0800 to 1300 on Saturdays.



## BACKGROUND PAPERS

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

Planning Application No: PAP/2016/0679

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	28/11/16
2	Atherstone Herald	Press Notice	8/12/16
3	Polesworth Parish Council	Objection	8/12/16
4	Pollution Control Officer	Consultation response	22/12/16
5	Mr Beach	Objection	18/12/16
6	Ms Sansom	Objection	18/12/16
7	Mrs Parker	Objection	19/12/16
8	Mrs White	Objection	19/12/16
9	Mr Smith	Objection	19/12/16
10	Unknown	Objection	19/12/16
11	Ms Williams	Objection	20/12/16
12	M and S Eaton	Objection	21/12/16
13	County Councillor Parsons	Objection	21/12/16
14	A and J Pratt	Objection	21/12/16
15	Ms Webster	Objection	15/12/16
16	Mrs Dorrell	Objection	16/12/16
17	B Wall	Objection	13/12/16
18	Mr Bassford	Objection	13/12/16
19	Mr Cresswell	Objection	13/12/16
20	Warwickshire Fire and Rescue	Consultation response	13/12/16
21	Mr Giles	Objection	12/12/16
22	Mrs Bassford	Objection	14/12/16
23	Polesworth Group Homes	Objection	14/12/16
24	Mrs Beach	Objection	14/12/16
25	G O'Brien	Objection	26/12/16
26	K O'Brien	Objection	17/12/16
27	M Etheridge	Objection	18/12/16
28	L Briscoe	Objection	18/12/16
29	L Cresswell	Objection	10/12/16
30	R Oak	Objection	10/12/16
31	J Webster	Objection	11/12/16
32	Mr Pointon	Objection	11/12/16
33	Mrs Roe	Objection	11/12/16
34	P Roe	Objection	11/12/16
35	S Wright	Objection	8/12/16
36	B Briscoe	Objection	5/12/16
37	D Webster	Objection	2/12/16
38	A Cox	Objection	5/12/16
39	D Webster	Objection	2/12/16

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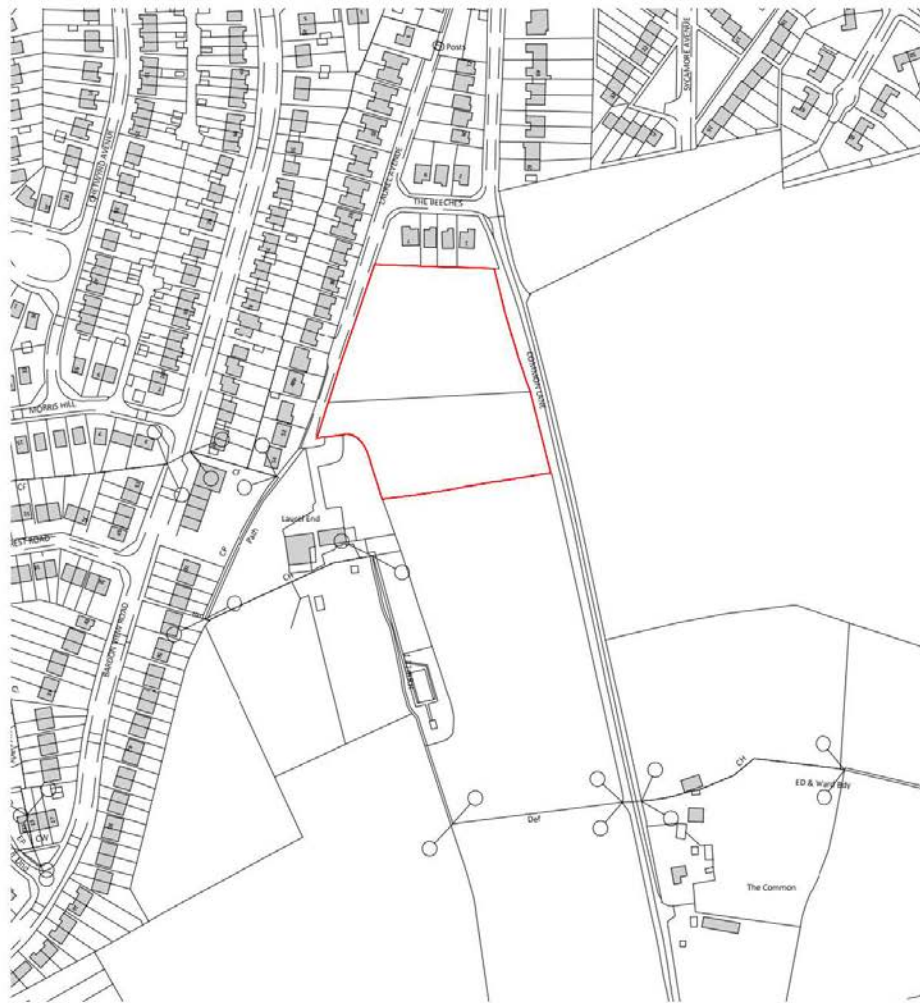


40	Mr Starkey	Objection	2/12/16
41	Mr Webster	Objection	2/12/16
42	Mr and Mrs Hall	Objection	7/12/16
43	N Whitlock	E-mails	7/12/16
44	L Adamson	Objection	8/12/16
45	L Robinson	Objection	11/12/16
46	Mr K Burton	Objection	11/12/16
47	K Burton	Objection	11/2/17
48	B Wood	Objection	9/3/17
49	L Crow	Objection	17/3/17
50	S Walsgrave	Objection	21/3/17
51	Mrs Dorrell	Objection	2/5/17
52	B Pointon	Objection	11/5/17
53	R Oak	Objection	6/5/17
54	Mr and Mrs Crockford	Objection	14/5/17
55	Polesworth Group Homes	Objection	14/5/17
56	Mrs Parker	Objection	12/5/17
57	C Parker	Objection	12/5/17
58	WCC Infrastructure	Consultation response	
59	Severn Trent Water Ltd	Consultation response	7/2/17
60	Severn Trent Water Ltd	Consultation response	28/3/17
61	Pollution Control Officer	Consultation response	8/3/17
62	WCC Museum	Consultation response	5/1/17
63	Snr Pollution Control Officer	Consultation response	12/12/16
64	WCC LLFR	Consultation response	17/1/17
65	WCC LLFR	Consultation response	6/3/17
66	Highways Authority	Objection	30/11/16

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

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

APPENDIX A – Site Location Plan



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4/104

APPENDIX B

Your ref: PAP/2016/0679  
My ref: 160679  
Your letter received: 28<sup>th</sup> April



**Communities**

PO Box 43  
Shire Hall  
Warwick  
CV34 4SX

DX 723360 WARWICK 5  
Tel: (01926) 412362  
Fax: (01926) 412641  
michellezenner@warwickshire.gov.uk  
www.warwickshire.gov.uk

Mr J Brown  
Head of Planning  
NORTH WARWICKSHIRE BOROUGH COUNCIL  
PO BOX 6, The Council House  
South Street, Atherstone  
CV9 1DE

**FAO : Sharron Wilkinson**

6<sup>th</sup> June 2017

Dear Mr Brown

**PROPOSAL:** Outline application for erection of 31 no dwellings and associated works (outline point of access)  
**LOCATION:** Land south of 1 to 7 The Beeches, Laurel Avenue, Polesworth, B78 1LT  
**APPLICANT:** Mr N Misselke, Elford Homes

Warwickshire County Council, hereby known as the 'Highway Authority' has undertaken a full assessment of the planning application and the supporting information which has been submitted. Based on our assessment the Highway Authority has **no objection** to the application on highways grounds subject to conditions and planning obligations.

**POLICY**

The development proposals have been assessed in line with the following national policy and guidance documents:

- National Planning Policy Framework published by Department for Communities and Local Government in March 2012;
- Guidance on Transport Assessment published jointly by Department for Transport and Department for Communities and Local Government in March 2007;
- North Warwickshire Local Plan adopted July 2006.

*Working for  
Warwickshire*

The justification for this decision is provided below:

#### **ANALYSIS**

It is the Highway Authorities understanding that the proposals are an outline application for 31 new dwellings and associated works (outline for point of access).

The submitted information details the provision of 31 dwellings in an indicative layout with units accessed off a main access from Laurel. The application form states that there are no new public roads proposed within the site but that 64 proposed car parking spaces are suggested.

The application form states that the proposals are for 5 number 2 bedroom dwellings, 13 no 3 bedroom dwellings and 13 no 4 bedroom dwellings. To meet the Councils car parking standards 2 car parking spaces are required for each dwellinghouse.

Whilst the site is bounded by Common Lane it is noted that there is no vehicle or pedestrian access proposed from Common Lane, all accesses to the site are proposed to be taken from Laurel Avenue.

A Transport Statement has been provided for the site which provides further data in relation to existing vehicle flows and speeds on the surrounding network. Surveys were undertaken on Common Lane though rather than Laurel Avenue where the access is proposed to be taken from. 85<sup>th</sup> percentile speeds were recorded as being approximately 26mph northbound and 27mph southbound and therefore access arrangements would require 2.4m x 43m visibility splays on this basis. Whilst the submitted TS indicates visibility splays, they are set back incorrectly at approximately 7.5m back and therefore are required to be amended.

A TRICS assessment has been undertaken for the site based on multi-modal data for private owner occupied housing. Scotland, Ireland and London were excluded from the assessments and the trip rates calculated were 0.533 for the AM peak and 0.486 for the PM peak which is broadly acceptable. The calculated vehicle trip generation for 31 dwellings is proposed as 17 vehicles in the AM peak, 15 in the PM peak and a 12 hour prediction of 139. Person trips are higher than these levels and therefore sustainable access to the site is exceptionally important.

The submission of plans indicating the required visibility splays for a 30mph road 2.4m back from nearside highway edge and in either direction to the nearside edge of the public highway for 43m. No planting higher than 0.6m should be provided within the visibility splay which should extend over the public highway or within land controlled by the applicant. Visibility splays have been provided within the Transport Statement application however, this would require the cutting back or removal of the existing hedge which could potentially encourage parking on the frontage and therefore there may need to be features installed to discourage parking along this frontage.

A revised plan has been submitted which proposes to install a footway along the Laurel Avenue frontage. However, both the carriageway and footway on Laurel Avenue are substandard and a site visit has confirmed that there is parking on street in an evening which could compromise access to the site with a narrow highway. An existing street Lighting column is proposed to be resited, however electricity power poles may also require relocation and there may be the requirement for further street lighting as a result of the proposals.

New vehicular accesses require the provision of a Stage 1 Safety Audit. A Stage 1 Safety Audit has been undertaken which raised no concerns. The Safety Audit has been reviewed by the WCC Road Safety team who are concerned that there is no footway proposed to the south of the site in front of plots 1 to 3 and are also concerned that

Swept paths have been provided for a four axle refuse vehicle at the site access and the vehicle is shown turning within the site, however, it seems to clip the kerblines in the design and therefore the proposed access road will require minor amendments.

Plots 1-3 on the indicative layout are proposed to have direct pedestrian access off Laurel Avenue with no footway proposed which is a concern on pedestrian safety grounds as partially sighted pedestrians will walk out onto the carriageway as a result of the proposals. Furthermore, the Highway Authority questions where bins will be stored and collected for these units. This will need to be addressed within the reserved matters application.

The development would increase flows of traffic along Laurel Avenue which does not currently comply with the Council's adoptable highway standards which would require a highway width of 5m and footways 2m wide. Furthermore, site visits have noted vehicles parked on Laurel Avenue within this stretch and the Highway Authority is concerned that driveway access would be restricted by vehicles parking on the highway or pavement in the vicinity of the site.

The Highway Authority requires a 2m wide footway to be provided along the site frontage to ensure that a safe right of passage is provided for pedestrians to link into the surrounding highway network.

There is a Public Right Of Way (Number AE44) located between Laurel Avenue and Bardon View Road which allows access to local bus services. The current proposals do not look to create safe and accessible access from the site to this PROW from the site and improvements would be necessary to comply with NPPF.

Whilst the application is outline for access only a indicative layout has been submitted and the Highway Authority has reviewed this layout and is concerned that the proposed highway arrangements are substandard and would not be acceptable on highways grounds. It is likely that the size or number of proposed units would be required to reduce in order to support an acceptable highway layout.

Issues within the site noted:

- Aisle widths are substandard, 6m are required
- Swept paths for MPV's required as drive and turning arrangements are substandard and too tight in many locations.
- Accesses need to be located 15m back from the site access
- Tandem drives are required to be 10m length or 10.5m length if set behind a garage to allow for door opening.
- Driveways are required to be 3m wide to enable pedestrian access past parking vehicles and for rear garden access.
- Bin storage should be demonstrated and bins should not be located further than 55m from the public highway.
- Parking for plot 31 is too remote from the dwelling to be useable.
- On private drives 4.1m width is required in order to enable two cars to pass, however if located on a bend in the access road, widths will need to increase.
- Pedestrian visibility splays will need to be considered and provided
- Driveways are required to be located at 90 degrees to the kerb
- The parking behind plots 2 and 3 is restricted in visibility due to fence lines and the car parking area to the rear has a lack of turning areas to enable access and egress in forward gear.
- Many substandard driveway arrangements proposed including plot 13's driveway which is too tight and located at an oblique angle with restricted visibility.

The Highway Authority therefore revises its view to one of no objections to subject to the following conditions and financial obligations:

**Conditions:**

1. Prior to the commencement of the development a plan detailing the provision of vehicular and pedestrian access to the site including a footway along the full length of the site frontage shall be submitted to and approved in writing by the Local Planning Authority and the Highway Authority. The submission should include a Stage 1 Safety Audit and swept paths. The development shall not be occupied until the access has been laid out and hard surfaced in accordance with the approved details and made available for use and retained as such thereafter.
2. The development shall not be commenced until visibility splays have been provided to the vehicular accesses to the site passing through the limits of the site fronting the public highway with an 'x' distance of 2.4 metres and 'y' distances of 43 metres to the near edge of the public highway. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway.
3. The development hereby permitted shall not commence unless measures are in place to prevent / minimise the spread of extraneous material onto the public highway by the wheels of vehicles using the site and to clean the public highway of such material.

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4. At reserved matters stage a revised site layout plan for the development to show the following information shall be submitted to and approved in writing by the Local Planning Authority:
  - A 2 metre wide footways adjacent to the entire development site frontage on Laurel Avenue;
  - 2 metre wide footways on both sides of the new site access road and around the turning head;
  - A carriageway width of 5.5m;
  - Site parking provision to fully comply with the Councils adopted parking standards;
  - The provision of an accessible route to local bus facilities on Bardon View Road
5. The notional trips associated with the site shall not exceed the levels set out in the Submitted Transportation Statement which states 17 no two way trips in the AM peak and 15 no two way trips in the PM peak.

Notes:

- a. Condition numbers 1, 2 and 3 require works to be carried out within the limits of the public highway. Before commencing such works the applicant / developer must serve at least 28 days notice under the provisions of Section 184 of the Highways Act 1980 on the Highway Authority's Area Team.

This process will inform the applicant of the procedures and requirements necessary to carry out works within the Highway and, when agreed, give consent for such works to be carried out under the provisions of S184. In addition, it should be noted that the costs incurred by the County Council in the undertaking of its duties in relation to the construction of the works will be recoverable from the applicant/developer.

The Area Team may be contacted by telephone: (01926) 412515. In accordance with Traffic Management Act 2004 it is necessary for all works in the Highway to be noticed and carried out in accordance with the requirements of the New Roads and Streetworks Act 1991 and all relevant Codes of Practice.

Before commencing any Highway works the applicant / developer must familiarise themselves with the notice requirements, failure to do so could lead to prosecution. Application should be made to the Street Works Manager, Budbrooke Depot, Old Budbrooke Road, Warwick, CV35 7DP. For works lasting ten days or less, ten days notice will be required. For works lasting longer than 10 days, three months notice will be required.

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

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

#### FINANCIAL OBLIGATIONS

For developments in excess of 10 dwellings a contribution of £75 per dwelling will be required for sustainable welcome packs.

Yours sincerely

*Michelle Zenner*

Michelle Zenner  
Development Group

\*\* FOR INFORMATION ONLY  
\*\*COUNCILLOR PARSONS – POLESWORTH \*\*



# APPENDIX B

