

Agenda Item No 4

Planning and Development Board

3 April 2017

Planning Applications

Report of the Head of Development Control

1 Subject

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

2 Purpose of Report

2.1 This report presents for the Board decision, a number of planning, listed building, advertisement, proposals, together with proposals for the works to, or the felling of trees covered by a Preservation Order and other miscellaneous items.

2.2 Minerals and Waste applications are determined by the County Council. Developments by Government Bodies and Statutory Undertakers are also determined by others. The recommendations in these cases are consultation responses to those bodies.

2.3 The proposals presented for decision are set out in the index at the front of the attached report.

2.4 Significant Applications are presented first, followed in succession by General Development Applications; the Council's own development proposals; and finally Minerals and Waste Disposal Applications. .

3 Implications

3.1 Should there be any implications in respect of:

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

4 Site Visits

4.1 Members are encouraged to view sites in advance of the Board Meeting. Most can be seen from public land. They should however not enter private land. If they would like to see the plans whilst on site, then they should always contact the Case Officer who will accompany them. Formal site visits can only be agreed by the Board and reasons for the request for such a visit need to be given.

4.2 Members are reminded of the "Planning Protocol for Members and Officers dealing with Planning Matters", in respect of Site Visits, whether they see a site alone, or as part of a Board visit.

5 **Availability**

- 5.1 The report is made available to press and public at least five working days before the meeting is held in accordance with statutory requirements. It is also possible to view the papers on the Council's web site: www.northwarks.gov.uk.
- 5.2 The next meeting at which planning applications will be considered following this meeting, is due to be held on Monday, 15 May 2017 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

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2	DOC/2016/0112	37	Land adjacent Grimstock Hill, Lichfield Road, Coleshill, Approval of details required by condition no:- 8 of planning permission PAP/2015/0584 dated 08/11/2016 relating to viability assessment report	General
3	PAP/2016/0060	41	Great Chapel Field, Wall Hill Road, Chapel Green, Fillongley, Retention of change of use of land from agricultural to dog training/exercising, including new access, car park and siting of moveable field shelter and dog agility course equipment	General
4	PAP/2016/0213	61	Land South of Gardeners Cottage, Pooley Lane, Polesworth, Outline application (access only) for residential development	General
5	PAP/2016/0642	120	Redlands, New Street, Baddesley Ensor, Extension to front of existing 4 bedroom house and conversion into two, 2 bedroom dwellings with new vehicle access onto Jean Street, and demolition of garage and conservatory.	General
6	PAP/2016/0643	139	Land Adjacent to Redlands, with access onto Jean Street, New Street, Baddesley Ensor, Erection of 3 bedroom house with vehicle parking	General

7	PAP/2016/0686	159	Land at Delves Farm to rear of, 21a-33 Boulters Lane, Wood End, Outline application for erection of 14 dwellings. Access to be considered with all matters reserved	General
8	PAP/2016/0709	180	Land East of 68, Vicarage Lane, Water Orton, Relocation of Rugby club, new clubhouse with clubroom and changing facilities, playing pitches for Senior and Junior Rugby with flood lighting to one pitch and associated parking for cars and coaches with access road	General
9	PAP/2016/0719	216	6, Coventry Road, Coleshill, Change of use from office (use class A2) to delicatessen, cafe and hot food takeaway (use class A1/A3/A5)	General
10	PAP/2017/0053 PAP/2017/0054	232	Land North Of Manor Barns, Newton Lane, Austrey, Approval of reserved matters application for access, appearance, landscaping, layout & scale relating to outline application for erection of up to 23 no: dwellings and associated works and use of land for residential development Land North of Manor Barns, Newton Lane, Austrey Change of use of land to domestic garden	General
11	PAP/2017/0092	259	Block 01-07 & Block 08-14 Chancery Court, Chancery Lane, Chapel End, Works to flat pitched roof conversion, also incorporating the relocating of cold water tanks into newly formed roof void	General

General Development Applications

(1) Application No: DOC/2016/0004

Heart of England, Meriden Road, Fillongley, CV7 8DX

Discharge of conditions 7 (landscaping scheme), 8 (in part) (archaeological work), 9 (in part) (bricks, tiles, surface and facing materials), 10 (window and door joinery), 11 (exterior lighting), 12 (energy generation/conservation measures), 13 (tree protection), 14 (boundary treatment), 15 (drainage network and hydro-brake control), 16 (access and car parking details), 17 (refuse storage/disposal) and 18 (crime prevention measures) of the planning permission referenced PAP/2013/0391, for

Mr Stephen Hammon - Heart Of England Promotions

Introduction

This application has been reported to the Board on several occasions for a variety of reasons. In December the matter was deferred in order that Members take the opportunity of seeing the exterior lighting of the site in relation to Condition 11. That visit has now taken place and the matter is referred once again to the Board.

The previous report is attached at Appendix A.

Observations

Members will see from Appendix A that details in respect of all conditions apart from that relating to the exterior lighting details were recommended for approval. There have been no further amendments since December to alter this position in respect of these other conditions.

The recommendation from the December Board on the lighting details was one of refusal. It was considered that the scheme was too intrusive in a rural area and that the changing colours would cause harm to the setting of The Old Hall – a grade 2 Listed Building.

Members have now visited the site and a verbal update will be given at the meeting. Officers are of the view that the details as submitted will cause harm and the recommendation remains as before.

Recommendation

That the recommendations as set out in parts 1 and 2 of Appendix A be agreed.

(2) Application No: DOC/2016/0004

Heart of England, Meriden Road, Fillongley, CV7 8DX

Discharge of conditions 7 (landscaping scheme), 8 (in part) (archaeological work), 9 (in part) (bricks, tiles, surface and facing materials), 10 (window and door joinery), 11 (exterior lighting), 12 (energy generation/conservation measures), 13 (tree protection), 14 (boundary treatment), 15 (drainage network and hydro-brake control), 16 (access and car parking details), 17 (refuse storage/disposal) and 18 (crime prevention measures) of the planning permission referenced PAP/2013/0391, for

Mr Stephen Hammon - Heart Of England Promotions

Introduction

This matters related to this discharge of conditions application have twice been referred to the Planning and Development Board, once in response to concerns about the commencement of works without the discharge of conditions, and secondly to report on progress with the resolution of matters identified by interested parties in the processing of the application. The previous reports are included as Appendix A at the foot of this report.

Matters have advanced to the stage where recommendations can now be made.

Update

Since the last report to Board a site visit was carried out during the hours of darkness to ascertain first-hand what the impact of illumination at the site is in terms of the illumination of the proposed advertisements, in terms of the reported illumination of the existing buildings and in terms of assessing the likely impact of the lighting scheme proposed in discharge of the planning condition. The photographs below illustrate the current situation, with the colour changing illumination of the buildings.

The building in the foreground would be demolished as a consequence of the hotel redevelopment but the conference centre building to the rear of it would remain. It is proposed that the colourwash lighting would be retained. Retrospective permission is sought for its retention as a consequence of the discharge of the lighting condition.





Additionally, the recently constructed footbridge has been fully illuminated (see photographs below). It is spot lit from a number of sources and has LED illumination along both handrails. It is proposed in a separate application to retain this structure for use in association with the proposed hotel and to allow an alternative access to the restaurant. These illumination sources are not shown on the lighting plan, nor are detailed in any of the specifications or the assessment.



5/93

The night visit was helpful in ascertaining that the site sits at a location which is particularly dark. There is no street lighting or lighting from other buildings. In this location sources of illumination particularly stand out. This is evident in the effect of the illumination of the recently erected signs (see photographs below).



The applicant has also submitted an overall drainage scheme for surface water drainage as shown below.



5/94

Condition 12 required the approval of both energy conservation and energy generation measures. Whilst the energy conservation measures are clear the energy generation measures set out in the applicant's statement were far less clear. The accompanying Statement sets out that a biomass boiler would be installed in the south-east corner of the 'Coney Grove' field, west of the old farm pond, where it can be screened to the east and south by existing mature hedgerows and is well away from the setting of the listed Old Fillongley Hall. The boiler and flue would be painted dark green or dark brown, to blend with the surroundings and could be covered by a simple flat canopy supported on timber corner posts. The wood fuel would be stored in and around the agricultural/forestry building. It was suggested that 'the precise arrangement can be negotiated prior to the commencement of the hotel development'.

Whilst, in principle a biomass boiler may be an appropriate solution for energy generation in association with the hotel and conference centre development, the applicant has been advised that the mechanism of the discharge of a condition cannot be used to approve a significant development that would require planning permission in its own right. He has been advised that the correct course of action would be to apply for, and obtain planning permission for the biomass and then seek to discharge the condition.

The applicant has been advised that the biomass application would need to be accompanied with full details of how vehicular access would be achieved for the maintenance and fuelling of the boiler, including details of any new roadways and hard surfaces, the mechanism for relaying the energy to the buildings it would serve, the size and kilowatt capacity of the system, the height of any associated flue and the dimensions and appearance of any housing/cover or adjoining log store. The applicant's report suggests that the existing forestry building could be used inside and out for associated wood storage. It is uncertain how this would fit with the companion application for the use of that building for primarily D2 use.

The applicant has therefore requested that the condition be considered in part, as it relates to energy conservation. This will require the future submission of an application for the full discharge of the condition as it relates the energy generation element as well.

The applicant has entered into a dialogue about the details of a required Travel Plan but he has indicated that he will submit a separate Discharge of Conditions Application at a future date. He has also indicated that other outstanding 'pre-occupation' conditions concerning fume extraction, air conditioning, foul sewage disposal and any additional external signage (including on the new buildings) will be submitted for discharge at a later date.

The Proposal

Discharge of conditions 7 (landscaping scheme), 8 (in part) (archaeological work), 9 (in part) (bricks, tiles, surface and facing materials), 10 (window and door joinery), 11 (exterior lighting), 12 (energy generation/conservation measures), 13 (tree protection), 14 (boundary treatment), 15 (drainage network and hydro-brake control), 16 (access and car parking details), 17 (refuse storage/disposal) and 18 (crime prevention measures) of the planning permission referenced PAP/2013/0391

Development Plan and Other Relevant Material Considerations

Members will be aware that the relevant policies of the Development Plan in respect of this application are NW10 (Development Considerations) and NW12 (Quality of Development) of the Core Strategy 2014. The National Planning Policy Framework of 2012 is also a material planning consideration.

Observations

The reports in Appendix A contain detailed consideration of the matters surrounding each of the conditions, including a setting out of representations and consultation responses received and should be read as an integral part of this report and should provide a complete picture of the consideration of the various conditions.

Condition 7 (landscaping scheme)

The landscaping scheme has been revised to take account of the revisions to the layout of the car park. The scheme now proposed is illustrated below



New ornamental tree planting in the car parking areas will consist of one third each of wild cherry (25 x *Prunus avium*), field maple (26 x *Acer campestre*) and rowan or mountain ash (24 x *Sorbus aucuparia*), plus two holly on the north-west boundary of the north car park. A total of some 81 trees is to be planted, including seven on the common land and six in the courtyard between the hotel and the Conference Centre. This is an appropriate number, mix and distribution of trees.

It was previously proposed to site a sculpture feature on the open land at the site entrance. This has been revised to propose a focal point feature fountain in the forecourt in front of the hotel/Conference Centre main entrance. (As the area previously identified has now had to be allocated for parking bays displaced by the common land and it was considered that it would be inappropriate to relocate it on the common land.) The fountain would comprise a glass sphere, out of and over which water would flow down into a saucer shaped bowl. The 'Aqualens' design is by Allison Armour of West Sussex and examples are shown below.



This is considered to be a much more appropriate siting and such a feature is not uncommon at hotel premises. This aspect of 'hard landscaping' may be supported.

Condition 8 (in part) (archaeological work)

The applicant initially presented an argument to suggest that this condition should be set aside, however, later commissioned and submitted a Written Scheme of Investigation prepared by Archaeology Warwickshire.

Fillongley Parish Council comments that it does not think that the requirements of this condition are unreasonable.

This condition requires a written brief to be agreed for an evaluation to be carried out and for the final report to be deposited with the Warwickshire Museum. The brief has been agreed by the Museum and thus there can be a partial discharge of this condition.

Condition 9 (in part) (bricks, tiles, surface and facing materials)

The details proposed in this regard and the consideration of the materials is set out in full in Appendix A. The materials identified are deemed to be appropriate and this condition may be discharged.

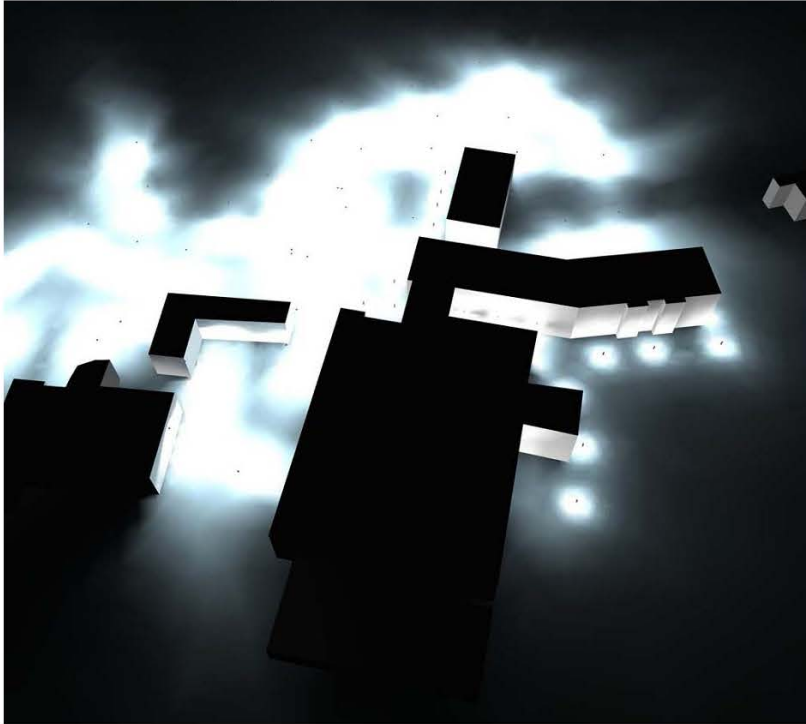
Condition 10 (window and door joinery)

The details proposed in this regard and the consideration of the proposals is set out in full in Appendix A. The materials and styles identified are deemed to be appropriate and this condition may be discharged.

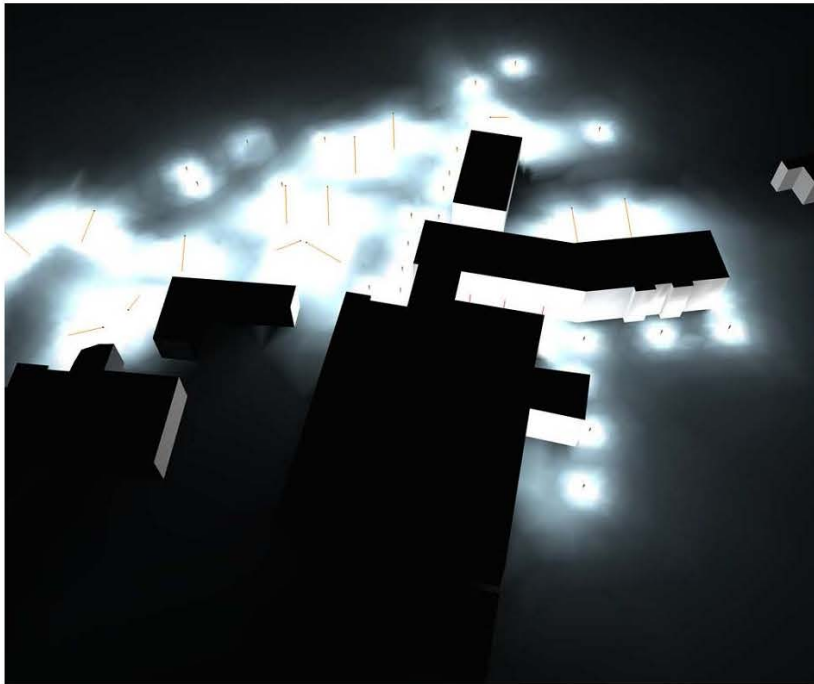
Condition 11 (exterior lighting)

The lighting scheme when first presented sought to brightly illuminate the external areas of the site. Officer's indicated that they would be unable to support such an approach in this 'dark skies' rural location. The illustrations below show how the lighting scheme has evolved.

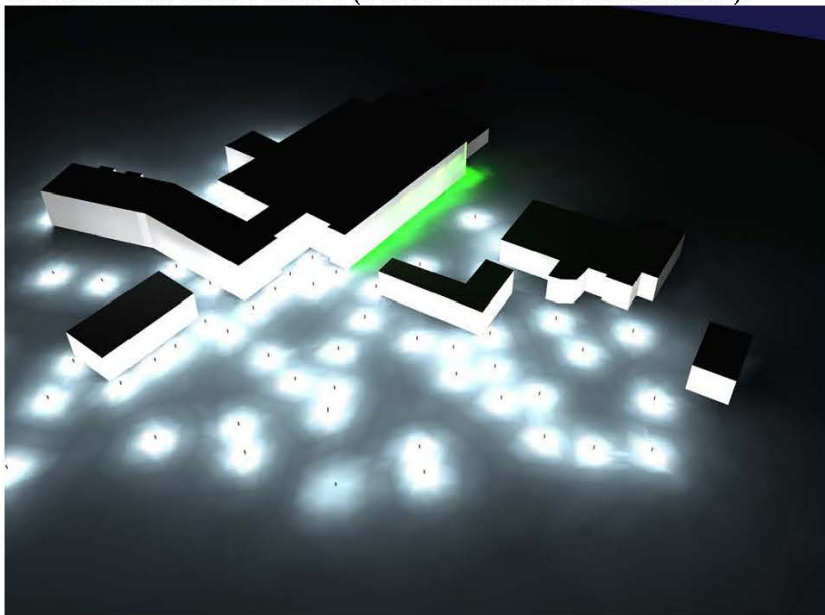
The scheme as first proposed:



The scheme as first revised:



The scheme as further revised (Current scheme for determination):



5/99

This proposes the installation of the following:
 59 (No.) x 21 watt LED illuminated bollards,
 8 (No.) x 16 watt LED wall mounted lights and
 17 (No.) colour changing RGB floodlighting affixed to the conference centre building

The layout would be as shown below:



The proposal initially sought the installation of 4m high lighting columns and then 3m high lighting columns. It now proposes the installation of low level lighting in illuminated bollards. This is indeed an improvement; however, it is the overly large number of lighting installations that is a cause for concern. It is accepted that at a premises which operates into the evening and is visited by members of the public, exterior lighting will be required for the safe functioning of the site. However, in a countryside location such as this, it is important that the level of lighting is kept to the minimum necessary for site identification and for the safe movement of vehicles and pedestrians.

A total of 84 exterior lighting units are sought. Often the lighting units are sought in close proximity to each other, two or three bollards are proposed where one would serve the purpose. The quantity of lighting appears more for decorative purpose or to create an attention grabbing impact.

The exterior lighting would clearly operate in conjunction with the use of the buildings which will also provide a source of illumination from the interior use of the buildings. So too will they be in addition to the illuminated advertisements which have been positioned on both road frontages (not recognised as a lighting source on the lighting plan or illustration of the lighting effect) and in addition to the illumination that has been installed on the footbridge and associated signs at the footbridge. This context suggests further that the level of illumination proposed in discharge of the condition is excessive.

The applicant expresses a belief that the proposal conforms with Government guidelines on lighting in rural areas and that the amount of lighting emitted within the site will be well below the amount recommended. In this respect it is necessary to recognise that there are differing grades of sensitivity to light in rural locations. Some locations in, or near, villages, or in locations where there are streetlights, can accommodate lighting without undue harm to character

The installation of quantity of lighting sought is still too great for this location, more than that which would be required for the safe night time use of the public areas. It would be harmful to the visual amenity and rural character of this part of the Warwickshire countryside.

The Council's Adopted Supplementary Planning Guidance – A Guide for the Design of Lighting Schemes, September 2003, contains relevant guidance. In respect of lighting at commercial development the guidance sets out that all lighting should have a clear purpose. The use of lights simply to create a presence at night is not supported. It further sets out that consideration of the design of the overall site should seek to minimise the use of lighting. It is not considered that the advanced scheme is still orientated to creating a presence rather than one which seeks to minimise the use of lighting.

The use of changing coloured light washing the frontage of the conference centre building is a lighting solution which is alien to a rural location. The buildings are adapted former farm buildings. Such lighting would not be found in a farmyard context, nor, would such lighting have been found in the environs of the Fillongley Old Hall, a grade II listed building. It is a lighting solution which would be more commonplace in highly commercial parts of urban areas.

The coloured lighting on the conference centre building, though less prominent than the lighting on the storage building (to be demolished) would nevertheless be visible from other public land, namely, from Meriden Road and public footpaths (acknowledging that visibility from public footpaths is likely to be limited to times of dusk, as there is likely to be very limited, if any, use of public footpaths in the hours of darkness).

The illuminated front elevation of the Conference Centre building directly faces the front elevation of the Old Hall, with only a walled front garden and a car parking area separating the two. The buildings are separated by a distance of only 43 metres with no structures, other than a relatively low boundary wall, separating the two. The lighting will have a direct impact on the setting of the listed building. That harm

Given the commercial changes that have taken place around the listed building in recent years, the impact on its setting will be less than substantial. This level of harm does weigh against the proposal and must be balanced against the public benefits that would arise from the development. In this case the public benefits are very limited, if any. The appellant would argue that the lighting contributes to the commerciality of his business and that it therefore contributes to the economy, to employment and the recreational opportunity afforded by the conference centre.

Limited weight should be attached to such an argument as the lighting is not imperative to the success of the enterprise. The balance here is that the less than substantial

harm to heritage assets is not outweighed by the public benefits of the proposal and this points to the potential refusal of permission for the retention of the lighting.

It is however necessary to then have regard to any other material considerations in this decision. The alien form of the lighting in this rural location, the distracting nature of the non-static illumination, the attention seeking colour changing feature and the brightness of the light in this dark skies rural location all combine to make the lighting inappropriate and harmful such that there are no material considerations which outweigh the harm to the setting of the listed building.

Whilst there is an acknowledged need to have some illumination of the approved car parking areas, it is important that the lighting is a sympathetic balance between the usability of the site by visitors and the impact of lighting on the dark skies, rural location. It is considered that the scheme seeks an overtly bright environment rather than one which has a low level of subtle lighting sufficient to allow reasonable safe use of the area. The lighting scheme cannot be supported.

Condition 12 (In part - energy conservation measures only)

The proposal that has been presented is for the installation of energy conservation and energy efficiency measures only. It includes:

- Installation of energy consumption monitoring equipment
- Use of low energy lighting and light sensors/photo-sensors
- Use of good thermal insulation in the construction of the new buildings
- Use of thermostatic controls
- Measures for water conservation
- Controls on the use of air conditioning
- Use of energy efficient appliances and energy conscious use of such appliances

These are reasonable measures and may be accepted in respect of energy conservation. The remaining part of the condition (energy generation) will be the subject of a future application for the discharge of the remaining part of the condition.

Condition 13 (Tree Protection)

The conifer trees already removed were in line with the 2016 permission. The new tree planting within the proposed landscaping scheme will compensate for the loss of former tree cover and the site frontage (beyond the applicant's ownership) is bordered by existing trees which will continue to afford some screening and softening of the site. It is not considered that there is meaningful action that can be taken in respect of this condition.

Condition 14 (boundary treatment)

The details proposed in this regard are set out in full in Appendix A. The boundary treatments identified are deemed to be appropriate and this condition may be discharged.

Condition 15 (drainage network and hydro-brake control)

The Lead Local Flood Authority confirms that that the information provided demonstrates that the proposals would suitably drain the site. As such, it offers no objection to the discharge of Condition 15 in relation to surface water.

Condition 16 (access and car parking details)

The condition requires the full details of the provision of the access, car parking, manoeuvring and service areas, including surfacing, drainage and levels.

As detailed above, the proposed parking layout has been amended and additional detail has been provided in respect of drainage. This detail is acceptable to the drainage authority. The detail submitted in respect of this discharge of the detailing of steps, surfacing and kerbs and edging are also acceptable.

Condition 17 (refuse storage/disposal)

The details proposed in this regard are set out in fill in Appendix A. The refuse storage and disposal arrangements are deemed to be appropriate and this condition may be discharged.

Condition 18 (crime prevention measures)

The details proposed in this regard are set out in fill in Appendix A. The crime prevention measures identified are deemed to be appropriate and this condition may be discharged.

Unauthorised Development

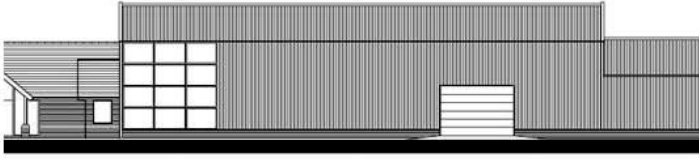
The majority of the lighting detailed in the discharge of conditions application is proposed lighting, however, the coloured changing lights on the existing buildings are in situ presently. This lighting is unauthorised. It is more than de-minimis. The lighting units are numerous and are fixed to the exterior of the buildings.

The 2014 permission which authorised the re-cladding of the building did not authorise the incorporation of lighting fixtures – see elevation drawing below:



North West elevation.

The 2016 permission for the hotel and conference centre extensions made no reference to the incorporation of lighting fixtures – see elevation drawing below:



Given that the 2014 permission was implemented, it is likely that the lighting was installed sometime after September 2014. It is therefore unlikely that there could be a claim of lawfulness by virtue of the passage of time.

The colour changing lighting is harmful to the character and appearance of the rural area and is alien in character to Fillongley Old Hall, a Grade II listed building, to the extent that it is harmful to its setting.

It is recommended that it is expedient to pursue enforcement action to secure the removal of all of the external lighting installed on north-west elevations of the conference centre building and the storage building. This is notwithstanding that the building will be demolished if the hotel redevelopment is fully implemented, as there remains a possibility that the permission may not be implemented and the retention of the lighting would cause the identified harm to the character and appearance of this rural area if retained.

Report Implications

Because of the right of appeal against any Enforcement Notice there is a risk that the Council could, if unsuccessful, have an award of costs made against it. The applicant too will incur accost if the requirements of the Notice are to be carried through. This is not considered to be material and would not outweigh the visual harm now caused.

Recommendation

1. That the following conditions be discharged and that the submitted details be approved as follows:

Condition 7 (landscaping scheme)

The drawing numbered 'Drg 01 Rev C A1 Site plan' and the Landscaping Scheme & Tree Planting Specification received by the Local Planning Authority on 25 August 2016.

Condition 8 (in part) (archaeological work)

The Written Scheme of Investigation prepared by Archaeology Warwickshire dated April 2016 and received by the Local Planning Authority on 7 June 2016.

Condition 9 (in part) (bricks, tiles, surface and facing materials)

Wienerberger's Blended Red Multi Gilt Stock Bricks

5/104

Marley Eternit's Hawkings Clay Plain Tile Colour Staffordshire Blue.
Cedar Board Vertical cladding
Red brick block paving
Black bitumen macadam

Condition 10 (window and door joinery)

Drg 01 A1, Drg 02 A1, Drg 03 A1, Drg 04 A1, Drg 05 A1, Drg 06 A1, Drg 07 A1 and Drg 08 A1 received by the Local Planning Authority on 12 January 2016.

Condition 14 (boundary treatment)

The sandstone wall details plan received by the Local Planning Authority on 23 March 2016.

The drawing numbered 333/215/PC13/14/16/06 showing the acoustic fence on the site boundary surrounding the bin/service area received by the Local Planning Authority on 25 February 2016.

Condition 15 (drainage network and hydro-brake control)

Drg 01 Rev C A1 Drainage layout
Drg 04 Rev A A1 Overall drainage schematic
Surface Water Drainage modelling note
Received by the Local Planning Authority on 4 October 2016

Condition 16 (access and car parking details)

The external works site plan (drawing 333/215/PC13/14/16/01, Revision A) showing the positions of proposed kerbs and edging details, as received by the Local Planning Authority on 25 August 2016.

The Drawing 333/215/PC13/14/16/02 showing the steps giving access to the Hotel Building No. 2 from the North Car Park, the Technical details for the steps and flanking walls and the Drawing 333/215/PC13/14/16/04 showing typical kerb, edging, bitumen macadam and block pavior details, as received by the Local Planning Authority on 12 January 2016.

Condition 17 (refuse storage/disposal)

The waste and recycling operation method statement received by the Local Planning Authority on 12 January 2016.

Condition 18 (crime prevention measures)

The Crime Prevention and Security Measures Document received by the Local Planning Authority on 12 January 2016.

2. That the following details be refused of the discharge of conditions for the reasons given:

Condition 11 (exterior lighting)

The proposed lighting is too numerous and intrusive in a rural, dark skies, location. It would be harmful to the visual amenity of the Green Belt and to the rural character of the area. The colour changing lighting is alien in character to Fillongley Old Hall, a Grade II listed building, to the extent that it is harmful to its setting. The scheme would be contrary to the provisions of the Council's Adopted Supplementary Planning Guidance – A Guide for the Design of Lighting Schemes, September 2003 which seeks to avoid the use of lights simply to create a presence at night and which seeks to seek to minimise the use of lighting and contrary to the provisions of Policies NW10, NW12 and NW14 of the North Warwickshire Core Strategy Adopted October 2014.

3. That in respect of the Condition 13 (tree protection) the Council recognises non-compliance with the requirements of the condition, but considers that it is not expedient to pursue formal enforcement action:

4. That the Solicitor to the Council be authorised to issue an Enforcement Notice requiring the removal of the coloured lighting and flood lighting installed on the north west elevation of the conference centre building and on the existing storage building.

BACKGROUND PAPERS

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

Planning Application No: DOC/2016/0004

Background Paper No	Author	Nature of Background Paper	Date
1	Lead Local Flood Authority	Consultation Response	25/10/16
2	Warwickshire County Council Highways Authority	Consultation Response	2/9/16 24/10/16
3	Applicant's Agent	Correspondence re lighting, energy generation and Travel Plan	3/11/16
4	McHugh	Representation	24/11/16

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.

(3) Application No: DOC/2016/0004

Heart of England, Meriden Road, Fillongley, CV7 8DX

Discharge of conditions 7 (landscaping scheme), 8 (in part) (archaeological work), 9 (in part) (bricks, tiles, surface and facing materials), 10 (window and door joinery), 11 (exterior lighting), 12 (energy generation/conservation measures), 13 (tree protection), 14 (boundary treatment), 15 (drainage network and hydro-brake control), 16 (access and car parking details), 17 (refuse storage/disposal) and 18 (crime prevention measures) of the planning permission referenced PAP/2013/0391, for

Mr Stephen Hammon - Heart Of England Promotions

Introduction

Members received a report concerning matters related to the premises known as The Heart of England Conference and Events Centre in Part Two of the agenda of the August meeting of the Planning and Development Board. Amongst other matters, a position statement in respect of this Discharge of Conditions application was reported. Members have requested that it be reported back to the following Board for determination.

Position Update

The applicant's agent has been notified that the Board wishes to determine the application at the September meeting. He has been advised that if the identified matters of concern have not been addressed, consideration will be given to refusing the discharge of certain of the conditions.

The applicant's agent has been supplied with a copy of the August report appendix which set out, in detail, the consideration of the Discharge of Conditions Application. For ease of reference, this has been reproduced below in full as Appendix One below.

The applicant's agent was offered an opportunity to address the outstanding matters/concerns and offer an update.

He has responded explaining that the delay relates to matters surrounding the claim that part of the site is common land. He indicates that there was no point in submitting revised details until the final layout of the carpark had been established.

He indicated that he had finished the drainage layout (and supplied copies). The layout was being forwarded to the applicant's consultants for checking prior to submission. No formal submissions have yet been received and it is assumed that the matter is still with the applicant's consultants.

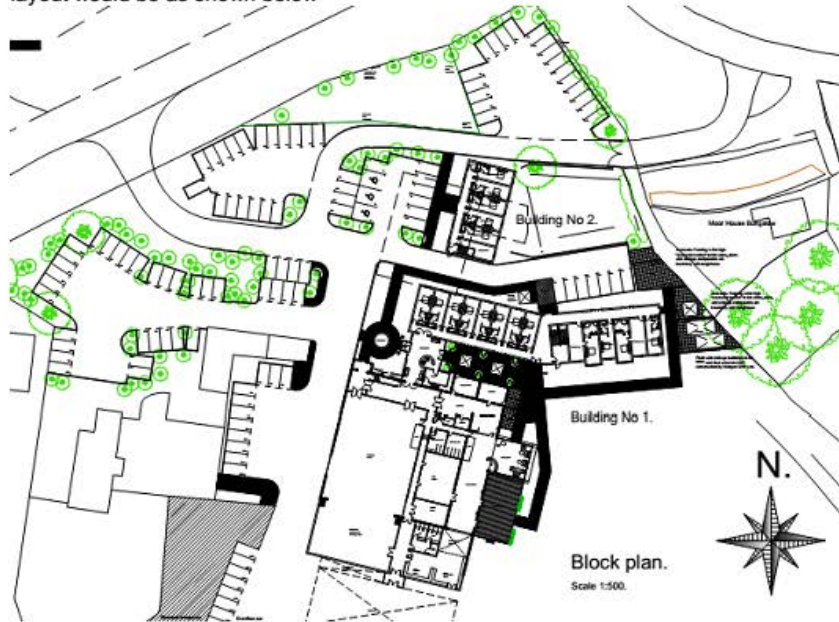
It was further advised that work was progressing on a lighting layout and all other matters were in hand.

4/16

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4/22

A Non-material minor amendment application has recently been received (though it is not yet valid, pending receipt of the application fee). The amendment seeks a revision to the layout of the car park relating to the planning permission for the erection of hotel and conference centre extensions. The revised layout seeks to avoid the provision of car parking spaces on land recently established as part of Common Land. The revised layout would be as shown below



Observations

In light of the explanation from the applicant that the information requested in respect of the discharge of conditions has been held up pending resolution of the car park layout and the Common Land issue, together with his assurance that matters are in hand to address all identified matters, it is considered expedient to allow some additional time ahead of determining this Discharge of Conditions application. It would however, be reasonable to allow the opportunity to be time limited. To allow for consideration of the non-material minor amendment, including consultation associated with it, and re-consultation on revised drawings associated with the discharge of conditions, it would be reasonable to limit the opportunity to no more than six weeks.

Recommendation

That the application be reported back to Board for determination after the passage of six weeks.

APPENDIX ONE

The Application to Discharge Conditions

Reference No	DOC/2016/0004
Location	Heart of England Meriden Road Fillongley CV7 8DX
Application Type	Approval of Details Required by Condition(s)
Proposal	Discharge of conditions 7 (landscaping scheme), 8 (in part) (archaeological work), 9 (in part) (bricks, tiles, surface and facing materials), 10 (window and door joinery), 11 (exterior lighting), 12 (energy generation/conservation measures), 13 (tree protection), 14 (boundary treatment), 15 (drainage network and hydro-brake control), 16 (access and car parking details), 17 (refuse storage/disposal) and 18 (crime prevention measures) of the planning permission referenced PAP/2013/0391

Development Plan and Other Relevant Material Considerations

Members will be aware that the relevant policies of the Development Plan in respect of this application are NW10 (Development Considerations) and NW12 (Quality of Development) of the Core Strategy 2014. The National Planning Policy Framework of 2012 is also a material planning consideration.

Representations

Two representations have been received in respect of the discharge of these conditions - one from a local resident and one from Fillongley Parish Council.

The representation from the occupier of a nearby dwelling raising the following concerns: - the car parking area uses a "hideous conglomeration of large rocks", that were used for the development of the beach, and supposedly sourced from site. The rocks are unsightly, untidy and not in keeping with the surrounding countryside.

The area being used to form the car park appears to have expanded beyond the original boundary.

The rocks have now had a liquid such as (sour-milk) poured over them to encourage the growth of fungi, which will take years for it to grow.

The illumination of the area is very brightly lit, far too many lights, with illuminated signage and flags. We were told the lights would be facing down into the car park, avoiding the spread of the lighting. This causes light pollution. Mr Hammon likes to be noticed, and this brightly lit, "monstrosity", that is out of character with the area, has certainly achieved this for him.

The comments forwarded by Fillongley Parish Council will be set out in the commentary for each of the conditions below.

4/18

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Observations

Condition 7 – Landscaping

This condition follows on from the hotel permission which did include the removal of the roadside frontage of conifers. These have now gone and the condition seeks a replacement scheme. Following initial concerns about the adequacy of the landscaping proposals a revised plan has been submitted.



Fillongley Parish Council comments in respect of the introduction of a 'sculpture shown on the initial landscaping scheme at the centre of the lawn to the east of the main vehicular entrance from Meriden Road'. They consider it to be inappropriate as it would cause detriment to the rural nature of the location and visual amenity. It also suggests that it would be a potential impediment to drivers causing a highway safety issue. It further suggests that the positioning of the feature would be outside the redline boundary for the application.

The applicant is seeking a balance between effective screening as well as making sure that his premises are readily visible from the road. It is considered that the mix of species is now acceptable here and the scheme does now provide an effective balance between the differing interests.

Condition 8 – Archaeology

The applicant initially presented an argument to suggest that this condition should be set aside, however, later commissioned and submitted a Written Scheme of Investigation prepared by Archaeology Warwickshire.

Fillongley Parish Council comments that it does not think that the requirements of this condition are unreasonable.

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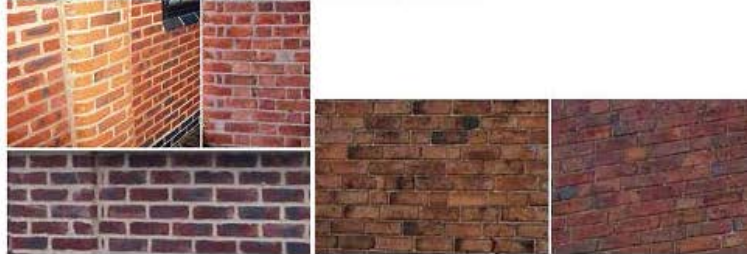
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This condition requires a written brief to be agreed for an evaluation to be carried out and for the final report to be deposited with the Warwickshire Museum. The brief has been agreed by the Museum and thus there can be a partial discharge of this condition.

Condition 9 – Facing Materials (in part) (bricks, tiles, surface and facing materials)

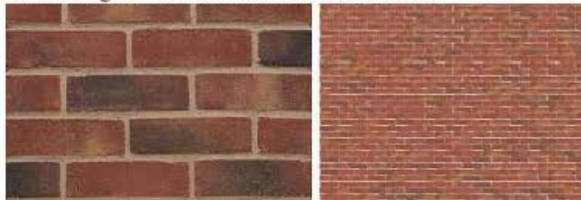
The proposal for the use of materials is as follows:

Existing variety of bricks in the Old Hall and office.



The proposed brickwork is shown below:

Wienerberger's 'Blended Red Multi Gilt Stock'



The existing variety of bricks in the Old Hall and office are shown below:



The proposed tile is shown below:



Marley Eternit's 'Harkins' Clay Plain Tile, 'Suffordshire Blue' colour

4/20

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The following examples of block paving materials are suggested in respect of pathways and courtyards.



In respect of the proposed conference centre extension the following is proposed:

This will be faced with cedar board vertical cladding, to match the existing building, on the west and south elevations. The east elevation is to be faced in a reddish-brown brick, selected to match the brickwork of the existing restaurant as closely as possible. The proposed roof covering would be 'Big 6'/Profile 6 ridged fibre-cement sheeting, painted in a 'Flint Grey' colour (BS 4800/5252, 00 A 09), to mimic the profile of the existing asbestos cement sheeting. This is readily available from Marley Eternit and other suppliers. A typical example is illustrated below.



The car parking areas and main driveways:

The car parking areas and main driveways will be surfaced in black bitumen macadam (tarmac) in the conventional manner, with the bays and other markings delineated in white and yellow paint.

Fillongley Parish Council comment: The brickwork proposed seems out of keeping with the older parts of Fillongley Hall. The poor renovations/extensions to the Listed Building should not be used as a precedent. Given the extent of the elevations a Tumbled stock brick such as Olde Woodford Red Multi, Retro Barn Stock, Retro Cottage Stock or Whitby Red Multi Rustica may be more appropriate. It suggests that samples are constructed on site for review by the planners to enable an informed decision; given the scale of the development this would not seem unreasonable.

The bricks are considered to be an appropriately blended mix, sufficiently similar to existing materials at the site and a red brick material traditional in this part of Warwickshire.

The proposed tile is considered to be an appropriate tile which is also traditional in this part of Warwickshire.

The suggested colours/blends for the block paving materials would be satisfactory and the tarmac surface for the car park is a standard appropriate surface solution.

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The materials are felt to be sufficiently in-keeping with the rural character of the area and a reasonable match with existing buildings at the site. It is considered that the applicant can be advised that these materials are found to be generally acceptable but that the discharge of the condition will be subject to the caveat that samples be constructed on site for final agreement. The applicant has indicated a willingness to construct samples on site ahead of use. This can happen and should the materials be found to differ from expectations a more suitable alternative can be agreed.

Condition 10 – Window and Door Joinery

Condition 10 reads:

No development shall be commenced before details of all new windows and doors to be used to have been submitted to and approved by the Local Planning Authority in writing. The approved joinery detail shall then be installed and maintained as such at all times thereafter.

The details submitted confirm the use of stained timber materials and simple styling.

Fillongley Parish Council comments that it would suggest a sample of windows and doors including proposed stains are installed within a sample wall on site for approval by planners to enable an informed decision; given the scale of the development this would not seem unreasonable. Drawings currently state 'All windows to receive 2no. min. coats of stain to Local Authority approval.' and 'All ironmongery to be approved with Local Authority prior to fixing.' FPC would suggest this condition cannot be discharged until this is resolved.

The condition can be discharged.

Condition 11 – Exterior Lighting

The current version of the lighting proposal is shown below. It would comprise a combination of 4m high lighting columns (15 in total), illuminated bollards (30 in total) and wall mounted LED luminaire (10 in total)

4/22

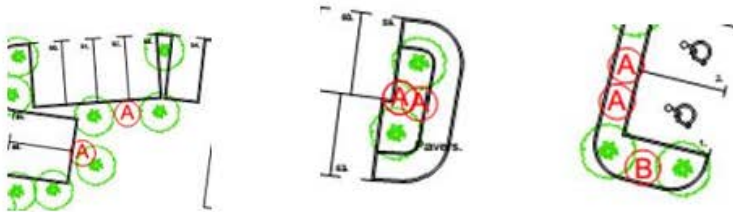
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The initial lighting proposal was found to be unacceptable because of the number, height and degree of luminance from the proposed lighting. A revised scheme was presented. However, necessary information about the details of the lighting sources, its luminance and coverage were omitted from the revised proposal. There was also no corresponding revision to the lighting impact assessment.

A request for more than a basic revised lighting proposal and clarification of the details of the proposal has been made but no response has been received.

The proposal contains several instances where two 4m tall lighting columns are proposed in very close proximity to each other (see examples below). There is no immediate reason for this. It appears that in all of these instances a single column could suffice. A request has been made for a reduction in the number of columns accordingly, or where no reduction is proposed, a clear explanation of the necessity for multiple columns. No revised plan or explanation has been received.



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Fillongley Parish Council comments as follows:

5 metre lighting columns are inappropriate for this rural location; the same fittings could be mounted on shorter columns; FPC would suggest a maximum of 3m.

Deciduous trees should not be used to 'break up and contain light spread' as inherently this is ineffective during the winter months when the lights will be required more frequently.

Lighting levels in excess of 30 lux are inappropriate for this rural location. CIBSE LG6 would suggest 10 lux is more adequate and arguably 5 lux would be more than adequate (see Gloucester Gateway Service Station, Stroud District Council where 5 lux is acceptable for a motorway service station forecourt.)

Fittings with an upward lighting component (such as type C) **should not be used** in this rural location due to light spill.

The aesthetics of the fittings selected are not in keeping with the rural location and are more industrial and chunky. Either sleek minimalist fittings such as 'Iguzzini Quid' (or similar) or fittings with a nod to the rural location such as the RAGNI wooden column mounted lights (or similar) would be more appropriate.

Fifteen (number), 4 metre high, 15 lux lighting installations are considered too intrusive for this countryside setting and a level of illumination far higher than is necessary for the reasonable functioning of the site during the hours of darkness.

The proposed luminance of the lighting installations is of concern. Lux levels of up to 15 would be inappropriate and unjustified in this rural setting. Guidance from the Institute of Lighting Professionals indicates that 15 Lux would be the level for main road lighting. It indicates that 5 Lux would be the average for a residential street. It is considered that the level of lighting in this rural location should not exceed that of a residential street (5 Lux). A request for a justification of the Lux levels has received no response. The proposal as presented would be harmful to the character and appearance of this rural location and the submitted lighting proposal may not be supported.

Condition 12 – Energy Generation/Conservation Measures

Condition 12 reads:

No development other than demolition shall be commenced before details of a scheme for the incorporation of energy generation and energy conservation measures has been submitted to and approved by the Local Planning Authority in writing. The approved measures shall then be installed and maintained as such at all times thereafter.

The proposal that has been presented is for the installation of energy conservation and energy efficiency measures only. It includes:

- Installation of energy consumption monitoring equipment
- Use of low energy lighting and light sensors/photo-sensors
- Use of good thermal insulation in the construction of the new buildings
- Use of thermostatic controls
- Measures for water conservation
- Controls on the use of air conditioning

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- Use of energy efficient appliances and energy conscious use of such appliances

Fillongley Parish Council comments as follows:

The statement provided in no way addresses the condition. NW 11 states 'New development will be expected to be energy efficient in terms of its fabric and use. Major development will be required to provide a minimum of 10% of its operational energy requirements from a renewable energy source subject to viability. Smaller schemes will be encouraged to seek the introduction of renewable energy and energy efficiency schemes at the outset to avoid costly retrofit.'

No scheme is given for the incorporation of energy generation.

Details of energy conservation measures are limited and qualitative only and do not enable a considered review.

FPC suggest this needs re-submitting complete with Building Regulations Part L 2A calculations to enable proper consideration. Starting on site would be foolhardy without Part L 2A calculations in place as these can dictate construction e.g. wall thicknesses etc. together with the efficacy of systems. We believe Dynamic Thermal Simulation would be required for this complexity of building and systems.

This application is for a large scale commercial development. It should reasonably be built in a sustainable manner such that it incorporates both energy generation and energy conservation measures. The submission to date deals only with energy conservation matters and proposes only routine conservation measures as would be required through the building regulations or through the normal operation of an efficient business. The omission of energy generation measures presents a case for refusal.

Condition 13 – Tree Protection

The conifer trees already removed were in line with the 2016 permission as described above. The new tree planting within the proposed landscaping scheme will compensate for the loss of former tree cover and the site frontage (beyond the applicant's ownership) is bordered by existing trees which will continue to afford some screening and softening of the site. It is not considered that there is meaningful action that can be taken in respect of this condition.

Condition 14 – Boundary Treatment

Condition 14 reads:

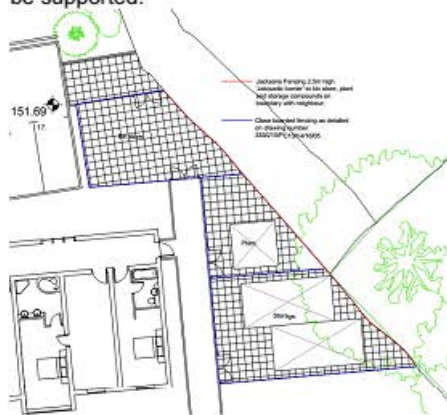
No development shall commence until details of any walls, gates, fences and other means of permanent enclosure and/or boundary treatment to be erected have been submitted to and approved, in writing, by the Local Planning Authority. The development shall be implemented only in accordance with the approved details and maintained as such at all times thereafter.

There are two key elements to the boundary proposals – the treatment of the site frontage and the treatment of the enclosure of the bin/service area.

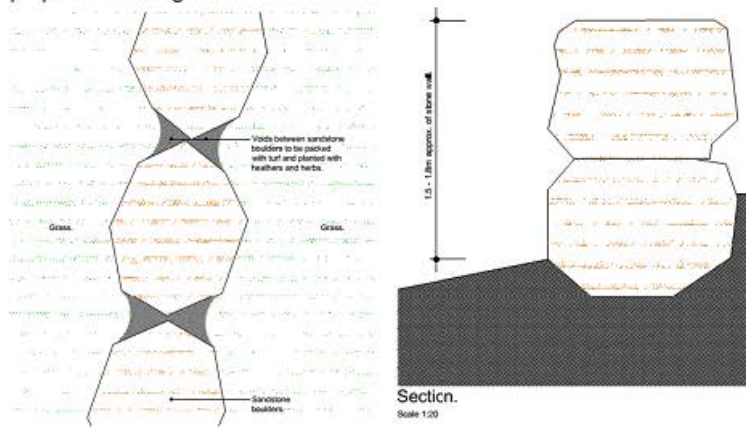
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In respect of the latter an acoustic fence is proposed on the site boundary surrounding the bin/service area (as shown below). The Environmental Health Officer confirms that this is an appropriate solution and this element of the proposed boundary treatment may be supported.



In respect of the site frontage a low level sandstone front boundary wall is shown on the proposed drawings.



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Nor is it unduly prominent in close up views:



It is considered that this is far better than wooden fencing or a palisade fence. It is thus considered to be worthy of support.

Condition 15 – Drainage Network and the Hydro-brake Control

Condition 15 reads:

Prior to the commencement of the development a detailed plan of the drainage network and hydro-brake control referred to in the Flood Risk Statement shall be submitted to and approved in writing by the Local Planning Authority.

Fillongley Parish Council asks for confirmation that a class 1 separator is proposed and indicates that there would need to be calculations confirming discharge rates in order to sign off scheme.

Two consultees, the Lead Local Flood Authority and the Environment Agency, object to the discharge of this condition.

The Environment Agency indicates that it does not recommend that conditions relating to surface water run-off are discharged as the submitted documents have not demonstrated that the development is safe from surface water flooding from itself or shown that it does not increase flood risk elsewhere.

The Lead Local Flood Authority also indicates that it requires the submission of the surface water drainage matters, namely:

The means of disposing of surface water - Full drainage details should be submitted including the following:

- Proposed drainage layout details
- Calculations showing suitability of the drainage and attenuation proposals
- The proposed allowance for exceedance flow
- Overland flow routing
- Allowances for climate change

The applicant has been requested to address these objections but has not responded.

It is considered that the discharge of this condition should be refused.

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Condition 16 – Access and Car Parking Details

Condition 16 reads:

No development shall commence until full details of the provision of the access, car parking, manoeuvring and service areas, including surfacing, drainage and levels have been submitted to and approved in writing by the Council.

Fillongley Parish Council suggests that vehicle tracking modelling would be required in order to confirm adequate provision and therefore discharge condition.

The proposed parking layout generally accords with the layout shown on the drawings approved under in the original application. The additional detail submitted in respect of this discharge of conditions application is confined to the detailing of steps, surfacing and kerbs and edging. Whilst the submitted details appear acceptable, no details of surface water drainage proposals or levels have been received. The condition cannot therefore be discharged in full.

Condition 17 – Refuse Storage/Disposal

Condition 17 reads:

No development shall commence on site until details of a scheme for the storage and disposal of all refuse and recycling has been submitted to and approved in writing by the Local Planning Authority. The scheme shall detail the storage locations, provide detailed drawings of storage vessels or compounds and the methods and time limits for the collection or dispatch of waste materials. The approved scheme shall be implemented in full at all times thereafter.

Fillongley Parish Council offers no comment other than to state that compliance with hours of use will be key to protecting residential amenity.

The applicant has submitted a waste and recycling operation method statement. It makes provisions for the private collection of wastes on Mondays at 10am and the nomination of a dedicated employee as a Recycling Co-ordinator or Champion. The reasonable weekday hour for waste collection is acceptable. The statement does not specify an evening limit on the use of the external bin store area. It is considered necessary to limit the use of this area at night because the disposal of wastes, including bottles etc. could give rise to noise disturbance to the adjacent dwelling, even with the installation of acoustic fencing. In discharging this condition it would be proposed to specify that the external store could not be used between the hours of 22:00 hours and 07:00 hours on any day.

Condition 18 – Crime Prevention Measures

Fillongley Parish Council indicates that advice from the local Crime Prevention Officer will be key to complying with the condition.

The Police Architectural Liaison Officer has no objection to the measures submitted in response to this condition. It can be supported.

4/29

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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: DOC/2016/0004

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	12 1 16 1 4 16 12 8 16
2	Police Crime Prevention Officer	Consultation Response	29 1 16
3	Environmental Health Officer	Consultation Response	25 2 16 9 3 16
4	Warwickshire County Council Highways Authority	Consultation Response	4 2 16
5	Planning Archaeologist, Warwickshire Museum	Consultation Response	11 4 16 7 6 16
6	Environment Agency	Consultation Response	18 4 16
7	Lead Local Flood Authority	Consultation Response	26 4 16 29 6 16
8	Fillongley Parish Council	Representation	1 3 16
9	Mc Hugh	Representation	8 6 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.

(2) Application No: DOC/2016/0112

Land adjacent Grimstock Hill, Lichfield Road, Coleshill,

Approval of details required by condition no:- 8 of planning permission PAP/2015/0584 dated 08 November 2016 relating to viability assessment report, for

Heyford Developments Limited

Introduction

An outline planning permission was granted for the erection of 24 houses off Trajan Hill in Coleshill. One of the conditions required the submission of a viability assessment in order to establish whether there was the opportunity for either affordable housing on-site or an off-site contribution in lieu.

The Proposals

A viability assessment has been submitted by GVA acting on behalf of the applicant in order to discharge this condition. The applicant has requested commercial confidentiality in regard of the document.

It concludes that it would not be viable to provide for affordable housing either on site or through a contribution. The assessment has assumed a development with a mix of 2, 3 and 4 bedroom houses (10, two bedroom; 9 three bedroom and 5 four bed roomed houses) based on a cul-de-sac off Trajan Hill via the site of the demolished house at number 1. Each property is assumed to have a private garden with its own garaging/parking spaces. Inside accommodation is assumed to be at a specification found in surrounding houses.

Average sales values based on the post code B46 have been included based on Land Registry information. Additionally the newly completed seven houses in Grimscote Avenue have been used as guide.

Expenditure figures include a standard build cost based on the October 2016 RICS data base for NWBC with two storey development.

Abnormal costs are said to be significant: a ground investigation survey; cut and fill to provide a development plateau, additional imported material, raft or piled foundations, drainage including the balancing ponds, additional planting, the purchase and demolition of number 1 Trajan Hill, temporary access arrangements off the Lichfield Road as well as extended amendments sought during the planning process. A contingency of 3% is included as well as professional fees, borrowing fees and land acquisition costs.

The assessment concludes that the resultant profit is below that which the applicant would normally be seeking, but that he is prepared to accept it. Affordable housing on site or through an off-site contribution would alter his view.

The applicant has requested that the report remains confidential.

Consultations

The District Valuer - His initial report indicated that an affordable housing contribution could be made and challenged the applicant to evidence some of his assumptions in coming to that conclusion. He has not altered his conclusion as a result of receiving that evidence.

Development Plan

The Core Strategy 2014 – NW6 (Affordable Housing Provision) and NW22 (Infrastructure)

Other Material Planning Considerations

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

The National Planning Practice Guidance – (the “NPPG”)

Observations

In granting planning permission for this land the Board added a condition requiring the submission of a viability statement to see if there was a prospect of affordable housing provision on the site or by way of an off-site contribution in lieu of this. That statement is now submitted as outlined in general terms above. In order to provide a wholly objective view of the statement, the District Valuer (“DV”) has been asked to review the report and its conclusions. The applicant is aware that this was undertaken and has not objected to this arrangement.

Members are reminded that the NPPF makes it clear that acceptable development should “not be the subject to such a scale of obligations and policy burdens that the ability to be developed viably is threatened”. It continues by saying that to ensure viability, “the costs of any requirements..... such as requirements for affordable housing, when taking account of the normal cost of development, provide competitive returns to a willing land owner and developer to enable the development to be deliverable”.

The initial advice received from the DV concluded that there could be “room” for an affordable housing contribution and therefore the applicant was asked to challenge some of the assumptions made by the DV in coming to that initial conclusion. These were around the potential “value” of the completed properties. The applicant has done so and a rebuttal paper was forwarded to the DV evidencing recent property sales in the immediate vicinity of the site. The DV has forwarded his response which concludes that his initial conclusion remains.

As a consequence it is considered that the independent assessment of the DV should be supported here. It is also considered that the conclusion would accord with the relevant sections of the NPPF in that a contribution would not make the development undeliverable.

The off-site contribution that is being suggested as a consequence of the DV’s report is £285,314 if payable at the commencement of the development. It is agreed however that this type of contribution is not often requested at the commencement of

development and therefore the recommendation below suggests that a phasing of the contribution is agreed through a Section 106 Agreement.

Recommendation

That the applicant be informed that as a consequence of the report submitted under condition 8 of PAP/2015/0584 dated 8 November 16, the Council is seeking a financial contribution of £285,314 for off-site affordable housing provision in North Warwickshire to be secured through a Section 106 Agreement. The phasing of this payment is open to negotiation but the condition will not be fully discharged until the Agreement has been signed.

BACKGROUND PAPERS

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

Planning Application No: DOC/2016/0112

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	14/12/16

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.

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