

(8) Application No: PAP/2015/0370

Land to the north of, Nuthurst Crescent, Ansley, CV10 9PJ

Residential development of up to 79 dwellings with vehicle access onto Tunnel Road. Outline planning application with access only to be considered now and Layout, Scale, Appearance and Landscaping as reserved matters' for

Mr C R Muller - Muller Property Group

Introduction

The application is referred at the discretion of the Assistant Chief Executive due to the scale of the development and the significant nature of the proposal.

The Site

The site is two open pasture fields amounting to some 3.15 hectares to the north of Nuthurst Crescent and Croft Mead at the eastern end of Ansley. It extends from Tunnel Road westwards to the allotments at the rear of Croft Mead and the Birmingham Road. There is residential development to the south; open agricultural land to the north and on the opposite side of Tunnel Road with allotments to the west. The land slopes slightly towards the north. There are existing field hedgerow boundaries to the site with a post and rail fence along the western boundary. There are also a number of trees within the site – five of which are protected by Tree Preservation Orders. A public right of way footpath runs along the site's southern boundary.

A site location plan is at Appendix A.

An aerial photograph of the site is at Appendix B.

The Proposals

This is an outline application seeking a planning permission in principle to develop the site with up to 79 dwellings. The applicant requests that only the details of the access be considered now and that the matters of the appearance, landscape, layout and scale of the proposed development be reserved for later consideration as reserved matters should outline permission be granted.

An illustrative masterplan showing a possible arrangement for a development of the scale proposed has been submitted. This is not submitted for approval now but is merely an illustration of a possible development arrangement. This presents a development with a mix of house types and sizes. This also illustrates pedestrian and cycle connections to the existing housing areas to the south, together with the possibility of an emergency access only route through to Nuthurst Crescent

Vehicular access is proposed off Tunnel Road. This would serve the whole of the development. The actual position of the access would be towards the northern end of the Tunnel Road frontage and this would involve` the loss of two unprotected trees together with a length of hedgerow.

The illustrative layout is shown in Appendices C1 and C2.

An Affordable Housing Statement clarifies the proposed development would include the provision of affordable housing. This would be 40% of the total number of new houses, i.e. 32 affordable dwellings, and would include a mix of houses of differing types, size and tenure.

The application is accompanied by a number of other supporting documents which provide further details of the proposed development.

A Planning Statement interprets relevant planning policy and guidance at national and local level. It considers the development is sustainable and thus the presumption within NPPF for approval of such development should apply. It acknowledges the site is not a preferred location in the Council's Site Allocations Document, however it does not believe this should carry sufficient weight to override the presumption in favour of sustainable development. The Council's housing supply figures are questioned and because of historic under-provision the applicant suggests that a refusal based on this should carry little weight. In the absence of adverse impacts from development specific matters the applicant argues that the development should be permitted.

A Design and Access Statement together with a set of "constraints" and "opportunities" plans, describe the physical characteristics of the site explaining how the illustrative layout was derived.

An Arboricultural Impact Assessment shows that 22 trees would be affected by the development; the most prominent of which are the five mature oaks in the eastern half of the site. Of the 22 trees, 15 are said to be in good or moderate condition. The illustrative layout suggests that of these 22, five would be lost, all of poor quality, to enable the access to be provided. The TPO protected trees would all be retained.

A Habitat Survey found no evidence of protected mammal species on site and that the existing ponds were unsuitable for great crested newts but it suggests further survey work to better understand bird populations. Two of the trees to be removed have the potential for roosting and resting bats, thus a further survey was recommended.

A Landscape Appraisal concludes that whilst the development would change the character of the site and primary views would be adversely affected, the development itself would not be out of context with the built fabric and scale of the existing settlement and it would not adversely affect the wider setting. Retention of the boundary hedgerows and field trees would be beneficial.

A Ground Conditions Report concludes there are no issues that would prevent the development of the site. The most significant factors are potential risks arising from contamination from the nearby sewage works and from asbestos in a stable building on the site.

An Agricultural Soil Study confirms that this is mainly Grade 3b land with poorly drained soils with an area of grade 3a closer to Tunnel Road.

A Transport Assessment suggests the proposed access meets standard specifications and would accommodate the expected traffic movements arising from the development proposed. There would also be opportunities as well for pedestrian and cycle connections to the village to facilitate access to local shops and services and to public transport services that serve the village.

A Flood Risk Assessment identifies the site is in Flood Zone 1, and unlikely to experience fluvial flooding. A sustainable surface water drainage strategy is proposed and this should incorporate on-site surface water attenuation and avoid infiltration solutions due to the soils and geology of the site. Outflow discharge should be to the ditch/water course running along the northern boundary. Foul water would be discharged to the existing on-site combined sewer.

A Statement of Community Involvement describes a public consultation held in the village in March. This however showed a development of around 150 units. The applicants point to the main issues raised at that time. These were concern about the size and scale of the proposal; 40% affordable housing provision being too high, traffic impact, pedestrian safety crossing the Birmingham Road, need for traffic calming and that local facilities and services are already under pressure and that bus services are too few.

The applicant indicates that he would offer support towards provision of a new pedestrian crossing on the Birmingham Road to improve connectivity between housing to the east and the services and facilities on the western side of the road.

Development Plan

The Core Strategy 2014 – NW1 (Sustainable Development); NW2 (Settlement Hierarchy), NW5 (Split of Housing Numbers), NW6 (affordable Housing Provision), NW10 (Development Considerations), NW12 (Quality of Development) and NW13 (Natural Environment).

Saved Policies of the North Warwickshire Local Plan 2006 - ENV4 (Trees and Hedgerows); ENV6 (Land Resources); ENV8 (Water Resources), ENV12 (Urban Design) and ENV14 (Access Design)

Other Material Planning Considerations

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

Consultations

Warwickshire County Council as Highway Authority – It has no objection subject to conditions to ensure a safe access is provided; to minimise highway impacts during construction and to require improvement to Nuthurst Crescent to provide pedestrian and cycle access.

Warwickshire County Council as Local Lead Flood Authority – There is no objection subject to conditions to ensure sustainable surface water drainage system is provided.

Warwickshire Rights of Way – There is no objection subject to standard advisory notes to ensure that there is no adverse impact on public rights of way.

Warwickshire Fire and Rescue – There is no objection subject to conditions to ensure adequate water supplies for fire-fighting.

Severn Trent Water – It has no objection subject to a condition for prior approval of drainage details.

Environment Agency – There are no comments other than to advise that asbestos should be removed and disposed of appropriately.

Environmental Health Officer – No comments to make

Warwickshire Wildlife Trust – It has no objection but requests a condition to protect breeding birds and recommends a further bat survey prior to removal of trees; the keeping older trees valuable to wildlife where safe to do so and, undertaking a full biodiversity audit to inform the preparation of a Landscape and Ecology management plan.

Warwickshire Police – No objection but they advise the inclusion of recommended measures to reduce risk of crime.

The Coal Authority – It says that standing advice is relevant

Network Rail – It has no objection but advises that if piling or vibro-impact works are proposed, a risk assessment and method statement will need to be submitted to the Network Rail Asset Protection team for review.

Nuneaton and Bedworth Borough Council – It has no objection

Representations

J Craddock Associates on behalf of a local resident submitted a review of the transport assessment by Highway Development Consultancy. This suggests standards set out in Design Manual for Roads and Bridges require longer visibility at the proposed new access and thus queries its proximity to the existing junction with Nuthurst Crescent. There are also queries over the traffic generation figures, as only 2 of the 27 sites used from the TRICS database are representative of the application site. He considers that traffic generation is likely to be greater and the trips made by sustainable transport to be considerably lower.

Representations have been received from 65 local people. All but one, objects to the proposal. These raise the following concerns:-

- The need for this housing; alternatives sites are identified, the proposal would increase village by 50%; the scale of development and location would harm the rural character of the village. Local need is for smaller affordable houses / bungalows. The scheme retains the potential for further housing development and thus concern over cumulative impact given proposed development of 150 houses in Galley Common.
- Increased traffic on roads. Conflict with HGV's. Increased demand for on-street parking where there is already high demand. Hazards due to excessive traffic speeds. The number of HGV's on Tunnel Road and inappropriate parking on Tunnel Road. Nuthurst Crescent is an existing 'rat run'.
- The inability of local infrastructure and services to cope with new development eg. low water pressure; inadequate sewerage capacity, limited existing public transport services, limited local facilities for older children and; capacity at doctors and schools.
- The application site is prone to local flooding.

- It will have adverse impact for amenity and the safety of elderly residents in Croft Mead housing. Increased noise and air pollution. Disturbance during construction period.
- Loss of important meadow habitat and adverse impact for natural environment and wildlife.
- Query the need for emergency access to Nuthurst Crescent.

One representation considers that the development could help address the housing shortage by providing additional housing, but initiatives for low cost homes, for first time buyers and younger people are necessary. He identifies a need for 1 and 2 bedroom dwellings for downsizing. In rural areas development can benefit local economy if sited appropriately near to local services;

The Ansley Parish Council objects as the proposal is contrary to Development Plan policies; outside of the village development boundary and is not a preferred option within the Site Allocations Plan. Other matters include concern over the traffic survey. The Council acknowledges that the proposal has merits with promised improvements to local facilities and potential benefit to the local economy. It considers that a smaller development of local affordable homes for first time buyers and people with disability accessed via Croft Mead would be more appropriate.

Marcus Jones MP for Nuneaton opposes the proposal and raises concerns over safety of the access; the lack of infrastructure, the need for additional housing and cumulative impact with the housing permitted recently in Galley Common.

Observations

a) Planning Policy

Development Plan policy with respect to the distribution of new development and the amount of development is set out in policies NW2, NW4 and NW5 of the Core Strategy 2014. This policy consideration and the weight to be given to this, is significant here.

Policy NW2 identifies a settlement hierarchy and sets out how development will be distributed to the various categories of settlement. Ansley is Category 4 settlement with a defined development boundary. For such settlements, development is limited to that identified within in the Plan or through a neighbourhood or other locality plan.

Policy NW4 identifies the total amount of housing and requires sites be brought forward to ensure consistent delivery over the plan period. The availability of a site is of thus not of itself justification that a site should be developed, consideration must also be given to the appropriate timing.

Policy NW5 identifies the minimum requirement for residential development for settlements. This requires a minimum of 40 additional dwellings to be provided for Ansley. This is qualified by a preference for these to be provided on sites of no more than ten houses. A draft Site Allocations Document, to identify land to meet requirements within the Core Strategy is at an advanced stage of preparation. This identifies two sites adjoining the settlement boundary at the northern end of the village as the preferred options for residential development to meet the requirement for additional dwellings. The application site was considered but is not included as a preferred option. It is not thus identified within the Plan nor is it identified within any other locality plan. The proposal thus conflicts with policies NW2, NW4 and NW5.

Through the draft Site Allocations Document and other measures the Council has identified land that is available for residential development to meet the five year requirement plus 20%. Currently the land available is equivalent to provision for seven and a half years. There is evidence that the land identified is being brought forward for development. There is thus no supply requirement at this time for the allocation of additional land. The proposal thus conflicts with Policy NW4.

Given the above, this conflict with these fundamental Development Plan policies is considered to be of substantial significance to the determination of this application.

Policy NW6 sets out the requirement for affordable housing provision. This requires provision within developments on previously undeveloped sites to be 40% of the total house built and that these should include a mix of houses of differing size and tenure. The application indicates that affordable housing provision would be provided in accordance with this policy requirement. The applicant suggests that the development offers an opportunity for the provision of affordable housing that will not exist if housing is developed on sites of ten units or less. However following the withdrawal of government guidance which sought to exempt contributions from sites of ten dwellings or fewer, this argument is not now significant.

The site is not in the Green Belt. It is however outside of the settlement development boundary for Ansley identified in the saved Local Plan. Development here would result in the loss of 3.15 hectares of open land within the countryside. Policy NW12 refers to the quality of development and requires, inter alia, that proposals should positively improve the character and appearance of settlements.

The Landscape Visual Assessment recognises the direct effect of changing the grassland to one of a built environment and site infrastructure will clearly be a significant change to the existing character. Primary views of the site exist along Nuthurst Crescent and Croft Mead and from other locations in Ansley such as residential properties along St Lawrence Road and the B4112 and the proposed development will be clearly visible from such locations. There will be an adverse impact for these views, similarly there will be an impact on transient views from the public footpath, the route of which runs alongside Nuthurst Crescent. The proposal will enclose the route within residential development on both sides.

Ansley village is essentially a linear settlement which has developed along either side of Birmingham Road. Later development at St Lawrence Road and Nuthurst Crescent has extended this to the east side however the effect of this has not been to overly obscure the original linear pattern. The proposed development would extend the built envelope along Tunnel Road and result in the concentration of built development at the southern end of the village. This would be a more significant impact on the linear settlement pattern. The proposed development would be harmful to rural views and would not improve the character or appearance of the village and the approach to it. The proposal is not considered to fully accord with Policy NW12.

Given the development conflicts with policies NW2, NW4, NW5 and NW12 which are fundamental to the strategic objectives of the Core Strategy, the proposal is not considered to be sustainable development for the purposes of policy NW1.

b) Development Specific Matters

The access arrangement is submitted for approval and this therefore requires specific consideration. The Highway Authority reviewed the access arrangement and initially raised concerns. However following clarification and correction of errors found within the submission, it now has no concerns over the proposed access and does not therefore object to the proposal.

With regard to the detail of a development, the documents submitted with the application and responses from statutory consultees suggest that there are no significant matters that would prevent the development of this site, although some consultees raise issues these could be addressed through conditions to secure an appropriate development. The concern raised by the consultant on behalf a local resident over the appropriateness of the TRICS data used to estimate the traffic generated by the development and number of trips by public transport is noted, however no alternative traffic generation is suggested.

c) Balance of Policy Considerations

Development proposals will not always accord with every policy within the development plan and thus it is necessary to establish the overall degree of conformity for a proposal. In this case although no development specific matters give rise for concern such that the site might be developed in accord with more development specific plan policies, the conflict with fundamental plan policies is considered to be of greater significance. Thus overall the proposal is considered at this time to be contrary to the Development Plan.

The NPPF makes clear that planning law requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise. No such considerations exist in this case. It also makes clear that the NPPF does not change the statutory status of the development plan and that proposed development that conflicts with an up to date local plan should be refused. The grant of planning permission for development that is contrary to the development plan would conflict with the core planning principle set out in the NPPF, that development should be genuinely plan-led.

Recommendation

That the application be **Refused** for the following reasons:

- 1.The North Warwickshire Core Strategy 2014 through policies NW2, NW4 and NW5 sets out how the distribution of new housing will be achieved over the period to 2028 in a sustainable way in line with the planning principles of the National Planning Policy Framework 2012.

Policy NW2 identifies a settlement hierarchy. Ansley is identified as a category 4 settlement in which development will only be permitted if it is identified through a neighbourhood or other locality plan. The development proposed is not so identified and thus is not in accord with policy NW2.

Policy NW4 identifies the total requirement for new housing and requires sites be brought forward to ensure consistent delivery over the plan period. The availability of a site is of thus not of itself justification that a site should be developed, consideration must also be given to the appropriate timing. Through the draft Site

Allocations Plan Document the Council has identified sufficient land available for residential development to meet the five year requirement plus 20%. Current land supply is equivalent to provision for seven and a half years.

Policy NW5 identifies the minimum requirement for residential development for individual settlements. This requires a minimum of 40 additional dwellings to be provided for Ansley. The draft Site Allocations Plan Document identifies two sites adjoining the settlement development boundary at the northern end of Ansley village as the preferred options for residential development to meet the requirement for additional dwellings. There is no requirement at this time for additional land for residential development or for the allocation of additional sites at Ansley. The proposal is thus not in accord with Policies NW4 and NW5,

Given the conflict with policies NW2, NW4 and NW5 which are fundamental to the strategic objectives of the plan, the proposal is not considered to be sustainable development for the purposes of policy NW1. Thus overall the proposal is at this time considered to be contrary to the Development Plan.

2. Ansley village is essentially a linear settlement which has developed along either side of Birmingham Road. Later development at St Lawrence Road and Nuthurst Crescent has extended this to the east side however the effect of these has not been to overly obscure the original linear pattern. The proposed development would extend the built envelope along Tunnel Road and result in the concentration of built development at the southern end of the village. This would be a significant alteration to the settlement morphology. The proposed development would result in significant change in the character of the land within the application site and there will be an adverse impact for primary views of the site and on transient views from the public footpath which runs alongside Nuthurst Crescent. The proposed development would thus be harmful to the setting and would not improve the character or appearance of the village and the approach to it. The proposal is thus not considered to accord with Policy NW12 of the Core Strategy 2014.

BACKGROUND PAPERS

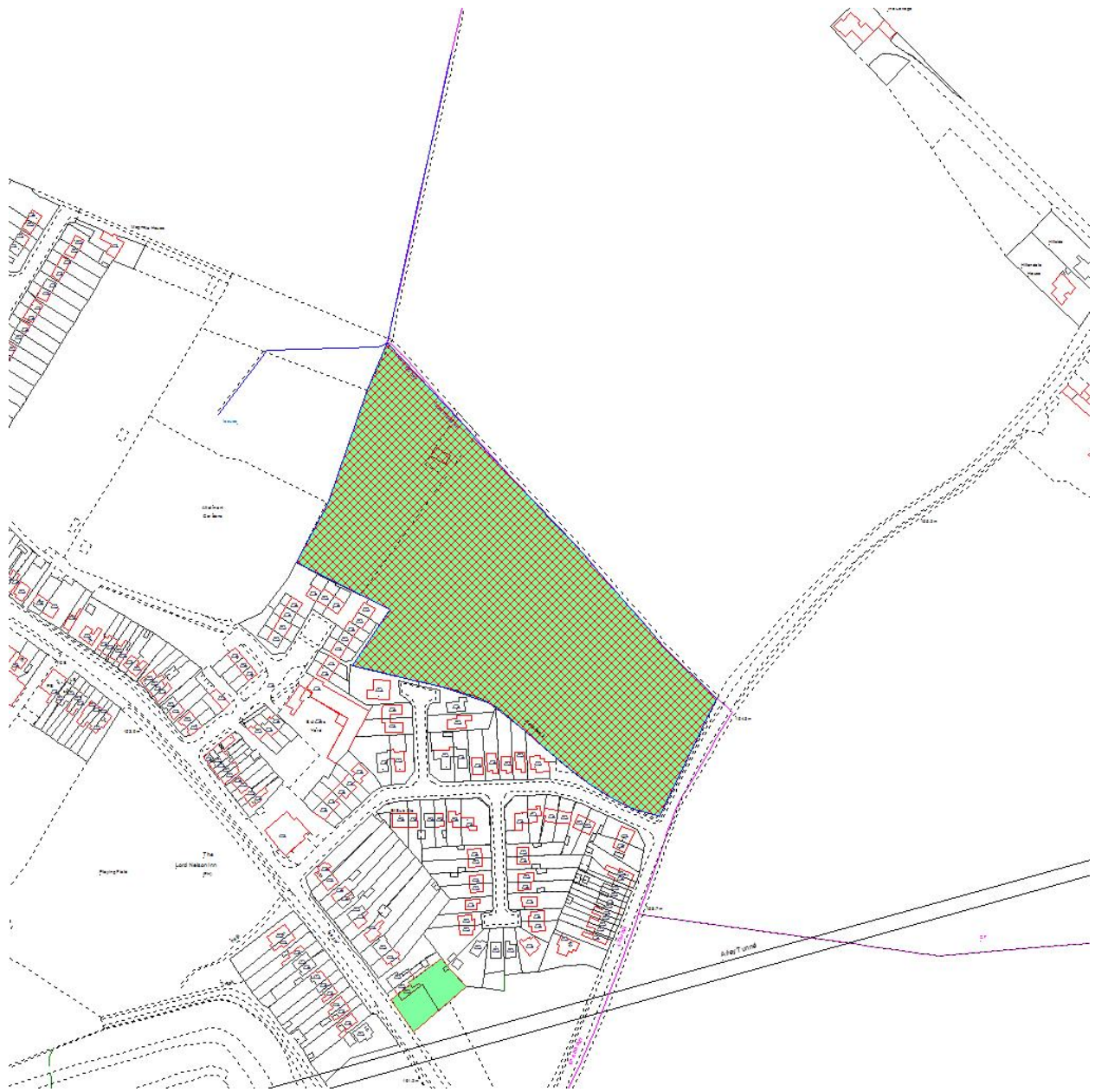
Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Planning Application No: PAP/2015/0370

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	10/6/15
2	WCC Highways	Consultation	20/10/15
3	WCC Local Lead Flood Authority	Consultation	14/7/15
4	WCC Public Rights of Way	Consultation	13/7/15
5	Warwickshire Fire & Rescue	Consultation	28/7/15
6	ST Water	Consultation	10/10/15
7	Environment Agency	Consultation	30/6/15
8	Warwickshire Wildlife Trust	Consultation	26/6/15
9	Warwickshire Police	Consultation	30/6/15
10	The Coal Authority	Consultation	26/6/15
11	Network Rail	Consultation	24/6/15
12	NBBC	Consultation	13/7/15
13	Marcus Jones MP-Nuneaton	Consultation	3/8/15
14	Ansley PC	Consultation	22/7/15
15	J Craddock Associates	Representation	14/7/15
16	65 local people	Representation	various

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

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



PAP/2015/0370

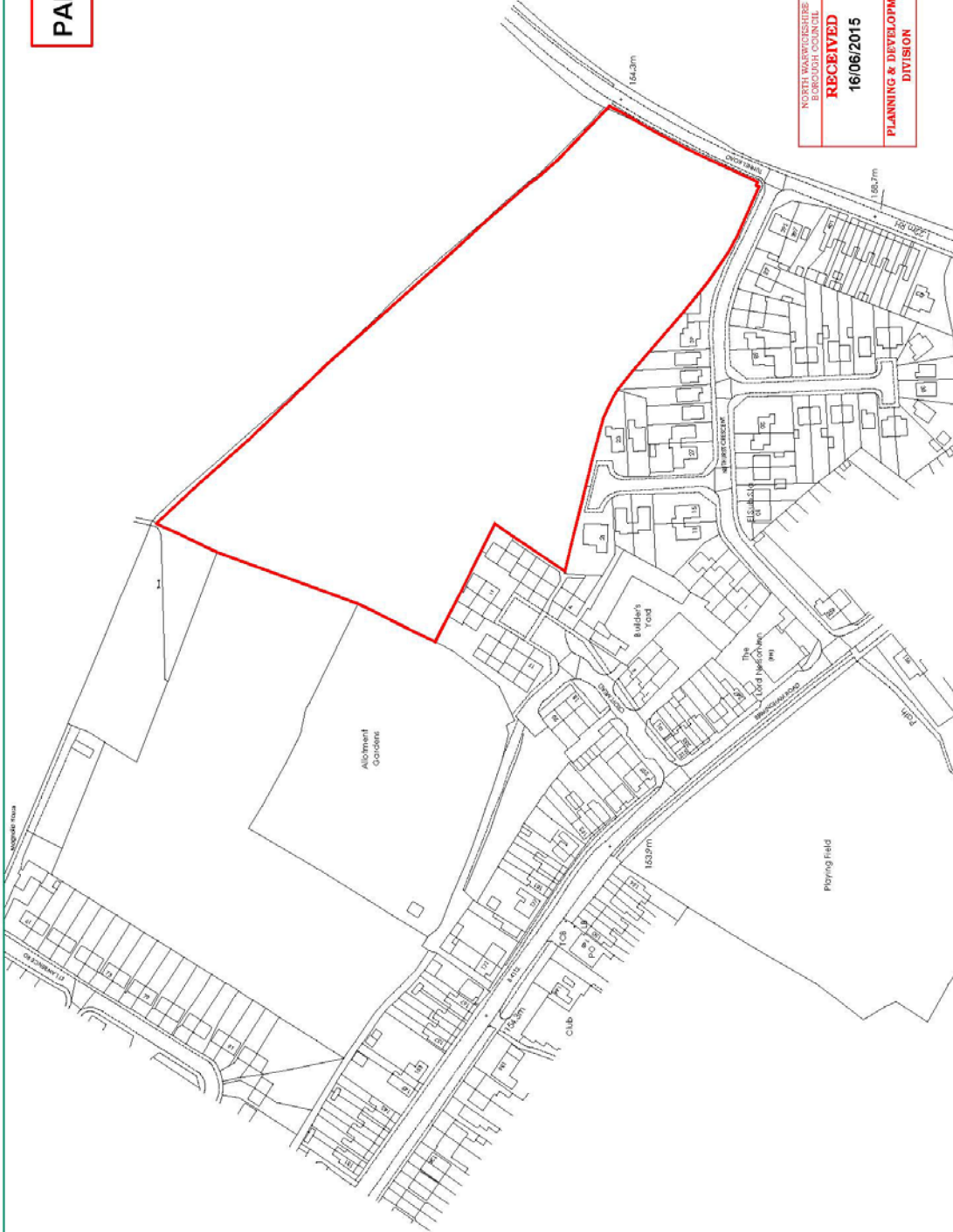
APPENDIX A



TFA
ARCHITECTS

The Old Vicarage
Stone Heyes Lane
Barniton Northwich
Cheshire CW8 4QS
T: 01 606 892296
F: 01 606 892325
info@tfa-architects.com

MP5002
LP01.A



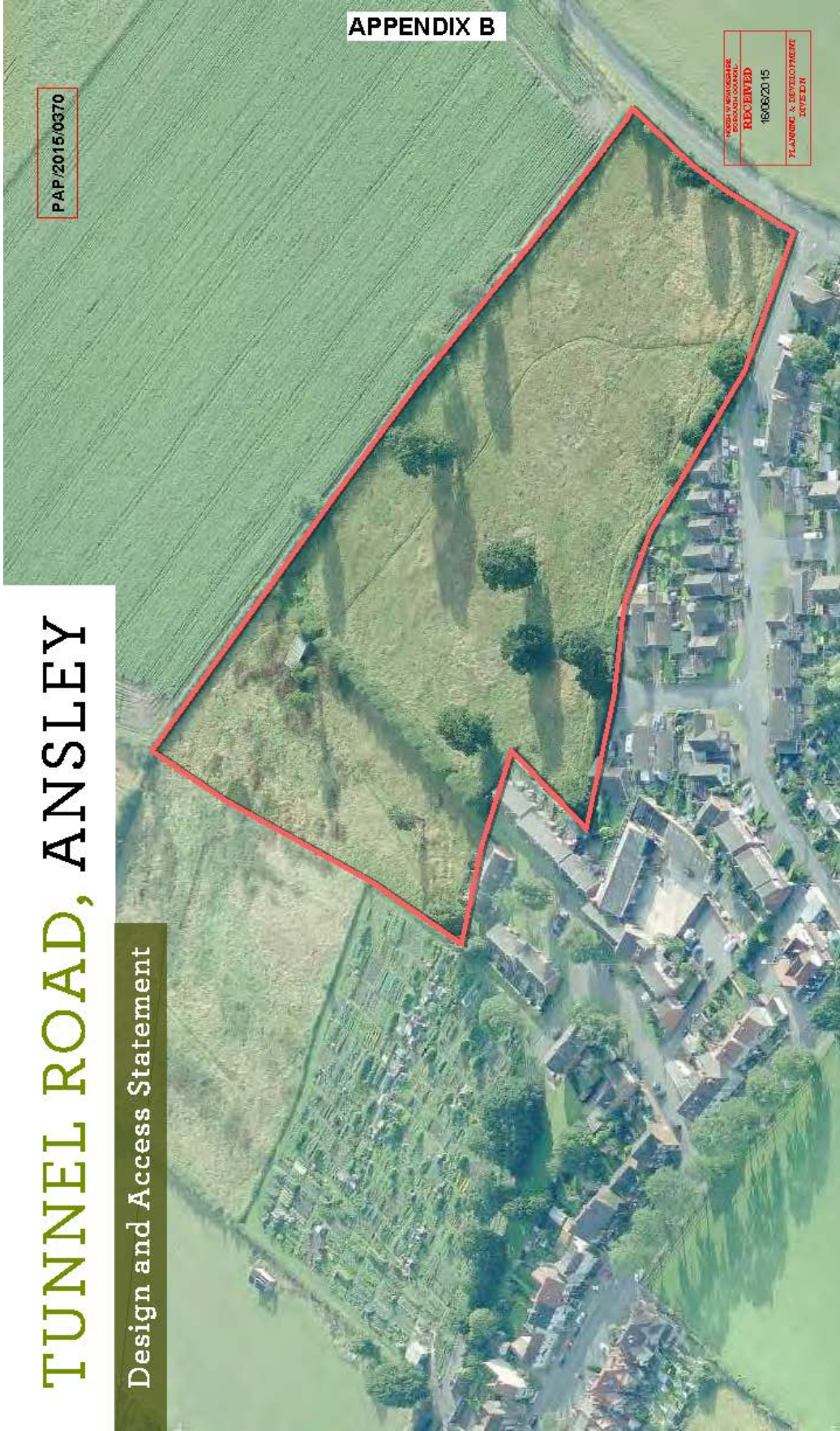
NORTH WAIR/CHESTER
BOROUGH COUNCIL
RECEIVED
16/06/2015
PLANNING & DEVELOPMENT
DIVISION

1:2500 @ A4
10.06.15

TUNNEL ROAD ANSLEY LOCATION PLAN
MULLER PROPERTY GROUP

TUNNEL ROAD, ANSLEY

Design and Access Statement



APPENDIX B

PAP/2015/0370








PLANNING & DEVELOPMENT
18/06/2015
REVIEWED
PLANNING & DEVELOPMENT
10/06/15

May 2015

MÜLLER

APPENDIX C 1

KEY

-  Existing Trees & Hedging to be retained
-  Public Open Space and Linear Green Routes
-  Attenuation Pond
-  Collector Roads with Footpaths to both sides
-  Shared Surface access
-  Emergency Link access
-  Footpath Links



Project
Tunnel Road, Anasley

Drawing Title
Indicative Master Plan

Client
Muller Property Group

Number/Figure
Figure 9.01
Scale @ A3
1:1,250
Date
May 2015

MÜLLER

Tunnel Road, Anasley

PAP/2015/0370

APPENDIX C 2



TFA
ARCHITECTS
The Old Vicarage
Stone Hayes Lane
Barnton Northwich
Cheshire CW8 4QS
T: 01606 892296
F: 01606 892225
info@tfa-architects.com

RECEIVED
16/06/2015
PLANNING & DEVELOPMENT
DIVISION

MP-5002
SK02.1.*



1:1000 @ A3
13.05.15

SKETCH LAYOUT 2,
MULLER PROPERTY GROUP

TUNNEL ROAD ANSLEY

(9) Application No: PAP/2015/0483

The Brambles, Main Road, Baxterley, Atherstone, CV9 2LW

Temporary Dwellinghouse to support equine business for three year period, for

Mr & Mrs M & K Smith

Introduction

The application is reported to the Planning and Development Board for determination under the Council's Adopted Scheme of Delegation at the request of a Local Member as they have spoken with the constituent and if the application continues to be recommended for a refusal then they would like it referred to the Board for discussion.

The Site

The holding comprises some 2.95 hectares of land with vehicular access directly onto Main Road. The buildings on site comprise of:

- a concrete building providing stabling for eight horses along with a hay store and tack room and an office/store at mezzanine level;
- an open fronted store providing hay storage and goat isolation facility;
- a five-bay open fronted hay store; and,
- a general purpose agricultural building permitted in 2014 and currently under construction.

The Proposal

It is proposed to site a mobile home on this land to the north west of the access driveway. The mobile home is intended to be used as a temporary rural workers home for a period of three years. The structure measures some 19 metres by 7.3 metres. The height of the structure is 2.7 metres to the eaves and 4 metres to the pitch. An existing septic tank would be used for the disposal of foul water and a new soakaway constructed to discharge to the drainage ditch along Main Road. A residential curtilage is not proposed as the structure is a temporary structure.

An occupancy condition is suggested which restricts the occupation of this dwelling house to persons employed in agriculture and equestrian

Background

In 2014 an agricultural determination application was approved for the erection of a general purpose building which is currently under construction.

Development Plan

North Warwickshire Core Strategy 2014 – NW1 (Sustainable Development); NW2 (Settlement Hierarchy); NW10 (Development Considerations); NW12 (Quality of Development).

Saved policies of the North Warwickshire Local Plan 2006 – ECON7 (Agricultural Buildings); HSG3 (Housing Outside Development Boundaries)

Other Relevant Material Considerations

Government Advice: National Planning Policy Framework (NPPF).

New Homes Bonus

Consultations

Council's Agricultural Advisor – Based on the functional need of the scheme and its financial sustainability, there is no essential functional need for a dwelling to support the proposed business at Main Road. The proposed business is not well planned financially. The applicants' own dwelling is a short distance from the yard allowing quick easy access. Since October 2014 the applicant has taken in five liveries on a part time and DIY basis and the lack of a dwelling on site has not deterred prospective livery clients from placing their horses at The Brambles.

Following the receipt of additional information from the agent, the Council's Agricultural Advisor states that there is nothing in this additional information provided by FCG which alters his opinion that there is not an essential functional need for a dwelling to support the proposed business. They consider that the test on sight and sound is a subjective matter which, in their opinion, measures such as the security systems in place, the ability to perform early and late night checks from a location close by and each livery client having unrestricted access to the site in the event of illness or monitoring their horse's condition.

Representations

None received during the 21-day statutory consultation period.

Following concerns raised with the applicant's agent with regards to the proposal, seven letters of support were received. Most of the authors support the applicants as they have known them for many years and welcome someone living on the site to increase welfare for their stock and horses as well as adding security to this rural area. They state that this area needs more small enterprises to create jobs and support the local economy.

Observations

The site lies within the open countryside and so outside of any settlement's development boundary. Policy NW2 (Settlement Hierarchy) in the Core Strategy 2014 states that for these locations, development will be limited to that necessary for agriculture, forestry or other uses that can be shown to require a rural location. The key consideration here is whether there is an essential agricultural case to retain a permanent residential presence on the site albeit through a temporary mobile home.

NPPF paragraph 55 contains the guidance for local planning authorities in relation to housing in rural areas and sets out that, with a few exceptions, housing should be located where it will enhance or maintain the vitality of rural communities and that new isolated houses should be avoided. One such exception is "*The essential need for a rural worker to live permanently at or near their place of work in the countryside.*" The Development Plan reflects this position.

It is accepted that the former PPS7 is no longer a material consideration of weight, but the functional test that it contains is still a useful tool or starting point for assessing agricultural need and the consultant's analysis has used it. Moreover it is referred to in the relevant Saved Policy from the Local Plan which still carries Development Plan status – HSG3.

This proposal is for the erection of a temporary residential dwelling house for a period of three years to be occupied by persons employed in an equestrian and a goat rearing business. The Council's Consultant Rural Agent has been consulted and has provided a comprehensive report following a site meeting with the applicant. In his report, he runs through each of the criteria set out in the Annex against which to assess the operational and management function of the business. It also includes his response to the applicant's comments on that advice. It is clear that from all of that evidence that he considers that there is no functional need to have permanent residential presence on the site.

As a consequence of this conclusion, it would not normally be necessary to look at the financial test outlined in the Annex. The Council's Advisor has, however, done this in his report. His conclusion reflects that of the functional test there is no sound business plan for the operation.

The test on sight and sound is considered to be subjective. For this proposal, it is considered that this site already has measures in place for welfare and security for the current stock levels. The stable building has security cameras linked to the applicants' phone system. In addition to this, the applicant's own dwelling is one mile away from the site being in Tamworth Road, Wood End. They can access the site in around 5 minutes and so it is considered that they already have a quick and easy access to reach the site. Indeed, they already perform early and late night checks from this location. Each livery client also has unrestricted access to the site in the event of illness or monitoring their horse's condition. In addition to this, the applicants' and their livery clients benefit from permitted development rights on this site which allows them occasional overnight stays on the site as required up to a maximum of 28 days in a calendar year.

There are no planning permissions on this site for any equestrian uses or for any stable blocks. However, the building on site housing these stables appears to be long established and so it is assumed that the use is established. An agricultural determination has been approved in 2014 for a new building measuring 18 by 9 metres in footprint and 4 metres to its ridge to be used as a barn for the storage of hay, feed, bedding and equipment. This building must be used for agricultural purposes.

In light of the technical advice received it is considered that there is not a case in principle to support residential presence on the site as required by the NPPF and the Development Plan.

In terms of other planning considerations then the design of the mobile home is not in keeping with this rural area. The mobile home is in an isolated location and so its siting would not result in a loss of amenity, privacy or loss of light to any neighbouring properties. The vehicular access into the site is considered to be acceptable.

In conclusion it is considered that whilst there is some evidence of an initial intention to develop an equestrian and agricultural business, the evidence put forward by the applicant is insufficient evidence to support an essential functional need for permanent residential presence on the land. This is a conclusion supported by the Council's Agricultural Advisor.

Whilst evidence of an initial intention to develop the enterprise has been shown, the longer term sustainability of the business has not been evidenced. The six letters of support for this proposal are acknowledged. However, without verifiable agricultural justification, the proposal remains unsustainable and to support it would represent approving a new isolated house, which the NPPF states: "should be avoided unless there is a clear case for requiring a rural location." Such an approval could also set a precedent for similar proposals for new dwellings in the open countryside. As such the proposal fails to accord with Policies NW2 of the North Warwickshire Core Strategy 2014 together with saved Policy HSG3 of the North Warwickshire Local Plan 2006 and the NPPF and thus is recommended for refusal.

Recommendation

That the application be **REFUSED** for the following reason:

The site lies within the open countryside and so outside of any settlement's development boundary. Policy NW2 (Settlement Hierarchy) in the Core Strategy 2014 states that for these locations, development will be limited to that necessary for agriculture, forestry or other uses that can be shown to require a rural location. In this respect those considerations put forward by the applicant have not been shown to provide sufficient evidence to support an essential functional need for permanent residential presence on the land. Whilst evidence of an initial intention to develop the enterprise has been shown, the longer term sustainability of the business has not been evidenced. Therefore, without verifiable agricultural justification, the proposal remains unsustainable and to support it would represent approving a new isolated house in the countryside, which the NPPF states: "should be avoided unless there is a clear case for requiring a rural location." As such the proposal fails to accord with Policies NW2 of the North Warwickshire Core Strategy 2014 together with saved Policy HSG3 of the North Warwickshire Local Plan 2006 and the NPPF.

Notes

1. Notwithstanding this refusal, the Local Planning Authority has worked with the applicant in a positive and proactive manner through seeking to resolve planning objections and issues and providing the opportunity to overcome reasons for refusal. However despite such efforts, the planning objections and issues have not been satisfactorily addressed. As such it is considered that the Council has implemented the requirement set out in paragraphs 186 and 187 of the National Planning Policy Framework.

BACKGROUND PAPERS

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

Planning Application No: PAP/2015/0483

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant's Agent	Application Forms, Plans and Statement	27/7/15
2	Paul Rhodes	Appraisal Report	August 2015
3	Applicant's Agent	Additional Information	10/9/15
4	S. Wilkinson	Email to agent	21/9/15
5	A. Trenfield	Letter of support	23/9/15
6	D. Kerrigan	Letter of support	23/9/15
7	N & J Ingram	Letter of support	23/9/15
8	Mr & Mrs Cheneler	Letter of support	Rec'd 25/9/15
9	S. Booth	Letter of support	24/9/15
10	G. Gordon	Letter of support	28/9/15
11	Mrs S Nicholls	Letter of support	23/9/15

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

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

(10) Application No: PAP/2015/0510

9, Woodlands Avenue, Water Orton, B46 1SA

Demolition of existing garages and erection of two bedroom bungalow, for

Mr Steven Rowland

Introduction

The application is being considered by the Board following a member request.

The Site

The site is within the development boundary of Water Orton, and is a small area of land located between the heads of two culs-de-sac. It currently contains three garages, trees and shrubs. The site is to the front of No.9 The Woodlands and to the side of No.7 Woodlands Avenue. To the rear of the site is Jaques Close. The site is generally flat and is within an existing residential area. The site is approximately 0.027 hectares. A site plan can be viewed in Appendix A and photographs of the site can be viewed in Appendix B.

The Proposal

The proposed is for one bungalow dwelling and the demolition of existing garages to the front of 9 Woodlands Avenue. The bungalow would result in existing boundary landscaping being removed. The vehicle access point would be through Woodlands Avenue. Two parking spaces would be provided for the new bungalow and also off road parking spaces for 9 Woodlands Avenue would be retained. The plans for the proposal can be viewed in Appendix A.

The bungalow is L-shaped with a front protruding bedroom and porch. The maximum footprint, not including the porch is 10 metres by 8 metres and 5.2 metres to the roof ridge. The bungalow would contain two bedrooms, kitchen, bathroom, living room and study.

The proposed garden is to the side and north of the application site. Access to the garden is through a side gate and also through the living room. The garden would use part of the existing curtilage to No.9 Woodlands Avenue. Pedestrian access to number 9 would be via side gate.

The side and rear of the dwellings will have paving with 1.8 metre fences and gravel boards, with timber gates.

The scheme is accompanied by a draft Section 106 Agreement offering an off-site affordable housing contribution of £6555 and can be seen in Appendix C.

Background

In 2003 an outline planning application was refused for the demolition of three garages and the erection of one dwelling. The reason for refusal is below:

“Notwithstanding that the site is within the development boundary for Water Orton it is considered that the occupiers of the new dwelling would suffer from loss of residential amenity in that the site is overlooked by a number of other properties; and thus the quality of residential amenity is below that what is considered acceptable under Policy ENV24 of the North Warwickshire Local plan 1995 and Policy ENV14 of the First Draft Deposit of the North Warwickshire Local Plan 2003.”

In 2013, consent was refused for one two storey dwelling, for the following reasons:

1. *The area has a range of detached and semi detached dwellings within Jaques Close and Woodlands Avenue. The existing character of the area has been set out historically, and the proposed dwelling would bring in a new urban built form. The proposed dwelling would have a very close relationship with the neighbouring properties and gives the impression of a cramped dwellinghouse that is not well related to its setting within the existing character of the urban area or the wider surroundings. The height, scale, massing and siting of the dwelling is not considered acceptable due to the close proximity of the neighbouring properties. The proposal is not considered to contribute positively to making places better for people. The proposed development is therefore not considered with to comply with ENV12, ENV13 and CP11 of the saved local plan 2006 and to the NPPF, with regards to the general siting of the dwelling.*

2. *The proposed dwelling would lead to an impact upon 12 and 14 Jaques Close and also to 9 Woodlands Close due to the close proximity of the proposed dwelling. Whilst the proposal does not lead to an unacceptable impact upon some dwellings, it does impact upon privacy, light and amenity on adjoining and nearby occupiers and also future occupiers and therefore leads to an adverse amenity impact on the neighbours beyond what they might reasonably expect to enjoy. It is also considered that the future occupiers needs should be considered and that the proposal would lead to an unacceptable loss of privacy and amenity for future occupiers. The NPPF sets out that in paragraph 17 ‘...good standard of amenity for all existing and future occupants of land and buildings’. The proposed dwelling therefore is contrary to saved local plan 2006 policy ENV11 and to the NPPF.*



Refused plan.

Development Plan

North Warwickshire Core Strategy 2014 – NW1 (Sustainable Development); NW2 (Settlement Hierarchy), NW4 (Housing Development), NW5 (Split of Housing Numbers), NW6 (Affordable Housing Provision), NW10 (Development Considerations), NW11 Renewable Energy and Energy Efficiency) and NW12 (Quality of Development).

Saved Policies of the North Warwickshire Local Plan 2006 - ENV6 (Land Resources); ENV12 (Urban Design), ENV13 (Building Design), ENV14 (Access Design), ties), TPT2 (Traffic Management and Traffic Safety); (TPT3 (Access and Sustainable Travel and Transport) and TPT6 (Vehicle Parking).

Other Relevant Material Considerations

National Planning Policy Framework 2012

National Planning Policy Guidance 2014

Supplementary Planning Guidance: - The Council's SPG – A Guide for the Design of Householder Developments – Adopted September 2003

Representations

Eleven objections have been received from local occupiers. These cover the following points:

Highways

- The cul-de-sac is already very busy with the number of vehicles that park in the area.
- The road was not designed for the number of vehicles that use it.
- Most properties have only small drives and more than one car. When visitors arrive they park on the road.
- Additional traffic movements within the cul de sac.

- Refuse lorries often have difficulty in getting into the cul-de-sac to empty the bins. No turning head in the road.
- Delivery lorries would cause issues within the road.

Design

- The National Planning Policy Framework (NPPF) states the core planning principles should "always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings".
- Surely the design of a two bedroom bungalow on such a small plot could not be of a good design. There would be very little or no garden or driveway for any vehicles.
- The NPPF also says that "permission shall be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions".
- Small plot out of character with existing properties.

Amenity

- A bungalow squashed into that small area would not improve the character or quality of the area nor provide suitable garden area for future occupants.
- The dwelling would directly affect privacy.
- A dwelling will reduce sunlight.
- Removal of the trees does not lead to any apparent frontage or replacement screening, leading to visual impact upon the residents of Jaques Close.
- Rear windows will look out directly onto Jaques Close.
- Impact upon residents to Woodlands Avenue, and also 12 and 14 Jaques Close.

Building work

- The building of a dwelling in that area will cause a lot of disruption in the actual building, i.e. delivery of materials by lorries in such a small area.
- Noise and dust from the building work.
- Request time period for building work to take place.

Wildlife

- A colony of Bats is within the trees which are to be removed.
- Impact upon wildlife in the vegetation behind the garages.

Other issues

- An application was refused a number of years ago and nothing has changed.
- Consider the proposal is for profit.
- The scheme would impact upon house values.
- The sewer system may have problems with an additional connection, with the fall from No.9 Woodlands being shallow.
- Water Orton has property development being undertaken and every space has a house being built in it.
- Potential damage to existing fence panels.

The Parish Council - No comments

Consultations

Warwickshire County Council as Highway Authority - No objection subject to conditions and notes.

Environmental Health Officer –No comments

Severn Trent Water Ltd – No objection

Western Power Distribution – No objection

Observations

a) The Principle

The proposal for one dwelling within Water Orton and this would accord with the Core Strategy and the relevant saved policy in the local plan. The starting position is thus the presumption that the application should be supported. Water Orton is a Category 3B Local Service Centre with a development boundary as covered by policy NW2 of the Core Strategy. The site is within that development boundary. The settlement too has a requirement for a minimum of 50 new houses in the plan period. The proposal would help meet this requirement.

The proposal here is for one new dwelling. Core Strategy Policy NW6 sets out that on schemes between 1 and 14 units, 20% should be affordable units. This can be achieved through an off-site financial contribution. The application has come in with a viability report and has set out that an off-site contribution of £6555 would be forthcoming. This contribution is soundly based.

As a consequence the principle of this proposal is supported. The issue is thus whether there are likely to be adverse impacts that would cause significant harm thus overriding this conclusion. The various impacts will be looked at below. However prior to that, it is worth pointing out that there have been previous refusals here.

b) The Refused Scheme

As covered earlier in the report, an application for a detached dwelling was refused in 2013 due to the built form and adverse impacts upon neighbouring properties. Therefore the current application will need to overcome and address those refusal reasons. However it must be pointed out that that refusal was for a two-storey dwelling whereas the current proposal is for a bungalow. The proposed bungalow has a similar siting to the refused scheme, but it will have a reduced impact on neighbouring properties in terms of the potential to overlook and with it being of a smaller massing in the built form. The remainder of the report will consider the planning issues with regards to the site.

c) Neighbour Amenity

The dwelling is within an existing established residential area and the site is visible from the public realm. The proposed dwelling will impact upon neighbouring properties given the site will change from garages into a dwelling.

With regards to No.9 Woodlands Avenue, which is owned by the applicant, consideration still has to be given to future occupiers. The boundary treatment will be a 1.8 metre fence, thus providing amenity. The nearest part of No.9 is a garage, and the front ground floor lounge is around 11 metres away. It is considered the relationship would not lead to an unacceptable level of direct over-looking. The garden area will have an element of overlooking from No.9, however this occurs in many properties throughout this part of Water Orton. Below is photo showing the existing relationship between the garages and No.9



It is considered on balance the proposal is not considered to cause an adverse amenity impact on this neighbour beyond what they might reasonably expect to enjoy.

No.7 Woodlands Avenue is to the south of the application site and the proposed roof is hipped away from No.7. The bungalow will have a side velux roof light, however no roof space rooms are proposed. The openings to the proposed bungalow are not considered to lead to direct overlooking or levels of unacceptable amenity. The parking arrangement is considered acceptable. It is considered on balance that the proposal is would not cause an adverse amenity impact on this neighbour beyond what they might reasonably expect to enjoy.

No.12 Jaques Close is to the south west of the proposed dwelling. At present there are trees along the site's boundary and this would change with fencing and the bungalow inset by one metre. The proposed bungalow would have rear facing windows, however the fence would reduce the impact of any direct overlooking. The separation distance from the centre of the nearest ground floor window to the nearest bungalow window is approximately 11 metres. Given the dwelling proposed is a bungalow and that the roof is hipped, and also the bungalow is to the north east, it would not lead to an unacceptable level of encroachment leading to loss of privacy and a detrimental visual impact, causing loss of residential amenity. It is considered on balance the proposal is not considered to cause an adverse amenity impact on this neighbour beyond what they might reasonably expect to enjoy.

No.14 Jaques Close, to the north west of the site, has a ground floor containing a garage and porch and therefore the proposal does not impact upon this part of No.14. The first floor contains windows are considered to be principal windows, however the proposed dwelling is a bungalow and there are not first floor or roof space windows that would impact on No.14. The nearest part of No.14 to the nearest part of the bungalow is approximately 6 metres. The roof is hipped thus reducing the visual impact. The garden of the bungalow is to the side of No.14. However this land is currently garden space. It is considered on balance that the proposal would not cause an adverse amenity impact on this neighbour beyond what they might reasonably expect to enjoy.

Woodlands Avenue is to the east of the site and the separation distance to No.11 Woodlands Avenue is approximately 13 metres. It is at an angle to the new bungalow but there would still be a degree of overlooking towards No.11. However this is not considered to be severe or material. The impact upon 11 Woodlands Avenue is considered to be acceptable. Parking is being provided for the bungalow and thus leading to additional off road parking. No.9 will still retain off road parking.

Jaques Close is to the rear of the proposed development. The bungalow would be taller than the existing garages however the roof will be hipped. The street-scene would change with the removal of the vegetation. The rear boundary would contain a fence to protect amenity. The dwelling is close to neighbouring properties, however it is similar to the existing garages, and with appropriate conditions can protect amenity and privacy. The boundary trees could be removed at any time given they are not protected.

The future occupier's amenity has to be considered. The garden area whilst small is considered to be acceptable. The garden will in part be overlooked by neighbouring properties, however boundary treatment will afford a level of privacy and amenity. The layout of the dwelling with regards to living arrangements is considered to be acceptable

Overall the proposal is not considered to result in a significant loss of amenity, privacy or loss of light that would result an unacceptable impact upon the neighbouring properties.

d) Traffic and Parking

The site is at the end of two existing cul-de- sacs and the dwelling would provide two off road parking spaces It will replace three garages with parking to the front. The main dwelling of 9 Woodlands Avenue also contains vehicle parking space / garage, which will be retained. The proposal is not considered to lead to conflict with the access between the proposed dwelling and No.9.

No.7 Woodlands Avenue has a vehicle access, however the proposal is not considered to impact on this in an unacceptable manner

The proposal will provide off road parking, but would only lead to a small increase in the number of vehicles. The proposal will not encroach upon the highway thus impacting upon refuse vehicles. Deliveries and visitors would need to be considerate to neighbouring properties.

The proposal is considered to comply with the maximum parking standard. The Highways Authority has no objection to the scheme and its relevant highway conditions and notes would be attached to any approval.

e) Design and siting

The proposed dwelling will remove three exiting garages to the front of No.9 Woodlands Avenue. The access will also be to Woodlands Avenue, which is a residential street containing semi-detached properties and the wider area contains a mix of detached and semi-detached. The surrounding dwellings are a mix of pre- and post-war construction and the proposal will lead to a modern design, which is different to the immediate area but is not so out of keeping to warrant a refusal which is the main consideration in deciding whether the dwelling relates to the character of the area.

f) Landscaping

The proposal will have fencing surrounding the site, with paving to the side and rear. Rear lawns are expected. The landscaping as proposed is considered to be acceptable.

g) Other issues

A bat survey has been produced and it has concluded that there was no evidence of bats within the trees which would be felled. The trees to be lost are not considered to have any landscape value and thus not worthy of protection.

The Council is not able to control potential disruption caused by development and building work and this is not material to any consideration. However a condition can be set out to restrict building operations.

Noise and dust can happen from development and works will have to comply with Environmental Health legislation.

The motive behind the proposal is not a material consideration, along with house price values. The drainage would go directly into the sewer and that is a matter for Severn Trent to consider, but they have raised no objection.

Recommendation

That subject to the completion of the Section 106 Agreement as indicated in this report and the following conditions, planning permission be **GRANTED**.

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

REASON

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

2. The development hereby approved shall not be carried out otherwise than in accordance with the plan numbered Wood/02 REV A; to site location plan; and to the floor level plan received by the Local Planning Authority on 12 August 2015.

REASON

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

Pre Commencement

3. No development shall be commenced before details of the facing bricks and roofing tiles to be used have been submitted to and approved by the Local Planning Authority in writing. The approved materials shall then be used.

REASON

In the interests of the amenities of the area.

4. No development shall commence until full details of the surfacing, drainage and levels of the car parking and manoeuvring areas as shown on the approved plan have been submitted to and approved in writing by the Council. The unit shall not be occupied until the areas have been laid out in accordance with the approved details and such areas shall be permanently retained for the parking and manoeuvring of vehicles. The vehicular access to the site shall not be constructed in such a manner as to reduce the effective capacity of any highway drain or permit surface water to run off the site onto the public highway.

REASON

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

5. Before the commencement of the development, a landscaping scheme shall be submitted to the Local Planning Authority for approval.

REASON

In the interests of the amenities of the area.

Other conditions

6. The scheme referred to in Condition No 5 shall be implemented within six calendar months of the date of occupation of the first house approved under reference PAP/2015/0510 for domestic purposes. In the event of any tree or plant failing to become established within five years thereafter, each individual tree or plant shall be replaced within the next available planting season, to the satisfaction of the Local Planning Authority.

REASON

In the interests of the amenities of the area.

7. No structure, tree or shrub shall be erected, planted or retained within 2.4 metres of the near edge of the public highway carriageway exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway, to protect visibility splays from the vehicular accesses.

REASON

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

8. The existing access to the site for vehicles shall not be used unless the public highway footway crossing has been extended, laid out and constructed in accordance with the standard specification of the Highway Authority.

REASON

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

9. No work relating to the construction of the development hereby approved, including works of demolition or preparation prior to operations, or internal fitting out, shall take place before the hours of 0700 nor after 1900 Monday to Friday, before the hours of 0800 nor after 1300 Saturdays nor on Sundays or recognised public holidays.

REASON

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

10. There shall be no occupation of the building for residential purposes until the rear boundary fence to Jaques Close, which is 1.8 metres has been erected. The fence shall be retained at all times.

REASON

Removal of permitted Development rights

11. No development whatsoever within Class A, B, C and E of Part 1, of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 shall not commence on site.

REASON

In the interests of the amenities of the area.

12. No additional opening shall be made other than shown on the plan hereby approved, nor any approved opening altered or modified in any manner.

REASON

To protect the privacy of the occupiers of adjoining properties.

Notes

1. The submitted plans indicate that the proposed works come very close to, or abut neighbouring property. This permission does not convey any legal or civil right to undertake works that affect land or premises outside of the applicant's control. Care should be taken upon commencement and during the course of building operations to ensure that no part of the development, including the foundations, eaves and roof overhang will encroach on, under or over adjoining land without the consent of the adjoining land owner. This planning permission does not authorise the carrying out of any works on neighbouring land, or access onto it, without the consent of the owners of that land. You would be advised to contact them prior to the commencement of work.

2. You are recommended to seek independent advice on the provisions of the Party Wall etc. Act 1996, which is separate from planning or building regulation controls, and concerns giving notice of your proposals to a neighbour in relation to party walls, boundary walls and excavations near neighbouring buildings. An explanatory booklet can be downloaded at www.communities.gov.uk/publications/planningandbuilding/partywall.
3. The applicant is encouraged to ensure that any demolition, construction works and deliveries do not cause nuisance to neighbouring properties and their occupiers. It is recommended that works are restricted to between 0730 and 1800 hours on weekdays, and 0800 and 1300 hours on Saturdays, with no demolition, construction works and deliveries on Sundays or recognised public holidays.
4. Section 163 of the Highways Act 1980 requires that water will not 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
5. In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner through pre-application discussions, seeking to resolve planning objections, negotiations and quickly determining the application. As such it is considered that the Council has implemented the requirement set out in paragraphs 186 and 187 of the National Planning Policy Framework.

The site is close to the Western Power distribution Network. Western Power requires 24 hour access to this network. Enquiries line - 0800 096 3080. For new developments , diversions and ground works you should contact Western Power Distribution; CAT Records Team, Toll End Road, Tipton, DY4 0HH, or phone 0121 623 9007. Map response team is on 0121 623 9780.

6. In the event that ground contamination is identified during the groundworks that the Local Planning Authority (LPA) is advised immediately and a remediation method statement is agreed in writing with the LPA then put in place prior to the groundworks continuing.
7. Condition number 8 requires 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.

BACKGROUND PAPERS

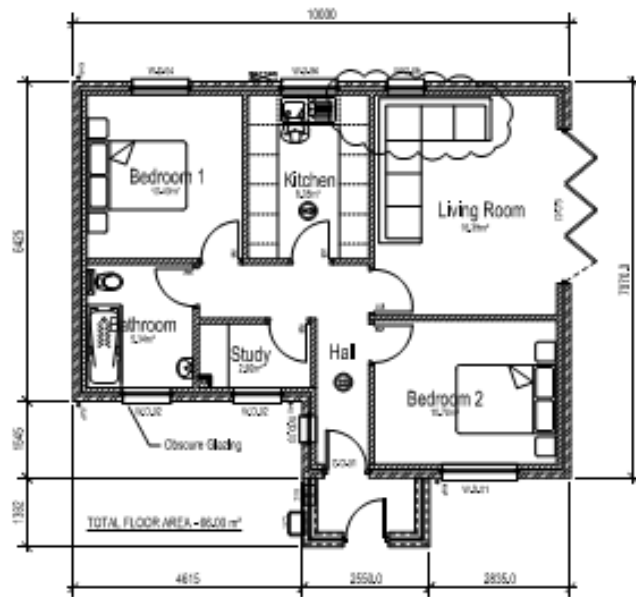
Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97. Planning Application No: PAP/2015/0510

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	12/8/15
2	NWBC Environmental Health	Consultation response	16/9/15
3	Western Power distribution	Consultation response	1/10/15
4	WCC Highways	Consultation response	3/10/15
5	Severn Trent	Consultation response	6/10/15
6	Neighbour 1 Woodlands Avenue	Consultation response	21/9/15
7	Neighbour 3 Woodlands Avenue	Consultation response	20/9/15
8	Neighbour 14 Woodlands Avenue	Consultation response	24/9/15
9	Neighbour 12 Jaques Close	Consultation response	24/9/15
10	Neighbour 16 Jaques Close	Consultation response	27/9/15
11	Neighbour 18 Jaques Close	Consultation response	28/9/15
12	Neighbour 8 Jaques Close	Consultation response	1/10/15
13	Neighbour 2 Woodlands Avenue	Consultation response	30/9/15
14	Neighbour 7 Woodlands Avenue	Consultation response	1/10/15
15	Neighbour 10 Woodlands Avenue	Consultation response	1/10/15
16	Neighbour 4 Woodlands Avenue	Consultation response	5/10/15
17	Neighbour 14 Jaques Close	Consultation response	6/10/15
18	Case officer	Emails between case officer and applicant	15/10 – 17/10/15
19	NWBC Solicitor	Email to case officer	16/9/15
20	Applicant	Emails between case officer and applicant	21/9/15
21	Case officer	Email to agent	25/9/15
22	Case officer	Email to agent	2/10/15
23	Applicant	Email to case officer	14/10/15
24	Case officer / applicant	Emails and tree/bat survey	5/10/15
25	Case officer	Email to agent	14/10/15

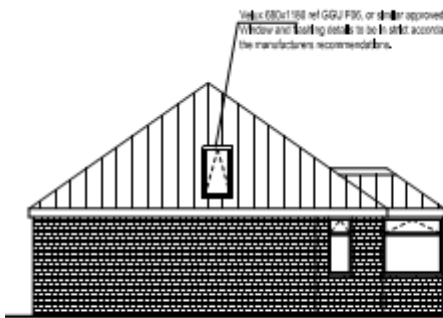
26	Applicant	Draft revised S106	18/10/15
27	Case officer	Email to applicant	19/10/15
28	Case officer	Email to NWBC Solicitor	19/10/15
29	NWBC Solicitor	Email to applicant	19/10/15
30	Case officer	Email to Councillors	16/10/15

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.



Proposed Ground Floor Plan
(Scale 1:100)



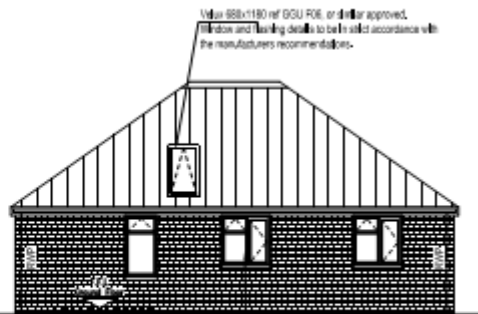
Proposed Side Elevation
(Scale 1:100)



Proposed Front Elevation
(Scale 1:100)



Proposed Side Elevation
(Scale 1:100)



Proposed Rear Elevation
(Scale 1:100)

Appendix B – Photos





DATED

NORTH WARWICKSHIRE BOROUGH COUNCIL (1)

and

STEVEN ROWLAND (2)

PLANNING OBLIGATION BY DEED

Made pursuant to Section 106 of the Town and
Country Planning Act 1990, Section 111 of the
Local Government Act 1972

Relating to

9 Woodlands, Water Orton, Warwickshire

THIS DEED is dated

and made between:-

1. **NORTH WARWICKSHIRE BOROUGH COUNCIL** of The Council House South Street Atherstone Warwickshire CV9 1DE (“the Borough Council”) and
2. **STEVEN ROWLAND** of 9 Woodlands Avenue, Water Orton, Birmingham Warwickshire, B46 1SA (“the Owner”)

NOW THIS DEED WITNESSES AS FOLLOWS:

WHEREAS

RECITALS

- 1 The Borough Council is the Local Planning Authority for the purposes of section 106 of the 1990 Act and for the purposes of this Deed for the area within which the Site is situated and by whom the obligations contained in this Deed are enforceable
- 2 The Owner is the freehold owner of the site
- 3 The Owner has by the Application applied to the Borough Council for permission to develop the Site in the manner and for the uses set out in the Application and in the plans specifications and particulars deposited with the Borough Council and forming part of the Application
- 4 The Borough Council is minded to grant Planning Permission of the Development in accordance with the Application subject to the making of this Deed without which planning permission for the Development would not have been granted
- 5 The Borough Council is of the opinion that in the event of the Site being developed in accordance with the Permission the off Site Affordable Housing Contribution should be provided for as hereinafter mentioned
- 6 The Borough Council and the Owner agree to enter into this Deed to bind that part of the Site which benefits from the Permission

1 INTERPRETATION

- 1.1 In this Deed unless the context otherwise requires

“Affordable Housing”	means housing of a kind which (having regard to its rent or other consideration) is suitable for occupation by people who are in need of such housing because of their limited means and who are unable to access private rented/owner occupier accommodation on the open market at a cost low enough for them to afford determined with regard to local incomes and local house prices
----------------------	---

“Application”	means the application for planning permission PAP/2015/0510; for the demolition of domestic garages and the erection of a single storey residential dwelling at the Site
“Commencement of Development”	means the carrying out of the first material operation (as defined in Section 56 of the 1990 Act) on the Site in connection with the demolition, site clearance surveying pegging out, tree protection testing and sampling (including soil testing) demolition work archaeological investigations, investigations for the purpose of assessing the ground conditions remedial work on respect of ant contamination or other adverse ground conditions erection of ant temporary means of enclosure the temporary display of site notices or advertisements laying and diversion of services and service media and works to or in respect of statutory utilities equipment construction of temporary accesses erecting contractors’ compounds and cognate expressions shall be construed accordingly
“Development”	means the development of the Site for the purposes described in the Application to be carried out pursuant to the Permission
“Dwelling”	means the residential dwelling permitted by the Permission
“Off Affordable Housing Contribution”	Site means £6555.00 (six thousand five hundred and fifty five pounds)
“Permission”	means the planning permission to be granted pursuant to the Application
“Site”	means the land 9 Woodlands Avenue, Water Orton, Birmingham, Warwickshire shown edged red on the Site Plan
“Site Plan”	The plan attached to this Deed Appendix A and marked ‘Site Plan’
“the 1990 Act”	means the Town and Country Planning Act 1990 (as amended)

1.2 Where the context so requires:

- (a) The singular includes the plural

- (b) Reference to any party shall include the successors in title of that party
- (c) Where a party includes more than one person any obligations of that party shall be joint and several only where expressly stated to be so
- (d) References to clauses and schedules are references to clauses and schedules in this Deed
- (e) Save as otherwise provided in this Deed any approval in writing or consent to be given by the Borough Council or the County Council under this Deed shall not be unreasonably withheld or delayed
- (f) Any reference to an Act of Parliament shall include any statutory modification extension or re-enactment of that Act for the time being in force
- (g) Words importing gender shall include the masculine, feminine and neuter genders
- (h) Words importing persons shall include firms, companies and corporations and vice versa
- (i) "including means "including, without limitation"

2 LEGAL EFFECT

- 2.1 This Deed is made pursuant to Section 106 of the 1990 Act and Sections 111 120 and 139 of the Local Government Act 1972 and Section 2 of the Local Government Act 2000 to the intent that it shall bind the Owner and the Leaseholder and their successor in title to each and every part of the Site and their assigns
- 2.2 Save for clause 3.1 (c), the obligations in this Deed are conditional upon
 - (a) The grant of the Permission; and
 - (b) The Commencement of Development
- 2.3 If the Permission expires within the meaning of the 1990 Act Section 91 or 92 or 93 or is revoked or otherwise withdrawn this Deed shall cease to have effect
- 2.4 Nothing in this Deed shall be construed as prohibiting or limiting any right to develop any part of the Site in accordance with a planning permission granted by the Borough Council or by the Secretary of State on appeal or reference to him after the date of this Deed other than in respect of the Application
- 2.5 The obligations in clause 3.1 hereof are planning obligations for the purposes of Section 106 of the 1990 Act and shall be enforceable by the Borough Council
- 2.6 This Deed is a local land charge and shall be registered as such by the Borough Council upon its completion
- 2.7 For the avoidance of doubt none of the provisions of the Contracts (Rights of Third Parties) Act 1999 shall apply to this Deed
- 2.8 No person shall be liable for any breach of this Deed after they shall have parted with their entire interest in the Site or that part of the Site in respect of which such

breach occurs but without prejudice to liability for any subsisting breach arising prior to parting with such interest

3 COVENANTS

3.1 The Owner covenants with the Borough Council to comply with the following covenants:

- (a) to pay the Off Site Affordable Housing Contribution to the Borough Council prior to the substantial completion of the Dwelling permitted by the Permission
- (b) not to allow the Dwelling to be occupied until the Off Site Affordable Housing Contribution has been paid to the Borough Council
- (c) to pay a contribution towards the Borough Council's reasonable legal costs on completion of this Deed, that contribution being limited to £750.00

3.2 The Borough Council covenants with the Owner as follows

- (a) the Borough Council will issue the Permission within 5 Working Days of the completion of this Deed or within 5 Working Days of any decision to grant the Permission whichever is that later
- (b) the Borough Council agrees to apply the Off Site Affordable Housing Contribution toward the provision of Off Site Affordable Housing

4 ARBITRATION

Without prejudice to the rights of the Borough Council to enforce any relevant provision of this Deed under Section 106(5) of the 1990 Act any dispute or difference arising between the parties with regard to their respective rights and obligations as to any matter or thing in any way arising out of or connected with this Deed shall except as otherwise expressly provided by referred to the decision of a single arbitrator to be agreed by the parties or failing Deed between them to be nominated by the President for the time being of the Royal Institute of Chartered Surveyors on the application of either party and the costs of the arbitration shall be in the award of the arbitrator whose decision shall be final and binding on the parties hereto with the further provision that if the arbitrator shall die or decline to act the President for the time being of the Royal Institution of Chartered Surveyors or the person acting on his behalf may on the application of either party by writing discharge the arbitrator and appoint another in his place and any such reference to the President of the Royal Institute of Chartered Surveyors shall be deemed to be a submission to arbitration within the meaning of the Arbitration Acts 1950 to 1996 or any statutory modification or re-enactment for the time being in force

5 THE BOROUGH COUNCIL'S DISCRETION

Without prejudice to the obligations of the Borough Council as local planning authorities in the Deed nothing herein contained shall prejudice or effect it's rights powers duties and obligations in the exercise of it's functions as local authority and all such rights powers duties and obligations under all public or

private statute bye-laws orders exercised in relation to the Development and any other subject matter of this Deed as if this Deed had not been executed by the Borough Council as local planning authority

6 DISCHARGE OF OBLIGATIONS

The Borough Council shall upon the written request of the Owner at any time after all of the covenants and obligations contained in the Deed have been fully discharged or performed issue written confirmation to that effect

IN WITNESS whereof the parties have selected this planning obligation by Deed as a Deed on the date first above written.