

Agenda Item No 4

Planning and Development Board

12 June 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 10 July 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.

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6	PAP/2017/0257	111	Land Opposite Woodhouse Farm, Robeys Lane, Alvecote, Outline application for the erection of up to 500 dwellings, the provision of green infrastructure comprising formal and informal open space, children's play area, woodland planting and habitat creation, allotments, walking and cycling routes, sustainable drainage infrastructure and vehicular access	General

General Development Applications

(1) Application No: PAP/2016/0214

Land North Of Moorwood House, Moorwood Lane, Hartshill,

Erection of detached dwelling with vehicle access and landscaping, for

Ms Mariella DiMarco

Introduction

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

For convenience the last report is attached at Appendix A.

Observations

There have been no changes since the May Board and no further information to give to the Board.

Recommendation

That planning permission be **GRANTED** subject to the conditions as set out in Appendix A

General Development Applications

(#) Application No: PAP/2016/0214

Land North Of Moorwood House, Moorwood Lane, Hartshill,

Erection of detached dwelling with vehicle access and landscaping, for

Ms Mariella DiMarco

Introduction

This application is reported to the Board at the request of Local Members concerned about the impact of the proposal on the local environment

The Site

This is an area of 0.24 hectares of land immediately to the north of Moorwood Lane at its junction with the cul-de-sac of Ash Drive on the western edge of the Moorwood Estate in Hartshill. There are detached residential properties on the southern side of Ash Drive at the end of the cul-de-sac but there is a hedge along its northern side. Alongside this is the unmade and un-adopted Moorwood Lane. The site is beyond and is a clearing within a much larger area of woodland. There are a few detached houses further along Moorwood Lane which also hosts a public footpath. Moorwood Lane is at a higher level than Ash Drive.

The southern boundary of the site with Moorwood Lane is partly cleared but also has a hedge and tree frontage. The eastern side is a hedgerow with trees. The site slopes up towards the north from Moorwood Lane.

The general location is illustrated at Appendix A. Site photos can be viewed in Appendix F.

The Proposal

It is proposed to erect a four bedroom detached house on the clearing within the site. Access would be from the Moorwood Lane/Ash Drive junction. The site would be partially lowered at its western end so as to create a level site and this would require a retaining wall. The house would have an integral two car space garage.

The highest part of the house would be 8.2 metres tall although the property would have different heights throughout.

Boundary trees and hedgerows would be retained but five sycamores towards the southern boundary would be removed. The reason for this is that they ought to be removed in any event for the future sound arboricultural management of the wider woodland. The location of these is shown at Appendix B

The proposed layout is shown at Appendix C and the design of the house is at Appendix D.

A selection of levels throughout the site is at Appendix E.

Background

The proposed house as described above is a reduced scheme from that originally submitted. The change is from a six bedroom property with a swimming pool to a four bedroom one.

The boundary trees around the site are protected by an Order which extends over a much wider area to the north. (see Appendix H for the area covered)

The site is within a much larger area of land allocated for residential redevelopment within the emerging draft Local Plan for North Warwickshire.

The site is adjacent to the Moorwood Geological Trail which can be viewed in Appendix G.

The site is identified as a potential Wildlife Site but this carries no designation.

Development Plan

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

Saved Policies of the North Warwickshire Local Plan 2006 - ENV6 (Land Resources); ENV12 (Urban Design), ENV13 (Building Design) and ENV14 (Access Design)

The Hartshill Neighbourhood Plan 2017 - H4 (Good Quality Design in Hartshill); H8 (Preserving and Enhancing Local Wildlife and Habitats) and H8 (Heritage Assets and Sites of Local Interest)

Other Relevant Material Considerations

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

The National Planning Policy Guidance 2014 – (the “NPPG”)

The draft Local Plan for North Warwickshire 2016

The Nuthurst Cresecent, Ansley Appeal Decision 2016 – reference APP/R3705/W/16/3149572

Consultations

Warwickshire County Council as Highway Authority – No objection

Warwickshire County Council (Public Rights of Way) - No objection

Warwickshire County Council Ecologist - No objection. The site has been visited and the ponds inspected. Conditions should be attached to the grant of any planning permission.

Warwickshire Museum – No comments to make

Environmental Health Officer - No objection

NWBC Tree Officer - No objection

Representations

Eight objections have been received from local residents. The matters raised refer to:

- The potential impact on trees both in and adjoining the site
- The impact of any tree removal on ground stability
- The impact on local wildlife – e.g. deer and reptiles
- The size is out of keeping by being too large
- The proposal doesn't protect the rurality of the Borough
- The potential impact on surface water drainage
- The impact on the bridle-path
- The disruption caused by construction traffic
- Light pollution and the loss of privacy
- Additional traffic will be generated
- It could set a precedent for further development

Hartshill Parish Council - It has no objection

Observations

The application has raised a number of issues which will be considered below.

a) Housing

This application site is adjacent to the development boundary for Hartshill as defined by the Development Plan. The settlement is identified in the Core Strategy as a settlement where new growth is to be directed and Policy NW2 of that Strategy explicitly states that development will be permitted in or adjacent to development boundaries. As such this application is supported in principle.

Additionally Members will be aware that the recent Ansley appeal decision found that the Council did not have a five year housing land supply. Whilst that decision dates from the end of 2016 when the figure was 3.6 years, Members will be aware that at the present time there is still no five year supply, it being 4.5 years. As such the housing policies of the Core Strategy are to be treated as being "out of date" by virtue of paragraph 49 of the NPPF. In these circumstances the determination of housing application rests under paragraph 14 of the NPPF. As a consequence new housing developments are to be supported unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed the NPPF as a whole.

The application site is in a sustainable location according to policy NW2 of the Core Strategy and because of its proximity to a wide range of local services and facilities.

Given the situation in respect of the five year supply this proposal is acceptable in principle and carries a presumption of approval. Thus if this application is to be refused planning permission, there has to be “significant and demonstrable harm caused to the policies of the NPPF as a whole”.

b) Harm

There are a number of matters that should be explored in looking at whether significant and demonstrable harm is likely to be caused. Objectors have referred to these.

It is significant that the Highway Authority has not objected. This is unsurprising given that traffic generation from the proposal will be low and that that can be accommodated within the local residential highway network. The access arrangements themselves – i.e. gradients and drainage - can and should be dealt with by planning condition. The site is large enough for low gradients to be used and there is space on site to provide off-street car parking. It is concluded therefore that there is no significant and demonstrable highway harm

The County Council has also looked at the public footpath here and concluded that there would be no worse impact arising as a consequence of the development. The access is right at the junction of Ash Drive thus the line of the path is not to be obstructed or diverted. Any disputes about possible infringements of private rights of access along this Lane are not matters to be dealt with by this Board as they need to be dealt with between the parties concerned.

Drainage matters will be dealt with under the Building Regulations. The site is sufficiently large for there to be sustainable drainage solutions provided on site. There is neither an objection nor concern raised by the Council’s Environmental Health Officer.

The site has neighbouring dwellings. The closest is a detached house near to the proposed access. The additional traffic from an extra house passing this property is not considered to be significant. There are main windows in the front and rear elevations but these do not overlook the site. There is side window but this is some 30 metres from the proposed house. There is unlikely therefore to be significant and demonstrable harm. The other houses on the southern side of Ash Drive are around 50 metres distant with intervening boundary hedgerows and trees. The houses further along Moorwood Lane would be some 28 metres distant again with significant boundary screening. Further existing houses to the north would not be materially affected for the same reasons. Overall therefore it is not considered that there would be significant and demonstrable harm caused to the residential amenity of neighbouring occupiers.

The existing built form in the area is mostly detached housing. Whilst the proposal would be larger than these, its overall design is not considered to be so harmful as to cause demonstrable harm to the character of the existing estate.

The two matters that have caused the most representations are the potential impact on wildlife and on the surrounding trees. This is understandable given the setting of the site. Looking first at the likely impact on the existing trees then those that are to be removed are towards the southern boundary of the site. These comprise five self-set sycamores which are not covered by the Order. It is significant that in any event the removal of these trees is recommended for good woodland management reasons in that the continuing progress of the trees would eventually invade to the predominant oak woodland here. Moreover they are within the site and do not bound it and thus in

terms of public amenity there is far less of a visual impact. Again it is significant that the Council's own tree officer having visited the site agrees with the removal of the specified trees for the reasons given. Conditions can be recommended referring to root protection measures for the boundary trees to remain on site. In these circumstances and given the corroborating evidence from the Council's own qualified officer it is not considered that there would be significant and demonstrable harm arising here from the loss of these trees.

The site comprises three types of ecological area – the surrounding boundaries with their broadleaved woodland corridors; the dense scrub land within the centre of the site and the more sparse scattered scrub close to its entrance.

The County Ecology Officer has considered the site ecology. The site is a potential Local Wildlife Site. The Ecologist did submit an initial objection due to the lack of information. The applicant's consultant has worked with the ecologist in order to complete a full Biodiversity Impact Assessment. The County Ecologist has withdrawn his objection as a consequence subject to relevant conditions covering a construction management plan and a 30 year management plan. Members should be aware that this stance is proportionate and evidence based. The fact that a development is proposed within a potential wildlife site is not itself a reason for refusal. The critical issue is the impact on the potential loss of flora and fauna. The flora and fauna here is not rare and can migrate to the much larger area of adjoining woodland and clearings. The national and local population of the species found on site or foraging on the site will not be materially affected by this development as they will adapt to the changed circumstance. Additionally the works on the site will be the subject of controls under the 1981 Countryside and Wildlife Act and enforced by the County Council. As such there is no evidence to show that there will be significant and demonstrable ecological harm here.

The south and south east of the site have been highlighted as having geological features. These are on the opposite side of the track and run to the south of the site and not directly within the application site. This is why the Museum has not commented.

c) Conclusions

Overall therefore it is not considered that the proposal will give rise to significant and demonstrable harm. Members are asked to consider the evidence that they have in dealing with this. There is no objection from the relevant consultation responses - particularly from the County Ecologist or from the Council's own Tree Officer. In these circumstances significant harm cannot be demonstrated. It is accepted that there be some harm arising, but it does not amount to being "significant" which is the NPPF test here. Experience from recent appeal cases also should be considered. This shows that "change" is not a reason for refusal (Southfields Close, Coleshill) and that "to carry significant weight, opposition should be founded on substantiated evidence" (Land at Crown Stables, Mancetter).

Recommendation

That the application be **GRANTED** subject to the following conditions:

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 plans numbered DPC-LAML-004pl; DPC-LAML-005PL; DPC-LAML-001PL; DPC-LAML-003PL; Arboricultural Report, by David Hickie Associates dated July 2016, received by the Local Planning Authority on 19 August 2016; to the plan numbered DPC-LANL-002 REV B received by the Local Planning Authority on 21 November 2016; and to the Ecology Report, titled Ecology: GCN HIS and BIA Addendum, Version 2.0 dated 30 March 2017 received by the Local Planning Authority on 18 April 2017.

REASON

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

3. No development shall be commenced before details of facing bricks, external materials 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 whatsoever within Class A, B, C, E and F of Part 1, of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 shall commence on site.

REASON

In the interests of the amenities of the area.

5. 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.

6. 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.

7. No work relating to the construction of the development hereby approved, including works of demolition or preparation prior to operations, shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The approved plan shall remain in operation during the length of construction.

REASON

In the interests of the amenities of the area.

8. No development, including ground clearance, shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved by the District Authority. This CEMP shall cover all matters relating to protected species including grass snake, great crested newt, nesting birds and will include plans showing:

- protected areas where no disturbance will take place during construction
- ecological protection and enhancement areas and how they will be secured during construction
- areas where supervised ground clearance will take place under ecological expert supervision during construction

Once the CEMP has been approved it will be carried out in full and any changes thereafter will need written approval from the District Authority.

REASON

To ensure that protected species are not impacted upon during the development

9. All planting, seeding or turfing comprised in the approved landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which, within a period of 5 years from the date of planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

REASON

In the interests of the amenities of the area.

10. The scheme referred to in Condition No 6 shall be implemented within six calendar months of the date of occupation of the house approved under reference PAP/2016/0214 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.

11. Within 6 months of the commencement of works, including site clearance, a 30 year Management Plan shall be submitted to and approved by the Local Planning Authority. The Management Plan shall detail areas of nature conservation and their management for enhancement to ensure the development will not result in a biodiversity loss. The gain shall be calculated using the locally derived Defra Metrics as contained in the 'Ecology: GCN HSI and BIA Addendum New Residence, Moorwood Lane, Hartshill' produced by Ecology Matters, 30th March 2017. Once approved the Management Plan shall be carried out in full unless otherwise agreed by the Local Planning Authority.

REASON

To ensure that the development will result in no net loss to Biodiversity as of Local and National Policies.

12. 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.

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 proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority

4. In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner through pre-application discussions, by seeking to resolve planning issues, and determining the application in the quickest time possible. 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.

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

6. Prior to commencement of development, the applicant is required to enter into an agreement with the Highway Authority under Section 59 of the Highways Act 1980. Prior to works taking place on site and following completion of the development, a joint survey shall be undertaken with the County's Locality Officer to agree the condition of the public highway. Should the public highway be damaged or affected as a consequence of the works being undertaken during the development of the site, the developer will be required to undertake work to remediate this damage as agreed with the Locality Officer.

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

8. 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.

9. With regards to the public footpath, the Footpaths Team at Warwickshire County Council have set out the following

- Public footpath AE169 must remain open and available for public use at all times unless closed by legal order, so must not be obstructed by parked vehicles or by materials during construction.
- The applicant must make good any damage to the surface of public footpath AE169 caused during construction.
- If it is necessary to temporarily close public footpath AE169 for any length of time during construction then a Traffic Regulation Order will be required. Warwickshire County

Council's Rights of Way team should be contacted well in advance to arrange this.

- The Highway Authority are required to maintain public footpath AE169 to a standard required for its public use by pedestrians only and not to a standard required for private vehicular use.
- Any disturbance or alteration to the surface of public footpath AE169 requires the prior authorisation of Warwickshire County Council's Rights of Way team, as does the installation of any new gate or other structure on the public footpath.

10. Radon is a natural radioactive gas which enters buildings from the ground and can cause lung cancer. If you are buying, building or extending a property you can obtain a Radon Risk Report online from www.ukradon.org if you have a postal address and postcode. This will tell you if the home is in a radon affected area, which you need to know if buying or living in it, and if you need to install radon protective measures, if you are planning to extend it. If you are building a new property then you are unlikely to have a full postal address for it. A report can be obtained from the British Geological Survey at <http://shop.bgs.ac.uk/georeports/>, located using grid references or site plans, which will tell you whether you need to install radon protective measures when building the property.

For further information and advice on radon please contact the Health Protection Agency at www.hpa.org.uk. Also if a property is found to be affected you may wish to contact the North Warwickshire Building Control Partnership on (024) 7637 6328 for further advice on radon protective measures.

11. Wildlife and Countryside Act 1981 - Birds. Please note that works to trees must be undertaken outside of the nesting season as required by the Wildlife and Countryside Act 1981. All birds, their nests and eggs are protected by law and it is thus an offence, with certain exceptions. It is an offence to intentionally take, damage or destroy the nest of any wild bird whilst it is in use or being built, or to intentionally or recklessly disturb any wild bird listed on Schedule 1 while it is nest building, or at a nest containing eggs or young, or disturb the dependent young of such a bird. The maximum penalty that can be imposed for an offence under the Wildlife and Countryside Act - in respect of a single bird, nest or egg - is a fine of up to £5,000, and/or six months' imprisonment. You are advised that the official UK nesting season is February until August.

12. The applicant is advised that to comply with the condition relating to the standard of works to trees, the work should be carried out in accordance with British Standard BS 5837:2012 "Trees in relation to design, demolition and construction - Recommendations".

13. The applicant is advised that to comply with the condition relating to the protection of trees, the measures should be in accordance with British Standard BS 5837:2012 "Trees in relation to design, demolition and construction - Recommendations".

14. The felling of trees should be undertaken by a competent tree surgeon in accordance with BS3998-2010 Tree work- Recommendations.

BACKGROUND PAPERS

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

Planning Application No: PAP/2016/0214

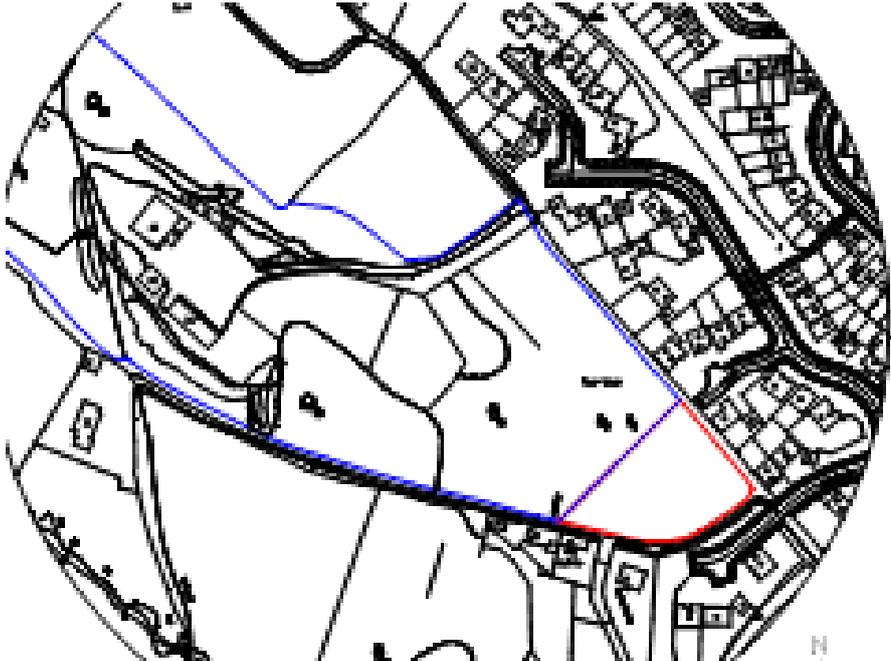
Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	15/4/2016
2	WCC Rights of Way	Consultation response	23/8/16
3	WCC Ecology	Consultation response	25/8/16
4	Hartshill Parish Council	Consultation response	8/9/16
5	NWBC Environmental Health	Consultation response	9/9/16
6	WCC Highways	Consultation response	19/9/16
7	NWBC Environmental Health (pollution)	Consultation response	20/9/17
8	NWBC Streetscape	Consultation response	23/9/16
9	WCC Highways	Consultation response	17/11/16
10	NWBC Streetscape	Consultation response	22/11/16
11	Hartshill Parish Council	Consultation response	5/12/16
12	WCC Highways	Consultation response	02/12/16
13	NWBC Tree officer	Consultation response	20/12/16
14	WCC Ecology	Consultation response	21/12/16
15	WCC Ecology	Consultation response	18/4/17
16	J Strickland	Comments	22/8/16
17	P Ulanowski	Objection	23/8/16
18	J Howle	Objection	1/9/16
19	A Middleton	Objection	1/9/16
20	A Forryan	Objection	6/9/16
21	B Welfare	Objection	8/9/16
22	R Mckinley	Comments	9/9/16
23	P Binfield	Objection	13/9/16
24	J Howle	Comments	19/1/17
25	B Welfare	Objection	30/3/17
26	Case officer	Email to agent	20/4/16
27	Agent	Email to case officer	17/8/16
28	Case officer	Email to agent	19/9/16
29	Agent	Email to case officer	19/9/16
30	Case officer	Email to agent	14/9/16
31	Case officer	Email to agent	14/12/16
32	Agent	Email to case officer	15/12/16
33	Case officer	Email to agent	13/1/17
34	Agent	Email to case officer	15/1/17
35	Case officer	Meeting notes	6/2/17
36	WCC Ecology	Email to case officer	6/2/17
37	Case officer	Email to agent	20/12/16
38	Case officer	Email to agent	23/11/16

39	Agent	Email to case officer	21/11/16
40	Case officer	Neighbour	19/1/17
41	Case officer	Email to agent	20/1/17
42	Agent	Email to case officer	22/1/17
43	WCC Ecology	Email to case officer	26/1/17
44	Case officer	Email to agent	27/1/17
45	Application Ecologist	Email to case officer	30 and 31/1/17
46	Case officer	Email to agent	6/2/17
47	WCC Ecology and case officer	Emails	6/2/17
48	WCC Ecology and case officer	Emails	17/2/17
49	WCC Ecology and case officer	Emails	10/3 – 6/3/17
50	Case officer	Email to agent	18/4/17

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

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

Appendix A – Location plan



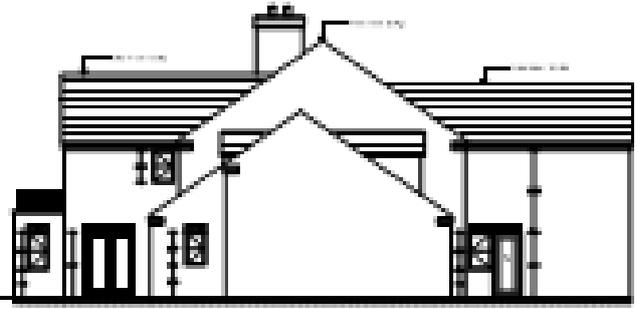
Appendix B – Tree plan, with 5 sycamores proposed to be removed
Moorwood Lane Arboricultural Report

Client: Mr Dimarco
Site: New Residence, Moorwood Lane,
Hartshill, Nuneaton
Date of Survey: 23rd June 2016
Arboricultural Surveyor:
Dr David Hickie BSc (Hons), MA, PhD, CMLI, CEnv
Tagged: Trees not tagged
Weather: Overcast





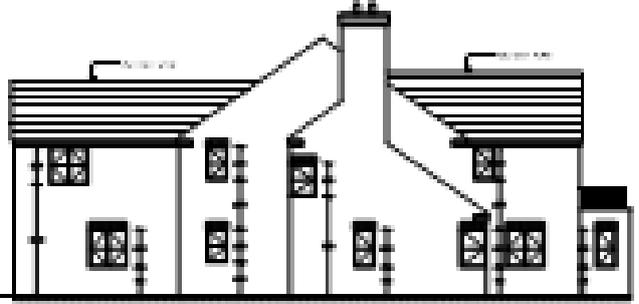
Proposed Front Elevation 1/80



Proposed Side Elevation 'A' 1/80

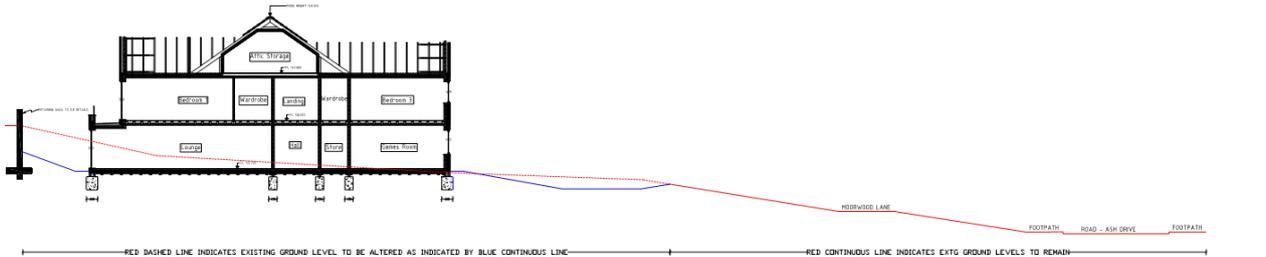
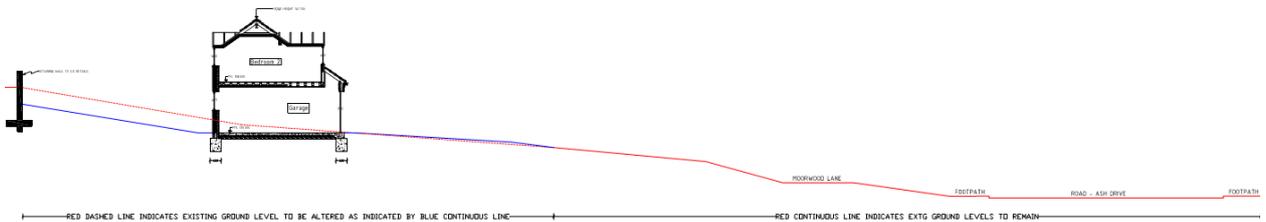
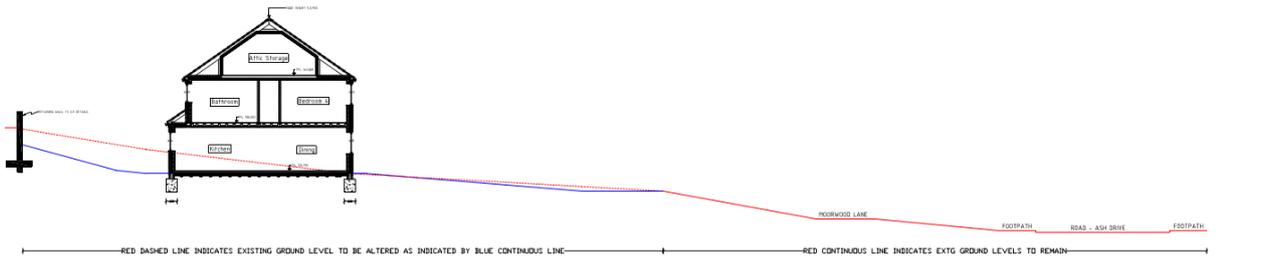


Proposed Rear Elevation 1/80



Proposed Side Elevation 'B' 1/80

Appendix E – Site sections



Appendix F – Photos





Below is a photo taken in April 2017



Appendix G - Geological Trail

Moorwood Geological Trail

The Geological Trail starts at Hartshill Hayes Country Park, which is owned and maintained by Warwickshire County Council. From the car park, head towards the far corner, opposite the adventure playground. Follow the path into the woods, and then out towards the meadow along the embankment of the covered reservoir. Continue along the path until you reach (1)

1) Viewpoint

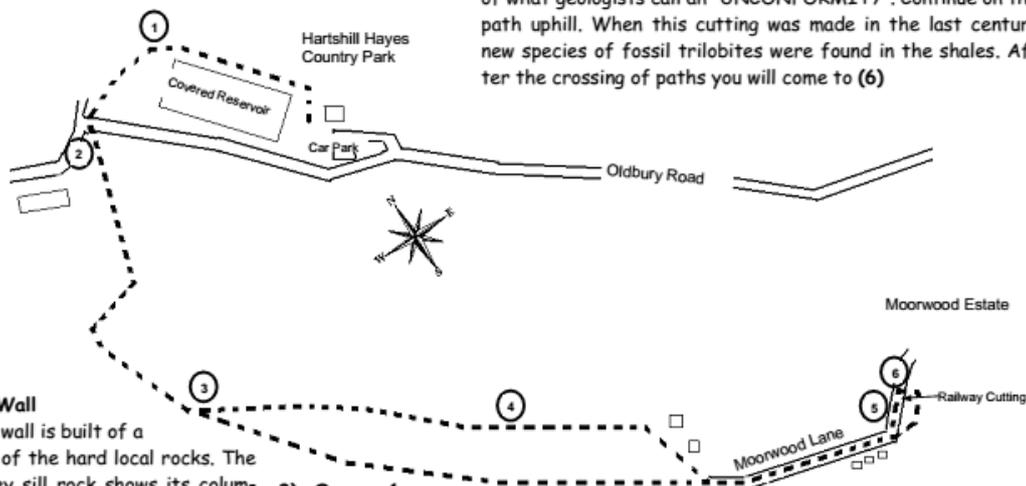
You are now standing on the ridge of older, harder rocks which protrude through the softer younger rocks of the plain. To the north-east the even older rocks of Charnwood Forest are visible in good weather. The ridge structure runs roughly NW-SE with the rocks tilting down to the SW at an angle of 30 - 35 degrees. On the ridge itself the harder sill rocks have resisted the effects of weathering more than the relatively softer shales to give the hillside its stepped appearance.

4) Quarry 2

Quarrying of sill rock has formed this large trench. The vertical face here is protected from the weather by over-hanging trees. It shows the direction in which the sill is running (the STRIKE) and the angle at which the shales and the sill are tilted (the DIP). You can also see the way in which the sill rock has cracked to form roughly hexagonal columns.

5) Railway Cutting RIGS site

Here you can stand with one foot placed on rocks two hundred million (200, 000,000) years older than those below your other foot. How's that for "time travel"? This is an example of what geologists call an "UNCONFORMITY". Continue on the path uphill. When this cutting was made in the last century new species of fossil trilobites were found in the shales. After the crossing of paths you will come to (6)



2) The Wall

This old wall is built of a mixture of the hard local rocks. The dark grey sill rock shows its columnar shape and "onion skin" weathering; the Hartshill sandstone blocks have sharp angular edges whereas the Coal Measure sandstone is much yellower in colour and softer in texture so that it tends to crumble



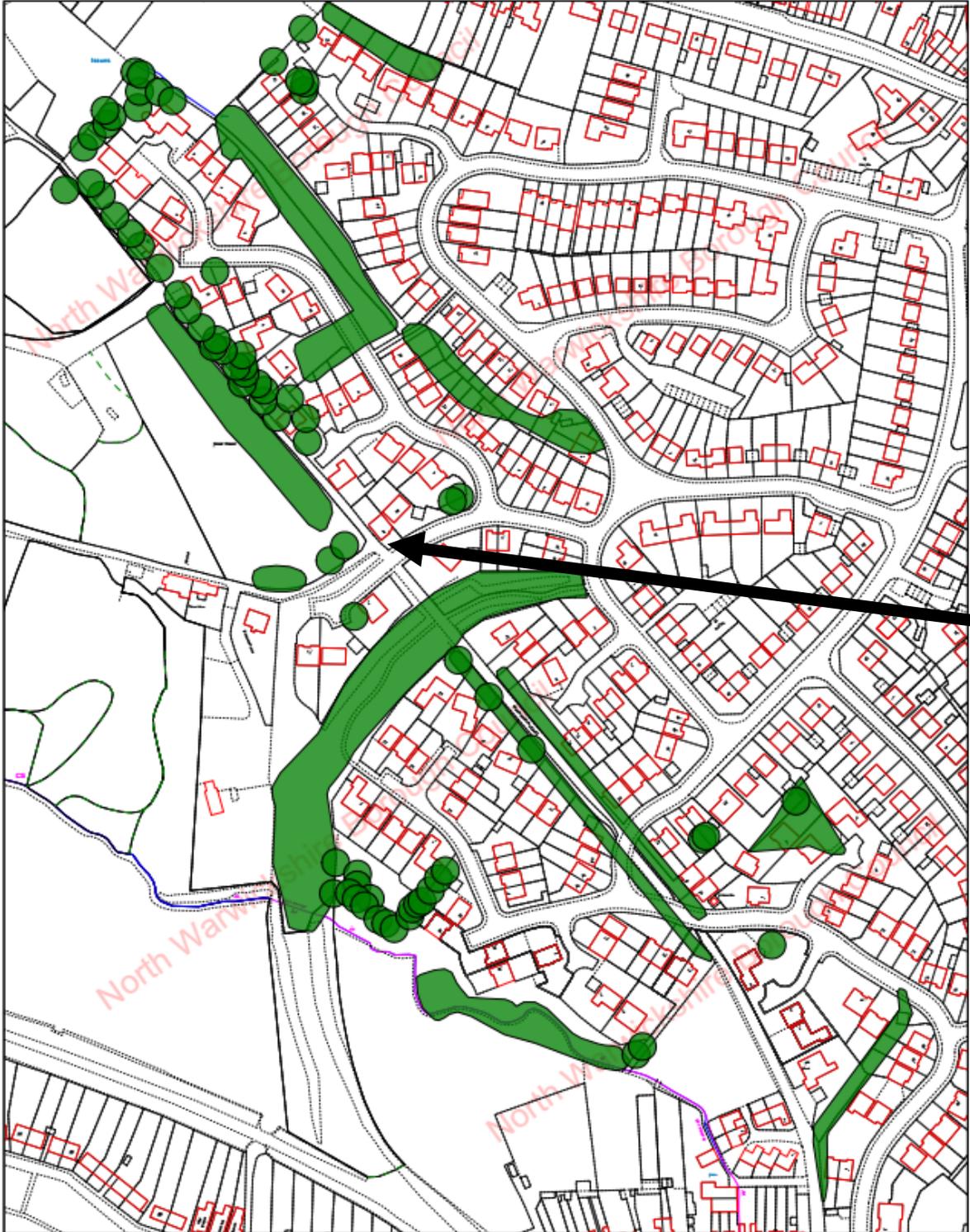
3) Quarry 1

This is where the farm owner has been taking some rock to repair the tracks on the farm. Fossil trilobites, which lived in the seas some 560 million years ago, have been found in these rocks. The parallel tilted layers of rock have been much contorted by earth movements and shattered by freezing and thawing during the last ice age.

6) Sill Exposure

Here you can see one of the intruded sills in plan view. You are looking at the top surface of the rock, which was revealed when this railway cutting was excavated about 100 years ago. Low down on the right you can see how the heat from the molten rock has baked the underlying shale

Appendix H - TPO



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(2) Planning Applications

a) PAP/2016/0645

**Land north of Fircone Cottage, Farthing Lane, Curdworth, B76 9HE
Erection of a dwelling**

b) DOC/2017/0048

Land north of Fircone Cottage, Farthing Lane, Curdworth, B76 9HE

Application to discharge conditions 3, 4, 5, 6, 7 and 8 attached to planning permission PAP/2015/0473 dated 20/10/15 relating to archaeology, tree protection measures, surface and facing materials, acoustic fence details and construction management plan

both for Mr J Holmes

Introduction

Members considered the first of these applications at its May meeting, but determination was deferred to enable Members to visit the site. That has now taken place and a note of the visit will be circulated at the meeting.

For convenience the previous report is attached at Appendix A.

The applicant, since that May meeting has also submitted an application to discharge conditions attached to the 2015 permission referred to in that previous report. This is referred to the Board given the overall background to the case.

The applicant wishes to amend the detail of the 2015 permission and has thus submitted the 2017 application. He intends to build out that scheme if approved. However as a precaution, in order to safeguard the 2015 permission he has now submitted details to discharge the pre-commencement conditions attached to it.

There is thus some degree of “overlap” between these two applications as details approved under the 2015 permission, would also, if appropriate, also need to be included in the 2017 proposal.

This report therefore will deal with the latest application first. In order to assist Members the issues involved here are the technical matters related to the discharge of conditions. The other application is more concerned with the impact of the proposed alterations in design and appearance.

Development Plan

Members are reminded that the relevant planning policies to both applications are recorded in the appropriate section of Appendix A. The other relevant material planning considerations also apply.

Observations

a) The Discharge of Conditions - Background

There are six pre-commencement conditions to be discharged under the 2015 permission.

Conditions 3 and 4 require a Written Scheme of Investigation for a programme of archaeological site evaluation to be agreed and the deposit of a final report outlining the outcome. Details have been submitted and the Warwick Museum has agreed the brief. The programme of work is now complete and a draft report has been submitted. This shows that the fieldwork identified the continuation of medieval features as unearthed earlier. The Museum is satisfied that the development may now continue without further fieldwork. The draft report will need finalising and deposition with the Museum. Hence condition 3 can be discharged whereas condition 4 will require deposit of the final report before discharge.

Condition 5 requires details and specifications for tree protection measures to be agreed and then installed during the construction period. These details have been submitted and show fencing with a 9.6 metre radius around the tree; an area of temporary ground protection under scaffolding to prevent soil compaction, and hand dig area for foundations on the edge of the root protection area and also a hand dig area over part of the drive together with a cellular webbing material to act as a permeable surface. All of these measures have been agreed with the Council's tree officer. This condition can thus be discharged in respect of the agreement of the details.

Condition 6 requires details of surface and facing materials. The facing brick work would be Ivanhoe multi-blend bricks with a light sand render and timber cladding and Redland Heathland plain tiles. These are all acceptable in this locality. Members will have seen the brickwork on their site visit.

Condition 7 requires details and specifications for an acoustic fence. A two metre wooden fence has been installed. The Environmental Health Officer is satisfied with this arrangement.

Condition 8 requires details of a construction management plan. This is submitted and has weekday working hours of 0800 to 1700 and Saturday working from 0800 to 1300 hours, but precludes deliveries between 0800 and 0900 hours as well as between 1700 and 1800 hours. These are considered to be appropriate.

b) The Discharge of Conditions - Observations

Work has commenced here prior to the discharge of these conditions. Members will be aware that commencement of work in breach of a condition is not unlawful, but that the applicant does run the risk of formal enforcement action should that situation continue.

The applicant here has sought to remedy the breaches through the submission of a retrospective application - an approach allowed by planning legislation. Members are therefore advised only to consider whether the detail as submitted satisfies the requirement of each of the conditions.

Given the outline and information set out above it is considered that these conditions can be discharged except for condition 4 which requires the deposit of the final

archaeological report and condition 5 as the approved measures have to remain on site for the duration of the construction period.

Recommendation

It is thus recommended that the submitted details be discharged in full, in respect of conditions 3, 6, 7 and 8 and in partial discharge of conditions 4 and 5.

c) The 2017 Application - Background

There have been no changes since the last meeting however some matters were raised at that time and these will be referred to now.

The archaeological evaluation is now complete. The last report indicated that the initial trench for this work was closed, but that a second, covering the area of the proposed foundations was then undertaken. The Museum's response to the work is set out above – in short construction can continue without further fieldwork.

Members will have seen from the last report that the Weeping Ash here is the subject of a Tree Preservation Order. The 2015 permission contained a condition requiring protection measures during the construction period. Those details are recommended for approval as set out above. They are in place on site. There was concern locally that the first archaeological trench had damaged the root system to this tree. As a consequence it was backfilled and a second trench was dug. The advice from the Council's tree officer is that any damage to the root system will not be long term and that the tree will thus survive. Members will have seen from the previous report that the proposed alterations to the design and appearance of the approved house do not affect the tree or its root system – a matter confirmed by the Tree Officer. As a consequence the impact of the proposed changes is not considered to be harmful.

As outlined in the previous report it is considered that the main issue with the proposed alterations is the impact of the new side extension on the northern side of the proposed house on the residential amenity of the neighbouring property. This was fully explained in that report and Members will now have had the opportunity to visit the site.

The recommendation to the Board remains as outlined in the previous report. If the Board agrees with the recommendation in respect to the DOC application above, then some of the conditions recommended in the previous report will need to be updated either to remove a condition – such as preparing an archaeological brief or including approved details such as the facing materials.

Recommendation

That the recommendation as set out in Appendix A be agreed subject to consequential changes arising from the approval of application DOC/2017/0048.

BACKGROUND PAPERS

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

Planning Application No: DOC/2017/0048

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	22/5/17
2	Tree Officer	Consultation	25/5/17

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

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

(5) Application No: PAP/2016/0645

Land North Of Fircone, Farthing Lane, Curdworth, B76 9HE

Erection of a dwelling, for

Mr J Holmes

Introduction

The application is reported to Board at the discretion of the Head of Development Control

The Site

This is a former paddock/orchard at the rear (the north side) of a small row of three cottages on the west side of Farthing Lane. There is other residential property to the north of the site at Ashleigh Lodge. The context of the site is illustrated at Appendix A.

The cottages in the row all have rear windows at both ground and first floor levels. There is no rear garden to Fircone Cottage, there only being a small rear area. The site's boundary to the east and alongside the lane gives access to the properties to the north and is marked by a hedge and a Weeping Ash. The arrangement for one dwelling within the site is illustrated below:



The Proposal

This is for one cottage style detached house located at the far northern end of the former paddock and facing Farthing Lane. This is 7.4 metres to its main ridge and 14.5 metres in length and 15 metres away from the rear elevation of Fircone Cottage and 10.2 metres away from the southern elevation to Ashleigh Lodge.

It would have two lower gable elements to the design at a height of not more than 6 metres to the northernmost gable and 6.4 metres to the southernmost gable. Both of these side gables (that facing Fircone Cottage and the one facing north adjacent to Ashleigh lodge) - have no openings proposed. The side gables have been re-designed during the application process to reflect a one and a half storey tall building.

An acoustic fence is in situ along the whole of the southern boundary and along that part of the boundary with the rear garden of Damson Cottage. This is approximately 2 metres tall and on the revised plan is set in 1 metre from the rear boundary of Fircone Cottage. Vehicular access would be via Farthing Lane with car parking allocated within the site.

Photographs of the existing site are at appendix B.

Background

Planning permission was granted for a similar proposal in 2015. This latest application is thus in effect a re-submission seeking a re-design of the dwelling. There is thus a fall-back position here as the 2015 consent can still be implemented. Members are thus advised that the issues involved here relate solely to the proposed changes in design and appearance and not with the principle of a planning permission being granted.

The weeping ash referred to is covered by a Protection Order. Recently an application to carry out minor works on the tree was given consent under application PAP/2016/0615.

Representations

Curdworth Parish Council – No representations received

Five letters of objection have been received from local residents. The following matters are raised:

a) Amenity

- There will be loss of amenity; overlooking and loss of privacy
- The design is “imposing” overlooking and very close to existing ground floor windows
- The ground levels are higher and thus affect neighbouring property
- It is too close to neighbouring property

b) Design

- A wooden building is not a “good” finish
- The height has been increased and the building is now too large

- It will not be screened by existing hedgerows
- c) Drainage
- There is no indication given in respect of foul water disposal
 - There is no permission to connect to "joint" drains
- d) Other Works
- Work is proceeding at weekends
 - The acoustic fence should be one metre inside the boundary
 - It is too tall
- e) Trees
- There is no indication given of the root protection area for the weeping ash
 - Significant root damage has been done
 - The weeping ash is under threat
 - The tree survey is not accurate
- f) Access
- The traffic survey might not be accurate
- g) Archaeology
- The archaeology trench was dug in the wrong place affecting the roots of the weeping ash
- h) Biodiversity
- There are bats in the area.

Consultations

Environmental Health Officer – No comments received

Warwickshire County Council as Highway Authority – No objection subject to conditions

Warwick Museum – No objection subject to conditions.

NWBC (Tree Officer) – Minor works around the weeping ash are acceptable including a "no-dig" approach for services and construction of the driveway. A standard foundation would cause no concern to the root system of the tree. Recommend conditions for retention of root protection area and if any roots above 50mm are exposed on the construction of the foundations then further details should be provided to the Council.

Development Plan

The Core Strategy 2014 – NW1 (Sustainable Development); NW2 (Settlement Hierarchy), NW6 (Affordable Housing Provision), NW10 (Development Considerations) and NW12 (Quality of Development)

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

Other Relevant Material Considerations

The National Planning Policy Framework - (the "NPPF").

The draft Local Plan for North Warwickshire 2016

The Nuthurst Crescent Ansley Appeal decision 2016 – reference APP/R3705/W/16/3149572

Observations

a) Introduction

The site is inside the settlement boundary of Curdworth as defined by the Development Plan and additionally the Core Strategy adopted in late 2014 allocates a minimum of 15 new dwellings for Curdworth up to 2029. As such there is no objection in principle to the erection of one new house here. The land is not designated as an open space in the Development Plan and it is not within any Conservation Area. It is important to note that the principle of a dwelling has already been established at this site. This 2015 approval can be implemented with the appropriate discharge of conditions. Material changes in circumstances since 2015 are the publication of the draft Local Plan for North Warwickshire in 2016 and the recent 2016 Ansley appeal decision. Neither of these suggest any change in approach to the principle of the grant of a planning permission here. The presumption here is thus that planning permission should be granted in principle.

The issues with the current application are thus to consider whether the proposed changes to the 2015 approved design and appearance cause significant and demonstrable harm. Members will see from the plans that this is not so much about the layout as the dwelling as it proposed to be orientated the same as the approved scheme facing Farthing Lane with no change in the location of the access.

The highest part of the ridge of the 2015 house is 7.4 metres. That now proposed is 7.4 metres. The overall length of the house in the 2015 scheme is 14.5 with a width of 5.6 metres. The equivalent measurements on the current scheme are 14.5 and 5.6 metres respectively, increasing to 6.4 metres which included the projection of the porch. The distance of the southernmost part of the elevation to Fircone Cottage in the 2015 scheme is 15 metres and that is 15 metres in the current proposal. The distance from the northern most part of the elevation to Ashleigh Lodge is 10 metres in the 2015 plans and approximately 10.2 in the current.

The main differences between the two schemes are the proposed one and a half storey additions forming gable ends at either end of the dwelling in place of the single storey "lean-to" at its southern end and the single storey extension at the northern end, together with the overall appearance. The proposed design compared with the approved design can be compared at appendix C.

The remainder of the report will consider these matters before returning to other matters raised by the representations.

b) Design

In terms of design then the main differences to the previous approved scheme are the introduction of the one and a half storey gables; all first floor windows set at eaves height and with dormer windows/roof lights together with the use of timber cladding and render as facing materials on some parts of the house. There are no windows included on the new side gables.

The design is still essentially a "cottage" style with first floor windows being at eaves height but without the detail of the approved scheme. Materials to be used will be a red, "Ivanhoe cottage blend". This is entirely appropriate in this area. The use of render and timber cladding is also acceptable as these materials are not to be used throughout and offer contrast. They are not out of place.

The site is not within a Conservation Area. There is neither a nearby Listed Building whose setting might be affected nor adopted Design Codes or Planning Guidance for the area.

Members too will be aware that there is a variety of different house types in the area ranging from barn conversions; older cottages and more modern detached houses.

In these circumstances it is considered that in terms of the overall design and appearance of the proposal that there would be very little in the way of evidence to demonstrate significant harm.

c) Amenity

Neighbours have commented that the property is "obscenely large" as a result of the proposed increase to the gables, resulting in an overbearing impact because of their proximity to existing property. The overall footprint of the proposal as has been pointed out above is essentially the same as that already approved and thus there is sufficient proportionate amenity and parking space retained within the plot.

Looking more closely at the impacts then Ashleigh Lodge has ground floor windows facing the application site. These face south, the favoured aspect, but the shading from the gable would of course extend towards these windows. With this issue in mind the proposal has been modified as indicated above such that northern end gable of the new build has been reduced to 6 metres. The distance from this gable to Ashleigh is approximately 10.2 metres. The distance from the main ridge of the new build – at 7.4 metres – is 13.6 metres. The separation distances to Ashleigh lodge are recorded at Appendix D.

The neighbours do point out the metre difference in ground levels to that of Ashleigh, as this would result in the new dwelling appearing taller, akin to a height of 7 metres at the gable and 8.4 metres to the main ridge. This dimension would be comparable to a standard height dwelling. Members will be aware from above that the 2015 approval had a height on 7.4 metres which because of the ground levels would be 8.4 from Ashleigh. The current proposal is the same and the separation distance also remains the same. The introduction of the six metre tall gable does not affect this situation. This gable is not as tall as the main ridge nor is it as wide as the main gable. The two dormers do not extend above the dormers in the main building nor extend further forward or back. As a consequence the new gable sits "within" the main "envelope" of the main gable end. Given these features together with the separation distance, the

4/96

intervening hedgerow boundary and the driveway at Ashleigh, it is considered that the new gable would not have a material adverse domineering impact. The most prominent difference is the new chimney stack, but this is a narrow and a minor change without significant over shadowing impact.

In terms of potential shading and loss of light at Ashleigh then given the matters raised above and the southern aspect of the Ashleigh windows, the situation would not be materially adverse to warrant a refusal. The representation here also refers to the 25 degree line. Members will be familiar with the 45- degree line which acts as a guide for extensions impeding within a horizontal dimension. The 25- degree line deals with new build in the vertical dimension. It is agreed that this line will be affected - the 25 degree is affected by the gable roof, though would already be impacted by the main ridge height as already approved. In the circumstances, bearing in mind that this is only guidance, it is not considered to be material given the narrow width of the proposed house and the proportion of Ashleigh that would be affected by the extant planning permission. The 25 -degree line is illustrated at Appendix D.

The impact on the three small cottages to the south is only altered by the southern gable arrangement, beyond that of the previous permission. This has an increased height of approximately 6.4 metres to the ridge, with a separation distance of 15 metres to Fircone Cottage, 14 metres separation distance to Damson Cottage and 16 metres distance to Honeysuckle Cottage. These separation distances are considered to be satisfactory in that there would be no loss of light from this orientation as the new build is north of these dwellings.

Overall therefore it is not considered that there would be material loss of amenity through overlooking; loss of privacy, over-shadowing, or over-powering due to the size, sufficient to warrant a refusal. It is agreed that there will be an impact at Ashleigh, but this is not considered to be so adverse to cause significant harm.

The acoustic fence is in situ as shown in the photographs at Appendix B. This is along the boundary with the row of three cottages; it should therefore be positioned 1 metre into the site from the rear of the boundary with Fircone Cottage. The height and design of the fence is considered to be acceptable and could otherwise be carried out within the limits of permitted development in any case.

d) Trees and Ecology

The weeping ash tree is protected by an Order. It is necessary that the root protection area is retained during the course of development as specified below by the dashed perimeter circle.



The only aspect of the works that would be within the root protection area is the proposed driveway. This is therefore proposed to be constructed with a cellular design to prevent ground compaction to the surface of the driveway by vehicles, thus protecting tree roots below ground. The cellular design is illustrated at Appendix E. This will be conditioned in the event of an approval.

The dwelling itself has less than a 20% impact on the root protection area and as such there is no requirement to provide a raft foundation. A root barrier however should be designed into the foundation of the dwelling, or the foundations set considerably lower, to avoid the impact of roots on the new build.

It is significant that the Council's own tree officer has visited the site and his advice reflects the situation set out above. He advises that the development can be undertaken without detriment to the longevity of the weeping ash tree provided that the protection measures are retained in place at all times during the build and it is acceptable that standard foundations can be laid provided that any roots exposed during foundation construction with a diameter of 50mm are assessed by the Council's tree officer. A condition to this effect would be necessary.

The weeping ash tree is referred to as a common ash in the tree condition report, however it is noted that this is an error and should refer to the tree as a weeping ash. This does not affect the outcome of the assessment made to the tree, as under a separate application for minor tree works have been granted under application PAP/2016/0615.

In terms of impact on ecology then a bat survey has been provided with the application suggesting that the site is capable of attracting roosting bats. A further bat survey is proposed for September 2017. This will therefore be conditioned as well as provision for bat roosts within the design of the dwelling as a precautionary mitigation measure.

e) Highway Safety

In respect of highway matters then the Highway Authority has advised no objection given that there is space available for two cars to be parked on-site and suitable space for the provision of a tuning area. This is unsurprising given there was neither an objection to the scheme that was approved in 2015. It is necessary to ensure that the surface to the driveway is permeable to help with drainage and to continue to protect the root system of the weeping ash tree. A resin bound surface could be proposed provided as a surface of the cellular system as it would be permeable and allow for water to penetrate the ground conditions. No details of the driveway surface have been provided to date. Details of this would be reserved by condition.

f) Archaeology

The site has been identified as having archaeological potential under the previous application. An archaeology assessment was carried out but had to be curtailed because of the potential impact on the root system of the weeping ash. Further archaeological work has instead focused on the area in the vicinity of the proposed foundations to the house. The outcome from this now has to be finalised and an appropriate condition can be provided on a decision notice. Otherwise archaeological issues are thus satisfied.

g) Drainage

Drainage for the house will be addressed at Building Regulations stage. If there are issues with perceived inappropriate connections to joint or private sewers then these are civil matters to be taken up privately.

h) Other Matters

The reason for referral to the Board of this item was two-fold. Firstly this is because of the details involved in this proposal as outlined above. Notwithstanding the 2015 approval, the changes now proposed are not straight forward. The second reason is because of the history of the case which has given rise to much of the content of the representations. An explanation is required.

Planning permission for the single house was granted here in 2015 under delegated powers. Objections were received to that proposal and in light of the recommendation of approval the case was referred as is necessary under the Council's adopted Scheme of Delegation to the then Chair and Vice-Chairman of this Board together with the local Members. There was no request for referral to the full Board and thus the matter was dealt with as set out in the Scheme, with the permission being granted.

There were several pre-commencement conditions attached to that permission including the undertaking of archaeological work. The brief for that work was agreed with the Warwick Museum but the work commenced prior to full discharge under the terms of the planning condition. That work involved a trench in part under the protected tree. As indicated above this work was curtailed as a consequence and the trench back-filled. The tree officer confirms that damage to the root system was not fatal. There was no breach of the planning condition here as the trench did not constitute a "start" under planning legislation.

Work then commenced on the implementation of the 2015 planning permission but without regard to other pre-commencement conditions. Contact with the applicant revealed that he wished to vary the design of the approved house and this current application was submitted and this also seeks to address the conditions of the development. Members are fully aware that retrospective applications are legitimate remedies to breaches of planning control including where there have been breaches of conditions. The outcome is thus that the present "variation" application can bring all matters together dealing with the revised scheme and conditions, therefore no separate application has been provided for the discharge of conditions.

It is as a consequence of this background, that it was considered appropriate to refer this case to the Board for determination.

Recommendation

That the application be **GRANTED** subject to the following conditions:

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 revised plan numbered HGD16-92-5.1 G received by the Local Planning Authority on 28 March 2017 and the following supporting documents; Construction management plan received by the Local Planning Authority on 17 January 2017, a 'written scheme of investigation for strip, plan and sample', received by the Local Planning Authority on 24 February 2017, a Bat Survey – 'preliminary roost assessment' received by the Local Planning Authority on 27 February 2017, a Tree Condition Report received by the Local Planning Authority on 28 February 2017, a specification for 'Geoweb' Tree Root Protection System received by the Local Planning Authority on 6 April 2017.

REASON

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

3. Notwithstanding the requirements of Condition 2, the reference to the Common Ash in the Tree Condition Report should be referred to as the Weeping Ash and for the avoidance of doubt only minor works to the tree are recommended as per the requirements of application PAP/2016/0615.

REASON

To define the limitations of the work to the protected tree.

4. The dwelling shall be constructed in facing bricks - Ivanhoe multi blend with render in light sand and timber cladding and windows in chartwell green colour finish to the elevations specified by Condition 2 and roofing tiles Redland Heathland Plain Tile - wealden red. The finish to the materials shall remain in the specified colour scheme at all times.

REASON

In the interests of the amenities of the area.

5. A programme of archaeological work shall be undertaken in accordance with the Written Scheme of Investigation by University of Leicester Archaeological Services called 'Written Scheme of Investigation for Strip, plan and Sample, Location: Land North of Fircone, Farthing Lane Curdworth B76 9HE, Planning Ref PAP/2016/0645' received by the Local Planning Authority on 24 February 2017.

REASON

In view of the potential archaeological interest of the site.

6. The tree protection measures in the form of fencing in the specified location as approved by Condition 2 shall be retained in situ during the construction phase of the development and there shall be no storage of plant, machinery, materials or any other construction works associated with the build store within the root protection area and the ground levels within those areas shall not be altered. The tree protection measures shall remain in place until the written agreement of the Authority has been received.

REASON

To protect the health and stability of the tree to be retained on the site in the interests of amenity

7. The foundations to the dwelling shall be a standard construction and during the construction of the foundations the presence of any substantial roots over 50mm in diameter located within the tree protection area shall be reported to the Local Planning Authority prior to removal of tree roots to the satisfaction of the Local Planning Authority.

REASON

To protect the health and stability of the tree to be retained on the site in the interests of amenity.

8. No development shall commence on the driveway until details of a specification and methodology for installing 'cell web' and a no dig solution near tree roots (in proximity to the weeping ash tree) has been submitted to and approved by the Local Planning Authority in writing. The drive shall be constructed on the existing site levels with careful hand digging for the installation of a cellular confinement system used to the satisfaction of the Local Planning Authority.

REASON

To ensure that root systems are protected by the development in the interest of the amenities of the area.

9. No development within Classes A, B or C of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 shall take place.

REASON

In the interests of the residential amenity of neighbouring property.

10. The level of the land shall not be made higher than the existing site levels and the height of the main ridge of the dwelling shall not exceed 7.4 metres from the natural ground level, with the north gable range not in excess of 6 metres to the ridge and the south gable not in excess of 6.4 metres to the ridge from the natural ground level.

REASON

In the interests of the amenities of the area.

11. Within twelve months of the commencement of development, a landscaping scheme shall be submitted to the Local Planning Authority for approval.

REASON

In the interests of the amenities of the area.

12. The scheme referred to in Condition No. 10 shall be implemented within six calendar months of the date of occupation of dwelling, and 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.

13. Access for vehicles to the site from the public highway (Farthing Lane D384) shall not be made other than at the position identified on the approved drawing, number HGD16-92-5.1 Rev G.

REASON

In the interests of highway safety.

14. The access to the site for vehicles shall not be used unless a public highway verge crossing has been laid out and constructed in accordance with the standard specification of the Highway Authority.

REASON

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In the interests of highway safety.

15. No development shall commence until full details of the provision of the access, car parking and service areas, including surfacing details, drainage and levels have been submitted to and approved in writing by the Council. No building shall be occupied until the areas have been laid out in accordance with the approved details. Such areas shall be permanently retained for the purpose of 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 highway safety.

16. The development shall not be commenced until visibility splays have been provided to the vehicular access to the site, passing through the limits of the site fronting the public highway, with an 'x' distance of 2.0 metres and 'y' distances of 79.0 metres looking left (north-easterly) and 41 metres looking right (southerly) to the near edge of the public highway carriageway. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway. For the avoidance of doubt the visibility splays must not affect the weeping ash tree.

REASON

In the interests of highway safety.

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

REASON

In the interests of highway safety.

18. Deliveries and collections associated with the construction of the proposed development shall not occur during peak periods on the highway network (08:00 – 09:00 and 17:00 – 18:00).

REASON

In the interests of highway safety for all users.

19. Prior to the approved minor works to the weeping ash tree required by Condition 2 and required under application PAP/2016/0615 a further bat survey shall be carried out during September 2017 and the results submitted to the Local Planning Authority. The recommendations required by this bat survey shall then be implemented on site to the written satisfaction of the Local Planning Authority.

REASON

In the interests of protecting the local bat population.

20. Prior to the completion of the dwelling bat boxes shall be installed on the north gable to the main house to the satisfaction of the Local Planning Authority.

REASON

As a mitigation measure and to support the local bat population

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 <https://www.gov.uk/guidance/party-wall-etc-act-1996-guidance>
3. There may be bats present on site that would be disturbed by the proposed development. You are advised that bats are deemed to be European Protected species. Should bats be found during the carrying out of the approved works, you should stop work immediately and seek further advice from the Ecology Section of Museum Field Services, The Butts, Warwick, CV34 4SS (Contact Ecological Services on 01926 418060).
4. The applicant is advised that to comply with the condition relating to the protection of trees, the measures should be in accordance with British Standard BS 5837:2012 "Trees in relation to design, demolition and construction - Recommendations".
5. Wildlife and Countryside Act 1981 - Birds. Please note that works to trees must be undertaken outside of the nesting season as required by the Wildlife and Countryside Act 1981. All birds, their nests and eggs are protected by law and it is thus an offence, with certain exceptions. It is an offence to intentionally take, damage or destroy the nest of any wild bird whilst it is in use or being built, or to intentionally or recklessly disturb any wild bird listed on Schedule 1 while it is nest building, or at a nest containing eggs or young, or disturb the dependent young of such a bird. The maximum penalty that can be imposed for an offence under the Wildlife and Countryside Act - in respect of a single bird, nest or egg - is a fine of up to £5,000, and/or six months' imprisonment. You are advised that the official UK nesting season is February until August.

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6. Condition numbers 13, 14 and 15 require works to be carried out within the limits of the public highway. Before commencing such works the applicant/ developer must serve at least 28 days notice under the provisions of Section 184 of the Highways Act 1980 on the Highway Authority's Area Team. This process will inform the applicant of the procedures and requirements necessary to carry out works within the Highway and, when agreed, give consent for such works to be carried out under the provisions of 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.

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

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

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

8. The applicant/developer must ensure that the access is no closer than 500mm to any highway structure (telegraph pole or warning sign). If not, they may be responsible for all costs involved in moving the structures.
9. In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner through seeking to resolve planning objections and issues and suggesting amendments to improve the quality of the proposal. As such it is considered that the Council has implemented the requirement set out in paragraphs 186 and 187 of the National Planning Policy Framework.

BACKGROUND PAPERS

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

Planning Application No: PAP/2016/0645

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	14.11.16
2	NWBC EHO	Consultation reply	23.12.16
3	WCC Museum	Consultation reply	5.1.17
4	WCC Museum	Consultation reply	2.3.17
5	WCC Museum	Consultation reply	3.5.17
6	WCC Highways	Consultation reply	11.4.17
7	WCC Highways	Consultation reply	22.3.17
8	WCC Highways	Consultation reply	26.1.17
9	WCC Highways	Consultation reply	3.1.17
10	Mr Belgeonne	Representation	14.12.16
11	Mr Doolan	Representation	19.12.16
12	Ms Oliynike	Representation	3.1.17
13	Ms Johnson	Representation	3.1.17
14	Ms Johnson	Representation	3.1.17
15	Ms Johnson	Representation	3.1.17
16	Mr Doolan	Representation	11.1.17
17	Mr Doolan	Representation	16.1.17
18	Mr Doolan	Representation	7.2.17
19	Mr Doolan	Representation	7.3.17
20	Mr Belgeonne	Representation	25.1.17
21	Ms Johnson	Representation	6.2.17
22	Mr Doolan	Representation	6.2.17
23	Mr Belgeonne	Representation	7.3.17
24	Ms Johnson	Representation	7.3.17
25	Ms Johnson	Representation	13.3.17
26	Mr Doolan	Representation	31.3.17
27	Mr Doolan	Representation	31.3.17
28	Ms Johnson	Representation	4.4.17
29	Mr Belgeonne	Representation	4.4.17
30	NWBC Green Space Officer	Consultation reply	31.1.17
31	NWBC Green Space Officer	Consultation reply	16.2.17
32	NWBC Green Space Officer	Consultation reply	27.2.17
33	NWBC Green Space Officer	Consultation reply	3.5.17
34	Agent/Applicant to Case Officer	E-mail	5.12.16
35	Agent/Applicant to Case Officer	Supporting information	17.1.17
36	Agent/Applicant to Case Officer	E-mail	22.1.17
37	Agent/Applicant to Case	E-mail	23.1.17

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	Officer		
38	Agent/Applicant to Case Officer	E-mail	26.1.17
39	Agent/Applicant to Case Officer	E-mail	30.1.17
40	Agent/Applicant to Case Officer	E-mail	31.1.17
41	Agent/Applicant to Case Officer	E-mail	8.2.17
42	Agent/Applicant to Case Officer	E-mail	16.2.17
43	Agent/Applicant to Case Officer	E-mail	21.2.17
44	Agent/Applicant to Case Officer	Archaeology Survey	24.2.17
45	Agent/Applicant to Case Officer	Revised plan and bat survey	27.2.17
46	Agent/Applicant to Case Officer	Tree Condition Report	28.2.17
47	Agent/Applicant to Case Officer	E-mail	6.3.17
48	Agent/Applicant to Case Officer	E-mail	20.3.17
49	Agent/Applicant to Case Officer	E-mail	22.3.17
50	Agent/Applicant to Case Officer	Revised plan	28.3.17
51	Agent/Applicant to Case Officer	Root Protection Method	6.4.17
52	Agent/Applicant to Case Officer	Archaeology report	19.4.17
53	Agent/Applicant to Case Officer	E-mail	23.1.17
54	Case Officer to Applicant/Agent	E-mail	31.1.17
55	Case Officer to Applicant/Agent	E-mail	8.2.17
56	Case Officer to Applicant/Agent	E-mail	9.2.17
57	Case Officer to Applicant/Agent	E-mail	16.2.17
58	Case Officer to Applicant/Agent	E-mail	20.2.17
59	Case Officer to Applicant/Agent	E-mail	21.2.17
60	Case Officer to Applicant/Agent	E-mail	27.2.17
61	Case Officer to Applicant/Agent	E-mail	6.3.17
62	Case Officer to Applicant/Agent	E-mail	20.3.17

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63	Case Officer to Applicant/Agent	E-mail	21.3.17
64	Case Officer to Applicant/Agent	E-mail	23.3.17
65	Case Officer to Applicant/Agent	E-mail	31.3.17
66	Case Officer to Applicant/Agent	E-mail	19.4.17

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

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

Appendix A



Appendix B

Photographs of the site and aerial view:



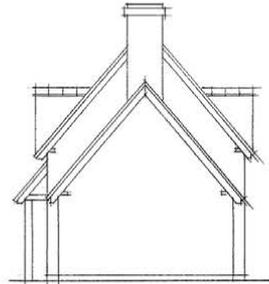


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Aerial view of the site outlined in red in relation to the surroundings

Appendix C

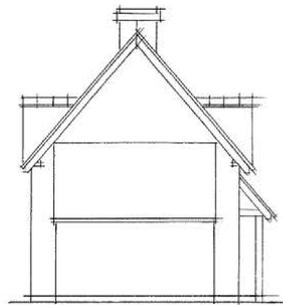
An application in 2015 has already approved a dwelling at this site as per the layout and elevation below:



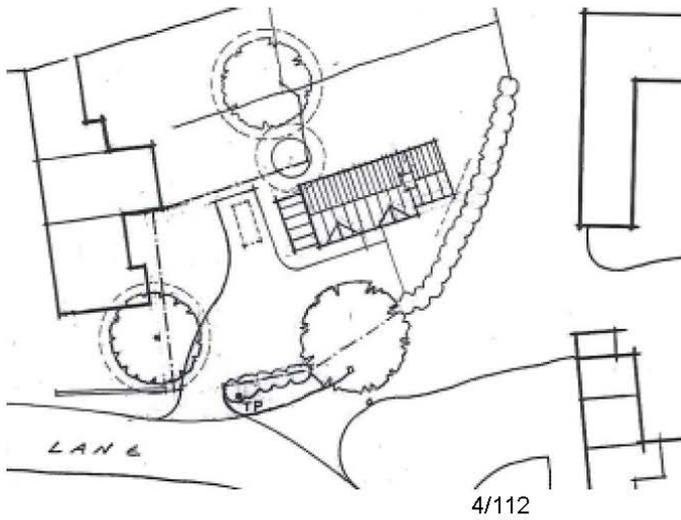
North.



West.



South.

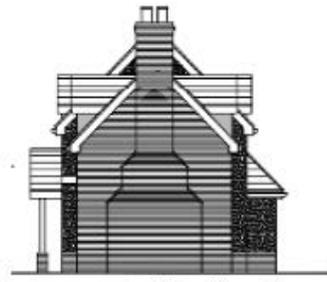


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The proposal is compared as below:



Proposed Front Elevation



Proposed Side Elevation



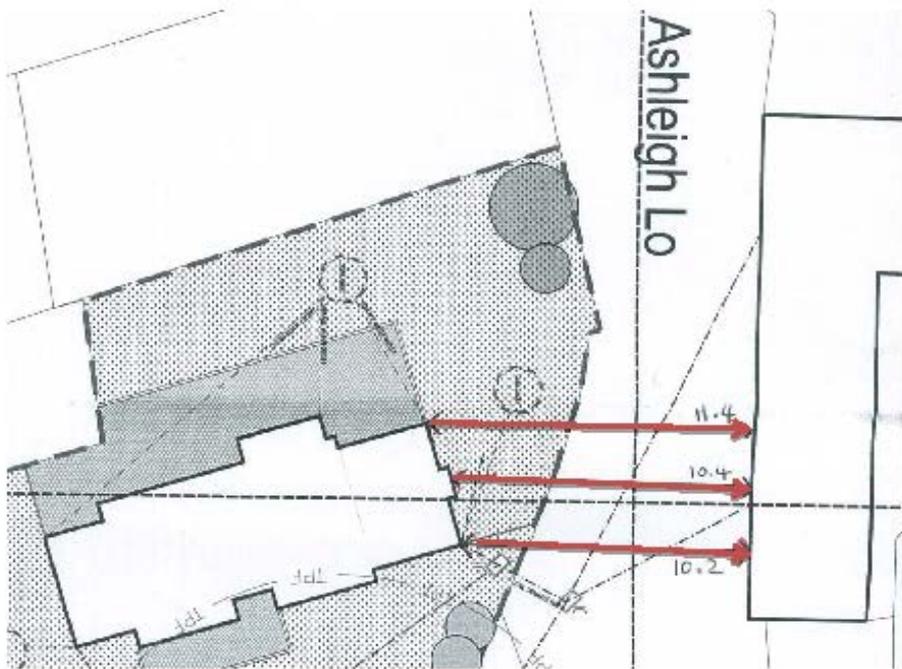
Proposed Rear Elevation



Proposed Side Elevation

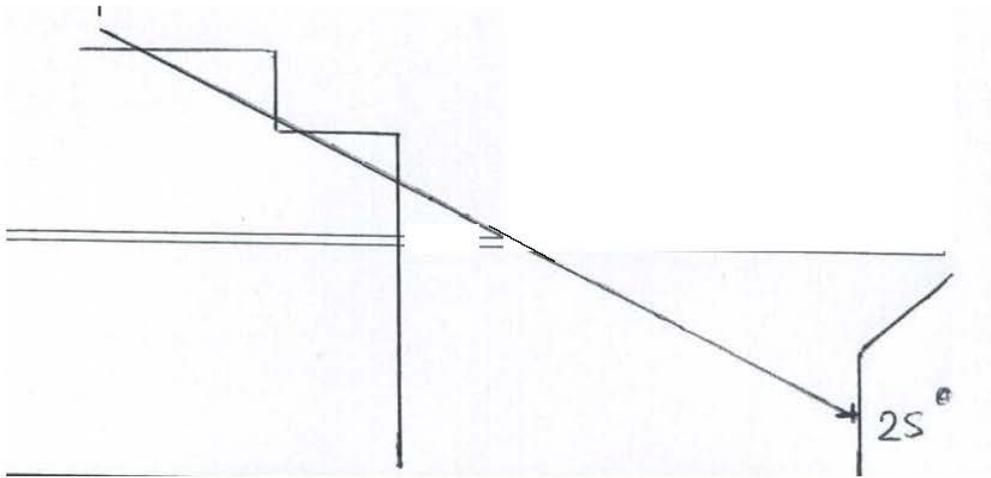


Appendix D



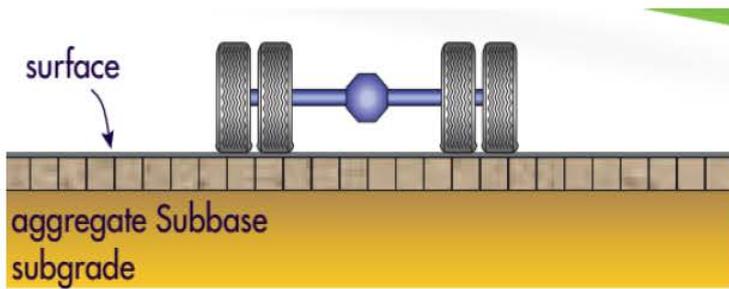
Separation distances from Ashleigh Lodge

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Approx 25- degree line as vertical from Ashleigh Lodge

Appendix E



the GEOWEB® Granular Pavement System

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(3) Application No: PAP/2016/0679

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

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

Mr N Misselke - Elford Homes

Introduction

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

The Site

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

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

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



The Proposal

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

The following documentation has been submitted with the application:

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

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

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

Development Plan

The Core Strategy 2014 - NW1 (Sustainable Development); NW2 (Settlement Hierarchy), NW4 (Housing Development), NW5 (Split of Housing Numbers), NW6 (Affordable Housing Provision), NW9 (Employment), NW10 (Development Considerations), NW11 (Renewable Energy and Energy Efficiency), NW12 (Quality of Development), NW13 (Natural Environment), NW14 (Historic Environment), NW15 (Nature Conservation), NW16 (Green Infrastructure), NW19 (Polesworth and Dordon) and NW22 (Infrastructure).

Saved Policies of the North Warwickshire Local Plan 2006 - ENV4 (Trees and Hedgerows); ENV6 (Land Resources), ENV8 (Water Resources), ENV12 (Urban Design), ENV13 (Building Design), ENV14 (Access Design), TPT1 (Transport Considerations), TPT3 (Access and Sustainable Travel and Transport) and TPT6 (Vehicle Parking).

Other Material Planning Considerations

The National Planning Policy Framework 2012 - (the "NPPF")

The National Planning Practice Guidance

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

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

Consultations

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

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

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

Warwickshire County Council as the Lead Flood Authority – The County confirms that following receipt of a Flood Risk Assessment, it now has no objection to the proposal. However, it is recommended that a planning condition is imposed on any consent granted.

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

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

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

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

Warwickshire Wildlife Trust – No comments received

Representations:

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

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

50 letters of objection from local residents regarding:

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

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

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

Observations

a) Introduction

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

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

b) The Principle of Development

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

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

The site has a street frontage to Laurel Avenue and The Common. There is a public footpath which runs from Laurel Avenue onto Bardon View Road next to the parade of shops and the bus stop for the hourly service between Tamworth and Atherstone. These pedestrian linkages comply with the requirements of Policy NW10 (4) and (5) to promote healthier lifestyles for the community to be active and to encourage sustainable forms of transport focussing on pedestrian access and provision of bike facilities.

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

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

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

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

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

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

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

c) Highway Infrastructure

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

To address this objection the applicant has submitted a Transport Statement with a Stage 1 Safety Audit. The amended proposal shows Laurel Avenue being widened to 5.0 metres as it fronts the site along with a 2.0 metre footway provided on the eastern side of Laurel Avenue between the proposed development and the existing footway on the southern side of The Beeches. To accommodate this, existing lamp columns in the eastern verge will be repositioned at the back of the proposed footway. Visibility splays of 2.4m x 43m are provided and this may require the relocation of three lamp columns/electricity poles. The layout has been subjected to a Stage 1 Road Safety Audit as requested by the County Council and no issues have been identified by that Council.

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

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

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

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

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

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

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

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



e) The Impact on Residential Amenity

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

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

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

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

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

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

The proposal includes:

- An outfall to the existing ditch running adjacent to the site with flows controlled by a Hydrobrake system limited to 5 litres per second.
- Drainage runs demonstrating that the site can be drained to the outfall by gravity
- The inclusion of permeable paving beneath portions of the proposed access road and driveways to reduce the amount of impermeable area on site.
- Attenuation of surface water for all storm events up to and including the 1 in100-year event plus an additional 40% to account for climate change within cellular attenuation tanks located beneath areas of proposed permeable paving (providing a total of 145m³).

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

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

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

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

g) Affordable Housing

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

h) Impact on the Archaeological Value of the Site

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

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

i) Access to Services and Education

A number of the objections received raise concerns about the pressure on the existing services in the area from the occupiers of these units. Warwickshire County Council has not asked for any contributions towards education from this proposal. A contribution is required towards the provision and improvement of Abbey Green open space in Polesworth. There have been no objections raised by the NHS regarding the provision of medical services in the area.

Conclusions

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

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

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

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

Recommendation

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

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

REASON

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

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

REASON

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

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

REASON

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

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

REASON

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

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

REASON

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

- 6) No development shall take place until detailed surface and foul water drainage schemes for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, have been submitted and approved in writing by the Local Planning Authority. The scheme shall be subsequently implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall:
- a) Infiltration testing, in accordance with BRE 365 guidance, to be completed and results submitted to demonstrate suitability (or otherwise) of the use of infiltration SuDS
 - b) Demonstrate that the surface water drainage system(s) are designed in accordance with CIRIA C753
 - c) Evidence that the discharge rate generated by all rainfall events up to and including the 100 year plus 40% (allowance for climate change) critical rain storm has been limited to the QBAR runoff rates for all return periods
 - d) Demonstrate detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details of any attenuation system, and outfall arrangements. Calculations should demonstrate the performance of the drainage system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.
 - e) Demonstrate the proposed allowance for exceedance flow and associated overland flow routing.
 - f) A foul water drainage scheme including evidence from Severn Trent Water that there is adequate capacity within their sewerage assets for this development.
 - g) Provide a Maintenance Plan to the Local Planning Authority giving details on how the entire surface water and foul water systems shall be maintained and managed after completion for the life time of the development. The name of the party responsible, including contact name and details, for the maintenance of all features within the communal areas onsite (outside of individual plot boundaries) shall be provided to the Local Planning Authority.

REASON

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

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

REASON

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

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

REASON

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

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

REASON

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

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

REASON

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

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

REASON

In the interests of the amenities of the area.

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

REASON

In view of the ecological value of this hedgerow.

- 13) Any Highway Conditions

Notes

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

BACKGROUND PAPERS

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

Planning Application No: PAP/2016/0679

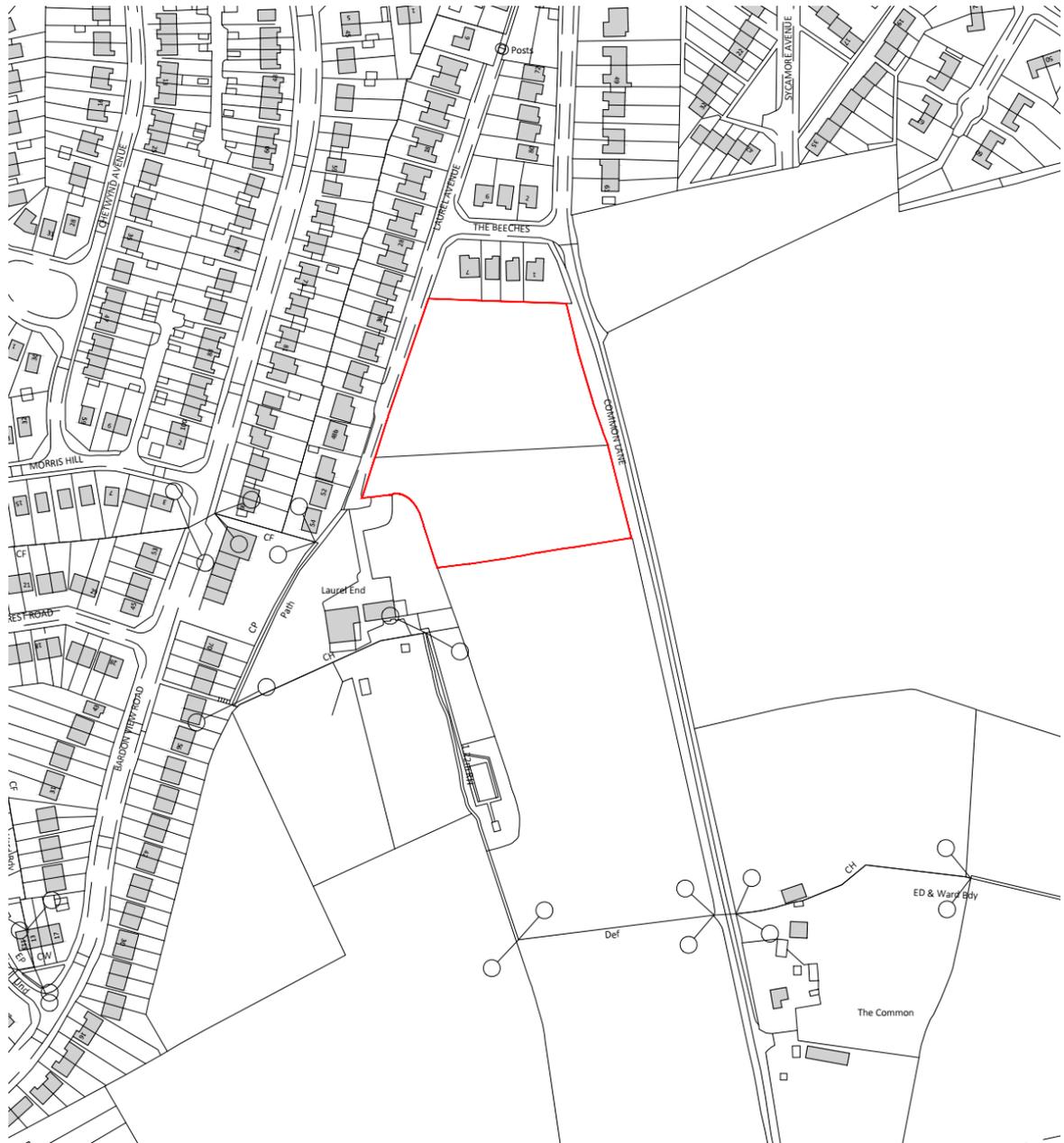
Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	28/11/16
2	Atherstone Herald	Press Notice	8/12/16
3	Polesworth Parish Council	Objection	8/12/16
4	Pollution Control Officer	Consultation response	22/12/16
5	Mr Beach	Objection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

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

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

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

APPENDIX A – Site Location Plan



(4) Application No: PAP/2016/0734

Land 180 Metres North East Of Ambleside, Hill Top, Arley,

Erection of stable block, new vehicular entrance. Erection of timber boundary fence, improvement to existing entrance, for

Mr Andrew Morris

Introduction

This application is reported to the Board at the discretion of the Head of Development Control in view of representations that have been made.

The Site

The site is a triangular field, known as Lion View, measuring 1.45 hectares, and is bounded on two sides by the Oakridge Golf Course and on the remaining side by Arley Lane. The site lies within the Green Belt, approximately 300 metres north-east of a residential property known as Ambleside and 120 metres south-west from the access to Oakridge Golf Club.



The Proposal

It is proposed to erect a small stable block with a new improved vehicular entrance. With associated timber boundary fencing.

Background

There is no planning history for the site, however the applicant has used permitted development rights to erect fencing around the perimeter of the site. Storage containers and domestic paraphernalia such as a post box and house name have been introduced. It is understood that horses have previously been grazed on this land, however its current authorised use is agricultural.

The original submission was a proposal for a stable for 6 horses but this was reduced to a stable for a single horse during the processing of the application.

Development Plan

The Core Strategy 2014 - NW3 (Green Belt); NW10 (Development Considerations) and NW12 (Quality of Development)

Other Relevant Material Considerations

Government Advice: National Planning Policy Framework (NPPF).

Supplementary Planning Guidance: British Horse Society Guidance for Horse Welfare

Representations

Neighbours – No responses have been received.

Arley Parish Council – The previous owner kept three horses on the site but there was no stable block. There are also issues regarding smell from the muck heap and pest control that could affect nearby residents and users of the golf course (extracted).

Consultations

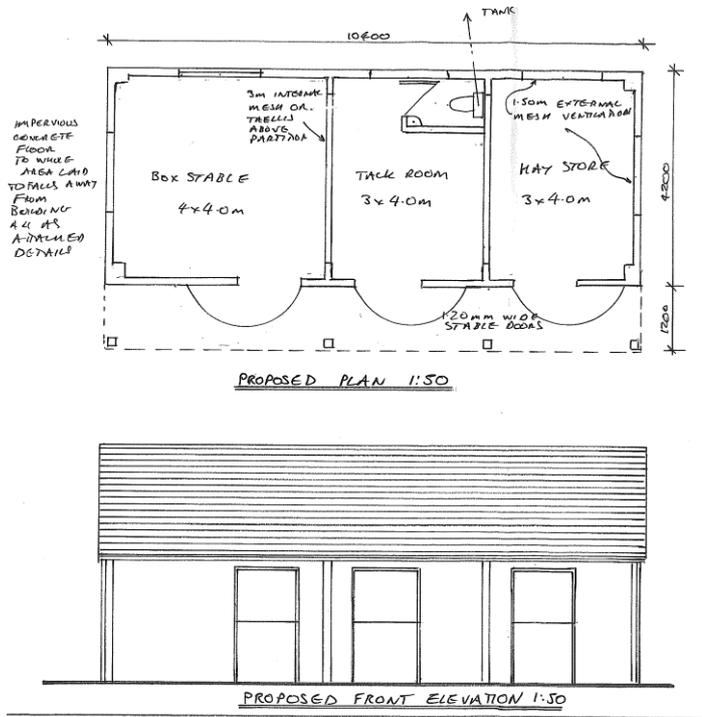
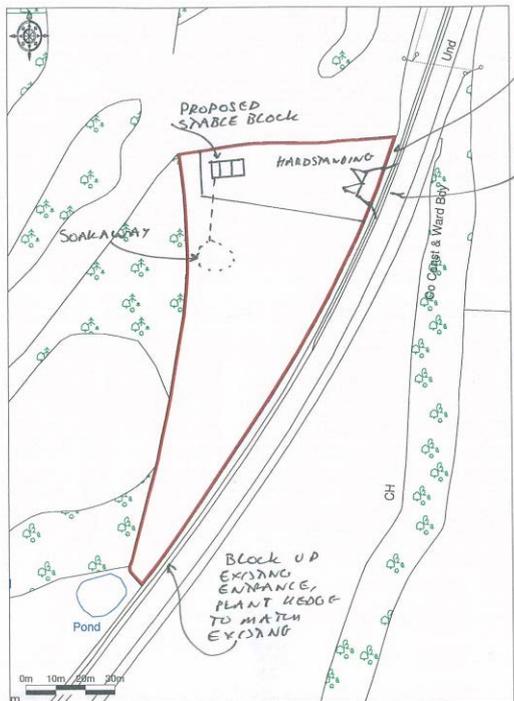
Warwickshire County Council as Highway Authority – No objection to the reduced proposal subject to conditions.

Environmental Health Officer – No response

Observations

The site is in the Green Belt where new buildings are defined as being not appropriate. However there are exceptions and one of these is where buildings are appropriate for outdoor recreation and sports. This would be the case here particularly too as one of the reasons for including land within the Green Belt is to provide opportunities for outdoor sport and recreation. Members will also be aware that agricultural buildings are appropriate in the Green Belt. In these circumstances and given the reduction in the scale of the proposal and that stables are regularly approved elsewhere in the Borough even in the Green Belt, it is not considered that there is a refusal in principle here. Green Belt harm is also considered to be limited in terms of the proposals' impact on the openness of the Green Belt.

During the processing of the application there have been negotiations to improve and significantly reduce the scale of the application. On the advice of the Council's Rural Planning Consultant and in accordance with The British Horse Society Guidelines for Horse Welfare, the site is adequate for the keeping of one horse. As the applicant does not currently own a horse the dimensions will suit any horse and allow for adequate tack and hay storage, including a dry rest room for the applicant whilst caring for the horse.



Although a number of objections were initially received from statutory consultees, these related specifically to the keeping of six horses on the site. There are no outstanding objections, although the use needs to be closely conditioned to ensure that it does not become a nuisance to neighbours or impact on local amenity, particularly given its Green belt location.

Representations have been made informally about other elements of the site.

The containers that currently occupy the site are not permitted development. However they do form part of the application plans as a feature to be removed prior to occupation of the proposed stable building. It is understood that construction tools and materials are stored in the containers.

The applicant has erected a 1800mm high close boarded fence around the perimeter of the site. Whilst the design of the fence has an urbanising effect on the surrounding countryside, it is as a matter of fact "permitted development" and is thus lawful.



There has been local speculation about the future use of the site. Members will fully understand that this has to have no bearing on the application presented. However officers will be able to respond to calls from the local community and investigate whenever appropriate.

Recommendation

That planning permission be **GRANTED** subject to the following conditions:

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 floor plan and front elevation and the floor construction and drainage details received by the Local Planning Authority on 20 March 2017, and the site plan, rear and side elevations, and the proposed new entrance details received by the Local Planning Authority on 12 April 2017.

REASON

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

3. The new works shall be carried out with white low maintenance silicone through-colour render on 100mm blockwork, with matching air bricks, and grey/brown concrete interlocking roof tiles.

REASON

In the interests of the amenities of the area and the building concerned, and to ensure the suitability for the equestrian use.

4. The construction of the stable building hereby approved shall not be occupied until all parts of the existing access within the public highway not included in the permitted means of access has been closed and the kerb, footway and verge has been reinstated,; including the removal of gates, gravel surfacing and domestic paraphernalia and the hedge reinstated with new or replanted hedgerow from the Arden Forest Mix all to the written satisfaction of the Local Planning Authority.

REASON

To ensure adequate grazing land, and highway safety, and to prevent unauthorised access and the continuity of the hedgerow.

5. Prior to the occupation of the development, visibility splays of 2.4m x 215m on Arley Lane shall be provided at the new site access and retained as such thereafter. Nothing shall be subsequently erected or allowed to grow to a height in excess of 0.6 metres within the splays.

REASON

In the interest of highway safety.

6. The proposed access to the site for vehicles shall not be used until it has been surfaced with a bound macadam material for a distance of 5 metres as measured from the near edge of the public highway.

REASON

In the interest of highway safety and to minimise ongoing extraneous materials on the highway.

7. Gates erected at the entrance to the site shall not be hung so as to open over the public highway and shall be set back 5m from the near edge of the public highway.

REASON

In the interest of highway safety.

8. The stable building and use of the site hereby approved shall be used solely for equestrian purposes for the stabling and grazing of a single horse and for no other purposes whatsoever.

REASON

In the interests of the amenity of the locality and preventing the unauthorised use of the site.

9. There shall be no vehicles parked on the site overnight except for any such vehicle whose sole purpose is for the welfare of the horse kept on this site (i.e. a horse box).

REASON

In the interest of the amenity of the locality and the prevention of unauthorised use.

10. Prior to any occupation of the stable building hereby approved all containers and any other storage provisions shall be fully removed from the site.

REASON

In the interest of the amenity of the locality and preserving the openness of the Green Belt.

11. The stables shall not be used for any commercial riding, livery, breeding or training purposes.

REASON

In the interests of the amenities of the area.

12. No burning of any materials whatsoever shall be permitted. All waste materials are to be removed to suitable and where appropriate licensed disposal sites. Waste materials shall not be permitted to build up on the site so as to cause odour or pest infestations.

REASON

In the interest of the amenity of the area and animal welfare.

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. The granting of Planning Permission does not give the Applicant / Developer consent to carry out works on the Public Highway (verge, footway or carriageway). To gain consent from the Highway Authority, not less than 28 days notice shall be given to the County Highways Area Team – Tel 01926 412515, before any work is carried out, this shall include for materials and skips which are stored within the highway extents. A charge will be made for the carrying out of inspections and the issue of permits.
3. 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.

Applications should be made to the Street Works Manager, Budbrooke Depot, Old Budbrooke Road, Warwick, CV35 7DP. For works lasting ten days or less, notice will be required. For works lasting longer than 10 days, three months notice will be required.

4. Pursuant to Section 149 and 151 of the Highways Act 1980, the Applicant/ developer must take all necessary action to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's/developer's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.
5. Radon is a natural radioactive gas which enters buildings from the ground and can cause lung cancer. If you are buying, building or extending a property you can obtain a Radon Risk Report online from www.ukradon.org if you have a postal address and postcode. This will tell you if the home is in a radon affected area, which you need to know if buying or living in it, and if you need to install radon protective measures, if you are planning to extend it. If you are building a new property then you are unlikely to have a full postal address for it. A report can be obtained from the British Geological Survey at <http://shop.bgs.ac.uk/georeports/>, located using grid references or site plans, which will tell you whether you need to install radon protective measures when building the property.

For further information and advice on radon please contact the Health Protection Agency at www.hpa.org.uk. Also if a property is found to be affected you may wish to contact the North Warwickshire Building Control Partnership on (024) 7637 6328 for further advice on radon protective measures.

6. The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority

7. 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 and issues, and suggesting amendments to improve the quality of the proposal. As such it is considered that the Council has implemented the requirement set out in paragraphs 186 and 187 of the National Planning Policy Framework.

BACKGROUND PAPERS

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

Planning Application No: PAP/2016/0734

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	12/04/2017
2	Paul Rhodes	Report	01/2017
3	Highways Authority	Consultation Response	08/05/2017

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.