

(5) Application No: PAP/2017/0201

7 Oakfield Gardens, Atherstone

Variation of conditions 16 and 17 of planning permission PAP/2016/0012 involving the removal of a footway extension in respect of the erection of two dwellings to the rear of 69 South Street, Atherstone for

Mr and Mrs Jenkins

Introduction

This application is reported to the Board in light of its previous interest in the application and its subsequent site visit.

Additionally the recommendation set out below is contrary to the advice of the Highway Authority.

Background

Members will recall the previous application PAP/2016/0012 which proposed two new houses in a garden off Oakfield Gardens in Atherstone. Planning permission was granted following a Board site visit. Members will recall that the main issues involved the protected trees within the garden; the widening and extension of an existing access off the Oakfield Gardens cul-de-sac into the site and a proposed footway extension along this new access, potentially impacting on an existing land owner's amenity and land ownership.

The planning permission contained two conditions dealing with this footway extension – the completion of the works prior to occupation and ensuring open visibility splays across the new access.

For convenience the previous report is at Appendix A and the approved plan is at Appendix B.

A photograph of the present position is at Appendix C and this illustrates the extended footpath.

The Proposals

It is proposed to undertake the 2016 permission without compliance with condition 16 – the provision of the footway extension. It is also proposed to reword condition 17 to accommodate this change whilst still recognising that visibility is required.

The applicant argues that the access presently serves just one dwelling and that the current cul-de-sac only has a limited number of houses. As such it is questioned whether this is a proportionate requirement – a 6.5 metre long extension- when there would be little in the way of increased pedestrian movement or indeed vehicular movement. It also is argued that the provision of this footway would adversely impact on the residential amenity of the adjoining house.

Representations

The owner of the adjoining property supports the application – see Appendix D.

Atherstone Town Council – No comments

Consultations

Warwickshire County Council as Highway Authority – It originally requested the footpath extension in order to reduce the risk to pedestrians using the access to gain ingress and egress to the new houses. It has not yet responded but it is anticipated that in light of its previous request there will be an objection.

Development Plan

The Core Strategy 2014 – NW10 (Development Considerations)

Other Material Planning Considerations

The National Planning Policy Framework 2014

Observations

Members debated the access issue here at the time of the previous application. The site visit also enabled the position to be seen on the ground and for the amenity issue to be better understood.

There is some sympathy here with the arguments put forward by the applicant. The scheme is for just two dwellings. Whilst this would be the only pedestrian access, the increased traffic generation would be small. Additionally those using the access would be aware of its characteristics. The risk to pedestrians using that access is thus considered to be small. It can be mitigated too by the re-wording of the other condition so as to maintain visibility. There is also the benefit, albeit small, to the residential amenity of the adjoining house.

The County Council is anticipated to maintain its position and this will be reported to the Board at the meeting. Its advice was that the risk to pedestrian safety should and could be lessened with the footway extension.

Members therefore have to make a balanced judgement here and it is thus significant that they have already visited the site and studied the detail of the existing arrangements. On balance and in the circumstances of this particular case it is considered that the balance lies with the applicant.

Recommendation

That the planning permission PAP/2016/0012 dated 8/11/16 may continue without compliance with condition 16 and condition 17 be varied to accommodate this change.

BACKGROUND PAPERS

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

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Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	24/4/2017
2	Atherstone Town Council	Representation	19/5/17
3	Mr and Mrs Bostock	Representation	15/5/17

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.

(3) Application No: PAP/2016/0012

7 Oakfield Gardens, Atherstone, Warwickshire, CV9 1SA

Outline application for erection of two dwellings - to rear of 69 South Street and 7 Oakfield Gardens, access from Oakfield Gardens, for

Mr & Mrs N Jenkins

Introduction

This application was referred to the last meeting but determination was deferred in order to enable Members to visit the site. A verbal report about that visit will be given at the meeting. The previous report is attached for convenience at Appendix A.

There is no further update for Members apart from recommending that in the event of an approval an additional condition be added requiring details of water supply and fire hydrants to be approved prior to commencement as recommended by the Fire Services Authority.

That the recommendation in Appendix A be agreed subject to the addition of a standard condition requiring that details of water supply and fire hydrants for fire-fighting be submitted to and approved prior to construction.

Application No: PAP/2016/0012

7 Oakfield Gardens, Atherstone, Warwickshire, CV9 1SA

Outline application for erection of two dwellings - to rear of 69 South Street and 7 Oakfield Gardens with access from Oakfield Gardens, for

Mr & Mrs N Jenkins

Introduction

The application is reported to Board at the request of the Local Member concerned about the impact of the development on the area.

The Site

The site is located within the development boundary for Atherstone and is sited partially within the Conservation Area. It comprises a large house known as Mancetter Cottage and the modern bungalow at 7 Oakfield Gardens. The whole of the site is covered by an Area Tree Preservation Order. The context of the site is illustrated below and at Appendix A.



The Proposal

This is an outline application for the erection of two dwellings to the rear of 69 South Street and 7 Oakfield Gardens. Access would be from Oakfield Gardens. The development area comprises residential garden land and is a mature landscape.

Background

The site comprises a large extensive garden on the south side of South Street. It contains a number of mature trees including two cedars. The trees are protected by a blanket Order. Past applications at this site have been for the modern bungalow which gained planning permission in 1987 and extensions to Mancetter Cottage. This is not a listed building but it is of local merit. The application site is well set back both from South Street and Oakfield Gardens.

The site was part of a small park which formed the extensive gardens of Oakfield which was built around 1862 but demolished in 1995 to make way of the development of detached houses along Oakfield Gardens. The owner of Oakfield was a tree enthusiast who nurtured and protected the many mature and interesting parkland trees.

Development Plan

The Core Strategy 2014 - Policies 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), NW14 (Historic Environment), NW15 (Nature Conservation) and NW22 (Infrastructure)

Saved Policies of the North Warwickshire Local Plan 2006 - ENV4 (Trees); ENV8 (Water Resources), ENV10 (Energy Generation and Energy Conservation), ENV12 (Urban Design), ENV13 (Building Design), ENV14 (Access Design), ENV15 (Heritage Conservation), TPT1 (Transport Considerations in New Development) and TPT6 (Vehicle Parking)

Other Relevant Material Considerations

The National Planning Policy Framework 2012 – (the "NPPF")
The National Planning Practice Guidance 2014 – (the "NPPG")

Consultations

County Forestry Officer - He has inspected all of the trees and offers no objection subject to conditions.

Warwickshire Fire and Rescue Service – No objection as there is sufficient water supply in the area.

Warwickshire Museum – No objection

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

Representations

Atherstone Town Council – No objection in principle

Atherstone Civic Society – It is of the utmost importance that these trees will not be endangered by the proposed development. We have read the Arboricultural Report and are pleased to see that only poor specimen and dead trees are to be removed and that the large trees such as the cedar, cypress and firs, which are so important to the character of the area will be protected. For this reason we have no objection to the proposal for two new dwellings, as long as development does not impact on the trees. Although robust protection during development is proposed, accidents can happen and we would suggest that, if approved, the Council's Tree Officer monitors the development as often as possible. We noticed from the Arboriculture Report that there is a future intention to demolish 7 Oakfield Gardens and to replace the bungalow and garage with three dwellings. This architect-designed dwelling is only twenty years old and was designed around the garden and to offer views of the trees from its

expansive windows and patio doors. The safety and longevity of the trees was of prime importance in the development. Also of importance was the fact that it was a single-storey building which had a minimal impact on views of the trees.

We would be especially concerned that any re-development of 7 Oakfield Gardens would endanger the most important trees, including the cedar which is the central focus of the garden. This would not only be through the possibility of root damage, but also because the occupants of the new houses might find the trees a nuisance and seek ways to get them removed. We are very conscious that when the Oakfield Gardens development was completed protected trees were subsequently lost. One of these was a very beautiful silver maple which stood behind the wall at the corner of Margaret Road and South Street. It had been planted by the previous owner of the site and for many years delighted passers-by with its colourful foliage. Fortunately another of this species still exists on the proposed development site. For these reasons, and the fact that it is unsustainable to demolish a relatively new and serviceable dwelling, we would object to any future proposal for the demolition of the bungalow. Apart from this, there is the issue of car parking in Oakfield Gardens and Margaret Road, which needs to be resolved; caused by the taking and fetching of children from the nearby primary school.

Representations of objections received from neighbours at Oakfield Gardens, South Street, Charlotte Way and Greendale Road on the following matters:

Trees:

- Access drive is encroaching upon trees with TPO'S on them.
- This is a tree preservation area and should be maintained, the removal of trees to accommodate two extra dwellings is not acceptable.
- The proposed change to the site of the northern most dwelling means it encroaches upon the roots of existing trees (22 and 23). Any building could not be undertaken without removal of tree 23. Tree 15 far from being dead is in fine health and shows no sign of disease.
- The widening of the road cannot be done with a no-dig system as this will require the removal of a raised bank to create a level road. Root damage is therefore going to happen. A minimum dig must be required along with a minimum ground cover so that these systems work.
- The impact on wildlife and the environment with several trees being removed. More trees will need to be removed than identified on the plans.
- There are several species of wildlife at the site and the removal of trees will affect bird nesting season.
- A row of conifers and trees that screens us from the proposed development site and cannot really make out what trees would be coming down and what are staying.
- Concerned with the change in landscape there is a considerable slope any changes would require thought to prevent the movement of my property.
- Flimsy protection measures to RPA's in the face of heavy construction equipment.
- Plethora of birds and wildlife at all times of the year which live and frequent the area. They will be disrupted by development.

Highways/traffic:

- Oakfield Gardens is already busy and any further increase in traffic will compound this. The proposed entry point will increase traffic during and beyond any construction and put at risk road and pedestrian safety, there will again be further congestion in Oakfield Gardens
- The proximity to a school remains a serious safety consideration at the Oakfield/Margaret Road junction, worse particular at school times. To escalate this problem with extra volume is not acceptable. Traffic generation in the area which will cause accidents especially during school drop-off and pick-up times.
- The existing driveway is not in any way suitable for any heavy construction traffic. Construction delivery vehicles, workers and residents will add to road safety issues, within the last 3 years accidents have occurred in South Street.
- On street parking is overloaded as residents from other nearby roads use this road for additional parking, making access for local resident cars difficult, Oakfield gardens should be a private road. Why can't the site access be via Charlotte Way which is a much wider, quieter road with better access and more than enough room and parking available.
- The access drive shows a turning circle for a small van. This is not suitable for fire engines or refuse vehicles which require a much bigger area to turn. Minimum Building Regulation standards are not being met with dwellings not within a 45m hose length distance of a parked fire appliance and that residents should not have to carry refuse more than 30m to bin collection points.
- We cannot see the logic if Highways believe a footpath outside No 6 will resolve road safety issues created by school parking. The problem is at the school itself in that no drop off/parking is provided. A small length of footpath will not resolve this. The footpath will just become an extended parking area - as the recent tarmacking of grass verges in Margaret Road proves. Any footpath will mean it is more likely cars will park in front of the access drive and make the parking and access situation worse than currently exists.
- Highways safety and tree protection are being compromised by this development and it has no benefit to anyone other than the applicant.
- Any construction traffic coming in and out would have difficulty in manoeuvring to clear parked cars. Any attempt for construction vehicles parking in the highways would block the vehicular entrance to resident and visitors. Currently all car entering the close reverse into the residential part of Oakfield Gardens to turn around. There is also a visibility issue with a blind bend past 7 Oakfield Gardens, visibility onto Margaret road is also poor.

Land ownership:

- Some of the land shown for widening adjacent No 6 may not be in the applicant's ownership. This may belong to No 6 and as such no planning permission should be given until this situation is legally resolved to our satisfaction. The applicant has not contacted us to verify this and as such may be seeking planning permission on land they do not own or where they have any entitlement to carry out work.
- Deed plans for all parties should be thoroughly checked and boundaries/maintenance obligations investigated and agreed. No planning permission should be given until this situation is resolved to all parties

- It is noted that Highways believe land, currently maintained by and forming part of No 6's front garden, can be turned into a footpath. No 6 would dispute this as our deeds clearly show that we are responsible for maintaining a grassed highway verge that contains services. This verge is not a footpath it is a grassed service strip. We would need, prior to any planning consent, for Highways and the applicant to prove that the grassed verge can legally become a footpath. I believe similar issues affect No 8. Surely any application cannot be granted before any ownership has been qualified or indeed change of usage secured.
- Boundary upheaval between side of No. 8 and existing entrance to No. 7, road widening will encroach on No. 8 Oakfield Gardens.

Design and Heritage

- Loss of a garden associated with the Town's Heritage. The garden should be protected against development. We understand that some of the proposed site is also in a designated conservation area which we presume would prohibit any development.
- The underlying theme is for 5 houses and not 2. Five houses mentioned in tree report.
- The need for the footprint of the proposed development on half of Mancetter Cottage's rear garden to be moved further south, ideally so that it is sited outside of the Conservation Area.
- There is no need, requirement or room for further housing development on this site or in this area, when there are already large scale housing developments on the outskirts of such a small town with more than enough housing.
- keep the short supply bungalow with its garden, stop developing gardens. There is already more than enough new housing already been built on the outskirts of town some 600 plus houses
- It is requested that conditions are applied for the construction phase to prohibit the burning of residues, to control working hours and protect the trees, brick and stone walls on-site and for the detailed application phase to allow consultation on the details of the two proposed dwellings i.e. layouts, massing and appearance.

Amenity

The removal of the hedge to allow the drive to be widened removes essential privacy for 6 Oakfield Gardens which is not acceptable.

- Increased traffic affecting 6, 7 and 8 Oakfield Gardens with regards noise and headlights in rear windows. This results in loss of enjoyment of rear gardens.
- safety issues of our children playing out with additional cars manoeuvring, noise pollution, days and hrs of work? will this be 9-5 through the week or will weekends be involved?
- If the footpath is installed this means persons can stand much closer to the front window of No 6 and reduce essential privacy. Why should No 6 suffer this just because of a planning application.

Observations

The sites lie within the Development Boundary for Atherstone where the principle of residential development is acceptable. However the site also lies within the Conservation Area and within an area covered by a blanket TPO. The host dwelling at the site being Mancetter Cottage is a key non-listed building. Therefore there are a number of issues to consider here.

a) Policy Context

The North Warwickshire Core Strategy (adopted in October 2014) seeks to allow development to take place in a dispersed, but controlled pattern throughout the Borough. Future development will take place in accordance to the size of the settlement taken with its range of services and facilities. This will mean that the majority of development will take place in the larger settlements. As Atherstone is a sustainable settlement then the principle of housing would be accepted. Policy NW5 advises that a minimum of 600 homes are sought in Atherstone and Mancetter. Albeit a small contribution, the proposal would provide two dwellings towards this number. In terms of policy NW6 and affordable housing requirements then the site does not achieve the threshold to provide affordable housing. The site is wholly within a sustainable location and would meet the sustainability requirements of the NPPF.

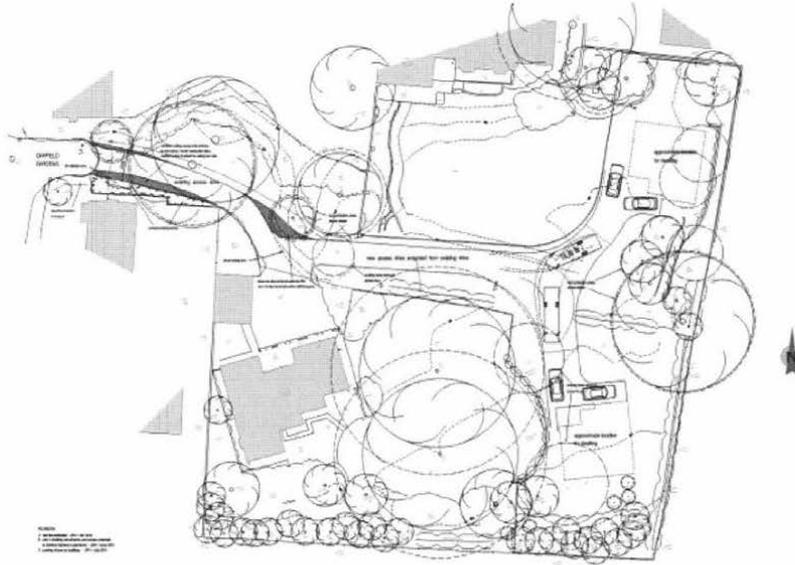
b) Layout, Design and Scale

The outline application seeks the principle of development and not the design and scale at present as this would be assessed under a future application for reserved matters. It is considered that either two storey dwellings could be achieved here with a scale similar to those at Oakfield gardens and Charlotte Way, or a smaller scale design akin to the host bungalow at 7 Oakfield Gardens.

Given the constraints posed by protected trees then this proposal is for a limited scheme. This enables Mancetter Cottage to retain a large area of garden. It would not be possible to fit any more than one or two houses on this site and therefore the demolition of the existing modern bungalow at 7 Oakfield Gardens for replacement with 3 dwellings would not be possible as it would impact on the trees. There are factual errors in the arboriculture report which makes reference to 5 homes but this could not be achieved on the site without harm to trees. The location of plots has been selected due to minimal impact on neighbours surrounding the site and with good separation distances from the host dwellings at Mancetter Cottage and 7 Oakfield Gardens. It is considered that the layout of the properties is in keeping with the general low density of the area and through retaining vegetation around and within the site, new housing would blend into its surroundings.

This is an outline application for residential development with the details of access to be approved at this stage. The matters of layout, appearance, scale and landscaping are all to be matters reserved for later approval. Notwithstanding this, the applicant has submitted an indicative layout plan which shows the provision of two detached dwellings accessed from a cul-de-sac.

The indicative layout and access arrangements are shown in the plan below. The illustrative layout shows the retention of the large majority of the on-site trees.



The photographs at Appendix B illustrate the position of the existing access drive off Oakfield Gardens where neighbours have logged concerns and show the existing condition of the application site.

c) Effect on the Conservation Area

The application site forms part of land within the Conservation Area boundary. The significance of the Conservation Area merits protection and when considering the impact of a proposed development on the significance of a designated heritage asset, weight should be given to the asset's conservation. The location of the Conservation Area boundary is shown at Appendix C.

The significance of the Conservation Area is that South Street has a rustic character in the vicinity of Mancetter Cottage, the Orchard and Orchard Cottages. The contribution of the grounds and gardens of villas and other buildings to the rural quality of the street at this point is as important. The gardens in this area contain some specimen trees including the two Cedars. Mature trees in gardens make an important contribution to the character of the area and the majority of trees would be retained by the development. A key building in the Conservation Area is Mancetter Cottage which is a Mid-Victorian villa in a cottage style and substantially extended which has detracted from its interest and is not therefore listed. There are no listed buildings within proximity of the site.

A percentage of the site falls within the Atherstone Conservation Area and the rest immediately adjoins the Conservation Area. The Conservation Area extension was created to control development specifically along South Street. The proposal will lose some of the open character of the large attractive dwelling and its setting being the large garden. In the area there has been a significant loss through the removal of Oakfield House and its garden for the Oakfield Gardens development, similarly at The Orchard for the Charlotte Way development.

The potential impact on and loss of open character could result from development, though a large proportion of the garden would remain intact to Mancetter Cottage and to 7 Oakfield Garden. Detailed design solutions, including illustrative plans of the proposal must be of a high quality to outweigh any harm in order to positively improve the character, appearance and environmental quality of the area and to conserve and enhance the historic environment. The local distinctiveness of the settlement must be preserved and hence additional landscaping and careful design would be necessary at reserved matters stage.

The eastern, southern and western boundaries to the site are landscaped with mature hedgerows and trees. The site is not visible from the main views of the Conservation Area which is defined by the rustic character of South Street. Mancetter Cottage benefits from a large front garden and the rear garden is screened from the street scene. There are only glimpses of the site from neighbouring houses and at the access drive off Oakfield Gardens.

It is proposed to retain the mature trees and hedgerows which separate the host dwelling and the Conservation Area from the proposed dwellings. Furthermore, the host dwelling will retain a large area as curtilage (edged blue above). The presence of the mature trees means that the line of sight between the Conservation Area and the proposed dwellings is obscured - therefore the intervening landscape will be retained. The new built form shown on the illustrative plan would be 14 metres distance from Mancetter Cottage and the southern dwelling would be a 47 metre distance. These separation distances with intervening landscaping would be considered significant to outweigh harm on Mancetter Cottage.

The Planning Archaeologist at Warwickshire Museum acknowledges that assessment has identified a low potential for below-ground archaeological remains dating to the medieval and post-medieval periods. The potential for prehistoric and Roman features is considered likely to be low. Any remains surviving on site are likely to be of no more than local significance. Furthermore, the evidence for quarrying and the subsequent landscaping for gardens in the early 19th century will have truncated any earlier

archaeological features. The construction of the houses with associated service runs and access, may have a negative impact on below-ground archaeological remains, although they are likely to be of no more than local significance and possibly damaged by earlier activity. It is concluded by archaeology that the construction of the proposed development is unlikely to impact on any significant archaeological deposits. Therefore there is no objection from Warwickshire Museum.

In conclusion, though the development is proposed in an historic part of Atherstone, analysis of its impact suggests that the scale of the proposed development would not be considered to cause significant harm to any designated heritage asset or its setting.

d) Trees

The revised scheme shows the removal of two trees to the northern plot. This follows the updated tree report from the County's forestry officer which excluded these trees from the TPO. On the re-survey only a birch tree would potentially be removed for the southern plot. No other trees would be compromised on the re-survey, though the works to the driveway could prejudice the sweet chestnut tree and therefore a robust investigation is required before a no dig solution is carried out such as trial holes to assess the depth of the roots, the methodology of the no dig and installation of a cell-web system would be required by condition.

The Country Forestry Officer agrees that the trees to remain will be protected and all the new buildings are of sufficient distance away from the trees to allow any further growth. The re-survey of the trees to be afforded with continued protection is illustrated at Appendix D. The County Forestry Officer has recommended conditions requiring a Tree replacement strategy in the form of landscape plans and replacement planting.

With regards to ecology then the site contains no statutory nature conservation designations. It is acknowledged that the application could result in some detriment to biodiversity, however, the most significant features important to biodiversity, is the tree cover. The majority of trees as per the re-survey can remain clear of the developable area. Conditions can require the submission of:

- A scheme for the retention, protection and enhancement of hedgerow and mature trees.
- A scheme for the compensation of biodiversity loss which achieves no net loss of biodiversity.
- A Scheme for external lighting which is designed as to minimise the effect on bats and provision that site works are limited to trees and hedgerows outside of the bird breeding season. On balance the scheme utilises the part of the site with lowest ecological value being the areas laid to lawn and allotment space. With enhancement of existing features the site is capable of accommodating the development.

e) Highways

Initially the application proposed no pedestrian link or capacity for an adequate driveway width and the Highway Authority objected to it on the grounds of highway safety. Following revisions to the width of the drive and provision of a footway the Highway Authority now offers no objection, subject to conditions. It is not considered that the additional traffic generated by two new dwellings would constitute a significant hazard to either the free flow of traffic or conflict with existing road users. There would not be a significant impact on the junction of Margaret Road and Oakfield Gardens as there

would be no need for future occupiers of the development to park within the adopted highway.

Representations of objection have referred to the provision of a footway, given it appears to be provided on an area which forms part of the front garden to 6 Oakfield Bungalow. The plan of the neighbour's title deed has been provided, however this shows the proposed footpath being within the curtilage of the public highway and outside of the legal boundary of No. 6. Although the residents of No. 6 may claim to have maintained the grass over this strip of land they could not claim possessory title to it as they could not prove exclusive use. There are also public utilities in this strip being a fire hydrant and stop tap.

The highways stance on provision of a footway is acceptable as it is land within the highway extent. Just because someone has been looking after a strip of land in the highway extent it does not give them possession. The right to maintain a highway through the land remains. If the neighbour wanted it stopping up the land would return to the original owner. The highways Authority could under their powers provide a footway regardless of the application.

The plan of the highway extent below appears to show that there is a service strip maintainable at public expense.



Area of footway required by highways within highway extent

There could be issues gaining permission to construct the proposed development if there is a resistance from the neighbour at No. 6 on forming the footway. This is material to the applicant and will need to be investigated, but it does not affect the planning or highway merits of the proposal. The highway impacts are not such that there would be justification for resisting the application. In any case if the footway were re-instated there would be very little pedestrian usage of the footway only by the future occupiers of the development. This is not a public right of way through the site and so the impact on the usage of the footway would be minimal.

In regards to neighbour's queries with refuse collection, then the distance the occupiers may have to move the bins could exceed guidance, but that is not a highway reason for refusal and the provision of a suitable bin store can be achieved close to the entrance to the site. Details of a bespoke collection point can be reserved by condition.

With regards to the capacity within the site and suitability of emergency vehicles, then the layout of the site is large enough for an ambulance to turn in. With regards to Fire and Rescue then the provision of hydrants within the site for fire-fighting purposes would be required, in any case the existing access and drive as far as 7 Oakfield Bungalow has been sufficient for purpose, the length of driveway beyond the existing amounts to an additional 22 metres before the parking spaces.

The development cannot seek to address solutions to the existing parking issues with drop off and pick up times at the Local School. The development would provide parking for the two dwellings on site and construction traffic and deliveries can be conditioned to be made outside of school drop off and pick up times. The development itself does not displace parking provision for residents within Oakfield Gardens itself.

e) Amenity

It is considered that the scheme would not have an impact on neighbouring occupiers in terms of loss of light or loss of privacy, given the separation distances involved between neighbouring properties surrounding the application site.

Though the provision of a footway is likely to impact upon the amenity of No. 6 Oakfield Gardens, given pedestrians would be walking close to the living room area of the existing dwelling. This can cause privacy related issues. However the footway is no nearer to the applicants property than existing dwellings in the Close that are in close proximity to footways. It is likely that this footway would be used in any case only by the occupiers of the development. It does not serve a thoroughfare.

f) Other Matters

The objectors' concerns have been understood, though with limiting conditions it is considered that the nature of the neighbour's concerns can be overcome. Several of the more detailed issues raised can be considered when the subsequent reserved matters application is submitted.

g) Sustainability Considerations and Conclusion

The proposal albeit sited within and adjacent to the Conservation Area achieves development which is commensurate to the size of the surroundings, leaving a large proportion of garden space intact. The site is in a location where there are no public views into the site or from South Street, albeit that there are glimpses through vegetation during winter months. It is considered to be in a location where no harm would be caused to the character of the setting given that landscaping would be retained and enhanced and with the use of appropriate conditions, any other matter of acknowledged importance such as heritage, ecology or highway safety would be controlled. With the absence of objection from statutory consultees and given the site is at a position within Atherstone where it has close, easy access to all of the town facilities, this is a sustainable location. In these circumstances, the application may be supported subject to conditions.

Recommendation

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) scale
- (c) landscaping
- (d) layout

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 plan numbered 9293.01 Rev C received by the Local Planning Authority on 6 July 2015.

REASON

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

5. The development hereby approved shall be limited to no more than 2 dwellings and the developable area shall be no greater than the area shown on the illustrative plan 9293.01 Rev C and shall be limited to that area.

REASON

To accord with the provisions of Policy NW5 of the North Warwickshire Core Strategy October 2014, to ensure that the density of development remains low and to limit the traffic generated by the development to a safe level.

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

REASON

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

7. No development or site works whatsoever shall commence until details of the specification and methodology for installing 'cell-web' has been submitted to and approved in writing by the Local Planning Authority. Prior to installation of cell web and a 'no dig' method, trial holes shall be dug near to the Cedar tree to ascertain root depth to the satisfaction of the Local Planning Authority.

REASON

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

8. No development or site works whatsoever shall commence on site until details of measures for the protection and enhancement of existing trees and hedgerows to be retained have been submitted to and approved in writing by the Local Planning Authority. No development or site works whatsoever shall commence on site until the measures have been implemented in full.

REASON

In the interests of the amenities of the area, to protect the amenity of occupiers of adjacent dwellings and to avoid any harm to the existing landscape and ecology of the site.

9. No development or site works shall commence until a landscaping scheme shall be submitted to the Local Planning Authority for approval. Where replacement tree(s) are planted, the species and size of which shall be agreed in writing by the Local Planning Authority prior to planting.

REASON

In the interests of the amenities of the area, to protect the amenity of occupiers of adjacent dwellings and to avoid any harm to the existing landscape and ecology of the site.

10. The scheme referred to in condition 9 shall be implemented within six calendar months of the date of occupation of the first house 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, to protect the amenity of occupiers of adjacent dwellings and to avoid any harm to the existing landscape and ecology of the site.

11. Prior to the commencement of development the following shall be submitted to and approved by the Local Planning Authority in writing • A scheme for the compensation of biodiversity loss which achieves no net loss of biodiversity. • A Scheme for external lighting which is designed as to minimise the effect on bats. The agreed schemes shall be implemented fully in accordance with the approved detail.

REASON

To accord with the requirements of Policy NW15 of the North Warwickshire Core Strategy (October 2014) and to avoid any harm to the existing biodiversity of the site ahead of reaching an agreed compensation scheme and in the general interest of ensuring no adverse impact on protected species.

12. No work relating to the construction of the development hereby approved, including works of demolition or preparation prior to operations 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 nearby residential property.

13. No development shall commence on site until details of a scheme for the storage (prior to disposal) of refuse, crates and packing cases has been submitted to and approved in writing by the Local Planning Authority. The development shall take not commence until the approved scheme has been fully implemented.

REASON

To ensure that waste collection is satisfactory in the interests of the amenities of the area.

14. Development shall not commence until the existing access and drive have been altered in accordance with drawing number 15/113 03C, including alterations to the existing dropped kerb verge crossing. No gates shall be located within the access so as to open within 6.0 metres of the near edge of the public highway carriageway.

REASON

In the interests of Highway Safety.

15. No development shall commence until full details of the provision of the access, car parking, manoeuvring and service areas, including surfacing, drainage and levels have been submitted to and approved in writing by the Council. 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, as the case may be. 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. No dwelling shall be occupied until a footway extension from the vehicle access to the site linking to the existing public highway fronting number 6 Oakfield Gardens has been constructed to the satisfaction of the Highway Authority.

REASON

In the interests of Highway Safety.

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

REASON

In the interests of Highway Safety.

18. The development shall not be commenced until a turning area has been provided within the site so as to enable general site traffic and construction vehicles to leave and re-enter the public highway in a forward gear.

REASON

In the interests of Highway Safety.

19. 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.

20. 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) or during periods when children are going to / or being collected from the local school.

REASON

In the interests of Highway Safety.

BACKGROUND PAPERS

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

Planning Application No: PAP/2016/0012

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	8.1.16
2	Atherstone Town Council	Consultation reply	20.1.16
3	WCC Museum	Consultation reply	28.1.16
4	WCC Highways	Consultation reply	5.2.16
5	Atherstone Civic Society	Representation	1.2.16
6	Agent	Archaeological Report	13.1.16
7	Mr and Mrs Griffin	Representation	22.1.16
8	Ms Horton	Representation	25.1.16
9	Mr Madden	Representation	28.1.16
10	Mr Dyson	Representation	28.1.16
11	Ms Shaw	Representation	31.1.16
12	Drs. H. & D Samson	Representation	1.2.16
13	Mr Bostock	Representation	2.2.16
14	Mrs Bostock	Representation	2.2.16
15	Mr Pagett	Representation	3.2.16
16	Case officer to agent	e-mail	26.2.16
17	Agent to case officer	e-mail	2.3.16
18	Case officer to agent	e-mail	3.3.16
19	Case officer to agent	e-mail	4.3.16
20	Agent	e-mail	4.3.16
21	Case officer to agent	e-mail	9.3.16
22	Drs. Samson	Representation	18.3.16
23	Agent	e-mail	21.3.16
24	Case officer to agent	e-mail	21.3.16
25	Case officer to agent	e-mail	30.3.16
26	Case officer to agent	e-mail	31.3.16
27	Agent to	e-mail	1.4.16
28	Case officer to agent	e-mail	6.4.16
29	Ms Benson-Francis	Representation	11.4.16
30	Mr Arundel	Representation	13.4.16
31	WCC Forestry Officer	Consultation reply with survey	11.5.16
32	Case officer to agent	e-mail	11.5.16
33	Case officer to agent	e-mail	2.6.16
34	Agent to	e-mail	10.6.16
35	Case officer to agent	e-mail	10.6.16
36	Ms Benson-Francis	Representation	27.6.16
37	Agent	Revised site layout plan	27.6.16
38	WCC Highways	Consultation reply	29.6.16
39	Mr Bostock	Representation	4.7.16
40	Mr Madden	Representation	5.7.16
41	Mr Pagett	Representation	5.7.16
42	Case officer to agent	e-mail	5.7.16

43	Mr Madden	Representation	7.7.16
44	Drs. Samson	Representation	7.7.16
45	Mr Dyson	Representation	13.7.16
146	Atherstone Civic Society	Consultation reply	4.7.16
47	NWBC EHO	Consultation reply	14.7.16
48	Case officer to agent	e-mail	14.7.16
49	Agent	Revised site layout plan	18.7.16
50	Case officer to agent	e-mail	19.7.16
51	Atherstone Town Council	Consultation reply	21.7.16
52	WCC Highways	Consultation reply	19.7.16
53	WCC Highways	Consultation reply	1.8.16
54	Agent	e-mail	1.8.16
55	WCC Highways	Consultation reply	2.8.16
56	Agent	Revised plan	18.8.16
57	WCC Forestry Officer	Consultation reply	19.8.16
58	Case officer to agent	e-mail	19.8.16
59	Agent to Case Officer	e-mail	19.8.16
60	Case officer to agent	e-mail	22.8.16
61	Agent	Supporting information/ cert B	23.8.16
62	Case officer to agent	e-mail	26.8.16
63	Mr Bostock	Representation	5.9.16
64	Atherstone Civic Society	Consultation reply	5.9.16
65	Atherstone Town Council	Consultation reply	5.9.16
66	Mr Dyson	Representation	7.9.16
67	Case officer to agent	e-mail	22.9.16
68	Atherstone Town Council	Consultation reply	22.9.16
69	Agent to Case Officer	e-mail	23.9.16
70	Case officer to agent	e-mail	26.9.16
71	Agent to Case Officer	e-mail	26.9.16
72	WCC Highways	Consultation reply	27.9.16
73	WCC Fire and Rescue	Consultation reply	27.9.16
74	Case officer to agent	e-mail	27.9.16
75	Agent to Case Officer	e-mail	27.9.16
76	NWBC Streetscape	Consultation reply	28.9.16
77			
78			
79			

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.

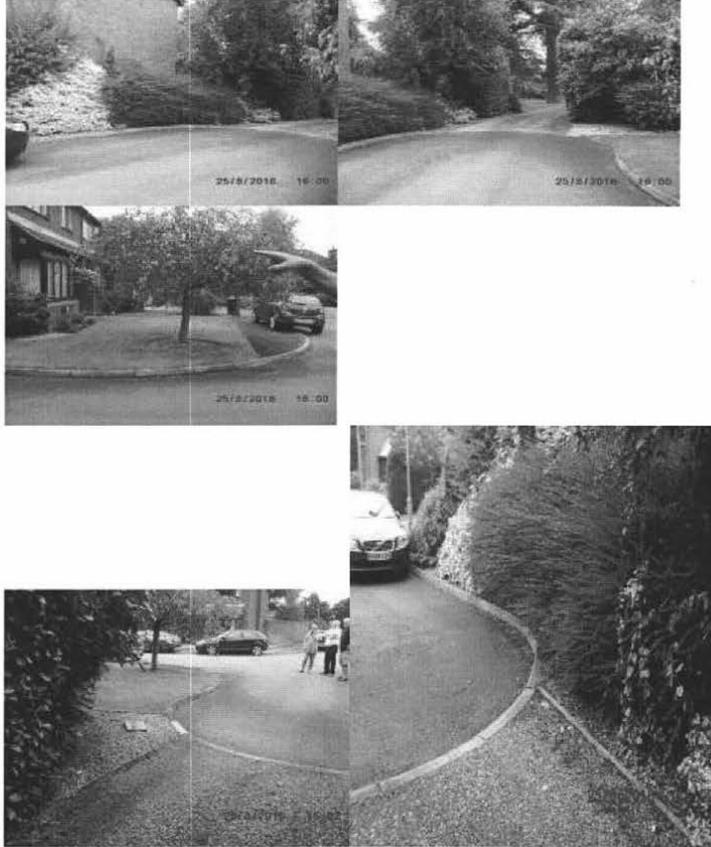
A background paper will include any item which the Planning Officer has relied upon in preparing the report and formulating his recommendation. This may include correspondence, reports and documents such as Environmental Impact Assessments or Traffic Impact Assessments.

Appendix A



Appendix B:

The photographs below illustrate the position of the existing access drive off Oakfield Gardens where neighbours have logged concerns.



The photographs below also illustrate the part of the site that would be developed for housing. It is a garden laid to lawn beyond Mancetter Cottage and contains a number of trees. It is surrounded by established hedgerow. The garden to Oakfield bungalow is an allotment space.



View of Mancetter Cottage and gardens. One dwelling to be located south east of Mancetter Cottage



View of the existing subdividing hedgerow between Mancetter Cottage and 7 Oakfield Bungalow, the extension to the driveway would be provided along this boundary.



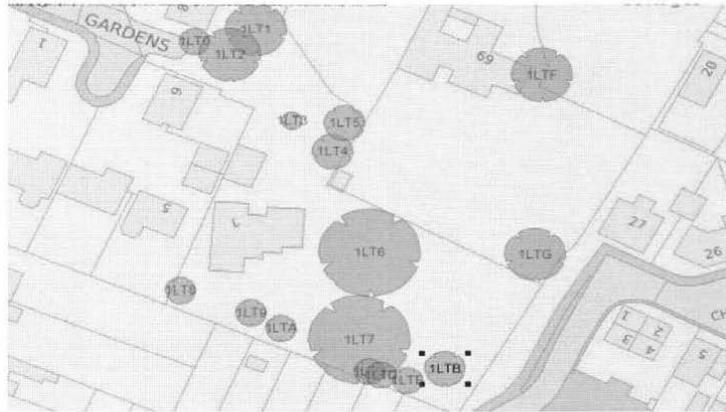
Allotment space earmarked for dwelling within the garden of 7 Oakfield Gardens

Appendix C:

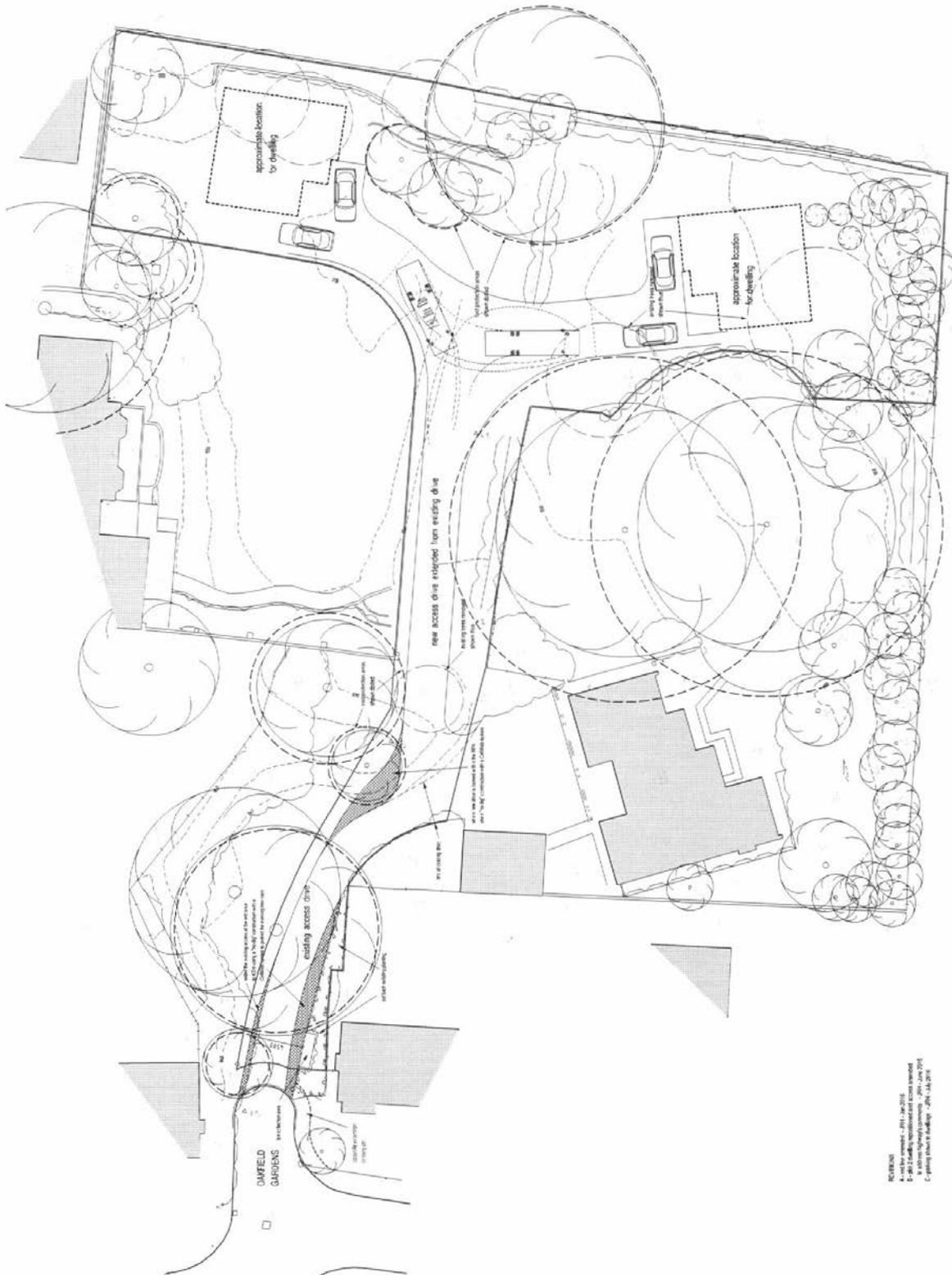


Edge of 7 Oakfield Bungalow garden with Conservation Area Boundary at Mancetter Cottage garden.

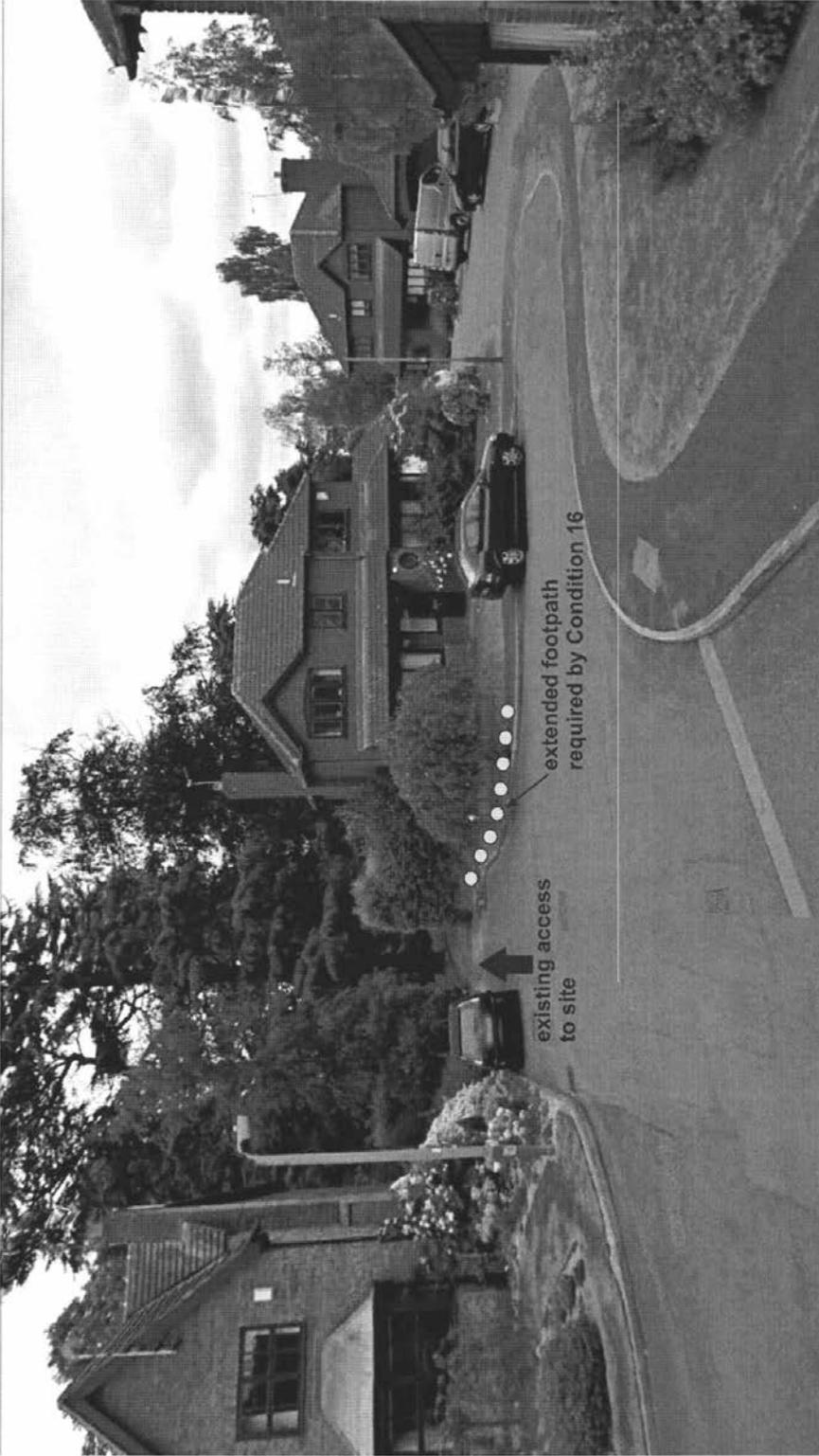
Appendix D: Re-survey of the trees



ID	Age	Condition	StemDiameter	Spread	Height	Species
1LT0		Good		04 - 06m	00 - 04m	Betula pendula
1LT1		Good	65 - 75cm	10 - 12m	16 - 18m	Cedrus atlantica
1LT2		Good	65 - 75cm	10 - 12m	16 - 18m	Cedrus atlantica
1LT3		Good		02 - 04m	00 - 04m	Castanea sativa
1LT4		Good	45 - 55cm	06 - 08m	12 - 14m	Tilia sp.
1LT5		Good	45 - 55cm	06 - 08m	12 - 14m	Tilia sp.
1LT6		Good	65 - 75cm	18 - 20m	16 - 18m	Cedrus libani
1LT7		Good	65 - 75cm	18 - 20m	16 - 18m	Cedrus libani
1LT8				04 - 06m	04 - 06m	Betula pendula
1LT9	Early mature	Good	25 - 35cm	04 - 06m	04 - 06m	Betula pendula
1LTA	Early mature	Reasonable	25 - 35cm	04 - 06m	04 - 06m	Betula pendula
1LTB		Good	55 - 65cm	06 - 08m	14 - 16m	Acer saccharinum
1LTC	Early mature	Reasonable	25 - 35cm	04 - 06m	04 - 06m	Betula pendula
1LTD	Lee Garner	Early mature	Good	25 - 35cm	04 - 06m	Betula pendula
1LTE	Lee Garner	Early mature	Good	04 - 06m	04 - 06m	Betula pendula
1LTF	Lee Garner	Good	65 - 75cm	10 - 12m	16 - 18m	Pinus nigra
1LTG	Lee Garner	Good	65 - 75cm	10 - 12m	16 - 18m	Pinus nigra



PAP/2017/0201



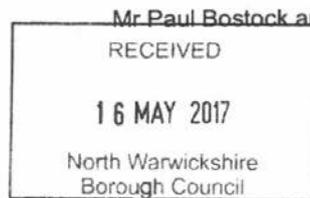
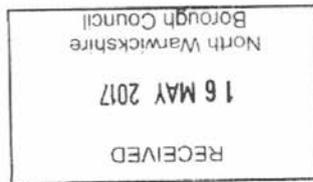
view along Oakfield Gardens towards site entrance

NORTH WARWICKSHIRE
BOROUGH COUNCIL

RECEIVED

24/04/2017

PLANNING & DEVELOPMENT
DIVISION



Mr Paul Bostock and Mrs Sharon Bostock
6 Oakfield Gardens
Atherstone
CV9 1SA

Date: 15th May 2017

For the attention of: Fiona Wallace

Planning application PAP/2017/0201 at 7 Oakfield Gardens Atherstone

With regards to your letter dated 27th April 2017 following the applicants request for the removal of Condition 16 and the amendment of Condition 17 related to planning permission PAP/2016/0012 I would confirm that we are fully supportive of this.

Specifically we would comment as follows to support the approval of this application:

Condition 16 – Footway extension

1. The Highway Authority's request for the footpath is not proportionate for the proposed development.

The Highway Authority's response dated 02 August 2016 considers that vehicle movements in Oakfield Gardens are light however during school drop off times it is considered well used.

School parking issues are totally separate and will occur whether the two dwellings are built or not. Highways should not use the school issue to impose Condition 16. If Highways consider the need to resolve the school parking issues this should be done as part of an overall approach, working with residents and the school, and not on the back of a planning application for two dwellings that in their own opinion would cause no highway problems.

It is not fair or reasonable that No 6 should suffer the footpath because of the school issue which is totally unrelated to the planning application.

2. Within Oakfield Gardens only 4 of the existing 14 properties have direct access to a footpath. This includes the existing property at 7 Oakfield Gardens. There have been no highway issues due to the lack of a footpath to these properties. It makes no sense to require a footpath for the additional two properties given the lack of pedestrian highway incidents at Oakfield Gardens.

3. The proposed footpath would not be used by the occupiers of the new dwellings. Most people would simply walk straight across the road to the nearest footpath that gives them access to Margaret Road. Pedestrians are unlikely to walk around the southern leg of the turning circle as this would take them away from the route to Margaret Road

The footpath therefore offers no highway safety benefit as it won't be used.

4. The area referred to in the highway extent and land registry boundaries, being a grassed service strip, has always been considered as part of No 6 garden.

No 6 have maintained the area in accordance with our legal deed obligations and this should be respected and remain as a grassed area and part of No 6 garden.

5. The footpath substantially reduces privacy that the grassed service strip provides to our property. The footpath would allow pedestrians to stand within 2m of our front window and is clearly detrimental to the existing privacy we enjoy

The Planning Authority's own report states that the footpath is likely to impact on the amenity of No 6. The report only refers to its use by the occupiers of the new dwellings however should the footpath be in place the most likely users are those associated with the school drop off. This footpath will simply become a further area for cars to park with associated privacy and trespass issues as persons would not be able to get in and out of their car without using our front garden. This is a serious detriment to No 6.

The removal of the condition maintains our existing privacy and means that the application is not detrimental to No 6 amenities.

The Planning Authority should be working to achieve developments that are not detrimental to neighbours. The removal of Condition 16 would meet this aim.

6. There is a strong legal argument to show that the footpath cannot be constructed which means that Condition 16 cannot be complied with and as such the planning approval cannot be implemented.

The Highway Authority, in the 2nd August 2016 response, refer to the highway extent and land registry boundaries. Whilst No 6 do not dispute the boundaries we do have issues with the assumption that this entitles Highways to construct or insist upon a footpath.

Our deeds clearly show that this area is a grassed service strip to be maintained by No 6. There is no reference to this area being anything other than a grassed service strip or that it may become a footpath in the future.

Highways also state that 'the footpath extension appears possible' which in itself implies doubt as to whether it can be constructed. Our deeds clearly show that Highways only have a right of access to the grassed service strip and nothing else.

The removal of the condition takes the unnecessary legal, financial and stress implications away from No 6.

7. Any footpath, if proven to be legally possible, could not be used due to the spread and height of the tree. The tree is located on land owned by No 6 and in compliance with our deeds. No 6 cannot be made to remove/alter the tree to accommodate the footpath.

Condition 17 – No structure.... within 2.4m of the near edge of the public highway carriageway

1. There is a strong legal argument to show that the 2.4m zone cannot be implemented which means that Condition 17 cannot be complied with and as such the planning approval cannot be implemented.

These include:

i) Part of the 2.4m zone is outside of the red lined area shown for which the planning conditions apply to.

Conditions cannot be imposed on land outside of the application where certificates of ownership have not been served. No certificates were served on No 6 when PAP/2016/0012 was considered and the conditions imposed. These certificates cannot be retrospectively served after the planning decision was made.

ii) Part of the 2.4m zone is not in the ownership of either Highways or the applicant and therefore they have no rights to impose a 2.4m zone

This is land owned by No 6. Our legal deeds show only a 1.7m grassed service strip. Planning conditions cannot alter legally binding deeds.

iii) The existing tree, located on land owned by No 6, is in compliance with our deeds. No 6 cannot be made to remove/alter the tree to accommodate the 2.4m zone.

To summarise the proposed reduction of the zone to 1.7m from the kerb line would remove the stated legal issues and thus match the deeds of No 6

We would however mention that the 1.7m grassed service strip, with the limitations on structures etc within this zone, is already provided for within the deeds of No 6. It therefore makes more sense to remove the condition entirely as it is an unnecessary duplication.

In addition legal issues, and associated costs, that would need to be resolved before any footpath or zone conditions can be implemented should not be imposed on No 6. Statutory Bodies should not impose conditions where there is any legal uncertainty about their validity/implementation.

We hope that the above comments are fully considered and that the application is successful. The applicants request to remove Condition 16 and amend Condition 17, although we would prefer that both conditions are removed, should be supported by the Planning Authority

✓ We would be grateful if receipt of this letter can be acknowledged, be provided with a copy of any Highway comments made after 2nd August 2016 and also be notified if this application is to be reported to Board so that we may speak at the meeting.



Paul and Sharon Bostock

(6) Application No: PAP/2017/0257

Land to the north of Tamworth Road (B5000); east of Robey's Lane and west of the M42 Motorway

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, for

Mr Jonathan Collins - Hallam Land Management Ltd

Introduction

Introduction

Members will recall that the applicant gave a presentation to Members at the end of last year outlining the nature of a forthcoming application. That application has now been submitted. This introductory report describes the application in summary and draws attention to the relevant Development Plan policy and other material planning considerations that will need to be taken into account in the determination of the proposed development. A full determination report will be prepared at a later date.

The substantial part of the application site is in North Warwickshire, but a very small element is in the area administered by Tamworth Borough Council. An application has therefore been submitted to that Authority too. Formal consultations on the application have thus also included both the Tamworth and Staffordshire Authorities. Neighbour notifications have been sent to residents in both Boroughs.

Members will recall from the presentation that this current proposal is Phase One of a larger scheme extending to the north-west of the current application site. A second Phase application for potentially up to 800 houses is anticipated to be submitted at the end of the year.

The application is accompanied by a full Environmental Statement including a non-Technical Summary. It is important to note that this Statement has been prepared on the basis of an assessment of the cumulative impacts of both the Phase One and Phase Two proposals. Whilst much of the supporting documentation can be appended to this and subsequent reports, Members are strongly advised to review this information on-line using the planning application search facility and the above reference number.

The Site

This is almost 30 hectares of mainly arable land bounded by the B5000, Robey's Lane and the M42 Motorway to the west of Polesworth and east of the edge of Tamworth. Its northern edge is undefined by any feature but runs from the south-east to the north-west joining up with Alvecote Wood. A site location plan is attached at Appendix A.

The site falls significantly from the south to the north with a level difference of around 21 metres. It also falls from west to east with a 13 metre difference. The site is open in

character being essentially two large fields with boundary hedgerows and scattered mature ash trees predominantly along Robey's Lane.

The B5000 runs along the southern boundary linking Polesworth to Tamworth. Polesworth is around 1.2 km from the site to the east of the Motorway. The residential eastern edge of Tamworth (Stoneydelph) adjoins the far south-west corner of the site.

To the south of the B5000 is the North Warwickshire Sports Club. Immediately to the west of Robey's Lane is the Daytona Go-Karting Club. To the north of this track is the site of the former Tamworth Golf Club which is currently being redeveloped for up to 1100 houses with community facilities including a primary school, a local community centre and open spaces.

The site is around 1.1 km east of the nearest local centre at Stoneydelph which contains a range of local facilities including a retail convenience store, a doctor's surgery, a takeaway and a hall. Polesworth centre with a range of shops and other community facilities is 1.2 km distant to the east. There are two existing primary schools close to the Stoneydelph centre on Pennine Way – Stoneydelph and Three Peaks Primary Schools – which are around 1.4 and 1.6 km respectively from the site. Other primaries in Tamworth are at Amington Heath; Oakhill Primary and Glascote Academy. The nearest primary schools in North Warwickshire are at Birchwood Primary and the Nethersole C of E Academy (1.2km and 1.8 km distant respectively). The closest Secondary Schools are the Landau Forte Academy at Amington and the Polesworth School – both around 2.2 km from the site.

The closest Doctor's surgery is the Stoneydelph Health Centre (1.1km distant) and the closest Dentist is at Stoneydelph (1.2km distant).

Regular bus services use the B5000 linking Tamworth and Polesworth with a stop at the sports ground south of the site. The Tamworth rail station is about 4km away.

The proposed line for the second phase of HS2 runs to the east of the site.

Two aerial photographs are attached at Appendices B and C. The former outlines just the extent of Phase One and the second illustrates the extent of the two phases of proposed development.

The Proposals in Summary

The scope of the application is described in the report header. It is an outline application for up to 500 dwellings with all matters reserved for later approval except that of access.

This is proposed off the B5000 to the south of the site as a single point of access through the construction of a new roundabout. This would be within the site just north of the B5000 and link into Chiltern Road in Stoneydelph. It is shown at Appendix D.

This then provides access into the site. An illustrative Master Plan provides a framework for the proposal – see Appendix E. This shows a residential zone with surrounding green infrastructure around the northern and eastern boundaries. There would be no vehicular access onto Robey's Lane.

The drainage infrastructure is based on sustainable drainage systems involving a series of balancing ponds and basins in the open space to the north. Allotments are proposed within the open space in the south-east corner of the site. A play area is located centrally in the site.

The proposals include a mix of house types - 2 to 5 bedroom housing mainly two storey but with some at two and a half - including an element of affordable units. This is yet to be defined but indications in the documentation suggest a mix of on-site provision and off-site contributions.

The Master Plan shows that the main arterial route running through the site from the B5000 would have the opportunity to extend into the land earmarked for the Phase Two development. Robey's Lane would as part of the Phase Two proposals, then become a walking/cycling route south of where the arterial road would cross it.

Within Phase 2, land would be safeguarded for a new primary school if required. There is also an ambition to connect to the current redevelopment of the former golf course site – see Appendix F.

The applicant has suggested potential terms for a Section 106 Agreement. These include:

- Affordable Housing provision – a combination of on-site starter homes and off-site contributions
- Education – through off-site contributions for North Warwickshire schools if required by the Warwickshire County Council and the safeguarding of land in Phase Two for a new primary school
- Health – An off-site contribution is offered dependent upon the case put forward by the relevant Agencies
- Open Space – The maintenance of all of the open space is to be covered by a Management Company.
- Highways/Traffic – Contributions can be offered dependent upon the case put forward by the relevant agencies.

The Environmental Statement

This is extensive covering a wide range of potential impacts. For the benefit of Members a non-technical summary is attached at Appendix G. This provides an assessment of the likely weight to be attributed to these impacts ranging from “major adverse” to “major beneficial”. The evidence base for these assessments is contained within the Statement itself and its accompanying Appendices. The Statement also includes mitigation measures where appropriate to reduce any residual harm.

It is not proposed to deal with each of the potential areas of impact here. A useful summary is provided at the end on the non-Technical summary (page 12 of Appendix G). It can be seen here that the applicant concludes that overall there will be no significant cumulative effects apart from moderate to minor adverse landscape and visual impacts. The responses from the Statutory Consultations and other technical Agencies will be reported to the Board in due course. They will provide an objective expert analysis of the applicant's own assessments for the benefit of Members when they come to determine the application.

The Planning Case

The applicant has provided a Planning Statement which provides the overall argument of the applicant in promoting the proposal. In short this points out that whilst the proposal does not accord with Policy NW2 of the Core Strategy, this situation has to be balanced against the lack of a five year housing supply. He draws attention to the conclusion of a recent appeal decision in Ansley, saying that paragraph 49 of the NPPF is engaged. This says that in this position, the housing policies of the Core Strategy - NW2, NW4 and NW5 - are therefore out of date and thus paragraph 14 of the NPPF is triggered. This says that the balance is now tilted towards the grant of permission unless there is significant and demonstrable evidence to conclude otherwise. The applicant says that the overall conclusion from the Environmental Statement shows that that evidence is not available. Additionally he has undertaken an assessment of the Meaningful Gap – policy NW19 of the Core Strategy – and his conclusion is that this proposal does not adversely impact on the general principle of maintaining the gap between Tamworth and Polesworth/Dordon. He considers that the recent St Modwen appeal decision supports his assessment. He acknowledges the substance of the draft Local Plan for North Warwickshire as published for consultation last year and that it is based on the best available evidence for housing and employment growth. However he gives it little weight due to it being at a initial stage in its progress towards adoption and because of the lack at present of a five year housing supply. Overall the applicant concludes that the planning assessment lies with the balance being towards approval.

Community Consultation

Members will be aware of the joint presentation in December 2016 to Members from both Tamworth and North Warwickshire Borough Councils. The applicants consider that the key issues arising from that session were: the meaningful gap; traffic and highways impacts, physical connectivity with the current Golf course development and infrastructure capacity.

A Public Exhibition was undertaken later in December in Tamworth and a second such event was held in Polesworth in January. In total 136 people attended these events and 20 feedback sheets were returned. The main comments arising verbally and in written form related to traffic impacts; infrastructure capacity, the gap between Tamworth and Polesworth, the type of housing proposed and the impact on local ecological sites.

The applicant considers that he has addressed these issues through the Environmental Statement; through the scope of the application and in the content of the draft Section 106 Agreement.

Development Plan

The 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), NW14 (Historic Environment), NW15 (Nature Conservation), NW16 (Green Infrastructure), NW19 (Polesworth and Dordon), NW21 (Transport) and NW22 (Infrastructure)

Saved Policies of the North Warwickshire Local Plan 2006 – ENV4 (Trees and Hedgerows); ENV9 (Air Quality), ENV12 (Urban Design), ENV13 (Building Design),

ENV15 (Heritage Conservation), NW16 (Listed Buildings), TPT1 (Transport Assessment) and TPT3 (Sustainable Transport)

Other Material Planning Considerations

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

The National Planning Practice Guidance 2014 - (the “NPPG”)

The NWBC Affordable Housing SPD – 2008

The Affordable Housing Addendum – 2010

The NWBC Green Space Strategy 2008-2018

Strategic Housing Land Availability 2016

Coventry and Warwickshire Strategic Housing Market Assessment 2015

North Warwickshire Level 1 Strategic Flood Risk Assessment 2008 updated in 2013

The North Warwickshire Landscape Character Assessment Appraisal 2010

The Draft North Warwickshire Local Plan 2016

The St Modwen Appeal Decision – Ref: 3136495

The Ansley Appeal Decision – Ref: 3149572

The Supreme Court Judgement of 10 May 2017

Observations

It is clearly premature to venture too far in an analysis of the potential outcome for the determination of this proposal. It is however a substantial application and one that is the first in a likely series of such applications that the Board will have to deal with in forthcoming years. Indeed we know that a second phase is anticipated at the end of this year. It is therefore opportune to outline a number of key considerations which Members will have to take into account in the final planning balance.

a) The Present Position

The proposal is not in accordance with Policies NW2, NW4 and NW5 of the Core Strategy which set out the approach to be taken in respect of housing distribution and supply. In respect of the emerging Local Plan then it is not in accordance with either its housing distribution policy, or the policy on the Meaningful Gap. Paradoxically the prospective Phase 2 development, described above, aligns with both of these policies.

The land immediately to the west - the go kart track – is also proposed to be allocated for residential development. All of this might therefore suggest and point towards a presumption of refusal. However as Members are aware there are significant planning considerations that will pull in the opposite direction and these are outlined below.

b) Housing Numbers and Location

The applicant acknowledges that the proposal does not accord with policy NW2 of the Core Strategy. However as he points out, this is not fatal to the outcome of this application. This is because of the new evidence base on housing growth which is of substantial weight and because of the housing land supply situation in the Borough. Notwithstanding increased delivery on the ground, there is no five year supply against that new objectively agreed evidence base. As such the housing policies of the Core Strategy are out-of-date and the balance is thus tilted away from the Core Strategy and towards the NPPF. This means that there needs to be significant and demonstrable adverse harm, which has to be evidenced, if a refusal is to be considered. Members will thus need to bear in mind this changed background when it considers the determination of the application later in the year.

It is important to note that the five year housing supply may well change during the period between submission of this application and its determination. The recent Ansley appeal decision found a 3.5 year supply as at November 2016, but this has since increased to 4.5 years in May 2017. An up to date position will be set out for Members at the time of determination.

c) The Supreme Court Judgement

Whilst this Judgement reinforced the supremacy of the Development Plan in the determination of planning applications, it shows that if that Plan is out-of-date then the weight to be given to its policies should be less. In this case the Core Strategy policies are presently out of date and thus carry less weight with the balance tilted towards the NPPF as outlined above. Members however will take comfort from the other conclusions of the Judgement in that because the housing policies may be out-of-date, that does not render the whole of the Development Plan as being out-of-date. Hence the Core Strategy policies relating to non-housing supply matters are not out-of-date. Officers would argue that the Meaningful Gap policy – NW19 – is a spatial planning policy relating to all developments and thus it is not out-of-date.

d) The Meaningful Gap

The Meaningful Gap policy is set out in NW19 and that carries full weight as suggested above. The wording of the policy is thus critical. It is this that the Inspector in the St Modwen appeal decision took as the determining factor as to whether that development satisfied the policy or not. It was not the geographic definition of the Gap as portrayed in the draft Local Plan – however well evidenced that was. This is because that Plan was only in the first stage of preparation and thus could only be afforded little weight. This position remains today – Policy NW19 will carry greater weight than the Meaningful Gap policy in the draft Local Plan – LP5. However this balance will alter as the draft Local Plan progresses. The publication of a Pre-Submission draft in the Autumn will carry moderate weight as it follows the recent consultation period and the Council's consideration of all of the representations made in that period. The weight to be given to these matters is thus likely to change as this application moves towards determination.

e) The Draft Local Plan

As indicated in section (a) above, this application is in the Meaningful Gap as set out in the draft Local Plan whereas Phase Two is not. Indeed that phase is on land allocated in that Plan for residential development. Additionally the land to the west of Phase One – the go kart track – is also allocated. There have been just over 2000 representations

made to the draft Local Plan and these are soon to be considered by the Council before publication of a Pre-Submission draft. As a consequence the Council's proposed housing numbers and distribution could alter between now and the time of the determination of this application through a draft Local Plan which will carry greater weight than at present.

f) Traffic and Highways

Members from both Councils and the public are concerned about increased traffic levels arising from the cumulative impact of these proposed developments and those already committed. The Environmental Statement concludes that the impacts arising from the Phase One and Two proposals here would not be "severe" using the definition within the NPPF for the threshold of a potential refusal on highway grounds. However, as explained to Members at the presentation and as again highlighted in the Environmental Statement, there is unfinished work here in that the traffic modelling for Warwickshire is not yet available. The Statement recognises that an Addendum will have to be prepared. Moreover there is also a Strategic Transport Assessment awaited to accompany the draft Local Plan and this may provide additional information. No determination should take place without the completion of this work.

g) Community Facilities

The capacity of existing education and health facilities to accommodate the proposed growth was a further issue raised by Members and the public. The applicant in the Environmental Statement, concludes that there is capacity overall within the existing school network to accommodate new pupils arising from this proposal – both primary and secondary. He also notes that an additional primary is committed on the former golf course site. As such, primary capacity will be further increased. As a precaution however, additional land is to be safeguarded in Phase Two for a further primary should this be required given this background. He does not consider that there is a requirement for increased secondary accommodation but is prepared to consider off-site contributions should they be evidenced.

The applicant concludes that there is sufficient capacity in existing health facilities – indicating some 23 GP surgeries within a five mile radius of the site. However the detail is not evidenced and the conclusion is predicated on the provision of a new GP or Pharmacy as part of the new community centre being planned on the site of the former golf course site.

Members will clearly need to await the responses from the relevant Agencies on these conclusions. Because of the location of the site on the boundary of two Local Authorities, there needs to be a co-ordinated response from these Agencies and joint discussions are continuing.

Conclusion

There is some way to go with this application as the technical impacts are considered and the infrastructure requirements become clearer. There is also some way to go in exploring with the applicant how to best look at this whole area comprehensively and indeed the five year housing supply situation may well alter too. Consultations with neighbouring Authorities are also underway and will continue. At this time therefore Members are asked to note the application. If appropriate, and this seems likely given the situation in respect of traffic matters, progress reports will need to be tabled so that

Members can see how changing circumstances might affect the determination of the application.

Recommendation

That the application be noted at this time and that progress reports are brought to the Board as appropriate.

BACKGROUND PAPERS

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

Planning Application No: PAP/2017/0257

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

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.



APPENDIX F

A Placemaking
The wider masterplan

Masterplanning in the context of draft allocations

- A.1 The masterplanning process for this planning application has been carefully developed so that it has regard to how the draft allocations that border the site could be developed. In particular, this has considered issues such as built form, connectivity, green infrastructure and the relationship with the emerging new development that is being built to the west.
- A.2 A wider illustrative masterplan (shown right) has been prepared to show how the land to the north west of the site (Phase 2) could potentially be designed in terms of housing parcels, streets and greenspace to demonstrate how this would connect with the application proposals as presented by this DAS.
- A.3 A further illustrative masterplan and an artist impression has been produced (see the plan on page 67) to illustrate how the development and all of the allocation could potentially come forward as part in terms of a comprehensive and wider masterplan for land east of Tamworth. This identifies an indicative arrangement of development parcels, streets, walking and cycling routes and greenspace.
- A.4 Masterplanning on the allocated land will be further developed and refined through the technical and environmental work associated with future planning applications.





FREETHS

NON TECHNICAL SUMMARY

OF

ENVIRONMENTAL STATEMENT

ON BEHALF OF HALLAM LAND MANAGEMENT LTD

LAND TO THE NORTH OF TAMWORTH ROAD (B5000), EAST OF ROBEY'S LANE
AND WEST OF THE M42

OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT (UP TO 500 DWELLINGS)
AND ASSOCIATED GREEN INFRASTRUCTURE, SUSTAINABLE DRAINAGE AND
VEHICULAR ACCESS

1. INTRODUCTION

- 1.1. This document is the Non-Technical Summary (“NTS”) of the Environmental Statement (“ES”) for residential and associated development at land to the north of Tamworth Road (B5000), east of Robey’s Lane and west of the M42.
- 1.2. Hallam Land Management Ltd (“HLM”) is seeking outline planning permission for residential development (up to 500 dwellings), together with the provision of green infrastructure encompassing a variety of open space, sustainable drainage infrastructure and vehicular access off Tamworth Road (B5000). This represents Phase 1 of a wider planned development by HLM, with future development as ‘Phase 2’ for approximately 800 dwellings on land to the west of Robey’s Lane as identified in the ES. The ES considers the cumulative impact of this additional phase together with the impacts arising from the consented Tamworth Golf Course development (1100 dwellings).
- 1.3. This NTS sets out the proposed development and provides a summary, in non-technical terms, of the key conclusions of the ES which has been prepared in respect of The Town and Country Planning (Environmental Impact Assessment) Regulations 2011.
- 1.4. The ES covers the following chapters:
 - Chapter 1– Introduction
 - Chapter 2. The Site and its Surroundings
 - Chapter 3. The Proposed Development
 - Chapter 4. Planning Policy Context
 - Chapter 5. Transport
 - Chapter 6. Noise and Vibration
 - Chapter 7. Ecology
 - Chapter 8. Air Quality
 - Chapter 9. Cultural Heritage
 - Chapter 10. Landscape and Visual
 - Chapter 11. Water Environment
 - Chapter 12. Geology and Contamination
 - Chapter 13. Socio-Economic
 - Chapter 14. Cumulative Impacts

- 1.5. For the purposes of this NTS, a brief description of the proposed development is provided and then each of the technical chapters (Chapters 5-14) are summarised. The impacts of the development are described on a consistent basis using the following scale:
- Major Adverse
 - Moderate Adverse
 - Minor Adverse
 - Negligible
 - Minor Beneficial
 - Moderate Beneficial
 - Major Beneficial
- 1.6. Effects evaluated as Negligible or Minor are considered to be manageable and are therefore **'Not Significant'**. Effects assessed as Major are considered to be **'Significant'** with some moderate effects capable of being significant. The significance effect is assessed and expressed as the residual effects of development and therefore accounts for the implementation of mitigation measures.

2. THE PROPOSED DEVELOPMENT

- 2.1. The ES supports an application to North Warwickshire Borough Council for outline planning permission for residential and associated development. The description of development is detailed below:

“Outline application for the construction 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.”

- 2.2. The application seeks outline approval with layout, scale, appearance and landscaping, reserved for further consideration and means of access submitted for detailed approval. The vehicular access is proposed off Tamworth Road (B5000) to the south of the site and the application includes detailed drawings and supporting information to approve the means of access into the site. A single point of access is proposed with a roundabout junction providing access to and from Tamworth Road.
- 2.3. The illustrative masterplan provides a framework for the development of the site. The site has a total area of approx 29.59ha and the masterplan sets out that the residential areas will cover approx 14ha, through a range of 2-5 bedroom dwellings. The remaining land is green infrastructure and the vehicular access. A range of open space will be provided including natural green space, allotments, a children’s play area and woodland.

3. SUMMARY OF ENVIRONMENTAL EFFECTS

- 3.1. This section summarises the conclusions of the assessment on a technical chapter by chapter basis as described in the ES. A table at the end of this NTS is provided which sets out the residual effects (ie: after mitigation measures have been implemented).

Transport

- 3.2. The chapter sets out the baseline conditions currently existing at the site and surroundings, and the future baseline conditions (i.e. the conditions in future years without the proposed development). It then describes the potential effects of the proposed development and the mitigation measures envisaged to prevent, reduce and where possible offset any identified adverse effects. At present access to the Warwickshire Atherstone Paramics model is not available and should this become publicly available during the life of the application, the ES will be updated accordingly.
- 3.3. Traffic flows for the highway network in Staffordshire have been extracted from the adjacent golf course sites Transport Assessment, as agreed with the relevant highway authority (Staffordshire County Council).
- 3.4. The Transport Assessment which forms an appendix to the ES Chapter demonstrates that the local highway network generally operates within capacity and with limited delays for drivers. The magnitude of change in daily flows as a consequence of the proposed development is negligible and impacts upon links (identified sections of roads with the ES) and junctions due to increases in daily flows are concluded to be low.
- 3.5. The percentage change in vehicular movements is low with only three links (sections of roads identified in the ES) experiencing changes over 10% (excluding the site access).
- 3.6. The junction modelling shows the off-site junctions considered as part of the assessment operate satisfactorily and do not require any mitigation. The overall conclusion of the chapter is that there are very few negative effects which require

specific mitigation to be identified and having regard for the mitigation, where necessary, the residual effects are identified as **Minor Adverse/Negligible**.

Noise

- 3.7. The noise impacts of the development are considered through analysing the road traffic noise, construction noise and plant noise from the proposal on existing receptors and further analysing noise from existing sources to future residents from the scheme.
- 3.8. In respect of noise from construction the impact is considered to be at worst **Minor** and by its nature such impact will be temporary. In terms of impacts on residents of the proposed dwellings, the scheme has been assessed with regards to traffic noise (including the M42) and the adjacent go-kart track. Noise from both sources will be mitigated as an inherent part of the layout and design of the scheme and consequently a suitable environment will be provided for future residents. The significance of the effect of noise is considered to be **Negligible**.
- 3.9. The overall conclusions of the ES chapter is that the noise effects will be **Negligible** from traffic generation and this accounts for the cumulative effects of the consented scheme at the Tamworth Golf Course and the Phase 2 proposed development.

Ecology

- 3.10. The site does not form part of any International, National or Locally designated ecological sites. To the north of the site is Alvecote Pools Site of Specific Scientific Interest (SSSI) which is considered of National value. Alvecote Wood, which is adjacent to the site boundary and Tamworth Golf Course local wildlife site is of County level value. The ecological assessments undertakes a comprehensive overview of the impact on designated sites, habitats and flora, arboricultural features and protected species.
- 3.11. No direct impacts to the features of interest of the SSSI are predicted as a consequence of the application and equally it is considered unlikely that the features of value within the SSSI will be affected by construction noise. The residual impact on Alvecote Wood is concluded as **Negligible** in the ES given the

sensitive site design including the buffering from development and the complementary extension of woodland as part of the masterplan.

- 3.12. In terms of protected species the residual impacts on Badgers and Great Crested Newts is assessed as **Negligible**. The residual impacts on Bats is concluded to be **Minor Beneficial**, at a local level, as a consequence of the creation and enhancement of a network of habitats which will assist foraging habitats and commuting routes. In respect of breeding birds the impact is considered to be **Minor Adverse** for arable farmland birds but **Minor Beneficial**, at a local level, for generalist bird assemblage.
- 3.13. In summary no significant impacts are predicted to occur to designated sites, habitats and flora, arboricultural features or protected species. Indeed there are predicted to be some local minor benefits.

Air Quality

- 3.14. The chapter sets out the UK Air Quality Objectives and Pollutants and undertakes an assessment based on the proposed development and other committed development (including Tamworth Golf Course).
- 3.15. The assessment appraises a range of existing and proposed receptor locations against a number of scenarios and the results conclude that subject to suitable mitigation, the residual impacts of both the construction and operational phase would be **Negligible** and therefore not significant.
- 3.16. The Air Quality chapter also assessed the potential cumulative impact including Phase 2 development. The addition of Phase 2 traffic is likely to result in noticeable increases in local air quality however due to the total development size (1300 dwellings), this is to be expected to some degree. However, suitable mitigation could be employed to appropriately address the impact of the two developments if they were both to be approved, resulting in a **Negligible** residual impact.

Heritage

- 3.17. There are no designated heritage assets within the site or immediately adjacent to it. Polesworth conservation area is located approximately 900m to the east of the site. There is an scheduled ancient monument, Alvecote Priory and dovecote,

approx 800m north of the site. The heritage chapter assesses a range of designated and non-designated heritage assets within its study area.

- 3.18. No heritage assets are recorded on the site and potential for unrecorded assets is considered to be at most low. No adverse impact on the setting of any surrounding heritage assets has been identified and in all cases the site is substantively screened by topography, woodland or buildings. The only potential effect identified as 'significant' with the development is the potential for truncation or removal of unrecorded archaeological features. However, a geo-physical survey has been undertaken and the archaeological potential is considered to be low. Further evaluation phases may comprise field-walking and/or trial trenching and appropriate mitigation could be put in place in the unlikely event of finding any interest of value. This could be secured by an appropriately worded condition.
- 3.19. The residual impact of the construction phase is considered to be **Negligible** which is not significant in terms of EIA regulations. No operational impacts have been identified with the proposed development.

Landscape and Visual Impact

- 3.20. Chapter 10 of the ES analyses the impact of the development on the landscape character and a range of visual receptors.
- 3.21. During the construction period, in terms of landscape effects, the impact of the proposal on the National Character Area and Regional Character Area is considered to be **Negligible**. At a more localised level the impact on the Arden River Valleys and Tamworth Fringe Uplands is **Moderate Adverse**. In terms of the site and its immediate context, the construction period is considered to bring about a **Major/Moderate Adverse** landscape effect, which is assessed as a 'significant effect'. However, clearly this is the case with most development of this size and the impacts are temporary and short term in duration.
- 3.22. At the operational stage of development, following completion, at all levels bar the site and its immediate context the impact is assessed as reducing to **Negligible – Minor Adverse** at Year 10. At the site level the on completion the scheme would result in a **Moderate Adverse** landscape effect. However such effects would reduce in the longer term and the residual landscape effects would lessen to **Moderate-Minor Adverse**. This is not considered significant in EIA terms.

- 3.23. From a visual perspective, very few receptors of high sensitivity would be affected. Marked adverse effects would be limited to visual receptors that are localised to the site and whilst there would be a level of change and effect for these localised receptors (which vary between 'High' and 'Low' at the operational stage), this is moderated by the existing presence and visibility of built and urban features that are often discernible within the context of the site. The ES includes an assessment of each visual receptor.
- 3.24. For all visual receptors, it is judged that the level of adverse effects would lessen in the longer term. This is on account of the scheme's perimeter landscape framework that would filter and 'soften' views of the built form and assist in assimilating the proposed development into the landscape. In conclusion, it is assessed that the proposed development would not result in any unacceptable long-term landscape and visual effects. The proposal is therefore considered to comply with the aims of Policy NW13 of the Core Strategy.

Flooding and Drainage

- 3.25. The site is located wholly in Flood Zone 1 (the area of least flood risk) and hence mitigation is not considered necessary. A Sustainable Drainage Statement has been produced to support the planning application at this location. This details the proposed surface water drainage strategy for the site.
- 3.26. It is proposed that surface water runoff from the site is limited to the greenfield runoff rate. This approach seeks to mimic the site's natural drainage regime, minimising the impact on the wider catchment. Water will be attenuated at the site prior to discharge using sustainable urban drainage systems, with storage provided up to the 1 in 100 year plus climate change event. A 40% climate change allowance is to be provided at the site. Limiting runoff from the site, and accommodating it on-site up to the aforementioned event, provides betterment over the current drainage regime.
- 3.27. During the construction phase the impact on the water environment is considered **Negligible**. In the operational phase the proposed development will remain in Flood Zone 1, hence the impact on flood flows is considered to be **Negligible**. The surface water drainage strategy proposed will limit runoff at the site to the greenfield rate, and provide attenuation up to the 1 in 100 year plus climate change event. This will have a **Minor Beneficial** impact by reducing runoff to the

surrounding area and providing water quality improvements. The scheme complies with the requirements of Policy NW10 of the Core Strategy and Paragraphs 100-103 of the NPPF.

Geology and Contamination

- 3.28. The geology and contamination chapter is supported by a Geo-Environmental Desk Study. The chapter confirms that following implementation of the mitigation measures, the risk to construction workers from contamination is **Negligible**. Equally the risk to the underlying Secondary A Aquifer and nearby surface water receptors is considered to be **Negligible**.
- 3.29. During the operational phase of development the chapter concludes that following the incorporation of appropriate gas protection measures into building design the risk of gas build-up following gas migration into buildings will render the risk **Negligible**. Where present, impermeable surfaces and use of capping material will reduce the likelihood of exposure to soil-borne contamination by future on-site residents and the risk from such contamination is therefore considered **Negligible**.
- 3.30. The integration of a suitable surface water drainage scheme will reduce the risk to the Secondary A Aquifer and nearby surface waters and the risk from contamination is considered **Negligible**. In conclusion, it is clear from the assessment that there is no significant impact from contamination as a consequence of the development and the proposal complies with Policy NW10 of the Core Strategy is achieved.

Socio-Economic Impact

- 3.31. The social economic chapter examines the impacts of the scheme on housing provision, employment opportunities, education and health provision amongst other matters.
- 3.32. In summary the Chapter concludes that there will be significant boost to employment opportunity during the construction period but this will only be a **temporary benefit** for the life of the build. Employment opportunities arising from the development itself would be **Negligible** as there is no direct employment arising from the operational phase of the development.
- 3.33. Having regard for the reported capacity within the school system at both primary and secondary schools, coupled with a new primary school as part of the

Tamworth Golf Course site, potentially a further primary school as part of Phase 2 of the development and mitigation in the form of an interim financial contribution, it is concluded that the impact on education is **Negligible**.

- 3.34. In summary there are no significant adverse impacts as a consequence of the development and indeed there will be some temporary and permanent economic benefits in the form of construction and additional spending capacity in the local economy.

Cumulative Impacts

- 3.35. The cumulative impacts chapter considers the scheme in the context of impacts from the Tamworth Golf Course development and Phase 2 of the wider HLM development site.
- 3.36. No significant cumulative impacts are identified across the individual topic chapters. In respect of Transport the ES advises with regard to traffic, the majority of links experience changes of between 3% and 11%. Five links are proposed to experience change above 15%, whilst only the Glascote Road (between Pennine Way and Chiltern Rd) is anticipated to experience an increase above 30%. The overall conclusion is that the cumulative impacts of transport and traffic will not be significant.
- 3.37. No cumulative impacts are identified in respect to Noise, Ecology, Heritage, Water Environment or Contamination. The Air Quality chapter identifies that Phase 2 when considered cumulatively with the proposed development has the potential to arise significant effects, but this is prior to mitigation and explains that suitable mitigation can be provided to reduce any impact to an acceptable residual effect that is 'not significant'.
- 3.38. With regard to landscape it is judged that effects would not result in any unacceptable long term harm on landscape character and visual amenity given the capacity of this landscape to absorb change. Having regard for the appropriate design and mitigation which would be adopted within each project it is concluded that the cumulative effects on landscape character and visual amenity are unlikely to result in any unacceptable long term harm. It is considered that the cumulative effects would be no more than Moderate Adverse on completion reducing to Moderate /Minor Adverse in the longer term.

Table 1 – ES Chapter Impact Summary

Chapter	Residual Impact		Cumulative Impact
	Construction	Operational	
5. Transport	Minor Adverse/Negligible	Minor Adverse/Negligible	No significant cumulative effect
6. Noise and Vibration	Minor	Negligible	No significant cumulative effect
7. Ecology	Range from Negligible to Minor Beneficial	Range from Negligible to Minor Beneficial ¹	No significant cumulative effect
8. Air Quality	Negligible	Negligible	No significant cumulative effect
9. Cultural Heritage	Negligible	None	No significant cumulative effect
10 .Landscape & Visual	Negligible to Moderate Adverse	Moderate/Minor Adverse	Moderate Adverse on completion reducing to Moderate/Minor Adverse in longer term
11. Water Environment	Negligible	Negligible to Minor Beneficial	None
12. Geology and Contamination	Negligible	Negligible	None
13. Socio-Economic	Positive	Minor Adverse – Significant Positive ²	No Significant cumulative impact

¹ See Table 7.4 for full details.

² See Section 13.7 of ES for full details