

(2) Application No: PAP/2017/0551

Land South Of Warton Recreation Ground, Orton Road/Barn End Road, Warton,

Outline application for up to 100 dwellings; all matters reserved except for access, for

Richborough Estates, M & A Caton

Introduction

This case is reported to Board at the request of Councillors in recognition of the scale of the development and the cumulative impacts of the developments proposed in Warton.

The Site and the Proposal

The site has an area of 4.48ha. It is situated on the south side of the village of Warton and has frontages to Barn End Road and Orton Road. Agricultural land lies to the south and west and the village recreation ground lies to the north-west. A site immediately to the north benefits from planning permission for 29 dwellings. The site is shown edged red in the aerial photograph below.



The site is in use for the production of crops and is broadly level land with no tree or shrub cover with the exception of at its outer boundary. The land is shown in the photograph below (taken from the junction of Barn End Road and Orton Road)

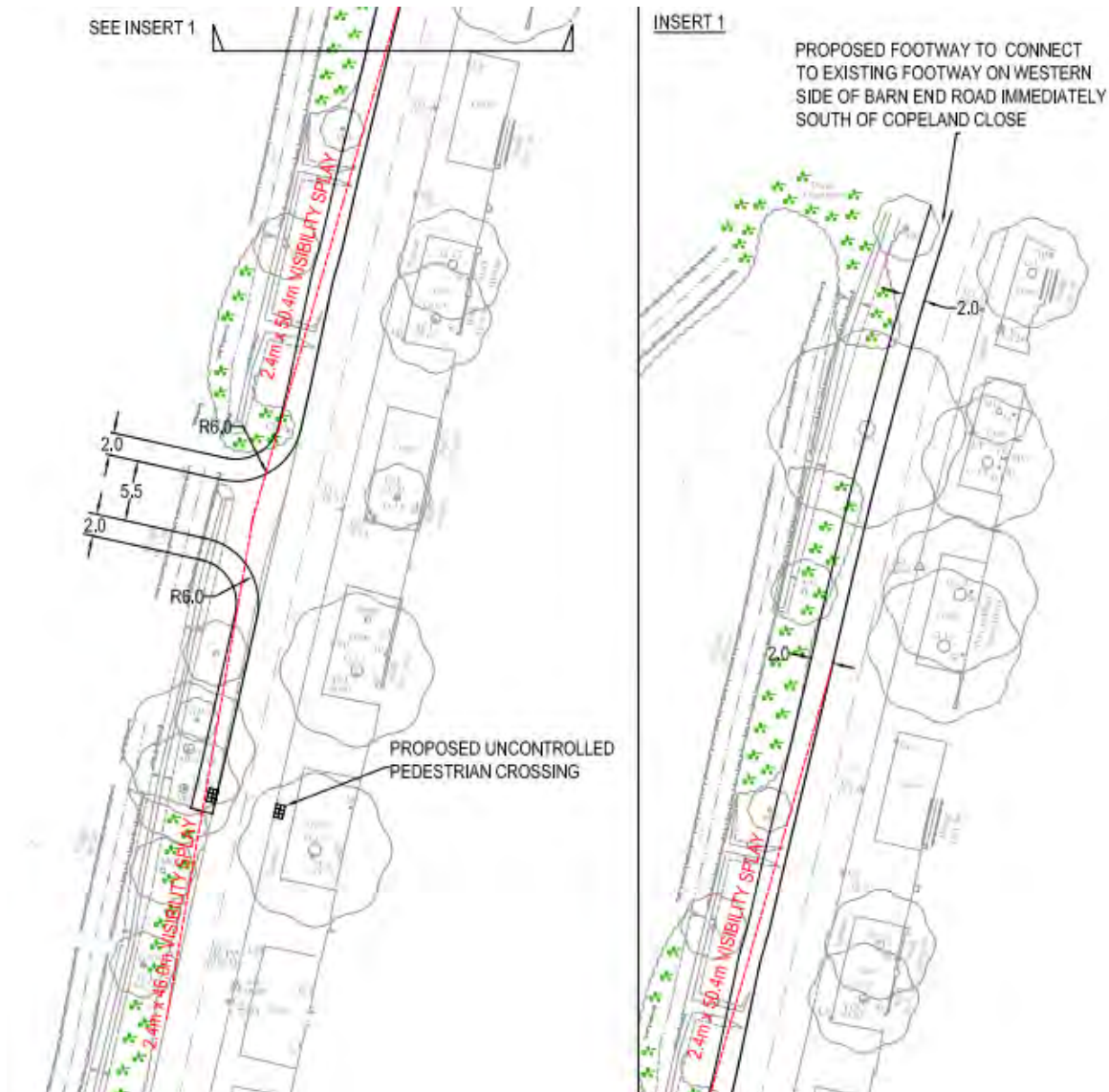


The application is accompanied by an Illustrative Masterplan (reproduced below) and other supporting documents:

- Planning Statement, prepared by Pegasus Group;
- Design and Access Statement, prepared by Pegasus Group;
- Affordable Housing Statement, prepared by Pegasus Group;
- Open Space Statement, prepared by Pegasus Group;
- Landscape and Visual Appraisal, prepared by Pegasus Group;
- Agricultural Land Classification Report, prepared by Soil Environment Services;
- Transport Assessment, prepared by PTB Transport Planning;
- Travel Plan, prepared by PTB Transport Planning;
- Flood Risk Assessment, prepared by BWB;
- Sustainable Drainage Statement, prepared by BWB;
- Foul Water and Utilities Assessment, prepared by BWB;
- Ecological Appraisal, prepared by Just Ecology;
- Reptile Survey Report, prepared by Just Ecology;
- Great Crested Newt Survey Report, prepared by Just Ecology;
- Tree Survey, prepared by Midland Forestry; and
- Ground Conditions Desk Study, prepared by ASL.



A new access is proposed to Barn End Road. Details of the access are shown below:



The photograph below shows the stretch of Barn End Road onto which the new access will be formed:



The proposal would be the subject of a Section 106 Agreement with the following elements and sums having been agreed (subject to final correction on the

apportionment of the education contributions between the three development sites in the same village):

- The application proposes 40% affordable housing on site as required by policy.
- County Council Contributions - Broken down as follows:

Two new bus stops on Little Warton Road near the junction with Barn End Road - **£9,000**.

Sustainable Travel Packs - Contribution of £75 per dwelling - **£7,500**

Libraries - Expansion of service to meet customer needs generated by residential developments. Monies will be used to improve, enhance and extend the facilities or services of a specified library service point where local housing development will mean an expected increase in numbers of people using those facilities – **£2,189**

Education:

Provision stage	Number of children generated	Provision	Contribution requested
Primary	18	Contribution towards provision at Warton Nethersole CofE Primary School	£228,690
Secondary	13	Contribution towards additional provision at The Polesworth School	£206,453
Post 16	5	Contribution towards additional provision at The Polesworth School	£90,920

Total Contribution	£526,063
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- North Warwickshire Borough Council:

Recreation contribution addressing Built Sport Facilities and Playing Pitches - **£125,929**

- Public Health/CCG:
- Capital contribution of **£21,702** for the improvement and/or extension of the Polesworth and Dordon Group Practice.

Background

Members have expressed the view that the cumulative effect of development in the village should be considered and that there should be consistency of approach to the determination of all applications, particularly in respect of developer contributions.

The applications below are current applications proposing major residential development in the same village. They have been previously reported to Board, and

Board has resolved to approve the developments in principle, subject to the satisfactory resolution of developer contribution negotiations.

PAP/2016/0280	21	Land Opposite 84 To 104, Orton Road, Warton, Outline application for erection of 72 dwellings with associated access, parking and landscaping
PAP/2017/0202	39	Land Rear of 29 to 49, Little Warton Road, Warton, Outline application for erection of up to 56 no: dwellings and associated works, including the demolition of 47 Little Warton Lane (outline:point of access)

Development Plan

North Warwickshire Core Strategy (October 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), NW15 (Nature Conservation), NW16 (Green Infrastructure) and NW22 (Infrastructure) Saved Policies of the North Warwickshire Local Plan 2006: ENV4 (Trees and Hedgerows); ENV6 (Land Resources), ENV8 (Water Resources), ENV12 (Urban Design), ENV13 (Building Design), ENV14 (Access Design), TPT1 (Transport Considerations), TPT3 (Access and Sustainable Travel and Transport) and TPT6 (Vehicle Parking)

Other Material Planning Considerations

The National Planning Policy Framework 2012 (NPPF)

Planning Practice Guidance 2017

The North Warwickshire Local Plan Submission Version, March 2018

Appeal Reference: APP/R3705/W/16/3149573 – Ansley

Consultations

Environmental Health Officer - Agrees with the findings of the desk study, that a further intrusive investigation for potential contamination will be required. A dust management plan will also be required for the development in line with the IAQM guidance. He recommends that, should permission be granted, hours of construction are limited to 08:00 to 18:00 on weekdays and 08:00 to 13:00 on Saturdays.

Natural England – Initially raised queries about the likely impact on the Alvecote Pools SSSI and the Birches Barn Meadow SSSI, however, upon receipt of additional information supplied by the applicant, it concluded that the development will not have significant impacts on designated sites.

Warwickshire Wildlife Trust – No objection. Comments on the issues relating to the presence of protected species and the need for additional surveys (bat and badger).

Lead Local Flood Authority – No objection subject to conditions.

Warwickshire County Council Highways Authority – No objection subject to conditions

Severn Trent Water – No objection subject to conditions.

Waste and Transport Manager, NWBC – Comments on what will be required at the approval of reserved matters stage - recommends a practical bin storage facility for every property, each capable of holding a minimum of 3 x 240L wheeled bins and the need to see a vehicle flow plan for a 26T RCV on all areas of adopted highway. Comments that the illustrative plan shows a high proportion of dwellings (40%) serviced from private drives where the refuse collection service will not enter (by vehicle or foot). Concrete collection points adjacent to the adopted highway to cater for properties located on private drives.

Warwickshire County Council Public Health (Public Health) and NHS Warwickshire North Clinical Commissioning Group (the CCG) – Comments that the design of the development should adhere to Building for Life 12 principles, advocates that parking should not dominate the street scene as on road parking can impact on the ability of emergency vehicles to navigate roads and asks that consideration be given to the inclusion of green gyms and the installation of electric vehicle charging point on this development.

Design Out Crime Officer Warwickshire Police – No objection.

Sport England – Raises no objection.

Fire Service - No objection subject to conditions

AD (Housing) – Advises that up to date demands suggest that an appropriate mix for affordable housing would be 20 x 2 bed houses, 5 x 3 bed houses and 2 x 4 bed houses.

Warwickshire County Council Footpaths – No objection but identifies that given that the section of public footpath crossing the site would be serving the proposed residential development and will link to the adjacent proposed development to the north, it would also expect the developer to improve the surface of the public footpath to bring it up to the same standard as other footways within the site, such as with a tarmac surface. The section of public footpath crossing the site should preferably also have street lighting and be included in any adoption agreement for the site. It seeks confirmation that such resurfacing works will be undertaken or funded by the applicant.

Tree Officer, NWBC – No objection. The trees at the site are mainly located to the edges of the proposed development site, these trees do provide a small amount of amenity to the local area but given the historic use of the land (agricultural) they have not been maintained to a high standard and as such do not warrant protection by way of Tree Preservation Orders. The tree removals and works are acceptable. The Illustrative Masterplan re-planting scheme is well constructed and in keeping with the local area.

Planning Archaeologist, Warwickshire Museum – Advised that the site lies within an area of archaeological potential approximately 150 metres southwest of the medieval settlement of Warton (Warwickshire Historic Environment Record MWA9578) and approximately 500 metres east of a possible cropmark complex (MWA6728). Evidence of a possible Roman settlement has also been recorded approximately 850 metres to the northwest of the site (MWA 220). Whilst there is little other direct evidence for pre-

medieval activity that has been identified from the immediate vicinity of the site, this may be a reflection of a lack of previous investigations across this area, rather than an indication of the potential for below ground archaeological deposits to survive across the site.

He therefore recommends that the applicant be requested to arrange for an archaeological evaluation to be undertaken before any decision on the planning application is taken.

Whilst the applicant has undertaken a geophysical survey, the Planning Archaeologist is of the view that trial trenching is also required.

Representations

Letters have been received from 19 individuals raising the following matters:

- The village will struggle to accommodate the traffic generated, particularly given that three other developments are also planned. Speeding and parking difficulties at the school are already a problem. The likely traffic generation is greater than that assumed in the Transport Assessment.
- The crossroads at Barn End Road and Orton Road is the site of many accidents (though most are non-reportable).
- Increased volumes of traffic on local roads will exacerbate congestion elsewhere in Polesworth, Grendon, Atherstone and Tamworth. The traffic report supplied has only considered traffic levels and the traffic leaving the village, and at the school in Polesworth, it has not considered other areas of existing traffic congestion.
- The village has inadequate services (sewerage, doctors and other health care, dentists, schools, public transport)
- The development impacts should be looked at collectively with other developments, including Dordon, Grendon, Polesworth and Tamworth's large development in Robey's Lane (off the B5000) and along the Ashby Road (B5493).
- There is no need for more houses.
- Housing should not be built on green fields.
- The scale of development will mean that the village will lose its village identity.
- Plans for up to 80 houses and now that has increased to up to 100.
- Residents of Barn End Road will suffer noise and headlight disturbance from the new junction and the volume of traffic using it.
- Loss of opportunity for on street car parking in the vicinity of the new junction will be a problem for existing households.
- An access off Orton Road, away from existing dwellings, would be preferable.
- Other amenities should be provided for a new larger village, such as improved sporting facilities.
- The density of housing is too high given its context.
- There would be no objection if 20 houses were proposed here.
- The development would be contrary to NPPF core planning principles and its promotion of sustainable travel.
- The site is outside of the defined development boundary.
- The site is productive arable land. BREXIT potentially means that this type of land will be of national importance.

- The development will impact adversely on the quality of life for occupiers of properties on Barn End Road and Ivy Croft Road.
- The residents will not have access to high quality public transport.
- Costs of increased road maintenance should be identified and met.
- There will be an increase in risk to vulnerable road users because of increased traffic volumes.
- There would be an adverse impact on flora and fauna.
- Flooding has been an issue for the current residents bounding the proposed site and the current drainage will not be able to cope with the increase in dwellings.
- The village has already had the required housing development as per the local plan and this site is not preferred in the pending local plan, this build exceeds the identified housing requirement for the village.
- Warton is a dispersed settlement where development proposals should be considered very carefully: infilling could ruin the character of the village while estate development would overwhelm it.
- The layout of the new houses would result in loss of light and loss of view to adjacent properties
- existing property has a balcony from the bedroom with seating area. From this area the occupiers would be looking into bedroom windows and gardens.
- Loss of privacy to existing dwellings.
- Loss of property value.
- The maintenance of a landscaped strip between existing and new dwellings is advocated.
- Surface water drainage of adjacent properties on Ivycroft Road is still unresolved.
- Catering for Birmingham housing need is not providing housing for local people.
- If this application is to be decided by councillors at Board, the objector indicates a desire to speak.
- Bats roosting nearby make use of the trees and hedgerows lining the Barn End Road boundary.
- The development is advanced for political reasons.

Observations

Core Strategy Policy NW1 (Sustainable Development) states that planning applications which accord with the policies in the Core Strategy should be approved without delay, unless material considerations indicate otherwise. On this basis this report will assess the proposal against the Development Plan policies in the Core Strategy which are considered to be up-to-date.

a) The Principle of Development

The site lies outside the Development Boundary for Warton. Policy NW2 in North Warwickshire's Core Strategy seeks to develop a broad distribution pattern in accordance with the Borough's settlement hierarchy. Warton is a category 4 settlement where development is limited to that identified in the Plan or has been identified through a Neighbourhood or other locality plan.

The site lies adjacent to the development boundary for Warton as the development boundary includes the residential properties along Barn End Road and Ivy Croft Road. However, the site has been identified as an allocated housing site in Policy LP39 as part of housing site H27 (Land off Barn End Road, Warton) in the North Warwickshire Local Plan Submission Version March 2018.

SAP part of Site Proposal WAR8

14.89 Some of the land off Barn End Road is being proposed for housing development. A developed site for a minimum of 80 can be created by the introduction of a landscaped area which effectively recreates a strong boundary to the open field beyond.

H27 Land off Barn End Road, Warton

Some 4.5 hectares is allocated for housing at land off Barn End Road, Warton providing for a minimum of 80 units. A landscaping strip will be provided to the east of the site to create a strong landscaped boundary to the field beyond. Contributions will be required for health and educational facilities. Improved and / or new recreational facilities will be provided.

The site allocation indicates that the site should provide for a minimum of 80 dwellings.

The site will have direct vehicular and pedestrian access onto Barn End Road. A bus service between Tamworth and Atherstone operates from the village (although improved access to bus stops would be a necessary requirement of the development). There is a shop and post office in Warton and a primary school on Maypole Road. There are pedestrian linkages to services within the village which comply with the requirements of Policy NW10 (4) and (5) to promote healthier lifestyles for the community to be active and to encourage sustainable forms of transport focussing on pedestrian access and provision of bike facilities.

Based on the above it is considered that the site proposed is in a sustainable location being located adjacent to the development boundary of Warton. The site is identified as an allocated housing site in the Emerging Local Plan. As such it is considered that the scheme complies with Policy NW2 and Policy NW10 in the Core Strategy.

The main impacts of approving residential development should now be considered.

b) Highway Infrastructure

Policy NW10 (Development Considerations) in the Core Strategy states that development will provide for proper vehicular access, sufficient parking and manoeuvring for vehicles in accordance with adopted standards.

The access to the site is proposed to be taken from Barn End Road, in the form of a priority 'T' junction. The Highway Authority offers no objection to the proposed access arrangements and raises no concern about highway capacity. It notes that the submitted Transport Assessment (TA) appropriately calculates trip generation of the proposed development utilising the TRICS database and uses a robust methodology. The modelling undertaken shows that the impact on the operation of the highway network will be minimal. The Highway Authority therefore concludes that the development can be accommodated and cannot be considered as 'severe' in accordance with Paragraph 32 of the National Planning Policy Framework.

The Highway Authority notes that the applicants have submitted a Travel Plan, however, it advises that it does not recognise Travel Plans for residential development as they are not enforceable once the development has been completed. Therefore the Highway Authority provides Sustainable Travel Packs for each dwelling at a cost of £75.00, equating to a total sum of £7,500.00.

The Highway Authority has considered the access arrangements as identified in preliminary drawing number, T17533-001 Rev A. Though it considers the proposals to be acceptable in principle, when considering the provided tracking drawings, it is noted that a Road Safety Audit Stage 1 has not been provided to support the access arrangements. Based on its assessment of the proposal and accident records within the vicinity of the access the Highway Authority considers that the provision of the Road Safety Audit Stage 1 can be conditioned to accompany the need of technical detailed drawings prior to the commencement of development.

c) Loss of Biodiversity

The site consists of arable land surrounded by hedgerows.

The indicative site layout that has been supplied incorporates a substantial landscaped strip and shows that structural landscaping would be established/maintained in and around the site.

d) Archaeology

The Planning Archaeologist at Warwickshire Museum identified a potential for the site to have archaeology associated the medieval settlement of Warton, a possible cropmark complex and a possible Roman settlement. He indicated that whilst there is little other direct evidence for pre-medieval activity this may be a reflection of a lack of previous investigations across this area, rather than an indication of the potential for below ground archaeological deposits to survive across the site. He sought pre-determinative evaluation, with a geophysical survey being the initial phase.

The applicant has supplied a geophysical survey report which concludes that there were 'no anomalies of possible archaeological interest have been identified by the survey, with all the anomalies relating to various agricultural practices, natural variations and modern ferrous debris'.

The Planning Archaeologist has been supplied with this report. He remains concerned that a negative report does not fully demonstrate that there is no archaeology of importance. He points to current Historic England guidelines which indicate that any reference to 'negative evidence' must be fully qualified and explained. Lack of geophysical anomalies cannot be taken to imply a lack of archaeological features, and in such cases an alternative evaluation procedure such as trial trenching, should be considered. In light of the size of this application site and the lack of previous archaeological work having been undertaken within the vicinity of the proposal he does not consider that the potential for the site to contain archaeological deposits has been adequately demonstrated.

This stance has to be balanced against the stance taken at the other development sites in the village. The County Council's proposal on Orton Road for 72 dwellings identified a comparable historic context, however, the stance in that instance did not require pre-determinative evaluation, instead required a programme of evaluation ahead of the submission of reserved matters. Given the size of the current site and, dependent on the importance of any archaeology identified, there would be some scope for variances in the layout at reserved matters stage. It is considered that a consistent stance should be adopted and a programme of evaluation ahead of the submission of reserved matters will also be acceptable in this instance.

e) Residential amenity and village character

With regards to the residents to the north and north east of the site, the application is submitted in outline format and so any reserved matters application can ensure that the units are all orientated to maintain a sufficient degree of privacy between existing and proposed residential properties. The proposed indicative layout shows properties side on to each other or with rear gardens abutting rear gardens. Whilst separation distances will need to be reviewed at the reserved matters stage, there is scope for these arrangements to be shown to cause no significant demonstrable harm to residential amenity.

As such it is not considered that to grant outline planning permission here for housing would result in the significant loss of privacy, over dominance or loss of light to nearby residents. The proposal thus complies with Policy NW10 (Development Considerations) in the Core Strategy 2014.

The site layout shown on the indicative plan makes provision for a broad landscaped belt around the periphery of the site to soften its visual impact on the setting of the village edge and to accord with the provisions of the emerging local plan in the site allocation. The development will abut other modern housing development and will achieve access via a road which has an existing frontage of dwellings. It is not considered the development will appear as an alien or disproportionately large addition to the settlement in this context.

To ensure that the site achieves the broad landscaped belt around the periphery it would be appropriate to control, by condition, the extent of the developable area, as shown below hatched blue:



The land beyond the hatched blue area shall be used for the purpose of landscaping, nature conservation and sustainable drainage measures only.

f) Affordable Housing

Policy NW6 (Affordable Housing Provision) requires that 40% of the dwellings shall be affordable units. This can be required through a Section 106 Agreement.

The proposed development will meet policy provisions of Core Strategy Policy NW6 and emerging Local Plan Policy LP9, which require green field sites of more than 10

dwelling to provide 40% affordable housing on site (40 dwellings). Whilst the policies prescribe a target affordable housing tenure mix of 85% affordable rent and 15% suitable intermediate tenure wherever practicable, informal discussions with the Council's Housing and Strategy Officer), have identified that approximately 65% affordable rent and 35% shared ownership would be reflective of the local housing market.

The submitted indicative masterplan is therefore based on the schedule of accommodation below.

Market Housing		
No. Beds	No. Dwellings Proposed	% of market total
2	8	13.3%
3	36	60.0%
4	16	26.7%
Total 48 units (60% of units proposed)		
Affordable Rented Housing		
No. Beds	No. Dwellings Proposed	% of affordable total
2	20	50%
3	5	12.5%
4	2	0.5%
Affordable rented sub-total 67.5%		
Affordable Shared Ownership Housing		
No. Beds	No. Dwellings Proposed	% of affordable total
3	13	32.5%
Affordable shared ownership sub-total 32.5%		
Total 40 Dwellings (40% of total dwellings proposed)		

This is an appropriate, policy compliant, provision to meet local affordable housing need and the application can be supported in this respect. The provisions would be made a requirement of the associated S106 Agreement.

h) Access to services and education

A number of the objections received raise concerns about the pressure on the existing services in the area from the occupiers of these units.

Education providers, health service providers and the Borough Council, as the provider of formal sports and recreation provisions, have all set out the financial contributions that would be appropriate to cater for the needs arising from the development. The applicant has indicated a broad acceptance of the Heads of Terms and the sums of money sought (set out above). In these circumstances, it cannot be concluded that the development would be to the detriment of existing infrastructure provisions, as it would appropriately address the needs arising as a result of it. Having said this, the negotiations are not fully concluded at this stage, in terms of the distribution of contributions between the three Warton sites. The report recommendation caters for the conclusion of these ongoing negotiations.

These contributions sought are in accordance with Policy NW22 (Infrastructure) in the Core Strategy.

i) Surface water drainage

Warwickshire County Council as the Lead Local Flood Department has no objection to the proposal subject to the imposition of a planning condition requiring a detailed surface water drainage scheme to be submitted for the site. In view of the area of land

proposed to remain free from development it is considered that a satisfactory surface water drainage scheme can be submitted in accordance with the proposed wording of the planning condition. This is in accordance with Policy NW10 (Development Considerations).

j) Loss of Agricultural Land

The application is accompanied by an Agricultural Land Classification Analysis. The analysis determines that the site is Graded 3B. This is land of moderate quality – see table below:

Grade	Description
1	Excellent quality agricultural land with no or very minor limitations to agricultural use.
2	Very good quality agricultural land with minor limitations which affect crop yield, cultivation or harvesting.
3a	Good quality agricultural land capable of producing moderate to high yields of a narrow range of arable crops or moderate yields of a wider range of crops.
3b	Moderate quality agricultural land capable of producing moderate yields of a narrow range of crops or lower yields of a wider range of crops.
4	Poor quality agricultural land with severe limitations which significantly restrict the range of crops and/or level of yields.
5	Very poor quality agricultural land with very severe limitations which restrict use to permanent pasture or rough grazing, except for occasional pioneer forage crops.

This is therefore not land which is identified in the NPPF as being the ‘Best and most versatile agricultural land’, which the NPPF sets out is Land in grades 1, 2 and 3a of the Agricultural Land Classification.

An objector expresses concern that following Brexit land in agricultural production should be retained for food self sufficiency. There is no national or local policy that has this objective.

The application cannot be resisted on the basis that it would result in the loss of important agricultural land.

k) Ground Conditions

The application is accompanied by a desk study to determine any potential environmental and geotechnical risk issues and liabilities pertaining to the future development of the site. The report findings identified that, due to the limited potential for contamination to be present, the potential risk to the identified receptors is generally considered to be low. The potential risk posed by the migration of hazardous ground gases associated with the former onsite pond and landfills and infilled quarries and ponds within the vicinity of the site is considered to be moderate.

Any residual risk is likely to be mitigated by the use of physical barriers including cover layers, contaminant resistant water supply infrastructure and gas resistant membranes. It is considered that traditional strip or pad foundations may be appropriate for the proposed development with foundations placed within the natural strata. Foundations may need to be locally deepened within the vicinity of existing or proposed trees and through any Made Ground or organic materials. The report recommends that an intrusive ground investigation is required ahead of any development works to determine

the founding properties of the underlying ground conditions and to determine the actual contaminative ground conditions. The intrusive investigation should include an assessment of hazardous ground gases. The Council's Environmental Health Officer concurs with these findings and recommendations. There are no ground conditions that would preclude the development of the land subject to conditions.

I) Impact on Biodiversity

The site comprises predominantly arable land with semi-improved grassland field margins and hedgerows along the southern and eastern boundaries and part of the northern boundary along with an area of tussocky semi-improved grassland and tall ruderal, and broad-leaved trees. The wider landscape predominantly comprises arable and pasture fields bounded by hedgerows and trees.

Part of the northern boundary contains a species rich hedgerow of approximately 2 to 3 metres in height. Off site and adjacent the north-west boundary is a body of standing water. The southern boundary contains a well maintained species rich hedgerow of approximately 1 to 2 metres in height with a dry ditch on the south side of the hedge. The eastern boundary contains a well maintained species rich hedgerow on a half bank of approximately 1 to 2 metres in height.

Existing hedgerows and trees will be retained as inclusive, legible components or 'markers' of the development, ensuring the site field boundaries are maintained and safeguarded, in some instances historic hedgerows are reinstated. The strategy includes a landscaped edge of public semi-natural open space to the south, west and east linking to a public right of way and a reinforced green corridor to the north. This will curtail the development edges creating a strong, meaningful landscape buffer.

The Ecological Appraisal by Just Ecology makes a clear recommendation that the hedgerows should be retained as they are key wildlife corridors. The report recommends that wildlife corridors of at least 10m wide are retained to the north, east and southern boundaries. The Warwickshire Wildlife Trust points out that this will need to be incorporated in the design at the reserved matters stage.

A badger sett exists in the vicinity. The Warwickshire Wildlife Trust concludes that the development will not harm badgers or this sett as it is outside the developable area and can be protected by a suitable buffer and fenced off during construction. Foraging routes are retained to the south and west, but not to the north. As stated in the survey report, a badger survey will need to be conducted within a few months of the construction starting to make sure that no new setts have been dug elsewhere in on the site. This could be a planning condition.

Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection.

The application is proposes an ecology enhancement strategy indicates that it 'provides options which could provide an ecological net gain'. The National Planning Policy Framework, March 2012, looks to ensure that development achieves bio-diversity net gains if it is to be considered sustainable development (Paragraphs 9, 109 and 118). The approval of reserved matters applications should be able to demonstrate that this is achieved. It would therefore be appropriate to require the carrying out of a Bio-Diversity Impact Assessment as a conditional requirement of planning permission.

It is considered that, subject to conditions the development would not cause harm to interests of nature conservation or bio diversity.

Conclusions

It is recommended that this outline proposal (with details of access) for residential development is supported. It is considered that the development would be sustainable development, being adjacent to the existing settlement and in accord with the emerging development plan. The proposed S106 contributions address concerns raised about the capacity of local schools and health services and transport provision. This site is an allocated site for housing under Emerging Policy LP39 (Housing Allocations) of the Submission Version of March 2018. It has been demonstrated that the application site can be developed with up to 100 dwellings in accordance with the policies in the Development Plan. Detailed concerns about the effect of the built form on existing dwellings would be addressed at the reserved matters stage.

Recommendation

That subject to the signing of a Section 106 Agreement covering the draft Heads of Terms as set out in this report, the Council is minded to **GRANT** outline planning permission with the following conditions:

- 1) Details of the appearance, landscaping, layout and scale (hereinafter called “the reserved matters”) shall be submitted to the Local Planning Authority for approval in writing before any development takes place and the development shall be carried out as approved.

REASON

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

- 2) Application for approval of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this permission.

REASON

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

- 3) The development hereby permitted shall take place not later than two years from the date of approval of the last of the reserved matters to be approved.

REASON

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

- 4) The development hereby approved shall be carried out in accordance with the site location plan numbered P17-0427-017-1 and the plan numbered Proposed Site Access Layout T17533_001_Rev A received by the Local Planning Authority on 13 October 2017, and no more than 100 dwellings shall be constructed on the site. The developable area of the site shall be confined to the area of land hatched blue on the attached plan – ‘Plan One – Developable Area’. The land beyond the hatched blue area shall be used for the purpose of landscaping, nature conservation and sustainable drainage measures only.

REASON

To reduce the impact of the proposal on the open countryside.

- 5) No development shall take place on site until a Construction Management Plan has been submitted to the Local Planning Authority for approval in writing, which shall remain in force throughout the construction period. The Plan shall provide details of the arrangements for:
- The location of storage compounds and car parking for site operatives and visitors;
 - The HGV Routing Plan;
 - The hours of working and the hours of delivery of goods, plant and materials;
 - Wheel washing facilities and any dust suppression measures particularly to prevent mud and debris entering the public highway;
 - Noise control during construction;
 - A dust management plan in line with the IAQM guidance
 - Site lighting details;
 - Measures for the protection of trees that are to be retained;
 - Household refuse from occupied dwellings during construction; and,
 - The contact for any local concerns with regards to the construction activities on the site.

REASON

In the interests of highway safety and of the amenity of neighbouring residents.

- 6) Prior to the commencement of the development detailed technical drawings, with a supporting Road Safety Audit, in general accordance with preliminary drawing T17533-001 Rev A, shall be submitted and approved in writing by the Local Planning Authority. Thereafter the approved highway access works shall be implemented in accordance with the approved plans. No part of the site shall be occupied until the approved highway access works have been completed, as evidenced by the issuing of a Certificate of Substantial Completion by the Highway Authority.

REASON

In the interests of highway safety.

- 7) The development hereby permitted shall not commence until drainage plans for the disposal of 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 reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

- 8) No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles, the approved FRA and Sustainable Drainage Statement, *Richborough Estates LTd, Orton Road_BWB Consulting_ ORW-BWB-EWE-XX-RP-YE- 0001_October 2017* and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority in consultation with the LLFA. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall:
- Undertaken infiltration testing in accordance with the BRE 365 guidance to clarify whether or not an infiltration type drainage strategy is an appropriate means of managing the surface water runoff from the site.
 - Demonstrate that the surface water drainage system(s) are designed in accordance with 'The SuDS Manual', CIRIA Report C753.
- If infiltration is not viable, limit the discharge rate generated by all rainfall events up to and including the 100 year plus 40% (allowance for climate change) critical rain storm to the QBar Greenfield runoff rate of 5 l/s for the site.
- Demonstrate the provisions of surface water run-off attenuation storage in accordance with the requirements specified in '*Science Report SC030219 Rainfall Management for Developments*'.
 - Demonstrate detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details of any attenuation system, and outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.
 - Provide plans and details showing the allowance for exceedance flow and overland flow routing, overland flow routing should look to reduce the impact of an exceedance event.
 - Provide evidence to show an agreement from Severn Trent Water to connect to the existing surface water network.
 - Provide a maintenance plan to the LPA giving details on how the entire surface water systems shall be maintained and managed after completion for the life time of the development. The name of the party responsible, including contact name and details shall be provided to the Local Planning Authority.

REASON

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

- 9) No development shall commence until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), shall have been submitted to and approved in writing by the Local Planning Authority. The scheme of investigation shall have the purpose of determining the founding properties of the underlying ground conditions to determine the actual contaminative ground conditions and shall include an assessment of hazardous ground gases. If any contamination is found, a report

specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the approved development shall be submitted to and approved in writing by the Local Planning Authority. The site shall be remediated in accordance with the approved measures and timescale and a verification report shall be submitted to and approved in writing by the Local Planning Authority. If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the Local Planning Authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the Local Planning Authority within 28 days of the report being completed and approved in writing by the Local Planning Authority.

REASON

To ensure that risks from land contamination to the proposed end users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

10) Prior to the submission of any Reserved Matters applications for any phase of development:

- a) a Written Scheme of Investigation (WSI) for a programme of archaeological evaluative work shall be submitted to and approved in writing by the Local Planning Authority.
- b) the programme of archaeological evaluative work and associated post-excavation analysis, report production and archive deposition detailed within the approved WSI shall be undertaken. A report detailing the results of this fieldwork shall be submitted to the Local Planning Authority.
- c) An Archaeological Mitigation Strategy document (including a WSI for any archaeological fieldwork proposed) shall be submitted to and approved in writing by the Local Planning Authority. This should detail a strategy to mitigate the archaeological impact of the proposed development and should be informed by the results of the archaeological evaluation.

The development, and any archaeological fieldwork post-excavation analysis, publication of results and archive deposition detailed in the Mitigation Strategy document, shall be undertaken in accordance with the approved Mitigation Strategy document.

REASON

In view of evidence recorded of proximity to the medieval settlement of Warton (Warwickshire Historic Environment Record MWA9578), a possible cropmark complex (MWA6728) and possible Roman settlement (MWA 220).

11) The hours of construction shall be limited to 08:00 to 18:00 on weekdays and 08:00 to 13:00 on Saturdays only. There shall be no construction at any other times.

REASON

In the interests of residential amenity.

- 12) Prior to the commencement of development a badger survey shall be conducted to establish to up to date presence or absence of badger sets and badger activity. A report of the findings and recommendations for action in respect of the findings shall be submitted to and approved by the Local Planning Authority in writing. The agreed recommendations and actions shall be implemented in full thereafter.

REASON

In recognition of the presence of a protected species.

- 13) An ecological management plan (EMP) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The content of the EMP shall include the following:
- a) Measures for the protection and retention of existing trees and hedgerows.
 - b) Description and evaluation of features to be managed.
 - c) Aims and objectives of management.
 - d) Appropriate management options for achieving the aims and objectives.
 - e) An up-to-date Biodiversity Impact Assessment demonstrating that 'no net loss' to biodiversity has been achieved.
 - f) A work schedule, including an annual work plan capable of being rolled forward over a five-year period.
 - g) Details of the body or organisation responsible for the implementation and ongoing management, monitoring and remedial actions of the plan, including the mechanism for funding.

The approved plan shall be implemented in full accordance with the approved details and maintained as such at all times thereafter.

REASON

In the interests of protecting the biodiversity interests of the site.

- 14) None of the residential units hereby permitted shall be occupied until a scheme for the provision of adequate water supplies and fire hydrants, necessary for fire fighting purposes at the site, has been submitted to and approved in writing by the Local Planning Authority. The development shall not then be occupied until the scheme has been implemented to the satisfaction of the Local Planning Authority.

REASON

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

Notes

1. Severn Trent Water advise that although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under The Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the building.
2. Warwickshire County Council as the Lead Local Flood Authority does not consider oversized pipes or box culverts as sustainable drainage. Should infiltration not be feasible at the site, alternative sustainable drainage should be used, with a preference for above ground solutions.
3. Surface water run-off should be controlled as near to its source as possible through a sustainable drainage approach to surface water management. Sustainable Drainage Systems (SuDS) are an approach to managing surface water run-off which seeks to mimic natural drainage systems and retain water on-site as opposed to traditional drainage approaches which involve piping water off-site as quickly as possible.
4. The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is also available on the Coal Authority website at:
5. www.gov.uk/government/organisations/the-coal-authority
6. Wildlife and Countryside Act 1981 - Birds. Please note that works to trees must be undertaken outside of the nesting season as required by the Wildlife and Countryside Act 1981. All birds, their nests and eggs are protected by law and it is thus an offence, with certain exceptions. It is an offence to intentionally take, damage or destroy the nest of any wild bird whilst it is in use or being built, or to intentionally or recklessly disturb any wild bird listed on Schedule 1 while it is nest building, or at a nest containing eggs or young, or disturb the dependent young of such a bird. The maximum penalty that can be imposed for an offence under the Wildlife and Countryside Act - in respect of a single bird, nest or egg - is a fine of up to £5,000, and/or six months' imprisonment. You are advised that the official UK nesting season is February until August.
7. Public footpath AE11 must remain open and available for public use at all times unless closed by legal order, so must not be obstructed by parked vehicles or by materials during construction.
8. The applicant must make good any damage to the surface of public footpath AE11 caused during construction.
9. If it is necessary to temporarily close public footpath AE11 for any length of time during construction then a Traffic Regulation Order will be required. Warwickshire County Council's Rights of Way team should be contacted well in advance to arrange this.

10. Any disturbance or alteration to the surface of public footpath AE11 requires the prior authorisation of Warwickshire County Council's Rights of Way team, as does the installation of any new gate or other structure on the public footpath.
11. The design of the reserved matters scheme shall have regard to the following:
The illustrative plan submitted with the application shows a significant proportion of the planned development (approximately 40%) accessible down private drives only. Please note that the Council's Waste and Recycling Service will not travel along (vehicle or on foot) paved/private drive areas to collect waste receptacles. It would require the placement of hard surfaced collection points adjacent to the adopted highway. It will require the submission of a vehicle flow plan for a 26T RCV on all areas of adopted highway for the development. The Council will require the provision of a bin storage facility capable of holding a minimum of 3 x 240 litre wheeled bins within the curtilage of each dwelling.
12. In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner through seeking to resolve planning objections and issues and suggesting amendments to improve the quality of the proposal. As such it is considered that the Council has implemented the requirement set out in paragraphs 186 and 187 of the National Planning Policy Framework.



BACKGROUND PAPERS

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

Planning Application No: PAP/2017/0551

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	13 10 17 28 11 17 09 01 18
2	Collett	Representation	01 11 17
3	Mark	Representation	01 11 17
4	Douglas	Representation	01 11 17
5	Studd	Representation	06 11 17
6	Armstrong	Representation	06 11 17
7	Simkins	Representation	06 11 17
8	Lytton	Representation	20 11 17
9	Atwood	Representation	20 11 17
10	Barker	Representation	20 11 17
11	Fletcher	Representation	20 11 17
12	Mrs Cater	Representation	20 11 17
13	Mr Cater	Representation	20 11 17
14	Miss Cater	Representation	20 11 17
15	Miss Cater	Representation	20 11 17
16	Middlesmoor	Representation	20 11 17
17	Clinton	Representation	20 11 17
18	Talbot	Representation	20 11 17
19	Briers	Representation	27 11 17
20	Lytton	Representation	14 12 17
21	Waste and Transport Manager	Consultation Response	01 11 17
22	Warwickshire County Council Public Health and NHS Warwickshire North Clinical Commissioning Group	Consultation Response	20 12 17
23	Jones	Representation	02 11 17
24	Design Out Crime Officer Warwickshire Police	Consultation Response	03 11 17
25	Lead Local Flood Authority	Consultation Response	09 11 17 4 12 17 20 12 17
26	Sport England	Consultation Response	04 12 17
27	Fire and Rescue	Consultation Response	15 11 17
28	NWBC Housing and Strategy Officer	Consultation Response	15 11 17
29	Warwickshire Wildlife Trust	Consultation Response	08 11 17
30	Environmental Health Officer	Consultation Response	20 11 17

31	Natural England	Consultation Response	20 11 17 11 12 17
32	Planning Archaeologist, Warwickshire Museum	Consultation Response	22 11 17
33	Warwickshire County Council Footpaths	Consultation Response	29 11 17
34	NWBC Trees Officer	Consultation Response	05 12 17
35	Warwickshire County Council Highways Authority	Consultation Response	20 12 17 26 01 18
36	Severn Trent Water	Consultation Response	30 01 18

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.