

**(3) Application No: PAP/2017/0202**

**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), for**

**Walton Homes**

**Introduction**

This application is reported to the Planning and Development Board at the discretion of the Head of Development Control in view of the objections received and the accompanying Section 106 Agreement. It also is adjacent to another proposed housing site which is on the same agenda.

**The Site**

The application site comprises an agricultural field some 1.55 hectares in size located to the east of Little Warton Road. A number of agricultural buildings are grouped around the south east corner of the site. Along the southern and western boundaries of the site are the existing residential properties on Orton Road and Little Warton Road; on the northern boundary of the site lies agricultural fields and on the eastern boundary of the site lies a proposed residential development site. The planning application for this adjoining site (ref: PAP/2016/0280) has yet to be determined and is reported elsewhere on this agenda.

The site generally falls in a southerly/south-easterly direction from a height of approximately 81.7m AOD to 78.0m AOD at the southern boundary.

Vehicular access to the site is presently provided from Little Warton Road via an access track in between numbers 47 and 49.

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



## The Proposal

Outline planning permission was originally sought for the erection of up to 57 dwellings with associated works. An amended description has now been submitted for the scheme which seeks approval for up to 56 dwellings with associated works. This provides a development with a density of some 36 dwellings per hectare. Approval is sought at this stage for the point of access to the site from Little Warton Road through the widening of the existing access track by demolishing number 47 Little Warton Road.

An illustrative layout has been submitted with the application. However, all matters of detail except for the access are reserved for the subsequent approval by the Local Planning Authority.

The application is accompanied by the following supporting documentation:

- Design and Access Statement
- Ecological Appraisal
- Flood Risk Assessment
- Transport Statement
- Phase I and II Ground Investigation Report
- Topographical Detail and Level Survey
- Indicative Layout showing how 56 units would fit onto the site and including 40% of these units being affordable housing units

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

- 40% of the units being affordable with 65% of these being affordable rented units and 35% being shared ownership. The agreed mix is as follows:
- Of the affordable rented units: 29% 2 bed bungalows; 43% 2 bed houses; 28% 3 bed houses.
- Of the shared ownership: 50% 2 bed units; 50% 3 bed units.
- £1451.07 per unit towards enhancements to the public open space at Abbey Green, Polesworth.
- £32,283.00 to be paid to the George Eliot Trust for the provision of additional health care services to meet patient demand.
- £13,500 to be paid to Warwickshire County Council for the provision of a replacement bus shelter.
- Biodiversity Offsetting

### **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) and NW22 (Infrastructure)

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

### **Other Material Planning Considerations**

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

National Planning Practice Guidance

The Draft Submission Version of the Local Plan for November 2017

### **Consultations**

Environmental Health Officer – Hours of construction should be restricted to between 0800 to 1800 hours during weekdays and 0800 to 1300 on Saturdays given the proximity of the site to residential properties. A dust management plan is also required.

Warwickshire Wildlife Trust – The Trust confirms that the site currently consists of moderately species rich grassland, scattered trees and boundary hedgerows with trees alongside the built area. These habitats have moderate value to wildlife and are all proposed to be lost. There will thus a net loss of bio-diversity, which is contrary to the NPPF. As such green infrastructure should be incorporated into the development layout. Amended plans have been submitted reducing the number of units on the site and

including a small area of public open space. Planting is also now proposed along the access roads.

Assistant Director (Housing) – There is a need in Warton for two bed houses and bungalows together with three bed houses with two reception rooms which could be adapted to a bedroom if required and four bed houses for the affordable housing mix.

Warwickshire County Council as Highway Authority – There is no objection in principle to the proposals. However, the original proposals were deemed not to be acceptable on highway grounds as the access road needed to comply with the WCC standards; an updated Stage 1 Safety Audit was required and the radius kerbs for the site access should not extend across the existing driveway for number 45 Little Warton Road. Amended plans have now been submitted showing the internal road layout redesigned to maintain a 5m carriageway with a 2m footway. The service strip has been reduced to 0.5m. The visibility splays shown on the amended plans have an 'x' distance of 2.4m and a 'y' distance of 64m to the west and 59m to the east. A Stage 1 Road Safety Audit has been submitted. Revised comments on the amended plans and Technical Note from the Highways Authority are awaited.

Warwickshire Police – There is no objection to the proposal.

Warwickshire County Council's Infrastructure Team – A contribution is sought towards a replacement bus shelter along Little Warton Road and its subsequent maintenance totalling £13,500 and a contribution towards library services of £1,116.

Warwickshire County Council as Flood Authority – Additional information on the proposed surface water management on the site is required but conditions should suffice at this outline stage.

George Eliot NHS Trust – It provides calculations to show that the proposed housing scheme will require additional patient demand and so a sum of £32,283.00 is required for the provision of additional health care services.

## **Representations**

Five letters of objection from local residents have been received regarding:

- The impact of this scheme on the surrounding road networks which cannot cope with this additional traffic as some of the roads are single tracked.
- The access into this site is very close to the junction with Orton Road and will be hazardous to this busy junction.
- This scheme will cause noise pollution and ruin this landscape.
- The public services, schools and doctors cannot cope and neither can the local sewers.
- The existing dwellings along Little Warton Road and Orton Road will be severely impacted by this residential development by virtue of overlooking, loss of privacy and overshadowing.
- The affordable housing should be pepper potted throughout the site and not clustered next to the existing housing along Little Warton Road and Orton Road.
- Bats inhabit the area as well as hedgehogs.
- The hedgerows are important around this site.
- This site is located outside the Development Boundary for Warton and so conflicts with the Core Strategy.

- The proposed development is over-bearing, out-of-scale and out of character in terms of its appearance compared with existing properties in the vicinity.
- Some of the houses on Little Warton Road are set 1.5 metres lower than the field. These properties have always had an open outlook which will be lost.
- 57 houses is too high a density for this site.
- The human rights of the surrounding residents need to be considered. Construction activity will have a detrimental impact on the surrounding residents.
- Two letters of comment state that the land is clay some 500/600mm below ground level. Additional houses could cause flooding to the surrounding area. During heavy rainfall the junction of Little Warton Road and Orton Road has flooded.

## **Observations**

### **a) The Principle of Development**

The site lies outside of, but is adjacent to 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 is not located within the Green Belt.

This proposed site lies adjacent to the development boundary for Warton as the development boundary includes Little Warton Road and a proportion of Orton Road. The site has however been identified as a preferred housing site in the Draft Submission Version of the Local Plan for North Warwickshire 2017 under Policy LP39 (Housing Allocations) as part of a larger housing site H26 – Land north of Orton Road.

The site will have direct vehicular and pedestrian access onto Little Warton Road. Little Warton Road has a bus shelter less than 20 metres from the proposed site entrance with a bus service between Tamworth and Atherstone. There is a shop and post office in Warton and a primary school further along Little Warton Road on Maypole Road. These pedestrian linkages comply with the requirements of Policy NW10 (4) and (5) to promote healthier lifestyles for the community to be active and to encourage sustainable forms of transport focussing on pedestrian access and provision of bike facilities.

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 and is thus acceptable in principle.

The main impacts of approving residential development now need to be considered.

### **b) Highways**

Policy NW10 (6) in the Core Strategy requires development to provide for proper vehicular access in accordance with adopted standards. The Highway Authority has expressed concerns about the design of the proposed access to be created onto Little Warton Road. However it confirms that there is no objection to the principle of a vehicular access in this location. The concerns relate to the northern radius abutting the vehicular access to no.45 Little Warton Road as highway users could be confused

thinking drivers indicating will turn into the development site rather than turn into no. 45. This could result in shunt collisions or drivers pulling out when not safe to do so. Amended plans have been submitted to address this issue. The Highway Authority has provided comments to the applicant's agent which has been forwarded to the Council. The County's Highway Engineer considers that the risk of possible conflicting movements here are not considered to be "severe" based on the number of vehicle movements as existing or proposed. Members will know that the test set out in the NPPF for a refusal based on highway reasons is that the risk has to be shown to be "severe".

The Highway Authority also raised concerns that the swept path provided into the site was not suitable to cater for refuse vehicles. The amended plan has led to the withdrawal of this objection.

Other concerns raised by the Highway Authority relate to the footway along the access into the site being located on the southern side whereas most pedestrian movements out of the site will be northwards. Amended plans have been submitted to the Highway Authority showing a footpath along the northern side of the proposed access. There is also a need for a Road Safety Audit. For the adjoining housing site ref: PAP/2016/0280 the Highway Authority agreed to the imposition of a planning condition to require the submission of a Road Safety Audit. It is considered that such a condition along with full details of the access road into the site could form part of an appropriately worded condition.

Subject to the Highway Authority confirming that it formally removes its previous objections with the submission of the amended plans, it is considered that an amended scheme with appropriately worded conditions will ensure that a proper vehicular access is provided in accordance with adopted standards in accordance with Policy NW10 (Development Considerations) in the Core Strategy.

### **c) Surface Water Drainage**

Warwickshire County Council has objected to the proposed drainage for surface water from this residential scheme. The issue relates not to the principle of surface water drainage but to the precise design of the surface water system and the extent to which this system might be adopted or alternatively maintained by a management company. This application however is submitted in outline, with all matters except vehicular access reserved for later consideration. It is accepted that the design of the system should be determined alongside the layout of the development. Should land be required for the construction of above ground surface water attenuation, then the number of units provided on site can be lowered as part of any reserved matters proposal as the proposal is for up to 56 residential units.

In view of the principle of surface water drainage being accepted, it is considered that a proportionate and wholly reasonable way forward is for the design of the surface water system to be submitted as part of a planning condition requiring these detailed design drawings and calculations to be submitted before any development takes place on the site. These detailed drawings will then determine the layout which will be applied for under any reserved matters application. Such an approach is considered to be in accordance with the requirements of Policy NW10 (11) in the Core Strategy 2014.

#### **d) Loss of Biodiversity**

Warwickshire Wildlife Trust raises concern about the loss of biodiversity through the development of this site. Through the use of WCC's Biodiversity Impact Assessment calculator, the original plans showed a loss to biodiversity of 4.05 biodiversity units. This is as a result of the loss of moderate grassland and trees removed.

Paragraph 118 of the NPPF states that when determining planning applications, Local Planning Authorities should aim to conserve and enhance biodiversity by applying the principle that if significant harm resulting from a development cannot be avoided, adequately mitigated or as a last resort, compensated for, then planning permission should be refused.

The amended plans submitted include a small area of open space and tree planting along the access road. The maximum number of units proposed has decreased by one to accommodate this additional planting. This reduces the nett loss of bio-diversity units but not totally. The Trust therefore recommends that Biodiversity Offsetting is included in any Section 106 Agreement requiring an appropriate mitigation to be provided either through the payment of a commuted sum made payable to Warwickshire County Council or by off-site mitigation on land owned by the applicants. In addition to this Biodiversity Offsetting, the Trust also recommends that planning conditions are imposed on the need for a construction environment management plan; a Landscape and Ecological Management Plan and a Lighting Design Strategy for light-sensitive biodiversity to be submitted. Inclusion within a legal agreement and compliance with these conditions will protect the biodiversity value of this site.

As such it is considered that in accordance with the requirements of the NPPF, significant harm to biodiversity is reduced if the development plateau is reduced in area to allow these areas to be set aside for biodiversity enhancements.

#### **e) Residential Amenity**

With regards to the residents to the south and west 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 have their rear gardens backing onto any rear gardens of these existing residential properties. The proposal to reduce the heights of dwellings proposed close to existing properties so that they are single storey units will reduce the impact on the residents of Orton Lane. The loss of views of the countryside is not a material planning consideration.

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

#### **f) Affordable Housing**

Policy NW6 (Affordable Housing Provision) requires 40% of the dwellings to be affordable units. This can be required through a Section 106 Agreement whereby 40% of the dwellings are affordable units, with 65% of these being socially rented units and the remainder being shared ownership. The Housing Officer has recommended the mix of affordable rented units to meet the requirements of those requiring housing in Warton. This mix includes bungalows.

It is considered that the inclusion of the above within a Section 106 Agreement will meet the requirements of adopted Policy NW6.

#### **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. Warwickshire County Council has not asked for any contributions towards education from this proposal. A contribution is required towards the provision and improvement of open space in Polesworth. A contribution has also been requested from the George Eliot Trust for additional health care provision. These contributions sought are in accordance with Policy NW22 (Infrastructure) in the Core Strategy.

#### **Recommendation**

That subject to the Highway Authority removing its objection to the proposal and subject to completion of a Section 106 Agreement covering the draft Heads of Terms as set out in this report, outline planning permission be **GRANTED** with the following conditions:

1. Details of the appearance, access, 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 Location Plan received on 24 April 2017 and no more than 56 dwellings shall be constructed on the site.

##### **REASON**

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



5. No development shall take place until detailed design drawings and calculations for the disposal of foul and surface water have been submitted to and approved in writing by the local planning authority. Only the approved details shall then be implemented on site. No sewage discharge shall be in operation until the approved works have been completed.

REASON

To ensure a suitable foul and surface water drainage system is constructed on site.

6. Prior to the commencement of development, detailed technical drawings shall be submitted showing an adopted footpath crossing the eastern boundary of the site into the neighbouring field currently owned by Warwickshire County Council. Such an adopted footpath shall be provided for full use within an area of open space prior to the occupation of any of the units hereby permitted.

REASON

To ensure that this residential development is connected to the site to the east as both sites are part of one allocated housing site known as H26 in emerging Policy LP39.

7. 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:
- Details of the location of storage compounds and car parking for site operatives and visitors;
  - Details of the hours of working and the hours of delivery of goods, plant and materials;
  - Wheel washing facilities and any dust suppression measures;
  - Noise control during construction;
  - Site lighting details;
  - Measures for the protection of trees that are to be retained;
  - Details of household refuse from occupied dwellings during construction; and,
  - Details of the contact for any local concerns with the construction activities on the site.

REASON

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

8. 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) Description and evaluation of features to be managed.
  - b) Aims and objectives of management.
  - c) Appropriate management options for achieving the aims and objectives.
  - d) An up-to-date Biodiversity Impact Assessment demonstrating that 'no net loss' to biodiversity has been achieved.
  - e) A work schedule, including an annual work plan capable of being rolled forward over a five-year period.
  - f) 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 accordance with the approved details.

#### REASON

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

9. Prior to the commencement of any development on site full details of how the land shown as public open space and the trees and hedgerows shown to be retained shall be submitted to the Local Planning Authority for their approval in writing. The approved details shall then be implemented in full on site.

#### REASON

In the interests of protecting the biodiversity of the site and retaining areas of open land.

10. 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.

11. Highway conditions requested by the Highway Authority

## Notes

1. In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner through pre-application discussions, 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/2017/0202

| Background Paper No | Author                    | Nature of Background Paper                | Date    |
|---------------------|---------------------------|-------------------------------------------|---------|
| 1                   | The Applicant or Agent    | Application Forms, Plans and Statement(s) | 25/4/17 |
| 2                   | Pollution Control Officer | Objection                                 | 2/5/17  |
| 3                   | Mrs Sparshott             | Objection                                 | 8/5/17  |
| 4                   | WWT                       | Consultation response                     | 10/5/17 |
| 5                   | The Herald                | Press Notice                              | 4/5/17  |
| 6                   | M Williams                | Objection                                 | 24/5/17 |
| 7                   | C Hunt                    | Comments                                  | 24/5/17 |
| 8                   | D Hughes                  | Comments                                  | 24/5/17 |
| 9                   | Snr Pollution Officer     | Consultation response                     | 22/5/17 |
| 10                  | G Roberts                 | Comments                                  | 19/5/17 |
| 11                  | S Wright                  | Objection                                 | 19/5/17 |
| 12                  | S French                  | Objection                                 | 3/7/17  |
| 13                  | G Roberts                 | Objection                                 | 30/7/17 |
| 14                  | WCC Flood Risk Manager    | Consultation response                     | 23/5/17 |
| 15                  | Highways Authority        | Consultation response                     | 2/5/17  |
| 16                  | Warwickshire Police       | Consultation response                     | 15/5/17 |
| 17                  | WCC Infrastructure Team   | Consultation response                     | 21/6/17 |
| 18                  | Agent                     | Amended plans and technical note          | 6/9/17  |
| 19                  | George Eliot Trust        | E-mail                                    | 28/9/17 |
| 20                  | Agent                     | E-mail                                    | 19/1/18 |
| 21                  | Agent                     | E-mail                                    | 22/1/18 |

*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.*