Application No: PAP/2016/0187
109, Tamworth Road, Wood End, CV9 2QQ

Outline application - erection of 4 detached dwellings with vehicular access, for
Mr Brian Heathcote

Introduction

The application is reported to Board at the request of the Local Members for Wood End who are concerned about the local impacts of the proposals.

The Site

The site comprises a residential dwelling and lies adjacent to the former development at Islington Crescent. The large garden area to the rear of the host dwelling comprises some 0.15 hectares in area. To the east of the site are open fields which are allocated for housing in the future. Currently the application site is undeveloped garden land with mature trees and hedgerows. The application site and the context of the immediate surroundings are illustrated at Appendix A and in the aerial view below.

The Proposal

This is an outline application for the erection of four detached dwellings and vehicular access off the Tamworth Road.
The host dwelling fronting Tamworth Road would be retained by the development and the garage attached to the host dwelling would be removed to make provision for an access road. A site plan below illustrates a development of four detached dwellings with garages, parking spaces and access road. Consideration of the matters of access and layout is requested now with reserved matters of scale, appearance, drainage and landscaping for later determination. The proposed site layout is illustrated below:

**Background**

There are no previous planning permissions at the site, though the site is adjacent to the development at Islington Crescent and land beyond the application site has been allocated for housing. The proposal will result in the loss of the attached garage to the host dwelling in order to achieve the access drive to the development.

**Development Plan**

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

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

**Other Relevant Material Considerations**

The National Planning Policy Framework 2012 – (the “NPPF”)
The National Planning Practice Guidance 2014 – (the “NPPG”)
The Council’s Preferred Options for Site Allocations – Pre-draft Submission 2014.
The Draft Local Plan for North Warwickshire 2016

**Consultations**

Warwickshire County Council as Highways Authority – No objection subject to a revised plan and a number of conditions.
Environmental Health Officer – Requires a dust management plan to be submitted for approval by the local authority prior to development, should permission be granted. A construction hours restriction is also recommended - 0800 to 1800 during weekdays and 0800 to 1300 on Saturdays.

Warwickshire Museum – No objections or conditions recommended.

Representations

Three objections have been received from neighbours covering the following matters:

- One of the properties will block daylight from our garden and also encroach our privacy especially during construction.
- I see from the plan that the applicant wishes to, at a later date gain access to the houses from Meadow View which will increase traffic to the quiet residential road and could increase parking issues.
- The land identified for development is outside that which forms part of the Local Plan, and would therefore not accord with Policy.
- The application does not directly address or respond to the areas of concern identified by the Planning Officer as part of the pre-application consultation process.
- The access arrangements would have an adverse impact both with respect to the existing mature tree abounding 107 and 109 Tamworth Road, adjacent mature hedgerows and the adjoining properties.
- The access arrangements directly from Tamworth Road onto the site do not allow for clear access from the main highway onto the site during peak times, (5 properties with an allowance of 2 vehicles per property) resulting in a potential build-up of traffic on the main highway, with the egress from the site similarity compromised due to restrictions of width and visibility.
- Access to the four properties also appears restricted due to the limited width available between 107 and 109, as well as due to the existing mature tree, thereby preventing two vehicles from passing.
- The design and access statement contains factual inaccuracies.
- The amended plans still fail to address the objections previously raised, and purely relate to the entrance area and the provision of an area suitable for bin store area and an increased parking area. All other concerns/comments including those raised at the pre-application stage have not been addressed.
- The proposal does not accord with current planning policy as it relates to development for the Woodend area and in particular the strategy appertaining to the adopted local plan.
- The revised site layout still provides a restricted vehicular access to the proposed development despite the proposal to demolish the single story extension to the existing property. The reducing width provides both limited visibility and reduced capacity for vehicles to pass at the same time thereby leading to a potential for a build up onto the main highway.
- Objection on design of access, loss of amenity due to access and construction traffic and traffic for the development passing close by the existing houses, fumes, dust and drainage issues as well as health and safety with no pedestrian paths leading to the development.
- The main concern is the impact on the occupier who has a health condition that would be made uncomfortable by the development.
- The proposed application as shown, despite amendments remains outside the boundary identified within the adopted local plan.
Observations

a) The Principle of Development

The site lies within the Development Boundary for Wood End as defined by the Development Plan. Policy NW2 of the Core Strategy identifies the settlement as a Category 4 settlement. Here, the policy indicates that, “development will be limited to that identified in the Plan or has been identified through a neighbourhood or other locality plan.” In this case the land surrounding the application site is earmarked to be potential future housing development and therefore the application site could be surrounded by development. However even at present the site is within the development boundary. Policy NW5 of the Core Strategy identifies that a minimum figure of 30 houses will be directed to the settlement.

The settlement has a limited number of services and facilities with public transport links. The overall view is that this proposal therefore does constitute sustainable development and thus that the principle of development is acceptable. The presumption is thus in favour of the grant of a planning permission on this site. It is necessary therefore to assess the specifics of the proposals in terms of the impacts, such as highways, amenity and ecology, to establish whether there are any adverse impacts of, or deficiencies in, the application proposals that outweigh the NPPF objective of “significantly boosting the supply of housing”.

b) Housing Land Supply

Notwithstanding the Core Strategy Policies NW2 and NW5, the Council can evidence a current 5 year housing land supply. This has been tested at appeal and has been found to be sound.

c) Amenity

The site is of an adequate extent to enable the provision of four new dwellings with adequate standards of residential amenity for occupiers of new dwellings. Surrounding dwellings to the development at Nos 26, 27, 28 and 29 Meadow View have good sized rear gardens at 16 metres from the proposed development as do immediate neighbours at No. 107 with 32 metres from the proposed development and 111 Tamworth Road with 28 metres from the two storey element of the proposed development.

The siting of the dwellings within the proposed development has good separation distances between future occupiers such that the resulting development is unlikely to result in such levels of overlooking or loss of privacy from the dwelling houses that a refusal of planning permission on grounds of overlooking and privacy would not be justified. Under a subsequent application for reserved matters it will be possible to control either obscure glazing to windows or the omission of side facing windows altogether.

In terms of loss of light and overshadowing then the development site is located to the east of the dwellings along Meadow View and plot 4 is close to the boundary with the neighbouring properties 26, 27, 28 and 29 Meadow View, where the flank wall of a proposed dwelling would be sited at 1.3 metres off the party boundary. The separation distance from these neighbour’s rear windows towards the flank wall of plot 4 is approximately 16 metres, with intervening garden, garden buildings, fencing and hedgerow between the application site and these neighbours. This distance is
considered to be acceptable in order that no loss of privacy would occur to the use of principle rooms in the rear elevations to these neighbouring dwellings.

In terms of overshadowing of their gardens then although the proposal for plot 4 would be sited beyond the rear gardens of Nos 26, 27, 28 and 29 Meadow View this orientation would not be considered to exacerbate overshadowing of gardens beyond the arrangement to the existing buildings such as garages and stores located within these neighbouring gardens, which already cause an element of overshadowing from the east. Overshadowing would be limited in any case, as when the sun’s trajectory is to the south and to the west then the proposed development would not cause overshadowing of these neighbouring gardens, or loss of light. In any case the scale and design of the proposed development would be reserved for a subsequent application to ensure no adverse impacts would result from the development.

The siting of the proposed development with the neighbour at 111 Tamworth Road would not cause overshadowing as 111 Tamworth Road is east of the application site. In terms of overlooking and privacy then there might be potential to overlook garden space, though all rear windows have an element of overlooking towards private gardens. The requirement for obscure glazing would be applicable in a future application. The retention of trees, some to be preserved would also assist in screening the impact on the neighbour’s amenity. The development would be screened from the neighbour at 107 Tamworth Road by retention of the mature Oak tree.

Plots 1 and 2 are at a considerable distance from the residential amenities to cause loss of privacy or light related issues and are virtually in line with the building line at 25 Meadow View and so no privacy or light issues would occur. The relationship and separation distances between windows and gardens of the new development towards windows and garden of the future occupiers and the existing built form at 109 Tamworth Road are acceptable as no loss of light would occur between proposed buildings. The provision of screen fencing and planting would reduce any privacy impact on 109 Tamworth Road and the amenity of future occupiers of the development. As such the proposal would accord with policy NW10 of the Core Strategy.

However, the treatment of the driveway and the boundaries will need to be assessed. The new access drive from Tamworth Road serving the development creates a driveway capable of causing a reduced amenity by virtue of noise, fumes and pollution in close proximity to neighbouring occupiers at No. 109 and 107 Tamworth Road. In order to mitigate noise and the effects of pollution then the submission of a revised plan has proposed to remove the garage to the host dwelling at 109 Tamworth Road, thus making the access road wider for the development, allowing for a more robust boundary alongside 107 Tamworth Road comprising additional landscaping and with potential for an acoustic fence to mitigate noise and fumes from passing vehicles.

In terms of the construction of the development, then this is a short-term harm, though dust and debris associated with a development could affect the health condition of the neighbouring occupier which can be given limited material weight. This matter will be considered in these observations. In this regard consideration of a management plan or limited hours of construction would have to be provided by condition.

On balance the proposed development conditions and its siting is not unique to this site, there are examples around the borough of development of garden land with a similar arrangement to access drives. It is considered that with conditions there would be no adverse harm on the amenities as a result of the development and therefore the proposal would accord with the requirements of policy NW11 of the Core Strategy.
d) Design and layout

The layout of the development has been designed as such to take into account the constraints surrounding the site, including making provision for an access off Meadow View so as to ensure the land identified as a future housing site at WE3A (Site Allocations Draft Pre-Submission document, June 2014) could be accessed of necessary. The layout of the site also takes into account the oak trees.

There is no objection in principle to how the housing plots have been laid out in relation to neighbouring houses along Meadow View and detailed considerations such as design and scale would be reserved matters. It is considered the driveway to serve the development, proposed off Tamworth Road and now utilising improvements made to the existing vehicular access serving the host dwelling at No. 109 Tamworth Road is sufficient to provide a suitable residential standard road to serve the development. The Highways Authority has raised no objection subject to conditions.

It is assessed that traffic movements serving four residential properties will pass close by the front and rear window of No. 109 Tamworth Road and close to its western flank wall, with potential to impact adversely in terms of both privacy and noise/traffic vibrations. The same can be suggested to the relationship of the access drive with No. 107 Tamworth Road. Therefore acoustic fencing would be required alongside 109 Tamworth Road and additional landscaping where the access would pass alongside No. 107 Tamworth Road at a distance of 5 metres east of this neighbours flank elevation, which is unlikely to cause disturbance from traffic to the neighbouring occupants particularly when using their back gardens. Environmental Health has raised no objections. Thus there would be mitigation measures to reduce any adverse amenity impact by traffic using the site on the immediate residents in close proximity to the access drive.

e) Drainage and Flooding

The submission of detailed drainage plans for the disposal of surface water and foul sewage as a requirement of a condition of any planning permission would be the appropriate way forward here.

f) Highway Safety

The Highway Authority has raised no objection to the development subject to conditions. In this respect the proposal complies with Development Plan policy. Any refusal reason would thus be very difficult to defend at appeal.

g) Affordable Housing

Core Strategy Policy NW6 indicates that for schemes of between 1 and 14 inclusive units, 20% affordable housing provision will be provided. However, following a recent Court decision, the NPPG has been revised. The revision exempts small sites from affordable housing where developments of 10-units or less and which have a maximum combined gross floor space of no more than 1000sqm. The updated guidance indicates that the approach in Policy NW6 is now partly out of date. This application proposes four dwellings. It is therefore below the ten dwellings threshold in the new NPPG. The combined gross combined floor area for the four dwellings does not exceed 1,000sqm. The scheme is therefore exempt from the need to provide affordable housing, in
accordance with up to date planning guidance. The proposal would be policy compliant in this respect.

h) Other Matters

The site is presently laid to grass and has a substantial green boundary with hedgerow and mature trees. The development provides the opportunity to retain biodiversity interest by preserving trees along the boundary of the site; retaining hedgerows and new garden areas would be provided by the development.

It is necessary to address whether the development would have adverse effects on the health concerns identified by the neighbouring occupiers residing at No. 107 Tamworth Road.

No. 107 Tamworth Road a semi-detached house which lies immediately south west of the site and would be directly adjacent to the access drive leading to the site - albeit with a gap of 5 metres.

The occupier has a health condition that would be susceptible to dust and disturbance by the proposed development. This health consideration of the neighbouring occupier can be a material consideration in the determination of the planning application.

In brief, personal circumstances can be present in the background to the consideration of the character of land use, but may sometimes be given direct effect in development control as an exceptional or special circumstance. The health needs of the neighbouring occupier residing at 107 Tamworth Road are capable of being a material consideration. The weight to be attached to any given material consideration is a matter for the Board.

Even if the Council concludes that the construction period upon permission would cause material harm to the health of the immediate neighbouring occupier it does not follow that the application should be refused. The concerns principally relate to the effect of the construction phase on the neighbouring occupiers health due to the probable increase in airborne particles, dust and pollution from the construction phase and by the use of vehicles accessing the development once occupied.

The neighbour's rear garden does not contain any mature trees or tall vegetation that might be a barrier to the movement of dust or particles. The only tree to remain is the mature oak tree, which would help to screen the development. The existing hedgerow on the application site which exists alongside the timber party fence would not provide a barrier and therefore a secondary landscaping barrier is proposed. Though the lounge to the property is at the front, the kitchen/dining will be, to a degree, be used as living accommodation. The kitchen/dining also contains a side window facing east and towards the access route, presently only screened by the party fence and existing hedgerow on the application site. Construction traffic would pass along the side of the property and the dwellings would be constructed to the rear of it. The distance between the edge of the developable area (being the access drive) and the rear/side of the applicants dwelling would be not more than 5 metres. Though the dwellings would not impact on the neighbour once erected, it is the constant use of the driveway that may reduce the amenity and potentially cause harm to the neighbour's health by way of pollution. There is clearly some concern here.

The impact could be mitigated by a sympathetic construction management plan and good communication between the developers and the neighbouring occupier so that she can be warned when particularly "dusty" activity is to be undertaken so that this activity occurs when it is less likely to affect her. It can be recommended that
construction activity is restricted to the standard hours of 0800 to 1800 during weekdays and 0800 to 1300 on Saturdays. Though the fact that for a number of days, or indeed weeks, the occupier might have to stay indoors with the windows shut to prevent the ingress of dust is unlikely to be sufficient to justify the refusal of permission. Whilst the health of the neighbouring occupier is a material consideration, it is not considered to be a factor here which should be afforded overriding weight and would not be a robust and defensible reason for refusal alone, particularly as the revised plan provides a greater distance to the access drive at 5 metres and a robust boundary treatment.

Conclusion

The amenity matters relating to the neighbours objections have been assessed and the result of the development would not be considered adverse beyond the effects of other existing development in the area and the existing relationship between houses. Though the health circumstances of the neighbouring occupier are a material consideration in the determination of this application, it alone would not override the presumption of sustainable development. On balance, it is considered that the proposal in its revised format represents an acceptable form of backland development which would require to accord with good design principles that would be assessed under reserved matters. It is considered that there are no overriding factors of such weight that would override an approval of development. It is considered that the proposal may not be supported.

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 and 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

   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 revised site layout plan ref: 4350/02 Rev B received by the Local Planning Authority on 12 August 2016 and the topographical survey and the sit eplan ref: 4350/01 received by the Local Planning Authority on 1 April 2016 and the Arboricultural Impact Assessment received on 10 May 2016.

**REASON**

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

5. No development whatsoever within Class A, B, C and F of Part 1, of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 shall commence on site without details first having been submitted to and approved by the Local Planning Authority, in writing.

**REASON**

In the interests of the amenities of the area.

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

**REASON**

In the interests of the amenities of the area.

7. No development or site works whatsoever shall commence until a detail of measures for the protection of trees have been submitted to and approved by the Local Planning Authority in writing. Such measures shall be erected on site and retained throughout the course of the works and construction and only removed when the dwellings are ready for occupation to the satisfaction of the Local Planning Authority. For the avoidance of doubt a no dig solution shall be implemented in the root protection areas.

**REASON**

In the interests of preserving the landscape and in the interests of the amenity.

8. No development shall commence until details of the size and species of the proposed landscaping has been submitted to and approved in writing by the Local Planning Authority. All planting, seeding or turfing comprised in the approved details of the landscaping scheme identified on the ref: 4350/02 Rev B shall be carried out in the first planting and seeding following the construction of the dwelling, or completion of the development, whichever is the sooner; and any trees or plants which, within a period of 5 years from the date of the planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
9. No development shall commence until details of all screen walls and fences have been submitted to and approved in writing by the Local Planning Authority. Screen fences located in proximity to and along the boundary with No. 109 and 107 Tamworth Road shall incorporate acoustic properties.

**REASON**

In the interests of the amenities of the neighbour occupiers of the development.

10. 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 in writing by the Local Planning Authority. The scheme shall be implemented before the development is first brought into use.

**REASON**

To ensure the development is provided with a satisfactory means of drainage as well as to reduce the risk of pollution.

11. No development shall commence until a dust management plan is submitted to and approved in writing by the Local Planning Authority.

**REASON**

In the interests of the amenities of the area.

12. There shall be construction before 0800 or after 1800 during weekdays and before 0800 and after 1300 on Saturdays. There shall be no construction whatsoever on Sundays and public bank holidays.

**REASON**

In the interests of the amenities of the area.

13. Access for vehicles to the site from the public highway (Tamworth Road C7) shall not be made other than at the position identified on the approved drawing, number 4350/02 Rev B, providing an access no less than 5.0 metres in width for a distance of 7.5 metres, as measured from the near edge of the public highway carriageway. No gates shall be hung within the vehicular access so as open within 6.0 metres of the near edge of the public highway footway.

**REASON**

In the interests of highway safety.
14. No dwelling shall be occupied until the existing public highway footway/verge crossing has been extended, laid out and constructed in accordance with the standard specification of the Highway Authority.

**REASON**

In the interests of highway safety.

15. No development shall commence until full details of the provision of the access, car parking and manoeuvring 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. The development shall not be commenced until visibility splays have been provided to the vehicular access to the site, passing through the limits of the site fronting the public highway, with an ‘x’ distance of 2.4 metres and ‘y’ distances of 43.0 metres to the near edge of the public highway carriageway. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway.

**REASON**

In the interests of highway safety.

17. 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.

18. 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.
19. 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 schools.

REASON

In the interests of highway safety for all users
BACKGROUND PAPERS

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

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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.