

Agenda Item 7
8 February 2016
Planning Applications

This file contains the reports for Items (2) and (3)

Planning Application PAP/2015/0222

Barge and Bridge PH, 79 Coleshill Road, Atherstone, CV9 2AB. Demolition of existing public house building. Erection of building for 9 flats and associated works for Arragon Construction Limited.

Planning Application PAP/2015/0253

Land North of Eastlang Road, Fillongley. Residential development comprising of 27 no: affordable 2, 3 and 4 bedroom houses and 2 bedroom bungalows including associated highways, external works, landscaping and landscaping and boundary treatments for The Cassidy Group Limited.

For other applications see file 3.

(2) Application No: PAP/2015/0222

Barge And Bridge PH, 79, Coleshill Road, Atherstone, CV9 2AB

Demolition of existing public house building. Erection of building for 9 flats and associated works, for

Arragon Construction Limited

Introduction

This application is referred to the Board at the discretion of the Head of Development Control.

The Site

This is an area of 0.08 hectares comprising the Barge and Bridge Public House including the building, car park and outdoor seating areas. The site occupies a prominent position on the south east corner of a staggered junction on the Coleshill Road, a major road leading into the town with Westwood Road and Minions Close. The opposite corner is occupied by Queen Anne House, 68 Coleshill Road, a Grade II Listed Building. The site currently presents an open frontage to the Coleshill Road with the existing building set back within the site. The open aspect is enhanced by Westwood Road and the adjacent main railway line which are to the north of the site. There is a new block of residential development being constructed immediately to the east. To the south is a range of buildings used for motor repairs, the canal and the presently vacant Britannia Mill premises.

Appendix A illustrates the location.

The Proposal

It is proposed to demolish the existing public house building and to erect a three storey building of brick and clay tile construction providing nine apartments – three two bed on each floor - with twelve car parking spaces and associated works to provide a refuse bin storage area. Vehicular access would be provided via the arrangements to be installed to the residential development with extant planning permission permitted to the rear of the application site. This new block would be three stories in height too. The site is in the same ownership as the current application site. Pedestrian access into the building would be from the rear parking area. The “door” on the Westwood Road elevation provides access to meters and services.

The footprint of the new building is larger than that of the current building and as such its elevations would be closer to both Westwood and Coleshill Roads than the existing. However it would be no taller than the current building. The appearance of the new building doesn't replicate the particular character of the Public House because it follows that previously approved and now under construction next door.

The motor repairs business referred to above and adjoining the application site to the south benefits from a right of access across the application site to Coleshill Road. As a consequence this has to be safeguarded and the existing vehicle access to the Coleshill

Road is thus retained. This will be controlled by a barrier which will be closed by the occupier of the adjoining property when those premises are not in use.

The application is accompanied by two supporting documents. The first is a Site Investigation Report which concludes that in view of the low levels of priority contaminants within the soils and the lack of pollution linkages, no remedial works will be required. The second is a Noise Assessment report recommending the installation of appropriate acoustic glazing and ventilation measures as a consequence of the proximity to the railway line.

Appendix B illustrates the layout and Appendix C is a street scene. Both show the proposed development in context with the block presently under construction to the east.

Background

The proposals have been amended since originally submitted and the latest plans were recently sent out for re-consultation. The responses below relate to the latest plans.

Consultations

Warwickshire County Council as Highway Authority – It has no objection subject to conditions to ensure the provision of safe vehicle access through appropriate access design; the provision of a barrier to the Coleshill Road access and the re-instatement of areas within the existing access arrangement that are no longer required.

Environmental Health Officer – No objection subject to standard conditions to require details of ground gas migration protection and noise attenuation measures to be submitted prior to commencement.

The Canal and River Trust – No comments received

Representations

Atherstone Civic Society – The Society objects. It considers that the scale and height of the proposed building is over-dominant in this prominent, sensitive location and that it adversely affect the settings of nearby heritage assets – the Grade II Listed Buildings of Britannia Mill and Queen Anne House as well as the historic canal corridor which includes a number of locks, also listed buildings, and the approach into and out of the town. There have been several responses as amendments have been received. These are included as Appendix D, but whilst some of the detailed matters might have been resolved, the principal objection remains as outlined above.

Atherstone Town Council – The Council objects. The proposal is considered to be an over-development of the site with inadequate parking, which will cause on-street parking on near roads thus causing highway safety issues.

Development Plan

The Core Strategy 2014 – NW1 (Sustainable Development); NW2 (Settlement Hierarchy), NW5 (Split of Housing Numbers), NW6 (Affordable Housing), NW10 (Development Considerations), NW12 (Quality of Development), NW14 (The Historic Environment), NW18 (Atherstone) and NW20 (Services and Facilities)

Saved Policies of the North Warwickshire Local Plan 2006 – ENV6 (Land Resources): ENV12 (Urban Design), ENV13 (Building Design), ENV14 (Access Design), ENV15 (Conservation) and COM2 (Protection of Community Facilities)

Other Material Planning Considerations

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

The National Planning Practice Guidance 2014

Observations

There is no objection in principle here. The site is inside the development boundary defined for the town and significant housing growth is also allocated for the town by the Development Plan. Moreover the site next door has an approval for a similar development. However the proposal would lead to the loss of a community facility. In this case it is considered that this does not carry substantial weight. This is because the premises have been vacant for some time; they are in need of significant renovation and there are other equivalent facilities within walking distance. In other words the loss of the facility here would be unlikely to have a detrimental impact on the viability and vitality of the town. The main issues here are thus going to be matters of detail. In this respect the representations identify the main considerations.

The present building is not a Listed Building and neither is the site itself in the town’s Conservation Area. The site however is a prominent one, given its location on one of the main roads into and out of the town and its proximity to the canal. Moreover it does stand on high ground. Coleshill Road rises as it exits the town and Westwood Road too is at a lower level to the east. The present building is tall although only being two stories in height and thus it too is a prominent feature in the surrounding street scene. It is however set back from the Coleshill Road frontage. The key issue in terms of the proposal here is thus whether the proposed built form is appropriate for this site, not that it is different from the existing building. It is agreed that a three storey building here is appropriate given the height of the existing building; the development under construction on the adjoining site and the mass of the Britannia Mill buildings to the south on the other side of the canal. The narrowing of the building line onto the Coleshill Road is not considered to be adverse given that it would provide a visual “stop” when looking south out of town along the road and again because of the backdrop of the significant mass of the Britannia Mill factory buildings. The north facing gable and its double bay window adds visual interest to this corner too. In conclusion it is considered that the proposed built form is appropriate for its location.

Members will be aware that the Council has a statutory duty to have special regard to the desirability of preserving listed buildings, including their settings and their particular architectural and historic interest. Here there are Listed Buildings close by. It is considered that there is no direct impact on their particular architectural or historic interest either externally or internally, but that rather the matter revolves around the impact of the proposed development on their settings. Queen Anne House is a Grade 2 Listed Building to the west of the site on the other side of the road. The significance of this asset is the retention of an intact late 18th/early 19th Century house with its associated garden and boundaries and contemporaneous architectural details both inside and out. It sits within its own site between the railway line and the Minions Close residential road. The proposed development would not significantly impact on this

setting. This is because the House would retain its significance as described; its' prominent and very visual presence when viewed from the Road would not be lost and the space around it would not be "invaded". The height of the proposed building and the narrowing of the gap between it and Queen Anne House is not considered to be material given the space and separation distances. This conclusion still holds when the cumulative impact with Charles Willis Court on the other side of the railway line is considered. Overall therefore the harm caused to the significance of the asset is considered to be limited. The significance of Britannia Mill is the retention of a complete hat factory showing its evolution over time; its historic operational connection to the canal and it being one of the last surviving such factories which were historically central to the commercial well-being of the town. The proposed building will not impact directly on the architectural or historic interest of this significance. As before the issue is to assess the impact of the proposal on its setting. It is not considered that this would be adverse because of the substantial mass of the original factory and its extensions which will remain the dominant street scene feature and there being no impact breaking or weakening the linkage to the canal. It is agreed that part of the view of Britannia Mill when leaving town along the Coleshill Road will be obscured because of the new building's new building line but the full extent of the Mill only becomes apparent from the approach to and over the canal bridge where there will be no visual obstruction. Again here it is considered that the harm is limited in extent. The canal is acknowledged as being important to the history of the town but the new development will not adversely impact on this very linear feature and in this location the mass of the Britannia Mill will still pre-dominate.

In conclusion therefore the impact on the local heritage assets here is considered to be limited even when taken cumulatively. The issue is thus whether this is of sufficient weight in the final balance to lead to a refusal.

The Civic Society refers to a number of design detailed issues which have been addressed in the revised plans or can be done so through planning conditions in the event of an approval.

The proposed access arrangement is complicated by the existing right of way to the adjoining site from Coleshill Road. However the highway authority is satisfied with the proposed joint access arrangement onto Westwood Road and the arrangements to control access to the Coleshill Road via a barrier that will be closed when the adjoining property is not in use. In these circumstances there is no weight behind a potential refusal reason. It is agreed that parking provision is not at 200% but as Members are aware this is a settlement which has very good public transport provision and also that the parking provision here satisfies Development Plan guidance. A refusal would not be sustained on this ground given these factors.

This is sustainable development and thus carries the presumption of an approval. That conclusion, given that there are no other adverse impacts, is considered to outweigh the limited adverse impact on local heritage issues referred to above.

Recommendation

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

1. Standard Three year condition

2. Standard Plan numbers – the location plan received on 7/4/15 and plan numbers 0662/1B; 3B, 4B, 5B and 7A received on 22/12/15.

Pre-commencement conditions

3. No work shall commence on site other than demolition works until full details of ground gas protection measures to be installed have first been submitted to and approved in writing by the Local Planning Authority. Only the approved measures shall then be installed on site.

REASON

In the interests of reducing the risk of pollution.

4. No work shall commence on site other than demolition works until full details of the acoustically treated glazing and ventilation to be installed have first been submitted to and approved in writing by the Local Planning Authority. Only the approved measures shall then be installed on site.

REASON

In the interests of reducing the risk of noise pollution.

5. No work shall commence on site other than demolition until full details of all facing, roofing and surface materials together with all boundary treatments including details of the refuse store have first been submitted to and approved in writing by the Local Planning Authority. Only the approved details and materials shall then be used on site.

REASON

In the interests of the visual amenities of the area.

6. No work shall commence on site other than demolition until full details of the provision of the access, car parking, manoeuvring and service areas including surfacing, drainage and levels have first been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall then be implemented on site.

REASON

In the interests of highway safety

7. No development shall commence on site other than demolition until full details of a barrier to be placed between parking space number 6 and the bin store together with the barrier to be installed across the access onto the Coleshill Road have first been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall then be installed on site.

REASON

In the interests of highway safety.

8. No development shall commence on site other than demolition until full details of the measures to be introduced to ensure that 20% of the units hereby approved – for the avoidance of doubt that is 2 units – will be affordable dwellings in perpetuity.

REASON

In the interests of meeting Development Plan policies in respect of affordable housing provision.

Pre-Occupancy Conditions

9. No dwelling hereby permitted shall be occupied until the whole of the access arrangements, parking, servicing and manoeuvring areas together within the gate and barrier as agreed under condition (7) have first been implemented in full on site to the written satisfaction of the Local Planning Authority.

REASON

In the interests of highway safety.

10. No dwelling hereby approved shall be occupied until the existing access onto the Coleshill Road has been reduced in width to accommodate the gate approved under condition (7) and the public highway footpath reinstated to the written satisfaction of the Local Planning Authority.

REASON

In the interests of highway safety.

Other Conditions

11. The gate approved under condition (7) shall only be opened when G W Motors is open for business and shall remain closed at all other times

REASON

In the interests of highway safety

12. The “goal-post” barrier shown on plan number 0662/1A shall be removed.

REASON

In the interests of highway safety.

13. No occupier of any of the dwellings hereby approved shall use the gated access onto the Coleshill Road.

REASON

In the interests of highway safety.

14. There shall be no deliveries or collections associated with the construction of the development hereby approved between 0800 and 0900 hours; between 1700 to 1800 hours and during hours when children will be going to or leaving school.

REASON

In the interests of highway safety

Notes

1. The Local Planning Authority has worked positively with the applicant in this case to address the planning issues arising with the case through seeking amendments in respect of design and highway matters thus meeting the requirements of the National Planning Policy Framework.
2. Attention is drawn to Sections 149, 151, 163 and 184 of the Highways Act 1980; the Traffic Management Act 2004, the New Roads and Street Works Act 1981 and all relevant Codes of Practice.

BACKGROUND PAPERS

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

Planning Application No: PAP/2015/0222

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	7/4/15
2	Atherstone Civic Society	Objection	29/4/15
3	Environmental Health Officer	Consultation	29/4/15
4	Environmental Health Officer	Consultation	12/5/15
5	Atherstone Town council	Objection	22/5/15
6	Agent	Letter	3/7/15
7	Case Officer	Letter	24/7/15
8	Agent	Letter	24/8/15
9	Case Officer	E-mail	14/8/15
10	Agent	Letter	28/9/15
11	Atherstone Civic Society	Objection	21/10/15
12	Atherstone Town Council	Objection	22/10/15
13	Canal and River Trust	Consultation	21/10/15
14	WCC highways	Consultation	2/11/15
15	Agent	Letter	21/12/15
16	Agent	Letter	12/1/16
17	Atherstone Town Council	Objection	21/1/16

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

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

APPENDIX A.
2015 / 0222



RECEIVED
- 7 APR 2015
North Warwickshire
Borough Council

Siteplan[®] 1:1250

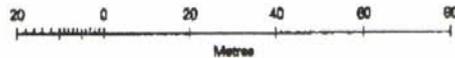


Produced 07 Feb 2008 from Ordnance Survey digital data and incorporating surveyed revision available at this date. © Crown Copyright: 2008.

Reproduction in whole or in part is prohibited without the prior permission of Ordnance Survey.

Ordnance Survey and the OS symbol are registered trade marks and Siteplan is a trade mark of Ordnance Survey, the national mapping agency of Great Britain.

Part or all of this Siteplan is enlarged from mapping produced at one or more of the following scales: 1:1250, 1:2500, 1:10000.



Centre Coordinates: 430684 297518

National Grid sheet reference at centre of this Siteplan: SP3067

Supplied by: Bleakwells
Serial Number: 00341100

NOTES

DO NOT SCALE FROM THIS DRAWING

DATE: 15/02/22

PROJECT: PROPOSED NEW FLATS AT COLESHELL ROAD, WESTWOOD, WARRICKSHIRE, CV9 2AE.

CLIENT: ARBAGH CONSTRUCTION LTD.

ELEVATIONS

DATE	15/02/22
SCALE	1:50
PROJECT	PROPOSED NEW FLATS AT COLESHELL ROAD, WESTWOOD, WARRICKSHIRE, CV9 2AE.
CLIENT	ARBAGH CONSTRUCTION LTD.

G. J. BROOK
 ARCHITECTURAL SERVICES
 15, BRIDGE STREET, WARWICK, CV4 7JF
 TEL: 01926 341144

Allen, Jeanette

From: Judy Vero <secretary@atherstonecivicsociety.co.uk>
Sent: 29 April 2015 12:08
To: planappconsult
Cc: Winterbottom, Denis
Subject: PAP/2015/0222: Barge and Bridge Public House, 79 Coleshill Road, Atherstone CV9 2AB

For the attention of Denis Winterbottom

PAP/2015/0222: Barge and Bridge Public House, 79 Coleshill road, Atherstone CV9 2AB – Demolition of existing public house and erection of 9 flats with associated works.

Thank you for your consultation of 9 April 2015.

We object to this proposal.

First of all, although we regret the demolition of the Barge and Bridge we accept that the building is not listed or in a conservation area. However, it is adjacent to Queen Anne House at 68 Coleshill Road, and Britannia Works (both Grade II Listed), and the historic canal corridor (containing a number of listed structures). Furthermore, the Coleshill Road bridge is the major gateway to Atherstone from the canal and for many canal-born visitors it is their first impression of the town.

Therefore the design and scale of the replacement building should respect the surrounding historic landscape and not add to the negative impression conveyed by the locality's only other block of modern flats, Charles Wills Court. We campaigned hard against this building for the fact that it would interrupt the views of the hills beyond the town and would dominate the approach to the canal. Charles Wills Court, is now seen as visually harmful and a serious planning mistake. It demonstrates very effectively that three-storey blocks of flats should be restricted to sites within the town centre. They need to be very carefully located so as not to overpower the townscape or restrict views of the countryside beyond. It is therefore important not to repeat the mistakes that were made when Charles Wills Court was built.

The proposed scheme would be similarly out of scale and would overpower the canal landscape on this very prominent site. It is not sufficient in our view to say, as the developer claims, that the proposed design reflects the scheme which was approved on the adjacent site in Westwood Road. Those flats will be on lower ground and not on a highly visible major road frontage. For these reasons we believe that the building should be reduced to two storeys in height and that the roof should have a steeper pitch to relate better to the existing townscape.

Incidentally, in the Design and Access Statement (page 3, penultimate paragraph) the applicant states that planning permission and approval were obtained for the adjacent site in 2007. This is incorrect. That application: 'PAP/2007/0098: Land rear of Barge and Bridge Public House, Coleshill Road, Atherstone – Erection of 11 flats, 2 and 3 storey with pitched, hipped roof, 15 car parking spaces and access from Westwood Road' did not include the Barge and Bridge and this current application is the first to propose its demolition. The 2007 approval was a better scheme which was considerably debased in the scheme which came forward after the site changed hands in 2013: 'PAP/2013/0316 Land rear of Barge and Bridge PH, Westwood Road, Atherstone: Erection of 11 two-bedroomed flats, 2/3 storeys high'. Sadly, NWBC approved this scheme.

No details have been provided of the windows and doors. In monolithic buildings of this type, in our opinion, it is imperative that all windows (particularly plastic ones) are set with a substantial reveal in traditional style. We were involved in the pre-application discussions of St Clement's Court and the end

result shows that attention to small detail like this makes for a successful scheme which local residents appreciate.

The stairwell projection on the rear elevation is awkward. The balconies on the Coleshill Road elevation are incongruous and inappropriate for an outlook onto a busy and noisy road. We are also unhappy with the choice of materials. The colour of the bricks should be in keeping with the existing town and canal landscape and avoid the bright red of Charles Wills Court. The roof material should look like traditional slate. No landscaping scheme has been included. There are no details of the design of the fence or the sliding metal gate, but we would hope that they are not of an industrial type. Incidentally, the vision splay for GW Motors egress from their premises has been reduced by the obstruction of fence, gate and bin store.

The internal layout of the flats is poor. Entry would be past bathroom and bedroom doors before one arrived at the living room or kitchen. The bin store has space for only eight bins and is in a prominent location close to the main entrance of the building and facing Coleshill Road.

The Adopted Core Strategy Policy NW12 Quality of Development requires that 'All developments must demonstrate a high quality of sustainable design that positively improve the individual settlement's character, appearance and environmental quality of an area..... sustain, conserve and enhance the historic environment.' The NPPF, also, states that, 'Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.' (para 56)

In our view, this is a very poor scheme, with minimal design input and no respect for its setting. It would be very harmful to the visual amenity of the area. However, by reducing the height and using an architect with the appropriate skills it should be possible to produce a design which relates well to its setting, and enhances the Coleshill Road and the gateway to Atherstone.

Finally, Arragon Properties have a number of unfinished developments and outstanding approvals throughout the town. Surely they should be encouraged to complete the work they have begun in order to help meet the demand for housing and also tidy up the town. In particular the former Rowan's site opposite has been ongoing for a number of years with no sign of any development there.

Judy Vero
Hon. Secretary
Atherstone Civic Society
Tel.: 01827 712250
Email: secretary@atherstonecivicsociety.co.uk

DW

Colby, Lesley

From: Judy Vero <secretary@atherstonecivicsociety.co.uk>
Sent: 21 October 2015 11:05
To: planappconsult
Cc: Winterbottom, Denis; Brown, Jeff
Subject: PAP/2015/0222: Barge and Bridge Public House, 79 Coleshill Road, Atherstone CV9 2AB

For the attention of Denis Winterbottom

PAP/2015/0222: Barge and Bridge Public House, 79 Coleshill Road, Atherstone CV9 2AB – Demolition of existing public house and erection of 9 flats with associated works – Amended plans..

Thank you for your re-consultation of 12 October 2015.

Although these small amendments are to be welcomed they do not satisfy our objection. The fact remains that this development is too large, too overbearing and too lacking in good design for this prominent and sensitive site.

The alterations to the elevation to Coleshill Road, superficially creates a more acceptable frontage, but on viewing from other angles, the projecting gable appears 'stuck-on' with no relationship to the elevation, whilst the chimney appears as an afterthought, 'floating' along the roofline with no apparent function.

We therefore wish to maintain the objections contained in our email of 29 April 2015.

It is quite clear that this 'designer' is incapable of delivering a scheme which respects its setting. This includes a number of historic buildings, especially the Grade II Listed Britannia Works and Queen Anne House (68 Coleshill Road) and indeed the canal environment with its many Listed structures. If this scheme is built it will be very damaging to the historic town and canalscape.

This application shows how impossible it is for the Council to maintain the integrity and character of the historic environment without a conservation officer in post. It is therefore essential that the applicant be required to employ a properly qualified conservation architect to carry out a redesign of this scheme.

Judy Vero
Hon. Secretary
Atherstone Civic Society
Tel.: 01827 712250
Email: secretary@atherstonecivicsociety.co.uk

DNB3

(3) Application No: PAP/2015/0253

Land North Of, Eastlang Road, Fillongley,

Residential development comprising of 27 no: affordable 2, 3 and 4 bedroom houses and 2 bedroom bungalows including associated highways, external works, landscaping and boundary treatments, for

The Cassidy Group UK

Introduction

The receipt of this application is reported to the Planning Board in view of its past interest in this site. The application site and proposal will be described below together with the relevant Development Plan policies that will apply. A determination report will be prepared for a later meeting once consultation is completed.

The Site

This is on the east side of Eastlang Road and extends to some 1.3 hectares of open green pasture presently used as a paddock on the north eastern side of Fillongley.

It is triangular in shape, generally flat but with a slight fall from east to west. To the north the boundary is marked by mature trees and hedgerows, beyond which, lies an unnamed stream/brook and the Fillongley park/recreation ground in which there is a car park, changing facilities and a children's play area. To the east, the boundary is also a hedge line with trees and pasture land beyond. To the south are the Fillongley Community Centre, a collection of older persons bungalows as well as residential development fronting both sides of Eastlang Road before its junction with the Coventry Road some 150 metres away. To the west is Church Lane which again has residential properties fronting either side of the road. There are some high voltage overhead lines running through the southern tip of the site.

It is more particularly illustrated at Appendix A.

The Proposals

It is proposed to construct 27 dwellings on the site with all vehicular access off Eastlang Road.

These dwellings would all be affordable houses - defined by the applicant as being low cost ownership and for affordable renting. They would comprise eight rented units (3 two bedroom bungalows, one three bedroom house and four two-bedroom houses) with the remaining shared ownership units being four two bedroom bungalows, four three bed houses, two four bed houses and nine two bedroom houses. The parking provision is 200% - two spaces for each unit. All of the houses would be two storey.

The access is proposed off Eastlang Road leading into a cul-de-sac with two arms. There would be a mix of houses and bungalows throughout the site. Two areas of public open space are proposed; one in the southern corner and the other alongside the drainage balancing pond to the north-west. The line of an existing public footpath would be retained across the site and there is a safeguarded area beneath the overheads line.

The overall layout is shown at Appendix B with street scenes at Appendix C

There is a significant amount of supporting documentation submitted with the application and these various reports are summarised below.

A Protected Species Survey describes the site and existing habitats. There are no national, regional, local or potential wildlife designations affecting the site or its locality. Survey work shows no signs of amphibians, water voles, otters or reptiles but the habitat to the north – particularly along the stream and its banks – has potential and should be retained. No evidence of bats or badgers was found but further survey work is needed for the presence of great crested newts. The report recommends that the northern boundary is retained in as natural form as possible so protecting trees, hedgerows and the stream banks. Further landscaping should be considered within the site to enhance bio-diversity.

A Flood Risk Assessment from a previous application for 27 dwellings here concludes that there is no overall objection subject to sustainable drainage measures being incorporated into the layout and the design. Appendix D is a copy of the conclusions.

A Utilities and Infrastructure Assessment attaches a number of responses from a variety of infrastructure providers. Severn Trent Water say that there should not be an issue with use of the existing drainage infrastructure to accommodate both foul and surface water drainage as well as provision for water supply, provided that sustainable drainage measures are incorporated into the design. No objections are included from gas and electricity providers.

A Sustainability Assessment reviews a number of relevant factors concluding that the site is sustainable given its location on the edge of Fillongley which is said to have a range of services within walking distance. The assessment also concludes that the development would help the local economy as well as providing a wide range of quality homes that are well-designed and that would meet at least the former Code level 3 for sustainable homes as well as providing sustainable drainage measures.

A Transport Assessment describes the site and the surrounding highway network pointing out that Eastlang Road is an adopted road with street lighting and footpaths. The report calculates that over a twelve hour day the development would generate some 126 movements with most occurring during peak hours – up to 16 movements. It is said that in pre-application discussions, the Highway Authority had no objection.

A Fillongley Housing Needs Survey dated June 2014 has been submitted which is said to evidence the need for the number of units being proposed as well as the tenure.

A Design and Access Statement describes the location and setting of the site and shows how these matters have influenced the proposed layout and appearance of the houses.

A Public Consultation Report describes a public exhibition/consultation event held in Fillongley in late November 2015. Twenty responses were received to a questionnaire at the event. These indicate that of those twenty, sixteen agreed that homes should be built to meet the specific needs of Fillongley residents to enable them to remain in the local community. Similar numbers agreed that the application site was centrally located;

with good access to the road network and local amenities, in the right location for both older persons housing and family housing.

A Planning Statement draws on the conclusions from all of the above documentation and puts it into a planning policy context. The National Planning Policy Framework is outlined in full with the conclusion that the proposal is consistent with the overall planning principles set out therein. The applicant identifies those Core Strategy policies which he thinks are relevant. The site is in the Green Belt and he considers that the development is appropriate as it falls within one of the National Planning Policy Framework exceptions for new dwellings here – namely that it provides affordable housing for local community needs. The overall conclusion is that because of this and the location, the development is sustainable development thus attracting a presumption of support. The Statement refers to the recent appeal decision here and to the conclusions of the Inspector with particular reference to the Housing Needs Surveys undertaken.

Development Plan

The Core Strategy 2014 – NW1 (Sustainable Development); NW2 (Settlement Hierarchy), NW3 (Green Belt), NW5 (Split of Housing Numbers), NW6 (Affordable Housing Provision), NW10 (Development Considerations) and NW12 (Quality of Development)

Saved Policies of the North Warwickshire Local Plan 2006 – Core Policy 3 (Natural and Historic Environment); policies ENV1 (Protection and Enhancement of the Natural Landscape), ENV4 (Trees and Hedgerows), ENV6 (Land Resources), ENV8 (Water Resources), ENV11 (Neighbour Amenity), NW12 (Urban Design), ENV13 (Building Design), ENV14 (Access Design), HSG2 (Affordable Housing), HSG3 (Housing Outside of Development Boundaries) and TPT6 (Vehicle Parking)

Other Material Planning Considerations

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

The National Planning Practice Guidance 2014

Background

Members will be aware that a planning application for 27 houses on this site was refused planning permission in 2014. A subsequent appeal was dismissed. The decision letter is attached at Appendix E. Although for the same number of houses and for the same layout, that refused scheme was for 21 affordable houses and 6 open market houses. The applicant considers that this “split” was the cause of the dismissed appeal and thus he considers that this revised application now overcomes that cause through the proposal to have all 27 units as affordable houses.

The central issue with the current application will be for the Board to establish whether the proposal is appropriate or not appropriate development in the Green Belt. The 2009 Direction will apply if the Board considers that this is not appropriate development, but is still mindful to support the scheme. In other words it will be referred to the Secretary of State. If the Board finds that it is appropriate development and is supportive, then there will be no referral. Any refusal will not require referral. Members will be guided again on this issue in the later determination report.

A Section 106 Agreement will be necessary in order to manage the affordable housing provision here in order to ensure that it remains as such in perpetuity and that occupation is prioritised for the local community.

Observations

The site is wholly within the Green Belt. The Board will first have to establish whether the proposal is appropriate or not appropriate development here by using the definitions in the National Planning Policy Framework. If it is found to be appropriate development then the presumption will be one of support. The Board will also have to consider whether the proposal is sustainable in terms of its location and overall content. Consideration of any adverse impacts will also have to be identified so that they can be weighed in the final balance or assessment of the proposals.

Recommendation

That the application be noted at this time.

8 CONCLUSIONS OF DESK STUDY / PREVIOUS REPORTS & RECOMMENDATIONS

8.1 Conclusions

The desk study has identified that:

- The site is underlain by the Keresley Member. No superficial deposits are denoted.
- No development has been denoted at the site, however it is known that a stable block has been constructed in the north of the site.
- Heavy metals and hydrocarbons associated with limited Made Ground materials may be present in the northern part of the site.
- Radon gas protection is not required;
- The northern corner of the site is located within a Flood Zone 3 (1% chance of flooding in any year);

Based on information contained within desk study work it is the opinion of jnp group that the potential site conditions provide a **LOW** environmental risk and hence basic investigation and assessment is required

8.2 Recommendations

Based on the conclusions from the desk study and the intended redevelopment of the site (as indicated on the proposed redevelopment plan included in Appendix B jnp group recommend that the following intrusive works be undertaken:

- Chemical testing of Made Ground and natural soils beneath the site. This testing should comprise a general screen for metals and hydrocarbons. Where Made Ground is encountered, it is recommended that leachate testing for metals is undertaken. Additionally, it is recommended that soils in proximity to the stables in the north of the site, and any imported materials are screened for asbestos.
- Testing of the soils to identify volume change potential of any cohesive material, concrete classification and predicted CBR values;
- The installation of gas monitoring standpipes should significant thicknesses of putrescible material be encountered,



Appeal Decision

Site visit made on 8 September 2015

by **R C Kirby BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 15 October 2015

Appeal Ref: APP/R3705/W/15/3087232
Eastlang Road, Fillongley CV7 8EQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr James Cassidy, Cassidy Group (UK) Limited against the decision of North Warwickshire Borough Council.
 - The application Ref PAP/2014/0520, dated 30 September 2014, was refused by notice dated 14 April 2015.
 - The development proposed is described as 2 No 4b6p houses, 2 No 3b5p houses, 11 No 2b4p houses, 9 No 2b4p bungalows, 3 No 3b5p bungalows including associated highways, external works, landscaping and boundary treatments.
-

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Cassidy Group (UK) Limited against North Warwickshire Borough Council. This application is the subject of a separate Decision.

Procedural Matter

3. During the course of the planning application the scheme was amended, and it is the amended scheme that the Council determined. It is on this basis that I have determined the appeal.

Main Issues

4. The appeal site is located within the West Midlands Green Belt. Accordingly the main issues are:
 - whether the proposal would constitute inappropriate development within the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - the effect on the openness of the Green Belt and its purpose; and
 - if the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Reasons

Whether inappropriate development?

5. The appeal site comprises a grassed field that is roughly triangular in shape, enclosed on 2 sides by mature landscaping, beyond which is a recreation ground and playground to the north and agricultural fields to the east. To the south and west is residential development in Church Lane and Eastlang Road. The appeal site extends to 1.31 hectares and the proposal is for 27 dwellings, comprising 21 affordable homes and 6 market homes. Access would be from Eastlang Road and public open space would be provided upon the site.
6. The Framework establishes that new buildings within the Green Belt are inappropriate unless, amongst other things, it involves limited infilling in villages. Whilst there is no definition within the Framework of 'limited', 'infilling' or 'village', it is clear from the inset map within the North Warwickshire Borough Council Local Plan that the appeal site is located outside of, but adjacent to the development boundary for Fillongley. Accordingly, for planning policy purposes the site is located within the countryside.
7. Having regard to the above, the relationship of the site to existing residential development and the size of the appeal site relative to neighbouring development, I do not concur with the appellant that the scheme would result in limited infilling in the village. Although Policy NW3 of the North Warwickshire Local Plan Core Strategy (Core Strategy) establishes that infill boundaries in the Green Belt will be brought forward to indicate where limited infill and redevelopment would be permitted, I have not been provided with evidence that this is applicable to Fillongley at this time.
8. However, the Framework makes it clear that limited affordable housing for local community needs under policies set out in the Local Plan is not inappropriate development in the Green Belt. This is supported by Core Strategy Policy NW5 which allows for small scale affordable housing schemes outside of development boundaries, providing that there is a proven local need and that important environmental assets are not compromised.
9. There have been a number of Housing Needs Surveys (HNS) within Fillongley; the first published in April 2009 identified a need for 10 dwellings comprising both rented and shared ownership units. A survey published in January 2014 also identified a need for 10 units of accommodation based on respondents who left contact details. A 'potential need' was also identified, although this could not be verified as respondents did not leave their contact details. Due to the size of this 'potential need', a further survey was undertaken with the appeal site identified as a possible site. The appellant undertook this second survey, although the responses were sent to the Council so that it could identify the housing need for the Parish. This time over 40 respondents left their contact details and the Council translated the survey results in June 2014 as there being a need for 27 new homes in the Parish.
10. I note that the appellant has undertaken similar HNS with the support of the Council in different Parishes and that the results have been accepted. Be that as it may, it is clear from the Council's decision notice that it did not consider that a proven local need for the housing had been demonstrated in this case. The Council and Parish Council question the validity of the most recent survey, considering that it lacked independence as the appellant's details were included on the questionnaire. Also, as a specific site was identified, this could have raised respondents' expectations. Moreover, the Council questions the increased housing need that this survey

identified in the space of a few months, and consider that this casts doubt on whether there is a proven local need.

11. Whilst noting these concerns, I understand that it was the Council who contacted the respondents of the survey to establish the housing need for the Parish. The Council have accepted a similar developer partnership approach in HNS elsewhere and I have no reason to doubt that the findings of the most recent survey lack independence. Indeed I find that the results confirm the 'potential need' that was identified within the January 2014 survey. On the basis of the evidence before me, I am therefore satisfied that it has been demonstrated that there is a local community need for affordable housing in the area.
12. However, the proposed scheme is not exclusively for affordable housing. It includes 6 market units. There is no provision within development plan policies for this housing mix within the countryside, nor is there provision within Green Belt policy within the Framework. There would therefore be conflict with the objectives of Policy NW5 of the Core Strategy and the Framework. Given my findings and the nature of the proposal it is not necessary for me to establish whether the scheme would be 'small in scale' or result in 'limited affordable housing'.
13. In light of my findings above, as the proposal is not exclusively for affordable housing, the scheme would result in inappropriate development in the Green Belt. Inappropriate development is, by definition harmful to the Green Belt and should not be approved except in very special circumstances.

Openness and purpose

14. Openness is an essential characteristic of Green Belts, as is their permanence. Green Belts serve five purposes, one of which is to assist in safeguarding the countryside from encroachment. The addition of built development on the existing undeveloped site would have an effect on openness, in that it would be significantly reduced. The proposal would also extend the built development of Fillongley into the countryside which would conflict with the purpose of including land within the Green Belt. These matters would be harmful to the Green Belt and carry significant weight in my overall decision.
15. The proposal would be harmful to the openness of the Green Belt and would conflict with the purpose of including land within it. This brings the scheme into conflict with the environmental asset objective of Policy NW5 of the Core Strategy, and national Green Belt policy. Whilst the existing mature landscaping would contain the site, this would not mitigate the harm identified.

Other considerations

16. The Framework establishes that substantial weight should be given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm is clearly outweighed by other considerations.
17. There is dispute between the main parties as to whether the Council can demonstrate a 5 year supply of deliverable housing sites. The Council have produced evidence that there was a 7.6 years supply of housing land in March 2015. I have not been provided with substantive evidence to cast doubt upon this figure, and accordingly I find that the Council's policies for the supply of housing are up-to-date.

18. Notwithstanding my findings above, the proposal would provide much needed affordable housing in a Borough which has identified the provision of affordable housing as one of its main priorities for the future. I have no reason to doubt the appellants submission that the scheme can be delivered. I note that there are no technical objections to the scheme. These matters carry considerable weight in favour of the proposal. The proximity of the site to local services and facilities, including the recreation ground weighs in the scheme's favour, and attracts moderate weight in my overall decision.
19. The provision of 6 market houses would make a contribution, albeit small, to the Government's objective of significantly boosting the supply of housing. However, given my findings above in respect of housing land supply, this number of dwellings could be constructed upon sites where there would be no conflict with development plan policies. Accordingly this matter only attracts limited weight in my decision.
20. I acknowledge that Paragraph 54 of the Framework supports local planning authorities considering whether to allow some market housing to facilitate the provision of significant additional affordable housing to meet local needs. However, there are currently no development plan policies to support this approach, nor is such an approach supported as an exception to new buildings in the Green Belt. Whilst noting that the appellant considers that the scheme would not be viable if the 6 units of market housing were not provided, I have not been provided with evidence to demonstrate this. I am therefore only able to attach limited weight to these matters.
21. There would clearly be economic benefits associated with the scheme, including the support future occupiers would give to local businesses and services. However this would be so regardless of where the new houses were built and thus this carries limited weight.
22. I do not doubt that the proposed scheme would be of a high quality design or that renewable energy features would be incorporated, which would make a positive contribution to the environmental and social roles of sustainability. Again, such benefits could be achieved regardless of where the housing was built and as such these matters are only neutral in my decision. I attach similar weight to the retention of mature trees/hedgerows and the proposed landscaping contributing to biodiversity on the site, as it is likely that the undeveloped nature of the site would have a similar effect.

Conclusion

23. I have considered the matters cited in support of the proposal, including Officer support for the scheme. However, I conclude that even when taken together, these matters do not outweigh the totality of the harm to the Green Belt, which is the test they have to meet. Consequently very special circumstances do not exist to justify inappropriate development in the Green Belt. The release of a site within the countryside and the Green Belt for new housing is not justified in this case.
24. For the above reasons, and having regard to all other matters raised, the appeal is dismissed.

R. C Kirby

INSPECTOR