

Agenda Item No 4

Planning and Development Board

10 August 2015

Planning Applications

Report of the Head of Development Control

1 Subject

1.1 Town and Country Planning Act 1990 – applications presented for determination.

2 Purpose of Report

2.1 This report presents for the Board decision, a number of planning, listed building, advertisement, proposals, together with proposals for the works to, or the felling of trees covered by a Preservation Order and other miscellaneous items.

2.2 Minerals and Waste applications are determined by the County Council. Developments by Government Bodies and Statutory Undertakers are also determined by others. The recommendations in these cases are consultation responses to those bodies.

2.3 The proposals presented for decision are set out in the index at the front of the attached report.

2.4 Significant Applications are presented first, followed in succession by General Development Applications; the Council's own development proposals; and finally Minerals and Waste Disposal Applications. .

3 Implications

3.1 Should there be any implications in respect of:

Finance; Crime and Disorder; Sustainability; Human Rights Act; or other relevant legislation, associated with a particular application then that issue will be covered either in the body of the report, or if raised at the meeting, in discussion.

4 Site Visits

4.1 Members are encouraged to view sites in advance of the Board Meeting. Most can be seen from public land. They should however not enter private land. If they would like to see the plans whilst on site, then they should always contact the Case Officer who will accompany them. Formal site visits can only be agreed by the Board and reasons for the request for such a visit need to be given.

4.2 Members are reminded of the "Planning Protocol for Members and Officers dealing with Planning Matters", in respect of Site Visits, whether they see a site alone, or as part of a Board visit.

5 **Availability**

- 5.1 The report is made available to press and public at least five working days before the meeting is held in accordance with statutory requirements. It is also possible to view the papers on the Council's web site: www.northwarks.gov.uk.
- 5.2 The next meeting at which planning applications will be considered following this meeting, is due to be held on Monday, 7 September 2015 at 6.30pm in the Council Chamber at the Council House.

6 **Public Speaking**

- 6.1 Information relating to public speaking at Planning and Development Board meetings can be found at: www.northwarks.gov.uk/downloads/file/4037/.
- 6.2 If you wish to speak at a meeting of the Planning and Development Board, you may either:
- e-mail democraticservices@northwarks.gov.uk;
 - telephone (01827) 719222; or
 - write to the Democratic Services Section, The Council House, South Street, Atherstone, Warwickshire, CV9 1DE enclosing a completed form.

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9	PAP/2015/0427	219	Land South Of Dairy House Farm, Spon Lane, Grendon, Removal of condition no:19 of appeal reference APP/R3705/A/13/2203973 relating to controlled pedestrian crossing; in respect of erection of 85 dwellings, access and associated works, all other matters reserved	General
10	PAP/2015/0459	263	Land South of Pogmore Spinney, Merevale Lane, Merevale, Standalone solar PV array, access, associated infrastructure, landscaping and cable route	General

General Development Applications

(1) Application No: PAP/2014/0648

Land to south east of, Junction 10 M42, Trinity Road, Dordon,

Development of land for employment use within Uses Classes B1(c) (light industry), B2 (general industry) and B8 (storage and distribution). This will involve the demolition of existing buildings, structures and the formation of two new vehicle accesses to Trinity Road engineering works to form associated works. The application is for outline planning permission with details of Access submitted for approval, all other matters, Layout, Scale, Appearance and Landscaping are reserved for

St Modwen Developments Ltd

Introduction

The proposed development is considered to be a departure from the adopted Development Plan. The application is referred for determination in accordance with the adopted scheme of delegation.

The Site

This is an area of some 25 hectares of agricultural land to the south-east of Junction 10 of the M42 motorway. The site is south of the A5 Trunk road and lies between the former Birch Coppice Colliery spoil mound and the M42 Motorway. Trinity Road divides the site. The western part is an 'island' bounded by the M42 and Trinity Road. The larger eastern part extends from Trinity Road to the eastern boundary of the site which is defined to reflect the safeguarded corridor associated with the route of a high pressure gas pipeline running north-south to the west of the colliery spoil mound. The hamlet of Freasley lies to the south of the site. The routes of public footpaths AE52 and AE55 cross the application site. Two badger setts have also been discovered within the application site. The application site is shown on the plan attached at Appendix A.

Background

The M42 Services and other commercial developments are sited to the north west of junction 10 and the Centurion Park commercial development is to the south west of junction 10. These are predominantly within the Tamworth Borough Council area. The land on the other side of the M42, opposite the application site, is however within North Warwickshire. The Council has recently granted outline planning permission to St Modwen Developments Ltd, the current applicant, for a development for employment uses on this site which adjoins the Centurion Business Park, (application reference PAP/2014/0014). An application (reference PAP/2015/0044) for approval of reserved matters pursuant to this extant outline permission has been submitted and this is currently awaiting determination.

The Proposal

This application seeks outline planning permission for development of the land for employment uses within Use Classes, B1(c) (light industry), B2 (general industry) and B8 (storage and distribution). Details of the access arrangements proposed have been submitted for consideration now, other matters relating to scale, layout, appearance and landscaping have been reserved for consideration later.

The applicant considers that buildings providing up to 80,000 square metres of gross floor space could be erected and states that up to 25% of the floor space could be provided for light or general industrial uses with the balance for storage/distribution use.

The applicant has submitted a Parameters plan to illustrate how a potential development of this scale could be provided. This is attached at Appendix B.

This illustrative plan identifies the area that would be developed with buildings, access roads and associated structures; it also identifies zones within the site and indicates the maximum height for buildings within each zone. The land around the developed area would be landscaped and would incorporate new planting. This area would also be utilised to accommodate strategic infrastructure such as sustainable drainage scheme features e.g. balancing ponds and any measures required to mitigate adverse ecological or archaeological impacts. It can be appropriate to define limits for the scale of a development within an outline permission where sound planning reasons exist

The plan indicates that buildings of up to 18 metres high would be erected in the centre of the eastern part of the site, closer to junction 10, on the eastern side of this central zone buildings would be up to 16 metres high, whilst in a southern peripheral zone buildings would be only 10 metres high, a northern peripheral zone, adjacent to the A5, would also include buildings up to 10 metres high and would provide servicing/parking areas. The western 'island' between the M42 and Trinity Road would have buildings up to 12 metres high on the northern part and up to 10 metres high on the southern part.

The proposed accesses for vehicles, cyclists and pedestrians are shown on the Proposed Access plan attached at Appendix C. These access details are submitted for consideration now.

Two new vehicle accesses are proposed from Trinity Road, these would involve the formation of a new junction with traffic signal control to provide access to the western 'island' and to the eastern part of the site. A further footpath and cycleway access is proposed from the A5. The actual location of this would be determined in conjunction with the eventual layout of a development. Two public footpaths cross the site from the south-west to the north-east. These would be retained but would require diversions to their routes to accommodate the development.

The applicant is prepared enter into a Section 106 Agreement with respect to the proposed development where this would be appropriate to facilitate a sustainable development and mitigate adverse impacts. This would include measures to promote the use of more sustainable modes of transport to access the site other than by car and to educate and develop the skills of local people to facilitate access to the employment created.

The applicant has identified two options to improve access to the site by bus. One would involve the creation of new bus stops associated with crossing points on the A5 to enable existing bus services to stop close to the site. This however will require the agreement of Highways England, the Highway Authority responsible for the A5 Trunk road. Alternatively, the applicant would provide a financial contribution of up to £350,000 to facilitate the provision of a bus service to the site.

The details submitted with the application were summarised in the previous report received by the Board. This is attached as Appendix D.

Development Plan

The Core Strategy 2014 - Policies NW1 (Sustainable Development); NW2 (Settlement Hierarchy), NW9 (Employment), NW10 (Development Considerations), NW11 (Renewable Energy), NW12 (Quality of Development), NW13 (Natural Environment), NW14 (Historic Environment), NW16 (Green Infrastructure), NW17 (Economic Regeneration), NW19 (Polesworth and Dordon), NW21 (Transport) and NW22 (Infrastructure)

Saved Policies of the North Warwickshire Local Plan 2006 – ENV4 (trees and Hedgerows); ENV6 (Land Resources), ENV8 (Water Resources), TPT2 (Traffic Management) and TPT3 (Access and Sustainable Travel and Transport)

Other Relevant Material Considerations

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

National Planning Practice Guidance 2014 – (the “NPPG”)

The Draft Pre-Submission Site Allocations Plan – NWBC June 2014

Meaningful Gap Assessment Report – NWBC July 2015 (Core Strategy NW19).

Consultations

Severn Trent Water – No objection subject to conditions to require prior approval of details of the drainage scheme to be provided.

Environment Agency – No objection subject to conditions to ensure that any contamination found is remediated appropriately and it also welcomes the proposed adoption of a sustainable drainage strategy and recommend a SUDS scheme that utilises a gravity system for surface water discharge.

Highways England – No objection subject to conditions to restrict B1 and B2 uses to 25% of the floor space; to require approval prior to commencement of boundary treatments, landscaping and drainage along the frontages with the M42 and A5, also for the off-site connections for surface water and foul water and of a Construction Management and Vehicle Routing Plan together with a requirement for the access to the A5 for non-motorised users to be constructed prior to first occupation.

Warwickshire County Council as Highway Authority – No objection subject to conditions to ensure safe access is provided, including the construction of the new road junction with signalisation, provision of turning areas within the site for construction vehicles, measures to minimise the deposit on the carriageway of extraneous material from the site and the implementation of a traffic signing scheme for construction traffic on the highway approaches.

Warwickshire County Council Rights of Way – No objection in principle. The proposed development would however be constructed across the route of public footpath AE55. It will be necessary to obtain consent for the temporary diversion or closure, or the re-routing of the footpath.

Warwickshire Museum – It considers that the site is within an area of archaeological potential and request conditions to secure the appropriate archaeological investigation of the site.

Warwickshire Wildlife Trust – It considers that the development may impinge on two badger setts and recommend that if permission is granted further surveys encompassing a wider area would be appropriate to assess the impact for badgers. It also recommends that existing hedgerows be retained where possible and mitigation is provided for hedgerows removed and that a Bio-diversity Impact Assessment is undertaken. A Construction Environment Management plan and Landscape/Ecological Management plan should also be required.

Warwickshire Ecological Services - A net loss to bio-diversity is likely to arise from the proposed development. This loss could be reduced through mitigation measures implemented within the application site, however a residual net loss would be likely to remain and this should be offset elsewhere. This could be secured through Section 106 Agreement to require offsetting on other land under the control of the applicant or through an appropriate financial contribution to facilitate offsetting elsewhere.

Additional details have been submitted in response to these comments. This suggests that appropriate mitigation measures could be provided within the site to achieve a net increase in bio-diversity thereby obviating a need to secure mitigation through an Agreement. Additionally the surveys undertaken with respect to badgers provide a suitable baseline and that further surveys would add nothing to the assessment or mitigation strategy proposed.

Tamworth Borough Council – This Council refers to the potential shortfall in the provision of land within Tamworth's area to meet the identified need for employment uses and, whilst acknowledging that there is no understanding concerning employment land, suggests that this site given the relationship to Tamworth could contribute to reducing the deficit of identified employment land. It is recommended that proposed footpath and cycle ways should facilitate connection to the existing network of footpaths and cycle routes within Tamworth.

HS2 Ltd – They make no specific comment on the proposed development at this time. HS2 has noted the application as the site is in close proximity to the proposed route for Phase Two of HS2 and land may be required in future to operate or maintain the railway.

Environmental Health Officer – He accepts the findings of the noise impact assessment that no significant adverse noise impact would be created subject to measures proposed to minimise noise and disturbance. He advises that construction work should be limited to between 08:00 to 18:00 hours Monday to Friday inclusive.

Representations

Dordon Parish Council – The Parish Council objects citing severe problems ensuing on the local highway network and junctions, particularly on Trinity Road and that all options should be explored to reduce highway and traffic impacts.

Eight representations have been received from local residents. All object to the proposal. These raise various concerns, several are valid planning considerations but others have been held to be not relevant to the determination of a planning application and include the loss of a view and devaluation of property values. Relevant concerns cited include planning policy considerations; departure from the Development Plan, the need for employment land, infilling of the ‘natural’ gap between Tamworth and North Warwickshire and the loss of agricultural land. Other planning concerns include adverse impacts on the existing highway network and on highway safety; increased traffic levels, congestion and vehicle speeds, lorry parking, loss of privacy, adverse impact on amenity due to inappropriate character of development within an open area, disturbance due to noise, pollution due to light, dust, smell, and potential for increase in crime.

Observations

This application for outline planning permission is effectively seeking approval in principle for a development which will involve the change in the use of land from agriculture to commercial employment use. The following policy considerations will be significant to this aspect:-

- The conformity of the proposal with the Development Plan and the harm that would arise from any departure, particularly with regard to maintaining the meaningful gap referred to policy NW 19.
- The provision of land to fulfil the requirements for land for employment use and the need to identify any additional land.
- The development specific impacts particularly with regard to sustainability, on the highway network, for highway safety, ecology and amenity.

Access is the only matter of detail to be determined now. Relevant policies within the Development Plan and the views of Highways England and Warwickshire County Council are germane to the consideration of this detail.

The Parameters plan submitted is a relevant consideration in that it is indicative of the location and scale of buildings, the location of necessary infrastructure, the impact on the existing features and ecology and the scope for the mitigation of adverse impacts within the site

a) Development Plan Policy Considerations

The proposal does not accord with Policy NW2 of the Core Strategy in that it is for the development of land that is outside of the defined boundaries for the settlements defined therein. It is not for the purpose of agriculture or forestry nor is it a use that has been shown to require a location outside of a settlement.

Core Strategy Policy NW9 refers to employment land and uses. This identifies the requirement for employment land to meet the needs for North Warwickshire and clarifies this will be provided where infrastructure is available and that provision will be appropriate to settlement size. It supports small scale development for rural businesses where this will be sustainable and have no detrimental impact on the environment or the character of the countryside.

With regard to the need for and provision of land for employment uses, the Draft Pre-Submission Site Allocations Plan identifies that of the 58 hectares of employment land required, 31 hectares will be provided through identified commitments and thus a further 27 hectares of land is required to be identified. Employment site allocations within the draft plan identify a further 25.65 hectares, leaving a small shortfall of only 1.35 hectares. A review of the Draft Site Allocations Plan is currently underway and it is anticipated that additional employment land can be identified to meet this shortfall. The revised draft site allocations plan will be published for consultation purposes later this year.

The applicant contends that development on this site, which is close to Tamworth could meet any identified shortfall in the provision of land to meet need for that Council's area. This argument is not considered to be of significance at this time. Tamworth Borough Council is currently in the process of adopting its local plan. It is possible that this plan will not be able to identify sufficient land within Tamworth to meet its employment needs. However the amount of any deficit and the mechanisms that might be adopted to resolve this are as yet not entirely clear. Whilst early indications are that the deficit might amount to 15 hectares, this has not yet been agreed and both of the Districts surrounding Tamworth have to be considered – not just North Warwickshire. If land within North Warwickshire was required with regard to this issue, this would be identified in accordance with the policies relevant to the allocation of land within the Development Plan for North Warwickshire, including Policy NW19.

This Council has accepted that it can be appropriate to identify land to meet needs of adjoining areas however this should be achieved through co-operation and at the appropriate time. This is evidenced in the existing Memorandum of Understanding with Tamworth concerning the identification of land to meet identified requirements. This is particularly relevant to the proper planning that is required to ensure wider regional and sub-regional needs are fulfilled appropriately.

The proposal is for the development of a site of 25 hectares, providing a total gross floor space of up to 80,000 m² in buildings up to 18 metres tall on a site that is outside of any settlement. The proposal thus is not considered to accord with Policy NW9.

Core Strategy Policy NW17 requires new employment generating development to reflect the need to broaden the employment base; improve employment choice and employment opportunities for local people. This development would provide a substantial number of jobs, mostly within storage and distribution uses, given the mix of B1/B2 & B8 uses indicated. This would be similar to the employment provided within

similar existing developments at Birch Coppice or in future developments with extant permission, such as at Hall End Farm.

A substantial number of similar jobs have been created in this locality in recent years and further new developments are likely to generate more similar employment in this location in the next few years. The new employment will present an opportunity for local people and the contribution offered for education and training will enhance this opportunity. The substantial number of new jobs created will however present a challenge for local recruitment and it is likely that opportunities will be filled by people travelling from more distant areas. The suggested measures to improve accessibility by bus or other sustainable modes of transport notwithstanding, this is likely to increase the distances travelled in private vehicles by employees. This will impact on the overall sustainability of the development.

Core Strategy Policy NW19 requires development to the west Polesworth and Dordon to respect the separate identity of these two settlements and of Tamworth, such that a meaningful gap is maintained between the settlements.

The Meaningful Gap Assessment recently undertaken by the Council has reviewed the area between Polesworth, Dordon and Tamworth. This identifies the areas that are significant to maintaining a meaningful gap between the settlements to facilitate the assessment of the impact of development proposed in these areas. This clarifies the extent of the area considered to be meaningful to the separation of these settlements and this area extends to the south of the A5. The assessment was subject to a period of public consultation and will now be adopted by the Council to inform implementation of Policy NW19.

The assessment concludes that the relatively flat open agricultural land south of the A5 between Birch Coppice and the M42 is significant to maintaining a meaningful gap and that together with adjacent areas to the north and south forms a contiguous area defined by the open character of the landscape.

The application site is within a relatively narrow area of open land, compared to the areas to the north and south. The distance between the western extents of the Birch Coppice Business Park and the western side of the M42 is just over 1 kilometre. The distance from the Birch Coppice Business Park to the eastern boundary of the proposed development would be around 0.45 kilometres, less than half the previous distance. The openness of this remaining open area is also compromised by the background to it which is provided by the rising ground of the spoil heap. It is thus important to retain a meaningful area of openness here.

The developments with extant planning permission at Hall End Farm and on the south west side of junction 10 will reduce further the currently open land around junction 10 and along the south side of the A5. The A5 is a busy route and the prevailing appearance for the substantial number of people travelling along it would be of almost continuous built development along the south side of the A5 from Grendon to Tamworth.

A development of the scale proposed would “stand alone” and thus significantly reduce the amount of open land in the locality and would interrupt the contiguity of the wider open area. The proposal would therefore have a significant adverse impact for maintaining a meaningful gap between Dordon and Tamworth. The proposal does not therefore accord with Policy NW19.

The development would significantly alter the character of the relatively flat open agricultural land. It would also be detrimental to the open character of the land and the wider area. This will not positively improve or enhance the character of this area. It would thus not comply fully with Core Strategy Policy NW12.

With regard to the impact on the natural environment the development will have an impact on existing ecology including on a protected species - badgers. Although there remains some dispute over the assessment and the scale of the impacts, procedures to resolve these are in place and methodologies and practices to avoid and mitigate impacts are generally agreed. The opportunity will exist to resolve these issues through careful consideration of siting of development; the inclusion of measures to improve bio-diversity and strategies for the future management of open areas within the site, or through bio-diversity offsetting methodologies. This would satisfy the requirement in Core Strategy Policy NW13 to protect and enhance the natural environment.

Core Strategy Policy NW14 recognises the importance of the historic environment. The site is considered to be within an area of archaeological potential by the Warwickshire Museum recommends that further investigation, including trial trenching, should be undertaken prior granting a permission unless the permission can ensure that the built development could be positioned to ensure that any significant archaeology found could be preserved on site should this be necessary. A condition to require the further investigation to be undertaken prior to the submission of the reserved matter of layout would address the investigation concern, however this would need to be allied with a requirement to ensure a development would allow for the preservation in situ of archaeological remains if this is found to be necessary.

The matter of layout is reserved. The application however refers to the amount of floor space to be provided and this has implications for the area of land required. Other requirements e.g. infrastructure elements such as pools associated with a SUDs scheme and ecology mitigation measures will also have implications for the land available for the built development. The Parameters plan indicates that around 54% of the site would be required to provide a development with a floor space of 80,000m². This developed area comprises virtually the whole of the western island site and the northern and central area of the eastern site. The irregular southern boundary to the eastern part and the location of existing ecological features limit the flexibility to position a development of this size.

Following the above consideration this proposal is considered to be contrary to Core Strategy policies NW2, NW9, and NW19 which are fundamental to providing for new development, directing this to appropriate locations and to protecting the character of the Borough. The proposal is considered to be a significant departure from the Development Plan that would by virtue of the location and the size of the development, result in substantial harm to the separate identities of Dordon and Tamworth and to maintaining a meaningful gap between them. The provision of significant amount of additional employment for which the need is not clearly established, would compromise the objectives of the Development Plan and the core planning principle set out in the National Planning Policy Framework 2012, that planning should be genuinely plan-led and based on co-operation to address larger than local issues.

b) Access

Vehicle access to the development is proposed from Trinity Road through a new signalised junction, providing access to both parts of the application site. An access to the A5 will provide access for cyclists and pedestrians and measures to improve accessibility by bus and other transport modes such as cycling would be implemented. Occupiers would be required to produce a travel plan to encourage and promote the use of more sustainable modes of transport for business needs and by workers and visitors to their premises.

Representations received raise concerns over the position of the new junction on Trinity Road and the likelihood of this leading to increased vehicle speed and increased numbers of vehicles exacerbating existing congestion, increased numbers of lorries intimidating other road users and the impact on pedestrians using the carriageway footpaths.

The two Highway Authorities, Highways England and Warwickshire County Council both raise no objections subject to conditions to require approval of details to ensure the access arrangements will be properly designed and implemented to provide safe access and that there will be no adverse impacts on the existing highway network or on the safety of users.

In light of these responses the proposed access arrangements are considered to accord with the relevant requirements in Core Strategy Policy NW10 and with saved Local Plan policies ENV14, TPT1, TPT2, and TPT3.

c) Summary

Although development here would comply with policies relevant to highway matters and could, through careful design and implementation in all probability be made to comply with development plan policies specific to the form of development and those relating to impact on the natural and historic environments and amenity with respect to nearby properties, the development would due to the location and scale result in substantial harm to the identity of the settlement of Dordon and to maintaining a meaningful gap between it and Tamworth. The location is within open countryside and the development would detract from the open appearance of this relatively flat open agricultural area. The proposal would be inconsistent with the proper planning of this area in that the provision of this substantial amount of additional employment for which the need is not clearly established would compromise the evidenced objectives of the Development Plan.

The Development Plan policies concerning the provision of land are relevant, clear and are being implemented to deliver the land required. The argument that a presumption in favour of sustainable development should override this policy is not considered to be relevant at this time.

The Council has consistently strived to protect the identity of the settlements within the Borough and the Development Plan policies adopted to protect this identity are considered to be very significant in the determination of this application. The harm that would arise to the identity of Dordon through this development in this inappropriate location in open countryside is considered to be substantial. All the positive factors associated with the proposal, when taken singularly or together are not considered to override this paramount development plan policy issue.

Recommendation

That planning permission be **REFUSED** for the following reasons:-

1. The proposal does not comply with the North Warwickshire Core Strategy policies NW2, NW9, NW12 and NW19 which are fundamental to providing for new development; directing this to appropriate locations and to protecting the identity of settlements and the character of the Borough. The proposal is considered to be a significant departure from the Development Plan that by virtue of the location and the scale of the development would result in substantial harm to the separate identity of Dordon and to the maintenance of a meaningful gap between Dordon and Tamworth.
2. The provision of the significant amount of additional employment land, for which the need is not evidenced at this time, would compromise the objectives of the Development Plan and the core planning principle set out in the National Planning Policy Framework 2012 that planning should be genuinely plan led and based on co-operation to address larger than local issues.

BACKGROUND PAPERS

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

Planning Application No: PAP/2014/0648

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	27/8/14 17/12/14 20/1/15 26/1/15 26/3/15 29/4/15
2	ST Water	Consultation response	9/1/15
3	Highways Agency	Consultation response	9/1/15 30/3/15
4	WCC Ecologist	Consultation response	12/1/15
5	Env. Agency	Consultation response	13/1/15
6	HS2 Ltd	Consultation response	15/1/15
7	WCC Rights of Way	Consultation response	16/1/15
8	Warwickshire Wildlife Trust	Consultation response	21/1/15
9	Tamworth BC	Consultation response	26/1/15
10	NWBC EHO	Consultation response	16/2/15
11	Dordon PC	Consultation response	15/2/15
12	WCC Archaeology	Consultation response	13/3/15
13	WCC Highways	Consultation response	8/5/15
14	V Perkins	Representation	5/2/15
15	J Duffield	Representation	12/2/15
16	K Cowley	Representation	10/2/15
17	A Dearing	Representation	8/2/15
18	J Nicholls	Representation	13/1/15
19	P Smith	Representation	12/1/15
20	P Farmer	Representation	10/1/15
21	Mr & Mrs G Arnold	Representation	10/1/15
22	A Bennett & A O'Conner	Representation	

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.



DEFINE

LEGEND

Site Boundary 25.37ha

2014/0648

APPENDIX D

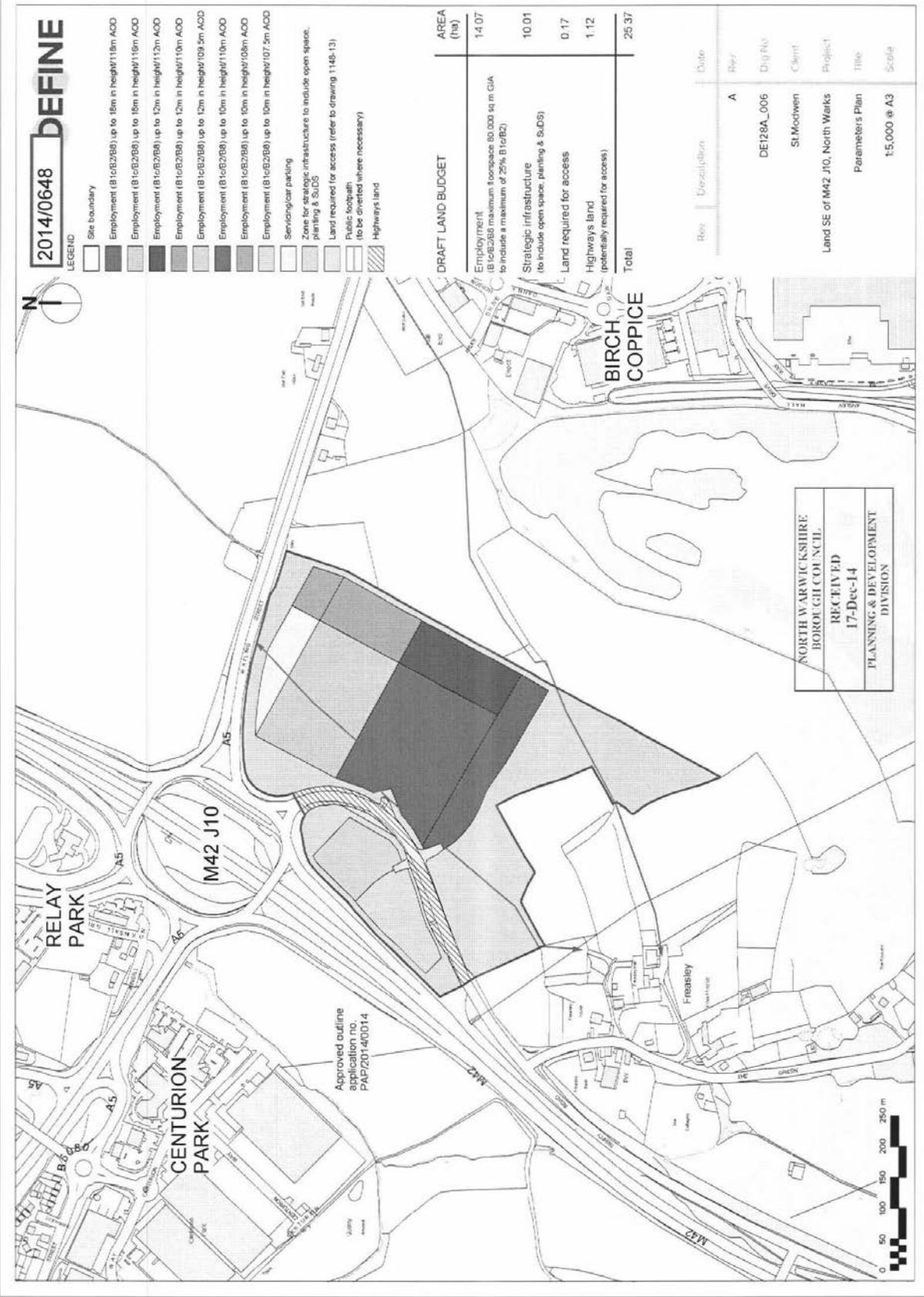
NORTH WARWICKSHIRE HOLOGIC CENTRAL RECEIVED 17 Dec 14 PLANNING DEVELOPMENT DIVISION
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SCALE 1:2,500
DE22BA.007
SI Moorhen
North Works
Red Line Plan
12,500 at A2



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APPENDIX C



Notes:

- 1. This plan is a preliminary plan and is subject to change without notice.
- 2. The proposed access route is shown in thick black lines.
- 3. The proposed access route is shown in thick black lines.
- 4. The proposed access route is shown in thick black lines.

Key:

- Proposed Access Route
- Highway Boundary

2014/0048

ST. MODWEN

Land South East of M42

J10

Proposed Access

14B-15

PHIL JONES ASSOCIATES

ST. MODWEN

14B-15

General Development Applications

(1) Application No: PAP/2014/0648

Land South East Of M42 Junction 10, Trinity Road, Dordon,

Development of land for employment uses within uses classes B1(c) (light industry), B2 (general industry) and B8 (storage and distribution), demolition and removal of existing buildings/ structures and engineering works to form associated works. Application for Outline planning permission details of access submitted for approval now with all other matters reserved, for

St Modwen Developments Ltd

Introduction

This application is reported to the Board at this time for information only following the presentation given to Members last year. A later determination report will be brought back to the Board when a decision is to be made. In the interim this report describes the site and the proposals together with the supporting documentation whilst also outlining the relevant Development Plan proposals.

The Site

This is an area of some 25 hectares of agricultural land immediately to the south-east of Junction 10 of the M42 Motorway being south of the A5 and running eastwards almost to the former Baddesley Ensor colliery tip. The western boundary is the M42 Motorway such that Trinity Road remains passing through the site. The hamlet of Freasley is to the south.

Tamworth Borough Council's administrative area is immediately to the west on the other side of the M42 Motorway. Here there is the Centurion Park commercial area and the M42 Dordon Services and other commercial development.

The site's location is shown at Appendix A.

The Proposals

This is an outline planning application seeking planning permission for employment purposes within the Use Classes as set out above. Details of access arrangements however are part of the application. It is considered by the applicant that up to 80,000 square metres of floor space could be provided and an illustrative outline of a potential layout is included. The applicant suggests a mix of 25% light and general industrial uses with the balance being B8. An illustrative sketch of how this might appear is attached at Appendix B. This shows the central portion of the site being given over to the taller of the industrial buildings – up to 18 metres tall, with less high buildings around – up to 12 metres and to 10 metres around the sides. The land between the M42 and Trinity Road would it appear probably have one unit up to 12 metres tall. The boundaries of the site would be landscaped and provide the location for sustainable drainage measures. It is suggested that this sketch could be conditioned if a planning permission is granted. All vehicular access would be onto Trinity Road through a traffic signalised arrangement – see Appendix C. There is a high pressure gas pipeline and an oil pipeline in the gap between the eastern boundary of the site and the former colliery tip to the east. This area is excluded from the application site. Two public footpaths cross the site from the south-west to the north-east would be retained but with appropriate diversions.

The applicant accepts that a Section 106 Agreement is likely and that he is prepared to consider contributions towards staff training and recruitment as well as potentially towards the encouragement of access to the site otherwise than by the car. He suggests that these should be followed through as work on the application progresses.

Supporting Documentation

a) Environmental Statement

The application is accompanied by an Environmental Statement. This is available to view in full on the Council's website together with its non-Technical Summary. For convenience in this report, the various sections are summarised below. Any Environmental Statement has to assess cumulative effects, and in this case the applicants have taken into account the commitments at Birch Coppice (including Phase 3); the Hall End Business Park and the extension of Centurion Park on the other side of the M42 Junction 10.

In terms of design, the outline described above identifies a “zoned” approach with the taller buildings centrally located leaving substantial landscaped buffers around the site particularly to the south separating it from Freasley.

The construction period would be likely to run between two and five years. The applicant will prepare a Management Plan for the construction period but has already indicated that standard working hours would be used – 0800 to 2000 hours in the week and 0800 to 1300 hours on Saturdays.

The proposals are said to be likely to generate some 520 construction jobs. Using data based on Birch Coppice occupancies, the applicant suggests that between 1000 and 1750 additional jobs could be provided here saying that these would be within sustainable distances of potential job seekers resident in both Tamworth and North Warwickshire.

An archaeological assessment suggests that there is an interest in the site in respect of Romano-British activity as well as medieval. The applicant says that this interest is

however located in the areas to be set aside for landscaping and boundary treatment. There are heritage features at Hall End Farm but the proposal is not thought by the applicant to impact materially on their setting. The more likely impact would be on the Grade 2 Freasley Hall to the south where there is assessed to be minor adverse impacts.

In landscape terms the Statement has used the North Warwickshire Landscape Guidelines and has included a number of viewpoints around the area. The site itself is relatively flat, in agricultural use and with tree cover confined to field and hedgerow boundaries. The Statement points out the close and notable urban influences around the site but also draws attention to the opposite characteristics in Freasley to the south, which however it says is mainly "wrapped" in tree cover. In order to minimise visual impacts the Statement draws attention to the significant open space and tree planting areas (almost 25% of the whole site); the landscaped "set-back" of some 10 to 50 metres along the southern boundary to the A5 and the "zoned" approach for the buildings. The Statement says that the development would have a visual impact but that it would predominantly be viewed within the context of the A5, the M42, Birch Coppice, the Tamworth skyline and the former colliery tip.

The Statement concludes that the ecological value of the site is limited. Badger setts have been found as well as evidence of some use of the site by bats and great crested newts in one of the ponds. Mitigation measures would be designed once more detail is provided through further survey work but overall the Statement suggests that there will be no adverse ecological impact on these populations. As new habitats would be created through the sustainable drainage measures and new landscaping, there is more likely to be a bio-diversity enhancement over the site.

A Flood Risk Assessment suggests that the site generally is not at risk of flooding but that there is a high risk of localised surface water flooding in the north-west corner. Surface and land water drainage is towards the west and the Kettle Brook on the other side of the M42. Surface water from the development would be stored on site through sustainable drainage measures and the discharge would be controlled to that Brook.

The Statement says that pre-application discussions have taken place with the Highways Agency and the County Council. It is understood that there is unlikely to be an objection to the proposed vehicular access arrangements via the new signalised junction onto Trinity Road. Additional measures – footpath and cycle ways- are to be suggested for Trinity Road.

No significant ground contamination is anticipated.

Noise and lighting impacts are said to be likely to be limited but that details will be required as part of subsequent detailed applications once prospective occupiers are known.

The agricultural value of the land is Grade 3a (19 hectares) with a small area of Grade 2 (5 hectares). It is agreed by the Statement that this falls within "the best and most versatile agricultural land" of DEFRA's guidelines. It is suggested that the loss however would not be of major adverse significance.

b) Employment Land Report

The application is accompanied by an employment land report. This has been provided to address the issue concerning employment land provision as is currently set out in both the North Warwickshire and Tamworth Borough Council's planning policies, and how this might change.

This report states that the NPPF places significant weight on the need to support economic growth with the economy considered to be an important dimension towards achieving sustainable development. In this context Local Planning Authorities are urged to proactively meet the development needs of business.

The report points out that the North Warwickshire Core Strategy 2014 sets a minimum of 60 hectares to meet local need. Once completions are taken into account, the report says that a balance of 29 hectares is still needed. The Site Allocations Plan it says defines 26 of these still leaving a shortfall. Additionally the report says that the Core Strategy does not take account of Tamworth's needs nor any regional or sub-regional requirement for B8 land, pointing out that the Inspector dealing with the Strategy requires a commitment to review it should evidence emerge to justify such a need from Tamworth or for B8 use.

The report says that that evidence is now emerging. In the first instance the report draws attention to the draft Tamworth Local Plan which identifies an employment land shortfall of 14 hectares which could only be accommodated outside of its boundaries. The report suggests that this shortfall is only a minimum figure. Additionally, the report draws attention to the regional and sub-regional picture. The Regional Logistics Study of 2009 has been updated and when coupled with the Black Country and Southern Staffordshire Site Study 2013, the report advises of a mismatch between supply and demand for B8 land in the West Midlands. The report continues by saying that the recent Coventry and Warwickshire Sub-Regional Employment Land Study 2014, suggests that North Warwickshire's employment land requirement is actually far greater than that set out in the Core Strategy, including B8 land, and confirms that Tamworth cannot meet its own growth within its own administrative boundaries.

The report also sets out the market overview with demand being high for available land close to motorway networks and with options for rail facility access. Birch Coppice it concludes is meeting some of this demand, but Tamworth's sites do not now offer larger or more modern units. Development enquiries remain high and the report concludes that the gap between supply and demand is growing.

The report's conclusion are used by the applicant to evidence the case for a planning permission here given the employment land back-drop, the characteristics of the site, the low environmental impact and the sustainable location.

c) Planning Statement

The applicant's planning statement draws all of the above matters together. It particularly draws attention to the NPPF and to the Core Strategy's policies to broaden the Borough's employment base and to improve employment choice and opportunities. However it points out whilst the Strategy does not identify actual employment land, the draft Site Allocations Plan then does not identify sufficient land. The criticism here is given added weight by the applicant because of the evidence emerging from the Tamworth situation and the regional picture. He concludes that as a consequence, the NPPF's "presumption in favour of sustainable development" is engaged, rather like the housing land supply situation. In other words for the Council to refuse planning permission here, it would have to show adverse impacts that would "significantly and demonstrably" outweigh the benefits. He thus challenges the Council to do so.

In this respect he anticipates that the Council is likely to focus on the Core Strategy's reference to the gap between Tamworth and North Warwickshire's settlements – the "meaningful gap" between Tamworth and Polesworth/Dordon. He has three responses to this. Firstly, the landscape character here is not recognised in any local, regional or national designation. Secondly, the Council has to address its own employment needs as well as taking into account those of Tamworth and the region. Because of the extent of the Green Belt across the Borough and the connectivity to the strategic road network, the application site will always be a "likely" candidate for such development. Thirdly, the development does not encroach into the gap required by the Strategy as the A5 is considered to form the southern boundary of that gap.

e) Other Documents

A Statement of Community Involvement describes the applicant's engagement with the local community, largely through a public exhibition held in Dordon during November when 30 people attended.

An energy Statement says that the development would lend itself to a number of energy renewable sources.

Development Plan

The North Warwickshire Core Strategy 2014 – NW1 (Sustainable Development); NW9 (Employment); NW2 (Settlement Hierarchy), NW9 (Employment), NW10 (Development Considerations), NW11 (Renewable Energy and Energy Efficiency), NW12 (Quality of Development), NW13 (Natural Environment), NW15 (Historic Environment), NW16 (Green Infrastructure), (NW17 (Economic Regeneration) and NW19 (Polesworth and Dordon)

Saved Policies of the North Warwickshire Borough Council 2006 – ENV4 (Trees and Hedgerows), ENV6 (Land Resources), ENV8 (Water Resources), ENV12 (Urban Design), ENV13 (Building Design), ENV14 (Access Design), ECON1 (Industrial Sites), TPT1 (Transport Considerations) and TPT3 (Access and Sustainable Travel).

Other Material Planning Considerations

The National Planning Policy Framework 2012

The Council's Draft Pre-Submission Site Allocations Plan 2014

The Council's "Meaningful Gap" Assessment – January 2015

The Pre-Submission Tamworth Local Plan – 2014

The Regional Logistics Study 2009 Update

The Black Country and Southern Staffordshire Regional Logistics Site Study 2013

The Coventry and Warwickshire Sub-Regional Employment Land Study 2014

Observations

Whilst Members will take a keen interest in the technical issues here particularly those of visual impact and highway capacity, the Board will have to first resolve a major planning policy issue. This is the tension between the Borough Council providing sufficient employment land for its own needs as well as cooperating with Tamworth on its provision and that of the Region in supplying new employment land, with the Core Strategy requirement to retain a "meaningful gap" between Tamworth and Polesworth and Dordon. The applicant's position is made explicit in the application and its supporting case, the Board will have the opportunity to debate this when it receives its officer's response at the time of the application determination report.

Recommendation

That the receipt of the application be noted at the present time.

BACKGROUND PAPERS

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

Planning Application No: PAP/2014/0648

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	17/12/14

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.



4/11

4/27

APPENDIX A

DEFINE

LEGEND
 See Revision 2/5/2014

2014/0648

SUBJECT MATTER AND SHEET NO.	2014/0648
DATE ISSUED	17/Dec/14
PLANNING AND SURVEY DEPARTMENT	

SCALE 1:2500
 0 100 200 300 400 500
 METRES
 0 100 200 300 400 500
 FEET
 Level 58 of M42 J50, North Wales
 Road Line Plan
 12.5000 in A2 (Scale)



APPENDIX C



(2) Application No: PAP/2015/0144

Hollybank Farm, No Mans Heath Lane, Austrey, CV9 3EW

Outline application for the erection of five dwellings with the means of access, scale and the site layout to be determined, for

Mr Andrew Keller - Keller Construction Limited

Introduction

This case is reported to Board at the discretion of The Head of Development Control given the Board's past interest in the housing applications in Austrey.

The Site



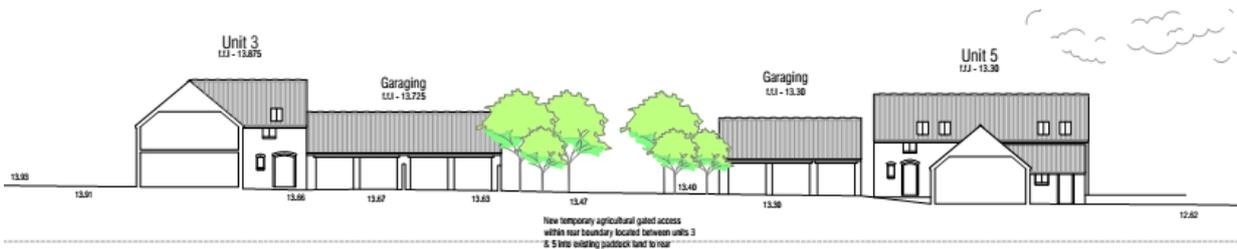
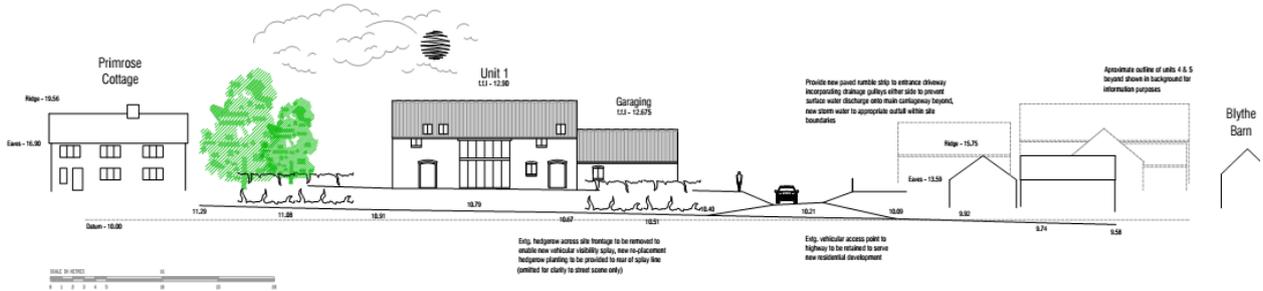
The existing agricultural building and open storage of farm equipment are shown below.



The Proposal

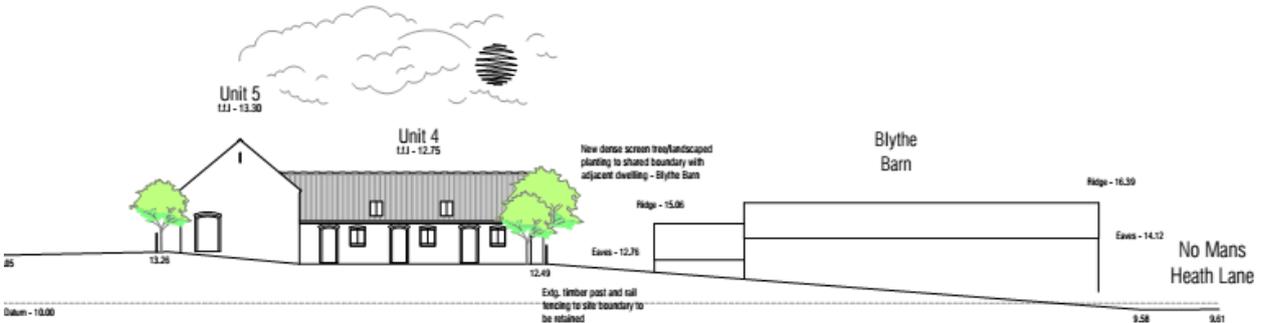
This is an outline application for the erection of five dwellings with the means of access, scale and the site layout to be determined. Appearance and landscaping would remain as reserved matters Notwithstanding this, the applicant has submitted illustrative proposals as shown below:

Proposed Site Section X-X - 1:200

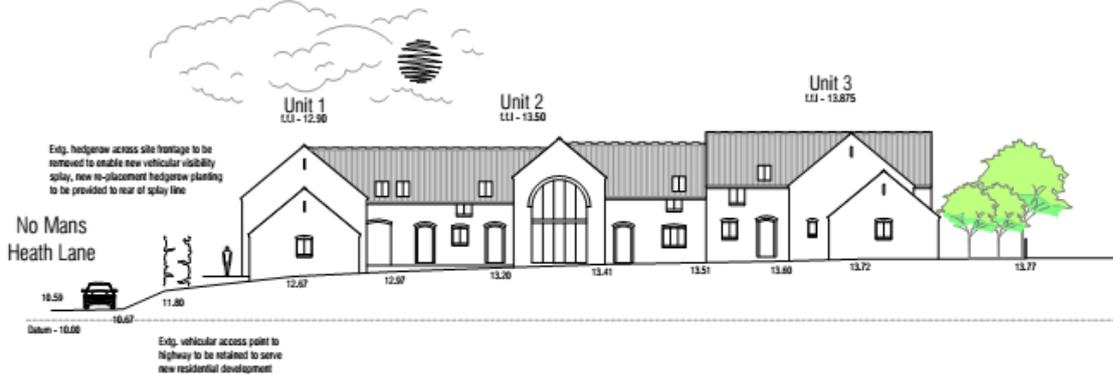


Proposed Site Section W-W - 1:200

PLANNING & DEVELOPMENT DIVISION

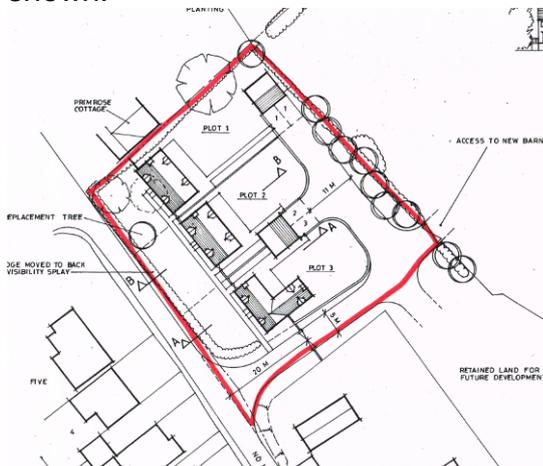


Proposed Site Section Z-Z - 1:200

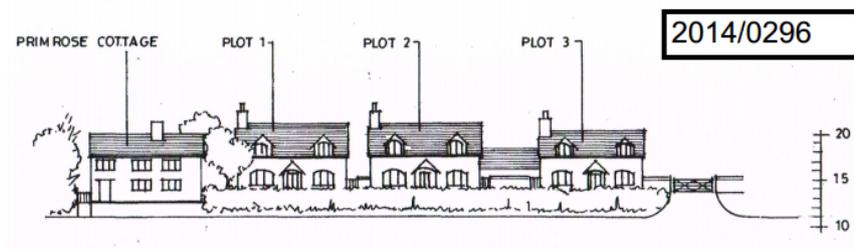


Background

Planning permission was granted for the erection of three detached dwellings on land fronting No Mans Heath Lane and the erection of a replacement agricultural building at a position within the adjacent field. The approval was subject to a Section 106 Agreement relating to the provision of a financial contribution for off-site provision of affordable housing. In the previous approval the site would have been laid out as shown.



With a street scene as shown below:



The current application has been altered in response to concerns about the impact of the layout and scale on a neighbouring dwelling.

Development Plan

The Core Strategy 2014 – Policies NW1 (Sustainable Development); NW2 (Settlement Hierarchy), NW4 (Housing Development), NW5 (Split of Housing Numbers), NW6 (Affordable Housing Provision), NW10 (Development Considerations), NW11 (Renewable Energy and Energy Efficiency), NW12 (Quality of Development), NW13 (Natural Environment), NW14 (Historic Environment), NW15 (Nature Conservation) and NW22 (Infrastructure)

Saved Policies of the North Warwickshire Local Plan 2006 - Policies ENV4 (Trees); ENV8 (Water Resources), ENV10 (Energy Generation and Energy Conservation), ENV12 (Urban Design), ENV13 (Building Design), ENV14 (Access Design), ENV16 (Listed Buildings, non-Listed Buildings of Local Historic Value and Sites of Archaeological Importance (including Scheduled Ancient Monuments)), TPT1 (Transport Considerations in New Development) and TPT6 (Vehicle Parking)

Other Relevant Material Considerations

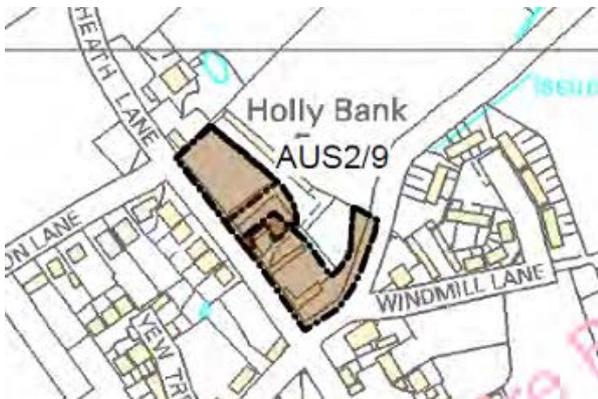
The National Planning Policy Framework – (the “NPPF”)

The National Planning Practice Guidance – (the “NPPG”)

Planning Contributions (Section 106 Planning Obligations) – DCLG 2014

The Draft Pre-Submission Site Allocations Plan - June 2014

Land at Holly Bank farm is allocated in the Site Allocations Plan (SAP) with an indication that it would achieve 7 units. The area in the plan is as below and whilst more extensive, including existing premises, it partly includes and excludes parts of the current application site.



The Austrey Neighbourhood Plan.

The Austrey Parish Council has produced a consultation draft of the Neighbourhood Plan, which, amongst other things, allocates land for housing. The Plan is presently out for formal consultation but it needs to be stated that the Neighbourhood Plan is at an early stage of preparation, it carries little weight until it is voted for in a referendum and is then formally adopted. At this early stage of preparation there is some uncertainty about the final form of the Plan and whilst it is indicative of the direction of travel of the Parish it can be afforded only little weight in the consideration of the planning applications.

Consultations

Warwickshire Museum - No objection subject to conditions.

Environmental Health Officer - No Comments

Warwickshire County Council Highways Authority – Objects to the application.

Representations

The occupiers of an adjacent dwelling objected to the first scheme on the basis that their only objection was to Unit 4. They indicated that they were perfectly happy with the design and proximity of units 1, 2, 3 and 5. It is only unit 4 that affected their property, being proposed very close to their boundary and Blythes Barn itself. It would affect privacy as it would overlook and dominate due to the fact that it is on a raised bank. It would partially block out light to their premises. They indicated that if the house were built 50 yards further back or ran adjacent with unit 5 (so they were side by side) this would be a much better solution as then it would not have such a visual impact on their property. No further comments have been received in respect of the revised proposal.

Austrey Residents' Association objects because of concerns about village capacity and the cumulative effect that additional housing development would have on the rural character of the village and its community.

Observations

a) The Principle

The principle of development has recently been established through the grant of planning permission for three dwellings on the largest part of the current application site. The site has a road frontage, is situated between existing dwellings and is immediately adjacent to the identified development boundary. The additional land, upon which it is proposed to erect an additional two dwellings, forms an integral part of the parcel of land that currently contains the farm building and associated yard. Though the enlarged developable area would be marginally deeper than the approved scheme, it is generally of a scale envisaged for development in this locality in the Draft Site Allocations Plan.

The emerging Neighbourhood Plan supports the principle of three dwellings at this site.

b) Detailed Considerations – Design, Scale and Location

The proposed form of the development is altered. Rather than taking the form of front facing cottages, the current scheme seeks to give the impression that the buildings are of agricultural scale, form and character and seeks to appear as conversions of rural buildings. Subject to other considerations of affect on amenity and highway safety, this approach is considered an acceptable approach to design on a village edge site.

The grouping of the proposed buildings around a courtyard achieves an acceptable separation distance from the neighbouring dwelling at Primrose Cottage and, although the development does not wholly front No Mans Heath Lane, the elevation facing the lane can be designed so as to appear as a principle elevation and ensure that the development forms an integral part of the street scene.

The revised scheme addresses the difficulties brought about by virtue of the fact that the site is on elevated ground above No Mans Heath Lane and the existing dwelling at Blythe's Barn. It takes a staggered approach to the height of the buildings and carefully positions them at an off-set angle to ensure that the potential for over dominance and overlooking is addressed. The revised scheme has resulted in no further concerns

being raised by the occupiers of the nearest adjacent dwellings. No concerns have been identified in respect of the altered approach to design.

Notwithstanding this, the plans are presented for the approval of scale and layout only at this stage; they remain only illustrative in terms of appearance.

The developable area is contained within an existing established boundary and will not intrude into open countryside.

c) Landscape and Ecology

The site does not contain any known protected species. The application proposes the relocation of the existing frontage hedge to improve visibility from the site access, as the previous scheme did. The previous approach was to translocate the existing hedgerow and a methodology statement was submitted accordingly. There would be an expectation that, if approved, this scheme would be required to take the same approach. In the longer term there would be no significant adverse impact on the character or appearance of the street scene.

d) Affordable Housing

The previous scheme achieved an off-site contribution towards the provision of affordable housing; however, since the grant of that permission the Department of Communities and Local Government (DCLG) updated Guidance (28 November 2014) introduced the use of lower thresholds for affordable housing contributions. Proposals for ten or fewer dwellings now fall below the threshold for the provision of affordable housing either on-site or off-site.

e) The Proposed Replacement Agricultural Building

The current scheme proposes to maintain access through the site to the field at the rear for its continuing agricultural use. This is necessary or else the field would become land locked. The previous scheme was in two parts, the proposed dwelling and a replacement agricultural building. This application is for the dwellings alone and a stand alone application will need to be made if it is still proposed to erect a new agricultural building.

The applicant advises that one of the proposed dwellings will be occupied by the farmer of the land.

f) Highways

The main issue of contention with the proposal for five dwellings is that the Highways Authority objects it for a number of reasons, as follows:

1. The proposed access is not considered suitable for an intensification of use.
2. It has not been demonstrated that suitable visibility splays can be achieved from the vehicular access to the site.
3. The proposed turning area is not considered suitable for the purpose intended.
4. Pedestrian access to the site is not considered suitable.

The Highway Authority indicates that the access is still not wide enough for a tractor to pass a car within the site and it has not been demonstrated that the available southern visibility splay is within the control of the applicant or suitable for the approach speeds of vehicles. Swept path analyses have been submitted showing a refuse vehicle turning around on site, which appears acceptable, and a tractor and trailer entering and exiting the site. The turning area for the tractor and trailer has not been shown, but due to the design of the vehicle combination should be able to turn around in any field. But, the surface a tractor can turn around on is different to a HGV. Wagon-and-drag style HGV's are commonly used on farms. The Highway Authority considers that a turning area suitable for this type of vehicle should be provided. Finally, it expresses concern that a pedestrian route from the site to the village does not appear possible.

The applicant and the Highway Authority have an ongoing dialogue concerning these matters and it is hoped that the concerns can be addressed with some small further revisions to the proposals and shared understanding of the site conditions and the nature of the proposal. There is however one exception and that relates to the inability to dedicate a pedestrian route from the site to the village.

When planning permission was sought for three dwellings at this site the Highway Authority did not raise any objection and did not raise concern about the absence of a dedicated pedestrian route from the site to the village along No Mans Heath Lane.

The highway width does not extend sufficient distance beyond the carriageway to allow opportunity to form a footway, even if the developer was prepared to fund its construction.

In deciding whether there is sufficient reason to refuse the current application on the basis of the absence of a footway, the Board should be mindful that this application is not about whether new residential development should be allowed in this location at all, it is about whether it is acceptable to increase the number of dwellings by an additional two. This is a matter of balancing potential harm to highway safety against the other merits of the scheme, including the additional supply of housing and the beneficial use of a part of the land that would otherwise have no other productive use and could fall into a state of neglect. The Board too should also be mindful that there are a significant number of existing dwellings fronting No Mans Heath that have managed the pedestrian route to the village centre and no accidents are known to have been recorded as a result. On balance, it is considered that this matter is wholly beyond the control of the applicant and that the risk to highway and pedestrian safety is not of sufficient magnitude to outweigh the beneficial aspects of the proposed development.

Member will see, from the recommendation below that support for the application proposal would be on the basis that the remaining highway reasons for objection can be overcome with the agreement of the Highway Authority.

g) Other Matters

The County Archaeologist advises that the proposed development lies within an area of archaeological potential, within the possible extent of the medieval settlement at Austrey (Warwickshire Historic Environment Record MWA 9490). There is a potential for the proposed development to disturb archaeological deposits, including structural remains and boundary features, associated with the occupation of this area from the medieval period onwards. She does not wish to object to the principle of development, but does consider that some archaeological work should be required if consent is forthcoming

and recommends a condition. She envisages this work taking a phased approach, the first element of which would need to take place in advance of any development on the site and would take the form of evaluative fieldwork.

The Austrey Residents' Association expressed concern about the cumulative impact of additional dwellings in the village. It would be difficult to present a convincing case to show that the addition of two units at this location would render the development unsustainable in the context of harming village character, rural community or increased strain on village services.

Recommendation

1. That the Council is minded to support the application, subject to the resolution of the objection from the Highway Authority and subject to conditions addressing the matters set out below.
2. That the determination of the application be delegated to the Head of Development Control in conjunction with the Chair and Vice-Chair and the two local Ward Members.
 - Standard outline conditions
 - Specified Plans
 - Submission, agreement and implementation of a scheme for the translocation of the existing frontage hedgerow.
 - Submission, agreement and implementation of a scheme for foul and surface water drainage.
 - Submission, agreement and implementation of a boundary treatment scheme.
 - A limitation on the hours of construction works given the proximity of the site to existing dwellings.
 - The implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.
 - Conditions as deemed appropriate by the Highway Authority.

BACKGROUND PAPERS

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

Planning Application No: PAP/2015/0144

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	6/3/15 6/5/15 9/7/15
2	Austrey Residents' Association	Representation	24/3/15
3	B Barrett & Z Edwards	Representation	27/3/15
4	Planning Archaeologist, Warwickshire Museum	Consultation Response	23/3/15
5	Environmental Health Officer	Consultation Response	17/3/15 13/3/15
6	Warwickshire County Council Highways Authority	Consultation Response	31/3/15 11/5/15 23/7/15

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

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



(3) Application No: PAP/2015/0149

The Homestead, Main Road, Austrey, CV9 3EG

Outline application for residential development with detailed access for

Mrs Sue Bell

Introduction

The application is referred to the Board at the discretion of the Head of Development Control in view of the Board's previous consideration of a number of housing applications in Austrey.

The Site

The site forms part of the extensive rear garden to The Homestead, a grade II listed building which fronts Main Road.

The plot lies to the rear of properties on Main Road, with Main Road being in a northerly and easterly direction. On its southern boundary it has a frontage to The Green, an existing small cul-de-sac serving 4 houses, and a frontage to an access lane which runs from The Green to St Nicholas Church and Church Lane. The westerly boundary is formed by a mature hedgerow/shrub boundary with an allotment garden and open countryside beyond.

The site contains a pond and a variety of mature trees, including a small orchard.

The Proposal

This is an outline application for residential development with the details of access to be approved at this stage. The matters of layout, appearance, scale and landscaping are all to be matters reserved for later approval.

Notwithstanding this, the applicant has submitted an indicative layout plan which shows the provision of 4 detached dwellings accessed from a single cul-de-sac. The proposed access would meet The Green to the northern edge of the hammerhead.

The indicative layout and access arrangements are shown in the plan below.



The illustrative layout shows the retention of the on-site pond and the retention of the large majority of the on-site trees. Those trees that are shown as being felled are primarily the fruit trees within the small orchard.

The photograph below illustrates the position of the proposed access off The Green (between the copper coloured tree and the gated existing vehicular entrance to 4 The Green)



The photograph below illustrates the access track which runs from The Green to St Nicholas Church and Church Lane. The application site is to the right hand side of the photograph behind the established hedgerow and tree line.



The photographs below illustrate the part of the site that would be developed for housing. It is largely grassed and contains a number of fruit trees. It is surrounded by established hedgerow.



The photographs below illustrate the part of the site which contain trees and a pond, where development would not take place.



Background

Initially the application proposed a larger site of 0.45 hectares for development, however, following a detailed tree survey and assessment of heritage impact, the applicant elected to reduce the extent of the application site by approximately half. An illustrative scheme was presented showing 5 dwellings, however, in order to address access concerns, it was later reduced to show 4 dwellings.

Development Plan

The Core Strategy 2014 – Policies NW1 (Sustainable Development); NW2 (Settlement Hierarchy), NW4 (Housing Development), NW5 (Split of Housing Numbers), NW6 (Affordable Housing Provision), NW10 (Development Considerations), NW11 (Renewable Energy and Energy Efficiency), NW12 (Quality of Development), NW13

(Natural Environment), NW14 (Historic Environment), NW15 (Nature Conservation) and NW22 (Infrastructure).

Saved Policies of the North Warwickshire Local Plan 2006 - ENV4 (Trees); ENV8 (Water Resources), ENV10 (Energy Generation and Energy Conservation), ENV12 (Urban Design), ENV13 (Building Design), ENV14 (Access Design), ENV16 (Listed Buildings, non-Listed Buildings of Local Historic Value and Sites of Archaeological Importance), TPT1 (Transport Considerations in New Development) and TPT6 (Vehicle Parking)

Other Relevant Material Considerations

The National Planning Policy Framework 2012

The National Planning Practice Guidance 2014

Planning Contributions (Section 106 Planning Obligations) – DCLG 2014

The Draft Pre- Submission Site Allocations Plan June 2014)

The following is the complete extract from the Site Allocations Plan (SAP) as it relates to Austrey.

Austrey

- 5.63 The village lies mostly north of the church and is situated within attractive countryside close to the Leicestershire border. It consists of approximately 400 houses, two churches, a primary school and a pre-school, public house, 2 playing fields and a shop/post office. There are also some ancient earthworks in the field by the church and ridge and furrow surviving in a few surrounding fields.
- 5.64 The village has an active community and Parish Council, which is currently developing a neighbourhood plan. There are at least 14 Listed Buildings/Structures, some with altered fronts, but at least five of them show old timber-framing. The village has limited services and its rural location and limited public transport services reduce its sustainability and capacity/potential for significant new development. Nevertheless there is some potential for small scale redevelopment or expansion.

Total amount of housing units to be provided = 40

- 5.65 Since the 1st of April 2011 only 1 unit is available with valid extant planning consent within Austrey Parish. There is a need to identify a minimum of approximately 40 units and there are a number of sites potentially available to address this need. The principal site utilises a number of landowners stretching from Main road to Church Lane and will help address a number of needs indicated by the Parish, including provision of a village green open space area and parking for the church and village hall, both of which are currently limited in availability. This figure may need to be increased if viability issues arise to ensure the delivery of the facilities sought. An element of flexibility is built into the site allocations to ensure delivery to meet the housing requirement.

AUSTREY – SITE ALLOCATIONS

Site allocation s code	ADDRESS	Site size (ha)	Net Figures	ISSUES & SITE REQUIREMENTS IDENTIFIED
AUS14 (Formerly AUS1b, AUS 7 & PS143)	Land between Main Road and Crisp Farm ,Church Lane Austrey	2.25	40	New Access from Main Road to serve sites off Church Lane. Parking and Open Space to be included comprising village green (or off site delivery if agreed with parish as part of neighbourhood Plan) and parking for village hall and church. Careful and sensitive design is required to address the proximity of the Grade 2* Church. Trial trenching for archaeological impact is also recommended.
AUS4 (Combines AUS 4 & 3)	Applegarth, Norton Hill	0.29 + 0.49	20	May involve demolition of existing dwelling to enable access. Net figures reflect redevelopment of on-site dwellings. Retention of existing dwellings would be preferred and better reflect village character. Trial trenching for archaeological impact recommended.
AUS2/9	Holly Bank Farm, No Mans Heath Lane	0.27	7	STA concerns over lack of footway, although road frontage improvement is possible utilising both sites. Retention of existing cottage on site frontage and converted barns to rear (in commercial use) expected to retain character of site which adjoins a number of listed buildings. Developable area primarily on northern AUS9 part of site utilising AUS2 frontage to enable highway improvements..
TOTAL OF PROPOSED SITES			67	

POLICY HS3

Proposal AUS14

A Mixed Use Proposal for Housing, to provide additional Open Space (village green) and an element of parking for the church and village hall.

The site at Holly Bank Farm now has planning permission for three dwellings (with a current application proposing an increase to five dwellings) and permission has been agreed in principle (subject to Section 106 Agreements) for 14 dwellings at Applegarth and 40 dwellings at Crisps Farm.

The Austrey Neighbourhood Plan – July 2014

The Austrey Parish Council has produced a consultation draft of the Neighbourhood Plan, which, amongst other things, allocates land for housing. The Plan is presently out for formal consultation but it needs to be stated that the Neighbourhood Plan is at an early stage of preparation, it carries little weight until it is voted for in a referendum and is then formally adopted. At this early stage of preparation there is some uncertainty about the final form of the Plan and whilst it is indicative of the direction of travel of the Parish it can be afforded only little weight in the consideration of the planning applications.

Consultations

Waste and Transport Manager – There would not be any issue with a bespoke collection point away from the new development.

Warwickshire County Council Highways Authority – No objection to the reduced scheme subject to conditions.

Environmental Health Officer – No Comments

Warwickshire Museum – The proposed development lies within an area of archaeological potential. There is no objection in principle to the development, but conditions are required to require an archaeological evaluation by trial trenching.

Severn Trent Water – No objection subject to conditions

Representations

Austrey Parish Council objects to the application. Its representation is reproduced in full as Appendix 1.

Austrey Residents' Association – It strongly objects. The application does not fully comply with the National Planning Policy Framework; the NWBC Core Strategic Plan and the village Neighbourhood Plan. The site is not identified in the draft Austrey Neighbourhood Plan, nor has it been considered by our membership when carrying out a survey of preferences for suitable building sites in the village. The majority of our membership would wish to restrict current building to those sites that are contained within the draft Neighbourhood Plan and agreed by a majority of residents of the village.

In particular, concern is expressed about the increase in traffic that this site would create. The Green is a cul-de-sac and residents rely on the 'hammerhead' at the end of the road to park cars. It is already a busy road and is used by shoppers to park their cars when visiting the only village shop. At times it has already reached 'saturation' point and even a small increase in traffic will be detrimental to the safety of drivers and pedestrians in the area. The NPPF paragraph 32 indicates that decisions should take account of whether: ' "safe and suitable access to the site can be achieved for all people'." Given the current congestion, the concerns that have been expressed by Warwickshire County Council and the fact that Main Road is used by agricultural traffic even without the extra houses the junction between The Green and Main Road constitutes 'an accident waiting to happen'.

Letters of objection have been received from a further 18 residents raising the following concerns:

- The development would impact adversely on its rural setting, its local character and its distinctiveness.
- The development recently allowed will more than satisfy the housing needs of Austrey over the period to 2029 to allow for sustainable development in the village.
- There is no housing need because the Council has a housing land supply in excess of 5 years + 20% buffer.

- The Neighbourhood Plan has support across the village and provides 57 houses against the 40 required. There is therefore no justification for any further permissions. The Site Allocations Plan is supported by the draft Austrey Neighbourhood Plan which has been prepared following 18 months consultation with the wider village community and has the backing of Austrey Residents Association. Granting permission for application 2015/0149 is therefore not necessary and prejudicial to the emerging plan led system.
- The proposal would be contrary to Policy HSG3 of the North Warwickshire Local Plan 2006 (Saved Policies). The site is outside the development limits for Austrey as defined on the Local Plan Proposals Map. Local Plan Policy HSG3 sets out construction of dwellings outside the development boundaries, but the application does not meet the required criteria. The application is therefore not acceptable in principle.
- As the site is beyond the development boundary it may not be regarded as 'infill'.
- There is enough planned development in the village and further piecemeal development is not necessary.
- The development is not of the type needed in the village. The village needs affordable housing for young families, and bungalows or retirement homes for those wishing to downsize.
- No more homes should be developed as that would put a strain upon the infrastructure both in terms of access, facilities and public services.
- The Green is a narrow congested cul de sac. Access/visibility onto the main road from The Green is frequently impaired by parked vehicles by the PO stores. The entrance of The Green is not designed to take a large flow of vehicles into Main Road. Further housing and traffic would significantly add to an existing area of traffic congestion and concern. The Green has no public lighting.
- The applicant is proposing a new access to the site from The Green, it would be both impracticable and unsafe because of conflict with existing properties, parking congestion, the use of The Green for turning by drivers of vehicles visiting the post office store and conflict with users of Public footpath T171a which exits onto The Green via a gravelled vehicular drive.
- This planning application would be detrimental to nearby Listed Buildings.
- The Heritage Statement provides very little information about the potential impacts of the proposal on cultural heritage; it simply provides a recital of the list description of The Homestead. When assessing a development proposal, the significance of the heritage asset including the contribution setting makes to its significance needs to be assessed at that particular time (paragraph 128 of the NPPF). The Heritage Statement submitted does not do this in relation to The Homestead or the Church of St Nicholas.

- The Church includes a prominent spire and commands a wide landscape setting over Austrey and into the countryside beyond. It is therefore reasonable to conclude that the application site has the potential to affect the setting of the Listed Building and, as such, the Council has a statutory duty to have special regard to the desirability of preserving that setting. Further built form in the vicinity of the church would adversely affect its setting.
- Two further Listed Buildings, the Bird in Hand Public House (grade II, C17) and Village Cross (grade II, medieval steps with C19 cross) lie 100m away from the site. This is in addition to the Homestead itself, also Grade II listed, which will have its land and viewpoint severely affected by any residential development on the site.
- Case law is referred to which establishes that a finding of harm to the setting of a listed building or to a conservation area gives rise to a strong presumption against planning permission being granted.
- Both the Homestead and the site are mapped on the 1840 Tithe Apportionment Plan. The plan also shows that the village tithe barn was located on the site. It lies at the very heart of the ancient parish and it is the start of the historical earthworks that continue down the Bishops Field that are the remains of the water meadows across this area. It is entirely possible that there are archaeological remains.
- The preliminary ecological survey is incomplete being conducted in winter and fails to recognise that the surrounding area does support priority species such as great crested newts. The mature trees and hedgerows are also of a prime specimen nature and would be a significant loss. This is directly contrary to the proposed policies of the draft Neighbourhood Plan.
- The site forms a valuable haven for wildlife in the centre of the village including bats, several species of birds and that it is regularly visited by herons. When the ecological survey was carried out only a superficial examination of the site was made by the investigators who clearly did not appreciate the ecological value of the site. Discussions with local residents indicate the presence of the badger, bat species and great crested newts in the locality. Mammal pathways were observed by the ecologist on the site, possibly attributable to domestic cat, fox and also badger. Badger runs were also noted from the St Nicholas Ecosite. Other species which may be impacted include mole, field vole, grass snake and hedgehogs also present in the area. A wide variety of birds were observed during the survey and it was noted that the hedgerows and scrub on site are particularly suitable for breeding birds. In addition to there have been sightings of owl, buzzard, chaffinch, starling, thrush, bullfinch, swallow, swift, and nuthatch. It was noted that due to the close proximity of verified bat records and the mature hedgerows and trees onsite that this area may have significance for bat foraging and commuting routes. The area round The Green has no street-lamps and consequently very low night-lighting levels, and may therefore be a good location for bats which react adversely to intense lighting.
- The trees on the application site are an important part of the local landscape and any development would be detrimental to that.

- The site pond scores 0.737 “very good” (a score of 8 or above is “high”) as a habitat for the great crested newt using Natural England’s rapid assessment tool. It is concluded in the report that it is likely that great crested newts will be impacted by the development.
- The site has, until recently, been left to long grass. There is a wide range of grasses and shrubs which in turn support a variety of bees, butterflies, moths and other insect life, a critical food-source for birds, bats and so forth up the food-chain. It was noted that the mix of native species within the boundary hedge was a valuable and priority habitat, with connectivity for wildlife.
- The site can be seen from a public road, public footpath, bridleway or other public land. The whole of this area of Austrey forms part of a popular dog and leisure walking route along public footpaths, and the site can be clearly viewed from public footpaths from both the south and west sides, and also from The Green.
- The development would be contrary to policies of the Neighbourhood Plan
- The Parish Council was, in 2010/2011, looking for land that could be developed as a community orchard. This may be a suitable location for an orchard as such use could be sensitively aligned with the improvements and management strategies listed by the ecologist, and would enhance the existing village setting / environment rather than detract from it.
- The proposed access is over a verge that has been maintained by the occupier of a neighbouring property for many years and contains an Acer "Red King" which was planted by them 30 years ago.
- Green space is at a premium and the village cannot afford to lose more.
- Suggests that a site visit by Councillors would be appropriate.
- Concern is expressed about disturbance during construction.
- The reduced scale scheme is acknowledged to be an improvement but the objector still feels that it leaves the pond and original tithe barn site isolated behind houses.
- The reduced site area suggests that an application will be presented for the remainder of the land at a future date.

Observations

a) Introduction – Planning Policy Context

The introduction to the North Warwickshire Core Strategy (adopted in October 2014) identifies that the key priority is to keep the rural nature of the Borough and the Spatial Portrait confirms that the rural nature of the Borough is very important. It recognises that a balance needs to be struck between allowing development that is appropriate in terms of scale and character, whilst protecting and emphasising the rural context of the Borough.

The Spatial Strategy is a key component of the Core Strategy for delivering a sustainable way of living and working and considering the appropriate distribution for development. It seeks to allow development to take place in a dispersed, but controlled pattern throughout the Borough. Future development will take place in accordance to the size of the settlement taken, with its range of services and facilities. This will mean that the majority of development will take place in the larger settlements, with more limited development in the smaller rural settlements.

The settlement hierarchy in the Strategy (Policy NW2) broadly remains unchanged from the North Warwickshire Local Plan 2006, however what has changed is the emphasis on what will and will not be allowed in the smaller settlements. This follows the Matthew Taylor Report (Review on the Rural Economy and Affordable Housing) which advocated more development in the rural areas, to assist in maintaining the vitality of the rural settlements. The strategy acknowledges that this may result in development adjacent to development boundaries.

The Strategy identifies that the focus of rural housing development should be in Local Service Centres and there should be limited provision in Category 4 settlements. It does not mean housing on every part of the edge of a rural settlement; it means planned growth, commensurate to the size of the settlement, in the locations least harmful to the character of that settlement.

It is necessary to assess that application proposal in this context.

Objectors refer to the saved policy HSG3 from the North Warwickshire Local Plan 2006 (Saved Policies) relying upon it to resist the development. HSG3 sets out that the construction of new dwellings outside development boundaries will only be permitted if the accommodation is required to enable agricultural, forestry, or other full-time workers to live at, or in the immediate vicinity of, their place of work. Objectors indicate that the construction of dwellings for open market sale is not permitted under this policy.

Members should be aware that Saved Policies need to be read in context with the more up to date policy of the Core Strategy. Where there is conflict the more up to date policy will prevail. Members also need to be aware that policies of the North Warwickshire Local Plan 2006 could only be saved in their entirety, not in part, for their component elements. In the instance of Policy HGS3, it is a policy which has two parts, the part relied upon by the objectors and a second part which relates to the rebuilding and enlargement of existing dwellings outside development boundaries. The policy is saved because of this second element which is not covered by the Core Strategy. The first part of HSG3 is now out of date given that the more up to date Core Strategy and the NPPF both recognise that there are circumstances where new homes can be supplied at the edge of existing villages with a view to enhancing or maintaining the vitality of rural communities.

b) Housing Supply

The Council's continual monitoring of its supply of housing land evidences that it has a good and improving position. An assessment undertaken in March 2015 evidenced a 7.6 year supply.

Objectors consider that this means that the application should be refused because there is no overwhelming need. The housing land supply position is a material consideration but it cannot be a factor in isolation of other considerations, particularly given the context of planning policy which sets a presumption in favour of sustainable development and which indicates that development that is sustainable should go ahead without delay. It is necessary to look at the merits of each application to assess whether it may be regarded as sustainable development.

c) Type of Housing/Affordable Housing

Objectors suggest that the development is not of the type needed in the village and that it needs affordable housing for young families and bungalows or retirement homes for those wishing to downsize.

Firstly, this is an outline application with matters of design, appearance and layout reserved for approval at a later date. The type of housing cannot therefore be known at this stage

What is clear at this stage however is that the Council cannot insist that the site only be for affordable housing because following the Department of Communities and Local Government (DCLG) updated Guidance of 28 November 2014 the use of lower thresholds for affordable housing contributions is now a material circumstance. Proposals for ten or fewer dwellings now fall below the threshold for the provision of affordable housing either on-site or off-site and for other tariff style contributions (including tariff based financial contributions for off-site provision of open space or play space).

d) Effect on Open Countryside

Though the site lies beyond the development boundary identified for Austrey it does lie immediately adjacent to the settlement and has a frontage to an existing cul de sac which serves several existing adjacent dwellings.

The westerly boundary to the site is formed by a mature hedgerow/shrub boundary with an allotment, a long domestic garden and open countryside beyond. This forms a significant edge to this part of the settlement. The edge is illustrated in the aerial image below.



The western boundary of the site is such that the proposed development would be unlikely to be visible from surrounding countryside other than through the occasional gap in the vegetation. It would be difficult to conclude that the development constituted an incursion into open countryside surrounding the village.

e) Highway Safety

Initially the application proposed a larger site and the Highway Authority objected to it on the grounds of highway safety. Following revisions to the scale of the scheme and to the positioning of the access the Highway Authority now offers no objection, subject to conditions.

It is not considered that the additional traffic generated by four new dwellings would constitute a significant hazard to either the free flow of traffic or conflict with existing road users. The Highway Authority officers have visited the site several times and conclude the inter-visibility between the proposed access and existing accesses can be considered acceptable, and that following the reduction in scale of the proposed development, there would not be a significant impact on the junction of The Green and Main Road, such that it becomes a "severe" problem to use the criterion in the NPPF. Following the Waste and Transport Manager's confirmation that he has no concerns about collecting refuse from the site as long as a 'bespoke collection point' is provided, the Highway Authority is satisfied.

It has however still identified an issue. The plan of the highway extent appears to show that there is a gap between the red line outline and the land highway maintainable at public expense. The Highway Authority acknowledges that this may be a drafting error, but if the land between the highway and the application site is not in the control of the applicant, then there could be issues gaining permission to construct the proposed development/potential ransom strip (see plan extract below).



This is material to the applicant and will need to be investigated, but it does not affect the planning or highway merits of the proposal.

The highway impacts are not such that there would be justification for resisting the application.

f) Impact on the Heritage of the Village

The application site forms part of land associated with The Homestead. The Homestead is a Grade II Listed Building. The setting of the Listed Building merits protection and when considering the impact of a proposed development on the significance of a designated heritage asset, weight should be given to the asset's conservation.

The location of the Listed Building and the approximate location of the proposed dwellings are shown below.



It is proposed to retain the majority of the mature trees which separate the Listed Building from the proposed dwellings. Furthermore, the Listed Building will retain a large area as curtilage (edged blue above). The presence of the mature trees means that the line of sight between the Listed Buildings and the proposed dwellings is obscured. The new built form shown on the illustrative plan would be 47metres distant from the Listed Building at its closest point and 56 metres distant at the point where the built form would be likely to increase to more than one store. It is not considered that the proposed development, at a reduced scale of 4 dwellings, would adversely impact on the setting of the Listed Building (The Homestead).

Though the site lies approximately 60m north of the Listed church, it is separated from it by small allotment gardens and two other dwellings. There is existing built form in closer proximity to the church than the proposed development. The land does not figure significantly as important open space in views to and from the church. Furthermore, the site and the church would only be seen in the same context from the land beyond the western boundary of the site. As indicated above, the western boundary of the site is such that the proposed development would be unlikely to be visible from surrounding countryside other than through the occasional gap in the vegetation.

There are a number of substantial protected trees that separate the church and the site. It would be difficult to conclude that the development constituted any significant harm to the setting of the Listed church.



Though there are other Listed Buildings in the southern part of Austrey, none are within influence of the application site.

The Planning Archaeologist at Warwickshire Museum acknowledges that the proposed development lies within an area of archaeological potential, within the possible extent of the medieval settlement at Austrey (Warwickshire Historic Environment Record MWA 9490). Earthworks in the fields to the west of this site may represent the remains of an area of shrunken settlement (MWA 8885). There is a potential for the proposed development to disturb archaeological deposits, including structural remains and boundary features, associated with the occupation of this area from the medieval period onwards. However, she does not wish to object to the principle of development, but considers that some archaeological work should be required if consent is forthcoming, including archaeological evaluation by trial trenching. The Tythe Barn referred to by objectors is shown on historic mapping as being adjacent to the application site but not within it. The Planning Archaeologist confirms that its proximity does not alter her view that the proposed development could be supported in principle.

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

g) Ecology and Trees

The application is accompanied by a Preliminary Ecological Assessment. The site contains no statutory nature conservation designations.

It is acknowledged that the application could result in some detriment to biodiversity, however, the most significant features important to biodiversity, namely, the on-site pond and the majority of the woodland cover (the primary exception being the apple trees within the small orchard) are to remain and can remain clear of the developable area.

The Ecological Assessment acknowledges that further biodiversity assessment will be required ahead of the commencement of development. This is acceptable given that the application is in outline form. Given the preliminary findings, and the form of the amended application, conditions can require the carrying out of further surveys for great crested newts, badgers and bats ahead of the application for the approval of reserved matters.

Furthermore, conditions can require the submission of:

- A scheme for the retention, protection and enhancement of hedgerow and mature trees.
- A scheme for the compensation of biodiversity loss which achieves no net loss of biodiversity.
- Scheme for external lighting which is designed as to minimise the effect on bats.
- A provision that site clearance shall take place outside of the bird breeding season.

On balance the scheme utilises the part of the site with lowest ecological value. With enhancement of existing features the site is capable of accommodating the development.

h) Cumulative Impact

The application proposes an additional four dwellings. This should be seen in the context of the planning permissions granted recently for 65 new dwellings at the sites set out below:

PAP/2014/0569	Crisps Farm	Outline permission for 40 dwellings
PAP/2014/0157	Applegarth	Outline permission for 14 dwellings
PAP/2014/0399	4 Warton Lane	Outline permission for 3 dwellings
PAP/2014/0296	Hollybank Farm	Full permission for 3 dwellings
PAP/2014/0433	Manor Croft	Outline permission for 4 dwellings
PAP/2014/0626	The Crisp	Net increase of 1 dwelling

It is suggested by objectors that the cumulative impact of the consented dwellings plus an additional four dwellings would have an undue strain on the services and facilities in the village.

It is considered that it would be difficult to evidence that the balance of four additional dwellings caused such harm as to exceed the capacity of the village to accommodate them.

i) Other Matters

The objectors' concern that a reduced site area suggests that an application will be presented for the remainder of the land at a future date is not just cause to resist the present application. Any new application would be considered on its merits at that time and if harmful could be resisted.

j) Sustainability Considerations and Conclusion

Members will be aware that the Council is currently defending two planning appeals against the refusal of planning permission at the northern edge of the settlement. Observers may seek to compare the current proposal to the appeal proposals. It is considered that the position of this application site is significantly different as to justify a different approach. The appeal sites intrude more distinctly into open countryside whereas the site here would represent an infilling between existing built development

and an established boundary with open countryside. It achieves development which is commensurate to the size of the settlement and is in a location which would cause no significant harm to the character of the settlement or, with the use of appropriate conditions, any other matter of acknowledged importance such as heritage, ecology or highway safety.

The site is at a position within the settlement where it has close, easy access to all of the village facilities, its post office, church, village hall and primary school. It is considered to be in a sustainable location within the village.

In these circumstances, the application may be supported subject to conditions.

Recommendation

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

Standard Outline Conditions

1. This permission is granted under the provisions of Article 5(1) of the Town & Country Planning (Development Management Procedure) (England) Order 2015 on an outline approval, and the further approval of the Local Planning Authority shall be required with respect to the under-mentioned matters hereby reserved before any development is commenced:-

- (a) appearance
- (b) scale
- (c) landscaping
- (d) layout

REASON

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

2. In the case of the reserved matters specified above, application for approval, accompanied by all detailed drawings and particulars, must be made to the Local Planning Authority not later than the expiration of three years beginning with the date of this permission.

REASON

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

3. The development to which this permission relates must be begun not later than the expiration of two years from the final approval of all reserved matters.

REASON

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

Defining Conditions

4. The development hereby approved shall not be carried out otherwise than in accordance with the plan numbered 9293.01 Rev C received by the Local Planning Authority on 6 July 2015.

REASON

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

5. The development hereby approved shall be limited to no more than 4 dwellings and the developable area shall be no greater than the area shown on the illustrative plan 9293.01 Rev C and shall be limited to that area and no other.

REASON

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

Pre-Commencement Conditions

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

REASON

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

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

REASON

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

8. No development or site works whatsoever shall commence on site until the measures approved in Condition No 7 above have been implemented in full.

REASON

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

9. No development shall take place until a Written Scheme of Investigation (WSI) for a programme of archaeological evaluative work has been submitted to and approved in writing by the Local Planning Authority in consultation with the Warwickshire County Council Archaeological Information and Advice team.

REASON

To ensure the recording and preservation of any items of archaeological interest and to avoid any harm to items of archaeological interest.

10. No development shall take place until the programme of archaeological evaluative work and associated post-excavation analysis, report production and archive deposition detailed within the approved WSI has been undertaken in full and a report detailing the results of this fieldwork has been submitted to the Local Planning Authority.

REASON

To ensure the recording and preservation of any items of archaeological interest and to avoid any harm to items of archaeological interest.

11. Prior to any development works (with the exception of any groundworks associated with the archaeological evaluation detailed above) taking place an Archaeological Mitigation Strategy document (including a Written Scheme of Investigation for any archaeological fieldwork proposed) shall be submitted to and approved in writing by the Local Planning Authority. This shall detail a strategy to mitigate the archaeological impact of the proposed development and should be informed by the results of the archaeological evaluation detailed in condition 10 above. The programme of archaeological fieldwork and associated post-excavation analysis, report production and archive deposition detailed within the approved Archaeological Mitigation Strategy shall be undertaken in accordance with the approved detail.

REASON

To ensure the recording and preservation of any items of archaeological interest and to avoid any harm to items of archaeological interest.

12 Prior to the commencement of development surveys for great crested newts, badgers and bats shall be undertaken in accordance with the recommendations of the Preliminary Ecological Assessment dated February 2015, received by the Local Planning Authority on 9 March 2015, and submitted for approval by the Local Planning Authority in writing.

REASON

In the interests of establishing the presence of protected species and ensuring no adverse impact on the biodiversity of the site.

13. Prior to the commencement of development the following shall be submitted to and approved by the Local Planning Authority in writing

- A scheme for the compensation of biodiversity loss which achieves no net loss of biodiversity.
- Scheme for external lighting which is designed as to minimise the effect on bats.

The agreed schemes shall be implemented fully in accordance with the approved detail.

REASON

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

During Development

14. No work relating to the construction of the development hereby approved, including works of demolition or preparation prior to operations shall take place before the hours of 0700 nor after 1900 Monday to Friday, before the hours of 0800 nor after 1300 Saturdays nor on Sundays or recognised public holidays.

REASON

To protect the amenities of nearby residential property.

15. Site clearance shall only take place outside of the bird breeding season.

REASON

In recognition of the legal protection afforded nesting birds.

Highway Conditions

16. Access for vehicles to the site from the public highway (The Green D20) shall not be made other than at the position identified on the approved drawing number 9293.01 Rev C.

REASON

In the interests of safety on the public highway.

17. The access to the site for vehicles shall not be used unless a public highway crossing has been laid out and constructed in accordance with the specification of the Highway Authority.

REASON

In the interests of safety on the public highway.

18. Notwithstanding the plans submitted, no dwelling shall be occupied until a footway extension has been constructed between the existing footway (fronting number 2 The Green) and the site.

REASON

In the interests of safety on the public highway.

19. No structure, tree or shrub shall be erected, planted or retained within 2.4 metres of the land highway maintainable at public expense exceeding, or likely to exceed at maturity, a height of 0.3 metres above the level of the public highway carriageway.

REASON

In the interests of safety on the public highway.

20. No development shall commence until full details of the provision of the access, car parking, manoeuvring and service areas, including surfacing, drainage and levels have been submitted to and approved in writing by the Council. No building shall be occupied until the areas have been laid out in accordance with the approved details. Such areas shall be permanently retained for the purpose of parking and manoeuvring of vehicles, as the case may be. The vehicular access to the site shall not be constructed in such a manner as to reduce the effective capacity of any highway drain or permit surface water to run off the site onto the public highway.

REASON

In the interests of safety on the public highway.

21. 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 safety on the public highway.

22. 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 safety on the public highway.

Notes

1. Public footpaths are located adjacent to the southern and western boundaries of the application site. These public footpaths must remain open and unobstructed at all times.
2. Conditions require works to be carried out within the limits of the public highway. Before commencing such works the applicant/developer must enter into a Highway Works Agreement with the Highway Authority under the provisions of Section 184 of the Highways Act 1980. Application to enter into such an agreement should be made to the Planning & Development Group, Communities Group, Warwickshire County Council, Shire Hall, Warwick, CV34 4SX. In accordance with Traffic Management Act 2004 it is necessary for all works in the Highway to be noticed and carried out in accordance with the requirements of the New Roads and Streetworks Act 1991 and all relevant Codes of Practice. Before commencing any Highway works the applicant / developer must familiarise themselves with the notice requirements, failure to do so could lead to prosecution. Applications should be made to the Street Works Manager, Budbrooke Depot, Old Budbrooke Road, Warwick, CV35 7DP. For works lasting ten days or less ten days, notice will be required. For works lasting longer than 10 days, three months' notice will be required.
3. Conditions require works to be carried out within the limits of the public highway. The applicant/developer must enter into a [Minor] Highway Works Agreement made under the provisions of Section 278 of the Highways Act 1980 for the purposes of completing the works. The applicant/developer should note that feasibility drawings of works to be carried out within the limits of the public highway which may be approved by the grant of this planning permission should *not* be construed as drawings approved by the Highway Authority, but they should be considered as drawings indicating the principles of the works on which more detailed drawings shall be based for the purposes of completing an agreement under Section 278. An application to enter into a Section 278 Highway Works Agreement should be made to the Planning & Development Group, Communities Group, Warwickshire County Council, Shire Hall, Warwick, CV34 4SX. In accordance with Traffic Management Act 2004 it is necessary for all works in the Highway to be noticed and carried out in accordance with the requirements of the New Roads and Streetworks Act 1991 and all relevant Codes of Practice. Before commencing any Highway works the applicant/developer must familiarise themselves with the notice requirements, failure to do so could lead to prosecution. Applications should be made to the Street Works Manager, Budbrooke Depot, Old Budbrooke Road, Warwick, CV35 7DP. For works lasting ten days or less ten days, notice will be required. For works lasting longer than 10 days, three months' notice will be required.

4. Severn Trent Water advise that there is a public sewer located within the application site. Public sewers have statutory protection by virtue of the Water Industry Act 1991 as amended by the Water Act 2003 and you may not build close to, directly over or divert a public sewer without consent. You are advised to contact Severn Trent Water to discuss your proposals. Severn Trent Water will seek to assist you in obtaining a solution which protects both the public sewer and the proposed development.
5. In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner through seeking to resolve planning objections and issues and suggesting amendments to improve the quality of the proposal. As such it is considered that the Council has implemented the requirement set out in paragraphs 186 and 187 of the National Planning Policy Framework.



AUSTREY PARISH COUNCIL

13th July 2015

Dear Ms Levy,

Planning application PAP/2015/0149 - The Homestead Main Road, Austrey (Reconsultation).

I have been asked by Austrey Parish Council to submit their comments and objection to the Reconsultation named above. The amendment from 5 dwellings to 4 does not change the PCs stance on this application for the following reasons:

1. Highways / Access Concerns:

The applicant is proposing a new access to the Site from The Green. There are a number of issues which make this proposal impracticable and unsafe, firstly parking & access.

The properties at no 1 and no 2 The Green have 5 and 4 beds respectively, but only a single garage accessed by a small drive. These properties make use of on-road parking outside their properties down the length of the road, which significantly narrows the access. Additional residential parking space has been provided at the end of the cul-de-sac, this provision does not appear on the Site application. Gated parking and access to The Green House also exists adjacent to the proposed new access.

Additionally, residents of The Green and visitors to Austrey Shop and Post Office use the upper area of the Green to park and/or turn their vehicles around. Tim Bailey of Savoy Consulting, representing the developer, does not accept that the area is a 'turning circle'. Regardless of his opinion in this instance, this area **is** used both for turning and parking and it becomes quite congested at peak shop/post office hours.

The fact that it is not "of sufficient size to allow any vehicle to undertake a turning movement easily" could well increase the problems caused by any additional traffic on The Green. The planning board need to visit The Green to see first-hand the narrowness of the road and the congested on-street parking. We believe that Warwickshire County Council is of the opinion that the visibility to the south at the junction with Main Road is substandard. Visibility to the driver's right is particularly bad, and we consider this to be a dangerous junction. Increased traffic would surely bring an increased risk of accident.

To contact us:

write to Austrey Parish Council, c/o Austrey Stores & Post Office,
102 Main Road, Austrey, Atherstone CV9 3EG
email clerk@austrey.co.uk
phone 01827 818558

2. The Core Strategy & Austrey Neighbourhood Plan:

The last 12-18 months has seen a number of planning applications for new developments within the parish. Two have been granted (5 dwellings in total), a further five applications are pending (67 dwellings in total) and two have been refused (a total of 44 dwellings).

One of the reasons given for refusal of the rejected sites is that "Policy NW2 of the North Warwickshire Core Strategy 2014 identifies Austrey as a Category 4 settlement where development is to be limited to that identified in the Core Strategy or through a Neighbourhood Plan. The proposal does not comply with this policy as the site is not one identified in the Council's Draft Pre-Submission Site Allocation Plan, nor in our Neighbourhood Plan.

Following extensive consultation with the local community, it has been agreed that the Parish Council would, through its Neighbourhood Plan, support only the following applications, providing a total of 57 new houses: (GOA Doc. 7.3)

PAP/2014/0569

PAP/2014/0157

PAP/2014/0296

Although no details have been given with respect to the size of the potential developments on the Site (number of dwellings), it is also true that this site is not identified in the Core Strategy or the Neighbourhood Plan. Whilst the Site does not extend beyond the end of the village it would however impact adversely on its rural setting, its local character and its distinctiveness.

The pending applications generally satisfy the housing needs of Austrey over the period to 2029, meaning there is no need to identify additional housing sites in the village.

The applicant argues that no weight can be given to the Austrey Neighbourhood Plan. However the Austrey Neighbourhood Plan is significantly advanced, with wide support from villagers and the Residents' Association.

The Neighbourhood Plan is also aligned with the NWBC Site Allocations DPD and therefore it can be argued that granting permission for this application is not necessary and is also prejudicial to the emerging plan-led system.

The applicant's Design and Access Statement states that the application should be approved on the basis that the proposal is "modest and has a close relationship with the existing built form and respects and complements the overall grain of development". However, the application does not give any indication of the style of dwellings that are proposed and so no judgement on such matters can be accurately made at this point.

3. Ecology / Wildlife

The Site forms a valuable haven for wildlife in the centre of the village.

The report states that it's likely that great crested newts will be impacted by the development.

Additionally, local residents indicate the presence of the badger, and bat species and a wide variety of birds in the area, in addition to great crested newts. Other species which may be impacted include moles, field vole and grass snake. The hedgerows and scrub on site are particularly suitable for breeding birds and many other forms of wildlife and to lose the mature hedgerows and trees onsite may have a detrimental effect on many species and wildlife in Austrey.

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write to Austrey Parish Council, c/o Austrey Stores & Post Office,

102 Main Road, Austrey, Atherstone CV9 3EG

email clerk@austrey.co.uk

phone 01827 818558

The site has, until recently, been left to long grass. There is a wide range of grasses and shrubs which in turn support a variety of bees, butterflies, moths and other insect life.

Conclusion

To conclude, it is the opinion of Austrey Parish Council, reflecting the views of the residents of Austrey, that this application should be refused, and that the site should retain its current use.

Moreover, this site should be actively protected from any residential or other building development given that is in the shadows of a historically important listed building. Any changes to the landscape so close to the property are sure to have a detrimental effect on the house and it's beautiful, historical & characterful setting.

Best Regards,

Lynsey Treadwell,
Clerk to Austrey Parish Council

To contact us:

write to Austrey Parish Council, c/o Austrey Stores & Post Office,
102 Main Road, Austrey, Atherstone CV9 3EG
email clerk@austrey.co.uk
phone 01827 818558

BACKGROUND PAPERS

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

Planning Application No: PAP/2015/0149

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	9/3/15 1/5/15 6/7/15
2	P & S Yates	Representation	15/3/15 17/7/15
3	Environmental Health Officer	Consultation Response	17/3/15 24/3/15
4	R Broomfield	Representation	18/3/15
5	Mrs Ambroziak	Representation	21/3/15
6	Martin & Heather Cooke	Representation	24/3/15 9/6/15
7	Dr Roger Minett	Representation	24/3/15
8	Emma Fish	Representation	25/3/15 9/6/15
9	Austrey Residents' Association	Representation	24/3/15 8/6/15 20/7/15
10	R J & C M Minett	Representation	25/3/15 9/6/15 10/6/15 13/7/15 14/7/15
11	Mr & Mrs McEvoy	Representation	26/3/15
12	MDB Planning on behalf of others	Representation	26/3/15 23/6/15
13	Mr and Mrs MJ Collins	Representation	27/3/15 10/6/15 17/7/15
14	H Sargeant	Representation	30/3/15 11/6/15 16/7/15
15	K Sargeant	Representation	30/3/15 11/6/15 16/7/15
16	B Dawson	Representation	30/3/15 8/4/15 11/6/15 16/7/15
17	E & A Higgins	Representation	30/3/15 12/6/15 16/7/15

18	D & J Molyneux	Representation	30/3/15 8/6/15 12/6/15 17/7/15
19	Warwickshire County Council Highways Authority	Consultation Response	13/3/15 19/6/15 22/7/15
20	Severn Trent Water	Consultation Response	27/4/15
21	Planning Archaeologist, Warwickshire Museum	Consultation Response	19/5/15 12/6/15
22	Mr & Mrs Morrison	Representation	12/6/15 20/7/15
23	S Minett	Representation	11/6/15
24	Austrey Parish Council	Representation	17/6/15 13/7/15
25	Waste and Transport Manager	Consultation Response	24/6/15
26	A Wilde	Consultation Response	14/7/15

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.

(4) Application No: PAP/2015/0169

Trent View Farm, Mancetter Road, Hartshill, CV10 0RS

Erection of telecommunications relay mast, for

Mr Chris Beale - Pinnacom Limited

Introduction

This application was reported to the June meeting of the Board but determination was deferred in order to see if the applicant would amend the proposal. The applicant has now responded and the matter is referred back to the Board for determination.

The previous report is attached at Appendix A

Background

Members will remember that following the receipt of the original application, the applicant offered amendments in order to address some of the matters raised by objectors. These were to reduce the total height of the mast to 10 metres – that is to say that the ten metres would include the mast plus the extension pole – and that the mast be painted green, it being an aluminium structure presently.

The Board deferred a determination to see if the mast could be re-located further to the north, thus lowering its impact on the residents in Mancetter Road south of the application site.

The applicant has responded by saying that the land to the north is in a different ownership and that owner has not agreed to have the mast placed in his paddock. Moreover the applicant says that by moving it further to the north, coverage will be reduced and thus the mast would have to be taller in order to retain that coverage.

As a consequence the matter is referred to the Board on the basis that it is invited to determine the application as reported to its June meeting.

Observations

There have been no changes either to the Development Plan or to any other material planning considerations since the June Board.

It was argued there that with the amendments offered by the applicant there was an acceptable balance between the various interests here.

Recommendation

That planning permission be **GRANTED** subject to the conditions outlined in Appendix A.

BACKGROUND PAPERS

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

Planning Application No: PAP/2015/0169

Background Paper No	Author	Nature of Background Paper	Date
1	Head of Development Control	Letter	16/6/15
2	Applicant	E-mail	16/6/15
3	Applicant	E-mail	15/7/15

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.



General Development Applications

(#) Application No: PAP/2015/0169

Trent View Farm, Mancetter Road, Hartshill, CV10 0RS

Erection of telecommunications relay mast, for

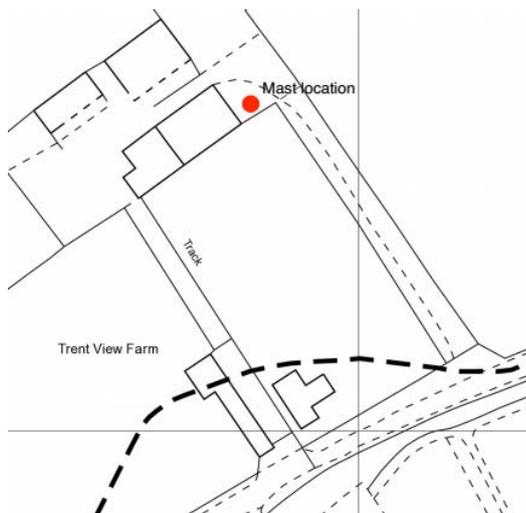
Mr Chris Beale - Pinnacom Limited

Introduction

The application is reported to the Planning and Development Board at the discretion of the Head of Development Control

The Site

The site is a complex of existing farm buildings and a farm house on the north side of Mancetter Road. The site is located outside of the development boundary for Hartshill and Ansley Common and is sited in proximity to the Hartshill ridge. The site is just within the district boundary for North Warwickshire. The context of the site and its surroundings in proximity to the installation is illustrated below and can be viewed at Appendix A.



The site forms a rural backdrop with long distance views over the valley. To the west of the site lies a row of dwellings along Mancetter Road at approximately 120 metres distance.

The Proposal

A telecommunications relay mast has already been installed on the site. The application is therefore retrospective. It is understood that the location has been selected by the need for line-of-sight visibility to receivers, particularly the avoidance of trees and other obstructions. The applicant maintains that the Hartshill Ridge provides the vantage point from which to achieve that and this is evident by other telecommunications services and private radio enthusiasts in the vicinity. He continues by saying that there are few other locations on the ridge other than Trent View Farm that would offer suitable radio

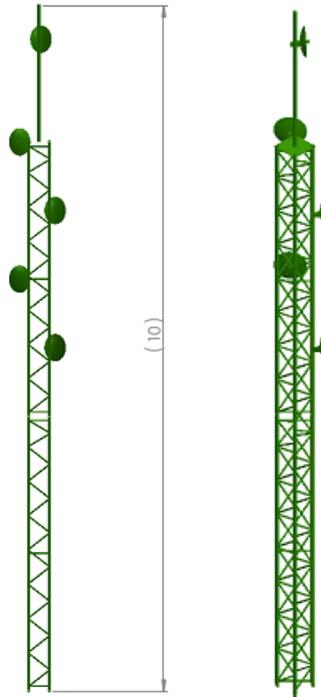
conditions and none that would be secure and have existing power facilities. It is important that the siting is on a private land rather than public land which could result in vandalism of the installation.

Background

The installation has already been erected and comprises of an aluminium lattice frame which is not treated in a colour finish. The mast is currently 12m in height and, when complete, would have been fitted with an additional 2 metre extension pole be fitted so as to become a total of 14m overall. The mast presently in situ is as per the photograph below:



In situ



Proposed revision

Members will be aware that this maximum height is compliant with the limits for permitted development under Part 16 of the Town and Country Planning (General Permitted Development) Order 2015 (maximum height being 15m). However whilst the height of the mast would be within the permitted allowance, the installation is not permitted development on account that mast and the land on which it is installed is not controlled by a registered telecommunications operator. No fall-back position therefore exists.

The appearance of the mast has been the subject of negotiation during the course of the application process and it is now proposed that the installation would be lowered to a total height of not more than 10 metres and that there would be no more than 5 dishes attached. The proposed final appearance of the mast would be as illustrated above and would be painted in green. This is the proposal that the Board is therefore asked to consider.

The mast is for Internet and telecommunications purposes to provide high capacity Internet services including VoIP telephony to rural users who could not otherwise receive them. It delivers IP services to rural business and domestic customers in North Warwickshire, Leicestershire and into Northamptonshire. It is linked to a further location at Earl Shilton and will be interconnected to another at Ashby.

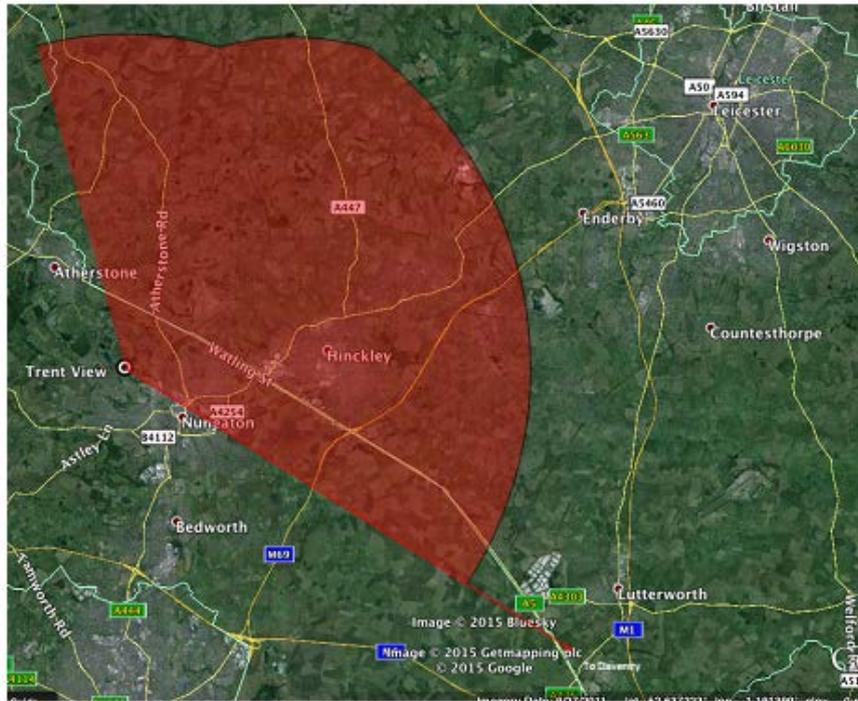


Figure 1 - Broadband Coverage from Trent View

Development Plan

North Warwickshire Core Strategy 2014 - NW10 (Development Considerations) and NW12 (Quality of Design)
Saved policies of the North Warwickshire Local Plan 2006 - ENV13 (Building Design)

Other Relevant Material Considerations

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

Representations

Six letters of objection have been received from local residents. A summary of the main issues is below:

- This is another eyesore in the road.
- There is an existing very large one further along the road
- Safety issues and people’s health.
- It does not enhance the countryside.
- The appearance and design is not in keeping with the area and the dishes on it are prominent and reflect the light directly into their rear rooms and garden.
- Loss of view.
- It doesn’t benefit the local community

Observations

It is considered that the mast is not acceptable in its current appearance in that the height and finish of it is clearly visible above the complex of existing farm buildings and trees. It also reflects sunlight causing occasional glare on the amenity of neighbours along the row of houses at Mancetter Road who have a direct rear view of the mast.

The impact of the existing installation from the neighbour's perspective is shown in the photograph below:



Members are reminded that the proposal has been revised since submission and since erection of the mast as illustrated above.

a) Scale and design

By reducing the height of the mast and painting it green, it would not significantly be higher than trees within the application site as shown on the photograph above. This would better blend within the landscape particularly as it is on lower ground than the properties in Mancetter Road. It would also avoid the glare currently experienced by the aluminium finish. In comparison with other telecommunications installations the relay mast is not large. Additional landscaping in suitable locations where the mast could be further screened would be advantageous.

b) Neighbours Amenity

The revised proposal would reduce the impact of the mast on the neighbour's amenity in terms of their visual outlook. It is sited at the furthest possible point from neighbours some 100 metres distant. Consideration has been made into using the other nearby masts for the additional installations, however as these are under the ownership of a different provider, they are not available.

Concerns have been made regarding the coverage of the mast has little benefit for North Warwickshire. It would be improper for the Board not to consider the wider community here - network coverage can be beyond district boundaries and would be able to provide flexibility for the communications network.

c) Landscape character

The revised proposals would not be considered to impact materially upon the openness of the landscape in this location. This is because it is sited within the complex of the existing farm buildings and is not on an open parcel of ground. In terms of its footprint and scale then the lattice frame has slim sections and it is affixed to the ground with a metal plate but covers a minimal footprint. The harm on openness is not materially worse than the existing installations in the vicinity and the proposed revisions will mitigate any harm on the visual amenities caused by the present arrangement.

d) Health

In a 2006 World Health Organisation report it was considered that with wireless networks as here, the exposure are so low that temperature increases are insignificant and do not affect human health. Wireless networks are located in many schools, hospitals, public houses and public realm places, and they are increasing. Members will also be aware of Government advice indicating that public health concerns are unlikely to be material planning considerations.

Summary

The revised scheme would be considered to address the issues raised by the neighbour's objection. Whilst the mast is not removed altogether, given the changes that are proposed to its appearance, it is considered that the current proposal represents the best balance between the competing objectives of retaining residential amenity and encouraging telecommunications.

Recommendation

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

1. The development hereby approved shall not be carried out otherwise than in accordance with the revised plan numbered PIN-TV-0515-01 received by the Local Planning Authority on 26 May 2015 and the site location plan received by the Local Planning Authority 16 March 2015.

REASON

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

2. Within one month of the date of this Decision Notice the telecommunications mast and installations including dishes and antenna shall be painted in leaf green to an RAL BS4800 colour range and shall be permanently retained in that colour finish at all times.

REASON

In the interests of the visual amenities of the area.

3. For the avoidance of doubt the maximum height of the mast to the top of the extension pole shall not exceed 10 metres in height from ground level.

REASON

In the interest of the amenities of the area.

4. No other dishes or antennas shall be installed on the mast hereby approved unless details are first submitted to an approved in writing by the Local Planning Authority.

REASON

In the interests of the amenities of the area.

5. The mast and associated installations shall be removed from the site at which time the equipment becomes redundant and the land reinstated to its former condition to the satisfactory of the Local Planning Authority

REASON

In the interests of the amenities of the area.

6. Details of a landscaping scheme shall be submitted to the Local Planning Authority within three months of the completion of the scheme required by Condition 2 which shall detail the siting and species of landscaping to screen the mast from the west and should any plant or tree fail within the first planting season then replacement species shall be planted within the next available planting season.

REASON

In the interests of the visual amenities of the area.

Notes

In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner through suggesting amendments to improve the quality of the scheme. 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/2015/0169

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	16.3.15
2	Environmental Health	No comments	24.3.15
3	Mr Ritchie	Representation - objection	30.3.15
4	Rachel Ritchie	Representation - objection	30.3.15
5	Susan Ritchie	Representation - objection	30.3.15
6	Mr Shortland	Representation - objection	30.3.15
7	Lucy Shortland	Representation - objection	31.3.15
8	Mrs Davies	Representation - objection	1.4.15
9	Mrs McVey	Representation - objection	2.4.15
10	Helen Davies	Representation - objection	7.4.15
11	Mrs Randall	Representation - objection	9.4.15
12	Case Officer	Correspondence	21.4.15
13	Agent	Design Statement	27.4.15
14	Mrs Randall	Representation - comments	3.5.15
15	Case Officer	Correspondence	5.5.15
16	Susan Ritchie	Representation - comments	7.5.15
17	Mr Ritchie	Representation - objection	7.5.15
18	Agent	Correspondence	11.5.15
19	Case Officer	E-mail	11.5.15
20	Case Officer	E-mail	18.5.15
21	Agent	Revised scheme plan	26.5.15
22	Case Officer	E-mail	28.5.15
23	Agent	E-mail	28.5.15

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



(5) Application No: PAP/2015/0227

Lucky Tails Alpaca Farm, Dexter Lane, Hurley, CV9 2JG

Use of land for the siting of a temporary rural workers mobile home, for

Ms S Booth

Introduction

The application is reported to Planning and Development Board because authority is sought for enforcement action should planning permission be refused.

The Site

This is 2.1 hectares of pasture land to the east of Dexter Lane and comprises an open parcel of land with an existing vehicular access onto Dexter Lane. The site has a stable block approved under a previous application and a mobile home has been sited on the field. There are a number of small holdings/equestrian uses either side of the site supporting existing rural uses. The area is predominantly rural and has a permitted equestrian use - formerly the use of the site would have been for agriculture.

There is a small stable block on the site that provides the immediate need for the stock also provides storage for the enterprise. The applicants do not have formal work experience on farms nor are farmers but are keen to develop the agricultural skills needed to develop a business. The applicants therefore seek temporary occupancy of the mobile home.

The layout of the site is illustrated below as a layout plan and by an aerial photograph:



The Proposal

It is proposed to retain the mobile home on site as a temporary rural workers home – see Appendix A.

The applicant intends to develop an alpaca breeding business with sales of alpaca stock; the ancillary production of fleece for processing wool and to stock poultry for free range eggs. Pygmy goats and giant rabbits will be bred for sale as pets, though these elements are not considered to be agricultural activity. It is argued that it is essential to have this temporary mobile home on site for agricultural reasons. The applicant is therefore seeking retention of the temporary mobile home to develop a farm enterprise to supplement existing stock levels currently at 17 Alpacas, (14 female and 6 pregnant), 2 males and a stud male, a small quantity of laying poultry, 5 female pygmy goats and one billy and a small number of giant rabbits.

The applicant has submitted an agricultural appraisal carried out by Reading Agricultural Consultants (RAC) to support the application. The business plan for the site advises that it is envisaged that by year 3 of the enterprise there would be:

- 27 breeding alpacas,
- 2 stud males,
- 11 female crias (12 months old)
- 11 male crias (12 months old),
- 8 yearling females,
- 321 laying poultry,
- 21 breeding poultry,
- breeding pygmy goats and giant rabbits.

It is envisaged that allowing for sales and mortalities a total of 43 alpacas would be on the holding by the end of the third year and an average of 70 poultry for sale each month between April and August.

The appraisal sets out the applicant's case for the estimated labour requirement for the enterprise based on these stock levels – see Appendix B. It is argued that in order to run a mix of enterprises such as the Alpacas and poultry, the applicants seek residential accommodation so they can live close to and monitor the livestock properly.

Background

The site gained permission for a stable block/hay store back in 2013 under application PAP/2013/0253. The stables and access were created with an equestrian use authorised. Planning permission is not required to keep Alpacas on the agricultural land. The mobile home on the site has a septic tank and a water supply. A generator provides electricity.

Development Plan

The North Warwickshire Core Strategy 2014 – NW1 (Sustainable Development); NW2 (Settlement Hierarchy), NW3 (Green Belt), NW10 (Development Considerations) and NW12 (Quality of Development)

Saved Policies of the North Warwickshire Local Plan 2006 – HSG3 (Housing Outside of Development Boundaries); ENV13 (Building Design), ENV14 (Access Design) and TPT1 (Transport Considerations in New Development)

Other Relevant Material Considerations

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

Planning Policy Statement 7 - Annex A.

Consultations

The Council’s Agricultural Advisor – Based on the functional need of the scheme and its financial sustainability, there is no essential functional need for a dwelling to support the proposed business on the land at Dexter Lane. Further to more information provided by the applicant during the application process, it is concluded that the applicant’s intention and ability to develop her proposed rural business is not evidenced. From an essential functional need perspective the applicant does not need to live on site. Due to the deficiencies in relation to stock and omissions from budgets the financial test is not met. The full responses are attached at Appendix C.

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

Environmental Health Officer – No comments

Representations

Two letters of support have been received. One says that there was already a small touring caravan on the site as a shelter. He continues by saying that it is incumbent on the planning committee to protect and enhance the natural landscape and not to diminish green belt. The second says that this is a rural based business, not affecting any views, has no traffic issues and encourages rural activity.

Observations

The site is in the Green Belt. The main issue is whether or not the development of a temporary mobile home is inappropriate development here. The NPPF says that new buildings are inappropriate developments and that apart from some defined changes in use, they too are inappropriate. The situation here is that this application is for inappropriate development as it does not meet any of the definitions in the NPPF. As such there is a presumption of refusal. In these circumstances it will be necessary to see if any other planning considerations are of such weight as to outweigh the harm done by reason of its inappropriateness. The key consideration here is the whether there is an essential agricultural case to retain a permanent residential presence on the site albeit through a temporary mobile home.

NPPF paragraph 55 contains the guidance for local planning authorities in relation to housing in rural areas and sets out that, with a few exceptions, housing should be located where it will enhance or maintain the vitality of rural communities and that new isolated houses should be avoided unless there are special circumstances. One such circumstance is, *“The essential need for a rural worker to live permanently at or near their place of work in the countryside”*. The Development Plan reflects this position.

It is accepted that the former PPS7 is no longer a material consideration of weight, but the functional test that it contains is still a useful tool or starting point for assessing agricultural need and the consultant's analysis has used it. Moreover it is referred to in the relevant Saved Policy from the Local Plan which still carries Development Plan status – HSG3. Its' tests for temporary agricultural workers dwellings are useful for undertaking the necessary assessment. However the agent dealing with the application on behalf of the applicant considers that the application should be determined only with regard to the functional test, given there is no financial test in the NPPF or in the Council's Core Strategy.

In terms of a functional test, Appendix C provides a full copy of the Council's Advisor's advice. This runs through each of the criteria set out in the Annex against which to assess the operational and management function of the business. It also includes his response to the applicant's comments on that advice. It is clear that from all of that evidence that he considers that there is no functional need to have permanent residential presence on the site.

As a consequence of this conclusion it would not normally be necessary to look at the financial test outlined in the Annex. The Council's Advisor has however done so as can be seen from the Appendix. His conclusion reflects that of the functional test in that there is no sound business plan for the operation.

In light of this advice there is not a case in principle to support permanent and essential residential presence on the site as required by the NPPF and the Development Plan.

In terms of other planning considerations then the design of the mobile home is not really in-keeping but it is a reasonable distance from other neighbours and it would not result in a loss of amenity, privacy or loss of light that would result in unacceptable loss of amenity and privacy in the area. The access too is considered to be acceptable.

In conclusion therefore it is considered that whilst there is some evidence of an initial intention to develop the enterprise, the ability to develop the rural business has not been evidenced. From an essential need perspective the applicant does not need to live at this site particularly as the settlement of Hurley is very close by and within walking distance to the site. Due to the deficiencies identified such as issues with stock levels and omissions from the budget the financial test is not considered to have been met.

On this basis, the proposal fails to accord to the tests set out in Annex A to PPS7, and therefore in turn fails to comply with saved policy HSG3 and the guidance in the NPPF. There are not the material planning considerations here to outweigh the harm caused by this inappropriate development and as a consequence the presumption of refusal remains.

In light of this, if the recommendation below is agreed, the Board will need to consider whether it is expedient or not to instigate enforcement action. This would require the removal of the mobile home and the cessation of the use of the land for residential purposes. Clearly such action would result in the applicant becoming homeless. There is also a cost to the applicant here not only in removing the home but in finding that alternative accommodation. These are considerations of substantial weight in the consideration of what might or might not be expedient. On the other side of the balance is the need to protect the Green Belt as set out in the NPPF and the Development Plan. This has been re-emphasised by the Government very recently.

It is considered that enforcement action should be taken, not only because of the long term need to protect the Green Belt but also because the evidence as concluded by the Council's advisor is that there is no essential need here. If that had been muted in some way a different view might have been taken. However the applicant moved onto the site without the appropriate planning permission and thus took a substantial risk. Members will be aware that there is the right of appeal against any refusal of planning permission and the issue of an Enforcement Notice. As a consequence the impact of any decision here will be likely to be delayed. As is usual in these circumstances too, the compliance time for fulfilling the requirements of the Notice can be lengthened to what might be considered a reasonable period. A period of twelve months is thus recommended.

Recommendation

A) That planning permission be **REFUSED** for the following reason:

“ The development is inappropriate development in the Green Belt with a presumption of refusal, but it has not been shown that there other material planning considerations of such weight to amount to the very special circumstances necessary to outweigh the harm to the Green Belt caused by that inappropriateness. In this respect those considerations put forward by the applicant have not been shown to provide sufficient evidence to support an essential functional need for permanent residential presence on the land. Whilst evidence of an initial intention to develop the enterprise has been shown the longer term sustainability of the business has not been evidenced. Therefore without verifiable agricultural justification, the proposal remains inappropriate development in the Green Belt. It fails to accord with Policies NW2 and NW3 of the North Warwickshire Core Strategy 2014 together with saved policy HSG3 of the North Warwickshire Local Plan 2006 and the NPPF.”

B) That the Solicitor to the Council be authorised to issue an Enforcement Notice requiring the cessation of the land for residential purposes through the removal of the mobile home together with its associated infrastructure and that the compliance period be twelve months.

Notes

1. Notwithstanding this refusal, the Local Planning Authority has worked with the applicant in a positive and proactive manner through pre-application discussions and providing the opportunity to overcome potential reasons for refusal raised during the application process. However despite such efforts, the planning objections and issues have not been satisfactorily addressed. As such it is considered that the Council has implemented the requirements set out in paragraphs 186 and 187 of the National Planning Policy Framework.

BACKGROUND PAPERS

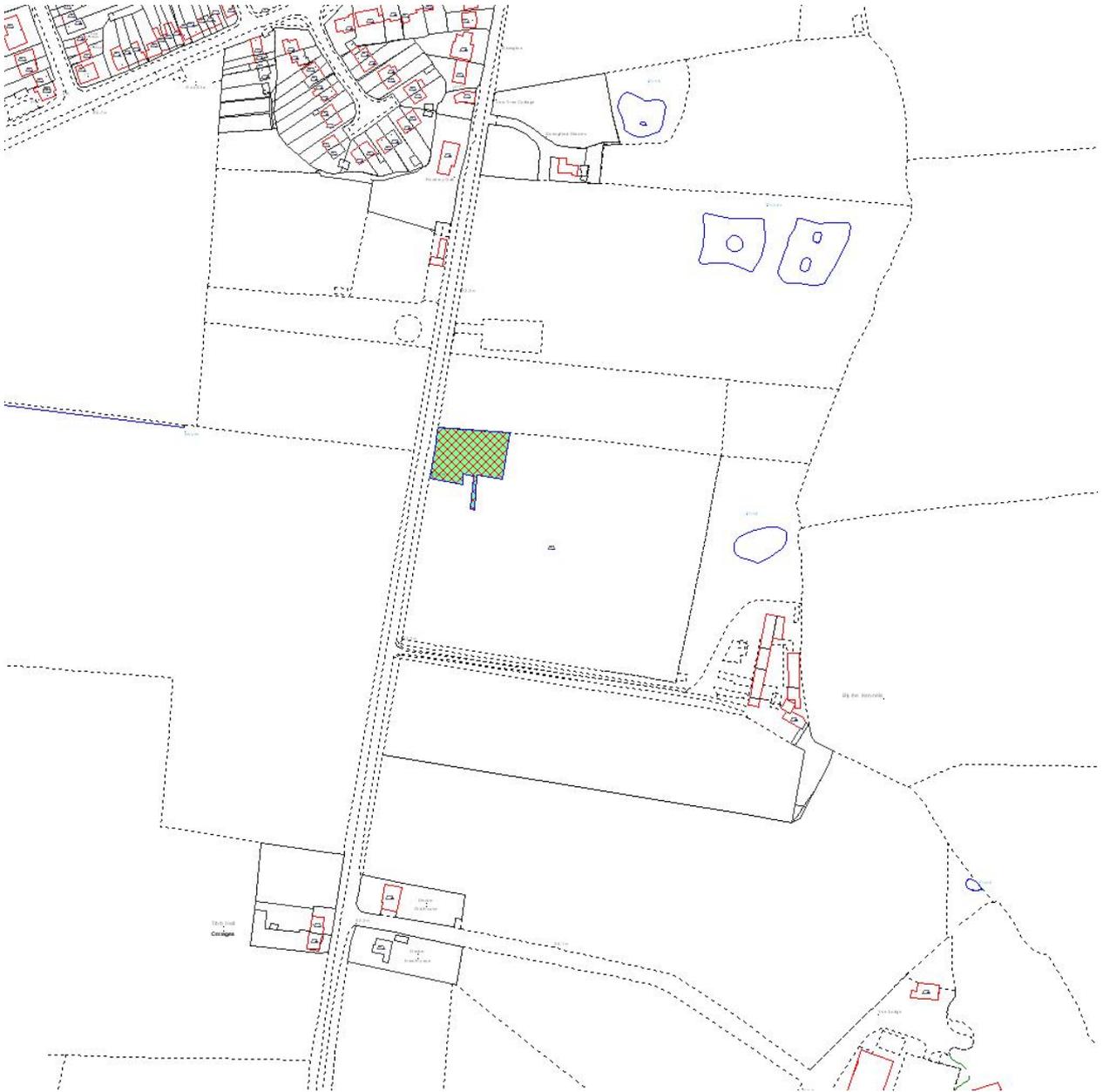
Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

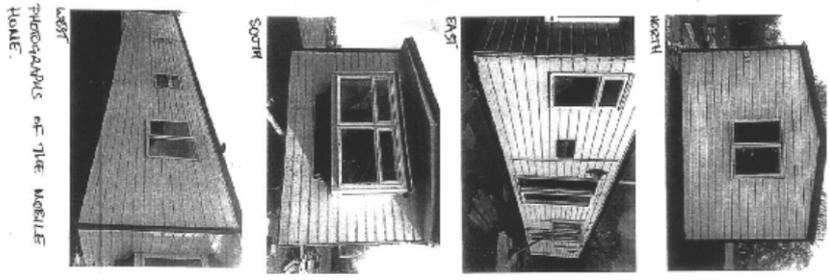
Planning Application No: PAP/2015/0227

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	9/4/15
2	NWBC Environmental Health	Consultation reply	29/4/15
3	WCC Highways	Consultation reply	1/5/15
4	Mr Martin	representation	10/5/15
5	Neighbour	representation	14/5/15
6	Rural Planning Consultant	Consultation reply	15/5/15
7	Case Officer	Email	4/6/15
8	Agent	Email	5/6/15
9	Case Officer	Email	18/6/15
10	Agent	Supporting Information	19/6/15
11	Case Officer to Rural Consultant	E-mail	9/7/15
12	Rural Planning Consultant	E-mail	13/7/15
13	Case Officer	E-mail	17/7/15
14	Case Officer	E-mail	17/7/15

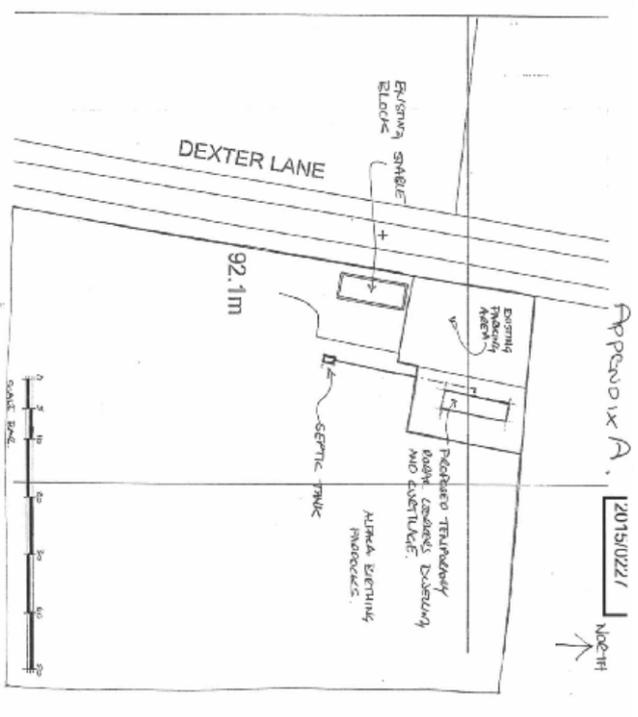
Note: This list of background papers excludes published documents which may be referred to in the report, such as The Development Plan and Planning Policy Guidance Notes.

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.





PHOTOGRAPHS OF THE MOBILE HOME.



Willis & Co.
Chartered Town Planners

30 The Caseworky, Chippenham, Wiltshire, SN15 3DB
Telephone: 01249 449973 Email: willisplanning.co.uk

Title: No. 2, Plot 1, N. 5, Millthorpe
Site of a proposed rural residential dwelling on land at Liddy Tm, Chippenham, Wiltshire, SN15 3DB
Block Plan and details of proposed temporary rural workers mobile home

Scale: 1:1,250 Date: March 2015 Drawing No: 261/1/02

NORTH WILTSHIRE
BOROUGH COUNCIL
RECEIVED
9-Apr-15
PLANNING AND DEVELOPMENT
DIVISION

2015/0227

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NORTH WARWICKSHIRE BOROUGH COUNCIL
RECEIVED 9-Apr-15
PLANNING & DEVELOPMENT DIVISION

“Land at Hurley by Atherstone” Warwickshire

Planning Application
for a
rural worker's temporary dwelling

Appraisal
by
Reading Agricultural Consultants

April 2015



Reading Agricultural Consultants Ltd
Registered Office as above Company No. 3282982 Registered in England



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Appendix 1 Appeal Decision APP/P1133/A/12/2188539:
Little Park Farm, Doddiscombsleigh, Exeter, Devon, EX6 7PZ

Appendix 2 Gross margin data for free-range egg production

Appendix 3 APP/Y3940/A/13/2200283
Land at Ashley, Box, Chippenham, Wiltshire SN13 8AN

1. Introduction

- 1.1 Reading Agricultural Consultants (RAC) is instructed by Stuart Mathews and Sarah Booth (the applicants) to prepare an independent appraisal of their planning application for a rural worker's dwelling at a site referred to as "*Land at Hurley by Atherstone, Warwickshire*". The business plan is to develop an agricultural holding with alpacas and poultry (free-range eggs and point of lay pullets). Pygmy goats and Continental Giant Rabbits will also be bred for sale as pets but as these are not agricultural activities they are not relied upon for viability (albeit figures of budgetary income and costs appear in the budgets) - but these are an entirely appropriate form of diversification for a small rural business, as outlined in the application letter.
- 1.2 This appraisal is intended to accompany a planning application to be submitted to North Warwickshire Borough Council for permission to site temporarily a unit of accommodation on the holding to enable the establishment and development of an agricultural holding.
- 1.3 In order to fully to explore the matters of fact and the background to this application, a site visit was undertaken when the author was able to meet the applicants and discuss the development of the holding to date, and their future aspirations.
- 1.4 The appraisal has been undertaken by Peter Williams, who is an agricultural consultant with over 20 years' experience of preparing assessments of planning applications for new dwellings in the countryside. Peter Williams is a Director of Reading Agricultural Consultants and holds an Honours Degree in Agriculture from the University of Reading and is a Member of the British Institute of Agricultural Consultants. Throughout his professional career, he has been engaged by farmers and local planning authorities to appraise a wide range of enterprises in the context of planning applications for new rural workers' dwellings and buildings. He is a regular agricultural advisor to local planning authorities in Cornwall, Devon, Dorset, Somerset and Hampshire and is regularly consulted on planning applications for agricultural developments by these authorities and by numerous other authorities across the country on an ad-hoc basis. He has also provided training courses to local planning authorities on the advice given in the former Planning Policy Statement 7, Annex A dealing with agricultural, forestry and other rural worker's dwellings.

2. Background

- 2.1 The land known as "*Land at Hurley by Atherstone, Warwickshire*" extends to 2.1ha, as shown in the application plans. The land is permanent pasture and appears - given the general condition of the land - to have been is low-intensity agricultural (possibly including with horse grazing) for some considerable period of time.
- 2.2 The land has the benefit of mains water supplied to field water troughs but there is presently no electricity to the site. It has hedge/fence boundaries and a stable block; with further extant planning permission for a hay barn. There is a small touring caravan on the land that provides staff welfare facilities.
- 2.3 The plans for the holding are to establish an alpaca breeding and rearing unit with free-range poultry also producing point-of-lay pullets, pygmy goats, and rabbits as pets. In the longer term the applicants intend to use the alpacas as a petting/tourism attraction, albeit at this stage the intention is to demonstrate that the unit can become viable and sustainable purely from the agricultural output, rather than needing to rely on value-added elements. Free-range poultry will be introduced - taking advantage of the synergistic benefits of keeping chickens with "guard alpacas" - and the eggs will be marketed in the village.
- 2.4 In terms of background, Sarah Booth is a qualified nurse and is presently working for a nursing agency. Stuart Matthews was formerly in the army and is now employed as a motorcycle mechanic. Neither has any formal work experience on farms but they are both practically-minded and keen to develop the agricultural skills needed to develop a successful business at the site.
- 2.5 In furtherance of this aim they have already variously attended courses at:
- 3-day foundation course run by British Alpaca Society (BAS) in alpaca husbandry and management;
 - 1-day BAS herd evaluation course run by BAS;
 - Charnwood Forest alpacas in Leicestershire for husbandry and management training.
- 2.6 In terms of facilities, there is already a small stable block on site that will provide for the immediate needs of the stock, and planning permission for a hay barn (referred to in more detail in the Planning Statement) that will provide further undercover storage for the enterprises.

- 2.7 With the alpacas, it is intended that a herd of approximately 30 breeding females will be established with male cria (wethers) and female breeding stock being sold. To date 17 alpacas have been purchased, which includes 14 breeding females (of which 6 are pregnant) and wethers; there are also 5 female pygmy goats. Fleeces will be processed and wool and knitted garments and toys will be sold.
- 2.8 The free-range poultry enterprise will be developed with commercial hybrid hens kept in mobile field runs. Initially, 100 pullets will be purchased in Year 1 and this number will rise to 300 hens kept in Year 3. Point-of-lay pullets will also be incubated and reared for sale at 18 weeks of age. The pygmy goat and Continental Giant Rabbits enterprises will also be developed in Year 2 and albeit the costings are included in the budgets, they are not relied upon for viability, at this time.
- 2.9 Clearly, the plans for the unit are somewhat fluid at present and the precise mix of products kept on the farm will develop as the markets for the various products are developed. However, the applicant is content that she has the necessary contacts and skills to develop the market over the next three years.
- 2.10 The labour will be provided by the applicants with assistance from friends and family (some of whom live locally) also being sought.
- 2.11 In order to run this mix of enterprises properly the applicants are seeking planning permission for residential accommodation so that they can live close to - and monitor properly - the processes and livestock on the unit.

3. Relevant Policies and Guidance

- 3.1 North Warwickshire Borough Council Local Plan Policy HSG3 "*Housing Outside Development Boundaries*" is a "saved" policy and is wholly relevant to this application. It states:

"The construction of new dwellings outside development boundaries will only be permitted if the accommodation is required to enable agricultural, forestry, or other full-time workers to live at, or in the immediate vicinity of, their place of work. The advice in Annex A to PPS7 applies to all such proposals".

- 3.2 Supporting paragraph 4.27 notes:

"Key objectives of this Local Plan are to place development in sustainable locations and maintain the quality of the Borough's natural environment and enhancement of the countryside. Remote and isolated accommodation will not meet the sustainability objectives of this Plan. It follows that housing should not be allowed in the countryside unless there is an identified and specific need".

- 3.3 However, the reference to PPS7 is now outdated as this Government guidance was revoked following the publication of the National Planning Policy Framework (NPPF) in March 2012 - and should not be relied upon.
- 3.4 The NPPF is all about sustainable development and the Ministerial Foreword makes reference to achieving sustainable development in a way that ensures better lives today do not result in poorer lives for future generations.
- 3.5 Paragraph 28 deals with rural and agricultural development and notes inter alia:

"Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should:

- *support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings;*
- *promote the development and diversification of agricultural and other land-based rural businesses..."* (Emphasis added)

- 3.6 The business model that is being developed at Atherstone clearly fits within the ethos of the NPPF such that it will be:

- (i) competitive, sustainable and environmentally friendly, within a localised market area;
- (ii) seeks to provide exciting new products and opportunities to the changing markets and tastes - including for tourism;
- (iii) complies with legislation and associated guidance; and,
- (iv) will, as the project is developed, 'add value to the primary produce'.

4.1 Paragraph 55 of the NPPF deals with residential development in the countryside and states:

"To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as:

- *the essential need for a rural worker to live permanently at or near their place of work in the countryside..."*

4.2 Paragraph 215 then states that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF Framework (the closer the policies in the plan are to the policies in the Framework, the greater the weight that may be given).

4.3 Given this policy framework - and the application to secure temporary accommodation at the holding in order to prove the project is viable - it is considered appropriate to examine whether:

- there will be an essential functional need for a worker to reside on the holding, as opposed to nearby; and,
- whether the project has been planned on a sound financial basis.

4. Appraisal

Essential need a full-time worker to live on the holding?

Alpacas

4.1 The main part of this farming operation involves the management and rearing of breeding alpacas and the need, or otherwise, to live on site has been examined at numerous planning appeals in the past. Overall, it is generally accepted that in order to farm alpacas properly - at a commercial scale - it is necessary to live close to the animals to ensure their well-being. Specific issues are known to include:

- **Mating** - alpaca mating is an intricate, managed process and not as straight forward as other conventional farm animals. Specifically, the animals are *induced ovulators* and do not display "normal heat" activity. In order to ensure that fertilisation occurs at the right time it is necessary to:
 - plan carefully and make appropriate preparations;
 - put the male in one pen and the female in an adjoining pen and observe the level of interest;
 - observe and possibly assist with mating;
 - remove the female post mating;
 - repeat for the following 2-3 days to ensure fertilisation has occurred.
- **Abortions and still-births** can be caused due to stress-related factors from 30 days after conception and a presence on site to identify problems and reduce stress is important;
- **Birth** - alpacas have a peculiar gestation insofar as there is no closely-defined gestation period: the quoted period is 330 days \pm 30days. Such timing makes it difficult to predict the timing of the birth with any accuracy and if assistance is required at parturition this would only be apparent if the animal was observed to be in difficulty; living on site would mean the likelihood of spotting such a difficulty would be considerably higher, than if living off site.
- **Rearing** - lack of milk - including colostrum - following the birth is not uncommon and can require artificial rearing. This is a time-consuming activity that requires 2-hourly feeds day and night for the first two weeks; 3-hourly feeds to eight weeks; and 3-times-daily to four months;

- **Day-to-day management** - simply looking after these animals on a regular, hands-on manner will help ensure that many health or welfare issues arising are spotted promptly and can be dealt with. Alpacas are notorious at hiding the symptoms of illness and close vigilance is required to spot subtle changes in behaviour. Travelling to the site periodically (especially at weekends, and during the long summer days) will inevitably mean the time spent watching the animals will be reduced and in such circumstance problems are more likely to develop, and animals will suffer.
- 4.2 In such circumstance - with up to 30 females, stud males, and all progeny (minus sales) in Year 3 - there must be someone on site at most times to ensure the proper functioning of the enterprise.
- 4.3 That alpacas can be at risk has long been considered by Planning Inspectors and for one unit in Devon¹ (see **Appendix 1**) where veterinary surgeons appeared for both the appellant and third party objectors the Inspector concluded:
- "...that the case for an essential need for someone to be on hand at most times, day and night, is compelling, and that the proposal complies with the requirements of the Framework (paragraph 55)."*
- 4.4 Issues related to the security of the site are also of concern and add to the balance of factors that warrant an on-site presence. Theft and attempted theft of stock can, clearly, compromise the welfare and safety of the animals, and cannot simply be dismissed as irrelevant. If the applicant was to live off site there would be a risk of intruders and such risks must be seen as additional considerations in this application.
- 4.5 Finally, alpacas are valuable, by comparison to other farm stock, with a well-bred halter trained female worth between an average £2,000 and £4,000 and often more. Clearly, if one or more animals were injured or stolen the financial impact on the enterprise could be significant - and this issue has also been a consideration in appeal decisions. Fundamentally, it is neither responsible nor practical to establish an alpaca breeding unit without living on site to care for the stock.

Poultry

- 4.6 The 300 laying hens plus the rare-breed stock (in Year 3) will have access to runs in the day and will be locked up at night. During daylight hours there is need to ensure that the birds have access to food and water and are not injured and they will need to be let out in the morning and shut up as dusk - which can be as late as 10pm in the

¹ APP/P1133/A/12/2188539: Little Park Farm, Doddiscombsleigh, Exeter, Devon, EX6 7PZ

summer. But, unexpected emergency situation can also occur necessitating swift action, such as:

- fright from foxes prowling;
- birds of prey;
- sudden loud noises;
- adverse weather; and,
- intruders - human or wildlife.

- 4.7 Welfare legislation in the UK makes it an offence to cause unnecessary suffering and distress to animals and this could arise if there is a delay in appropriate interventions and administrations of emergency treatments.
- 4.8 The POL element will concentrate on the keeping of trios of rare-breed birds producing fertile eggs that will be incubated, and enabling the sale of point-of-lay pullets. Although the precise details of the breeds to be kept are still being developed, initial research suggests that Marans (producing very dark brown eggs), Speckledies (varying colours) and a new hybrid blue-egg layer (Chalk Hill Blue) may be kept, along with commercial hybrids that are renowned for productivity.
- 4.9 A total of 21 birds (7 trios comprising one cockerel and two hens) will be maintained and using lighting to control egg lay fertile eggs will be collected during the period December - April, with 18-week POL pullets being available from April onwards. Assuming each hen lays 20 eggs per month (a total of 280 eggs) and achieve a hatch rate of 50% (and a 50% male:female ratio) indicates that 70 POL pullets should be available during each of the summer months. Male chicks will be sexed upon hatching, and dispatched.
- 4.10 The general process requires adult birds to be reared in small hen houses with runs and fertile eggs to be collected on a daily basis. These eggs are then stored appropriately for about a week until there are sufficient to "set" in an incubator. Automated electric incubators maintain a constant temperature and turn the eggs to ensure optimal conditions, but are clearly at risk of electrical breakdown or mechanical failure. At approximately 26 days the eggs are removed from the incubator to a hatching areas and close supervision is required to ensure that chicks are able properly to crack and remove the egg shells.

- 4.11 Once hatched the chicks are provided with heat from electric lamps. The chicks generally stay under heat for about four weeks (depending on ambient temperatures) and are reared to about 18 weeks when they are ready for sale as "point-of-lay".
- 4.12 Sales of POL pullets will, initially, be made locally to contacts that the applicant has in the area, and also via a website. However, the website cannot "go live" until the project is up and running, and POL pullets are unlikely to be available for sale until May 2016, at the earliest. During the period May - November (when the cockerels are removed) unfertile "normal" eggs will be sold.
- 4.13 The functional needs - in the future - of the breeding and rearing goats and rabbits simply add to the above.
- 4.14 The need for on-site accommodation to provide for the above livestock has been examined at appeal on numerous occasions and RAC is satisfied there is an essential need for a worker to live on site to provide for the needs of the stock.

Labour requirement

- 4.15 Although an assessment of labour requirement does not form part of the NPPF, nevertheless it is sensible to provide an estimate in order to demonstrate that this is a full-time operation.
- 4.16 The labour required to run this unit - once fully established - can be estimated with reference to published labour coefficient data such as that published in the John Nix Farm Management Pocket book, 45th Edition; where no data exists anecdotal evidence is used.

	Notes	SMD/hd (ha)	Enterprise size	Total
Alpacas (Breeding females)	1	8	30	120 ²
Alpacas (other)	1	4.5	30	135
Poultry	3	0.06	321	19
Goats and Rabbits	4	0.5	10	5
Grassland management		3.5	2.1	7
Subtotal				286
Management and maintenance (15%)				43
Total				329

Note 1: Anecdotal figures from Australia of 64hrs per female per annum; 36hrs for other alpacas².

² 'Alpaca, Buffalo and Rabbit Production'; A Report for The Rural Industries Research and Development Corporation, July 2001