

Agenda Item No 5

Planning and Development Board

9 March 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, 13 April 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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General Development Applications

(1) Application No: PAP/2013/0391

Heart of England, Meriden Road, Fillongley, CV7 8DX

Outline - erection of hotel north of (and linked to) existing Conference Centre; demolition of existing storage building and its adjuncts; re-organisation of existing parking areas and creation of new north car park and landscaped courtyards; extensions to south and east sides of existing Conference Centre building, for

Mr Stephen Hammon - Heart of England Promotions

Introduction

The receipt of this application was first referred to the Board in April 2014. That report recommended that the Council should be minded to refuse the submitted proposals and a full explanation was given for that approach. The Board agreed that recommendation and subsequently there were a series of meetings held with the applicant in order to explain and to clarify the Board's decision. Eventually revised proposals were submitted, and their receipt was referred to the Board at its December meeting. A copy of that report is attached as Appendix A. It described the site and the proposal, setting out the applicant's case with reference to his supporting evidence. Importantly, it set out the applicant's case as to how he had addressed the concerns of the Board which had led it to be minded to refuse the original submission. The relevant Development Plan background was also set out.

Since the December meeting there have been further minor revisions to the proposals as a direct consequence of consultation responses. This report will outline these latest alterations and summarise all of the consultations and representations received. Members should note that there has been full local consultation on these latest revisions.

It is now time to report the application to the Board for determination.

The Proposals in Brief

It might be helpful at the outset to summarise the overall proposals. In short, this is to add a thirty bedroom hotel to the existing conference and events centre through redevelopment and refurbishment of existing buildings. This redevelopment includes demolition; refurbishment and extensions. The main access into the site would be retained and car parking provision extended.

For convenience the general location of the site is illustrated at Appendix B; the general layout of the proposals is at Appendix C and the elevations are at Appendix D.

The Revisions made since December 2014

The changes made since the December meeting do not affect the overall proposals and have been made to address matters raised by consultation responses.

- An amended car parking layout has been received in order to address the Highway Authority's concerns about the overall provision. This now shows areas of overflow car parking to the south of the centre.
- The plans now show an acoustic fence and enclosed areas to the east of the proposals in order to reduce the potential for noise emissions close to the neighbouring bungalow which is in private ownership and occupation. These additions were requested by the Council's Environmental Health Officer.
- Gates have been added to the central portion of the proposals in order to limit the area where people might congregate in the "smokers" area thus limiting the potential for disturbance – again at the request of the Environmental Health Officers.

Consultations

Warwickshire Police – No objections

The Environment Agency – The Agency originally objected to the proposal because of the absence of a Flood Risk Assessment and because the site is sensitive in terms of groundwater protection. The sewage treatment works will also require upgrading and improvement. Upon receipt of an Assessment and consideration of its content, the Agency withdrew its original objection subject to standard conditions. This was largely due to the proposals for the reed beds being agreed.

Warwickshire Museum – No objection subject to a standard condition being added to any planning permission granted requiring pre-commencement investigations.

Heritage Consultant – Originally objected on the grounds that the original submission would have an adverse impact on the setting of the adjoining listed building because of the design and appearance of the new buildings. The revised plans address his concerns and there is no longer an objection.

Environmental Health Officer – The design of the hotel and extensions should incorporate measures to reduce the emission of noise and that the impact of the proposals on the neighbouring residential property needs to be fully addressed. The revised proposals show an enclosed "break –out" area for smokers and the inclusion of an acoustic fence and enclosed areas for the refuse area are supported. If the marquee is to be retained, then its use should be conditioned so as to prevent noise emissions.

Severn Trent Water Ltd – No objection subject to a standard condition requiring full details of foul and surface water drainage to be submitted and agreed prior to work commencing.

Coventry City Council – Wishes to make no comments.

Warwickshire County Council as Highway Authority – The Authority has no objection subject to conditions requiring adequate car parking space; the Wall Hill Road access being closed, limitations on coach use and agreement for a Travel Plan. The Highway Authority's comments on the revised overflow car parking areas are awaited.

Warwickshire Rights of Way – No objection.

Representations

One representation received says that the scheme is a reasonable rationalisation of the existing buildings but that a smaller hotel would be preferred.

Seven individual letters of objection were received in respect of the original submission largely referring to the view that the proposals are inappropriate in the Green Belt; too large, not needed and would have a detrimental impact on the countryside and the adjoining listed building. Other matters raised refer to the proximity of the hotel to the neighbouring residence with the consequential loss of privacy and security; disturbance already caused by existing events and visitors – particularly noise and the potential for archaeological interest. None of the authors of these letters have removed their objections upon receipt of the amended plans.

Fillongley Parish Council objects to the hotel considering it to have adverse impacts and that it is not in-keeping with the rural setting. There is also concern about drainage and the impact on the loss of amenity to local residents. The revised plans do not overcome this objection. There are continued breaches of planning control occurring at the site. Corley Parish Council objects as it considers the hotel is inappropriate development in the Green Belt and because of its potential adverse impact on the existing highway and drainage infrastructure. The revised plans do not change its view. There are continued breaches of planning control at the site.

The Fillongley Flood Group object as it considers that there would be a consequential adverse impact on flooding issues in the village.

Four letters of support have been received referring to its beneficial impact in creating local employment opportunities; sustaining local services and businesses, preventing travel to and from the site and the need for extra on-site bedroom space.

Development Plan

The previous report – copied at Appendix A – outlined the relevant Development Plan policies. These have not altered since then.

Other Material Planning Considerations

Similarly here the National Planning Policy Framework 2012 (the “NPPF”) remains as consideration of significant weight in the determination of this application.

Observations

a) Introduction

The Council had resolved that it was minded to refuse this application and three refusal reasons were drafted. The first of these considered that the proposals amounted to inappropriate development in the Green Belt and that there were not the planning considerations of such weight to warrant overriding the presumption of refusal. The second considered that there would be an adverse impact on the residential amenity of the neighbouring dwelling and thirdly the Council considered that the proposals would not sufficiently integrate into the surroundings. As reported to the Board in December 2014, revised proposals have been received together with additional supporting documentation and that report describes them in some detail. Members are referred to Appendix A.

The Board will have to consider whether the amended plans, as further varied as set out above, and the new supporting documentation is now sufficient to overcome the three areas of concern expressed above.

b) Green Belt

The site is in the Green Belt. New buildings are considered to be inappropriate development here as defined by the NPPF and therefore there is a presumption of refusal. However as Members are aware there are exceptions to this approach and the NPPF describes these. It is thus necessary to consider whether any of these should apply to this case.

The proposals could fall into any or all of four of these exceptions. These are where the development comprises:

1. The provision of appropriate facilities for outdoor sport and recreation, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.
2. The extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original buildings.
3. The replacement of a building, provided that the new building is in the same use and not materially larger than the one it replaces.
4. Limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

The Board's current position is that the plans as originally submitted were inappropriate development because in short, they were too large and thus had a material adverse impact on the openness of the Green Belt. They could not meet the conditions as set out in the four exceptions. It is therefore first necessary to see whether this position still

remains following the receipt of amended plans, particularly as those plans now show a reduced scale of building work.

It is proposed to first explore the fourth of the exceptions set out above. This is because the overall “mix” of proposals – including extension, alteration and replacement – can be reasonably said to constitute the partial redevelopment of a previously developed site. This is because the existing buildings benefit from planning permissions granting them recreational use and the proposals themselves are all associated with these existing buildings. As such it would appear that the overall development could fall into this exception. However there are conditions included in the exception which first need to be resolved. The first of these is that the proposals should have no greater impact on the openness of the Green Belt than the existing. Members generally approach this condition by looking at the issue both quantitatively and qualitatively. In respect of the former then the proposals would result in an additional 36% in footprint and an additional 72% in volume over the existing. These are not small increases. They are material and might suggest that the first condition has not been met. However the baseline here is that the existing buildings are not small – they are large. It is thus the impact of this increase on the openness of the area which is therefore the critical assessment. This is why the qualitative assessment is important. There are several matters here which are considered to mitigate the impact of the material increase in building operations. Firstly, the proposed works will be seen together and are within the existing complex and range of buildings. They do not result in new isolated buildings; in buildings without built linkages to the existing and nor do they introduce a disjointed or dispersed scatter of new buildings. Secondly, the works, whilst in scale and proportion with the existing, do not follow the same built form as the existing, particularly in terms of heights - being lower - and their massing – splitting the buildings up with different sizes, alignments and linkages, thus reducing adverse visual impacts. Thirdly, the design and appearance of the works is in keeping with the rural setting and attention is not drawn to them because they are not visually intrusive. Finally there is a substantial tree cover forming a back drop to the building works such that they do not appear to be on the horizon and more particularly their visibility is confined internally to the site itself. In all of these circumstances it is concluded that, notwithstanding a material increase in footprint and volume, there would only be a limited impact on the openness of the Green Belt. The second condition in the exception is that the proposed development should have no worse impact on the purposes of including land within the Green Belt than the existing. There are five purposes for the inclusion of land in the Green Belt – to check unrestricted urban sprawl; to prevent the merger of neighbouring towns, to assist in safeguarding the countryside from encroachment, to preserve the setting of historic towns and to assist in urban regeneration. It is considered that none of these is prejudiced as the site is not adjacent to built-up areas or towns; the development is not urban sprawl and the land is already previously developed land. In all of these circumstances therefore the conclusion in respect of this particular exception, is that the proposals are inappropriate development because of the overall material increase in footprint and volume, but that the harm to the openness of the Green Belt is limited because of the mitigating factors referred to above.

The second and third exceptions described above – proposed extensions and replacements - are largely the same, but there are different measures. Extensions should not be “disproportionate” over the original building, but replacements should not be “materially larger” than the ones replaced. As reported above, the overall extensions, even when demolitions are taken into account, do constitute a material

increase over the existing original buildings. The issue is whether this is a “disproportionate” addition. It is considered that it is not. There are demolitions involved; the scale, massing and heights match or are lower than the existing, the extensions do not over dominate the existing buildings and neither do they visually replace them with a new range of structures. Again, even though quantitatively the increases are material, the design, setting and context of the resultant built form is in proportion to the original buildings. The replacement in this case – that is to say the demolition of the separate former agricultural building to the north with the smaller hotel block – is not materially larger and thus would be considered to be not inappropriate development. Overall therefore it is considered that in respect of these two exceptions, the proposals would not be inappropriate development.

Finally it is necessary to look at the first exception – the one relating to appropriate facilities for outdoor sport and recreation. The applicant does focus on this particular exception. This is understandable given the scope of the existing lawful use of the wider site – that is to say the “recreational” use of the buildings and the land. It is acknowledged that extensions to existing lawful facilities together with the refurbishment, enhancement and improvement of the same facilities could well be considered to be “appropriate facilities for outdoor sport and recreation”. This would apply here as the extensions would in part be used by visitors and customers participating in outdoor recreational uses; represent a reasonable refurbishment of existing facilities, facilitate the lawful uses whilst remaining ancillary and enable business expansion. However it is not the full picture as the lawful use also enables indoor recreation activity – particularly Corporate Events, Conferences and Weddings. The exception only refers to “outdoor” sport and recreation. As a consequence, given the scale and scope of these “indoor” events and activities, the proposals could not all together be treated as falling into this exception. Any extended and refurbished premises here would thus not solely be serving “outdoor” recreation. Additionally and critically the introduction of the hotel accommodation has to be assessed. This is not small in scale - it is a material addition in terms of a new use. The applicant addresses the issue by saying that the hotel accommodation is only being provided as a consequence of the existing lawful uses and that it would not operate as an independent or self-sufficient hotel as it would not be available to members of the public who were not using or attending on-site facilities. There are several concerns here.

Firstly in planning terms, a hotel is not to be treated as a “recreation” use as it has its own use class in the Use Classes Order. Secondly, in land use terms there is no imperative for a hotel to be sited here. They are equally appropriate to urban locations. Hence they are not necessarily “appropriate” to an outdoor recreational use in general terms. Thirdly, the hotel accommodation would not only be available to visitors using the site for “outdoor” recreation. The applicant has made it clear that his wedding business would be a significant “driver” for the additional investment in providing overnight accommodation. As a consequence therefore in general terms it is considered that the hotel accommodation would not be an “appropriate facility for outdoor sport and recreation”. However it is clear that there are already significant amounts of hotel accommodation provided at several very large outdoor recreation facilities in the Borough – the Belfry; the Heart of England and at Lea Marston. These are all in the Green Belt too. Therefore it is necessary to look at the particular merits of this application. The applicant has provided supporting documentation to show the demand for on-site accommodation and the withdrawal of business because of the lack of such provision. The documentation also looks at the wedding side of the business and the

call for overnight accommodation. This will carry weight to the extent that overall it is considered that it gives some weight to the applicant's case. In drawing together the matters under this exception it is therefore considered that there is not all together a case for treating the overall proposals here as being wholly "appropriate for outdoor sport and recreation", and thus that the terms of this first exception are not fully satisfied. The remainder of the exception outlines two conditions, but it is not proposed to run through these as they have already been covered under the three other exceptions above.

It is now time to draw together all of the above and to come to a conclusion on the Green Belt issue. The proposals would be inappropriate development unless they fall into any of the four exceptions defined by the NPPF. In this case it is reasonable to treat the application as one overall proposal rather than to attempt to look its individual components. As such the two most relevant exceptions are those related to "appropriate facilities for outdoor sport and recreation" and "the partial redevelopment of previously developed land" – the first and fourth described above. It is concluded that whilst the proposals are not appropriate development in the Green Belt as they do not fully satisfy the first and fourth of these exceptions, the overall harm to the openness of the Green Belt is limited given that they satisfy the second and third exceptions.

As Members are aware, given this conclusion it is now necessary to see whether there are material planning considerations of sufficient weight to amount to the very special circumstances necessary to override the harm done to the Green Belt in this particular case by virtue of the inappropriateness of the development. The onus is on the applicant to advance such considerations.

The applicant's case here is set out in Appendix A and in essence his case is about making the site more attractive thus maintaining the viability of the business, promoting economic and business growth whilst sustaining local employment and the local economy. These objectives he says are given significant support by the NPPF. The supporting evidence submitted by the applicant is summarised in Appendix A and it is considered that it should carry significant weight. The evidence is relevant and up to date, focussing on the nature and scope of the proposals. It is acknowledged too that the existing buildings need refurbishment and improvement as part of any on-going repairs and maintenance and that extensions are required as part of anticipated business growth and in the interests of maintaining business continuity. Moreover demolitions and replacements would be reasonably appropriate here given that the existing buildings still very much retain the functional and utilitarian appearance reflecting their previous use. All of these objectives would be supported by the Development Plan and the NPPF. The one issue is the introduction of the hotel accommodation. It is significant here that it was concluded above that together with all of the other building operations, there would only be a limited impact on the openness of the Green Belt. Given this, it is accepted that there is sufficient weight to the applicant's case – in terms of the promotion of economic development and business growth - not only to balance the limited level of this harm but to also outweigh that harm. Moreover, whilst the applicant's case is wholly an economic growth argument, it is significant that it is very site specific, focussed on this particular site and its impact locally, thus enabling the case to be treated on its own merits. In all of these circumstances it is considered that there is now a case for supporting the amended proposals in this Green Belt location.

However, the NPPF states that “very special circumstances” will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. To date this report has just considered this balance in respect of harm to the Green Belt – ie. the impact on its openness. It is now necessary to consider whether, in terms of the NPPF, there is “any other harm”. The following section will do so.

Other Harm

It is considered that the main areas to explore are those which led the Council not to support the original submission – these were the overall design and appearance of the proposals and secondly, the impact on neighbouring residential amenity. There are also other areas which will need to be looked at afterwards.

There were two concerns about the appearance and design of the original submission – the failure to reflect the local character and distinctiveness of the area into the proposals, and secondly the impact of the development on the setting of the listed building, the original Old Hall farmhouse to the west of the redevelopment area.

Looking at the first of these matters then the revised proposals are significantly improved. The replacement building has replicated the appearance of a traditional barn; the hotel accommodation has been split into two different blocks with staggered frontages and different ridge lines and the function room extension has been lowered. All together these changes have improved the appearance of the proposals and in effect would beneficially alter the visitor’s perception of the site.

The Council’s heritage advisor also concludes that the changes outlined above and the overall reduction in footprint and volume have reduced the “mass” of the original building operations such that there is far less impact on the perception of space around the listed building such that there is no longer an issue.

As a consequence it is concluded that the revised proposals do overcome the Council’s concerns and that there would not “harm” arising from this particular issue.

The second of the Council’s concerns was the impact of the proposals – and in particular the location of the refuse collection area close to the curtilage of the neighbouring residential property – in private ownership and unconnected with the site. Amendments have been made as outlined earlier in this report such that the Environmental Officer no longer has an issue. As such it is concluded that this particular issue has been resolved and that it would not give rise to “harm”.

It is now proposed to see if there are any other matters that could give rise to “harm” to the degree that that would result in a re-consideration of the conclusion reached at the end of the last section. There are several matters to consider here – highway, traffic and parking impacts; drainage issues and finally the whole matter of sustainability.

As can be seen from the consultation responses there are no issues from a drainage point of view and neither in respect of the adequacy of the existing vehicular access arrangements or the capacity of the local highway network. There are matters to look at arising from the parking provision and this will be dealt with later. It is first however necessary to look at the issue of sustainability.

The site is not within a settlement being in a countryside location and thus in an unsustainable location. The issue is whether this is of such weight to constitute “harm” to the degree that it would override the conclusions reached under the Green Belt issue. On balance it is considered not. This is for several reasons. The weight of the business and economic development argument submitted by the applicant is significant in that it focusses on the particular business at this site; its local service and contract connections, the employment opportunities and the overall business plan. It is agreed that sustained continuation of the business here is thus important to the local economy.

Additionally there is evidence submitted to show loss of business and potentially viability due to the lack of on-site overnight accommodation. It is also significant that visitors and patrons using the site have to travel to and from the site for overnight accommodation, thus not leading to an all-together sustainable travel situation. Retaining visitors and patrons on site would thus be beneficial not only in terms of sustainable travel but also to sustaining the on-site business. As recorded above there are already large hotels in the Green Belt in North Warwickshire in countryside locations which provide over-night accommodation for on-site activity and uses – usually golf courses. In those cases the same arguments were forwarded by the respective developers in terms of sustainability arguments. The particular situation on this site strongly suggests that similar arguments would apply here. As a consequence it is considered on balance that the location here is not of sufficient weight to override the other sustainability factors referred to in this case and thus the “harm” would not be substantial.

One of the matters raised by the objectors has been potential on-going breaches of planning control at the site with particular reference to the presence of a marquee at the site. Members will recall that there is an extant Enforcement Notice requiring the removal of a marquee from this site and that this has resulted in successful prosecution. Consequential visits to the site have confirmed that the current marquee is not in breach of this Notice. However with the current proposals to extend the existing facilities the issue has arisen as to the future of such temporary structures. In short the accommodation they provide should be in any permanent building. The applicant has agreed to this in this current application as the extension would cater for this space. He has however asked that the marquee be allowed to remain for three years such that he can have continuity of business until such time as the extension is completed and operational. This is reasonable request and aligns with the overall economic development and business growth arguments that have been found to carry weight above. This issue can be covered through the use of planning conditions, but the time period should relate to actual physical progress on the ground and not to a preferred time period.

This then leads to the issue of parking provision. The Highway Authority was concerned that the retention of the marquee in addition to the extensions would require far more on-site car parking than had been originally been submitted. The applicant has responded to this through adding additional spaces but also through showing an area where overflow parking can be provided. This makes sense and is proportionate to the proposals. Subject to any Highway Authority comments it is considered that this is a satisfactory arrangement.

Members are aware that there is still an outstanding application relating to the recreational use of the wider site. The Council has taken the position that it is minded to refuse those proposals and the applicant is fully aware of the reasons for that approach. The objectors too have referred to this matter saying that all of the proposals should be treated together. It is considered however that the current application can be considered on its own merits. The issue of whether it is appropriate or not appropriate development is not materially influenced by the outstanding proposals as there are already permissions in place for outdoor recreational activities and because the assessment of impact on the openness of the Green Belt can be dealt with on the merits of the proposed design and appearance without reference to the other application. Consequential impacts such as highway and drainage matters are also bespoke to that application. As a consequence it is considered that the Board can deal with this application at this time.

Objectors have also referred to past decisions relating to this site and in particular to the appeal decisions. Reference is made to the reasons by the appeal Inspectors for the dismissal of these appeals – notably the weight given to the Green Belt and to the impact of the appeal proposals on its openness. Members will be aware that each application is determined on its own merits and that this current application is materially different in its content to those proposals dealt with at appeal. The starting point may be the same – the site being in the Green Belt – but the assessment of whether the proposal is appropriate or not appropriate and any consequential material planning considerations arising from that assessment are different. This is why the section on the Green Belt issue here has been explored in some depth. In short the appeal decisions do not mean that there is a “ban” on all development here.

Conclusions

The final paragraph above is a useful start for the summing up of this current case. The appeal decisions arose because the proposed developments were not appropriate development in the Green Belt, causing significant harm to its openness and to the rural character and setting of the site. Moreover the case put forward by the applicant promoting “very special circumstances” was not considered to be evidenced or to carry the significant amount of weight to override the very substantial harm to the Green Belt by virtue of its inappropriateness and the other harm caused. With the current case, the proposals are still not appropriate development but they cause only limited harm to the openness of the Green Belt and they do not cause other harm. The case forwarded by the applicant is now properly evidenced and carries weight. It is also supported by both the Development Plan and the NPPF. In short therefore the balance in this case is different to that of the appeal decisions. Looking at this in a different way, Members will know that the NPPF states that for sustainable development to occur, there should be a balance between the economic, social and environmental roles that “planning” plays. In the appeal cases that balance was not satisfied with the environmental role being severely compromised. That is not the case with the current application and because the economic role has been strengthened.

Recommendation

That the Council is minded to support the current application subject to conditions, the wording of which are delegated to the Authorised Officer in conjunction with the Chair, Vice Chair and local Ward Members.

BACKGROUND PAPERS

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

Planning Application No: PAP/2013/0391

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	7/10/13
2	Mrs Macdonald	Representation	16/10/13
3	Mrs Coyle	Objection	6/11/13
4	Mr Coyle	Objection	6/11/13
5	Warwickshire Police	Consultation	24/10/13
6	C Shipley	Objection	12/11/13
7	Mr & Mrs McHugh	Objection	13/11/13
8	Mrs Gibson and Mr Edwards	Objection	7/11/13
9	Mr Hooke	Objection	8/11/13
10	Mr and Mrs Smith	Objection	11/11/13
11	Environment Agency	Consultation	21/11/13
12	Warwickshire Museum	Consultation	21/11/13
13	Corley Parish Council	Objection	22/11/13
14	Mr and Mrs Burrin	Objection	8/11/13
15	Fillongley Parish Council	Objection	20/11/13
16	A Goudie	Support	3/12/13
17	Heritage Consultant	Consultation	12/12/13
18	Environmental Health Officer	Consultation	29/11/13
19	Severn Trent Water Ltd	Consultation	25/11/13
20	L Luciani	Support	2/12/13
21	J Cockerill	Support	2/12/13
22	A Eden	Support	2/12/13
23	Case Officer	Letter	4/12/13
24	D Taylor	Support	16/12/13
25	RAB Consultants	Flood Risk Assessment	12/11/13
26	M Hunt	Support	8/1/14
27	Coventry City council	Representation	27/11/13
28	Applicant	Letter	2/2/14
29	Old Hall Farm Cottages	Support	25/1/14
30	Applicant	Letter	2/2/14
31	Applicant	Flood Risk Assessment	27/2/14
32	Applicant	Revisions and Amended plans	3/3/14
33	Warwickshire Police	Consultation	5/3/14
34	Warwickshire Highway Authority	Consultation	20/3/13

35	Environment Agency	Consultation	20/3/14
36	Mr and Mrs Burrin	Objection	20/3/14
37	Mr Hooke	Objection	18/3/14
38	Mr and Mrs Smith	Objection	18/3/14
39	Mr and Mrs McHugh	Objection	18/3/14
40	Applicant	Supporting Documentation	3/3/14
41	Mrs Gibson and Mr Edwards	Objection	20/3/14
42	WCC Highways	Consultation	20/3/14
43	Corley Parish Council	Objection	21/3/14
44	Environment Agency	Consultation	20/3/14
45	Fillongley Flood Group	Objection	20/3/14
46	Fillongley Parish Council	Objection	21/2/14
47	Applicant	Further revised plans	22/12/14
48	WCC Rights of Way	Consultation	14/8/14
49	Fillongley Parish Council	Objection	16/1/15
50	Mr and Mrs Burrin	Objection	14/1/15
51	Mrs Gibson and Mr Edwards	Objection	14/1/15
52	J Gillian	Objection	15/1/15
53	Corley Parish Council	Objection	14/1/15
54	Mr and Mrs Coyle	Objection	13/1/15
55	C Shipley	Objection	11/1/15
56	Mr and Mrs McHugh	Objection	12/1/15
57	M McHugh	Objection	10/1/15
58	Severn Trent Water Ltd	Consultation	8/1/15
59	WCC Highways	Consultation	2/2/15
60	Environment Health Officer	Consultation	9/2/15

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

(1) Application No: PAP/2013/0391

Heart of England, Meriden Road, Fillongley, CV7 8DX

Outline - erection of hotel north of (and linked to) existing Conference Centre; demolition of existing storage building and its adjuncts; re-organisation of existing parking areas and creation of new north car park and landscaped courtyards; extensions to south and east sides of existing Conference Centre building, for

Mr Stephen Hammon - Heart of England Promotions

Introduction

Members will recall that three planning applications were reported to the Board in April this year. These were for proposed reed beds; a new hotel and for changes of use within the applicant's land holding. The Board resolved that it was minded to approve the reed bed proposals subject to the satisfactory outcome of a number of technical issues; but that it was minded to refuse both of the other applications. The reasons for these prospective refusals were also set out.

Since then planning permission has been granted for the new reed beds as the outstanding technical matters were agreed with both the Highway Authority and the County Council on drainage issues.

Additionally there have been a series of meetings with the applicant and his representatives in order that the Council's position could be thoroughly explained.

Revised proposals have now been submitted in respect of the proposed hotel and other building works around the existing conference centre. The applicant is now seeking formal determination of these revisions.

This report however is just for information purposes so that Members can acquaint themselves of the amended plans.

The Site

The Heart of England Conference and Events Centre comprises a range of former agricultural buildings which have been re-used in association with a conference centre/restaurant, recreation events business use, a lake and other land which benefit from planning permission for recreational purposes. This is located on the south side of the Meriden Road (the B4102) and Wall Hill Road just south of the M6 Motorway bridge over the B4102. This is 2.5 kilometres south of Fillongley and about a kilometre west of Corley Moor. The area is set in open countryside but there are private residential properties on both Wall Hill Road and the Meriden Road. There are three or four on Wall Hill Road the closest of which is 70 metres from the main complex of buildings and 170 metres from the lake. There are four or five other residences on the north-west side of the Meriden Road between it and the motorway. These are 100 metres from the main access and some 350 metres from the lake. There are further residential properties in Corley Moor some 700 and 800 metres to the east.

The site is accessed off Meriden Road by means of an approval dating from 2004. There is also a second access from that road. The former access to the farm is off Wall Hill Road and is now used primarily by staff.

The land slopes down from the south west to the north east with the land form of a small valley in which there is the lake. The Conference Centre overlooks the valley and the lake to the woodland beyond. Public footpaths cross this open land.

The plans for the hotel relate to the existing complex of buildings in the northern part of the land holding close to the main access and the former farm house a Grade 2 Listed Building which is used partly as a private house and also for guest house accommodation. All of the former farm buildings are now used for the centre, for storage purposes and for office accommodation.

Background

There is a substantial and material planning history to this site including appeal decisions and extant Enforcement Notices. However, much of this does not impact on the current proposals described below. Members will be advised where appropriate. The existing complex of buildings benefits from a planning permission for recreation purposes granted in 2002 with kitchen extensions approved in 2003 and 2004 including its use as a public restaurant dating from 2008. In 2014 permission was granted for some re-cladding of the existing buildings. Temporary buildings and structures in the form of marquees have been added from time to time both with and without the benefit of planning permission.

When the original proposals for a hotel here were reported to the Board, it resolved that it would be minded to refuse planning permission. The Board outlined two draft refusal reasons. These in summary related to:

- The proposals amounted to inappropriate development in the Green Belt for which there were no planning considerations amounting to the very special circumstances necessary to outweigh the presumption of refusal by virtue of that inappropriateness.
- The development would adversely affect the residential of the adjacent dwelling and which would not positively integrate into its surroundings.

In order to assist the applicant the Board highlighted a number of matters which it considered needed to be addressed if the draft refusal reasons were to be re-considered. These were:

- A substantial reduction in the scale of the new building work
- A travel plan was needed
- Archaeological work would be needed
- Changes to the design
- Inclusion of energy generation and energy conservation measures and
- The removal of permitted development rights for the erection of temporary

buildings, particularly marquees.

The Amended Proposals

There are several elements to the revised proposals, but in essence this is for a 30 bed room hotel.

This would be made up of two elements. The first is a two storey extension to the existing conference centre on its immediate northern side providing 16 bedrooms. There would be a single storey reception area between the main building and this new extension. The two storey extension would be 8 metres to its ridge thus sitting at the same height as the existing centre. To its east a further single storey would be added (6.8 metres to its ridge) and this would extend to the east by some 30 metres, providing 4 rooms. The extension would be brick and tile built taking on a very simple design.

The second is to demolish an existing detached storage building just to the north of the existing centre and in its place erect a detached two storey building which would provide the balance of 10 bedrooms (its ridge would be 10 metres). This too would be brick and tile but the design attempts to add a rural character incorporating a "barn" style of design.

The proposals also include a small glazed extension on the east side of the centre.

The applicant has asked to retain the existing marquee on the site to the immediate south of the centre for three years. This is because of pre-bookings for it to be used as a wedding venue and for continuity of business whilst the main construction works are undertaken on site.

Additionally the centre itself is proposed for extension – by 12 metres to the south but of the same width. As a single storey extension this would sit below the height of the main centre (8 metres) being 7 metres tall. The apex would be slightly off-set too. This extension would accommodate extra conference space as well as kitchen extensions.

Appendices A and B are plans of the proposed layout and the elevations.

The applicant has also provided detailed quantitative measures. He calculates that the overall nett increase in footprint would be 51% and the nett volume increase would be 62%. These figures take into account the demolitions proposed, but it should also be noted that they do not include the retention of the marquee for the three year period as requested. He points out that the revised proposals represent a 10% reduction in volume over the plans that were referred to the Board in April.

The changes from the original submission therefore are:

- An overall reduction in nett volume by 10%
- Reduction in heights of the centre extension and the east wing of the hotel accommodation
- A greater "splay" in the east wing away from the main centre
- A re-design of the buildings so to be more sympathetic to the rural location

Supporting Documentation

The applicant has provided his case in response to the Green Belt issues. He refers to the NPPF which says that new buildings need not necessarily be inappropriate development if they fall within one or other of a number of exceptions. He argues that the proposals could well fall into a number of these. They are:

- the one that says extensions or alterations to a building need not necessarily be inappropriate if the works do not result in "disproportionate" additions over and above the size of the original building.
- the one that says that new buildings need not necessarily be inappropriate if they provide "appropriate facilities for outdoor sport and recreation", provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it, and
- the one that says that new buildings need not necessarily be inappropriate if they are to replace a building within the same use class and the new one is "not materially larger" than the one it replaces.

He argues that the overall impact of the development on the openness of the parkland setting of the whole site is improved because of the changes that have been made, particularly through the reductions in volume and height achieved by splitting up the bulk and massing of the new buildings. He considers too that the design is much more sympathetic to the rural setting. He also argues that the impact on the setting of the Listed farmhouse is improved as a consequence.

The applicant considers that the proposals are not inappropriate development in the Green Belt as the proposed buildings would in his view meet the terms of the "exception" definitions set out above. In particular he focuses on the one where the development provides appropriate ancillary facilities related to existing permitted uses. He argues that the hotel accommodation is a series of bedrooms dependent on the Conference Centre. He says that it could not operate as an independent and self-sufficient hotel and would not be available to members of the general public who were not using the other facilities on the site or attending events.

He continues by saying that if this argument is not accepted and the development proposals are deemed to be "inappropriate", then there are planning considerations here of such weight to amount to the "very special circumstances" necessary to outweigh the presumption of refusal by virtue of the inappropriateness. Those circumstances are based on making the centre more attractive thus maintaining the viability of the business, promoting economic and business growth and sustaining local employment and the local economy.

He has submitted supporting documentation to evidence his case. He says that the new hotel would service existing corporate clients for weddings, conferences, team building events and thus give the business the opportunity to secure additional business as event organisers do not wish to accommodate delegates off-site for events. He cites lost revenue as a consequence of no on-site bedroom accommodation – in the period September 2013 to September 2014, 22 events were lost (equating to a loss of £38k in income) and seven conferences were lost (£105k in income). These figures are from two event booking agents but he says that the business currently works with twelve such agents. He has copied letters from companies expressing interest in the venue but declining to use it because of the lack of on-site bedroom accommodation.

In terms of weddings then he says that he has six large Asian weddings provisionally booked for 2015 on the basis of accommodation being available. The current accommodation in the former farmhouse he says is always filled for any wedding event. He hosted 39 weddings in 2013 with around 3300 guests and a large majority he says had to stay off-site.

He has provided a schedule of 37 suppliers to his business, who he says are "local". The schedule does include 12 North Warwickshire addresses – the remainder are based in Coventry; Solihull and Birmingham.

In terms of predicted revenue then he states that a 30 bed room hotel based on 40% occupancy would lead to an extra £328k in income; £492k with a 60% occupancy and £657k with a 80% occupancy. He also is saying that the average revenue generated by a wedding is £6k but the additional accommodation and extensions would raise that to £9k given increased restaurant use and the ability to promote "themed" weddings. Based on 40 weddings a year he suggests that even with an increased spend of £8k this would an additional £120k in income. He also says that the restaurant would benefit from an increase in the number of events perhaps leading to an additional £275k. Overall his business plan suggests a £1 million income in the next few years.

In terms of employment provision then he says that there are 30 existing jobs at the venue and that the approval of the hotel could add a further 30 based on an 80% take up in occupancy of the hotel.

Development Plan

The Core Strategy 2014 – NW1 (Sustainable Development); NW2 (Settlement Hierarchy), NW3 (Green Belt), NW10 (Development Considerations), NW11 (Renewable Energy and Energy Efficiency), NW12 (Quality of Development), NW13 (Natural Environment), NW14 (Historic Environment) and NW17 (Economic Regeneration)

Saved Policies of the North Warwickshire Local Plan 2006 – ENV10 (Energy Generation and Energy Conservation), ENV11 (Neighbour Amenities), ENV12 (Building Design), ENV14 (Access Design), ENV16 (Listed Buildings), ECON 10 (Tourism), ECON11 (Hotels and Guest Houses), TPT1 (Transport Considerations); TPT3 (Access and Sustainable Travel and Transport) and TPT6 (Vehicle Parking).

Other Material Planning Considerations

The National Planning Policy Framework 2012

Observations

Re-consultation is underway on the amended plans that have been received and responses are still awaited from the key agencies. A determination report will be brought to the Board in due course and that will address the central issue as to whether these amendments are sufficient to overcome the matters which the Board raised when it set out its position in respect of the originally submitted plans

Recommendation

That the receipt of amended plans be noted at this time.

BACKGROUND PAPERS

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

Planning Application No: PAP/2013/0391

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Amended plans	Nov 2014

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.

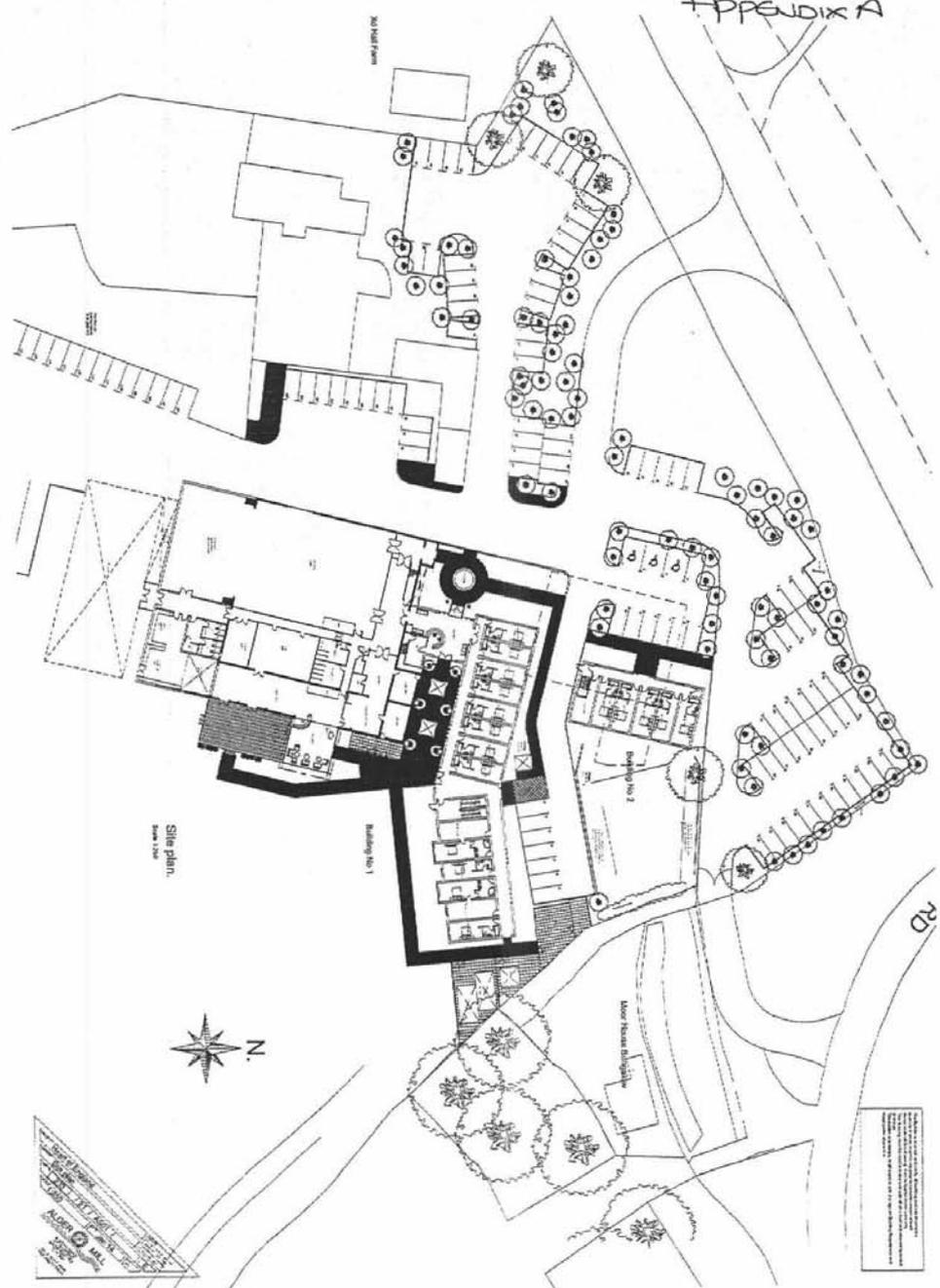
A background paper will include any item which the Planning Officer has relied upon in preparing the report and formulating his recommendation. This may include correspondence, reports and documents such as Environmental Impact Assessments or Traffic Impact Assessments.



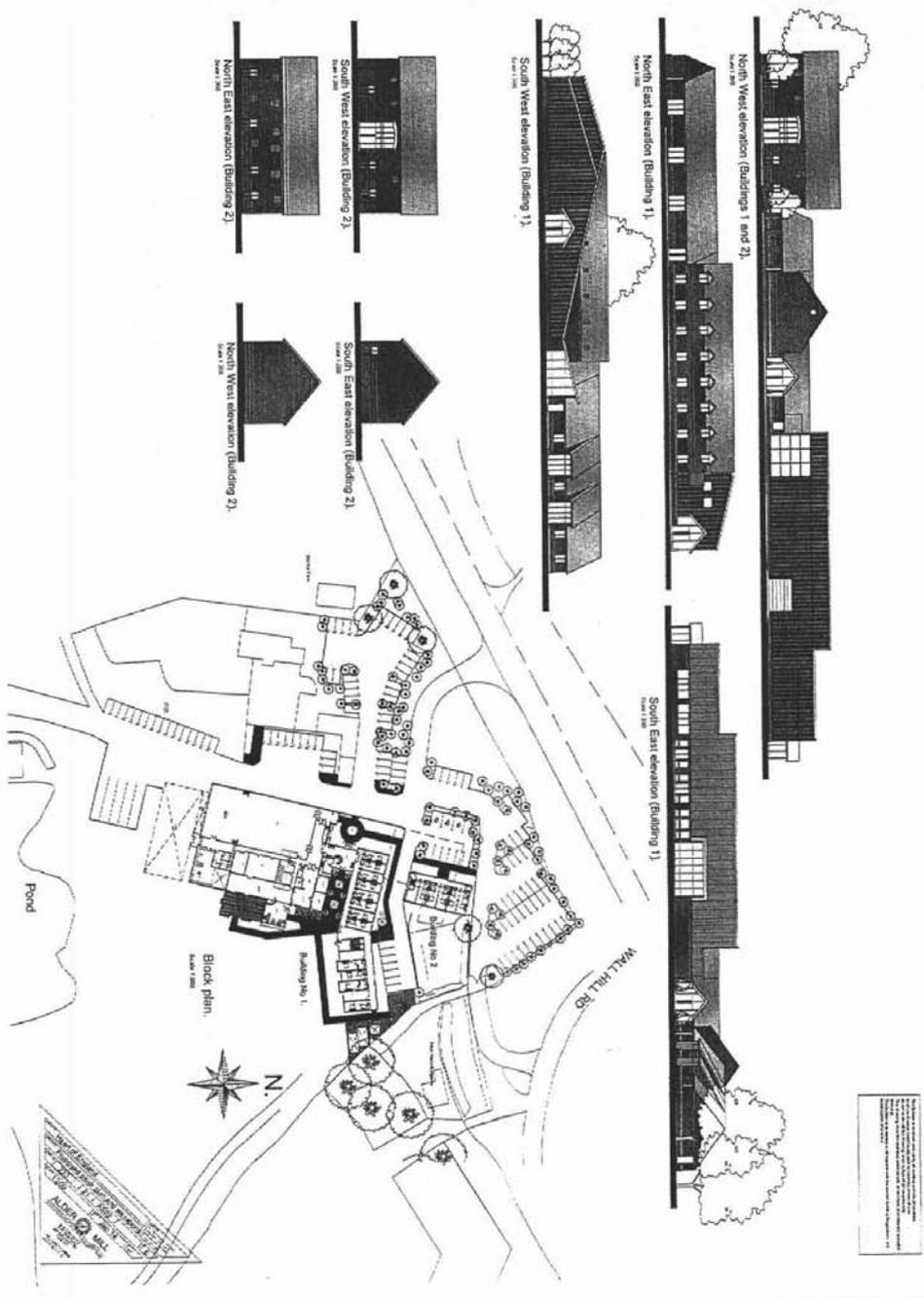
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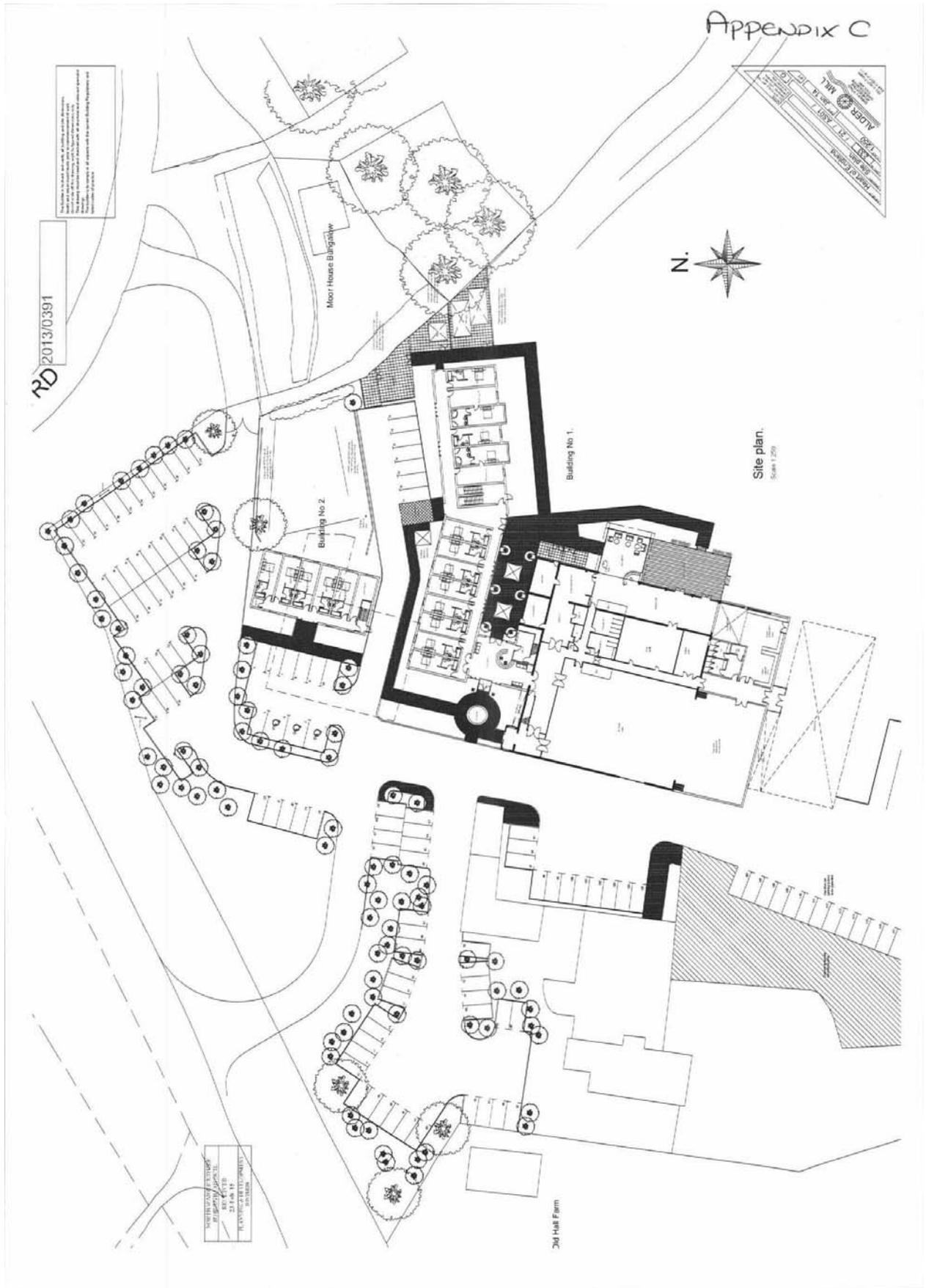
APPENDIX A



APPENDIX B



Appendix C



2013/0391

Not to be used for any other project without the written consent of the architect. This drawing is the property of the architect and shall remain confidential. No part of this drawing shall be reproduced or transmitted in any form or by any means electronic, mechanical, photocopying, recording, or by any information storage and retrieval system without the prior written permission of the architect.

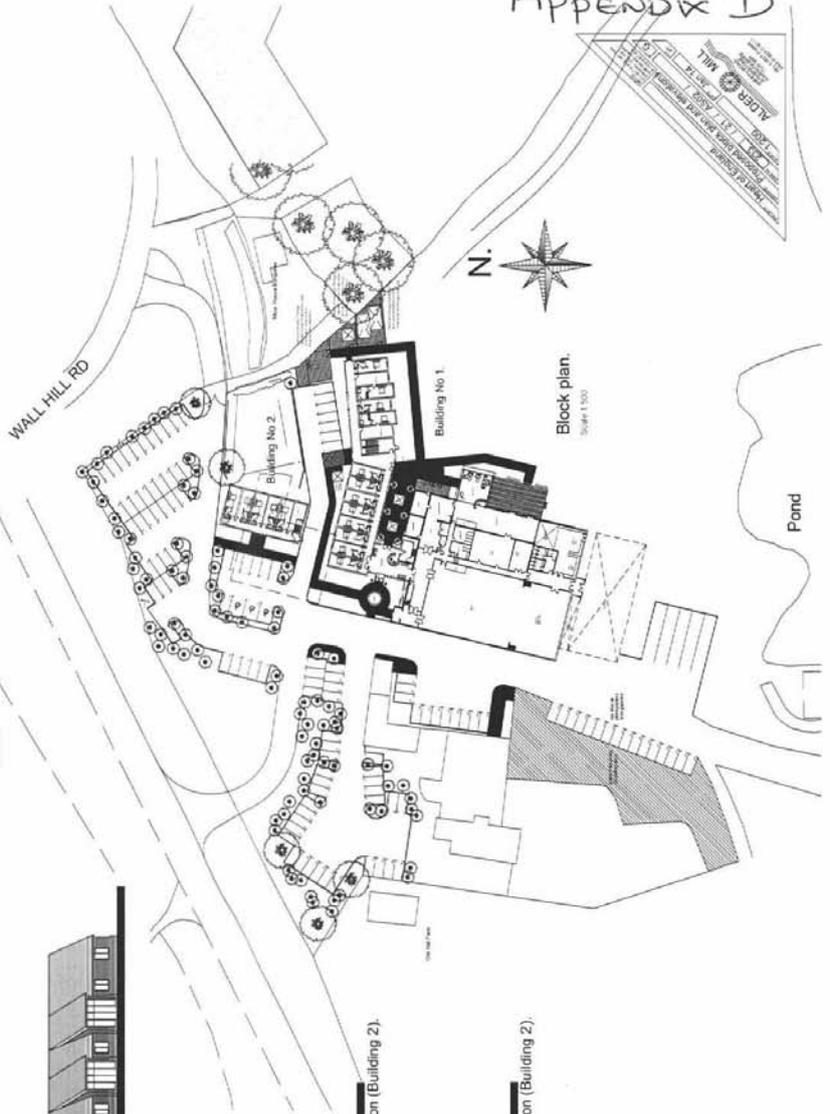


South East elevation (Building 1).
Scale 1:200

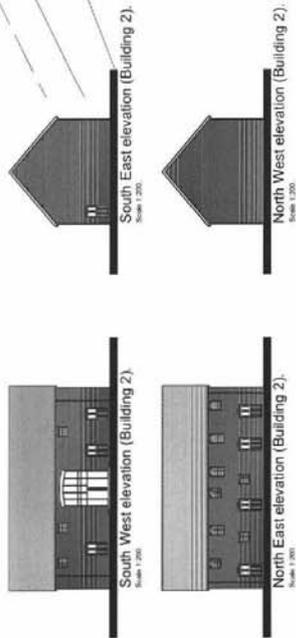
North West elevation (Buildings 1 and 2).
Scale 1:200

North East elevation (Building 1).
Scale 1:200

South West elevation (Building 1).
Scale 1:200



Block plan.
Scale 1:500



South East elevation (Building 2).
Scale 1:200

North West elevation (Building 2).
Scale 1:200

South West elevation (Building 2).
Scale 1:200

North East elevation (Building 2).
Scale 1:200

SOUTH DAKOTA ARCHITECTS
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Appendix D

(2) Application No: PAP/2014/0100

The Cuckoos Rest , Whitehouse Road, Dordon, B78 1QE

Demolition of existing public house and redevelopment of site with new building to provide a convenience store, three residential apartments above, separate attached retail unit, car parking area and new vehicle access to Whitehouse Road.

Applicant - Punch Taverns

Introduction

This application is referred as this is for a significant development and a statutory consultee maintains an objection to the development.

The Site

The site has an area of 0.184ha and is occupied by the Cuckoos Rest. This is a prominent corner site at the junction of Whitehouse Road, Roman Way and Long Street. The site comprises of the public house building with a gross floor area of 218m², one additional small outbuilding, outdoor garden, play area and a car park which provides 16 parking spaces. There are existing vehicle accesses to Whitehouse Road and to Roman Way. The pub building and the outbuilding are sited in the south west corner of the site, adjacent to Roman Way, with the car park providing an open frontage to Whitehouse Road. The public house is currently operated as a pub business.

The Dordon Library is immediately to the west of the site, there are existing dwelling houses to the rear of this, and No. 1 Roman Way is closest to the western boundary but does not overlook the site. A dwelling also adjoins the northern boundary and houses on the opposite side of Whitehouse Road, to the east, overlook the site.

A traffic calming scheme has been implemented on Whitehouse Road, Long Street and Roman Way and there is a raised speed table within the carriageway close to the position of proposed vehicle entrance to the development.

There is a mature tree within the site close to Whitehouse Road, this is highly visible and makes a significant contribution to local amenity.

The Proposal

Is to demolish the existing public house building and construct a new building for use as convenience food store, (Use Class A1), with three residential apartments on the first floor above, a separate attached single storey retail unit for use either as a shop (Use Class A1), office (Use Class A2), or hot food takeaway outlet (Use Class A5), the formation of a new vehicle access to Whitehouse Road and a car parking area with 22 parking spaces and manoeuvring/turning space for an articulated delivery vehicle. The proposed new building will have a gross floorspace of 334.6 m², the convenience store will have a gross floor area of 263 m² and the attached hot food outlet unit will have a gross floor area of 71.6m². The first floor flats will have floorspaces from 59 to 65 m².

The existing vehicle accesses to Roman Way and Whitehouse Road will be closed and a new access to Whitehouse Road will be formed to provide a single vehicle access to the development.

A bus shelter is proposed to be provided within the northern tip of the site to serve the existing bus stop on Whitehouse Road. The location and details of the shelter to be erected are shown on the Proposed Outline Site plan submitted on 10/12/2014.

The proposed development has been subject to revisions since initial submission. These have included the removal of a proposed pedestrian access from Roman Way, of an external ATM cash machine, the inclusion of the acoustic boundary fence, the bus shelter and the dummy chimney, repositioning of the vehicle access and an increase in the parking provision from 19 to 22 spaces.

The applicant's agent has confirmed the intended occupier of the larger convenience store would be the Tamworth Co-operative Society (TCS) and that the smaller unit is likely to be occupied as a fish and chip shop. The TCS will relocate from their existing store on New Street, Dordon; the existing store will close and the site will be re-developed for housing. The post office within the Co-op New St store will relocate to the proposed new store. A separate planning application has been submitted by the TCS for the demolition of the existing New Street store building and the re-development of the site with four dwellinghouses.

A third party agent has submitted a representation to confirm that an agreement has been made between his client and the TCS for his client to operate a fish and chip shop business within the proposed smaller unit.

The proposed opening times for the convenience store are from 07:00 hours until 23:00 hours every day and for the smaller unit from 07:00 hours to 23:00 Monday to Saturday inclusive and from 08:00 to 23:00 on Sunday. However the agent has subsequently confirmed the fish and chip shop would not open on Saturday at 'lunch time'. This is proposed to mitigate the concern raised by the Highway Authority over the number of parking spaces as this period is identified as the time of peak demand for parking spaces.

A delivery management plan states deliveries to the convenience store would take place between 0700 to 2000 hours on Monday to Saturday, between 0800 to 1600 hours on Sunday and between 0800 to 2000 hours on public holidays. There would be 5 deliveries on most days, with the exception of Sundays when there would be 2 deliveries, and one weekday when there would be 6 deliveries. Deliveries would be made by a 12 metre long rigid HGV vehicle.

The proposed site layout plan, building floor plans and elevations are attached as Appendix 1.

Development Plan

North Warwickshire Local Plan Core Strategy - October 2014:
Policies - NW4, NW5, NW10, NW11, NW12, NW20, NW21.

North Warwickshire Local Plan 2006 (Saved Policies):
ENV11, ENV12, ENV13, ENV14, ECON5; TPT1; TPT3; TPT6

Other Relevant Material Considerations

National Planning Guidance : National Planning Policy Framework 2012.

Consultations

Severn Trent Water – no objection subject to conditions to require details of proposed drainage schemes to be submitted and approved

NWBC Environmental Health Officer

- a) The site is within 250 metres of a landfill site where monitoring has identified ground gas was still being generated. It is recommend that ground gas ingress protection measures are therefore incorporated in the foundations of the building or that a site investigation is undertaken to determine the need for such gas protection measures; if this is undertaken the details should then be submitted for verification.
- b) To protect the amenity of adjoining dwellings the proposed two metre high acoustic fence should extend along the entire length of the western boundary; details of the chiller compressor/condenser units proposed along western façade of the convenience store are required to assess the noise impact as it may be necessary for these to be enclosed within acoustic enclosures.
- c) the external lighting scheme should be sympathetic to neighbouring residential properties; recommend details should be submitted for prior approval.
- d) Concern that deliveries to the site at 7:00 hours that vehicles manoeuvring and parking close to the western boundary after 23:00 hours could have an adverse impact on nearby residential properties.

Warwickshire County Council Highway Authority – objects to the proposed development for the following reasons:-

1. The proposed location for the access is not considered suitable for the purpose intended. The proposed location conflicts with the existing traffic calming feature, the result of which could be detrimental to highway safety.
2. It has not been demonstrated that the parking provision is suitable for the purpose intended. The proposed parking could result in the reliance on parking on the public highway. On-street parking in the area is already an issue, and further parking could be considered as a hazard and affect the free flow of traffic.

3. It considers the Transport Statement (TS) submitted with the application does not demonstrate the true impact of the proposed development on the public highway network. The figures provided are based on one store smaller than that proposed surveyed on a day which is not considered at peak occupancy.

Representations

A pro-forma letter setting out the following concerns and objecting to the development was circulated following the initial submission of the application:-

- The existing traffic problem on Whitehouse Road will be exacerbated by more vehicles trips to the site and by large delivery vehicles visiting the site.
- Additional traffic movements will have an adverse impact on nearby local school.
- The development will spoil the character of the rural village.
- There are a number of existing convenience stores within Dordon including a Co-op.
- The loss of the village pub.

Signed copies of this pro-forma letter have been received from 419 people objecting to the proposed development.

Representations have also been received from 32 individuals, these raise the following concerns:-

- 1 Scale of development inappropriate and overlarge for location
- 2 Insufficient parking provision
- 3 Adverse noise impact
- 4 Adverse impact on amenity from external lighting
- 5 Loss of amenity for neighbouring residential properties
- 6 Overlooking of residential properties
- 7 The landscaping and boundary treatments to be provided to the site
- 8 Proposed opening times too long and not suited to village location.
- 9 Late night opening will offer potential opportunity for anti-social behaviour
- 10 Adverse impact on highway safety and amenity.
- 11 Existing poor state of roads will be exacerbated by additional traffic
- 12 Adverse impact on existing local shops
- 13 Proposed takeaway is an unnecessary addition to existing outlets in Dordon
- 14 Loss of employment from pub closure
- 15 Loss of existing Coop store
- 16 Loss of post office
- 17 Proposed new store too distant for elderly residents
- 18 Houses will be devalued
- 19 Site is being used by ground nesting birds (April 2014) particularly the Little Ringed Plover a species identified within Schedule 1 of the Wildlife & Countryside Act 1981.

One representation received considered the development would enhance the area but expressed reservation this could add to the traffic congestion experienced at busy times e.g. school start and closing times, if the larger store attracted visitors from other nearby villages.

Following notification of the submission of revised details in November 2014, further representations have been received from seven people. These mainly re-iterate the previous concerns. One additional concern is about disturbance of day time sleep patterns for a local resident who works overnight and the impact on his job as an HGV driver. The potential for such disturbance to people with daily routines outside the norm is impossible to avoid. Given the character of the uses proposed within the development it is unlikely these will give rise to a significant increase in day time noise levels in this location. The most significant noise impact is from traffic on local roads and given the logarithmic scale applicable to increases in noise, the number additional vehicles likely to be attracted by the development is unlikely to raise the level of traffic noise substantially.

Points 1 to 10 above are relevant planning considerations and these are considered below. Point 11 refers to the condition of the existing roads; this is a matter for the Highway Authority. Points 12 and 13 are only relevant in so far as they relate to the impact on the range of services available within the settlement; the consideration of commercial competition concerning individual businesses is not a relevant planning matter. Point 14 concerns the loss of existing jobs, whilst there would be job losses with the closure of existing business these are likely to be more than would be offset by the new jobs created within the new businesses. Points 15 and 16 are addressed in that new store will be operated by the Co-operative and the post office within the existing store will relocate to the new store. Point 17 refers to the increased distance of the new store from the existing store, this a walking distance of around 0.5km. A regular scheduled bus service connects the two locations. With regard to points 15 and 17 there is also an existing SPAR food store on Browns Lane. Point 18 is not a relevant planning consideration. Point 19 raises concern over disturbance to nesting birds subject to provisions within the Wildlife and Countryside Act 1981. This is not of itself a planning matter. The relevant planning consideration is whether mitigation is required to offset habitat that would be lost through development; this not considered to be necessary with this application.

Observations

The site is within the identified settlement boundary for Dordon. The re-development of this site is thus in accord with Policy NW2 of the Local Plan Core Strategy.

Planning matters relevant to the determination of this application are considered port below under the following topic areas:-

- The impact of the loss of the existing public house;
- The impact of the proposed new development,
- Transport and traffic impact
- The impact of the relocation of the Co-operative Store from New Street, Dordon and the cessation of the retail use on that site.

Existing Use

The Cuckoos Rest is the only remaining public house within Dordon. There are however several other licensed premises within Dordon; these include the nearby Dordon Club, now open to all, the Dordon Institute Social Club and the Birch Coppice Social Club.

Several other public houses can be found within a distance of 1 mile to 1.5 miles, at Birchmoor, Polesworth and Grendon.

The closure of the Cuckoos Rest will result in the loss of this leisure facility. It is however strictly speaking a private commercial business use and not a public community facility. This loss is somewhat mitigated by the presence of the other nearby licensed premises and social clubs.

It is significant the public house is currently in use and it is also clear from the representations received that people value the pub as an asset to the community. This is however tempered by the knowledge the continued operation of the current pub business cannot be guaranteed through the planning system. The applicants, Punch Taverns, have stated that trade and barrellage of the pub has fallen considerably over recent years and that it has required financial support in terms of subsidies and rent reductions. No details of the level of this support have been provided. These commercial matters are not thus considered to be significant in the determination of this application given the building is currently in active use as a pub.

The Proposed Development

The proposed new building will be sited on the southern part of the site, adjacent to the existing library building. It will have a gross floor space of 631 m², the larger retail unit will have a gross floor space of 334m², including a sales area of 263m² and a storage area of 133m²; the smaller unit will have a floor space of 71m²; the three two-bedroom apartments on the first floor will have floor spaces of 59m², 60m² & 65m².

The part two-storey, part single-storey building will have a maximum height of 9.2 metres to the roof ridge, with eaves at 6 metres; the single storey part will be 6.8 metres high to the roof ridge with eaves at 3.4 metres, this part will also have a dummy chimney, which will be 8.7 metres high, to provide a potential outlet for ventilation/fume extraction equipment.

The Design and Access statement sets out the design principles applied. The position of the new building maintains the existing form of the built development on this site and retains the open character of the northern part of the site, this area most overlooked by existing residential properties. The part two-storey, part single-storey building is designed to complement the height of the adjoining library building rising provide a feature elevation to the junction of Roman Way, Whitehouse Road and Long Street.

The new building provides a frontage to Roman Way which steps back and down in height to meet the adjoining library building, and which wraps around the corner with Whitehouse Road and continues for a short distance providing a strong elevation to the junction. The outward facing elevations include corbelled and stepped gables to the first floor and large display windows to enliven the street scene. Materials will be red brick and white render to the first floor gables these have been chosen to reflect the materials used in existing buildings nearby to retain the local character.

The first floor flats will each have a hall, combined living room and kitchen, two bedrooms and a separate bathroom. These are accessed via an internal corridor leading from the stairwell. One flat will have windows in the front elevation to Whitehouse Road and in the side elevation overlooking the car park. The other two flats will have windows to the front elevation only; these will overlook Whitehouse Road and Roman Way. The front elevations of dwellings on the opposite side of Whitehouse Road will be some 20 metres distant, this distance is sufficient to avoid any significant loss of privacy. Windows in the bedrooms of the flat facing Roman Way will overlook rear gardens of dwellings on the opposite of Roman Way; however windows in neighbouring houses on Long Street already overlook these rear gardens.

The car park/vehicle manoeuvring area will be within the northern part of the site and a single vehicle access will be provided onto Whitehouse Road. This will provide 22 parking spaces and manoeuvring/turning space for an articulated delivery vehicle.

The entrances to the retail units and the dwellings will be from within the car park. Separate entrances are provided to the convenience store, the adjoining retail unit and to the first floor flats via a stairwell. There will be no access for vehicles or pedestrians to the interior of the development from Roman Way.

Landscaping will be provided along the frontages to Roman Way and Whitehouse Road and along the western boundary to provide a buffer to adjacent residential properties. The retention of the existing mature tree will soften the appearance from Whitehouse Road. An acoustic boundary fence is proposed to the western boundary to reduce the impact of noise from vehicles manoeuvring within the car park on adjacent residential properties. This will be required to extend along the entire western boundary to the most northerly point to maximise the noise reduction effect and to protect the dwellings immediately adjacent to the north of the site.

Change of Use

The proposed development will result in a material change in the use of this site. The existing use is within Use Class A4, the proposed use is a mixed use of the site with proposed uses falling within Use Classes A1, A5 and C3. Whilst both the existing commercial leisure use as a public house and the proposed retail use involve people travelling to the site, there will be essential differences in the character of the visits, in terms of numbers of visitors, timings of visits, duration and intensity. These will be influenced by factors such as the type and attractiveness of the retail business, opening hours, ease of access, parking, the effect of other nearby facilities, e.g. schools, which can result in multi-destination journeys.

Transport and Traffic Impacts

A transport statement (TS) submitted with the application provides an assessment of the traffic impact of the proposed development. This includes estimates of vehicle trips to the proposed development and the level of parking that is appropriate. These are based on details from other developments considered to be similar from within the TRICS database. The TS identifies the convenience store will produce more vehicle movements than the public house use. It contends however this is a “worst case scenario” as the comparative data used to derive the trip movements is from a store with a far higher level of passing traffic than the Dordon site.

It suggests food shopping patterns are changing and the new store would encourage local residents to change their habitual shopping patterns, to develop more sustainable travel habits leading to more sustainable food shopping behaviour.

The larger new store will provide modern accessible convenience shopping for the town, an alternative to bulk food shopping by car further afield and enable local residents to make more frequent shopping trips on foot. This could reduce shopping trips made and distances travelled by car by encouraging, trips on foot, shopping trips combined with journeys made for another purpose, and shorter car journeys through substitution of main food shopping trips to more distant larger stores.

It concludes there are “no material or overriding highway or transportation reasons” why planning permission should not be granted.

The Highway Authority however has concerns about transport assessment submitted. These include the appropriateness of the survey data used to derive estimates of the number of vehicle trips and the level of parking provision required. The Lincoln store used to derive the vehicle trip profile does not include a secondary retail use or residential units and the survey day Tuesday is not considered to reflect peak demand.

Following previous responses from the Highway Authority, revisions have been made to the proposed development. The position of the vehicle access has been moved, further away from the raised speed table on Whitehouse Road; the ATM cash point has been removed; three additional parking spaces have been provided and the opening hours for the proposed A5 unit have been revised to exclude opening on Saturday lunchtime; this period is identified as the time with most visitors to the store and thus the peak demand for parking spaces.

The Highway Authority has considered the current revised scheme but still has concerns, these are set out in full in their latest response, and a copy of this is attached as Appendix 2. The Highway Authority objects for three reasons, these are:-

1. The proposed location for the access is not considered suitable for the purpose intended. The proposed location conflicts with the existing traffic calming feature, the result of which could be detrimental to highway safety.

2. It has not been demonstrated that the parking provision is suitable for the purpose intended. The proposed parking could result in the reliance on parking on the public highway. On-street parking in the area is already an issue, and further parking could be considered as a hazard and affect the free flow of traffic.

3. It is considered that the Transport Statement (TS) submitted with the application does not demonstrate the true impact of the proposed development on the public highway network. The figures provided are based on one store smaller than that proposed surveyed on a day which is not considered at peak occupancy. .

Objection 1 raises a concern over the proximity of the proposed vehicle access to the existing traffic calming feature. The transport statement submitted considers this to be a subjective assessment from the Highway Authority; however this argument itself appears to be equally subjective as no evidence is provided. A safety audit of the proposed vehicle access arrangement could assist in resolving this matter. The agent has now undertaken to commission a safety audit in response to this concern.

With regard to objection 2 above applying the maximum car parking standards set out within the saved North Warwickshire Local Plan 2006 identifies a maximum provision of 33 parking spaces; the 23 spaces for an A1 use in the larger store unit and 5 spaces for the smaller unit; this would reduce to 3 spaces for a takeaway A5 use, and a total of 6 spaces (2 each) for the residential units. This is the maximum number of car parking spaces that should be provided; fewer spaces could be acceptable providing no significant adverse impact would arise.

The proposed car parking spaces will be shared by all three uses on the site. The mix of proposed uses is significant as peak demand from the different uses may not coincide; in this case the occupiers of the flats are likely to away during the afternoon when there are likely to be more visitors to the store, the peak for visitors to convenience stores is normally during the afternoon. This variation in demand for parking spaces could be reflected in a reduction in the maximum number of spaces. The availability of parking can have a significant impact in attracting vehicles, over provision may encourage trips from further afield; fewer spaces could encourage local people to make visits on foot.

The Highway Agency concern is that under provision will result in inappropriate parking on local roads. There are however existing waiting and loading restrictions on the junction approaches on Whitehouse Road, Long Street and Roman Way and the inward facing design of the development serves to discourage on-street parking by increasing the walking distance to the building entrances, which can only be accessed from within the car park..

Applying the saved parking standards to the existing pub (an A4 use) produces a maximum parking provision for 42 spaces. The existing public house provides only 17 parking spaces; a successful pub business could therefore also result in inappropriate on-street parking on adjacent roads and the approaches to the junction. There is existing high demand for available on-street parking on Long Street; however the proposed development should not significantly exacerbate this given the distance to the entrances to the proposed buildings.

With regard to objection 3 above, the concern over the appropriateness of the vehicle trip figures notwithstanding, the Highway Authority consider the relocation and closure of the existing New Street could mitigate potential traffic movements associated with the new store. The cessation of the retail use at existing store premises will be necessary to secure the mitigation. This the course proposed by Tamworth Co-operative Society (TCS). A current separate planning application proposes the demolition of the existing New St store and the re-development of the site with four houses, with off-street parking to the rear. This development would proceed in conjunction with the larger residential development, also proposed by the TCS for which planning permission was granted on 18/12/2012 reference PAP/2012/0498. This is for a development of eleven houses on the land between New Street and Long Street with vehicle access from New Street, this access will provide vehicle access to off-street parking to the rear of the four new houses proposed on the existing store site.

The closure of the existing store would also result in significant improvements to the traffic situation on New Street. This has a high density of older dwellinghouses with no off-street parking and experiences very high demand for on-street parking throughout the day, from residents and visitors to the existing Co-op store, which effectively reduces the width to a single carriageway. It has access to the A5 Watling Street and is used as an alternative route to Long Street which experiences similar issues with parked vehicles and reduced carriageway width. New Street is also a bus route and the existing store attracts large delivery vehicles, these larger vehicles can experience problems with the reduced width due to parked vehicles which results in temporary obstruction and congestion.

The TCS have confirmed they would enter into a legal obligation to cease the use of their existing New St store within one month of the opening of the new store. An appropriately worded agreement would effectively secure the cessation of retail use on this site.

Hours of opening and delivery times

The Environmental Health Officer has no concern over the proposed opening hours but is concerned that deliveries as early as 7000 hours in the morning could give rise to disturbance for occupiers of neighbouring residential properties. This would be resolved if deliveries do not occur before 0730 hours, this can required through a condition prescribing the hours during which deliveries can take place. There is also a concern that vehicles accessing the car park late at night could give also rise to disturbance. This can be addressed through a condition to require details to be submitted and approved of measures to control access to the car park after 2300 hours.

Development Plan Policy

Local Plan Core Strategy

Policies NW4 and NW5 makes provision for new housing within Dordon, the proposal and the redevelopment of the existing store would result in seven additional dwellings.

Policy NW 10 is relevant in that seeks to:- maintain local services unless these are no longer needed by the community; to provide safe vehicle access and sufficient parking and manoeuvring space; encourage more sustainable forms of travelling; and avoid unacceptable impacts on amenity. Whilst aspects of the proposed development comply with this policy, other elements are in conflict. The later include the loss of the public house, the concern over the vehicle access and parking provision. The former include the potential to develop more sustainable travel habits and food shopping behaviour, to reduce shopping trips made and distances travelled by car and to encourage shopping trips on foot.

Policy NW12 requires development to demonstrate sustainable design and positively enhance the character and appearance of settlements and the environmental quality. Overall the design and appearance of the proposed building is considered to respect the local area and to make a positive contribution to the character of the settlement and to comply with this policy.

Policy NW20 supports the loss of services or facilities only where the facility is replaced or the loss would not harm the vitality of the settlement. Although there are other licensed premises nearby the character of these is different that of the public house which with the outdoor garden and play facilities is more family oriented. The loss of the pub is thus not considered to comply fully with this policy.

Policy NW21 seeks opportunities to secure improvements to transport through sustainable solutions and measures. The proposed development will offer the potential to develop more sustainable travel habits leading to more sustainable food shopping behaviour and to reduce shopping trips made and distances travelled by car is in accord with this policy

North Warwickshire Local Plan 2006 - Saved Policies

The design and appearance of the proposed building are considered to comply with saved policies ENV12 and ENV13.

Given the Highway Authority concern over the highway safety with regard to the vehicle access, the proposal is not considered at present to be in accord with saved policies ENV14 and TPT3.

The proposal is for new development on previously developed land within a settlement. This will however replace existing commercial floorspace within the public house and the existing food store which will be lost. The proposal is thus not considered to be additional floorspace in the context of saved policy ECON5.

Summary

The key planning consideration in determining this application is the balance to be struck between the adverse impact due to the loss of the existing public house to the community and the beneficial impacts of a larger convenience food store in providing modern local food shopping opportunity that could encourage more sustainable shopping and travel behaviour; the opportunity to mitigate traffic issues and congestion on New Street, and the provision of up to seven additional new dwellings. This is a fine balance.

Given the apparent level of support for the retaining the public house significant weight is attached to the loss. The larger food store will however enhance the shopping facilities within the settlement and offer the opportunity for more sustainable shopping behaviour, and the new housing will be provided. These improvements to the local accessible services within the settlement, for sustainable travel additional housing are considered to be of significant weight in the determination of this application.

The opportunity to mitigate existing traffic problems on New Street through the relocation and closure of the existing store is a significant consideration. However if the new development would generate new traffic problems on local roads, this would offset the resolution of traffic problems in New Street, and this would be consequently of less significance in the determination of this application. The Highway Authority concerns are important to this judgement.

It is recommended therefore this application is not determined until the Highway Authority concerns can be assessed in full. A safety audit of the proposed vehicle access arrangement and further details of existing traffic on local roads will assist with this. If the highway concerns can be satisfactorily resolved the officer recommendation would be to grant planning permission.

Conditions and S106 legal agreement

In addition to the standard conditions concerning specific conditions to secure the requirements of statutory consultees are proposed. These will include prior submission of details of drainage details, ground gas ingress protection measures, to control access to the car park overnight, to limit to delivery times and to specify the position and extent of the acoustic boundary fence. Conditions to avoid disturbance from construction activities and prescribe hours of working will be appropriate.

A legal obligation under S106 to ensure the store is occupied only by the Tamworth Cooperative Society and to secure the cessation of the retail use at the existing New Street premises will be required to be completed prior to the grant of a planning permission.

Recommendation

- a) That the Board is in principle minded to grant planning permission, subject to the resolution of the Highway Authority concerns; the inclusion of conditions as set out above and the completion of a legal agreement to secure the occupation of the convenience store by the Tamworth Cooperative Society and the cessation of the retail use at the existing store premises on New Street.

- b) In these circumstances, the application be delegated to the Authorised Officer in accordance with the approved scheme of delegation subject to prior consultation with the Chair, Vice Chair and the local ward members

BACKGROUND PAPERS

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

Planning Application No: PAP/2014/0100

Background Paper No	Author	Nature of Background Paper	Date
1	Sarah	Objection – email	01.04.14
2	Rebecca Jayne Guild	Objection – email	01.04.14
3	Mandy Rondel	Objection – email	01.04.14
4	Denise Badham	Objection – email	02.04.14
5	Katie Guild	Objection – email	02.04.14
6	John Watts	Objection – email	02.04.14
7	Mrs J Kind	Comments – email	04.04.14
8	Tony Duley	Objection – email	04.04.14
9	Steve Rondel	Objection – email	04.04.14
10	Martin Smith	Objection – letter	04.04.14
11	Jonathan Woodall	Objection – letter	04.04.14
12	Steven Hammond	Objection – letter	04.04.14
13	Ben Powell	Objection – letter	04.04.14
14	Emma Campbell	Objection – letter	04.04.14
15	Sam Priest	Objection – letter	04.04.14
16	Kerry Adam	Objection – letter	04.04.14
17	Lisa Sherwood	Objection – letter	04.04.14
18	Jean Jones	Objection – letter	04.04.14
19	S Davies	Objection – letter	04.04.14
20	P Dingley	Objection – letter	04.04.14
21	Samantha McCarthy	Objection – letter	04.04.14
22	James King	Objection – letter	04.04.14
23	Katie Sargent	Objection – letter	04.04.14
24	Sue Blakey	Objection – letter	04.04.14
25	Paul Groves	Objection – letter	04.04.14
26	Clifford Wilson	Objection – letter	04.04.14
27	Terry Knight	Objection – letter	04.04.14
28	T Pratt	Objection – letter	04.04.14
29	Jack Heathcott	Objection – letter	04.04.14
30	Adam Holland	Objection – letter	04.04.14
31	Bob Holland	Objection – letter	04.04.14
32	Stuart Clarke	Objection – letter	04.04.14
33	Ashley Cummins	Objection – letter	04.04.14
34	R Bassett	Objection – letter	04.04.14
35	Michelle Guild	Objection – letter	04.04.14
36	Terence Guild	Objection – letter	05.04.14
37	Dean Weston	Objection – letter	05.04.14
38	John Hutchinson	Objection – letter	05.04.14
39	D Baxter	Objection – letter	05.04.14
40	Daniel Fohy	Objection – letter	05.04.14

41	J Davis	Objection – letter	05.04.14
42	J Stanford	Objection – letter	05.04.14
43	Lee Duroe	Objection – letter	05.04.14
44	Sarah Stubbs	Objection – letter	05.04.14
45	S Sullivan	Objection – letter	05.04.14
46	Louis White	Objection – letter	05.04.14
47	Katie Weston	Objection – letter	05.04.14
48	Gary Fisher	Objection – letter	05.04.14
49	Allan Dixon	Objection – letter	05.04.14
50	Daniel Prought	Objection – letter	05.04.14
51	Gillian Riella	Objection – letter	05.04.14
52	John McCullan	Objection – letter	05.04.14
53	Cat Evans	Objection – letter	05.04.14
54	R Evans	Objection – letter	06.04.14
55	Donna Smith	Objection – letter	06.04.14
56	C A Turner	Objection – letter	06.04.14
57	K P Turner	Objection – letter	06.04.14
58	Mr P Thorne	Objection – letter	06.04.14
59	D Dingley	Objection – letter	06.04.14
60	Anna Grewcock	Objection – letter	06.04.14
61	Karl Grewcock	Objection – letter	06.04.14
62	Graham Tonks	Objection – letter	06.04.14
63	Shiralee Roberts	Objection – letter	06.04.14
64	Darren James	Objection – letter	06.04.14
65	Steven Wilson	Objection – letter	06.04.14
66	D Hayward?	Objection – letter	06.04.14
67	Damian O'Doherty	Objection – letter	06.04.14
68	Maxine friend	Objection – letter	05.04.14
69	Katie Guild	Objection – letter	06.04.14
70	Sally Lander	Objection – letter	06.04.14
71	Paul Mitchell	Objection – letter	06.04.14
72	Ricky Fox	Objection – letter	04.04.14
73	Ashley Smith	Objection – letter	04.04.14
74	Katrina Melia	Objection – letter	04.04.14
75	David Holtham	Objection – letter	04.04.14
76	Mr Ciaran Braham	Objection – letter	04.04.14
77	? Kastelik	Objection – letter	04.04.14
78	Jean Hitchman	No objection – letter	17.04.14
79	Anita Taylor	Objection – letter	13.04.14
80	Natasha Moore	Objection – email	17.04.14
81	Andy Codling	Objection – email	15.04.14
82	Harinder Duley	Objection – email	17.04.14
83	A C Chin	Objection – letter	16.04.14
84	Mrs D Parker	Objection – letter	07.04.14
85	Steven Parker	Objection – letter	07.04.14
86	Mark davies	Objection – letter	
87	Nigel Hemming	Objection – letter	07.04.14
88	Paul Genge	Objection – letter	
89	Jo Hemming	Objection – letter	07.04.14

90	Elle Robertson	Objection – letter	07.04.14
91	Craig Mallabone	Objection – letter	07.04.14
92	Matthew Blower	Objection – letter	08.04.14
93	Deborah Haywood	Objection – letter	
94	Lewis Haywood	Objection – letter	
95	B Clark	Objection – letter	08.04.14
96	Norma Scott	Objection – letter	09.04.14
97	Michael Scott	Objection – letter	
98	Geoff Hornsby	Objection – letter	09.04.14
99	T W Prue	Objection – letter	09.04.14
100	Sue Evitts	Objection – letter	10.04.14
101	Neil Webb	Objection – letter	10.04.14
102	Sam Thompson	Objection – letter	10.04.14
103	Mr and Mrs V Walton	Objection – letter	10.04.14
104	Mrs K Orton	Objection – letter	10.04.14
105	Mrs P Barrass	Objection – letter	10.04.14
106	Nicola Wood	Objection – letter	10.04.14
107	Darren Cunningham	Objection – letter	10.04.14
108	J Crabb	Objection – letter	11.04.14
109	James Fisher	Objection – letter	11.04.14
110	Nicola Fisher	Objection – letter	11.04.14
111	Adam Bradford	Objection – letter	11.04.14
112	Phil Wooster	Objection – letter	12.04.14
113	Mr K Walters	Objection – letter	12.04.14
114	Mrs V A Walters	Objection – letter	12.04.14
115	Mrs M Nolan	Objection – letter	12.04.14
116	Mr I Mobbs	Objection – letter	12.04.14
117	Mrs M S Roberts	Objection – letter	12.04.14
118	Mr and Mrs D Massey	Objection – letter	12.04.14
119	Lisa Moore	Objection – letter	12.04.14
120	Mr Patrick Nolan	Objection – letter	12.04.14
121	A Jackson	Objection – letter	12.04.14
122	Allan Brown	Objection – letter	12.04.14
123	Mrs Anne Deakin	Objection – letter	12.04.14
124	Jake Nutt	Objection – letter	12.04.14
125	Mrs D Hoverd	Objection – letter	12.04.14
126	Claire Webb	Objection – letter	12.04.14
127	Mrs L Thompson	Objection – letter	12.04.14
128	Carla Bardsley	Objection – letter	
129	L Orton	Objection – letter	11.04.14
130	Jodie Sparrow	Objection – letter	10.04.14
131	Anne Read	Objection – letter	12.04.14
132	Lisa Hart	Objection – letter	12.04.14
133	Terence Lees	Objection – letter	12.04.14
134	Alan Patterson	Objection – letter	12.04.14
135	Mrs A Reynolds	Objection – letter	12.04.14
136	Tracey Wallbank	Objection – letter	12.04.14
137	Andrew McCarthy	Objection – letter	12.04.14
138	Linda Wood	Objection – letter	12.04.14

139	Irene Bradford	Objection – letter	12.04.14
140	Robert Payne	Objection – letter	12.04.14
141	Emma Joicey	Objection – letter	12.04.14
142	Paul Joicey	Objection – letter	12.04.14
143	Neil Horbury	Objection – letter	11.04.14
144	Kim Erdogan	Objection – letter	11.04.14
145	M Kendall	Objection – letter	11.04.14
146	Lena Allbrighton	Objection – letter	11.04.14
147	Daniel Webb	Objection – letter	11.04.14
148	P Thorne	Objection – letter	11.04.14
149	Mrs and Mr K Hollis	Objection – letter	12.04.14
150	Mr and Mrs R Ebblewhite	Objection – letter	10.04.14
151	Mr P and Mrs C Clark	Objection – letter	12.04.14
152	J Archer	Objection – letter	12.04.14
153	Mr S Taylor	Objection – letter	
154	Alan Roden	Objection – letter	
155	P Lissemore	Objection – letter	12.04.14
156	Mr and Mrs Scott	Objection – letter	13.04.14
157	Lisa Peat	Objection – letter	13.04.14
158	Emma Fumagally	Objection – letter	
159	Phillip Spragg	Objection – letter	06.04.14
160	Maxine Read	Objection – letter	07.04.14
161	N Read	Objection – letter	07.04.14
162	Luke Spragg	Objection – letter	06.04.14
163	Joanne Spragg	Objection – letter	11.04.14
164	M Tennant	Objection – letter	11.04.14
165	Mrs S Lowe	Objection – letter	11.04.14
166	P Clark	Objection – letter	10.04.14
167	Alan Bartlam	Objection – letter	05.04.14
168	M Thomas	Objection – letter	
169	A Hughes	Objection – letter	05.04.14
170	Trudy Eubsan	Objection – letter	05.04.14
171	B A Kent	Objection – letter	05.04.14
172	L Kendall	Objection – letter	05.04.14
173	M Guild	Objection – letter	05.04.14
174	Nicki Mason	Objection – letter	05.04.14
175	M Themes	Objection – letter	05.04.14
176	Darren Chalfon	Objection – letter	05.04.14
177	Peter Spencer	Objection – letter	
178	A Cunniam	Objection – letter	
179	Alison Bassford	Objection – letter	05.04.14
180	Amy Millard	Objection – letter	05.04.14
181	Samantha Marshall	Objection – letter	05.04.14
182	Stacey Williams	Objection – letter	05.04.14
183	Colin Wood	Objection – letter	05.04.14
184	L Talboys	Objection – letter	05.04.14
185	S Hargreaves	Objection – letter	
186	Adam Whiston	Objection – letter	06.04.14
187	Kerry Hay	Objection – letter	06.04.14

188	N Hughes	Objection – letter	
189	Sue Ward	Objection – letter	12.04.14
190	Mr K Luckman	Objection – letter	05.04.14
191	Tim Johnson	Objection – letter	05.04.14
192	? Barden	Objection – letter	06.04.14
193	D Blakey	Objection – letter	06.04.14
194	Aaran Dingley	Objection – letter	06.04.14
195	Mr D Charles	Objection – letter	06.04.14
196	L Watson	Objection – letter	06.04.14
197	Jodie Bowes	Objection – letter	
198	Lee Deacon	Objection – letter	06.04.14
199	D Bird	Objection – letter	06.04.14
200	Karys Marshall	Objection – letter	
201	M Cawley	Objection – letter	06.04.14
202	Faye O'Donoghue	Objection – letter	
203	Denholm Price	Objection – letter	06.04.14
204	Pera O'Hare	Objection – letter	05.04.14
205	K Stait	Objection – letter	05.04.14
206	C Bradley	Objection – letter	05.04.14
207	Claire Clarke	Objection – letter	05.04.14
208	Anna Clark	Objection – letter	05.04.14
209	N J Chetwynd	Objection – letter	05.04.14
210	Leanne Lewis	Objection – letter	05.04.14
211	Shaun Darkes	Objection – letter	05.04.14
212	L Crofts	Objection – letter	05.04.14
213	M Eidukas	Objection – letter	05.04.14
214	Sarah Watson	Objection – letter	05.04.14
215	Andrea Lewis	Objection – letter	05.04.14
216	Ros Chantler	Objection – letter	05.04.14
217	L Miller	Objection – letter	05.04.14
218	Scott Haywood	Objection – letter	05.04.14
219	Mrs Brenda Tomson	Objection – letter	05.04.14
220	Ms J Hand	Objection – letter	05.04.14
221	Lucy Davis	Objection – letter	05.04.14
222	Julie Shepherd	Objection – letter	
223	Chanel Willden	Objection – letter	05.04.14
224	Lesley Lander	Objection – letter	05.04.14
225	Roy Lander	Objection – letter	05.04.14
226	Suzie Lander	Objection – letter	05.04.14
227	Mr P Kirkbride	Objection – letter	05.04.14
228	Mrs P Kirkbride	Objection – letter	05.04.14
229	Linda Tyson	Objection – letter	07.04.14
230	Vicky Smith	Objection – letter	07.04.14
231	K Hughes	Objection – letter	07.04.14
232	Paul Smith	Objection – letter	07.04.14
233	Pearl Milligan	Objection – letter	07.04.14
234	Matt Exton	Objection – letter	
235	Kerry Richardson	Objection – letter	
236	Mrs L Cart	Objection – letter	

237	Mick Wood	Objection – letter	
238	Kate Edwards	Objection – letter	05.04.14
239	D Lawrence	Objection – letter	
240	Mrs M Albrighton	Objection – letter	05.04.14
241	M Khan	Objection – letter	05.04.14
242	Donna Taylor	Objection – letter	
243	B Davies	Objection – letter	
244	Jonathan Wiliams	Objection – letter	
245	C Bates	Objection – letter	05.04.14
246	Paul Nunan	Objection – letter	05.04.14
247	A D Ison	Objection – letter	
248	S Haywood	Objection – letter	05.04.14
249	Ian Bostock	Objection – letter	05.04.14
250	Denise Buchan	Objection – letter	
251	M Dennis	Objection – letter	05.04.14
252	Mrs R Barkhouse	Objection – letter	05.04.14
253	P Nightingale	Objection – letter	05.04.14
254	Rebecca McGinlay	Objection – letter	05.04.14
255	Steven Gravestock	Objection – letter	
256	R Bailey	Objection – letter	05.04.14
257	Laura Forsyth	Objection – letter	05.04.14
258	Carlie Ward	Objection – letter	05.04.14
259	Katie Appleby	Objection – letter	05.04.14
260	Gary Greenway	Objection – letter	
261	P Spragg	Objection – letter	05.04.14
262	D Ralph	Objection – letter	
263	Mick Gallett	Objection – letter	
264	Scott Jackson	Objection – letter	
265	Allan Brown	Objection – letter	
266	Chris Ford	Objection – letter	05.04.14
267	C Taylor	Objection – letter	05.04.14
268	T Wright	Objection – letter	05.04.14
269	Julie Gibbs	Objection – letter	05.04.14
270	Ravinder Dhaliwall	Objection – letter	
271	K Narborough	Objection – letter	05.04.14
272	Shanessa Troughear	Objection – letter	05.04.14
273	L Betteridge	Objection – letter	
274	Leigh Crofts	Objection – letter	
275	Peter Barker	Objection – letter	
276	Andy Hitchings	Objection – letter	08.04.14
277	Jackie Longley	Objection – letter	08.04.14
278	Mr T Froome	Objection – letter	08.04.14
279	Stephanie Hall	Objection – letter	09.04.14
280	Toni Barber	Objection – letter	10.04.14
281	C Harbon	Objection – letter	
282	Miss S Watson	Objection – letter	
283	Sharon Bailey	Objection – letter	10.04.14
284	Deborah Foley	Objection – letter	11.04.14
285	D Orton	Objection – letter	

286	Roscoe Watkins	Objection – letter	
287	Alan and Carole Watkins	Objection – letter	
288	Louise Dawes	Objection – letter	
289	M Wood	Objection – letter	
290	Julie Wood	Objection – letter	
291	Angela Lawten	Objection – letter	
292	Anthony Melia	Objection – letter	
293	Leanne Lyons	Objection – letter	
294	Sinead Davies	Objection – letter	
295	Mick Baker	Objection – letter	
296	Susan Baker	Objection – letter	
297	Emma Patterson	Objection – letter	
298	Claire Melia	Objection – letter	
299	J Davies	Objection – letter	
300	Charlotte Bainton Ball	Objection – letter	
301	N T Boxall	Objection – letter	
302	Andrew Burgess	Objection – letter	
303	Mari Burgess	Objection – letter	
304	Chris Insull	Objection – letter	
305	M Newton	Objection – letter	
306	Betty Reid	Objection – letter	
307	Scott Walklate	Objection – letter	
308	Daniel Stevens	Objection – letter	11.04.14
309	Ada Russell	Objection – letter	
310	C Jeffs	Objection – letter	11.04.14
311	Mrs E J Mansfield	Objection – letter	15.04.14
312	Mr K I Mansfield	Objection – letter	15.04.14
313	Mr & Mrs Waplinton	Objection – letter	20.04.14
314	Paul Sharratt	Objection – letter	15.04.14
315	Tracey Kendall	Objection – letter	17.04.14
316	Adrian Kendall	Objection – letter	17.04.14
317	Eamon Lowe	Objection – letter	17.04.14
318	Richard Guild	Objection – letter	17.04.14
319	Jeff Longley	Objection – letter	17.04.14
320	John Watts	Objection – letter	17.04.14
321	Donna Watts	Objection – letter	17.04.14
322	Irene Bolton	Objection – letter	17.04.14
323	N Petitt	Objection – letter	17.04.14
324	Darshan Kaur	Objection – letter	14.04.14
325	G Singh	Objection – letter	14.04.14
326	Mandeep Dully	Objection – letter	14.04.14
327	Sandeep Sohal	Objection – letter	17.04.14
328	Mandi Sohal	Objection – letter	17.04.14
329	Tony Fulford	Objection – letter	17.04.14
330	Susan Albrighton	Objection – letter	17.04.14
331	L Parkinson	Objection – letter	17.04.14
332	Michaela Smart	Objection – letter	17.04.14
333	Sophie Kenny-Levick	Objection – letter	17.04.14
334	Mrs S ?	Objection – letter	17.04.14

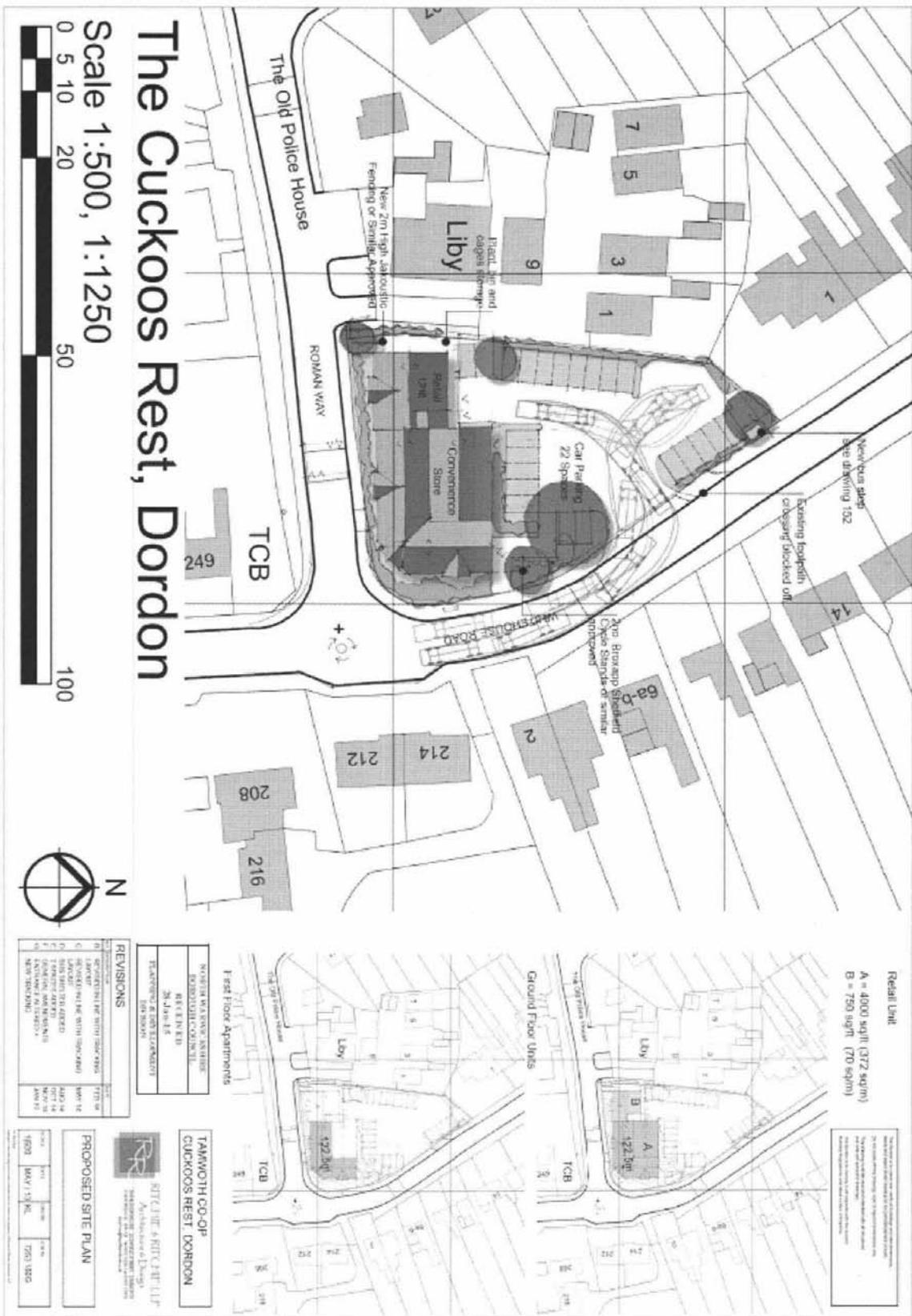
335	Michelle Allton	Objection – letter	17.04.14
336	Miss P Eaton	Objection – letter	17.04.14
337	Darren Scott	Objection – letter	17.04.14
338	Parminder Duley	Objection – letter	17.04.14
339	J M Webb	Objection – letter	17.04.14
340	Chris Clarke	Objection – letter	17.04.14
341	Susan Betteridge	Objection – letter	17.04.14
342	Deepali Tanden	Objection – letter	10.04.14
343	Rislin Chouhan	Objection – letter	16.04.14
344	K Chouhan	Objection – letter	16.04.14
345	M Chouhan	Objection – letter	15.04.14
346	Rakes Chouhan	Objection – letter	12.04.14
347	D Betterids	Objection – letter	17.04.14
348	Alwyn Walton	Objection – letter	17.04.14
349	Clair Mayer	Objection – letter	17.04.14
350	C McRoberts	Objection – letter	17.04.14
351	Bethany Wilks	Objection – letter	17.04.14
352	Donna Scott	Objection – letter	17.04.14
353	Chloe Campbell	Objection – letter	04.04.14
354	Alison Humphreys	Objection – letter	17.04.14
355	Lisa Grinham	Objection – letter	17.04.14
356	Irene Bolton	Objection – letter	17.04.14
357	Joanne Green	Objection – letter	16.04.14
358	F Matthews	Objection – letter	17.04.14
359	Harpawan Duley	Objection – letter	17.04.14
360	Steven Betteridge	Objection – letter	17.04.14
361	Teresa Campbell	Objection – letter	17.04.14
362	Anna Marie Baker	Objection – letter	17.04.14
363	Mrs C Smith	Objection – letter	17.04.14
364	P Casey	Objection – letter	17.04.14
365	Christine Glover	Objection – letter	17.04.14
366	Jatinder Duley	Objection – letter	17.04.14
367	J Singh	Objection – letter	17.04.14
368	K Kaur	Objection – letter	17.04.14
369	Kerrie Williams	Objection – letter	17.04.14
370	Philip Rathbone	Objection – letter	17.04.14
371	Stuart Peach	Objection – letter	17.04.14
372	Jasdip Singh	Objection – letter	13.04.14
373	Harinder Duley	Objection – letter	12.04.14
374	Jo Hemming	Objection – letter	24.04.14
375	G Coton	Objection – letter	28.04.14
376	Sean Homer	Objection – letter	17.04.14
377	Alec Pinson	Objection – letter	17.04.14
378	Katherine Cole	Objection – letter	17.04.14
379	William Wills	Objection – letter	17.04.14
380	Matilda Cooper	Objection – letter	19.04.14
381	Sonia Bradshaw	Objection – letter	19.04.14
382	Matthew Wright	Objection – letter	19.04.14
383	Chris Eldridge	Objection – letter	19.04.14

384	Corey Lees	Objection – letter	19.04.14
385	Gemma Maddax	Objection – letter	20.04.14
386	Aimee Holder	Objection – letter	20.04.14
387	S Loveridge	Objection – letter	20.04.14
388	A Loveridge	Objection – letter	20.04.14
389	Richard Hamilton	Objection – letter	20.04.14
390	Shannon	Objection – letter	20.04.14
391	Samantha Gibson	Objection – letter	20.04.14
392	Dave Spragg	Objection – letter	20.04.14
393	Lauren Hobson	Objection – letter	22.04.14
394	Cheryl Robertson	Objection – letter	22.04.14
395	Andrew Greenway	Objection – letter	22.04.14
396	Richard Hancox	Objection – letter	23.04.14
397	David Price	Objection – letter	23.04.14
398	A Richardson	Objection – letter	24.04.14
399	Stephen Yates	Objection – letter	24.04.14
400	Conor Polson	Objection – letter	25.04.14
401	Sherrie Gilbert	Objection – letter	26.04.14
402	Theresa Willden	Objection – letter	26.04.14
403	S Tyers	Objection – letter	26.04.14
404	A Ebdon	Objection – letter	26.04.14
405	Paul Nation	Objection – letter	26.04.14
406	Chris Sweet	Objection – letter	26.04.14
407	Melvyn Kettle	Objection – letter	25.04.14
408	Norma Scott	Objection – letter	26.04.14
409	Mrs S Coleman	Objection – letter	15.04.14
410	Mrs J Coleman	Objection – letter	15.04.14
411	Richard Shepherd	Objection – letter	15.04.14
412	Stephen Andisin	Objection – letter	15.04.14
413	Jordon Andisin	Objection – letter	15.04.14
414	Paul Ford	Objection – letter	13.04.14
415	Vicki Ford	Objection – letter	12.04.14
416	Mrs D Atkins	Objection – letter	26.04.14
417	Mr D Sales	Objection – letter	27.04.14
418	Steffi Radbourne	Objection – letter	27.04.14
419	Michael Duprey	Objection – email	03.05.14

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

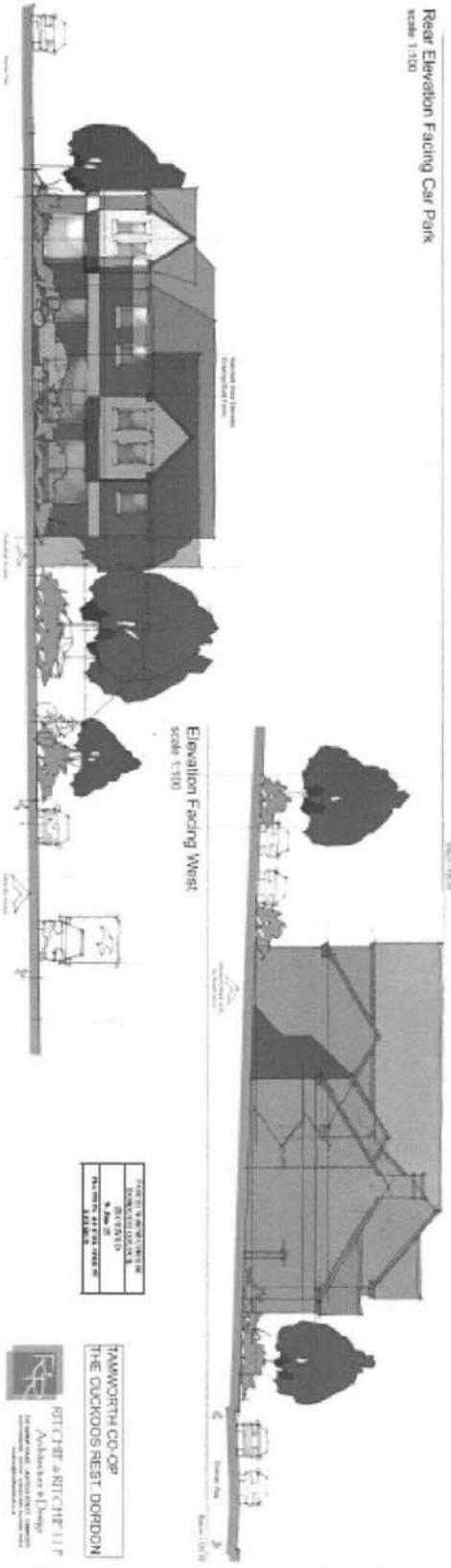
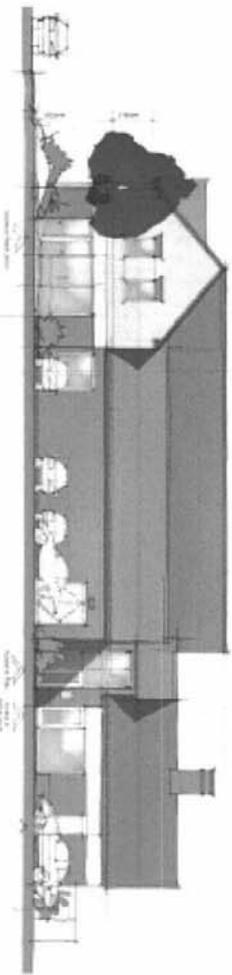
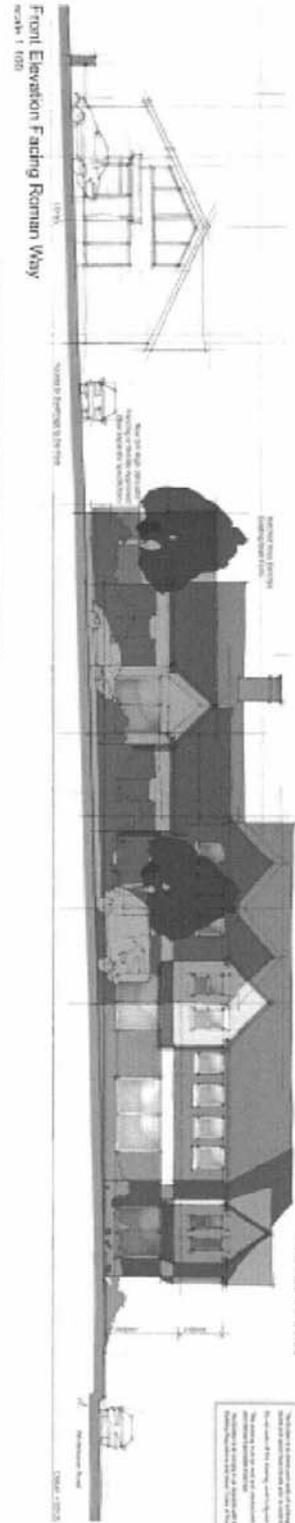




PAP/2014/0100

PAP/2014/0100

This plan is a representation of a proposed development and is not intended to be used for any other purpose. It is not to be construed as a contract or a warranty of any kind. The applicant is responsible for ensuring that the proposed development complies with all applicable laws and regulations. The applicant is also responsible for obtaining all necessary permits and approvals from the relevant authorities.

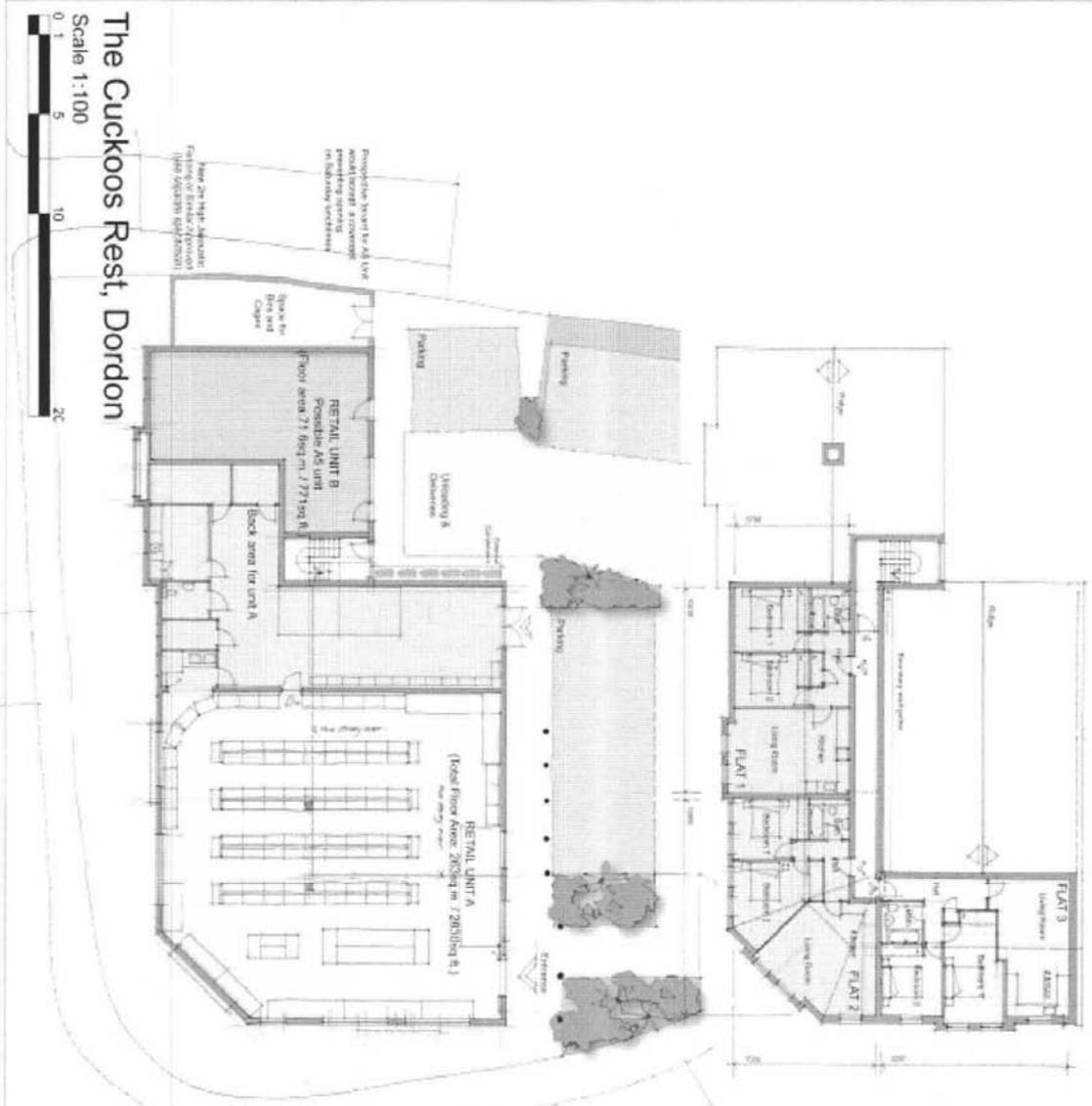


PROPOSED DEVELOPMENT
NO. 101510
THE DOCKERS REST DORDON

FAMWORTH CO-OP
THE DOCKERS REST DORDON
BUTCHER & SUTCHER LTD
Architects & Planners
100-102, High Street, Dordon, Dorset, DT10 1JH
Tel: 01305 371111 Fax: 01305 371112

PROPOSED ELEVATIONS

Scale	Date	Drawn	Check
1:500	JUL 13	MR	7251-3400



The Cuckoos Rest, Dordon

Scale 1:100



This plan has been prepared for the use of the client and is not to be used for any other purpose without the written consent of the architect. The architect shall not be responsible for any errors or omissions in this plan or for any consequences arising therefrom.



PLANNING APPLICATION NUMBER	PAP/2014/0100
DATE OF APPLICATION	15.03.14
DATE OF DECISION	02.04.14

REVISIONS

NO.	DATE	DESCRIPTION

TAMWORTH CO-OP
THE CUCKOOS REST DORDON

KITCHEN & KITCHEN LTD
Architectural Design
100, High Street, Dordon, Dorset, DT10 1AA
Tel: 01306 811111

PROPOSED FLOOR PLANS

NO.	DATE	DESCRIPTION
1	01/10/13	ISSUE FOR PERMIT

Appendix 2

Your ref: PAP/2014/0100
My ref: 140100
Your email received: 28 January 2015



Mr J Brown BA Dip TP MRTPI
Head of Development Control Service
The Council House
South Street
Atherstone
CV9 1DE

FAO: Denis Winterbottom

Economic Growth

PO Box 43
Shire Hall
Warwick
CV34 4SX

DX 723360 WARWICK 5
Tel: (01926) 412342
Fax: (01926) 412641
tonyburrows@warwickshire.gov.uk
www.warwickshire.gov.uk

24 February 2015

Dear Mr Brown

PROPOSAL: Demolition of existing public house and construction of A1 convenience store and A2/A5 adjacent unit with associated car parking; and 3 no. first floor apartments
LOCATION: The Cuckoos Rest, Whitehouse Road, Dordon
APPLICANT: Punch Taverns

The Highway Authority had the following comments to make in regard to your consultation dated 31 March 2014:

The proposals include closing-off all the existing vehicular accesses to the site and constructing a new access from Whitehouse Road (C7). The location of the access will front properties 6a to 8 Whitehouse Road. Fronting the proposed access is a speed reduction vertical feature. The feature is full width and will extend over the access by approximately 2 metres. This could result in the following issues:

- i. The feature is designed to be driven over straight on and is not designed to be manoeuvred over. The torsion from a HGV turning over the feature could damage the structure, which in turn could result in highway safety issues and financial burdens from maintenance.*
- ii. The differences in levels between the carriageway, the traffic calming feature and the access can cause issues. Firstly, it can result in grounding*

*Working for
Warwickshire*

for some vehicle types. Secondly, those with certain health conditions find the twisting motion very uncomfortable and can cause further health problems. And finally, the noise of vehicles carrying out the manoeuvre can be much louder, especially HGV's.

- iii. The proximity of the feature to the access will slow vehicles entering / egressing the site. This could be considered a further speed reduction feature, but vehicles using the access should not become an obstruction. Vehicles entering the site may have to slow down beyond what is expected and could be put at risk from being hit by following vehicles. Those entering the carriageway will need to be positioned to go over the feature correctly, and to do this may not allow drivers to get up to the speed of flowing traffic. Again, this puts vehicles at risk from being hit by following vehicles.

Included in the application are swept path analyses of vehicles likely to service the site. The longest vehicle shown accessing the site is 9.07 metres. If the site is to be serviced by North Warwickshire Borough Council then vehicles 10.8 metres in length can be expected to visit the site. If the site is to be operated by a nationwide operator, such as the Co-op, then much longer vehicles will be used to service the store. The vehicles shown do not appear to be reasonable representation of the vehicles likely to visit the site.

19 car parking spaces are proposed for the development. Calculating the requirements from the Local Plan up to 37 car parking spaces should be provided. The Highway Authority would recommend the maximum provision to prevent on-street parking. Existing on-street parking in the area restricts the flow of traffic in both directions and causes delays. There is also a safety issue with accidents attributed to waiting traffic. The proposed development should not result in further issues on the highway network.

No Transport Statement has been supplied with the application. The proposed development could significantly increase the number of vehicle movements associated with the site. The proposed A5 use could generate more vehicle movements than the existing public house, never mind the A1 use. Using TRICS the proposed A1 use could result in generating up to 11 times the existing vehicle movements associated with the site. The threshold for including a Transport Statement has been reached so should be included with the application.

An ATM is shown on the proposed elevations, but does not appear to be part of the application. The use of ATM's can result in ad-hoc parking. The proximity of the shown ATM to the highway could result in parking on the public highway, which would obstruct the flow of traffic and visibility splays. The inclusion of

the ATM would not be supported. Clarification of whether an ATM is part of this application is required.

Therefore, the Highway Authority's response to your consultation is one of OBJECTION for the following reasons:

- 1. The proposed location for the access is not considered suitable for the purpose intended. The proposed location conflicts with the existing traffic calming feature, the result of which could be detrimental to highway safety.*
- 2. It has not been demonstrated that the site can be serviced in accordance with guidance. The vehicles used to show the turning facilities on site may not be the longest vehicles most likely to visit the site on a regular basis. It needs to be demonstrated that the longest vehicles that will service the site can leave and re-enter the public highway using a forward gear. And, the use of such vehicles should be conditioned.*
- 3. It has not been demonstrated that the parking provision is suitable for the purpose intended. The proposed parking could result in the reliance on parking on the public highway. On-street parking in the area is already an issue and further parking could be considered as a hazard.*
- 4. No Transport Statement (TS) has been submitted with the application. The commercial floor space is 379.5sqm so the change of use will require a TS to support the application. The proposed development will result in more vehicle movements and during peak periods; the effect of which may need to be mitigated.*

The Highway Authority had the following comments to make in regard to your amended consultation dated 20 November 2014:

Discussions between the Highway Authority and the applicant and applicant's agents have taken place since the initial consultation response, including on commenting on updated layouts. The proposed layout is now at revision F.

Objection Point 1:

The proposed bellmouth still remains fronting the traffic calming feature. As previously pointed out this could result in damage to the traffic calming feature, discomfort to those suffering with ailments, an increase in noise and over slowing of vehicles to turn in to the site. It is notable that no Stage 1/2 Road Safety Audit has been carried out to support the application.

Objection Point 2:

It has now been demonstrated that a vehicle 12 metres in length can turn around on site. The configuration of the vehicle was brought in to question by the Highway Authority. The swept path showed a HGV with 4 axles; 2 at the front and 2 at the back. This configuration is normally used by waste and bulk carrier vehicles. After a telephone conversation with the agent it was agreed that a condition could be recommended restricting the size of vehicle to 12 metres, whether it is a rigid HGV or articulated vehicle.

Objection Point 3:

The applicant is proposing to provide 21 car parking spaces. Up to 37 spaces could be recommended under the standards set out in the 2006 Adopted Local Plan. The details of successful planning application sites, which were considered similar to the application site, were submitted to the Highway Authority for comparison. None of the details included surveys carried out after the developments were complete. As a comparison the Highway Authority asked if a survey could be carried out at one of the sites; Roslington. Although this site did not have any accommodation above the retail units it did have a Co-op and a chip shop. This site appeared most likely to give a more robust indication of the potential parking required. It appears that no extra surveys will be submitted.

The permission is for Use Class A1. Although the application is for a convenience store, it does not mean the large supermarket chains will not take over. It is envisaged the store will be run by the Co-op, who are no small concern. In other words, just because it is a convenience store it does not mean it will not attract enough vehicles to cause a concern. It can be demonstrated in the County where the lack of off-street parking at convenience stores is causing issues. And, like the proposed development 2 of the stores are near a school. It has been seen at one site that the parking is used by parents to drop-off and collect their children. It could happen at this location too.

Objection Point 4:

The Transport Statement was submitted. One of the noticeable points of the Statement was in Section 3, Page 4. It is proposed to shut the store in High Street, Dordon and relocate to the new store. This could go some way in mitigating the potential movements associated with the new store. However, no planning application or permission has been granted for an alternative use for the old store. Confirmation was received that the client would enter in to a unilateral agreement such that the existing store will be demolished once the new store was occupied. If this is still on table, it may be worth pursuing, as long as no new store will be built there.

No traffic surveys were done as part of submitting the Statement. Only data from TRICS was submitted. One store was chosen as a comparison, and the survey was carried out on a Tuesday, which is not considered a peak time for visitors to a store. By widening the spectrum of stores to view, the number of potential vehicle movements increases. As such, the use of one store does not appear to be a reasonable assessment of potential impact of the proposed development.

In addition, the Highway Authority picked up an issue with the survey in regard to parking accumulation. According to the survey, after 18:00, no visitor by vehicle can be there for more than 72 seconds. Is that considered a reasonable time to enter the site, park, enter the store, select product/s to buy, purchase item/s, return to vehicle and leave the site?

Other:

The ATM is still shown on the proposed elevations. ATM's can be a traffic generator in themselves. As can be witnessed at any store with them. No details of potential vehicle movements associated with the installation of an ATM have been submitted.

The proposed shop could increase vehicle movements associated with the site significantly compared to the potential movements associated with the public house. Then there will be movements associated with the AS use (which we believe will be a chip shop), the ATM and the dwellings.

Therefore, the Highway Authority's response to your amended consultation is one of OBJECTION for the following reasons:

1. The proposed location for the access is not considered suitable for the purpose intended. The proposed location conflicts with the existing traffic calming feature, the result of which could be detrimental to highway safety.
2. It has not been demonstrated that the parking provision is suitable for the purpose intended. The proposed parking could result in the reliance on parking on the public highway. On-street parking in the area is already an issue, and further parking could be considered as a hazard and affect the free flow of traffic.
3. It is considered that the Transport Statement (TS) submitted with the application does not demonstrate the true impact of the proposed development on the public highway network. The figures provided are based on one store smaller than that proposed surveyed on a day which is not considered at peak occupancy.

The Highway Authority has the following comments to make in regard to your amended consultation dated 28 January 2015, referring to amended Proposed Site Plan; drawing number 7253.150G:

Objection Reason 1:

The southern radius of the proposed vehicular access to the site has been moved northwards so that the access begins where the raised traffic calming feature ends. This should prevent vehicles manoeuvring over the side of the feature, but could still result in vehicles entering the site whilst part of the vehicle is on the feature. This may be a concern to those with health issues due to the twisting and vertical alignment changes, can create extra noise from commercial vehicles and may be a maintenance issue.

No Road Safety Audit appears to accompany the application.

Objection Reason 2:

An extra parking space has been provided. The provision is still lower than the maximum standards, and no extra evidence appears to have been submitted to support the lower provision.

Objection Reason 3:

No further details of potential vehicle movements have been submitted.

According to the information provided the applicant is willing to enter into an agreement so that the use of the existing store in New Street will cease once the new store is open. However, it may not stop the store opening up with a different user.

Therefore, the Highway Authority's response to your amended consultation remains one of OBJECTION for the following reasons:

1. The proposed location for the access is not considered suitable for the purpose intended. The proposed location conflicts with the existing traffic calming feature, the result of which could be detrimental to highway safety.
2. It has not been demonstrated that the parking provision is suitable for the purpose intended. The proposed parking could result in the reliance on parking on the public highway. On-street parking in the area is already an issue, and further parking could be considered as a hazard and affect the free flow of traffic.
3. It is considered that the Transport Statement (TS) submitted with the application does not demonstrate the true impact of the proposed development on the public highway network. The figures provided are based on one store smaller than that proposed surveyed on a day which is not considered at peak occupancy.

Yours sincerely

Tony Burrows
Highway Control Engineer

Copy to; Councillor Mr P Morson, - Baddesley Ensor, for information only.

(3) Application No: PAP/2014/0496

12, Walnut Close, Hartshill, CV10 0XH

Works to trees protected by a tree preservation order, for

Mrs Karen Firmin - OCA UK Limited

Introduction

The application is referred to the Board for determination as the trees concerned are in the Council's ownership.

The application is submitted on behalf of the owner of number 12 Walnut Close, which adjoins the Council's land, requiring works to be undertaken to the Council's trees.

Members are advised that the Board's remit here is to determine the application as the Local Planning Authority in accord with Planning legislation and the Development Plan and not as the owner of the trees.

The Site

Walnut Close is a short cul-de-sac within an established residential estate in Hartshill. Number 12 is a detached house with similar properties to the south and to its rear. Its western boundary is marked by Moorwood Lane – a public footpath – and to the north is a former railway cutting which provides footpath access to land beyond.

The property was constructed in 1994 and a single storey side extension was added to its northern side – that facing the cutting – in 2005. A detached garage also stands close to Moorwood Lane, constructed in 2001. The distance between the north side of the extension and the top of the cutting varies from around 6 metres to 4metres.

There are five oak trees within the bank of the former railway cutting and these extend along the northern boundary of the site. They are on the bank of that cutting which is also heavily vegetated with undergrowth. Additionally a single oak tree stands on the bank close to the bridge abutments where it passes under Moorwood Lane. This tree is behind the garage referred to above and is some 16.5 metres from the closest part of the house.

All of these oak trees are on land within the Council's ownership.

The general layout described above is illustrated at Appendix A. The five oak trees are within the area W1 and the single oak is at T1.

Background

The trees the subject of this application are protected by a Tree Preservation Order confirmed in 1993.

Work has been undertaken in the past on the five oaks through crown lifting.

The Proposals

In short the proposal is to fell the five oak trees close to ground level and to grind out the stumps. A subsequent application to fell the single oak tree is suggested for the future.

The applicant's reasons for this proposal can be summarised as follows:

- Tree roots have extended beneath the foundation of the extension at number 12 and damage through subsidence has resulted due to the presence of these roots. This subsidence is due to shrinkage of the clay sub-soils through the roots extracting moisture, and this process will continue. The remedy to this on-going problem is the felling of the trees.

In order to evidence this position, the applicant has submitted supporting documentation including a site investigation report, an engineer's report, levels monitoring data and an arboricultural assessment.

From the applicant's perspective this identifies that the damage is in the form of tapered cracking up to 5 mm wide internally and externally within the closest part of the side extension to the trees and that the mechanism causing this is a downward movement of the foundations of that extension in this location. The damage is assessed as being Category 2 or "moderate", as defined by BRE Digest 251 – a national building standard. The damage first occurred in the summer of 2013 and movement to date has been cyclical with the cracks opening in the summer – as the trees take in more moisture in drier conditions – and then closing in the winter. Site investigations reveal that the foundations of the extension are at a depth of 450mm below ground level and that there were tree roots here as well. Samples of the roots together with soil samples have been the subject of analysis. This shows that the roots are from the tree species the subject to the Order and that the soils have high plasticity with a high potential for volume change. The conclusion from his evidence is that the trees should be removed, thus removing the cause of the subsidence. He is aware that such a solution could lead to a reaction within the clay sub-soils as they "settle" over time in the absence of the roots. However he does not consider that this would be likely.

He has also provided estimates for repair work. If the trees are removed he says that repairs would be between £5, 500 and £10,500, but that if they are not removed then underpinning would be required with a cost likely to be between £22k and £27k.

Consultations

The Council's Consultant Arborist - The applicant's supporting documentation has been considered but he recommends that the application be refused. He agrees that the seasonal changes and foundation movement is being caused by the oak tree roots. As the greatest movements are at the front corner of the extension, it is probable that one or more of the oaks near to the front are the cause of the movement. However he disagrees with the applicant's conclusion that there would be no consequential reaction in the clay soils if the trees are removed. His conclusion is based on BRE Digest 421 advice and guidance. Whilst he agrees that the soil has rehydrated near the surface

during the winters since subsidence first occurred, the moisture content below 2 metres does indicate that considerable desiccation is still present. This suggests that this is deep-seated soil desiccation, likely to have been present when the extension was built. Retaining the trees would allow continued seasonal foundation movement, whilst felling would cause unacceptable heave movements and on-going damage. Felling is thus not the most appropriate remedy to mitigate the damage.

His conclusion is that underpinning is appropriate, probably to the depth of the main house and that the applicant should undertake this work as being a reasonable response to mitigate the damage that is occurring.

Representations

None received

Development Plan

The North Warwickshire Core Strategy 2014 – NW10 (Development Considerations) and NW13 (Natural Environment)

Saved Policies of the North Warwickshire Local Plan 2006 – ENV4 (Trees and Hedgerows)

Other Material Planning Considerations

The National Planning Policy Framework 2012

The Town and Country Planning (Tree Preservation) (England) Regulations 2012

Observations

As referred to in the introduction to this report, the remit of the Board in this case is to determine the application as the Local Planning Authority, in other words in accordance with the 2012 Tree Regulations and the Development Plan.

The Planning Act says that the Council should protect trees if “it is expedient in the interests of amenity to make provision for the preservation of trees in their area”. The trees, the subject of this application are included within an Order which is substantial in its geographic area and the number of trees covered. The Order was confirmed in 1993. This Order was made at the same time as the Council was considering a significant residential development in this part of Hartshill. It was considered that in order to properly plan for this development, significant areas of existing trees should be protected. These were largely on the edge of the development, marking the edge of the settlement and included areas covered by public footpaths, naturally regenerated brown field land and other woodland cover. In other words there was a substantial public amenity value and worth to retaining these trees. They had a material influence on the subsequent layout and design of the residential estate in particular with the cutting as a wildlife corridor to the open land beyond. In order to maintain their presence and amenity value, ownership of significant parts of the land the subject of the Order was transferred into public ownership. Subsequent management of the trees has occurred in order to maintain their longevity. The five trees, the subject of this current application

are part of this whole and they retain a strong public amenity value. They are readily visible from public viewpoints in an area very accessible to the public; part of the overall design of the layout of the estate, provide a wildlife corridor and are part of a much larger whole marking a natural edge to the development. The trees are mature, in good health and have several years' longevity. As a consequence it is concluded that their retention maintains the significant strong public amenity value apparent in 1993 when the Order was confirmed.

The Development Plan says that new development should not be permitted if it would result in the loss of trees that make a positive contribution to the quality of the local environment, and that the quality, character and local distinctiveness of the natural environment will be protected and enhanced. The reason for such an approach is to protect the mature trees and rural character of the Borough. These trees were included within the 1993 Order for these very reasons. They make a positive contribution to the quality of the local landscape and to the character of this particular residential estate. That contribution is considered to be significant.

As a starting point therefore, it is concluded that the presumption here should be one of refusal given the conclusions set out above.

It is therefore necessary to see if there are any material considerations that might outweigh this presumption. The applicant is clearly saying that in his view there are – the damage caused by the trees and the likelihood of that continuing.

The evidence submitted by the applicant to support this has been examined by the Council's consultant, but there is disagreement on the means of achieving a resolution to the damage.

It is agreed that the Order predates the erection of number 12 and that the extension was added in 2005. The foundations for this extension extend to 450mm below ground level, and the foundations for the main house are thought to be 2.4 metres deep. Damage first commenced in the summer of 2013 and tree roots from these oak trees have been found beneath the extension. The soil has been rehydrating near to the surface and there has been some consequential seasonal adjustment in that damage.

The consultant's conclusions are preferred to those of the applicant. This is due, not to disagreement about the fact that damage is occurring but that the applicant has not shown that the loss of the trees would not result in more damage. This is because he firstly has not submitted evidence of the moisture content of the sub-surface soils so as to show that there would be no consequential "heave" – his conclusion is an assumption - and secondly because he has not shown that underpinning could be explored as a reasonable alternative particularly given that the extension foundations appear to be shallow, not extending to the depth of the main house. In these circumstances it is not considered that the weight of the applicant's argument is of such weight to overturn the presumption of refusal. The trees still retain substantial public amenity value and will continue to do so. The applicant may have a case to make for their removal, but it has not been sufficiently evidenced in this application to overcome the weight given to retaining the trees.

Other Matters

Members are familiar with applications dealt with under the Tree Regulations. They are aware that in some circumstances there is the potential for a claim of compensation for costs that might be incurred as a consequence of a refusal of consent to undertake works to protected trees. As set out above, it is considered that a claim in this particular case can be defended given that such a claim can be rejected on the grounds that compensation is not payable where the loss of damage is attributable to failure to take steps to avert the loss or damage or to mitigate its extent. In this case the reasonable steps, not yet undertaken, are to underpin.

Members should be aware that notice of such a compensation claim has already been forwarded to the Council. The Council's Solicitor and the Council's Insurers through the Assistant Director (Finance and Human Resources) are aware of this.

As set out in the introduction to this report and repeated at the start of the officer's observations, the Board is reminded that its decision in this case is as the Local Planning Authority and that this is set out in the 2012 Regulations and the Development Plan. It is on this basis that this report has been written and the recommendation made. Members are therefore urged to adopt the same approach although of course they can attribute different weight to the relevant matters – the public amenity value of the trees and the applicant's evidence - and arrive at a different decision to that recommended. The Council as land owner will have to address the matter whatever the outcome.

Recommendation

That consent **be REFUSED** for the following reason:

- i) The trees make a positive and significant contribution to the local environment and to the public amenity of the area due to their maturity; their proximity to publically accessible areas, them being part of a larger area marking the edge of a residential estate, influencing its layout and design as well as being within a wildlife corridor. The evidence provided to support the application to fell, indicates that there is a considerable potential for upward heave movement of the foundations if the trees are removed. Such movements would continue for many years and be likely to cause prolonged and on-going damage. Felling is not considered to be the most appropriate remedial action and alternatives have not been considered. As such the removal of the trees would not accord with saved policy ENV4 of the North Warwickshire Local Plan 2006 or with policy NW13 of the North Warwickshire Core Strategy 2014.

BACKGROUND PAPERS

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

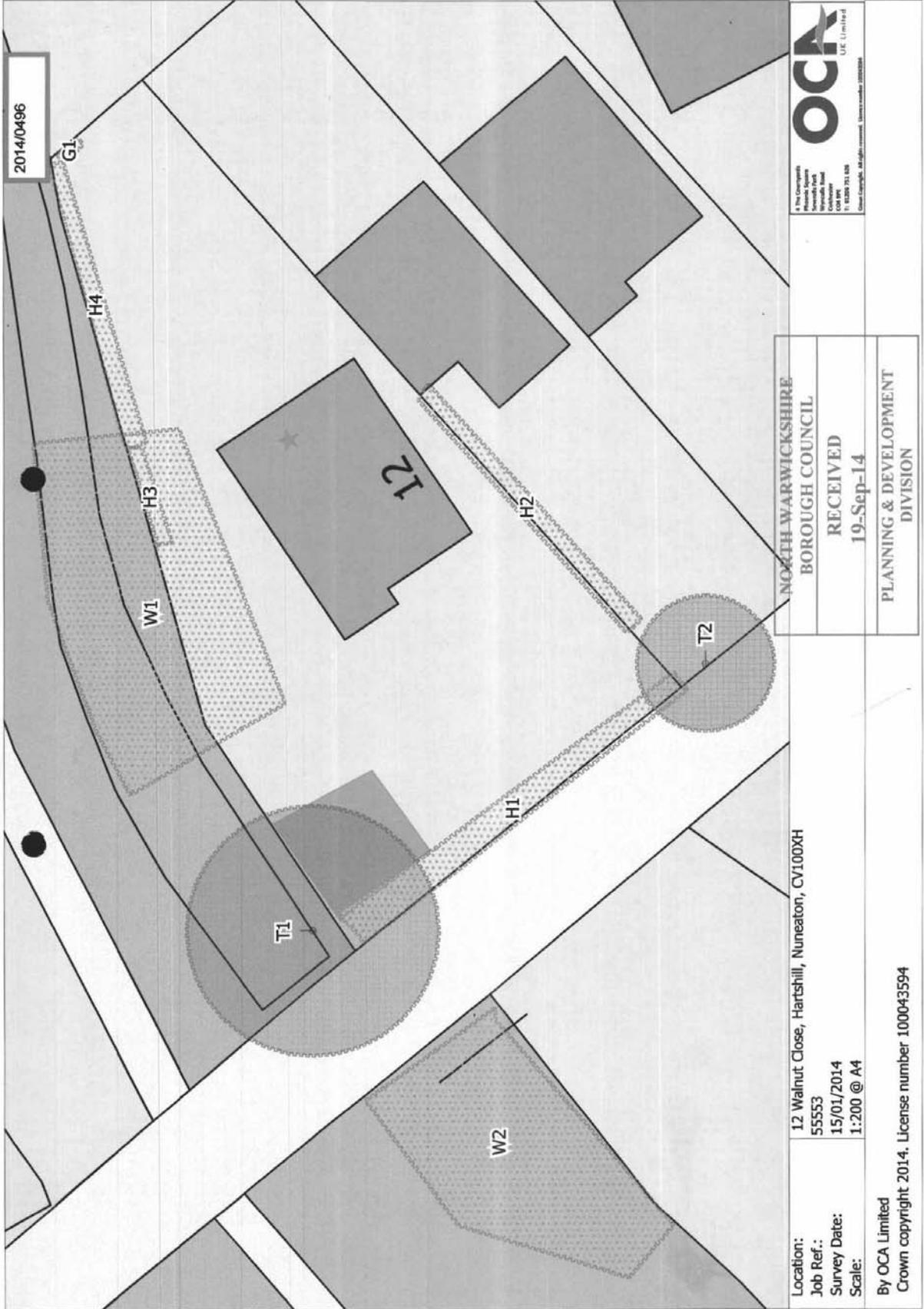
Planning Application No: PAP/2014/0496

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	19/9/14
2	Case Officer	Letter	13/11/14
3	Wharton Arboriculture Ltd	Consultation	15/2/15

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.





NORTH WARWICKSHIRE
BOROUGH COUNCIL
RECEIVED
19-Sep-14
PLANNING & DEVELOPMENT
DIVISION

Location: 12 Walnut Close, Hartshill, Nuneaton, CV100XH
Job Ref.: 55553
Survey Date: 15/01/2014
Scale: 1:200 @ A4

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APPENDIX B

NORTH WARWICKSHIRE BOROUGH COUNCIL
RECEIVED 19-Sep-14
PLANNING & DEVELOPMENT DIVISION

2014/0496

Cunningham Lindsey

Subsidence Scanning Centre, Ground Floor, Fountain Court, 12 Bruntcliffe Way, Morley, LS27 0JG
Telephone 01924 428691 Facsimile 0845 4251865

Subject Property Address:

12, Walnut Close

Hartshill

Nuneaton

Warks

CV10 0XH

INSURANCE CLAIM

CONCERNING SUBSIDENCE DAMAGE

ENGINEERING APPRAISAL REPORT

This report is prepared on behalf of ----- for the purpose of investigating a claim for subsidence. It is not intended to cover any other aspect of structural inadequacy or building defect that may otherwise have been in existence at the time of inspection.

Date: 7/1/2014

Cunningham Lindsey Ref: LBHPA/IB/7494250

INTRODUCTION

This report has been prepared by our Chartered Engineer, Michael McGinn BSc CEng MStructE CertCII, and is being investigated in accordance with our Project Managed Service.

Unless stated otherwise all directions are referred to as looking towards the front door from the outside the property.

DESCRIPTION OF BUILDING

The subject property is a detached house in a residential estate location on a plot that is level. A single storey extension was constructed to the left hand side in 2005. The overall layout is recorded on the site plan, within the factual site investigation report (and Arboriculturists' report)

There are Oak trees within influencing distance of the property, located on land under control of the local authority to the left hand side.

CIRCUMSTANCES OF DISCOVERY OF DAMAGE

The policyholder and homeowner, first found that the front door would not operate correctly in September 2013. Insurers arranged for the door to be adjusted but shortly afterwards cracking was discovered to the brickwork.

NATURE AND EXTENT OF DAMAGE

Description and Mechanism

The principal damage takes the form of tapered cracking up to 5mm maximum internally and externally to the front wall at the front left hand corner. The indicated mechanism of movement is of downwards movement of the foundation to the front left hand corner of the extension.

Significance

The level of damage is slight, and is classified as category 2 in accordance with BRE Digest 251 - Assessment of damage in low-rise buildings

Onset and Progression

We consider that the damage occurred over summer 2013. Unless appropriate mitigation is undertaken is likely that movement will be of a cyclical nature with cracks opening in the summer and closing in the winter.

SITE INVESTIGATIONS

The ground investigation was carried out by CET Safehouse Ltd on 02 December 2013. For details of the trial pit and borehole locations, together with test results, please refer to the attached CET factual report.

Trial Pit 1/Borehole 1

This was located at the front left hand corner to the single storey extension.

The underside of the concrete strip foundation is at 0.450m below ground level supported on a very stiff, light brown, slightly sandy silty CLAY with several sandstone and carbon nodules. Roots extending to a depth of 1.500m were recovered from beneath the foundation. The soil testing has confirmed the clay to be of medium to high shrinkage potential. The moisture content of the sample taken from beneath the foundation indicated the onset of desiccation at underside of foundation when compared against 0.5xLL.

Samples of the root taken from beneath the foundations have been analysed and originate from Oak trees tree. There are Oak trees located land to the left hand side which is under Local Authority control.

No drainage Investigations have been undertaken as the drains are a significant distance from the area of damage and the site investigation has shown the soil to be dry which suggests the drains have not adversely affected the soils.

MONITORING

Crack width/level monitoring has been underway since December 2013.

CAUSE OF DAMAGE

Taking an overview of all the site investigation results referred to above, it is my opinion that the cause of damage results from clay shrinkage subsidence brought about by the action of roots from the Oak trees located on the land under control of the Local Authority to the left hand side. I base this view on the fact that the foundations of the property in the area of damage have been built at a relatively shallow depth, bearing onto shrinkable clay subsoil. The soil is susceptible to movement as a result of changes in volume of the clay with variations in moisture content and analysis of the site investigation results indicate that the soil has been affected by shrinkage. Oak tree roots are present in the clay subsoil beneath the foundations. In this case, I am satisfied that the damage has therefore been caused by clay shrinkage subsidence following moisture extraction by the Local Authority Oak trees

I am satisfied that there is no factor, other than the Oak trees that are causing the damage.

RECOMMENDATIONS

It is recommended that Oak tree/trees located on the land under Local Authority land to the left hand side that are identified as having a drying influence are removed to mitigate against further movement. The Mitigation Centre of Oriel Services Ltd will liaise with the Local Authority in this regard and appoint Arboriculturists OCA UK Ltd to report and provide recommendations in respect of the trees that need to be removed.

A detailed scope of repairs will be finalised following removal of trees identified as having a drying influence.

HEAVE ASSESSMENT

I have assessed whether significant heave/ground recovery will occur should the vegetation as referred to above be removed.

I conclude that this is not the case as no significant desiccation has been found in the soil samples over the depth in which tree roots are present. The reason for the lack of desiccation is that the clay subsoil has rehydrated over the wetter winter months such that the moisture deficit that would have existed last summer has been replenished, and equilibrium moisture content has returned. Consequently, as there is no desiccation then there cannot possibly be any heave/swelling of the clay subsoil.

In summary, based on the site investigation results, the timing of the investigation and the nature and extent of damage within the property, I have concluded that significant heave and/or ground recovery will not occur should appropriate vegetation management be undertaken.

REPAIRS

If the Local authority trees identified as having an influence be removed I consider that works including structural crack repair and redecoration at an approximate cost of £5,500 will be appropriate in order to repair the damage in this case.

If the street tree is not removed then it may be necessary to consider underpinning of the foundations of the property in the area of damage, in addition to structural crack repair and redecoration needed to repair the damage. The total cost of this option is estimated at £22,000.

Michael McGinn BSc CEng MStructE CertCII
Project Manager

Direct dial: 01924 428629
E-mail: irene.broadbent@cl-uk.com



Our reference: 111214 0341 WILSON V1 LET

FAO Alethea Wilson
Landscape Manager
Leisure and Community Development Division
North Warwickshire Borough Council
The Council House
South Street
Atherstone
Warwickshire
CV9 1DE

15th February 2015

Dear Alethea

TREE & SUBSIDENCE ASSESSMENT: 12 WALNUT CLOSE, HARTSHILL

The following letter based report is prepared in relation to 5no. oak trees (*Quercus robur*) located on land owned and managed by North Warwickshire Borough Council (NWBC). This report has been prepared following purchase order instruction dated 1st December 2014.

This report is prepared following an assessment of the trees undertaken on Friday 5th December 2014 by Peter Wharton *BSc(Hons) FArborA MICFor (Chartered Arboriculturist)*. The assessment was a visual one from ground level and no excavation of ground was undertaken. The soil assessment analysis provided by the applicant has been considered correct. This report specifically relates to the current individual case and the advice is without prejudice to other cases and only considers these circumstances and specific trees identified.

Peter is a Fellow of the Arboricultural Association, a Professional member and registered consultant of the Institute of Chartered Foresters and Consulting Arborist Society. He is also a member and licensed user of Quantified Tree Risk Assessment and is LANTRA certified to undertake Professional Tree Inspections.

Peter was previously vice-chair of the Arboricultural Association (AA), and is currently a Trustee and Director of the AA, is chair of the Media and Communications Committee, and sits on the Consultants Working Group and Midlands Regional Branch Committee of the Association. He was previously a board member of the Midlands Tree Officer Association.

Wharton Arboriculture Ltd is an ISO9001:2008 accredited company and is recognised and approved member of CHAS.

The weather conditions at the time of assessment were fair, with a light prevailing wind. Visibility was fair whilst surveying was undertaken.

Wharton Arboriculture Ltd
1c Atherstone Hill, Alscoot Estate, Atherstone on Stour, Stratford Upon Avon, Warwickshire CV37 8NF

t: 01789 459458 f: 01789 470887 e: info@whartontrees.co.uk

www.whartontrees.co.uk

 Institute of
Chartered Foresters
Registered Consultant

Director: Peter Wharton BSc(Hons) FArborA MICFor
Registered in England and Wales
Company No. 6676678
VAT Registration No. JM1421347

The scope of the survey and report is threefold:

- I. Undertake a visual assessment from ground level of trees detailed within the supporting documents of the Tree Preservation Order (TPO) application. No drilling, excavation or aerial inspections were carried out on this occasion for the purposes of this assessment.
- II. To assess the subsidence claim, associated reports and letters prepared on behalf of the applicant.
- III. To provide a letter based tree report in order for NWBC to determine TPO application 2014/0496, submitted on 19th September 2014.

Documents Provided

As way of reference the following documents have been provided to assist with the determination of this application:

- TPO Application by OCA UK Ltd, dated 19th September 2014;
- OCA UK Ltd Arboricultural Assessment Report, dated 31st January 2014;
- Cunningham Lindsey Engineering Appraisal Report, dated 7th January 2014;
- CET Site Investigation Factual Report, dated 2nd December 2013;
- CET Level and crack monitoring results over period 19th December 2013 to 5th November 2014; and
- NWBC location plans.

NWBC and Nuneaton and Bedworth Borough Council have also provided a copy of the Building Control records in respect of a retrospective application for construction of the single storey extension.

Background

Prior to my involvement much work has been undertaken by the claimant in order to assess the damage associated with the subject property, which is no.12 Walnut Close, Hartshill, CV10 0XH.

The subject property is understood to have been constructed in the 1990s, with a small single story extension being added to the northern side, in 2005, application reference 0543/2005. The extension is directly opposite the off-site trees, which are owned and managed by NWBC and were in existence prior to the extension being built.

At the time of the retrospective application, commentary was provided in relation to the building regulations information. The Building Control chronology specifically considers the trees.

It is understood from the commentary that foundations were to be excavated to 2.4m in depth if still in clay, or to stratified shale level if that is found at a higher level. A root barrier was to be installed and excavated to the side of extension to 2.5m deep and concreted in. The root barrier extends 2m either side of extension. It is assumed that this is a vertical root barrier. It would be my opinion that a root barrier installed to 2.5m depth may not have been sufficient to prevent roots passing beneath. Furthermore only extending to 2m either side of the extension may not be sufficient to stop roots entering from either side. The root examination by CET provides evidence to suggest that the root barrier has been compromised as live roots have been identified beyond it.

It is unclear from the Building Control records what, if any investigations were made of the foundations of the original dwelling.

Application Evidence

A number of letters, documents and reports have been prepared in relation to the current case dating back to December 2013, which include a site investigation report, engineering appraisal report, levels monitoring data and arboricultural assessment report. There have also been a number of emails provided in relation to the construction works, which have taken place.

On 2nd December 2013 CET undertook an inspection of the claimant's property. This inspection included an individual trial pit and deep datum borehole being excavated at the north-western front corner of the property, 0.6m from one another. The investigation concluded that the soil is a very stiff, light brown, slightly sandy silty clay with several sandstone and carbon nodules, to a depth of 4m.

The trial pit, located to the front of the building, confirmed that foundations associated with the extension, which is the subject to the claim, are only 450mm in depth front the existing levels. This is considered to be very shallow. Within the trial pit four roots were identified 3mm diameter to a depth of 600mm.

Within the borehole a further single root was identified at 900mm. The roots were all from the *Quercus* genus. It therefore leads to the conclusion, given the greatest movement is from the front corner of the building, it is likely that it is one or more of the oak trees near to the front being a prime causal agent.

Levels Monitoring Summary

Building levels monitoring data has been provided, which includes details of the results over the winter of 2013/14 and summer of 2014. There is a clear pattern of seasonal movement, with parts of the building showing upward recovery over the aforementioned winter, following by subsidence in the summer of 2014.

The data is from eight reference points around the complete property and data has been recorded six times. The graph of monitoring result prepared by CET shows greatest movement at points 4 and 5, which are on the northern elevation opposite the trees. The other stations appear to show subsidence in the summer and recovery in winter. The apparent reverse pattern of movement indicates that there is a slight movement of the deep datum.

In order to correct the anomaly station 1 should be used as the datum. In this way points 4 and 5 do still show seasonal movement pattern with the greatest being at station 4 of 28.9mm and 20.4mm at station 5. The datum also shows seasonal movement of 6.4mm, with all other points showing up to 5mm subsidence during the summer months.

The dates provided of levels monitoring start from 19th December 2013 and have therefore not recorded recovery movements that occurred during early autumn of 2013. In a similar vein the latest assessment of levels was November 2014, which is likely to be after soil recovery had started.

To date no arboricultural information beyond that detailed above has been provided to Wharton Arboriculture.

Heave Risk Potential

I agree with the Engineer's opinion that there will have been rehydration of the clay near the surface during April when the assessment was made. The drilling in April showed moisture content of 35% at 1m and 1.5m in depth. However, there was a significant reduction in moisture content to 18% at 2m, which increased slightly to 20% at 4m.

BRE Digest 412 'Assessment of desiccation in clay soils' gives a method for calculating the heave potential if a soil has become desiccated. For this calculation it is necessary to have a measure of the moisture content in the absence of any root activity. This would be considered a control borehole away from any trees. Unfortunately this has not been undertaken. It is therefore assumed that the moisture content without root activity would be 0.45 x Liquid Limit.

Attached is a table showing the method of calculation based on the BRE 412. This calculation provides, (when entered into a graph), similar profiles to that at 1m and 1.5m, which would be consistent with the rehydration of the clay that will have occurred during the winter. Beneath this the profiles are very different, symptomatic of considerable desiccation of the clay down to the base of the borehole at 4m.

Additionally to the above, it is apparent that the two profiles still differ at the base of the borehole at 4m. This would suggest that desiccation probably extends deeper. This is consistent with the result of the levels monitoring described below, which show the deep datum, installed at the bottom of the borehole, is subject to some seasonal movement. The estimate of heave would have been even greater if the borehole had been taken to the full depth of desiccation.

The heave potential calculations at the underside of the foundations suggest 109mm. This is only an approximate value, however this heave potential is very considerable. This is in direct conflict to the conclusion of the Engineering Appraisal Report, where it is concluded that the heave potential can be discounted:

"I conclude that this is not the case as no significant desiccation has been found in the soil samples over the depth in which the tree roots are present. The reason for the lack of desiccation is that the clay subsoil has rehydrated over the wetter winter months such that the moisture deficit that would have existed last summer has been replenished, and equilibrium moisture content has returned. Consequently, as there is no desiccation then there cannot possibly be any heave/swelling of the clay subsoil"

Whilst in agreement that the soil has rehydrated near the surface, the moisture content below 2m does indicate that considerable desiccation is still present extending to below the base of the borehole. Although no roots have been observed it illustrates that moisture-absorbing roots of oaks, which are particularly difficult to observe due to their inherent fine nature. This becomes even more problematic in a soil sample disturbed and obtained with a continuous flight auger.

The heave estimate of 109mm is in addition to the seasonal recovery recorded by the level monitoring. As detailed above the estimate of heave is approximate, however, even if it is a substantial overestimate, it indicates potential for considerable movement. Rehydration during a single winter only extends to 1.5m, it must be anticipated that it will take many years for the rehydration to extend to the full depth. It is therefore anticipated that on-going heave movements would remain for at least five years. As a result the movement would be sufficient to cause on-going damage.

With the above in mind specifically in relation to the potential heave element my opinion would be that the felling of the trees will not provide the wider objective and ensure "long-term stability of the building" as stated within the TPO application.

In order to stabilise the foundations it would be my opinion that an engineering solution, such as underpinning of the extension to at least the depth of the main dwelling will be required. The actual extent and depth of the main foundations associated with the property are not provided.

TPO Application

The TPO application is to fell 5no. oak trees contained within W1 of the TPO. Accompanying the TPO application is a letter from OCA UK Ltd that provides the statement of reasons.

There are five statements made which relate to various elements of the application with reason no.1 stating:

"The above tree works are proposed as a remedy to the differential foundation movement at the insured property and to ensure the long-term stability of the building"

As detailed with the potential heave estimation, the felling operations and grinding of stumps will not provide stability of the foundations. I would therefore recommend that this application be refused.

The reason for refusal must be clearly stated within the decision notice and I would suggest as follows:

- The evidence provided to support the application to fell 5no. oak trees, within W1 of the TPO, indicates that there is a very considerable potential for upward heave movement of the foundations if the trees were to be removed. Such movements would continue for many years and be likely to cause prolonged and on-going damage. Felling would not therefore be considered the most appropriate remedial action/remedy for the damage.

Where a TPO application is refused there is the potential for a claim for compensation for costs incurred consequent of refusal. If underpinning is required, there might be a claim for the cost of works. However, in my opinion any such claim can be refused on the grounds that compensation is not payable where loss of damage is attributable to failure to take reasonable steps to avert the loss or damage or mitigate its extent. The reasonable steps are to underpin.

Please note that the TPO application was originally submitted on 19th September 2014 via the planning portal and therefore valid from that date. The determination date for the application is eight weeks from that time and therefore should have been made no later than 19th November 2014. I was not formally instructed on this case until 1st December 2014, which is beyond the determination time.

Potentially the application could have been taken to appeal on the ground of non-determination, however to my knowledge currently there has not been a notice of appeal and therefore I assume this has not been taken. It is therefore still possible for NWBC to determine the application as detailed above.

Liability Implication to NWBC

The trees are owned and managed by the Council and there is a potential for the building owners or insurer's to claim damages against the Council for the costs of

repairs and underpinning. My opinion would be that this is resisted on the grounds that there are no steps that the Council could have taken to prevent the damage incurred. The evident deep-seated soil desiccation is likely to have been present when the extension was built. Retaining the trees would allow continued seasonal foundation movement, whilst felling would cause unacceptable heave movements and on-going damage. This is also referenced in the case of *Mr C Park and Mrs C Park v Swindon Borough Council* and although only a Swindon County Court decision does set a precedent for defence.

Conclusions and Recommendations

In conclusion, following the assessment of the documents submitted with the TPO application to fell 5no. oak trees within W1, which are situated on NWBC owned land. It is recommended that the application be refused.

This conclusion and opinion is based on the likelihood of heave, which would be an on-going problem if the trees were removed. There is evidence of subsidence through the process of seasonal movement, however the felling proposed would not be considered an appropriate remedy to this.

My recommendations and observations are based on the evidence and statements of reason provided within the TPO application. I have undertaken a number of calculations based on BRE Digest 412. However, please note that I am an arboricultural consultant and I would recommend that an engineer is also consulted to ensure they are in agreement within the conclusions of upward heave movement. Additionally the Councils legal team and insurers should be made aware of the situation and advice take in relation to specifically the reasonability tests.

My views, opinions and conclusions expressed within the above report are also supported by Dr P. G. Biddle *OBE, MA, D.Phil., FArborA*.

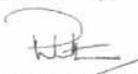
Trees are growing dynamic structures. Whilst reasonable effort has been made to identify defects within the trees inspected, no guarantee can be given as to the absolute safety or otherwise of any individual tree. No tree is ever absolutely safe due to the unpredictable laws and forces of nature. As a result of this, natural failure of intact trees will occur; extreme climatic conditions can cause damage to even apparently healthy trees.

Trees are living organisms whose health, condition and structure can change quickly and without warning. Therefore, the contents of this report are valid for a period of three year from the date of this survey. As such, it would be prudent for the tree discussed in this report to be re-inspected by a competent person where the frequency of inspection has been recommended

I trust that this will be of use to you in managing the oak trees and the associated movement of the neighbouring property. If you have any further queries please do not hesitate to contact me.

Kind regards,

Yours sincerely,



Peter Wharton BSc(Hons) Arb, FArborA, MICFor (Chartered Arboriculturist)
Wharton Arboriculture Ltd

(4) Application No: PAP/2014/0505

Land to rear of 29-41, New Road, Water Orton, B46 1QP

Erection of 6 new dwellings with access through the existing approved housing site, for

Mr Kinder Ubhi - Lioncourt Homes Ltd

Introduction

The application is reported to the Board for determination at the request of a local Member concerned about the potential impacts of the proposal.

The Site

This is a rectangular piece of land amounting to 0.14 hectares of garden land at the rear of numbers 43 and 45 New Road within a wholly residential setting. There are a number of detached frontage properties here along the north side of New Road whose rear gardens extend back to the railway line. The eastern end of the site at the rear of 45 backs onto the rear garden of number 47, and beyond this are the rear gardens of properties fronting Salisbury Drive.

The site and neighbouring land is illustrated at Appendix A.

Background

Planning permission was granted in 2008 at appeal for the demolition of one of the frontage properties referred to above in order to gain access to the rear gardens. That permission was for 31 houses in a series of two storey blocks and terraces and extended from numbers 29 to 41 and all the way back to the railway line. This development has been taken up and pre-development conditions have been discharged. It is therefore an extant permission.

These approved conditions relate to drainage and highway infrastructure. They were approved recently following consultation with the appropriate Agencies – the Highway Authority, Severn Trent Water Ltd, the County Flood Defence Authority and Network Rail.

The Proposals

It is proposed to extend the site east-wards taking in the rear of two further properties in New Road thus adding a further six dwellings. These would be in two blocks of three terraces on either side of an extended cul-de-sac. Three of these would back onto the railway and three back onto the remaining rear gardens of the New Road property. They would all be two storey developments matching the details already approved for the main site to the west. The rear elevations of the southern block would be around 30

metres from the rear of numbers 43 and 45. These three units would also have rear pedestrian access via a metre wide gated and locked access way.

The side elevations of both blocks – with only one obscurely glazed small window – would be around 32 metres from the rear elevations of property in Salisbury Drive. Twelve car parking spaces are proposed for the six new units.

The application originally included a contribution of £55k as an off-site contribution in lieu of on-site affordable housing provision.

Supporting documentation submitted with the application includes the following:

A tree survey identifies a number of trees on the site, all of which would be removed – four Ash trees; one beech, one sycamore, one holly and one eucalyptus. These are all categorised as being in fair condition but of low quality with estimated life expectancy of at least ten years, but unremarkable in character.

A Habitat survey concludes that no further surveys are needed as either no evidence was found of protected flora and fauna and because the site itself is unsuitable for other species. Bio-diversity enhancements are however recommended.

A Design and Access Statement explains how the proposed layout and appearance was arrived at relying heavily on the already approved adjoining scheme.

Representations

One letter says that there is no objection but is concerned about potential on-street car parking.

Two representations from residents in Salisbury Drive raise concerns about potential overlooking; the “tight” layout, the loss of habitat, the capacity and adequacy of the access arrangements, and the fact that more houses are being proposed.

Other representations from New Road residents are concerned with additional traffic from the six houses entering New Road; concerns about surface water flooding, drainage leaching to the railway, loss of trees and habitat and that work appears to be commencing on site.

Water Orton Parish Council – the Council echoes all of these concerns.

Consultations

Network Rail – No objection subject to a substantial number of measures which deal mainly with the construction methods employed at the site such as including tree removal close to the rail way line so as to reduce risks. These are measures that need to be agreed directly with Network Rail. They also wanted to see all drainage details so as to be assured that there would be no drainage onto the rail line. This has occurred and there are no objections.

Housing Officer – The contribution as originally proposed is appropriate and proportionate.

Fire Services Authority – No objection subject to a standard condition.

Warwickshire County Council as Highway Authority – No objection subject to conditions. Potential vehicle movements associated with the development would not be significant and no alterations to the existing highway network are required. Car parking is satisfactory as is the turning area.

Environmental Health Officer – No objections subject to conditions.

Severn Trent Water Ltd - No objection

Warwickshire County Council as Local Flood Authority – No objection

Development Plan

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

The North Warwickshire Core Strategy 2014 – NW1 (Sustainable Development), NW2 (Settlement Hierarchy), NW5 (Split of Housing Numbers), NW6 (Affordable Housing Provision) and NW10 (Development Considerations)

Other Material Planning Considerations

The National Planning Policy Framework 2012

The Government's "Planning Contributions (Section 106 Planning Obligations)" – November 2014.

Observations

It is important to recognise that the application the subject of this report is for an additional six houses to an already approved development. It is not therefore relevant to re-run planning policy matters associated with that already approved development or to question the detailed infrastructure arrangements recently approved for that site.

There is no objection in principle here. The site is within the development boundary of Water Orton and the Core Strategy identifies the settlement as a Local Service Centre capable of accommodating new housing development. The site itself is an extension of an existing approved scheme and wholly in a residential area and within walking and cycling distance from local services and different modes of public transport. Additionally there is an argument that land within settlements should be fully developed before green field land is developed. As a consequence this is sustainable development.

Following the Government's latest guidance on Section 106 affordable housing contributions on "small sites", and the Council's agreement to adopt this latest guidance, there is no longer a requirement here for any affordable housing provision. This has therefore been withdrawn by the applicant

The main issues here are therefore to assess the likely impacts arising from the development.

The design and appearance of the proposals matches that already approved on the adjoining land. The separation distances to the rear of existing property in New Road are acceptable, again similar to those in the adjacent site and those to Salisbury Drive are also appropriate given that the new development would have gable ends facing the existing houses with one small obscurely glazed window. The density is equivalent to that already approved in the appeal decision.

Car parking provision at 200% meets Development Plan requirements and thus unlikely to result in on-street car parking.

There is no ecological impact as shown by the submitted survey. Mitigation and enhancement measures have been included in the landscaping proposals submitted with the application in line with the recommendations of that survey.

Contact with Network Rail will resolve safety issues during construction and potential post-development issues. These are matters that the developer's attention has already been drawn to and would be repeated in any decision notice.

The Highway Authority has not objected to the use of the already approved access arrangements serving the larger adjacent development for the additional six houses. Indeed it is understood that Section 278 agreements might have already been signed for the main site.

Comments have been raised about the rear access provision for the block backing onto New Road. This will provide rear pedestrian access for refuse bins and general garden maintenance.

One of the main concerns raised here by the local community is the surface water drainage disposal measures to be installed on the larger adjoining site, as the discharge from the additional six houses proposed on the site under consideration here, would drain into that system when implemented. The original 2008 permission required a study to be undertaken to provide a sustainable drainage solution for that adjoining site via condition 10. With the sale of that site to Lion Court Homes, updated survey information was prepared and disposal measures were designed accordingly. That resulted in different information being supplied in order to discharge condition 10 to that originally anticipated under condition 10 for that site. Nevertheless that updated detail and the accompanying measures satisfied the evidence base needed by the various agencies, and they have now agreed those arrangements confirming that they provide a sustainable drainage system; that they will be sufficient in capacity to cater for the additional six houses and that Network Rail is satisfied with them too. In short the arrangements show the construction of a site contained permeable paving storage/soak away solution as opposed to a single point soak away. This enables the storage of a much greater volume of surface water and a significantly slower infiltration rate. The topography of the site is such that any storm exceedance flows would be directed towards the railway boundary and not the properties in New Road. Additional protection was added in this area to retain any excess flows on site. Network Rail as recorded above has no objection. In all of these circumstances there is no objection.

Recommendation

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

1. Standard Three year condition
2. Standard Plan numbers condition – Plan numbers WANR/11A received on 30/9/14; WONR/BLOCK 9 and 10/001, 2, 3 and 6 received on 5/2/15, WONR/21 received on 24/10/14, 14/402/01C received on 12/11/14, 14/026/502h, 14/026/514f and 514 1g received on 13/2/15 together with the ventilation and acoustic glazing details received on 13/2/15
3. The facing and roofing materials to be used shall match those approved under planning permission DOC/2014/067 dated 10/2/15.

REASON

In the interests of the visual amenities of the area.

4. No house hereby approved shall be occupied until the whole of the access arrangements onto New Road, the access road and the car parking and turning areas have been satisfactorily completed to the written satisfaction of the Local Planning Authority.

REASON

In the interests of highway safety

5. No vibro-impact equipment shall be used on site unless details together with a Risk Assessment and Method Statement have first been submitted to and approved in writing by the Local Planning Authority.

REASON

To prevent piling works and vibration from de-stabilising or impacting on the adjoining railway line.

6. No development shall take place until details of the measures to provide adequate water supplies and fire hydrants have first been submitted to and approved in writing by the Local Planning Authority. Only the approved measures shall then be installed.

REASON

In the interests of public safety.

Notes

1. The Local Planning Authority has met the requirements of the NPPF in this case through ensuring that there has been on-going discussion with the various Agencies in order to secure satisfactory details and infrastructure arrangements.
2. Attention is drawn to Sections 149, 151, 163 and 278 of the Highways Act 1980; The Traffic Management Act 2004, the New Roads and Street Works Act 1991 and all relevant Codes of Practice.
3. Attention is drawn to the attached comments provided by Network Rail in respect of this development particularly to those matters not already dealt with through the approved plans or the conditions attached above.

BACKGROUND PAPERS

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

Planning Application No: PAP/2014/0505

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	9/10/14
2	Parish Council	Objection	19/10/14
3	Case Officer	E-mail	20/10/14
4	Parish Council	E-mail	20/10/14
5	Mr & Mrs Kelly	Objection	15/10/14
6	Network Rail	Consultation	21/10/14
7	Applicant	E-mail	22/10/14
8	Applicant	E-mail	21/10/14
9	Applicant	E-mail	22/10/14
10	Fire Services Authority	Consultation	27/10/14
11	AD Housing	Consultation	27/10/14
12	Representation	E-mail	30/10/14
13	Applicant	E-mail	28/10/14
14	S Kelly	Objection	28/10/14
15	Case Officer	E-mail	30/10/14
16	WCC Highways	Consultation	27/10/14
17	Applicant	E-mail	07/11/14
18	Environmental Health Officer	Consultation	14/11/14
19	Environmental Health Officer	Consultation	19/11/14
20	Case Officer	E-mail	16/12/14
21	Case Officer	E-mail	16/12/14
22	Severn Trent Water Ltd	Consultation	7/1/15
23	WCC Flood Defence	Consultation	2/2/15
24	Case Officer	E-mails	13/2/15
25	Mr Rees	Objection	19/2/15
26	Mr & Mrs Kelly	Objection	19/2/15
27	Parish Council	Objection	19/2/15
28	Case Officer	E-mails	20/2/15
29	Applicant	E-mail	20/2/15

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.





Blue line denote existing approved site
Red line denote proposed site application

RECEIVED
30 SEP 2014
North Warwickshire
Borough Council

Rev A: 2009/14 - Red line and Blue line approved A2

Lioncourt Homes
Lioncourt House, 3 Agor Park,
Walnwright Road, Worcester, WR4 5FN
www.lioncourthomes.com

Tel: 01902 734167 Fax: 01902 625781

Project: New Road, Walter Otton

Title: Site location plan

WWR11			
Drawn By:	Date:	Scale:	Revision:
KJ	07/14	1:500 @ A3	A



- (5) Application No: PAP/2014/0399
 Application No: PAP/2014/0569
 Application No: PAP/2014/0157
 Application No: PAP/2014/0433
 Application No: PAP/2014/0446
 Application No: PAP/2014/0302
 Application No: PAP/2014/0301

INTRODUCTION

a) Updated Information

Application Number	Address	Application Type	Number of dwellings Proposed
PAP/2014/0399	4 Warton Lane, Austrey	Outline Planning Application With details of means of access, appearance, layout and scale	3 dwellings
PAP/2014/0569	Crisps Farm Church Lane Austrey	Outline Planning Application With details of means of access.	40 dwellings
PAP/2014/0157	Applegarth and The Croft, Norton Hill, Austrey	Outline Planning Application With details of means of access.	14 dwellings
PAP/2014/0433	Land Adjacent And Rear Of Manor Croft, Newton Lane, Austrey	Outline Planning Application With details of means of access, layout.	5 dwellings
PAP/2014/0446	Land North Of Manor Barns, Newton Lane, Austrey	Full Planning Application	30 dwellings
PAP/2014/0302	Land Adjacent The Headlands, Warton Lane, Austrey	Outline Planning Application With details of means of access.	10 dwellings
PAP/2014/0301	Land South of Pumping Station Warton Lane Austrey	Outline Planning Application With details of means of access.	4 dwellings

The above applications were first reported to the Planning and Development Board on 10 November 2014. The Board resolved to visit all of these application sites, and this took place on 10 January 2015. A note of the site visit is attached as **Appendix A** to this section of the report.

The introductory section to the November 2014 report is attached at the foot of this introductory item as **Appendix B**. The November report should be read in conjunction with this current report and regard should be had to its content when determining the associated planning applications.

It is proposed to report and to make recommendations on each of the applications separately in the agenda items that follow. However, by way of background there are a number of issues that are common to some, or all, of the applications in Austrey, so to avoid repetition, they are detailed in this introductory section.

Furthermore, there have been a number of material changes in circumstances since the report to Board in November which are common to, and impact on, the decisions in respect of these applications and these will also be identified in this introduction.

Five Year Housing Land Supply

It is important to first note that the achievement of the five year supply of housing land is not a static matter. It is a five year rolling figure. There is a constant need to maintain an up to date supply of deliverable housing land. It is therefore influenced by the passage of time; the grant of new planning permissions and the failure to take up planning permissions granted and their subsequent expiry.

The Council's most up to date position is contained within the Council's Annual Monitoring Report dated 30 September 2014. This sets out that in September 2014 the Borough Council had a housing supply of 6.6 years, exceeding the 5 year figure plus the additional 20% flexibility factor due to historical undersupply as required by the NPPF (not 6.3 years, as incorrectly stated in the November 2014 report).

Notwithstanding the fact that the Council does not acknowledge any current shortfall (when applying the 5 year + 20% housing land supply), it should be noted that even in this position, because of the factors referred to above, it does not automatically follow that in every instance the development of land for housing should be refused solely because of the presence of a five year supply. It is necessary to balance this against an assessment of whether the development comprises sustainable development and whether there are any other material considerations which weigh against the proposal.

Affordable Housing and Tariff Style Financial Contributions

At the time of submission of these applications planning policy sought contributions for the provision of affordable housing from all viable development in accordance with location and size thresholds as set out in Policy NW6 of the Core Strategy. The applications reflected this position in their development proposals and the affordable housing requirements were set out in the recommendations of the report to Board in November 2014. However, 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.

As such 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). Thus, the only schemes that will have an ongoing affordable housing and/or open space requirement will be the proposals for 40 dwellings at Crisps Farm; the 14 dwellings at Applegarth/The Croft and the 30 dwellings at the Land North of Manor Barns.

Drainage

By way of introduction to the issues associated with land drainage in the locality of the development sites it is appropriate to first establish some matters of fact.

Some objectors have expressed a belief that some of the application sites lie within Flood Zone 3a. This is incorrect. The nearest such flood zone is 1.5 Km away. The photograph below illustrates Flood Zone 3 as the orange block and the solid red line depicts the distance between the flood zone on the eastern side of the motorway and the vicinity of the application sites.



The Environment Agency's Flood Map shows that the proposed development sites all sit entirely within an area that is considered to be outside of a flood risk zone with minimal risk of flooding from river or sea, i.e. NPPF Flood Zone 1.

In these circumstances a Flood Risk Assessment (FRA) would only be an absolute requirement of a planning application if the area of the site was one hectare or more. None of the sites in the vicinity of Warton Lane are of that extent. The application at Crisps Farm exceeds 1hectare and is accompanied by an FRA.

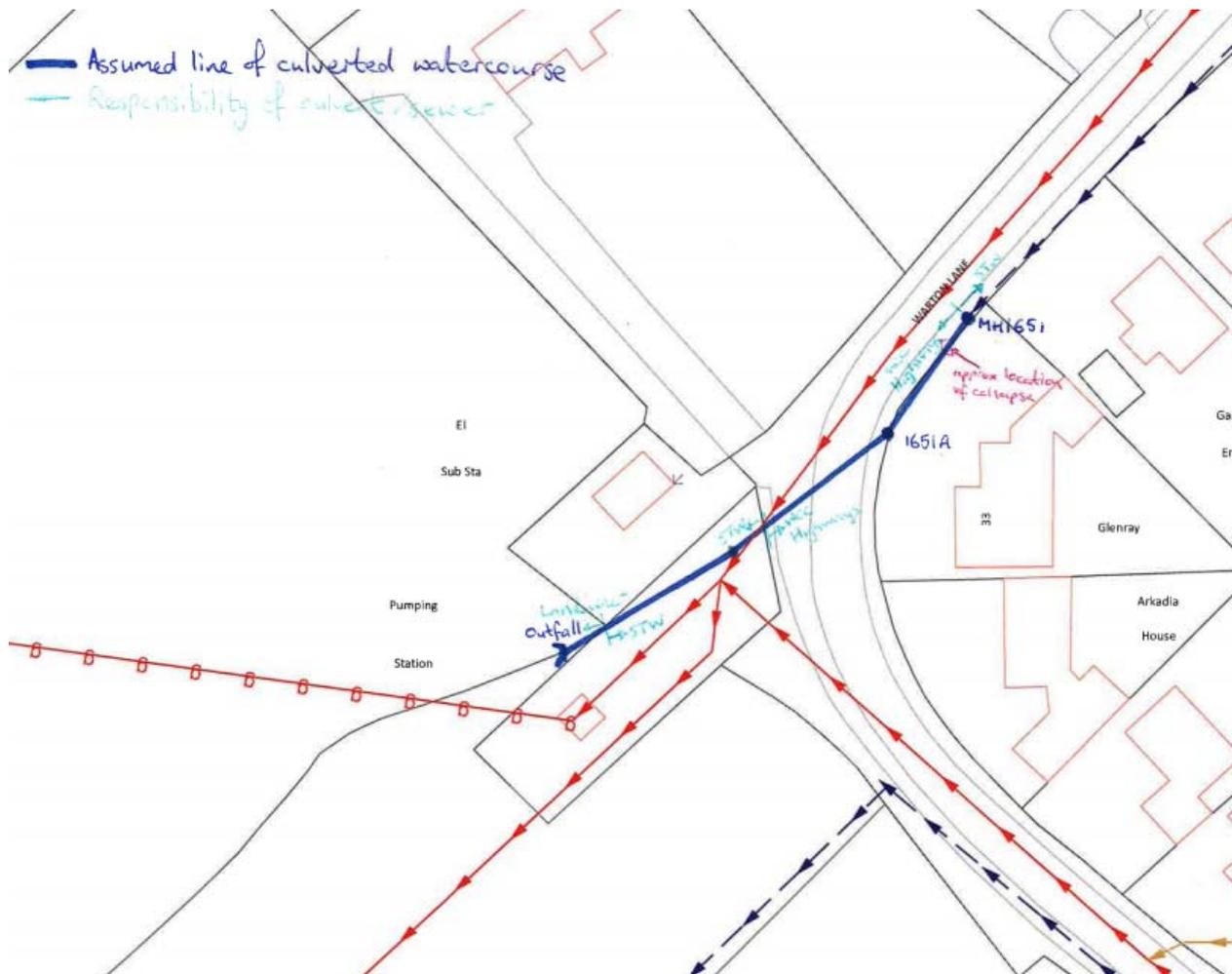
The sites neither lie within a Groundwater Source Protection Zone.

Notwithstanding that there is no absolute requirement for Flood Risk Assessment; the Council has undertaken a lot of work – as reported below - to understand the historic reports of surface water flooding on the northern side of the village and to ensure that if planning permissions were granted, the addition of new dwellings would not exacerbate the risk of surface water flooding.

Land Drainage Investigations

The applicants and their agents; officers of the County Council as the Lead Local Flood Authority, representatives of Severn Trent Water Ltd, officers of Warwickshire County Council as the Highway Authority and planning officers from North Warwickshire Borough Council have now met on two occasions to explore the situation. The applicants have each submitted drainage statements for their respective proposals and the prospective developers of the site known as Land North of Manor Barns have commissioned and submitted a camera survey of the drains in the vicinity of Warton Lane and shared the findings with all of the prospective developers.

The drainage environment along Warton Lane is complex, in that different Authorities and individuals have ownership and maintenance responsibilities for different sections (see the illustration below). Research has established who owns which sections and the various drainage Authorities have given commitments that they will programme any repair works found to be necessary. Severn Trent Water Ltd has given a commitment that it will address a number of identified defects. The highway gullies and connections to the sewer that are the responsibility of Warwickshire County Council County Highways, have been recently cleansed and jetted, and with the exception of a gully at the junction of Warton Lane and Newton Lane, all are running. County Highways has indicated that it will raise the matter as a defect and put it forward in its drainage investigation programme. The overall conclusion from the various Authorities is that though there are some identified defects they are not compromising overall capacity of the sewer and that the sewer has adequate capacity.



The prospective developers have all established that their sites may be drained in such a manner that surface water discharge is limited to no more than current run off rates. The use of planning conditions can secure this as a requirement.

On the above basis the County Council as the Lead Local Flood Authority confirms that it would not oppose the applications on the grounds of flood risk.

Ground conditions on the development sites will need to be tested to establish if the use of infiltration drainage may be feasible, however, the known geology in this locality suggests that on site infiltration is unlikely. The fall-back position will be the installation of storage and restricted discharge.

Resolution of Known Flooding Problems

It is important to note that it is not the responsibility of any of the developers to remedy a known flooding problem for which they are not responsible. It is imperative that it is proven that they will not worsen the existing problem, but if they have done this and it can be shown that the cause of the flooding lies with the actions or inactions of other land owners, or the actions or inactions of the responsible drainage authorities, then planning permission cannot be withheld on the basis of flood risk. This is the very strong position as outlined in the NPPF.

Notwithstanding this, the applicants have collectively sought to do what they can to understand the causes and impediments to the free flow of surface waters in the locality. Where appropriate they have acted to remedy some of the causes where the applicants have had responsibility for contributory factors i.e. the owner of land at The Headlands has cleared the small section of the culvert located on land within his ownership.

Measures beyond the influence of the applicants that will assist in improving the known flooding issues within Austrey include:

- rectification of the defects identified to the public sewer in Austrey;
- regular clearance of the gullies in Warton Lane by Warwickshire County Council;
- adequate maintenance of field drainage upstream of Austrey to minimise the volume of runoff entering the village; and,
- works by statutory undertakers to remove the potential influence of their plant on the performance of the culvert.
- repair of the collapse in the culverted watercourse in Warton Lane by the appropriate riparian owner;

As detailed above, the various statutory undertakers have given commitments to address the areas for which they have responsibility. The outstanding issue, over which the applicants have no control, is the latter point relating to the repair of the collapse in the culverted watercourse by the riparian owner.

The Neighbourhood Plan

The Austrey Neighbourhood Plan has been revised since the November 2014 report. The version promoted at that time was not supported and consequently did not proceed to formal consultation. It has been re-written, including changes in respect of the sites now promoted for housing in the village.

The Draft Plan is now out for the first six week consultation period. The Draft Neighbourhood Plan (NP) contains a useful breakdown of the steps that the document will need to pass through to achieve adoption (see below). The current version of the plan is at 'Step 1'.

NEXT STEPS

Neighbourhood Plans must follow a rigid examination, consultation and approvals process before they can be accepted as a legal document. This involves the following steps:

- 1 6 weeks consultation period, where members of the local community, together with any external stakeholders, are invited to review and comment on the contents of the plan.
- 2 The Parish Council will review the feedback and make any necessary amendments to the Plan.
- 3 The Parish Council will submit the finished Plan to North Warwickshire Borough Council for publication. Stakeholders then have a further 6 weeks to submit their comments.
- 4 The Parish Council will work with the Local Authority to appoint an independent examiner who will check that the Plan meets all the necessary conditions.
- 5 Following any modifications required by the examiner, the Plan is submitted to a local referendum for residents of Austrey.
- 6 **If a majority of residents participating in the referendum vote to accept the Plan, the Borough Council is legally obliged to adopt its policies as part of their Local Plan, alongside the Core Strategy.**
If a majority of residents participating in the referendum vote to reject the Plan, the process must start again from the beginning.

Though the NP is an indicator of the direction that the village planning team wish to take, it is at a very early stage in the process and its content can be given very little weight in the determination of these planning applications.

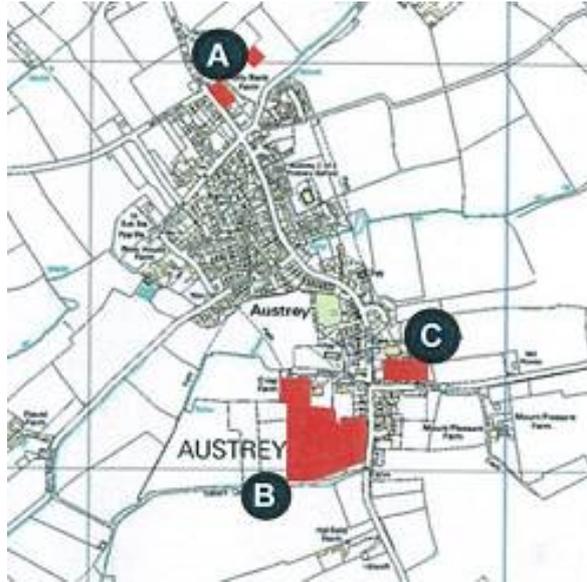
Nevertheless in respect of new housing the Draft NP now sets the following provisions for Austrey.

It seeks to allocate land for 57 dwellings across three sites in the village.

PROPOSED SITES FOR DEVELOPMENT

This Plan supports the planning applications submitted for the following three sites:

- A. Application PAP/2014/0296**
Hollybank Farm, No Mans Heath Lane
Demolition and replacement of farm buildings, and construction of 3 x 4 bedroomed bungalows
- B. Application PAP/2014/0569**
Crisps Farm / Glebe Field
Construction of up to 40 dwellings of various types and sizes, and incorporating a proportion of affordable housing, a village green with children’s play area, and parking for St. Nicholas Church and the village hall
- C. Application PAP/2014/0157**
Applegarth / The Croft, Norton Hill
Construction of 14 homes of various types and sizes, incorporating a proportion of affordable housing and an area of community green space



The Draft NP indicates that the sites have been selected on the following basis:

CRITERIA FOR SELECTION OF SITES

At the time of writing, 9 separate planning applications have been submitted to NWBC, covering 111 potential new dwellings in Austrey.

Each of these has been considered in detail by the Parish Council, together with a Steering Group of representatives from all ends of the village.

Each site was reviewed on its own merits, taking into consideration any particular advantages or disadvantages that each proposed development might bring.

Each site was then rated against a set of criteria provided by an independent planning consultant, as follows:

- Proximity to shop and village centre
- Proximity to other amenities (church, chapel, village hall, school, pub)
- Requirement for the type of housing planned
- Additional benefits or risks to the community (e.g. parking for the village hall; increased risk of flooding)
- Visual impact, particularly with regard to listed buildings and/or the rural landscape and views
- Any other considerations (e.g. improvement of existing brownfield site)

Only those sites scoring higher than 50% have been included in this Plan.

The following policies are applicable:

POLICY AP11: For the period to 2029, development in the Parish of Austrey must be limited to the 3 sites identified (Hollybank Farm; Crisps Farm / Glebe Field; Applegarth / The Croft) plus any windfall sites as outlined in AP12.

This will not only meet the minimum requirements of NWBC’s Core Strategy, but also takes into account the anticipated request for further housing to support the shortfall in neighbouring Tamworth.

The three sites included in this Plan are those already included in NWBC’s Site Allocations Plan (Refs. AUS2/9, AUS4 and AUS14). According to detailed sustainability and other assessments carried out by NWBC, these sites are suitable for development.

POLICY AP12: It is accepted that there will be additional “windfall” development over the period of this Plan, but this will only be permitted where:

- it relates to small scale development of no more than 5 dwellings
- it adjoins the existing building line, or relates to an “infill” site
- it helps businesses to create local employment without adverse impact on the rural landscape
- the proposed site is not adjacent to that of an important listed building or its curtilage
- it complies with other policies laid out in this Plan
- it relates to renewable energy projects or new transport links that have no adverse impact on the landscape or residents
- it meets the requirements of national and local building standards

b) General Introductory Remarks

There are a number of general comments that should be made at this time as the outstanding applications are being dealt with in one overall report because of the need to look comprehensively at Austrey. In this respect the publication of the draft Neighbourhood Plan is also timely. It is considered that the comments below should assist Members in their determination of the cases treating them equally and fairly. It is important to point out that each application should be dealt with on its own individual merits. They should certainly not be dealt with “competitively”.

The Core Strategy and Scale of Housing in Austrey

This is perhaps the one central issue that will be at the front of Member’s views when dealing with these applications. It is therefore worth exploring the nature of this at the commencement of this report.

The Council’s Core Strategy indicates that the village should accommodate growth for a minimum of 40 dwellings. It does however indicate that a Neighbourhood Plan may allocate more. As reported above the emerging Neighbourhood Plan does indeed propose to allocate a larger number of units (presently 57). The Core Strategy number relates to new housing allocations over and above what might be termed “windfall” development through infilling, conversions or redevelopment for instance. It is noteworthy that the draft Neighbourhood Plan also includes a policy on housing over and above the 57 that it identifies. This clearly accepts that additional housing can be supported, albeit subject to a list of criteria – see AP12 in the Section above. The Core Strategy policy also says that the new housing will usually be on sites of no more than 10 units, however, it is important to acknowledge that the policy uses the word ‘normally’, indicating that there will be scope for larger sites at times. One of the draft Neighbourhood Plan’s criteria for additional housing refers to no more than five on a site. The fact that the Draft Site Allocations Plan and the Draft Neighbourhood Plan have both allocated sites which significantly exceed 10 units and that they both support additional development, is testament to the fact that a limit of 5 or 10 units should not be adhered to in all instances. In short each application should be determined on its own merits.

It therefore follows that the Board should be aware that adopting a “numbers” game in respect of the determination of these applications is not going to carry weight in an appeal situation.

Impact on Character and Local Distinctiveness

This again is a matter which Members will clearly need to take into consideration when they determine these applications. It is however relevant that there are no adopted landscape, heritage or design designations for Austrey. This lack of supporting documentary evidence to support potential refusal reasons may lead to some difficulty in an appeal situation. The Council has already had experience of this – e.g. in Newton Regis and Grendon. However the draft Neighbourhood Plan does draw attention to the “green ring” around the village and to the significance of views into and out of the village. These matters will carry some evidential weight. Much will depend on the individual circumstances of each site and a key question would be whether the development proposal would materially affect the overall character of the village.

Members will also be asked by objectors to assess whether the amount of new development is above that which the village can accommodate due to lack of services. It is noteworthy that the County Council as Education Authority has not objected and that the owners of existing businesses and services in the village have not objected. Any potential refusal reason based on these grounds would need substantial evidential support if it is to stand the test at appeal.

Technical Issues and NPPF Guidance

Objections and representations have been submitted to these applications referring to the potential adverse impacts on highway safety and drainage infrastructure. Clearly Members will wish to see the responses from the various Agencies in these regards when they look at each application. However it is prudent at this stage that attention is drawn to the actual wording of the NPPF.

The NPPF's advice on drainage issues is referred to above in the various drainage updates. The actual wording in paragraph 103 says that Local Planning Authorities should "ensure that flood risk is not increased elsewhere", and that "development is appropriately flood resilient and resistant, giving priority to sustainable drainage systems".

In respect of highway impacts then Members attention is again drawn to the NPPF and in this case, paragraph 35, which says that, "Development should only be prevented or refused on transport grounds where residual cumulative impacts of development are severe".

Members should bear these two paragraphs in mind when assessing these matters as these are the determinants against which any appeal Inspector would base his or her analysis.

Order of Consideration

Finally, there are seven applications contained in this one overall report. Given all of the matters referred to above in respect of numbers and impacts, it is important that a "running order" is decided for the determination of these cases. It is recommended that the Board considers the seven planning applications in the order set out below because it represents the most appropriate planning approach. The application within the current Development Boundary should be dealt with first, followed by the two that are reflected in the draft published documents of the Borough and Parish Council - the "allocated" sites – and that the remaining cases are then dealt after this. Those four are to be dealt with in geographic order with the two bounded by existing roads and adjoining the current development boundary dealt with first. Members are free to select a different order if they wish, but reasons will have to be made explicit as in the event of appeals should applications be refused, there may be a challenge to that order. That is not to say of course that the recommended order below would not itself come under scrutiny in the event of refusals.

Application No: PAP/2014/0399 – The site is already in the development boundary for Austrey.

Application No: PAP/2014/0569 – The site is beyond the development boundary but allocated as a site in the Draft Site Allocations Plan and in the Neighbourhood Plan.

Application No: PAP/2014/0157 – The site is beyond the development boundary but allocated as a site in the Draft Site Allocations Plan and in the Neighbourhood Plan.

Application No: PAP/2014/0433 – This site is partly within and partly beyond the development boundary for Austrey but it is not allocated as a site in the Draft Site Allocations Plan or the Neighbourhood Plan.

Application No: PAP/2014/0446 - This site is beyond the development boundary for Austrey and not allocated as a site in the Draft Site Allocations Plan or the Neighbourhood Plan.

Application No: PAP/2014/0302 – Similarly this site is beyond the development boundary for Austrey and not allocated as a site in the Draft Site Allocations Plan or the Neighbourhood Plan.

Application No: PAP/2014/0301 – The site is beyond the development boundary for Austrey and not allocated as a site in the Draft Site Allocations Plan or the Neighbourhood Plan.

Note of Members Site Visit to Austrey 10 January 2015

Present

Erica Levy – Case Officer
Councillor R Sweet
Councillor D Butcher
Councillor J Winter
Councillor J Moore
Councillor N Dirveiks
Councillor L Dirveiks
Councillor H Phillips
Councillor M Simpson
Councillor M May
Councillor D Humphreys
Councillor G Sherratt

The site visit commenced at 10.20am.

Attendees met at The Bird in Hand Public House car park and proceeded to walk to the first site.

PAP/ 2014/0569	Crisps Farm Church Lane Austrey	Outline Planning Application With details of means of access.	40 dwellings
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Councillors approached the site via Church Lane and the existing farm yard. Access was afforded by Mr E Walker.

It was confirmed that the farm buildings would be demolished as part of the proposal and that the proposed village green would be at that position.

Councillors were shown a copy of the application Master Plan for reference.

Councillors entered the site to view the open farm land forming the site. The western and southern boundaries of the application site were established.

It was identified that there was an ongoing dialogue with the applicant about the extent of the site and the density of the proposed development.

The visit proceeded back to Church Lane and Councillors walked along Main Road to the position of the proposed site access, opposite the Village Hall.

Councillors were shown a copy of the plan showing the proposed access and car parking provision for the use of the village hall for reference.

Councillors were advised that there had been a discussion about the adequacy of the car parking, its proximity to the Village Hall and its effect on the amenity of the occupiers of the adjacent property.

The visit proceeded on foot to the next site:

PAP/ 2014/0157	Applegarth and The Croft, Norton Hill, Austrey	Outline Planning Application With details of means of access.	14 dwellings
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The site was viewed from Norton Hill, firstly considering the relationship of Bembridge House to the proposed development site and then at a position adjacent to The Cottage and its garden. Then the party moved into the site via the entrance to The Croft and entered the field to the rear of The Cottage. The small area of orchard was noted and the eastern extremity of the site boundary was identified. The approximate position of the dwelling closest to The Cottage and Bembridge House was identified with reference to the drawing numbered 759 06 (the layout option which incorporated an area of open space to the rear of The Cottage).

Councillors expressed real concern about the effect of the levels of the land and the degree to which the new properties would dominate the existing properties at The Cottage and Bembridge House. They were also concerned about the dominance in the street scene from Norton Hill. The possibility of that area of the site being reduced in height, the possibility of the development being limited to bungalows only and the possibility of the area remaining free from development, with a consequent reduction in housing numbers, were all mentioned by Councillors. The degree to which Bembridge House would be 'surrounded' was discussed by Councillors.

The party proceeded to view the remainder of the site from the entrance to Applegarth. Concern was expressed about the effect of the development on the existing dwelling irrespective of the fact that the current occupier of Applegarth is one of the applicant's and their family. The position of existing trees in relation to the proposed development was considered.

The visit proceeded by vehicle to the next site:

PAP/ 2014/0399	4 Warton Lane, Austrey	Outline Planning Application With details of means of access, appearance, layout and scale	3 dwellings
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The Councillors noted the position of the application site from Warton Lane, noting the presence of tall trees in the rear garden to the property. Councillors were advised that the site lay within the development boundary for Austrey. The party proceeded into Yew Tree Close as far as the position of the proposed access, noting the unsurfaced nature of the roadway and the absence of street lighting.

Councillors were shown the plan numbered 9230.02 for reference.

The visit proceeded on foot to the next site:

PAP/ 2014/0446	Land North Of Manor Barns, Newton Lane, Austrey	Full Planning Application	38 dwellings (possibly reducing to 30)
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The Councillors approached the site from the Warton Lane end of Newton Lane, stopping to view the site from the entrance drive to Dovecote Grange. The location of the property known as Poacher's Pocket was pointed out and Councillors were advised that the occupiers of Poacher's Pocket had invited them to view the site from the property if they chose. It was explained that long views of the property were possible across the application site further along Newton Lane. Councillors chose not to visit the property because they could clearly see the effect of the proposed development on that property from the public road. From Newton Lane Councillors could see the large amount of windows in the property and see that the property presently had an open aspect across the application site.

The location of the proposed new access was identified. Councillors noted evidence of a road traffic accident, where it appeared that a vehicle had left the carriageway on the bend of the road and driven into the hedgerow that bounds the site.

Councillors were referred to two site layout plans. The first showing the current proposal for 38 dwellings (drawing number 1343/11 Rev C) and a potential revision showing a reduction to 30 dwellings (drawing number 1343/11 Rev E).

Councillors expressed concern that the scale of the development was too great in this edge of settlement location and that the design and density was inappropriate.

The visit proceeded on foot to the next site:

PAP/ 2014/0433	Land Adjacent And Rear Of Manor Croft, Newton Lane, Austrey	Outline Planning Application With details of means of access, layout.	5 dwellings
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Councillors walked to the Newton Lane edge of the application site and were shown the position of the proposed access. They were referred to the drawing numbered 9256.02.

The position of the tree recently protected by a preservation order was pointed out. The relationship to the existing dwelling on Newton Lane was discussed, particularly in relation to the side elevation windows and the maintenance of privacy, and the relationship to the proposed development in application PAP/2014/0446 was explained.

An opinion was expressed that the dwelling at Plot 1 was inappropriate and that it would be preferable if the frontage were for access only with the proposed new dwellings situated to the rear of the plot.

The visit proceeded on foot to the next site:

PAP/ 2014/0302	Land Adjacent The Headlands, Warton Lane, Austrey	Outline Planning Application With details of means of access.	10 dwellings
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The proposal to remove the roadside hedgerow and form a new pedestrian footway was explained. Discussion followed about the merits of a roadside footway verses a footway situated in the field to the rear of the hedgerow and the merits of retaining the existing hedgerow versus the merits of planting a replacement.

Drawing Number 14/39 03E was referred to.

The extent of the application site was pointed out.

The position of the proposed access to Newton Lane was pointed out. It was noted that the ground level within the side was significantly higher than the roadside at this point (approximately 4 foot higher).

There was some discussion about whether it was necessary to serve the site with two separate accesses. The possibility of a single access off Warton Lane alone was suggested.

When asked whether this was the site where a TPO tree had been felled it was confirmed that yes this was the site. The approximate former position of the tree was identified.

The visit proceeded on foot to the next site:

PAP/ 2014/0301	Land South of Pumping Station Warton Lane Austrey	Outline Planning Application With details of means of access.	4 dwellings
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Councillors raised the issue of surface water flooding. They were given a short update on the officer's engagement with the applicants', the highway authority and the drainage authorities' to understand the drainage implications of the proposed developments.

The position of the proposed access and the extent of the development site were established. The plan numbered 14/39 04F was referred to.

The condition of the tree adjacent to the access was mentioned.

The site visit ended at approximately 12.15pm.

General Development Applications

APPENDIX B

- (#) Application No: PAP/2014/0446
- (#) Application No: PAP/2014/0433
- (#) Application No: PAP/2014/0302
- (#) Application No: PAP/2014/0301
- (#) Application No: PAP/2014/0157
- (#) Application No: PAP/2014/0399
- (#) Application No: PAP/2014/0569

INTRODUCTION

In recent months a significant number of planning applications have been received proposing new housing across the settlement of Austrey. The various applications are set out in the table below.

Application Number	Address	Application Type	Number of dwellings Proposed	Planning Context
PAP/2014/0446	Land North Of Manor Barns, Newton Lane, Austrey	Full Planning Application	38 dwellings (13no: 3 bedroom houses; 3 no: 2 bedroom bungalows; 10 no: 2 bed houses and 12 no: 1 bed apartments)	Outside Development Boundary Not allocated in the Site Allocations Plan Not allocated in the Draft Neighbourhood Plan
PAP/2014/0433	Land Adjacent And Rear Of Manor Croft, Newton Lane, Austrey	Outline Planning Application With details of means of access, layout.	5 dwellings	Mostly Outside Development Boundary Not allocated in the Site Allocations Plan Not allocated in the Draft Neighbourhood Plan

PAP/ 2014/0302	Land Adjacent The Headlands, Warton Lane, Austrey	Outline Planning Application With details of means of access.	10 dwellings	Outside Development Boundary Not allocated in the Site Allocations Plan Allocated in the Draft Neighbourhood Plan
PAP/ 2014/0301	Land South of Pumping Station Warton Lane Austrey	Outline Planning Application With details of means of access.	4 dwellings	Outside Development Boundary Not allocated in the Site Allocations Plan Allocated in the Draft Neighbourhood Plan
PAP/ 2014/0157	Applegarth and The Croft, Norton Hill, Austrey	Outline Planning Application With details of means of access.	14 dwellings	Outside Development Boundary Allocated in the Site Allocations Plan Allocated in the Draft Neighbourhood Plan
PAP/ 2014/0399	4 Warton Lane, Austrey	Outline Planning Application With details of means of access, appearance layout and scale	3 dwellings	Inside Development Boundary

PAP/ 2014/0569 NB Application received and currently being checked to ascertain that it is a valid planning application. Consultation yet to be undertaken	Crisps Farm Church Lane Austrey	Outline Planning Application With details of means of access.	40 dwellings	Outside Development Boundary Allocated in the Site Allocations Plan Allocated in the Draft Neighbourhood Plan
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It is a very rare occurrence that so many proposals are submitted seeking housing development in the same settlement in such a short period of time. Whilst it is appropriate to consider each proposal as a separate entity, on its merits, it is also appropriate to have regard to the wider picture across the settlement.

This section of the report will set out the policy context that applies in respect of all of the applications looking at Development Plan Policy and identified housing need as well as setting it in the context of NPPF guidance.

CONTEXT

Development Plan:

North Warwickshire Core Strategy (October 2014):

The North Warwickshire Core Strategy was adopted on 9 October 2014. There is consequently a material change in the weight to be afforded to its policies. It is up to date, adopted and in accordance with the NPPF. It will be afforded full weight.

The following Strategic Objectives of the Core Strategy are relevant to the above planning applications:

- SO1 – To secure a sustainable pattern of development reflecting the rural character of the Borough
- SO2 - To provide for the housing needs of the Borough
- SO6 - To deliver high quality developments based on sustainable and inclusive designs
- SO7 - To protect and enhance the quality of the natural environment and conserve and enhance the historic environment across the Borough
- SO8 - To establish and maintain a network of accessible good quality Green Infrastructure, open spaces, sports and recreational facilities
- SO9 – To ensure the satisfactory provision of social and cultural facilities

The following Policies of the Core Strategy are relevant to the above planning applications:

- 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
- NW22 - Infrastructure

Policy NW1 indicates that planning applications that accord with the policies in this Core Strategy (and where relevant, with other policies in Neighbourhood Plans) will be approved without delay, unless material considerations indicate otherwise.

Policy NW2 sets out the Settlement Hierarchy in the Borough indicating the type of development that will be suited to different categories of settlements. Newton Regis is identified as a Category 4 settlement because it has limited facilities and accessibility and is deemed to be in the lower order of sustainable locations for new development. Policy NW2 sets out that development will be limited to that identified in the Core Strategy or has been identified through a Neighbourhood or other locality plan.

NW2 also indicates that development for affordable housing outside of development boundaries will only be permitted where there is a proven local need; it is small in scale and is located adjacent to a village.

Policy NW4 sets the minimum number of dwellings (3,650) that are required across the Borough throughout the plan period. It confirms that there should be a variety of types and tenures that reflect settlement needs and that development will only occur if the appropriate infrastructure is available or can be made available and sites will be released in order to ensure a consistent delivery of housing for the Borough.

Policy NW5 indicates the split of housing according to a settlement hierarchy. In respect of Austrey, it is identified as one of the Category 4 settlements, and it is set out that it will cater for a minimum of 40 units, usually on sites of no more than 10 units at any one time depending on viability. It confirms that a Neighbourhood Plan may allocate more.

Policy NW6 sets out the requirements for affordable housing. On schemes of 15 or more dwellings 30% of housing provided on-site will be affordable, except in the case of Greenfield (previously agricultural use) sites where 40% on-site provision will be required. On schemes of between 1 and 14 inclusive units 20% affordable housing provision will be provided. This will be achieved through on site provision or through a financial contribution in lieu of providing affordable housing on-site. This will be calculated using the methodology outlined in the Affordable Housing Viability report or subsequent updated document and is broadly equivalent to on-site provision.

North Warwickshire Local Plan 2006 (Saved Policies):

- ENV4 – Trees
- ENV8 – Water Resources
- ENV10 - Energy Generation and Energy Conservation
- ENV11 - Neighbour Amenities
- 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)
- HSG4 – Densities
- TPT1 - Transport Considerations in New Development
- TPT6 – Vehicle Parking

Other Relevant Material Considerations

Site Allocations Plan (Draft Pre-Submission 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 3 dwellings (granted earlier this year) and the two remaining allocated sites are the subject of current planning applications.

Government Advice: National Planning Policy Framework (NPPF).

Achieving Sustainable Development;
 Core Planning Principles,
 Delivering a wide Choice of High Quality Homes,
 Conserving and Enhancing the Natural Environment
 Conserving and Enhancing the Historic Environment

The Austrey Neighbourhood Plan.

The Austrey Parish Council has produced a first consultation draft of the Neighbourhood Plan, which, amongst other things, allocates land for housing. It must be stated that the Neighbourhood Plan is at a very 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.

Local Finance Considerations: New Homes Bonus (NHB) will apply in respect of all of these proposals.

Context - Housing Need

When several of these proposals were first presented the Council was unable to demonstrate that it had identified a five year, or five year plus twenty percent buffer, of housing land supply. This meant greater prospects to sites which would normally not be supported but which were in locations on the periphery of existing settlements, in relatively sustainable positions. However, since then, the Council has calculated its current housing land supply. As at 30 September 2014, the Council can demonstrate 6.3 years supply. There is therefore an argument to suggest that there is no pressing need to approve applications for housing development are not on allocated land, in locations beyond identified Category 4 settlement boundaries at this time.

Context- Presumption in Favour of Sustainable Development

The NPPF states that development that is sustainable should go ahead – a presumption in favour of sustainable development should be the basis for and every decision. Development proposals that accord with the development plan should be approved without delay.

Applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. Paragraph 12 of the NPPF affirms that proposed development that conflicts with an up-to-date Local Plan should be refused unless other material considerations indicate otherwise.

Given the up to date position of the Development Plan, where a proposal would be contrary to its provisions, it is necessary to examine whether there are any material considerations that indicate that the proposal should be supported contrary to the provisions of the Development Plan.

Consultations Generic to All Applications

Landscape Manager – Highlights the needs for a new play space in Austrey. There is a small equipped play area at Hollybank, but this is very limited, and the one at the playing field at Newton Lane is too far for unaccompanied children to access safely. Land and financial contributions are both required in order to provide a play area in the village – which might need to come from several sources.

Warwickshire County Council Development Management - Austrey Primary is currently able to meet the demand from all of the proposed developments for Primary age pupils, therefore no contribution is requested for this age group. The local Secondary School, The Polesworth Academy is currently full to capacity and forecast to remain so, however the school has a significant proportion of children from out of County who would subsequently be displaced to create space for local children, therefore no request will be made for secondary / sixth form pupils.

Matters Concerning Cumulative Impact

It is in the above context that all eight applications must now be considered on their own merits. However, before turning to each application, the following considerations are relevant to cumulative impact.

The Education Authority confirms that there would be no adverse impact on education provision in the event that planning permission is forthcoming for all of the current applications (NB. This excluded the latest application at Crisps Farm because that application was not received at the point that the Education Authority was consulted)

The cumulative scale of development will help maintain, and potentially improve the viability of improving, existing services and facilities. The market will respond to increased demand for health and dental services.

Application No: PAP/2014/0399

4, Warton Lane, Austrey, Atherstone, CV9 3EJ

Outline Application - Erection of 3no: dwellings with garaging and parking to land to the rear of No.4 Warton Lane. The reserved matters being discharged are access, appearance, layout and scale (re submission), for

Ms Rosaria Giovanna

Introduction

The report to Board in November 2014 described the proposal, detailed the representations that had been received and highlighted the issues that needed to be addressed prior to the determination of the application. The Officer's recommendation at that time was 'Minded to Support' subject to the resolution of outstanding highway and drainage objections. It also indicated that support should be subject to the signing of a S106 Agreement covering housing and off-site play space/openspace.

The November 2014 report is attached at the foot of this item as **Appendix C**. The November report should be read in conjunction with this current report and regard should be had to its content when determining this planning application.

Background

Land Ownership and Access Road Improvement

A Land Registry search has now been undertaken. This establishes that when the Company that developed Yew Tree Court (Novahaven Limited) was dissolved, the Treasury Solicitor disclaimed the title to the land which comprised the access road. As Novahaven no longer exists, there is therefore no known owner of the access road.

Revised Proposal

To clarify the drainage proposals the applicant has submitted drawings showing the incorporation of rainwater harvesting and indicating that the ground conditions will be checked for the suitability of soakaways. The fall back position is shown as discharge to the public sewers.

New Consultation Findings

Warwickshire County Highways Authority – Objection if Yew Tree Court is proposed to be adopted but no objection if there is no proposal to adopt the roadway.

Warwickshire County Council (Flood Risk Management) - No objection subject to conditions.

Additional Representations

One further representation has been received. It maintains an objection on the basis that Yew Tree Court is a narrow congested cul-de-sac and that it can not take any additional vehicular traffic.

Observations

Highway Safety

It is now clear that the ownership of the access road is not an impediment to its improvement. In order to facilitate safe access arrangements to the proposed development and in order to make the existing roadway suitable for intensification in use, the applicant is willing to improve the roadway by the addition of a new bound surface and the installation of street lighting. By virtue of the fact that the development will no longer be asked to make a contribution to affordable housing and open space provision, the applicant is satisfied that there is sufficient viability to meet the cost of these works.

There is a clear collective benefit from the road improvement works, the finishing of the Yew Tree Court has reached an impasse and remained substandard for many years. This development represents an opportunity to finally resolve a longstanding issue and the requirement can be addressed as a condition of any planning permission.

Warwickshire County Highways Authority continues to object to aspects of the proposed development as the proposed access and design, if constructed, could prejudice any plans for the future adoption of the site as public highway. It points out that, even as a private road, best practice for design should be to an adoptable standard. If Yew Tree Court is adopted as public highway, then the Highway Authority would object because the recommended visibility splays cannot be maintained. It does however indicate that, if Yew Tree Court were to remain private then the Highway Authority would not object, as the public highway should not be affected detrimentally, as all the issues created by the site would be over 40 metres from the public highway.

There is no proposal to seek to adopt this road, indeed, given that there is no known owner, it appears particularly unlikely that there would be any future proposal for adoption. The road is a cul-de-sac with limited vehicular and pedestrian traffic. Vehicles will not be moving at speed. Though the best standards of visibility cannot be achieved it is not judged that it would cause serious hazard to highway safety and it is not considered that it would be reasonable to withhold planning permission on this basis.

Drainage Issues

The Flood Risk Management Officer has been re-consulted on the detailed drainage scheme and confirms that he has no objection to the drainage proposal.

Affordable Housing/Open Space

As detailed in the introduction to the main report the requirement for affordable housing and off-site contributions towards open space/play space no longer applies in respect of development of this size.

Concluding Observations

This is an outline application but the only matter reserved for later consideration is the detail of landscaping. The applicant is seeking approval for the access, appearance, layout and scale as part of this application.

As indicated previously, the site is in the existing development boundary for Austrey and the site is large enough to accommodate three dwellings without undue harm to the amenity of occupiers of adjacent properties. There would be no significant loss of light, overlooking or loss of privacy and each new dwelling would have adequate private amenity space and adequate off-street car parking. It is noted however, that the size of dwellings are large on the plots, occupying a substantial proportion of the plots. Future extension could interfere with the amenity of occupiers of adjacent dwellings and would be likely to result in an inappropriate loss of private amenity space. It would therefore be appropriate to remove permitted development rights for future extensions and garden buildings in order to control likely impacts.

Similarly the dimensions of the site are such that the submitted layout provides for adequate parking in a combination of garages and private drives. Failure to maintain this space for parking would result in vehicles parking on Yew Tree Court. Additional on-street in Yew Tree Court would cause congestion and hazard. A condition requiring the retention of garages for parking is appropriate.

Recommendation

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

1. This permission is granted under the provisions of Article 4(1) of the Town & Country Planning (Development Management Procedure) (England) Order 2010 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) landscaping
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.
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.
4. The development hereby approved shall not be carried out otherwise than in accordance with the plan numbered 9230.01 Rev A received by the Local Planning Authority on 12 August 2014, the plan numbered 9230.03 Rev C received by the Local Planning Authority on 3 November 2014 and the plan numbered 9230.02 Rev D received by the Local Planning Authority on 16 February 2015.

5. No development shall be commenced before details of the facing materials and roofing tiles to be used have been submitted to and approved by the Local Planning Authority in writing. The approved materials shall then be used.
6. No development whatsoever within Classes A, B, C and E of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development Order) 1995, as amended, shall commence on site without details first having been submitted to and approved by the Local Planning Authority, in writing.
7. Prior to the commencement of development a scheme for the surfacing of the carriageway and pedestrian footways on Yew Tree Court and the installation of street lighting on Yew Tree Court shall be submitted to and approved by the Local Planning Authority in writing.
8. The scheme approved by Condition 7 shall be implemented in full prior to the occupation of any of the dwellings hereby approved.
9. Prior to the commencement of development details of the arrangements for the ongoing maintenance of the street lighting shall be submitted to and approved by the Local Planning Authority in writing.
10. The integral garages of the properties at Plots 1 and 2 hereby permitted shall not be converted or used for any residential purpose other than as domestic garages.
11. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of screen walls/fences/hedges to be erected. The approved screen walls/fences shall be erected before the dwellings hereby approved are first occupied and shall subsequently be maintained. Any trees or plants which, within a period of 5 years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
12. No work relating to the construction of the development hereby approved, including works of demolition or preparation prior to operations, or internal fitting out, 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.
13. No development shall take place until the applicant, or their agents or successors in title, has secured 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.
14. Surface water drainage shall be to soakaways in the first instance. Drainage to the mains sewer is only permitted in the event that ground conditions are found to be unsuitable for soakaways.

Notes

1. The submitted plans indicate that the proposed works come very close to, or abut neighbouring property. This permission does not convey any legal or civil right to undertake works that affect land or premises outside of the applicant's control. Care should be taken upon commencement and during the course of building operations to ensure that no part of the development, including the foundations, eaves and roof overhang will encroach on, under or over adjoining land without the consent of the adjoining land owner. This planning permission does not authorise the carrying out of any works on neighbouring land, or access onto it, without the consent of the owners of that land. You would be advised to contact them prior to the commencement of work.
2. You are recommended to seek independent advice on the provisions of the Party Wall etc. Act 1996, which is separate from planning or building regulation controls, and concerns giving notice of your proposals to a neighbour in relation to party walls, boundary walls and excavations near neighbouring buildings. An explanatory booklet can be downloaded at www.communities.gov.uk/publications/planningandbuilding/partywall.
3. In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner through seeking to resolve planning objections and issues and suggesting amendments to improve the quality of the proposal. As such it is considered that the Council has implemented the requirement set out in paragraphs 186 and 187 of the National Planning Policy Framework.

BACKGROUND PAPERS

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

Planning Application No: PAP/2014/0399

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	
2	Warwickshire County Highways Authority	Consultation Reply	2 2 15
3	K Dawes	Representation	4 11 14
4	Land Registry	Official copy of title	Feb 2015
5	Applicant	Drainage Proposals	16 2 15
6	Warwickshire County Council (Flood Risk Management)	Consultation Reply	26 2 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.

Application No: PAP/2014/0399

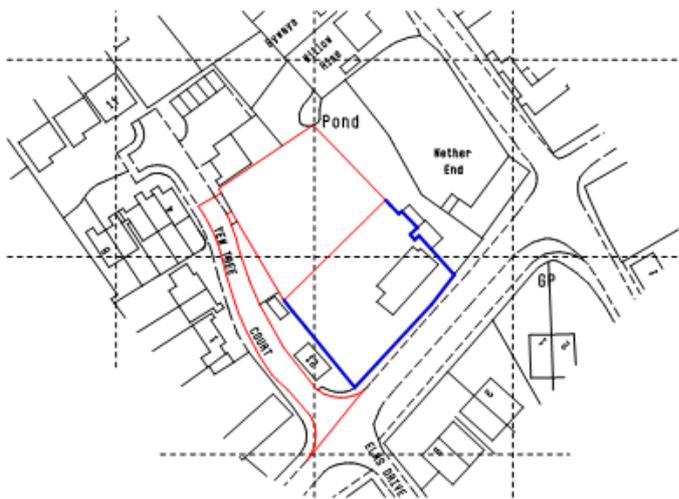
4, Warton Lane, Austrey, Atherstone, CV9 3EJ

Outline Application - Erection of 3no: dwellings with garaging and parking to land to the rear of No.4 Warton Lane. The reserved matters being discharged are access, appearance, layout and scale (re submission), for

Ms Rosaria Giovanna

The Site

The site forms the rear part of the large rear garden of 4 Warton Lane, Austrey, and includes land to link the site with Yew Tree Court. It is shown on the plan below



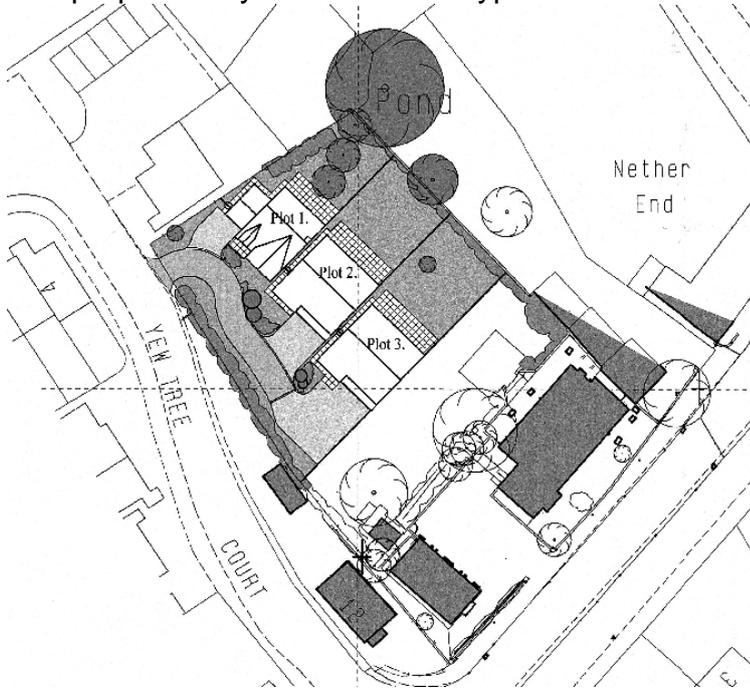
The interior of site is shown in the photographs below:



The Proposal

This is an outline application which proposes the erection of 3no: dwellings with garaging and parking. The reserved matters being discharged are access, appearance, layout and scale.

The proposed layout and house types are as shown below



STREET SCENE.

The position at which access would be taken to Yew Tree Court is shown below



Background

A planning application was proposed earlier in 2014 which sought the erection of 3 dwellings at the same property but it proposed a new access alongside the main dwelling. Following the receipt of an objection from the Highway Authority the application was subsequently withdrawn.

Access is now proposed to be taken to Yew Tree Court. Though Yew Tree Court is a relatively recent development, there have been obstacles to the finishing and adoption of the road. Its surface is as shown below with raised ironwork and street lighting has only partially been installed.



The Highway Authority advises that the proposed Yew Tree Court has not been adopted as public highway. The intention was for Yew Tree Court to be adopted, and was constructed to an adoptable standard. The wearing course has not been laid though and it is our understanding that the surface water sewers have not been connected yet. From the information available it appears that the developer went bankrupt, and the highway adoption agreement was never signed. Inquiries were made to the Highway Authority for the adoption of the site. The interested parties were told that within the site works to the value of £35,000 were required to bring the site up to an adoptable standard. Also, the sewer connections were required at further expense. No further communications have been received since 2011.

It further points out that as Yew Tree Court is considered a private road it appears that the applicant has served notice on the residents of Yew Tree Court. The residents may not be the owners of the road. As the developer went bankrupt assets could have become ownership of the Crown. The road may have been considered an asset. This matter will require further investigation to ensure that correct notice has been served and thus that the application is procedurally valid.

Consultations

Warwickshire County Highways Authority – Objection. It has not been demonstrated that the proposed access is suitable for the purpose intended. Visibility splays from the proposed access are not in accordance with guidance and the access is not suitable to provide two way traffic flows, shared space for pedestrians and vehicles, or the storage of refuse bins for collection, and it has not been demonstrated that the proposed parking

and manoeuvring areas are suitable for the purpose intended. The proposed development could result in on street parking, which could obstruct access/egress to the existing dwellings along Yew Tree Court.

Warwickshire County Museum (Archaeology) - 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 however wish to object to the principle of development, but does consider that some archaeological work should be required if consent is forthcoming.

Warwickshire County Council Flood/Drainage Advisor – There are known flooding issues in the vicinity of Newton and Warton Lane areas and therefore we would expect a Flood Risk Assessment/Drainage Strategy to be submitted as of the planning application demonstrating how surface water run-off is to be managed on site and how the development will not increase the risk to flooding elsewhere.

At outline planning stage we do need to have clarity on the preferred method of drainage, a correct estimate of the required storage on the site that takes into account all positively drained areas within the site and a point of discharge of the surface water drainage network.

Representations

Two occupiers of neighbouring properties have written expressing the following concerns:

- As access to the development is via Yew Tree Court this is an unadopted road without final road surfacing, exposed manholes, lighting and suitably connected surface water drainage these will need to be rectified as part of the proposal before additional traffic and surface water is generated.
- The development would adversely affect the safety of the public. Yew Tree Court is a single file road and cannot cope with the present amount of traffic. Additional traffic would cause danger.
- The application should be refused unless the applicant is willing to fund the full costs of bringing Yew Tree Court up to an improved standard.

Observations

Housing Need and Housing Land Supply

The site lies within the development boundary for Austrey. In this location there is no objection in principle to the redevelopment of land for housing.

The three dwellings would be regarded as a windfall and would contribute to achieving the Council's ongoing need for the supply of housing land.

Highway Safety

This is the major obstacle to the grant of planning permission at this site. In its present condition, with unsurfaced roads, raised ironwork, unsurfaced footways and lack of lighting, it is not considered appropriate, for reasons of highway safety, to increase the number of dwellings taking access from Yew Tree Court. The applicant would be strongly encouraged to broker a solution to the condition of this roadway.

Notwithstanding that, the proposed access arrangements give rise to additional concerns about site layout and the ability to secure appropriate visibility. The applicant is currently believed to be working towards a solution in these respects. This matter will be updated when the application is reported for determination.

Archaeology

There is no in principle opposition to the development of this site for the reasons given above. The use of a planning condition would be appropriate.

Drainage and Flooding

Given the known flooding issues in the northern part of Austrey the applicant was required to submit a drainage strategy. It is still awaited and will be the subject of re-consultation with the Warwickshire County Council Flood/Drainage Advisor.

Severn Trent Water does not object on the grounds of additional sewage load.

Affordable Housing

The applicant has submitted an affordable housing viability statement (using the methodology outlined in the Affordable Housing Viability report) and proposes a financial contribution towards the off-site provision of affordable housing (£8,625).

Open spaces/Play Space/Community Benefit

The applicant has indicated an intention to address this requirement as a financial contribution for off-site provision.

Amenity and Design

The site is large enough to three dwellings without undue harm to the amenity of occupiers of adjacent properties. There would be no significant loss of light, overlooking or loss of privacy.

Each new dwelling would have adequate private amenity space and adequate off-street car parking (subject to resolution of the concerns expressed by the highway authority).

Trees/Ecology/Bio Diversity and Landscape Character

Though the development would result in some loss of some tree cover, including some tall mature trees, they are rear garden trees and none are so prominent in the public landscape that they are worthy of protection. There will be some opportunity within the development site to secure some replacement planting in mitigation. This can be secured by condition.

Recommendation

1. That the applicant be requested to investigate the ownership of the part of the application site which comprised the roadway at Yew Tree Court and subsequently follow the correct procedure for the service of Notices.
2. That Board resolves to visit the site ahead of considering a determination report in respect of this application.
3. That the Board be invited to identify any key issues material to the application that it wants to be addressed by the applicant.
4. That the Board is MINDED TO SUPPORT the application subject to resolution of the outstanding highway and drainage objections and subject a S106 Agreement covering affordable housing and off-site play space/openspace.

BACKGROUND PAPERS

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

Planning Application No: PAP/2014/0399

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	30 7 14 12 8 14
2	P Smith	Representation	21 8 14 25 8 14
3	K McCormick	Representation	28 8 14
4	Warwickshire County Highways Authority	Consultation Reply	18 8 14
5	Warwickshire County Council Flood/Drainage Advisor	Consultation Reply	10 9 14
6	Case Officer	Correspondence with applicant	10 9 14 1 10 14
7	Severn Trent Water	Consultation Reply	6 10 14
8	Warwickshire County Museum (Archaeology)	Consultation Reply	3 10 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.



Application No: PAP/2014/0569

Crisps Farm, Church Lane, Austrey, CV9 3EE

Outline application with means of site access from Main Road and Church Lane to be determined for the erection of up to 40 dwellings (Class C3), public open space including a village green area, a play area, amenity space and a balancing pond, associated earthworks to facilitate surface water drainage, landscaping, car parking, an electrical sub-station and other ancillary works, for

Crisps Farm Ltd and The Birmingham Diocesan Board Of Finance

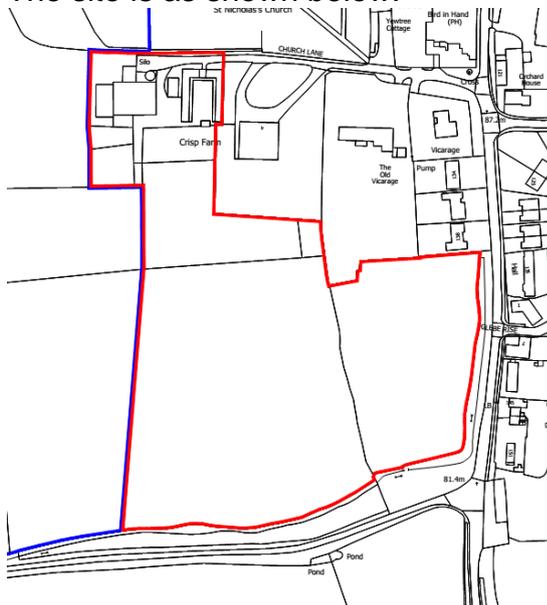
Introduction

The report to Board in November 2014 briefly introduced this proposal. A copy of the November 2014 report is attached at the foot of this item as **Appendix D**. It should be read in conjunction with this current report and regard should be had to its content when determining this planning application.

The Site

The application site extends to 3.26 hectares and is located towards the southern edge of Austrey. It has frontages to Church Lane, Cinder Lane and Main Road.

The site is as shown below.



The northernmost part of the site comprises a range of farm buildings and stables which presently take access from Church Lane. The buildings are proposed to be demolished and are shown in the following photographs:



The site comprises open farmland/grazing paddocks. From within the site there are views back towards the village's listed Church (see photograph below)



The part of the site adjacent to Main Road is a field known as Glebe Field. In previous years the field was used for recreational purposes. It is now given over to rough grass (see below)



The existing residential properties which border the Glebe Field are shown below.



It is proposed to take access on to Main Road at a position adjacent to these properties. The position of the proposed site access is shown in the photographs below (across the verge on right hand side of images)

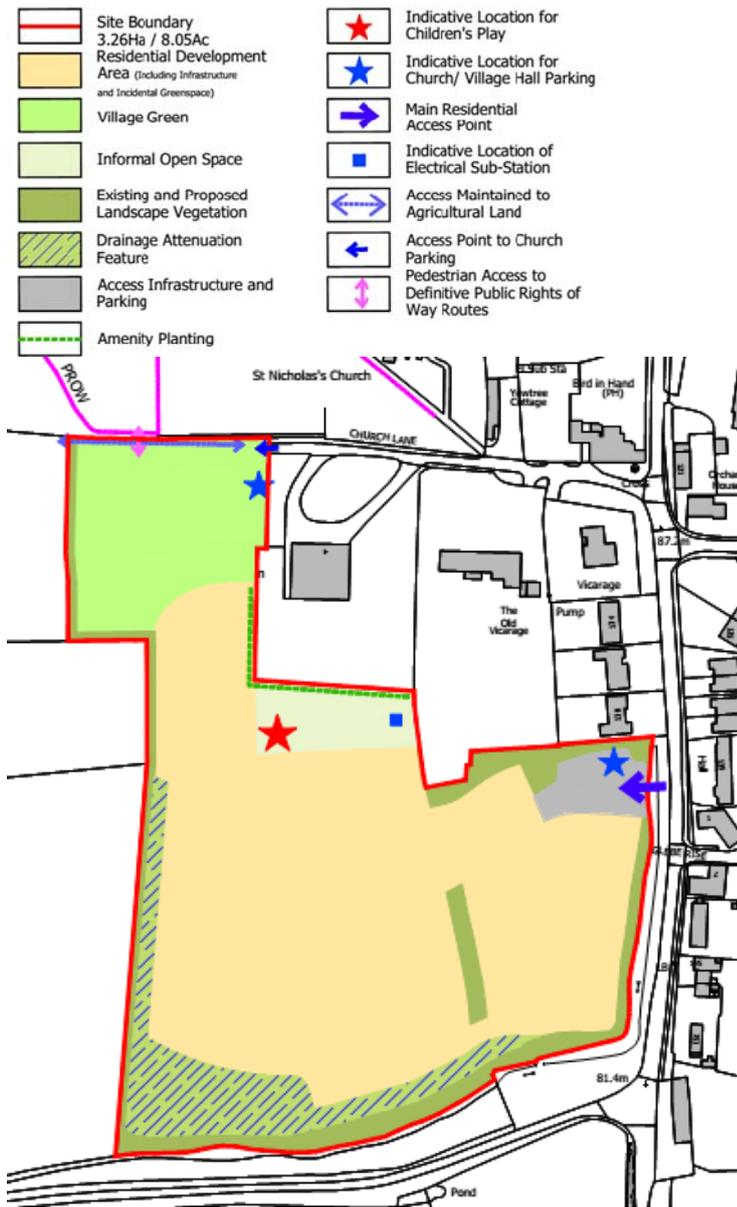


The Proposal

An outline application for the erection of up to 40 dwellings (Class C3), public open space including a village green area, a play area, amenity space and a balancing pond, associated earthworks to facilitate surface water drainage, landscaping, car parking, an electrical sub-station and other ancillary works. All matters other than means of site access are reserved.

The application contains a Master Plan which identifies the location and extent of the various proposed land uses and access positions. It shows structural landscaping surrounding the site made up of existing and new planting, the proposed locations of two eight space car parks, a drainage attenuation feature, a Village Green open space and an area of informal open space containing some play equipment.

The Master Plan and associated Key are shown below.



The detailed layout of the proposed access to Main Road is shown below:

Landscape Manager –There was initial concern about the proposed location of open space provision on the proposed village green because the location would be too much “out of sight, out of mind”, and this is no longer an appropriate approach to play provision. She explains that our approach to providing new play facilities is very much predicated on involving the local community, particularly children and young people. We would therefore prefer the space to be made available within the development and a financial contribution to be paid to NWBC to enable us to design and install the facility in consultation with the community, particularly residents in the new properties. An agreement to spend such a contribution within 10 years would be reasonable (although we would aim to use it more quickly).

Upon receipt of a revised master plan showing the relocation of the play space to the area of land marked ‘informal open space’, the Landscape Manager now offers no objection as there will be increased opportunities for casual supervision.

English Heritage – No Comments.

Warwickshire County Council (Footpaths) – Requests a financial contribution of £3800 for the improvement of public footpaths in a 1.5Km locality.

Warwickshire County Council (Fire Authority) - No objection subject to conditions relating to provision of water supplies and fire hydrants.

Representations

Austrey Residents Association express general concern about the cumulative scale of development proposed in the village.

Seven letters of support point to the following:

- appreciation for the consultation that the developers have had with the local community
- to the correct level of affordable housing
- to the proximity to village services, the church, pub, village hall, shop and school, encouraging new residents to support these facilities, and to walk or cycle rather than using their cars.
- to the distance from the M42 and the planned HS2 route
- the unobtrusive setting of the site. The new development will not be visible from other parts of the village, and for a development of this size, has minimal impact on the local landscape.
- the inclusion of community facilities such as car parking and public open space
- the allocation of it in the Draft Site Allocations Plan and the Draft Neighbourhood Plan. they compare the site to other application proposals on the northern side of the village that they consider less favourable
- this is a brownfield site where old farm buildings will be replaced by a new village green, much improving the setting for the nearby 13th century Grade II* Listed church and 15th century Bird in Hand public house.

- The proposed re-location of agricultural activities to new, more efficient buildings elsewhere on Crisps Farm will ensure the sustainability of the farm, and as a result, will help to protect the 'green ring' of fields around Austrey that many villagers value so highly.
- It is in keeping with the rural landscape that surrounds it: the soft green edges and biodiversity of the site will enhance the character of the village.
- Will keep development away from the areas of the village most prone to flooding
- There are no major highway difficulties

Nine letters detail the following grounds for objection:

- the site differs from that shown in the first draft of the NP
- the development is entirely outside the village boundary
- the development would increase the size of the village by 10% and with other proposals would increase it by 25%
- the development would exacerbate flooding at the Cinder Lane junction
- the development will bring commuter traffic
- the roads are unsuitable for additional traffic and the new junction would be unsafe
- the position of the access will conflict with on street parking and an alternative access should be found
- parking enforcement would be required on Main Road
- residents would suffer noise and dust during construction and noise from the movement of vehicles post occupation of the houses.
- Vehicles/people using the village hall car park would cause disturbance.
- Loss of view
- Loss of privacy
- Disturbance from lights and harm from light pollution
- The sewage pumping station will struggle to cope.
- The proposal should incorporate mitigation of potential noise from HS2.
- There are a lack of amenities to support this additional housing

The owner of an adjacent property maintains that they have entitlement to ownership of part of the site.

Observations

Housing Land Allocation

The site lies beyond the development boundary identified for Austrey in the North Warwickshire Local Plan. It is partly allocated for development in the Draft Site Allocations Plan and is now wholly allocated in the Draft Neighbourhood Plan. Both allocations seek 40 dwellings from the land.

By comparison to the land identified in the site allocations plan, the land is more extensive, even accounting for the fact that the site now excludes the property known as The Crisp, the land added is greater than the land lost in the 'The Crisp' site. It is extensive given that it seeks to accommodate only 40 dwellings. The applicant was asked to justify the site extent.

The applicant undertook a density analysis of the village which found that average density is 23 dwellings per hectare. It makes a case for this site being developed at a lower density than the normal requirement of 30 dwellings per hectare, to ensure that it is of an appropriate character and fit with its wider setting. The applicant however seeks a lower density at 20 dwellings per hectare in order to produce a development which is sympathetic to the edge of village location.

The applicant has been advised that in the context of the Council now being able to evidence a 6.6 year supply of housing, in the knowledge that the site area put forward exceeds the extent of the land proposed to be allocated in the Draft Site Allocations Plan and in the context of the large number of dwellings currently proposed in the village of Austrey, officers do not see a justifiable case for the accommodation of a larger number of dwellings than 40 in this part of the village.

The applicant argues that a site of lesser area would not allow the detailed design of the site would not reflect the character of the southern part of Austrey and deliver a low-density edge within the western part of the site, in order to provide a soft-edge to the village.

To alleviate concerns about the possibility of the development seeking in excess of 40 units the applicant confirms his agreement to a condition on an outline planning consent limiting the number to 40 dwellings and to a specification that the developable area shall not exceed the area marked yellow on the submitted master plan. It is agreed that the master plan would deliver the optimum design solution for the site and it's extent can be supported on this conditional basis.

Community Benefit

The provision of open space and play space when developing new housing is a common requirement of planning permissions. In this instance, it is acknowledged that the proposal is for a greater extent of land than would normally be a minimum requirement of a development of this scale. Its provision appears unanimously welcomed by both the NP and the wider village community and can be reasonably perceived as a community benefit, should planning permission be granted.

The location of the village green and the demolition of the range of poor quality farm buildings presents a welcome opportunity to improve the setting of the listed church by creating increased openness and can be supported.

Following concerns that the Landscape Manager expressed about the location of the proposed play equipment it has been relocated to a more central position in the land, where there will be improved surveillance. Its provision is now appropriate and welcomed.

The applicant also lays claim to the provision of car parking for the church and the village hall as community benefits. This is arguable given that the applicant is the church and the proposed car parking is largely to accommodate church users. Nevertheless, the opportunity to provide off street parking for the users of the church presents an improvement in highway congestion when the church is in use. Subject to resolution of the Highway Authority's concern about vehicular access to the church car park, it can be supported in principle.

Similarly, the car parking provision for the village hall can be seen as a necessity given that the access road to the development site is proposed at a position opposite the hall itself. The hall has no dedicated off road parking and so users park on the public highway within the vicinity of the hall. To propose a new access, which would have a significant number of vehicle movements, without accommodating the displaced car parking would have been a highway safety concern. Again, notwithstanding this the formation of an off street car parking is welcomed. The location of the parking area is discussed in the section below.

Amenity Considerations

The Village Hall car parking and the new access route will be situated adjacent to the property at 138 Main Road. This property contains a ground floor lounge window in its side elevation which is close to the boundary, and close to the position of the proposed car parking. Amended plans have slightly positioned the car park at an increased distance and the car park would be set at a slightly lower ground level, nevertheless, there is potential for disturbance from noise and lights, as well as potential for loss of privacy (notwithstanding that it would be at a slightly lower level).

The Highway Authority does not maintain a highway safety opposition to the location of the car park following its re-siting.

To protect the amenity of the occupiers of the adjacent property it would be desirable to seek further revisions to the siting for the village hall car parking. This can be addressed by planning condition.

In terms of other effects on amenity, the site is well contained by existing boundary trees and hedgerow, it is proposed to retain and enhance the boundaries such that existing dwellings would be protected for any potential impacts such as overlooking or loss of privacy.

Highway Safety

The Highway Authority maintains an objection for the following reasons:

- The amended Application Master Plan, Rev C, now shows no access to dwellings on the site from Church Lane. However, access will be retained to the agricultural land and for a church car park. The farm buildings will be removed from site but access to the fields is still necessary. A new vehicular access is being considered for the agricultural use of the land but cannot be guaranteed. As such, agricultural vehicles may continue using Church Lane for the foreseeable future. If a solution cannot be found a limited footway and street lighting may be necessary along Church Lane to prevent pedestrian conflict.

- The intention is to use the land adjacent The Crisp as a village green. This could attract many visitors by foot or by car, all of which could use Church Lane. As has been pointed out previously, Church Lane is not considered suitable for an intensification of use. With increased movements along the lane, again the provision of a footway and street lighting may be necessary. An option of providing a route through the application site to a parking area for the church and limited access to the agricultural land could be considered. The proposed access from Main Road has not been designed for agricultural use. If a reasonable condition can be agreed to limit the size of vehicle able to go through the site, that could relieve the pressure on using Church Lane.
- No Road Safety Audit has been included in the application. The Highway Authority has asked for one to be provided, and are awaiting the report. As the access is not part of the reserved matters, the Road Safety Audit needs to be submitted prior to determination to ensure there are no safety issues.

The applicant is aware of these concerns and is actively seeking to address the detailed points. An update will be reported to Members at the meeting.

What it is important to note however, is that there is no fundamental opposition to the scale of the development or to the proposal to take principal access to Main Road.

Heritage Impact

Though the site lies within influencing distance of a number of listed buildings, with a sensitive approach to design and the separation distances shown on the submitted master plan, the development can be achieved without harm to their setting.

The formal comments of the Warwickshire County Museum (Archaeology) are yet to be received, but informally they have expressed no objection in principle. There would be an expectation that some archaeological evaluation will be required in the course of the development. There is a sense that there is sufficient scope within the site to 'design around' any unexpected features of archaeological significance. The applicant has indicated a willingness for a condition to be attached which requires an archaeological evaluation to take place

There are no heritage reasons to resist the grant of planning permission.

Visual Impact

There are no public footpaths which cross the land and the site is presently well screened by existing trees and hedgerows. Though it is extensive, it has a relatively inconspicuous presence in the landscape.

A careful approach will be needed to design to ensure that views towards the village church are maintained and maximised.

Inevitably the formation of the new access will have an impact on the appearance of Main Road, particularly as access will be taken through something of a cutting, but the impacts are not likely to cause undue adverse impact on the visual amenity of the area.

Drainage and Flood Risk

The Drainage Authority offers no objection to the proposed development. It will require the submission of a detailed scheme at reserved matters stage. The indicative scheme will direct surface waters away from existing roads to a watercourse and should not create or contribute to highway drainage difficulties.

Land Ownership

The applicant has supplied Land Registry documents that show title to all of the land within the application site. The owner of the adjacent property has not supplied any evidence to the contrary, but advising that they are currently in dispute about ownership and that the matter is before the Land Registry for consideration. In these circumstances there is confidence that the correct certification accompanies the application and it may proceed to determination.

Section 106

Negotiation has commenced on the following provisions for inclusion in a Section 106 Agreement:

1. The mechanism for the provision of 40% of the houses as affordable housing, available as such in perpetuity, including an agreed mix of tenure.
2. The mechanism for the provision and on-going maintenance of the following:
 - the informal open space
 - play equipment,
 - village green
 - church car park
 - village hall car park
 - the drainage attenuation features
 - structural landscaping
3. The provision of the sum of £121.20 per dwelling for the provision of wheelie bins at the site.
4. The provision of a sum of £237,817 for biodiversity offsetting.
5. The provision of a sum of £18,436 towards Secondary Special Educational Needs provision within the area.

The negotiations have not yet finalised. Members will be updated on the applicant's stance at the meeting, but it is presently anticipated that the above will form the Heads of Terms of an Agreement.

The County Council has submitted a request for a financial contribution towards the improvement of rights of way in a 1.5 mile radius. Such a contribution would be a matter best, and far more appropriately, dealt with by the Community Infrastructure Levy

(CIL) and at present the Council is not a charging Authority. The requests here are not of such weight here to consider a refusal of planning permission should they not be provided.

Concluding Observations

This is an outline application with all matters reserved other than the means of access. The development, though beyond the development boundary, is supported in the Draft Site Allocations Plan and the Draft Neighbourhood Plan. The land will contribute towards meeting the minimum amount of housing required in the village of Austrey. Though a number of representations have been received from residents who oppose the development, the overriding response to the development of this site is of support.

The submitted master plan forms the basis for an appropriate scheme, the details of which can be addressed through the approval of reserved matters application. The application may be supported in principle.

Recommendation

That subject to the resolution of the objection from the Highway Authority and subject to a Section 106 Agreement relating to the matters detailed above, planning permission be **GRANTED** subject to the following conditions:

1. This permission is granted under the provisions of Article 4(1) of the Town & Country Planning (Development Management Procedure) (England) Order 2010 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
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.
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.
4. The development hereby approved shall not be carried out otherwise than in accordance with the plan numbered 23870Rev C (the master plan) received by the Local Planning Authority on 13 February 2015, the plan numbered 21067_09_020_01 received by the Local Planning Authority on 14 January 2015 and the plan numbered 23870 SL-P-07 Rev A received by the Local Planning Authority on 27 October 2014.
5. The development hereby approved shall be limited to no more than 40 dwellings and the developable area shall be no greater than the area shown on the master plan within the yellow notation and shall be limited to that area and no other.

6. Notwithstanding the detail shown on the approved access plan, the precise location of the village hall car parking shall be agreed in writing prior to the commencement of development.
7. Before the development commences a scheme for the construction of the foul and surface water drainage system shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
8. The development hereby permitted shall not be commenced until a scheme for the provision of adequate water supplies and fire hydrants, necessary for fire fighting purposes at the site, has been submitted to, and approved in writing by, the Local Planning Authority. The development shall not then be occupied until the scheme has been implemented to the satisfaction of the Local Planning Authority.
9. No work relating to the construction of the development hereby approved, including works of demolition or preparation prior to operations, or internal fitting out, 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.
10. No development or site works whatsoever shall commence on site until details of measures for the protection of existing trees and hedgerows to be retained have been submitted to and approved in writing by the Local Planning Authority.
11. No development or site works whatsoever shall commence on site until the measures approved in Condition No 9 above have been implemented in full.

Plus conditions/notes required (or amended) by the Highway Authority and Warwickshire County Museum (Archaeology).

Notes

1. Public footpaths T143 and T146 are located adjacent to the northern boundary of the application site. These public footpaths must remain open and unobstructed at all times.
2. Advisory to draw attention to the public sewer located within the site.
3. In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner through seeking to resolve planning objections and issues and suggesting amendments to improve the quality of the proposal. As such it is considered that the Council has implemented the requirement set out in paragraphs 186 and 187 of the National Planning Policy Framework.

BACKGROUND PAPERS

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

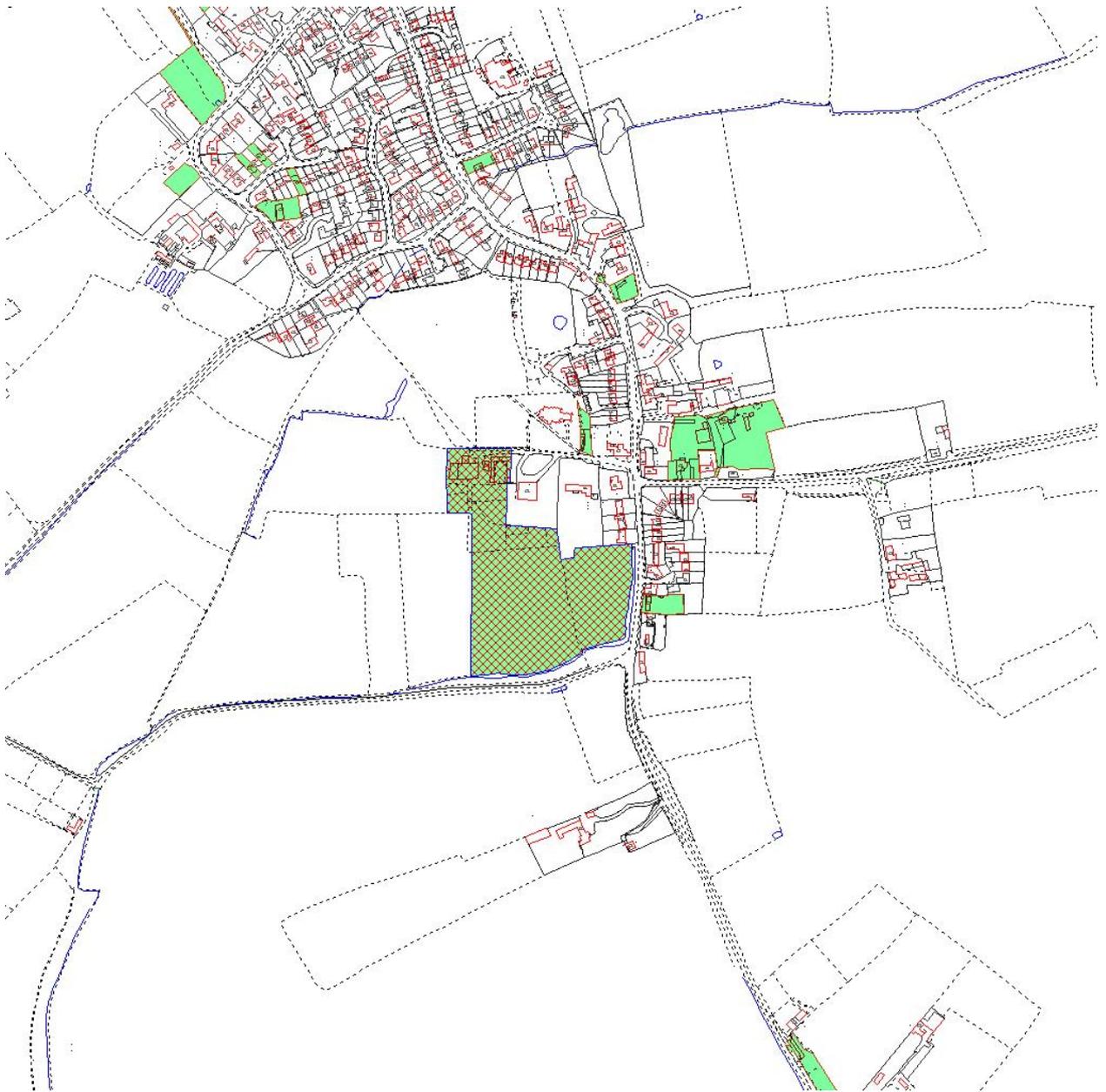
Planning Application No: PAP/2014/0569

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	27 10 14 14 1 15
2	Austrey Resident's Association	Representation – general concern	5 11 14
3	J & H Humphreys	Representation - Support	6 11 14
4	P & W Kerr	Representation - Support	10 11 14
5	J & K Hodgkinson	Representation – Support	6 11 14
6	D Jenkins	Representation – Support	7 11 14
7	Police (Crime Prevention)	Consultation Reply	6 11 14
8	A Wilde	Representation – Support	5 11 14
9	S Duggan	Representation – Support	4 11 14
10	G Spenceley	Representation – Objection	7 11 14
11	Warwickshire County Council (Asset Strategy)	Consultation Reply	12 11 14
12	Warwickshire County Council (Ecology)	Consultation Reply	19 11 14
13	Warwickshire County Highways Authority	Consultation Reply	11 11 14
14	English Heritage	Consultation Reply	18 11 14
15	D Key	Representation – Objection	18 11 14
16	S & M Collins	Representation – Objection	20 11 14
17	S Gaskarth	Representation – Objection	25 11 14
18	V Smith	Representation – Objection	25 11 14
19	AJ & P Smith	Representation – Objection	25 11 14
20	P Oliver	Representation - Comments	22 11 14
21	P & J Stark	Representation – Objection	25 11 14

22	E Lucas	Representation – Objection	25 11 14
23	Environmental Health Officer	Consultation Reply	25 11 14
24	Warwickshire County Council (Footpaths)	Consultation Reply	25 11 14
25	Garner Canning	Representation – Objection	25 11 14
26	Fire Authority	Consultation Reply	13 11 14
27	Landscape Manager	Consultation Reply	27 1 15 16 2 15
28	Severn Trent Water	Consultation Reply	18 2 15
29	J Smith	Representation – Support	26 2 15
30	Warwickshire County Highways Authority	Consultation Reply	26 2 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.



Crisps Farm, Church Lane, Austrey

Outline Planning Application for up to 40 dwellings, with details of means of access.

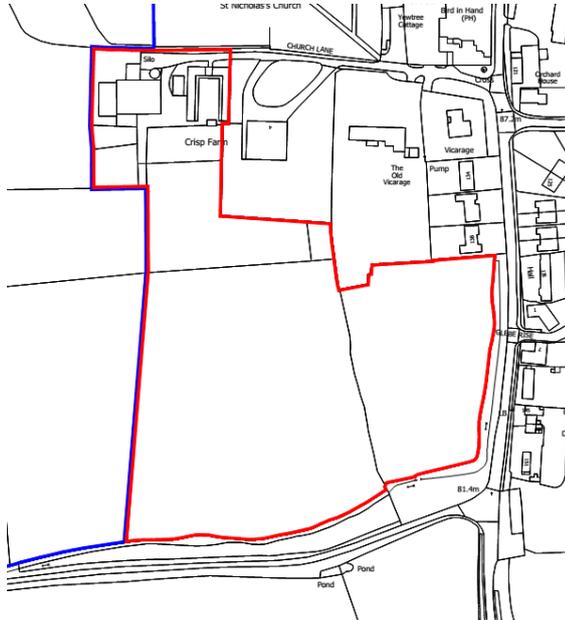
Introduction

This site lies outside the development boundary for Austrey but is a site allocated for housing development in the Site Allocations Plan and the Draft Neighbourhood Plan.

The Site

The application site extends to 3.26 hectares and is located towards the southern edge of Austrey.

The site is as shown below.



The Proposal

An Outline Planning Application for up to 40 dwellings, with details of means of access.

The development also proposes the formation of a Village Green, a Church Car Park, Informal Open Space and a Village Hall Car Park in accord with the schedule below.

TABLE 1. LAND USE SCHEDULE

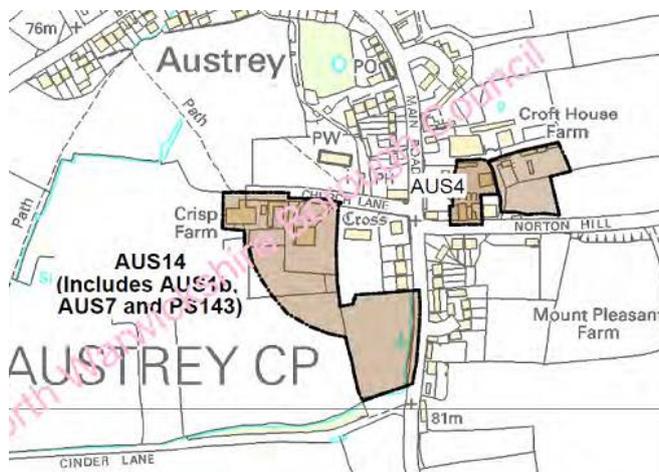
USE	HA	AC
Residential Development	1.99	4.91
Village Green (to include Church Parking - 8 spaces)	0.43	1.06
Informal Open Space	0.14	0.35
Access Infrastructure (to include Village Hall Parking - 8 spaces and Landscape)	0.08	0.19
Existing and Proposed Landscape Vegetation	0.35	0.87
Drainage Attenuation Feature	0.27	0.68
TOTAL	3.26	8.05

The application is accompanied by the following:

- Planning Statement;
- Design and Access Statement;
- Statement of Community Engagement;
- Heritage Assessment;
- Flood Risk Assessment;
- Transport Statement;
- Phase I Environmental Risk Assessment;
- Services Report;
- Landscape and Visual Impact Assessment;
- Ecological Desk Top Study Report of Walkover Phase 1 and Preliminary assessment of bat potential of farm buildings;
- Survey of Field Pond;
- Hedgerow Survey Report;
- Tree Survey;
- Planning Drawings.

Preliminary Observations

The following is an extract from the Site Allocations Plan. It shows an area of land which differs from the application site, excluding an existing dwelling and its grounds but including additional open land.



This application is only recently received, not yet confirmed as valid and consultation is yet to be undertaken. It is therefore too early to make a recommendation but it is reported here for completeness and for information.

Preliminary Conclusion

Whilst due assessment will be necessary, given that the site is broadly that which is identified in the Site Allocations Plan and the Neighbourhood Plan it is reasonable to indicate that there is likely to be broad support for this proposal.

The application is accompanied by a Planning Performance Agreement which recognises that due time will be required for the consideration of the application. A full report will be brought to Board at a future date.

Recommendation

5. That Board resolves to visit the site ahead of considering a determination report in respect of this application.
6. That the Board be invited to identify any key issues material to the application that it wants to be addressed by the applicant.

Application No: PAP/2014/0157

Applegarth and The Croft, Norton Hill, Austrey, Atherstone, CV9 3ED

Outline application for erection of 14 dwellings and access road - all other matters reserved for

Mr Smyczek & Mr Bowman

Introduction

The report to Board in November 2014 described the proposal; detailed the representations that had been received and highlighted the issues that needed to be addressed prior to the determination of the application. The Officer's recommendation at that time was 'Minded to Support' subject to the resolution of the outstanding highway objection. It also indicated that support should be subject to the signing of a Section 106 Agreement covering housing and off-site play space/open space.

The November 2014 report is attached at the foot of this item as **Appendix D**. The November report should be read in conjunction with this current report and regard should be had to its content when determining this planning application.

Administrative Matters

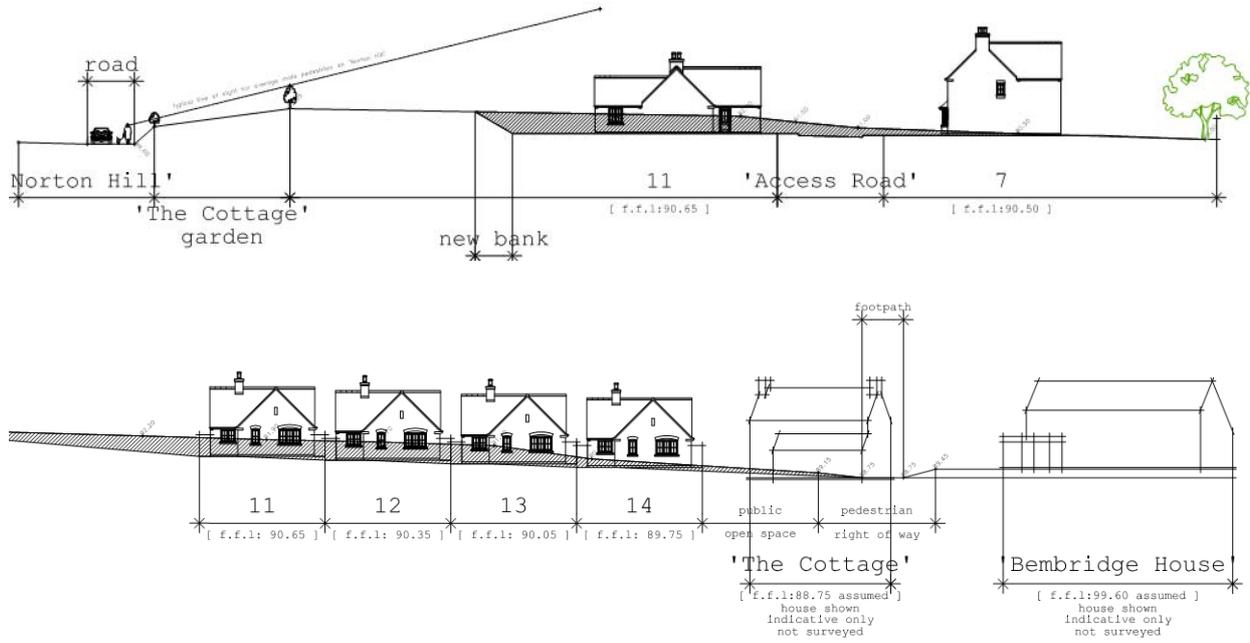
The ownership of part of the application site changed part way through the determination of the application. This will be material in respect of any Section 106 Agreement.

The Proposal

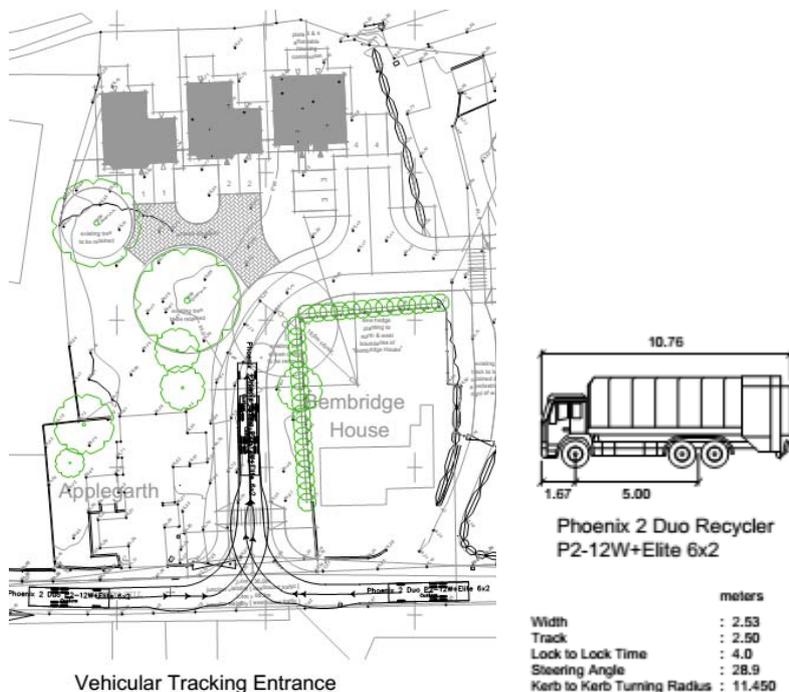
Since the last report to Board negotiations with the applicant have resulted in the submission of revised plans to both address the objection raised by the Highway Authority and to meet identified concerns about the elevation of the land and the effect of two storey development on the occupiers of adjacent property and on the street scene.

Whilst the application remains an outline application, with only access arrangements being for detailed approval at this stage, a revised indicative site layout has been submitted to show four of the proposed dwellings constructed as bungalows following a reduction of the ground level. The cross sections that follow show the effect of the development in the context of existing neighbouring dwellings. The area shaded grey is the land that would be removed in order to lower the floor level of the proposed dwellings. The bungalows are shown marked red on the site plan. The properties

marked blue are the proposed affordable housing units.



To satisfy the highway authority that safe and appropriate vehicular access can be achieved for the larger vehicles that will need to access the site the following tracking diagram has been submitted.



New Consultation Findings

Warwickshire County Highways Authority – The County Council has been consulted on revised plans and is now in receipt of a traffic speed survey carried out on behalf of the applicant. The site has been visited to cross check the dimensions of the highway and the proposed access. It now offers no objection to the revised plans, subject to conditions.

Additional Representations

Many of the representations detailed in the November 2014 report are repeated in further representations received from five people. The following additional matters are raised:

- One representation is received which indicates support for the principle of 14 dwellings being constructed but expresses concern about the details.
- Strong objection to the position of the access on grounds of highway safety, the absence of a consideration of an alternative access arrangement, access would be better if taken from Main Road, the potential for conflict with vehicles using Norton Hill, that the tracking for the turning of refuse vehicles shows that turning can only just be achieved and that the parking of a vehicle in the path of the tracking area would hamper access.
- There has been no community consultation.
- The proposal involves the splitting up of one of the village's iconic properties.
- Only two of the houses will be affordable homes.
- In order for a council recycling lorry to enter and exit the proposed new road cleanly at least one of its wheels would have to ride up onto the kerb or verge on the southern side of Norton Hill. Before swinging into the proposed new road from the west the recycling lorry would have to position itself well over to the offside of the carriageway of Norton Hill effectively blocking that road to traffic.

Property owners and their visitors will be prevented from parking outside their own houses because turning into the access could no be achieved if cars were present.

- The change of properties 11-13 to bungalows, the lowering of the level of the ground on which they are to be built and the formation of a bank to border the southern boundary of those properties has gone some way to alleviate the overlooking issue as far as those properties are concerned. However the ground level where property 14 is to be built is shown as little more than a levelling of the ground at that location and the proposed bank which appears to be 2 meters high in places is shown to peter out by the time it gets to the “public open space” area. Hence neither of these two factors will significantly affect the overlooking problem posed by property 14 as far as “The cottage” and “Bembridge” are concerned.
- the development proposals would introduce serious security concerns and not deter crime as set out in Policy NW12.
- Traffic on three sides of a property will cause disturbance from noise, light and fumes. Properties built on higher land will result in overlooking. Both contrary to Policy NW10.
- The owner of Bembridge highlights that he presently has a low level fence and indicates that he does not want to have to increase its height to address overlooking or loss of privacy.
- The site would be larger than 10 units, inappropriate in Category 4 settlements.
- Queries are raised about the effect of new hedge planting.
- The speed survey methodology and findings are challenged.

One letter of support indicates the following:

- This site is not only included in the site allocations plan for Austrey, but is also supported by the emerging Neighbourhood Plan.
- This application makes very efficient use of land which is currently surplus to requirements.
- This is a brownfield site and the development will improve the area without using up the green fields around the village.
- The site is centrally located, very close to the village amenities: church, pub, village hall, shop/Post Office and the primary school. This will not only help to ensure the survival of these services, but will encourage people to walk or cycle around the village rather than using their car. It is sustainable.
- The site is not adjacent to any listed buildings and will have no impact on Austrey’s historical environment.
- The new development will not be visible from Norton Hill, and has no detrimental effect on the visual impact when approaching the village from the South East.
- The Highways Authority has confirmed that the proposed access is safe.
- The site includes a substantial area of community green space, in line with “Safer Places” guidelines.
- The applicants have engaged fully with the local community, taking wishes and aspirations into account.
- The revised development will provide exactly the type of housing requested by the people of Austrey in the 2013 Housing Needs Survey: homes for young

families and bungalows for elderly residents wishing to downsize. At the same time, it provides the required proportion of affordable housing.

- The design now provides a more acceptable solution for the neighbouring properties, Bembridge House and The Cottage. The developers have acknowledged the concerns relating to overlooking and overshadowing, and have revised their plans accordingly to mitigate this.
- The proposed site would direct development away from those areas along Warton Lane, where flooding is a real issue. Paragraph 100 of the NPPF requires that development be directed away from such areas where there are more suitable alternatives. This site is more suitable.

Observations

Access Proposals and Highway Safety

The Highway Authority initially objected to the proposal but now offers no objection alongside the following observations. A swept path analysis of a refuse vehicle, 10.76 metres in length, has been submitted for consideration, which is similar in size to the vehicles used by North Warwickshire Borough Council. The manoeuvre in and out of the site is tight, but can be done without the tyres over-running the kerbs or footway. The cab and rear of the vehicle may overhang the footway partially when carrying out the manoeuvres, but based on observations made during site visits, the manoeuvres could be carried out without affecting traffic flows or pedestrian movements.

The highway fronting the site was re-measured and the submitted drawing now appears accurate. The application is outline, so the internal layout of the site can be decided on at a later date. But, there needs to be a turning area provided within the site to allow a refuse vehicle 10.8 metres in length to turn around. Also, the proposed junction has a gradient of 8% (1:12.5) within the bell mouth. Guidance recommends a gradient of no more than 2.8% (1:36) for a distance of 15 metres, as measured from the near edge of the public highway carriageway. The gradients within the site will need amending.

To construct the access the existing lamp column fronting the site may require moving. The applicant / developer will be responsible for all costs involved in moving the lamp column if required.

There is no requirement for the applicant to propose more than one access. Indeed, the applicant is expressly seeking approval for the access details at this stage, it is wholly appropriate that a definitive proposal is submitted for consideration.

The Highway Authority has withdrawn its objection to the access arrangements on the basis that it has been evidenced that the access will meet the required standards of layout and visibility. In these circumstances the application should not be resisted on the grounds of highway safety or highway capacity to accommodate the proposed dwellings.

Heritage

An objector refers to harm caused by the splitting of 'one of the villages iconic properties'. The site contains no listed buildings; is not within the setting of any listed buildings and is not in a conservation area. The proposal retains the existing dwellings.

It is not considered that the development would have any significant impact on the heritage of the village.

Design and Visual Impact

The application is in outline, the detailed design is therefore reserved for a later date. It can however, be established from illustrative layout drawings that the land is adequate to accommodate 14 dwellings.

It is considered appropriate to condition that bungalows and ground levels reduction be required in the south eastern section of the site to minimise visual impact and address the potential for loss of amenity for existing residential properties. With such measures it is considered that the development of the site would not result in adverse visual impact.

Impact on Residential Amenity and Security

The occupier of "Bembridge" raises concern about increased security risk to his property. It is true that the rear and side boundaries would become more publically accessible, but the boundaries would benefit from a good level of surveillance from the new and existing properties, it is not considered that the risk to security would be of a level that could justify the refusal of planning permission.

Though new properties are proposed to the side and rear on the existing frontage properties, it is considered that there are adequate separation distances to ensure that no undue loss of privacy or overlooking would be suffered.

Drainage Issues

There are no objections from the Drainage Authorities. It would be appropriate to attach conditions requiring the submission of a detailed drainage proposal with the reserved matters application. There would be an expectation that the drainage solution achieved a surface water discharge limited to no more than current run off rates.

Consultation

It is incorrect to say that there has been no community consultation. The requisite consultation has taken place as a result of this application, but community consultation has also taken place in respect of the proposal to allocate the land for housing in the Site Allocations Plan and now also the Neighbourhood Plan.

Concluding Observations

This is an outline application with all matters reserved other than the means of access. The development, though beyond the development boundary, is supported in the Draft Site Allocations Plan and the Draft Neighbourhood Plan. The land will contribute towards meeting the minimum amount of housing required in the village of Austrey. Though a number of representations have been received from residents who oppose the development, the overriding response to the development of this site is of support.

The submitted drawings, incorporating the measures to address ground levels form the basis for an appropriate scheme, the details of which can be addressed through the approval of reserved matters application. The application may be supported in principle.

Recommendation

That subject to the signing of a Section 106 Agreement that addresses the provision of affordable housing and the payment of a contribution for off-site play space/open space provisions, planning permission be **GRANTED** subject to :

12. This permission is granted under the provisions of Article 4(1) of the Town & Country Planning (Development Management Procedure) (England) Order 2010 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
13. 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.
14. 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.
15. The development hereby approved shall not be carried out otherwise than in accordance with the plan numbered 021404 (in respect of the red line location plan part of the drawing only) received by the Local Planning Authority on 30 June 2014 and the access arrangements shown on drawing number 759_06 Rev E received by the Local Planning Authority on 2 February 2015.
16. The layout, appearance and scale details required in condition 1 shall incorporate the provision of bungalows and reductions in ground levels in the south eastern section of the site in order to minimise the visual impact of the development and address the potential for loss of amenity for existing residential properties. The details shown on the submitted drawings 759 06 RevE, 759 07 RevB, 759 08 and 759 09 Rev A (received 2 February 2015) are examples of an acceptable approach to the development of this part of the site in this regard.
17. No development shall take place until the applicant, or their agents or successors in title, has secured 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.
18. No development or site works whatsoever shall commence on site until details of measures for the protection of the existing trees which are to remain and for the

protection of adjacent dwellings have been submitted to and approved in writing by the Local Planning Authority.

19. No development or site works whatsoever shall commence on site until the measures approved in Condition No 7 above have been implemented in full.
20. Prior to the commencement of development a scheme for the compensation of biodiversity lost as a result of the approved development shall be submitted to and approved by the Local Planning Authority in writing.
21. Access for vehicles to the site from the public highway (Norton Hill D14) shall not be made other than the position identified on the approved drawing, number 759_06 Rev E, providing a bellmouth junction with radii of 6 metres and an access width of no less than 5.0 metres for a distance of 20 metres, with a gradient of no greater than 1:36, as measured from the near edge of the public highway carriageway. 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.
22. Notwithstanding the plans submitted 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.
23. The existing vehicular access to the site shall be closed off and the public highway footway reinstated to the satisfaction of the Highway Authority within 1 month of the new access being formed.
24. No gates shall be hung within the vehicular access to the site so as to open within 12 metres of the near edge of the public highway footway.
25. The development shall not be commenced until visibility splays have been provided to the vehicular access to the site, passing through the limits of the site fronting the public highway, with an 'x' distance of 2.4 metres and 'y' distances of 36.0 metres looking right (westerly) and 68 metres looking left (easterly) to the near edge of the public highway carriageway. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.3 metres above the level of the public highway carriageway.
26. 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.
27. 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.

28. Before the development commences a scheme for the construction of the foul and surface water drainage system shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
29. No work relating to the construction of the development hereby approved, including works of demolition or preparation prior to operations, or internal fitting out, 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.
30. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of screen walls/fences/hedges to be erected. The approved screen walls/fences shall be erected before the dwellings hereby approved are first occupied and shall subsequently be maintained. Any trees or plants which, within a period of 5 years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Notes

1. Section 163 of the Highways Act 1980 requires that water will not be permitted to fall from the roof or any other part of premises adjoining the public highway upon persons using the highway, or surface water to flow – so far as is reasonably practicable – from premises onto or over the highway footway. The developer should, therefore, take all steps as may be reasonable to prevent water so falling or flowing.
2. Condition numbers 1, 2 and 3 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. Pursuant to Section 149 and 151 of the Highways Act 1980, the applicant/developer must take all necessary action to ensure that mud or other extraneous material is not carried out of the site and deposited on the public

highway. Should such deposits occur, it is the applicant's/developer's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.

4. The County Council will not be held liable for any delays in the execution of any works carried out under the provisions of any Highway Works Agreement or issue of any licence which may be incurred as a result of the applicant's /developer's failure to make an application for such an agreement / licence sufficiently in advance of the works requiring to be executed.
5. The submitted plans indicate that the proposed works come very close to, or abut neighbouring property. This permission does not convey any legal or civil right to undertake works that affect land or premises outside of the applicant's control. Care should be taken upon commencement and during the course of building operations to ensure that no part of the development, including the foundations, eaves and roof overhang will encroach on, under or over adjoining land without the consent of the adjoining land owner. This planning permission does not authorise the carrying out of any works on neighbouring land, or access onto it, without the consent of the owners of that land. You would be advised to contact them prior to the commencement of work.
6. You are recommended to seek independent advice on the provisions of the Party Wall etc. Act 1996, which is separate from planning or building regulation controls, and concerns giving notice of your proposals to a neighbour in relation to party walls, boundary walls and excavations near neighbouring buildings. An explanatory booklet can be downloaded at www.communities.gov.uk/publications/planningandbuilding/partywall.
7. In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner through seeking to resolve planning objections and issues and suggesting amendments to improve the quality of the proposal. As such it is considered that the Council has implemented the requirement set out in paragraphs 186 and 187 of the National Planning Policy Framework.

BACKGROUND PAPERS

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

Planning Application No: PAP/2014/0157

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	
2	Warwickshire County Highways Authority	Consultation Reply	19 11 14 31 12 14 2 1 15 15 1 15 11 2 15
3	Applicant	Speed survey	25 11 14
4	D Hanks	Correspondence with Warwickshire County Highways Authority and representations of objection	3 11 14 30 11 14 18 12 14 2 2 15 15 2 15
5	F Gilbert	Representation – Objection	18 12 14
6	Mr & Mrs D Collingwood	Representation – Objection	18 12 14 15 2 15
7	A & A (no surname given)	Representation – Objection	18 12 14 15 2 14
8	A Southern	Representation – Objection	15 2 15
9	A Wilde	Representation – Support	26 2 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.

Applegarth and The Croft, Norton Hill, Austrey

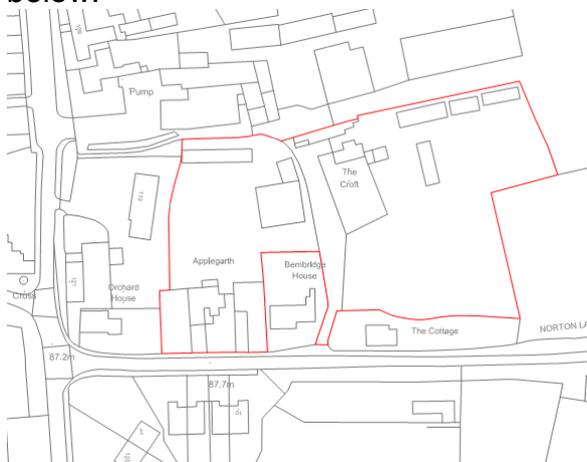
Outline application for erection of 14 dwellings and access road - all other matters reserved, for

Mr Smyczek & Mrs Bowman

The Site

The site is a roughly u-shaped area of land on the north side of Norton Hill at the southern end of the settlement of Austrey.

The site incorporates the existing residential properties of Applegarth and The Croft, but wraps around the property known a Bembridge, Norton Hill. It is shown on the plan below:



The land within the site is a mixture of garden and associated paddocks with outbuildings. The selection of photographs below show the interior of the site.



Croft House Farm, which lies immediately adjacent to the north of the application site, is a working livestock farm – see below:



The proposed access will be situated adjacent to the side elevation of the existing property, known as Bembridge House. This property has a large picture window serving a lounge on the front elevation, at the side, adjacent to where the access would pass, it has a further window to the same lounge on the side elevation and a side access door. It is shown below:



The Cottage borders the southern edge of the site (shown below).



The land to the rear of The Cottage within the application site is elevated ground. At its greatest height differential the ground is approximately 4m above the ground level at The Cottage.

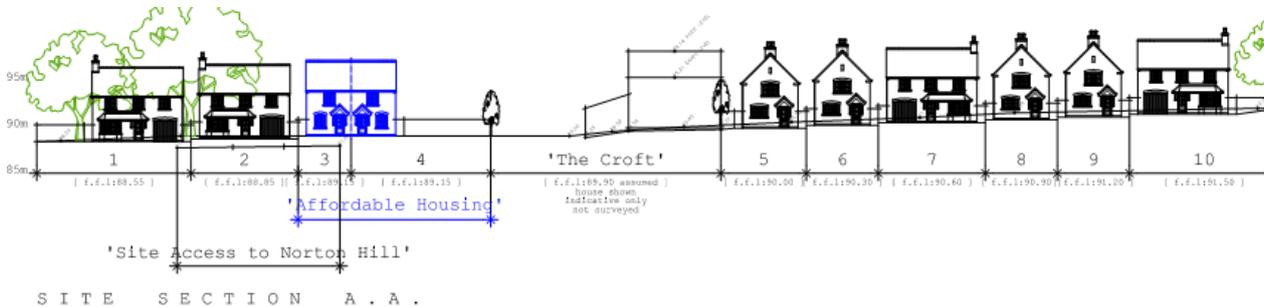
The Proposal

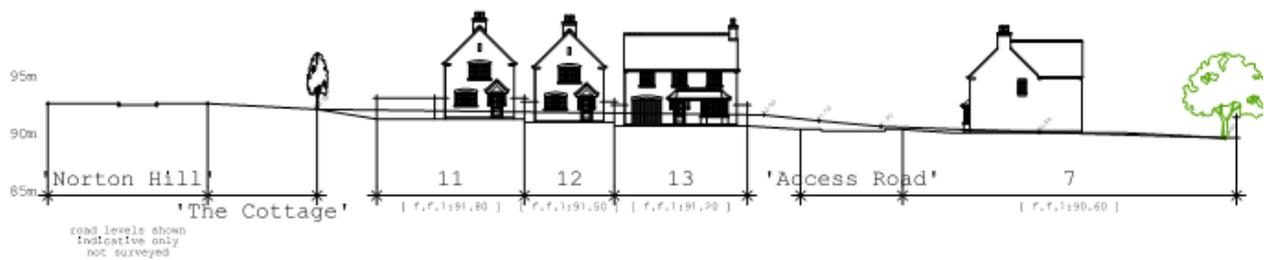
Outline application for erection of 14 dwellings and access road with all other matters reserved.

The access arrangements and the illustrative site layout are as shown below. The pair of dwellings highlighted blue are illustratively those that would be identified as affordable homes:



Again, illustratively, the spacing and relative heights of dwellings within the site are shown below:





For illustrative purposes only the applicant has supplied images of potential house types.



Following a viability assessment, the application propose two affordable dwellings delivered on site through a registered social landlord/housing provider.

It also proposes the payment of a sum for the off-site provision/upgrading of open space/play space (£30,706).

The applicant indicates that at reserved matters stage, high levels of energy efficiency will be incorporated in the development. It is intended that the scheme will achieve at least code level 4 of the Code for Sustainable Homes using energy efficient means of construction and renewable forms of energy.

Consultations

Warwickshire County Museum (Archaeology) - 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.

Given the past land use of this area, including its use as an orchard, I do not consider it necessary to undertake further archaeological assessment at this time. I do, however, consider that further archaeological fieldwork should be undertaken across this site should planning consent be granted in order to mitigate any archaeological impact of the proposed development.

Severn Trent Water - No objection subject to conditions

District Valuer – Independently assessed the Viability Statement and found that there was sufficient viability to provide 2 on site dwellings.

Warwickshire County Council Development Management - Austrey Primary is currently able to meet the demand from this development for Primary age pupils, therefore no contribution is requested for this age group. The local Secondary School, The Polesworth Academy is currently full to capacity and forecast to remain so, however the school has a significant proportion of children from out of County who would subsequently be displaced to create space for local children, therefore no request will be made for secondary / sixth form pupils.

Warwickshire County Highways Authority – Objection Though a revised proposal was presented in an attempt to address the initial concerns raised by the Highway Authority, it maintains an objection because it has not been demonstrated that the largest vehicle most likely to visit the site, a refuse vehicle no less than 10.8 metres in length, can enter the site using a forward gear, turn around and re-enter the public highway using a forward gear. Nor that visibility splays from the vehicular access to the site of 45 metres can be provided, as measured from a setback of 1.4 metres (they should be measured from a setback 2.4 metres from the near edge of the public highway carriageway). Neither splay is considered suitable. It also notes that it appears that the carriageway and footway widths on drawings are different to those measured on site. The footway appears to have been made wider.

Representations

Ten letters of objection/concern have been received raising the following matters:

- Additional traffic will cause highway safety issues.
- Traffic speeds along this stretch of Norton Hill, it is narrow and there is on street car parking restricting visibility. The proposed access would not be safe. Vehicles travel in excess of the speed limit
- The pavement in the vicinity of the proposed access is in poor condition, narrow and unsuitable for wheelchair access.
- There is no employment in the village and all new residents will need to commute. This is not sustainable.
- 14 new dwellings would be 'over development'.
- Applegarth should not be demolished (Note. It is no longer proposed to be demolished).
- The development will result in loss of privacy, overlooking and cause noise nuisance.
- The development will result in degradation of the rural environment.
- The proposed plot sizes are dramatically smaller than the plot sizes of existing neighbouring dwellings and will be out of character. If properties with smaller plot sizes are proposed they should be sited such that they are not adjacent to existing neighbours or the total number of dwellings proposed should be reduced.

- Elevated ground levels mean that the proposed dwellings would tower above the adjacent cottage and impact on the skyline. Bungalows would be preferable and are a needed form of development.
- Objectors suggest that a site visit by the Planning Committee would be appropriate.
- The supporting documents inaccurately claim that there are good transport services.
- The development would be beyond the village boundary and the size of the village would grow inappropriately by stealth.
- The development, if granted could contravene the Human Rights Act Articles 1 and 8.
- Norton Hill suffers an existing problem with surface water flash flooding. The proposed dwellings would add to the problem and residents of any new dwellings would be inconvenienced by the flooding (a photograph illustrating a flood event is supplied).
- Existing drainage has poor capacity.
- Users of the highway would be able to see into windows of the adjacent property (Bembridge House)
- The development could lead to increased calls for the felling of a large existing copper beech tree.
- The distribution of new housing should be more dispersed around the village, with fewer houses proposed at this site.
- There would be more suitable sites in the village to build new dwellings.
- Any increase in the height of boundary fences would interfere with rights to light.

Austrey Parish Council – Indicates that although the site is included in the draft Neighbourhood Plan for 14 dwellings, the current application does not agree with the Neighbourhood Plan which requires all 2/3 bedroom houses for young families.

It sets out the following extract from the current draft:

Site 2. Norton Hill (Allocated by NWBC and subject to current Planning Application)

Policy 1.4: The 14 houses off Norton Hill will be exclusively 2 and 3 bedroom housing and the full percentage required by the NWBC shall be affordable as defined by DCLG.

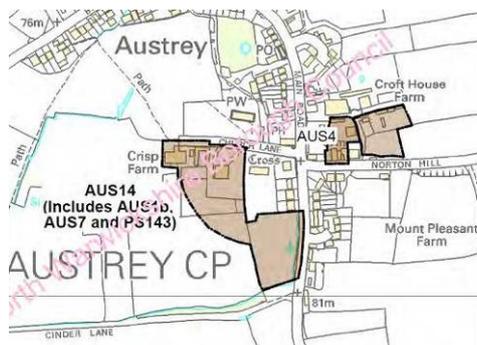
Policy 1.5: As part of the Norton Hill development an area of community green space will be established in keeping with the development in line with the 'safer spaces' standards to avoid anti-social behaviour problems.

Observations

Housing Need and Housing Land Supply

This site lies outside the development boundary for Austrey but is a site allocated for housing development in the Site Allocations Plan and the Draft Neighbourhood Plan.

The following is an extract from the Site Allocations Plan, showing the whole of the application site as an allocated site.



The SAP is not yet adopted but it has been through a number of formal public consultations and its current form reflects public response. It has weight in the consideration of this application, but that weight is limited.

As discussed in previous applications, the Neighbourhood Plan can only be afforded very little weight in the consideration of the planning applications but it is indicative of the direction of travel of the Parish.

The development of this site would broadly accord with the provisions of policy NW2 of the CS and will go towards meeting the housing need for the settlement identified in Policy NW5.

Trees

There are trees and hedgerows at the site, it is not proposed to remove the most significant trees in order to accommodate the proposed development. The protection of existing trees and the enhancement of the development with new tree and hedgerow planting is a matter that can be addressed by condition and dealt with at the reserved matters stage.

Highway Safety

Though there is no objection concerning the scale of traffic generated or its impact in capacity terms, the highway authority maintains a detailed objection to the application, despite the application having been through one revision already.

The Highway Authority remains doubtful that the required visibility splays can be achieved. To pursue the matter it has been suggested that the applicant may wish to undertake a speed survey to be able to evidence that vehicles travel at lower speeds and so that it can be shown that it would be safe to have reduced visibility splays.

It is known that the applicant is currently actively working towards a solution but that this may take a while longer. This matter will be updated when the application is reported for determination.

Archaeology

There is no in principle opposition to the development of this site for the reasons given above. The use of a planning condition would be appropriate.

Drainage and Flooding

The site is not within a Flood Zone and the flooding experienced at the north of the village does not occur to the same degree at the southern side of the village (though there has been some flash flooding). There is no objection to the development of this

site from the drainage authority. It is currently believed that this aspect may be dealt with as a reserved matter. A sustainable drainage solution will be sought.

Affordable Housing and Housing Mix

The applicant proposes two on-site affordable homes. The level of provision has been agreed following a viability appraisal. A legal agreement is proposed to secure this. The provisions of policy NW6 would be met.

The Parish Council supports the principle of development but expresses concern that the housing mix does not meet its aspirations in the NP. Given the very limited weight that the NP presently carries, a refusal based around housing mix would not be sustainable. The indicative mix will meet a variety of housing requirements and incorporates aspects of what would be sought through the draft NP.

Amenity and Design

The site is of an adequate size, subject to appropriate design and site layout, to accommodate 14 new dwellings whilst retaining the two existing dwellings, without causing undue harm to the occupiers of adjacent properties and allowing for appropriate living conditions for the occupiers of new dwellings.

Having said the above, there are aspects of the presented illustrative layout which would be unsatisfactory. The sections and proposed levels drawings confirm that the proposed new dwellings at Plots 11, 12, 13 and 14 on the illustrative layout would have a domineering and overlooking impact on the existing properties on Norton Hill. Acknowledging that this is an outline application, with all matters reserved other than access, this would not preclude the application from being supported in principle, but it would be clear that there could be no support for the illustrative scheme. Greater separation distances between any new dwellings and The Cottage in particular would be required, and greater attention would need to be paid to addressing the height differentials, through the lowering of ground levels and/or a reduction in the height of the proposed new dwellings. Any planning permission would need to make this very clear.

The proposed development would introduce a new roadway in the gap between the application property, Applegarth, and the neighbour, Bembridge House. The occupiers of Bembridge House object on the grounds that the roadway would cause detriment to their amenity. When first presented the roadway was proposed to run immediately adjacent to the whole of the side of the rear garden, kinking out only slightly where it abutted the dwellinghouse itself. This previous arrangement would have been an unsatisfactory solution. The plans have however been revised to pull the roadway away from the boundary with the formation of a 5 metre wide landscaping belt. There would be a pedestrian path on the Applegarth side of the access (with only a short pedestrian route at the junction on the Bembridge side). It is considered that these revisions are sufficient to protect the occupiers of Bembridge from unreasonable disturbance or loss of privacy.

The adjacent farm is in use for the rearing of livestock. Dwellinghouses in close proximity to such uses can give rise to nuisance from flies, odours and noise. There are no recorded incidences of this particular premises having been the subject of complaint from the occupiers of existing nearby properties. There are limited number of measures that can be proposed to address this potential issue, but a condition requiring the approval of appropriate acoustic boundary treatment would be appropriate and

maximising the separation distance of the properties from the boundary (in the vicinity of Plots 1 to 4) should be sought in any revised site layout. It is not considered that the risk to amenity is so great that planning permission should be refused, particularly given that a planning permission has previously been granted at the neighbouring farm that would result in the cessation of use for the buildings for the rearing of livestock.

Open spaces/Play Space/Community Benefit

The Parish Council supports the principle of development but expresses concern that the site should include an area of community green space. The applicant does not propose this, and to do so would impact of the potential viability of the scheme and the ability to deliver priority affordable housing. That does not mean that the applicant proposes to make no provision. Instead, it is proposed to make a financial contribution to the off-site provision of open space/play space. This is an acceptable approach and the application is not of a scale that a refusal would be justified for a failure to deliver on-site green space.

Ecology/Bio Diversity and Landscape Character

Though the development would result in some loss of hedgerow and some tree cover there is opportunity within the site to secure mitigation. This can be secured by condition.

Recommendation

7. That Board resolves to visit the site ahead of considering a determination report in respect of this application.
8. That the Board be invited to identify any key issues material to the application that it wants to be addressed by the applicant.
9. That the Board is MINDED TO SUPPORT the application subject to resolution of the outstanding highway objection and subject a S106 Agreement covering affordable housing and off-site play space/openspace.

BACKGROUND PAPERS

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

Planning Application No: PAP/2014/0157

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	1 4 14 30 6 14 23 9 14 16 10 14
2	Warwickshire Police Crime Prevention Design Advisor	Comments	17 7 14 20 10 14
3	Applicant	Viability Appraisal	26 6 14
4	Environmental Health Officer	Consultation Reply	18 7 14
5	Severn Trent Water	No objection subject to conditions	25 7 14
6	A Southern	Representation	28 7 14
7	C Moss	Representation – Objection	26 7 14
8	B Truman	Representation – Objection	27 7 14
9	D Collingwood	Representation – Objection	29 7 14
10	Mr & Mrs Gilbert	Representation – Objection	29 7 14
11	J H Collingwood	Representation – Objection	30 7 14
12	S Elliot	Representation – Objection	2 8 14
13	R Collingwood	Representation – Objection	2 8 14
14	D Hanks	Representation – Objection	5 8 14 & 10 8 14 8 9 14
15	Warwickshire County Museum (Archaeology)	Consultation Reply	5 8 14
16	District Valuer	Consultation Reply	12 8 14
17	Warwickshire County Highways Authority	Consultation Reply	14 8 14 21 10 14
18	Warwickshire County Council Development Management	Consultation Reply	3 9 14 1 10 14
19	P Yates	Email	7 8 14

20	Applicant's Agent	Email	16 9 14
21	Austrey Parish Council	Representation – Objection	10 10 14
22	Case Officer	Email re Draft Heads of Terms	13 10 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.



Application No: PAP/2014/0433

Land Adjacent And Rear Of Manor Croft, Newton Lane, Austrey

Outline - residential development of 5 dwellings, parking and new access, for

Mr Raymond Davies

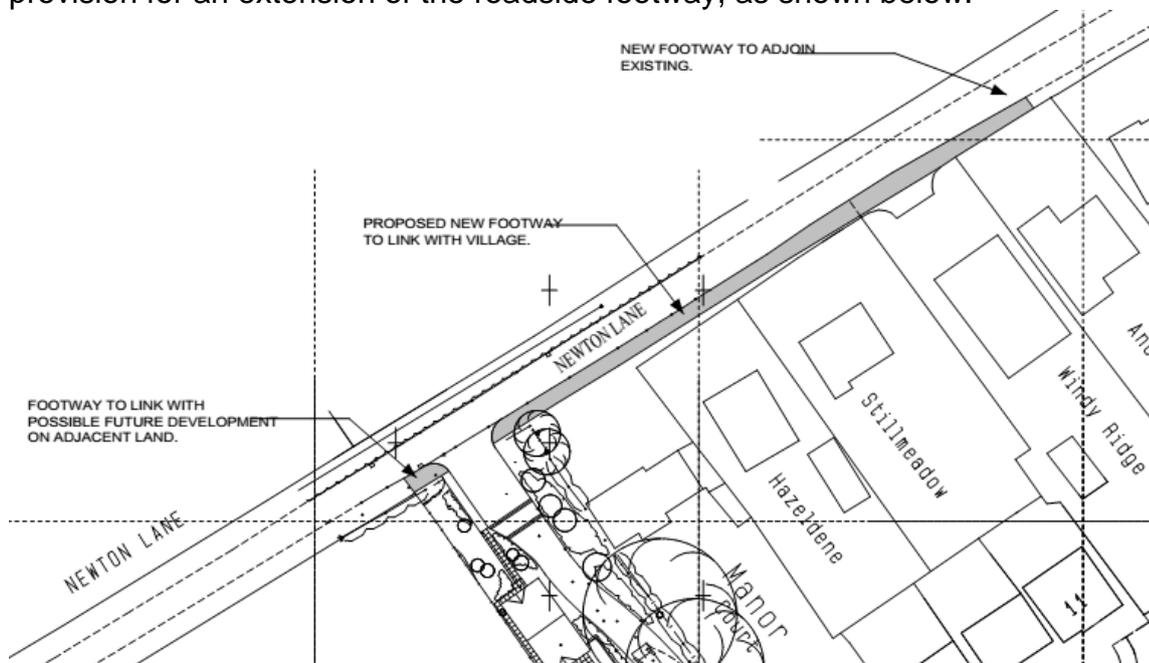
Introduction

The report to Board in November 2014 described the proposal; detailed the representations that had been received and highlighted the issues that needed to be addressed prior to the determination of the application. The Officer's recommendation at that time was 'Minded to Support' subject to the resolution of the outstanding highway and drainage objections. It also indicated that support should be subject to the signing of a S106 Agreement covering housing and off-site play space/open space.

The November 2014 report is attached at the foot of this item as **Appendix E**. The November report should be read in conjunction with this current report and regard should be had to its content when determining this planning application.

The Proposal – Update

In response to a requirement of the Highway Authority to improve pedestrian connectivity from the site to the village the applicant has revised the scheme to make provision for an extension of the roadside footway, as shown below:



To clarify the drainage proposals the applicant has submitted drawings showing the incorporation of rainwater harvesting and indicating that the ground conditions will be checked for the suitability of soakaways. The fall back position is shown as discharge to the public sewers.

New Consultation Findings

Warwickshire County Highways Authority – Objection.

Warwickshire County Council (Flood Risk Management) - No objection subject to conditions.

Additional Representations

Two further letters of objection have been received raising the following concerns:

- Concern about the number of dwellings proposed in the village
- Concern about flooding
- Proximity to the M42/HS2
- The narrowness of the lane and absence of pavements
- The likely reliance on private vehicles
- The impact on surrounding landscape
- The development would not be in keeping with adjacent development which is 1 and 1 ½ storeys.

Observations

Drainage Issues

The Flood Risk Management Officer has been re-consulted on the detailed drainage scheme and confirms that he has no objection to the drainage proposal subject to conditions.

Affordable Housing/Open Space

As detailed in the introduction to the main report the requirement for affordable housing and off-site contributions towards open space/play space no longer applies in respect of development of this size.

Highways Issues

The County Council objects on the basis that:

- the bellmouth should be constructed with radii no less than 4.0 metres, but preferably 6.0 metres
- that refuse vehicles 10.8 metres in length cannot enter the site. However it points out that allowance for collections abutting the highway, which would negate the need to enter the site, a designated refuse bin store / collection point would need to be provided within the site.
- A footway extension is proposed between the site and the existing footway easterly of the site fronting Newton Lane. Whilst the Highway Authority is supportive of the extension it does not provide a continuous pedestrian link to the village. The footway ends fronting The Willow on No Mans Heath Lane. That leaves pedestrians to walk in the carriageway where street lighting is limited, the carriageway width narrows and there are limited places for pedestrians to take refuge from passing traffic.

The Highway Authority's desire to have full pedestrian connectivity to the village is understood and the applicant has acknowledged this through the revision of the scheme to form a new footway along Newton Lane. If planning permissions are granted in respect of adjoining sites, connectivity will be improved in a westerly direction (although it is acknowledged that this can not be guaranteed. It needs to be queried whether it is reasonable in these circumstances to refuse planning permission on the basis of issues and limitations with pedestrian access.

The concerns about the bell-mouth radii and bin collection point can be addressed through conditions attached to the planning permission if granted.

Concluding Observations

As detailed in the November 2014 report, the site lies partly outside and partly within the development boundary for Austrey. Whilst the site is mostly outside of the identified development boundary, it is partly within and wholly adjacent to the existing built form and can reasonably be argued to be organic and sustainable growth. It proposes only 5 dwellings and would sit adjacent to existing residential development and would be contained by an existing roadway. The land has an existing quasi residential character.

On this basis, it was concluded that the development was, small in scale (in accord with that envisaged in the settlement hierarchy), and sustainably located adjoining the settlement edge. It would also appear that it accords with the draft Neighbourhood Plan in its policy on additional sites for housing. In accord with there being an overall presumption in favour of sustainable development, it is recommended that this small development may be supported.

Recommendation

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

15. This permission is granted under the provisions of Article 4(1) of the Town & Country Planning (Development Management Procedure) (England) Order 2010 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) Landscaping
 - (b) Layout plans and full elevation drawings of the proposed dwellings
16. 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.
17. 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.

18. The development hereby approved shall not be carried out otherwise than in accordance with the plan numbered 9256.03 RevF received by the Local Planning Authority on 16 February 2015 and the plans numbered 9256.04 and 9256.01 received by the Local Planning Authority 12 August 2014.
19. Notwithstanding the detail shown on the approved drawings, the bellmouth to the access shall be constructed with radii no less than 6.0 metres.
20. Prior to the commencement of development details of a proposal for a designated refuse bin store/collection point within the site shall be submitted to and approved by the Local Planning Authority in writing. The approved arrangements shall be fully installed prior to the occupation of any dwelling hereby approved.
21. No development shall be commenced before details of the facing materials and roofing tiles to be used have been submitted to and approved by the Local Planning Authority in writing. The approved materials shall then be used.
22. No development or site works whatsoever shall commence on site until details of measures for the protection of the existing trees which are to remain and for the protection of adjacent dwellings have been submitted to and approved in writing by the Local Planning Authority.
23. No development or site works whatsoever shall commence on site until the measures approved in Condition No 8 above have been implemented in full.
24. Acoustic double glazing and acoustically treated ventilation shall be incorporated into habitable rooms in the proposed dwellings hereby approved. Prior to the commencement of development full details shall be submitted to and approved by the Local Planning Authority in writing. The approved details shall be installed in full and maintained as such at all times thereafter.
25. No development shall take place until the applicant, or their agents or successors in title, has secured 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.
26. Prior to the commencement of development a scheme for the compensation of biodiversity lost as a result of the approved development shall be submitted to and approved by the Local Planning Authority in writing.
27. The access to the site for vehicles shall not be used in connection with the development until it has been surfaced with a bound material for a minimum distance of 7.5 metres as measured from the near edge of the public highway carriageway.
28. The development shall not be occupied until a turning area has been provided within the site so as to enable the largest vehicle likely to enter the site to leave and re-enter the public highway in a forward gear.

29. The Applicant/Developer shall install suitable measures to ensure that mud and debris will not be deposited on the highway as result of construction traffic leaving the site. Prior to the commencement of the development, the details of these measures (including type, method of operation and control of use) shall be submitted in writing to the Local Planning Authority for their approval in consultation with the Highway Authority.
30. The development shall not be commenced until space has been provided within the site for the parking and loading/unloading] of delivery/construction/demolition vehicles in accordance with details to be approved in writing by the Local Planning Authority.
31. The parking area hereby approved shall not be used for any purpose other than the parking of cars.
32. No work relating to the construction of the development hereby approved, including works of demolition or preparation prior to operations, or internal fitting out, 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.
33. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of screen walls/fences/hedges to be erected. The approved screen walls/fences shall be erected before the dwellings hereby approved are first occupied and shall subsequently be maintained. Any trees or plants which, within a period of 5 years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
34. The development hereby permitted shall only be carried out in such a manner that the rate of surface water run-off generated by the site shall be limited to discharge at no more than the existing greenfield rate and as agreed with Severn Trent Water (5l/s) and the attenuation of surface water on site shall be to the 1 in 100 year flood event standard plus an allowance of 30% for climate change, using SuDS.
35. Prior to the commencement of development a fully labelled network drawing, with corresponding detailed network calculations, showing all dimensions of all elements of the proposed drainage system including control devices and structures shall be submitted to and approved in writing by the Local Planning Authority.
36. Prior to the commencement of development modelled results for critical storms, including as a minimum 1yr, 30yr, and 100yr +30% cc events of various durations, shall be submitted to and approved in writing by the Local Planning Authority.. A submerged outfall should be used for the modelling. An electronic copy of the model shall be submitted to Warwickshire County Council Flood Risk Management Team.

37. Prior to the commencement of development detailed drawings showing plan and sections of the proposed permeable paving shall be submitted to and approved in writing by the Local Planning Authority.
38. In the event that the drainage network is to be adopted, evidence of an agreement with the adopting body shall be submitted to the Local Planning Authority prior to the occupation of the first dwelling..
39. Prior to the commencement of development evidence of overland flood flow routing in case of system failure shall be submitted to and approved in writing by the Local Planning Authority. This should include the hydraulic modelled flow routes with depths/velocities of the flow.
40. No works shall commence on site until detailed design drawings and supportive calculations for the disposal of foul and surface water sewage have been submitted and approved by the Local Planning Authority in writing. No sewage discharge shall be in operation until the drainage works in accordance with the approved drawings have been completed.
41. Prior to the commencement of development a Maintenance Plan giving details on how the entire surface water system will be maintained shall be submitted to and approved in writing by the Local Planning Authority.

Notes

1. Conditions require works to be carried out within the limits of the public highway. Before commencing such works the applicant / developer must serve at least 28 days notice under the provisions of Section 184 of the Highways Act 1980 on the Highway Authority's Area Team.

This process will inform the applicant of the procedures and requirements necessary to carry out works within the Highway and, when agreed, give consent for such works to be carried out under the provisions of S184. In addition, it should be noted that the costs incurred by the County Council in the undertaking of its duties in relation to the construction of the works will be recoverable from the applicant/developer.

The Area Team may be contacted by telephone: (01926) 412515. 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. Application 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.

2. The submitted plans indicate that the proposed works come very close to, or abut neighbouring property. This permission does not convey any legal or civil right to undertake works that affect land or premises outside of the applicant's control. Care should be taken upon commencement and during the course of building operations to ensure that no part of the development, including the foundations, eaves and roof overhang will encroach on, under or over adjoining land without the consent of the adjoining land owner. This planning permission does not authorise the carrying out of any works on neighbouring land, or access onto it, without the consent of the owners of that land. You would be advised to contact them prior to the commencement of work.
3. You are recommended to seek independent advice on the provisions of the Party Wall etc. Act 1996, which is separate from planning or building regulation controls, and concerns giving notice of your proposals to a neighbour in relation to party walls, boundary walls and excavations near neighbouring buildings. An explanatory booklet can be downloaded at www.communities.gov.uk/publications/planningandbuilding/partywall.
4. In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner through seeking to resolve planning objections and issues and suggesting amendments to improve the quality of the proposal. As such it is considered that the Council has implemented the requirement set out in paragraphs 186 and 187 of the National Planning Policy Framework.

BACKGROUND PAPERS

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

Planning Application No: PAP/2014/0433

Background Paper No	Author	Nature of Background Paper	Date
1	D Rowse	Representation – Objection	4 11 15
2	S Duggan	Representation – Objection	4 11 15
3	Warwickshire County Highways Authority	Consultation Reply	31 10 15
4	Warwickshire County Council (Flood Risk Management	Consultation Reply	27 2 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.

Land Adjacent And Rear Of Manor Croft, Newton Lane, Austrey

Outline - residential development of 5 dwellings, parking & new access, for

Mr Raymond Davies

The Site

The site is a roughly L shaped parcel of land which forms part of the rear garden of the property known as Manor Court, Warton Lane. The site fronts Newton Lane at a position adjacent to Manor Croft, and extends to the rear of Manor Croft.

The site is shown below. Taken from Newton Lane with Manor Croft to the left hand side. It contains a number of substantial trees.



The site adjoins the land that comprises application number PAP/2014/0446. The photograph below shows the existing access to Newton Lane looking towards the neighbouring application site beyond the post and rail fence.



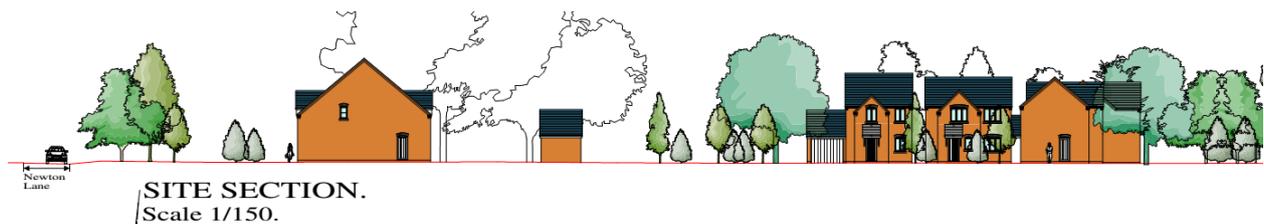
The end of the cul de sac of Yew Tree Court lies to the east and trees on the application site are visible from Yew Tree Court.

The Proposal

An outline application for the residential development of 5 dwellings with parking and a new access. The application seeks approval of the details of means of access, appearance, layout and scale. The proposed layout is shown below.



A section showing the proposed housing is below:



The development would comprise a mix of 3 (3x) and 4 (x2) bedroom detached properties.

Consultations

Warwickshire County Council Flood/Drainage Advisor – Objection. There are known flooding issues in the vicinity of Newton and Warton Lane areas and therefore we would expect a Flood Risk Assessment/Drainage Strategy to be submitted as of the planning application demonstrating how surface water run-off is to be managed on site and how the development will not increase the risk to flooding elsewhere.

At outline planning stage we do need to have clarity on the preferred method of drainage, a correct estimate of the required storage on the site that takes into account all positively drained areas within the site and a point of discharge of the surface water drainage network.

Environmental Health Officer – Expresses concerns relating to noise. This development is relatively close to the existing M42 motorway and the proposed HS2 railway. Although figures have not been released relating to the predicted noise from HS2, and an assessment of the current noise levels has not been carried out, he suggests that a precautionary approach to potential noise disturbance is applied and recommends that acoustic double glazing and acoustically treated ventilation is incorporated into habitable rooms in the proposed dwellings should permission be granted. Details of this will need to be submitted for approval by the local authority prior to construction.

Warwickshire County Highways Authority – Objection. It has not been demonstrated that the vehicular access to the site is suitable for the purpose intended, that the site can be serviced in accordance with guidance, the proposed development is not considered to be sustainable and does not provide suitable pedestrian links, pedestrians should not be sharing road space, especially where lighting is poor, carriageway widths are narrow and the priority is for vehicle movements, the proposed parking provision and layout is not considered suitable for the purpose intended and it has not been demonstrated that the visibility splays can be maintained.

Warwickshire County Museum (Archaeology) – Shallow ridge and furrow across this site suggests that the application site once formed part of the open fields associated with Austrey. Analysis of historic mapping, and earthworks to the south-west of Headlands suggest that the focus of the medieval and later settlement in this area was to the immediate south of the application site (Warwickshire Historic Environment Record MWA 9490). While few remains pre-dating the medieval period have been identified from the vicinity of the site, this may reflect a lack of previous investigations across this area, rather than a lack of archaeological remains. There is therefore a potential for the proposed development to disturb archaeological deposits pre-dating the medieval and later agricultural use of this area. The Archaeologist does not wish to object to the principle of development, but does consider that some archaeological work should be required if consent is forthcoming.

Severn Trent Water – No comments

Representations

Two letters have been received raising the following concerns:

- The site exits on to a narrow country lane where it is difficult for two cars to pass. The additional traffic would cause a hazard.
- Existing sewage provision and the electricity sub-station are inadequate.
- There is a known flooding problem in the vicinity.
- Austrey is a rural village with very limited facilities for this type of housing, a minimal bus service, no doctor or dentist, one primary school and only one village shop.

Observations

Housing Need and Housing Land Supply

Policy NW2 of the Core Strategy sets out the Settlement Hierarchy in the Borough indicating the type of development that will be suited to different categories of settlements. Development in Newton Regis (a Category 4 settlement) will be limited to that identified in the Core Strategy or has been identified through a Neighbourhood or other locality plan.

Whilst a small part of the application site lies within the identified development boundary for Austrey, the largest part of it lies outside of the development boundary. It is not an allocated site for housing in the Site Allocations Plan (Draft Pre-Submission June 2014) and it is not put forward in the first consultation draft of the Neighbourhood Plan as land allocated for housing. In these circumstances, there is an argument to suggest that the development is contrary to the provisions of Policy NW2 of the North Warwickshire Core Strategy 2014.

The applicant's agent disagrees with that argument. He points that the Core Strategy (CS) explanatory text to Policy NW2 indicates that it allocates strategic housing numbers but does not give specific locations as these will be determined either through Area Action Plans or Neighbourhood Development Plans prepared by the various Parish Councils. The CS states changes to development boundaries will be made in the appropriate Development Plan Document or once development has taken place, whichever is the earlier. As confirmed by the Newton Regis appeal it is not expected that sites would come forward that would be larger than 10 units at any one time in the Category 4 settlements so the growth is organic and naturally sustainable.

He further argues that the situation over the last seven years has been that the LPA has persistently failed to meet the requirements of the Local Plan completions figure since 2006 to 2011, confirmed in recent appeal decisions. To be included in the 5 year supply sites need to be deliverable and available now. He takes issue with the LPA figures including LIP sites and allocations that have yet to secure planning permission. In these circumstances he considers that it is reasonable to allow for a 10% discount on such sites to factor in the inevitable delays on completion that will occur in respect of these sites over the next 5 years. With the 10% discount applied the 5 year figure is closer to the 5.7 years as reported in the October 2014 planning committee agenda.

Given this fact and that the Site Allocation Document and Austrey Neighbourhood Plan are in draft only and carry little or no weight, he argues that the Manor Court scheme is available and deliverable and adheres to the policy objective of NW4 by delivering organic and sustainable growth to the village. In accordance the CS, changes to the development boundary can be made in the appropriate Development Plan Document once the development has taken place.

The quote from the explanatory text is correct but it needs be read and interpreted in the context of the policy. The settlement hierarchy identifies that development in Category 1 settlements will be accommodated 'in or adjacent to the market towns', similarly, Category 3A settlements will development will be accommodated 'in or adjacent to development boundaries', yet it states that in Category 4 settlements 'development will be limited to that identified in the plan or has been identified through a Neighbourhood or other locality plan'. The inference is that unless identified in another plan would not be approved outside a development boundary but it does not expressly say that no development will be permitted beyond the development boundary in Austrey.

Policy NW5 indicates that Newton Regis will cater for a minimum of 40 units, usually on sites of no more than 10 units. It does not expressly require that these shall be within the development boundary. Indeed, it is acknowledged through the SAP and NP that this cannot be accommodated within the village as adjacent land is allocated.

In these circumstances it would be unreasonable to conclude that the development boundaries are absolutely sacrosanct in Category 4 settlements and it would be appropriate to assess whether there are any material considerations which could weigh in favour of the grant of a permission, in furtherance of NPPF guidance which indicates that there is a presumption in favour of sustainable development

The circumstances of this case are such that there is some substance to the applicant's argument in respect of the small scale and location of the application proposal. Whilst the site is mostly outside of the identified development boundary, it is partly within and wholly adjacent to the existing built form and can reasonably be argued to be organic and sustainable growth. It proposes only 5 dwellings and would sit adjacent to existing residential development and would be contained by an existing roadway. The land has an existing quasi residential character.

Though the Council stands by its up to date assessment of the current housing land supply, it is acknowledged that the housing numbers for Austrey are minimum, rather than maximum, numbers and that the grant of small scale additional numbers through windfalls will help the achievement of housing delivery.

Trees

There are some significant trees at the site. The scheme has been revised to ensure they can be retained, though there will be some loss of less significant trees.

Highway Safety

Though there is no objection concerning the scale of traffic generated or its impact in capacity terms, the highway authority maintains a detailed objection to the application. The applicant is currently actively working towards a solution. This matter will be updated when the application is reported for determination.

Archaeology

There is no in principle opposition to the development of this site for the reasons given above. The use of a planning condition would be appropriate.

Drainage and Flooding

Given the known flooding issues in the northern part of Austrey the applicant was required to submit a drainage strategy. It is still awaited and will be the subject of re-consultation with the Warwickshire County Council Flood/Drainage Advisor.

Severn Trent Water does not object on the grounds of additional sewage load.

Affordable Housing

The applicant has submitted an affordable housing viability statement (using the methodology outlined in the Affordable Housing Viability report) and proposes a financial contribution towards the off-site provision of affordable housing (£9,660).

Open spaces/Play Space/Community Benefit

The applicant has indicated an intention to address this requirement as a financial contribution for off-site provision.

Ecology/Bio Diversity and Landscape Character

Though the development would result in some loss of hedgerow and some tree cover there is opportunity within the site to secure mitigation. This can be secured by condition.

Amenity and Design

The development can be accommodated without undue harm to the amenity of occupiers of adjacent properties. Though the adjacent bungalow contains large windows in the gable elevation adjoining the site, the scheme layout has been altered to position the proposed frontage dwelling at the opposite side of the site such that the new access road and a landscaped border being closest to the bungalow.

Each new dwelling would have adequate private amenity space and adequate off-street car parking.

The scale and design of the dwellings are appropriate and will not cause harm to the character or appearance of the edge of settlement.

Recommendation

10. That Board resolves to visit the site ahead of considering a determination report in respect of this application.
11. That the Board be invited to identify any key issues material to the application that it wants to be addressed by the applicant.
12. That the Board is MINDED TO SUPPORT the application subject to resolution of the outstanding highway and drainage objections and subject a S106 Agreement covering affordable housing and off-site play space/openspace.

BACKGROUND PAPERS

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

Planning Application No: PAP/2014/0433

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	12 8 14 15 9 14 17 10 14
2	Landscape Manager	Consultation Reply	28 8 14
3	D Rowse	Representation	5 8 14
4	D E Fullerton	Representation	10 9 14
5	Warwickshire County Council Flood/Drainage Advisor	Consultation Reply	10 9 14
6	Applicant's Agent	Email	11 9 14
7	Applicant	Letter	12 9 14
8	Environmental Health Officer	Consultation Reply	18 9 14
9	Warwickshire County Museum (Archaeology)	Consultation Reply	3 10 14
10	Severn Trent Water	Consultation Reply	20 10 14
11	Applicant's Agent	Emails	22 10 14 24 10 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.

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Application No: PAP/2014/0446

Land North Of Manor Barns, Newton Lane, Austrey,

Erection of 30 dwellings (8 no: 3 bedroom houses; 3 no: 2 bedroom bungalows; 11 no: 2 bed houses; 2 no: 4 bedroom houses and 6 no: 1 bed apartments) formation of new vehicular access and associated works, for

Mr Richard Kirkland - Maplevale Developments Ltd

Introduction

The report to Board in November 2014 described the proposal; detailed the representations that had been received and highlighted the issues that needed to be addressed prior to the determination of the application. The Officer's recommendation at that time was 'Minded to Refuse' for the reasons set out in the report, namely:

- concerns about the density of the development being inappropriately high, contrary to the grain and appearance of the settlement;
- the scale and massing of the built form being at odds with the hierarchical status in the settlement and the visual prominence of the built form,
- the adverse effect on the amenity of the occupiers of the adjacent property at Poacher's Pocket
- the unsatisfactorily small level of private amenity space for many of the proposed dwellings.
- concern about the total number of dwellings, particularly in the context of policy which suggests that housing development in the settlement should normally be on small sites of up to ten units as small scale organic growth
- the failure to make provision for open space or play space
- the failure to mitigate the loss of biodiversity
- the adverse effect of the loss of the green edge to the settlement

The November 2014 report is attached at the foot of this item as **Appendix F**. The November report should be read in conjunction with this current report and regard should be had to its content when determining this planning application.

The Revised Proposal

In response to concerns highlighted in the November 2014 report, the applicant has submitted a revised proposal. It now comprises the following: Erection of 30 dwellings (8 no: 3 bedroom houses; 3 no: 2 bedroom bungalows; 11 no: 2 bed houses; 2 no: 4 bedroom houses and 6 no: 1 bed apartments); formation of new vehicular access and associated works.

The new site layout is as shown below. It incorporates an area of open space at the entrance to the site, creates a single point of access to the public highway, avoids the continuous built form along the outer edge of the site and reduces the degree to which the outlook from Poacher's Pocket would be blocked by built form.



The proposed street scenes would be as shown below:





New Consultation Findings

Warwickshire County Council (Flood Risk Management) - No objection subject to conditions.

Warwickshire County Highways Authority – Objection.

Housing Strategy and Development Officer – Confirms that he is happy with the proposed mix of house types; is pleased that affordable housing is proposed at a rate exceeding 40% and is happy with the fact that Trent and Dove will manage the properties.

Additional Representations

Further letters of objection have been received from 36 individuals/couples. The concerns re-state objections detailed in the November 2014 report and raise the following additional matters:

- The quantity of houses proposed is not in keeping with the local environment.
- Newton lane is very narrow with hardly enough room for 2 cars to pass. A lot of large farm vehicles use the lane. There is no pavement for pedestrians.
- There is evidence to see of vehicles having gone off the road.

- The historic value of the land and hedging.
- The lack of adequate green space or facilities because of the number of dwellings crammed in.
- The site does not accommodate enough car parking space.
- The type of housing is not in keeping with other properties in the area.
- The development of this site is not supported by the emerging Neighbourhood Plan.
- More suitable brownfield sites and more sensitive developments have been identified elsewhere in the village.
- No possibility of a continuous footpath into the centre of the village, as has been insisted upon for other developments in Austrey.
- Remote location, some distance from any of the village amenities which need support to ensure their survival.
- Too close to the proposed HS2 route.
- Unsuitable for social housing for which there is little demand in Austrey: no jobs, limited transport, little infrastructure, no medical services.
- Unadopted road is unlikely to be maintained.
- Refuse collectors may not enter the private road: this potentially means 60 dustbins on the very narrow Newton Lane on recycling day
- Failure to recognise the historical importance of this site: pronounced ridge and furrow formation, directly abutting grade II listed stables and 300 year old Manor House.
- The plans are sloppy, rushed and ill-conceived with many errors.
- The revised design and layout is even worse: totally out of keeping with the character of Austrey: far too dense and looks more like an urban car park.
- A block of flats does not meet the needs of the local community who have requested family homes and bungalows suitable for elderly residents seeking to downsize.
- This development brings no benefits for the local community.
- Building houses on this site would interrupt the views of Austrey from the M42, which local action group, InSpires, is seeking to protect.
- Significant loss of amenity, unacceptable overlooking and overshadowing of the glass-fronted bungalow, Poacher's Pocket, along the eastern border.

Observations

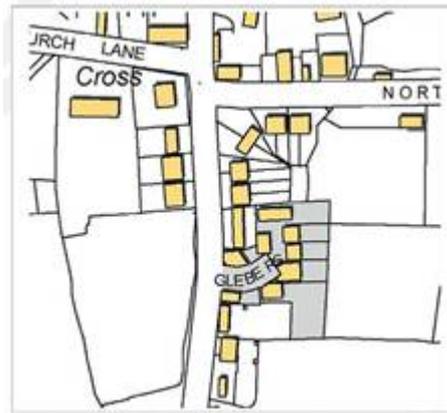
Density

There is an enduring issue with the density of the proposed development. The density calculates as 52 dwellings per hectare. This remains substantially higher than the density of the remainder of the village.

The prospective developers of Crisps Farm at the southern side of the village have carried out a density analysis of the wider village to justify the density at their own site. Though not necessarily definitive, it provides a useful tool for comparison for the purpose of assessing this proposal. It found the average density to be 23 dwellings per hectare, less than half of the density proposed at this site. Extracts from the study are shown below for reference.

TABLE 1. DENSITY ANALYSIS SUMMARY

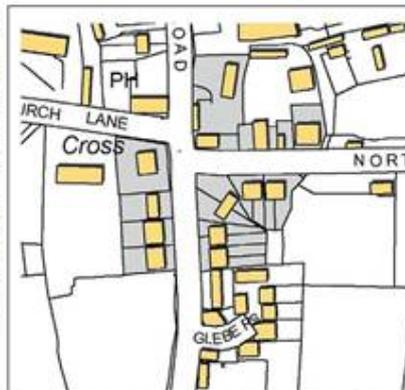
Density Block	Ha	No. of Dwellings	Average Density (Units/Ha)
Study Area 1 - Glebe Rise	0.39ha	7	18
Study Area 2 - Yew Tree Drive	0.47ha	14	30
Study Area 3 - Southern Village Crossroads	0.91ha	20	22
Study Area 4 - Northern Village Crossroads	1.51ha	38	25
Total Average Density Ratio (Units/Ha)			23



STUDY AREA 1 - GLEBE RISE



STUDY AREA 2 - YEW TREE DRIVE



STUDY AREA 3 - SOUTHERN VILLAGE CROSSROADS



STUDY AREA 4 - NORTHERN VILLAGE CROSSROADS

Given that the site is on the edge of the village, where rural landscape meets the urban landscape, it would be reasonable to expect a transitional approach, with a lower density edge to the settlement.

The applicant argues that in relation to density, any comparison with existing developments and other proposals in the village needs to be done on a like for like basis. The comparison sites used contain no on-site provision for affordable housing. They argue that comparison with conventional housing layouts typically of 4/5 bedroom houses is not appropriate. Austrey as a whole tends to have larger houses, this is why he says that the Council's Housing Strategy and Development Officer has identified a need for predominantly one and two bedroom properties. This scheme is intended to meet a shortage for one and two bedroom properties within Austrey and throughout North Warwickshire Borough generally. The proposal will deliver 20no. (66%) 1 or 2 bed properties and 4no. 3 bed properties. The scheme aligns with not only the advice received from the Housing Strategy and Development Officer but is consistent with the advice contained in the Framework (paragraph 50) concerned with widening housing choice. He argues that this approach is also consistent with Core Strategy Policy NW4 that requires that there should be a variety of types and tenures within any housing development that reflect settlement needs. The provision of smaller units also addresses the particular need (Core Strategy paragraph 7.16) for younger person's accommodation and elderly person's accommodation.

He further argues that it is an inevitable consequence of providing smaller units that densities will be high, indicating that for this reason a dwellings per hectare comparison is futile as the proposed development is providing for dwelling sizes that are not provided for in the village, hence the identified demand. A more appropriate analysis

would be to look at density on a habitable room per hectare basis. The proposed development provides for some 88 rooms on a site of hectares i.e. 169 habitable rooms per hectare. He suggests that this equates to 24 4/5 bedroom (with 2 reception rooms) houses. Hence the density, when considered on a habitable room per hectare basis, is comparable with that to be found in the study areas set out above.

The applicant's argument is acknowledged, and the desirability of providing affordable housing which meets the needs of a wide variety of households is agreed. However, the determination of a planning application is about reaching the appropriate balance between meeting housing need and protecting the character and appearance of our towns and villages. If a particular form of development necessitates the type of built form shown in the extract below, then it is arguably the wrong site for that form of development and despite its desirability for housing need reasons, can not be supported.



In order for the development of this site to be supported it would be necessary to propose a much looser built form.

Design

On the issue of the design of the individual units of housing, the revised scheme has moved away from the concept of including a 'rural building' vernacular in their design, and instead now propose a very eclectic mix of house types. There are a very wide variety of different roof heights, eaves heights, roof shapes, roofing colours, frontage widths, window designs and facing materials. The scale of the individual units varies dramatically with low level bungalows in relatively close proximity to the double fronted, three storey height, large apartment block.

The reason for this is unclear as the applicant has not offered any explanation for the change in design approach. It is considered that the mix of scales and appearances do not fit well as a cohesive, or particularly attractive, development. It is improbable that development would have organically grown in in such a manner given the very close proximity between the individual units.

The applicant has indicated a willingness to make amendments to the external elevations to address these concerns.

Highway Safety

The Highway Authority maintains an objection for the following reasons:

- A footway will be provided fronting the site, which appears acceptable, but the footway does not provide a continuous link in to the village. A suitable footway

link to Vernons Lane and street lighting is recommended to provide a safe route for pedestrians.

- A footway has now been provided on the southern side of the main access, but no footway on the northern side. Although the site will not be adopted as public highway, the footway on the northern side of the site stops just after the bellmouth. This could result in people crossing in close proximity to the junction or even sharing the access drive. The northern footway should be extended further in to the site to avoid conflict.
- No Road Safety Audit appears to have been submitted. An audit should be carried out prior to determination to ensure the suitability of the access arrangements for vehicles and pedestrians.
- Fronting Plots 21-22 and 27-29 the hardstandings should be 5.5 metres in length.
- The tree fronting Plot 27 will prevent vehicles being manoeuvred from Plot 22. The build-out and tree need removing.

The Highway Authority also comments that no extra street lighting details appear to have been submitted, but acknowledges that this can be done at a later stage as part of technical approval for the footways.

Several of the Highway Authority's previous concerns have been addressed in revised plans. It no longer considers that the development would result in manoeuvring within the vicinity of the junction and it is unlikely that on-street parking will occur.

Though there is no fundamental objection to the development on the grounds of capacity, the matters identified by the Highway Authority nevertheless require resolution in order to ensure that safe access arrangements can be achieved.

Drainage

The Warwickshire County Council Flood Risk Management Officer advises that the proposal may be supported on the basis of the drainage strategy submitted to date, subject to conditions.

Open Space/Play Space

The application does not propose the payment of any sum for off-site open space or play space. The applicant has latterly submitted a development Viability Appraisal in furtherance of proof that the scheme does not have adequate viability to make such a contribution. Officers have not yet had an opportunity to take advice about the appraisal but the applicant has indicated a willingness to meet the council's costs in having the appraisal assessed by the District Valuer.

Notwithstanding the above, the applicant argues that the proposed development will not be significantly harmed by the lack of a contribution towards off-site open space, having regard to:

- The amended scheme making provision for an area of open space adjacent to the site entrance. This area of informal open space being available for use by the residents of all of the proposed dwellings.

- Within 300 metres of the site are Austrey Playing Fields and as such the SPD requirement for Children and Young People's Space within 450 and 600 metres is met
- Alongside the Playing Fields are allotments; hence the site is within the 1000 metre distance for allotments; that aspect of the SPD is met
- The site is not so deficient in its access to open space that it would override the benefit to be derived by the delivery of some 18 affordable units.

Given the late receipt of the Viability Appraisal, officers have not yet had opportunity to instruct the District Valuer or to seek the views of the Council's Landscape Manager. At this stage judgement on this matter must be reserved.

Concluding Observations

The report to Board in November 2014 advised that the development of the land, or some of the land could be supported as an organic rounding of the settlement, given that it is adjacent to the village edge on two sides and bordered by a village periphery road on the remaining two sides, however, the scale of the development was of concern. Policy NW5 of the Core Strategy indicates that sites in the Category 4 settlements should usually be on sites of no more than 10 units. The proposal is for significantly more than ten units, it remains for nearly three times that number. It is considered that the development is somewhat more than organic growth of the settlement, of the type envisaged in policy. The position remains the same. In order for support to be given to the development of this land the developer would need to be prepared to further reduce the overall housing numbers.

Recommendation

That the applicant be informed that the Council is **MINDED TO SUPPORT the development of the land IN PRINCIPLE**, but that it cannot support the present layout and design of the scheme for the reasons set out above.

BACKGROUND PAPERS

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

Planning Application No: PAP/2014/0446

Background Paper No	Author	Nature of Background Paper	Date
1	A Turner	Representation – Objection	29 10 14 18 2 15
2	K & T Dawes	Representation – Objection	31 10 14
3	R Minett	Representation - Objection	5 11 14
4	D & D Jenkins	Representation - Objection	5 11 14 7 11 14 14 2 15 16 2 15
5	R Farrand	Representation – Objection	6 11 14
6	S Duggan	Representation – Objection	6 11 14 17 2 15
7	P & W Kerr	Representation – Objection	5 11 14
8	S Wheatcroft	Representation - Objection	7 11 14
9	T Farrand	Representation – Objection	5 11 14
10	J Smith	Representation – Objection	5 11 14 18 2 15
11	S Chadbourn	Representation – Objection	5 11 14 11 2 14
12	M & J Beeson	Representation - Objection	5 11 14 17 2 15
13	P Lamb	Representation – Objection	5 11 14
14	R & Y Davies	Representation – Objection	5 11 14 16 2 15
15	D Ryan	Representation – Objection	3 11 14
16	P Rees	Representation – Objection	3 11 14 8 2 15
17	M Hunt	Representation – Objection	4 11 14
18	A Arkell	Representation – Objection	3 11 14
19	A & A Davies	Representation – Objection	4 11 14 12 2 15
20	E Fullerton	Representation – Objection	28 10 14
21	J & H Humphreys	Representation – Objection	6 11 14 16 2 15
22	J & J Hodgkinson	Representation – Objection	6 11 14 16 2 15
23	P & W Kerr	Representation – Objection	10 11 14 17 2 15
24	Warwickshire County Council (Flood Risk Management)	Consultation Reply	15 1 15 26 2 15
25	Austrey Residents Assoc	Correspondence	23 11 14

			7 2 15
26	D Davies	Representation – Objection	6 2 15
27	Housing Officer	Consultation Reply	5 2 15
28	Police (Crime Prevention)	Consultation Reply	18 9 14 5 2 15
29	R Penny	Representation – Objection	16 2 15
30	N Wiggin	Representation – Objection	18 2 15
31	G McCormick	Representation – Objection	16 2 15
32	R McCormick	Representation – Objection	15 2 15
33	A Brisco	Representation – Objection	15 2 15
34	M McCormick	Representation – Objection	17 2 15
35	T & R Farrand	Representation – Objection	16 1 15
36	P, J & G Davies	Representation – Objection	13 2 14
37	J Angus	Representation – Objection	18 2 15
38	D Grearly	Representation - Objection	17 2 15
39	Austrey Parish Council	Objection	17 2 15
40	A Wilde	Representation – Objection	17 2 15
41	K Davies	Representation - Objection	17 2 15
42	Warwickshire County Highways Authority	Consultation Reply	26 2 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.

Land North Of Manor Barns, Newton Lane, Austrey

Erection of 38 dwellings (13no: 3 bedroom houses; 3 no: 2 bedroom bungalows; 10 no: 2 bed houses and 12 no: 1 bed apartments) formation of new vehicular access and associated works, for

Mr Richard Kirkland - Maplevale Developments Ltd

The Site

The site forms a roughly rectangular shaped, broadly flat, paddock adjoining Newton Lane at the northern edge of the village of Austrey. It is shown in the plan and photographs below:



The site looking from Newton Lane towards Manor Barns and Dovecote Grange



On the roadside edge the site is bordered by established hedgerow. The photograph below shows the hedgerow at the Newton Lane road junction.



Showing the border of the site
(right hand side of lane)



Showing the border of the site
(left hand side of lane)



The photograph below shows the closest existing property on Newton Lane



The photograph below shows the range of buildings which adjoin the southern boundary of the site. They include a single storey dwelling which has a heavily glazed elevation set 8 metres from the boundary with the application site.



The site adjoins the land that comprises application number PAP/2014/0433.

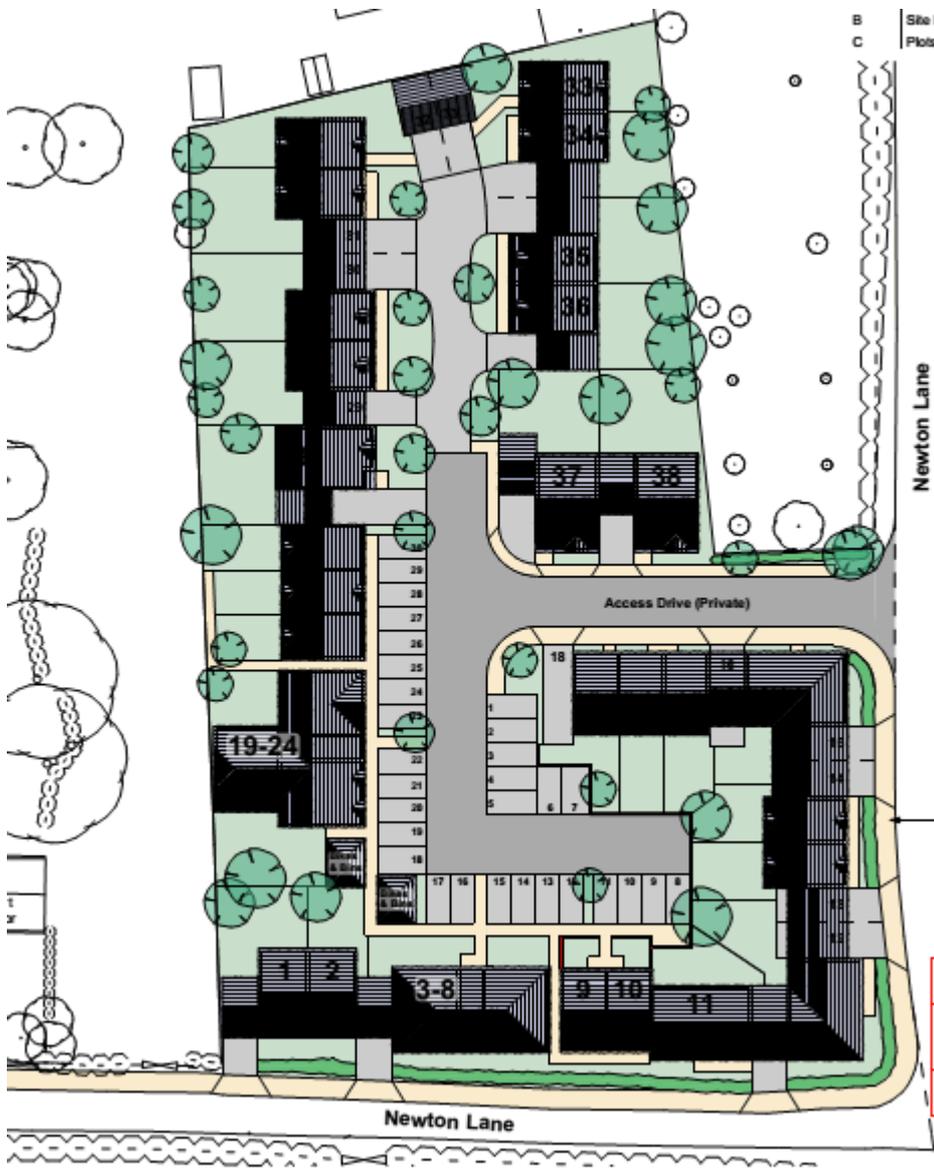
The Proposal

To erection of 38 dwellings (13no: 3 bedroom houses; 3 no: 2 bedroom bungalows; 10 no: 2 bed houses and 12 no: 1 bed apartments), the formation of new vehicular accesses and associated works.

The development would comprise 18 social housing units and 20 market dwellings in accordance with the following schedule.

Schedule of Development	
Plots	Type
Social Housing	
1 and 2 (2no.)	3 bedroom house (on-plot parking)
3-8 (6no.)	1 bedroom apartment (allocated parking)
9, 10 and 17 (3no.)	2 bedroom house (allocated parking)
13, 14, 16 and 18 (4no.)	2 bedroom house (on-plot parking)
11, 12 and 15 (3no.)	2 bedroom bungalow (on-plot parking)
Total	18 Plots
Private Housing	
19-24 (6no.)	1 bedroom apartment (allocated parking)
25 and 26 (2no.)	2 bedroom house (allocated parking)
27 (1no.)	2 bedroom house (on-plot parking)
28, 37 and 38 (3no.)	3 bedroom detached house (on-plot parking)
29-36 (8no.)	3 bedroom house (on-plot parking)
Total	20 Plots
Total	38 Plots 70 Parking spaces

The proposed site layout is as shown below.



Examples of the house types and street scenes are shown below.



Consultations

Fire Authority - No objection subject to conditions

Warwickshire County Council Flood/Drainage Advisor – Objection. There are known flooding issues in the vicinity of Newton and Warton Lane areas and therefore we would expect a Flood Risk Assessment/Drainage Strategy to be submitted as of the planning application demonstrating how surface water run-off is to be managed on site and how the development will not increase the risk to flooding elsewhere.

At outline planning stage we do need to have clarity on the preferred method of drainage, a correct estimate of the required storage on the site that takes into account all positively drained areas within the site and a point of discharge of the surface water drainage network.

Warwickshire County Highways Authority – Objection because of the lack of continuous footways, the narrow width of Newton Lane, the absence of street lighting, the proliferation of accesses requiring manoeuvring in the highway, the limited amount of car parking, the likelihood on on-street parking and concerns about site layout.

Warwickshire County Museum (Archaeology) - The County Archaeologist advises that shallow ridge and furrow across this site suggests that the application site once formed part of the open fields associated with Austrey. Analysis of historic mapping, and earthworks to the south-west of Headlands suggest that the focus of the medieval and

later settlement in this area was to the immediate south of the application site (Warwickshire Historic Environment Record MWA 9490).

While few remains pre-dating the medieval period have been identified from the vicinity of the site, this may reflect a lack of previous investigations across this area, rather than a lack of archaeological remains. There is therefore a potential for the proposed development to disturb archaeological deposits pre-dating the medieval and later agricultural use of this area. However she does not object to the principle of development, but does consider that some archaeological work should be required if consent is forthcoming.

Warwickshire Wildlife Trust – Advises that the development will result in a loss of biodiversity and advises that further mitigation is desirable. Use of Biodiversity Impact Assessment is suggested.

NWBC Housing Strategy Officer – Advises that there is a need for shared ownership properties amongst the mix of development but otherwise broadly supports the mix of affordable housing proposed.

Representations

58 letters of objection have been received raising the following concerns:

- The type of accommodation is not in keeping with the area or in a village location
- The density of the development is too high and out of keeping. Newton Lane currently has 6 low density detached bungalows yet the development proposes small units of accommodation in apartment blocks.
- Three storey building will be obtrusive.
- The built form would be uncharacteristically close to the road.
- The development will not protect or enhance landscape character.
- The level of traffic generation
- Access arrangements will be dangerous with driveways proposed close to a dangerous bend in a narrow country lane.
- There has been no Traffic Impact Assessment
- The level of car parking will be inadequate.
- Newton Lane is not suitable for overflow car parking.
- There are too many plots to be served by a private drive
- Existing sewage provision and the electricity sub-station are inadequate.
- New housing will exacerbate an existing surface water flooding problem.
- Soakaways will be unsuitable as the area has heavy clay soil.
- Austrey is a rural village with very limited facilities for this type of housing, a minimal bus service, no doctor or dentist, one primary school and only one village shop. There are no real opportunities for employment.
- Anyone without their own transport would feel isolated.
- There are protected species in the area, including barn owls and pipistrelle bats.
- The proximity to the proposed high speed rail route is questioned.
- The inclusion of small units of affordable housing will change the present community profile.

- The development will fail to satisfy local housing needs. There is no demonstrable high demand for social housing from the local community. Small sized family homes to buy are needed.
- The construction phase would cause unprecedented inconvenience.
- Some indicate that they do not object to new development in the village per se, but find this particular proposal unacceptable.
- There is no open space within the site.
- Social housing should be intermixed rather than grouped.
- The capacity of the school to accept additional children has not been assessed.
- The cumulative number of new people in the village could be 250 and this could harm the village community.
- This application should be determined having regard to the other proposed developments in the village.
- The site has a ridge and furrow landscape with medieval origin and previously owned by The Manor House, a Grade II listed building. A proper archaeological survey should be submitted.
- The surrounding hedgerow is 900 years old.
- Some of the properties cannot be built because they are immediately adjacent to adjoining property.
- There is no mention of renewable energy sources.
- The site is not identified by the Neighbourhood Plan and the plan will provide for more than the housing need identified by the Borough Council.
- The site is outside the development boundary and in open countryside.
- Loss of privacy
- A site visit by decision makers is encouraged

Austrey Parish Council – Objects for reasons set out above plus, the following reasons:

- The development is at the wrong end on the village. Large developments should be positioned more centrally.
- It is not conducive to work on the Neighbourhood Plan.
- The development would harm the rural edge of this part of the village.
- Disappointment is expressed about the developer's failure to engage with the Parish Council and the wider local community ahead of the submission of the planning application.

The Constituency MP writes in support of residents who object to the proposal, raising concerns about sewage, flooding, the unsuitability of the design for a rural location and the proposed numbers exceeding housing need.

Observations

Housing Need and Housing Land Supply

The site lies outside of the development boundary for Austrey. It is not an allocated site for housing in the Site Allocations Plan (Draft Pre-Submission June 2014) and it is not put forward in the consultation draft of the Neighbourhood Plan as land allocated for housing.

In Category 4 settlements 'development will be limited to that identified in the plan or has been identified through a Neighbourhood or other locality plan'. The inference is that unless identified in another plan would not be approved outside a development

boundary but it does not expressly say that no development will be permitted beyond the development boundary in Austrey.

Policy NW5 indicates that Newton Regis will cater for a minimum of 40 units, usually on sites of no more than 10 units. It does not expressly require that these shall be within the development boundary. Indeed, it is acknowledged through the SAP and NP that this cannot be accommodated within the village as adjacent land is allocated.

In these circumstances it would be unreasonable to conclude that the development boundaries are absolutely sacrosanct in Category 4 settlements and it would be appropriate to assess whether there are any material considerations which could weigh in favour of the grant of a permission, in furtherance of NPPF guidance which indicates that there is a presumption in favour of sustainable development

The circumstances of this case are such that the development of the land, or some of the land could be supported as an organic rounding of the settlement, given that it is adjacent to the village edge on two sides and bordered by a village periphery road on the remaining two sides, however, the scale of the development is of concern. Policy NW5 of the Core Strategy indicates that sites in the Category 4 settlements should usually be on sites of no more than 10 units. The proposal is for significantly more than ten units, it is for nearly four times that number. It is considered that the development is somewhat more than organic growth of the settlement, of the type envisaged in policy.

Highway Safety

The highway authority maintains a detailed objection to the application. A set of revised plans have been received which are put forward by the application in order to address the identified concerns. The Highway Authority's further response is awaited.

Archaeology

There is no in principle opposition to the development of this site for the reasons given above. The use of a planning condition would be appropriate.

Drainage and Flooding

Given the known flooding issues in the northern part of Austrey the applicant was required to submit a drainage strategy. A response has been received and the further consultation response of the Warwickshire County Council Flood/Drainage Advisor is awaited.

Amenity, Design and Density

The site extends to 0.58 of a Hectare yet the application proposes 38 units of accommodation. This equates to a density of 65 dwellings to the hectare. This is a high density, most commonly found in town and city centre locations. It is necessary to query whether the proposed development in its proposed context present circumstances to suggest that such a density would be appropriate in this edge of village location.

The image below shows the application site as the corner parcel of land in the foreground. It also illustrates the density of development in the adjacent parts of the village. It is considered that the proposed development would be an inappropriately dense by contrast, such that it would not harmonise with the existing grain or appearance of the settlement.



Furthermore, the scale and mass of the proposed apartment building and the terracing of the remainder of the built form, would sit at odds with the hierarchical status in the settlement and their visual prominence.

The proximity of development to the southern boundary of the site would create conditions detrimental to the amenity of the occupiers of the property known as Poacher's Pocket given its fully glazed elevation and proximity to the site boundary.

The proposed dwellings would have an unsatisfactorily small level of private amenity space in many instances.

Affordable Housing

The application proposes 18 out of 38 units as affordable housing units.

There is no doubt that it will be challenging to meet the Council's Borough wide need for affordable housing. Therefore, in principle, it is welcomed when developers propose development at, or exceeding, the Council's Policy requirements.

It is however, appropriate to consider whether the provision of such housing is appropriate in the circumstances of each case.

NW2 indicates that development for affordable housing outside of development boundaries will only be permitted where there is a proven local need; it is small in scale and is located adjacent to a village. Though the development is proposed to be immediately adjacent to the village it is development which is not small in scale (ten units are given as an indicator of an appropriate scale).

It is also suggested that the affordable housing is only being achieved at the proposed levels at the expense of an inappropriately high density.

If there is to be any support for the development of this land the applicant has been advised that there would need to be evidence that there are material considerations that indicate that the proposal should be supported contrary to the provisions of the Development Plan. Whilst a substantial amount of affordable housing is proposed, a greater number of market dwellings are proposed. It has been suggested that in order to achieve the development of this site, a substantial reduction in the number of units would be necessary. If there is evidence of a proven local need, 100% affordable housing would be an appropriate policy solution.

Open spaces/Play Space/Community Benefit

The scheme proposes 38 new dwellings but makes no provision for the open space/play space needs of the future occupiers of the dwellings. In these circumstances, the Council will seek a financial contribution for the off-site provision or improvement of other open space/play space in the locality. The application makes no such provision. The applicant's position is that they are providing a greater than average provision of affordable housing. To this end, they are working on a viability assessment that will determine 'to what extent there may or may not be anything left in the pot to contribute towards open space'.

Trees/Ecology/Bio Diversity and Landscape Character

The site does not contain any noteworthy trees but is bordered by existing hedgerow which contributes to the rural character of the edge of the settlement.

It is proposed to make six new openings for the purpose of creating vehicular accesses and to remove or substantially cut back the existing hedgerow. Furthermore, it is proposed to construct an almost contiguous terraced built form in close proximity to the inside edge of the hedge. The likelihood of the hedgerow being maintained in the longer term is low. Firstly it is likely to be affected by the construction phase, but if it survived the construction phase, the proximity to the front elevations of the properties is likely to be undesirable for the future occupiers of the properties. It is suggested that the net effect would be the loss of a green edge to the settlement and its replacement with a very 'urban' hard edge (notwithstanding any attempts to adopt a 'rural' style in the building design).

Given the limited amount of amenity land within the site there are very limited long term opportunities to mitigate the loss of biodiversity and to 'green up' the appearance of the development.

Recommendation

13. That Board resolves to visit the site ahead of considering a determination report in respect of this application.
14. That the Board be invited to identify any key issues material to the application that it wants to be addressed by the applicant.
15. That the Board is MINDED TO REFUSE for the reasons set out in this report.

BACKGROUND PAPERS

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

Planning Application No: PAP/2014/0446

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	21 8 14 23 10 14
2	J B Rees	Representation	1 9 14
3	P Smith	Representation	3 9 14
4	Fire Authority	Consultation Reply	3 9 14
5	D Rowse	Representation	5 9 14
6	Warwickshire County Council Flood/Drainage Advisor	Consultation Reply	10 9 14
7	D E Fullerton	Representation	10 9 14
8	Austrey Parish Council	Objection	9 9 14
9	R Lamb	Representation	11 9 14
10	M Liggett	Representation	12 9 14
11	PM Ryan	Representation	12 9 14
12	T Liggett	Representation	12 9 14
13	Y & R Davies	Representation	12 9 14
14	W A Kerr	Representation	12 9 14
15	P W Kerr	Representation	12 9 14
16	A Town	Representation	14 9 14
17	M McCormick	Representation	15 9 14
18	T Ferrand	Representation	13 9 14
19	R Ferrand	Representation	13 9 14
20	L Treadwell	Representation	9 9 14
21	R McCormick	Representation	15 9 14
22	G McCormick	Representation	15 9 14
23	K McCormick	Representation	15 9 14
24	A Briscow	Representation	15 9 14
25	R Minett	Representation	15 9 14
26	Mr & Mrs Dix	Representation	15 9 14
27	D Jenkins	Representation	16 9 14
28	JK Angus	Representation	16 9 14
29	A & A Davies	Representation	16 9 14
30	A Cooper	Representation	15 9 14
31	R D Ainscow	Representation	16 9 14
32	G Davis	Representation	15 9 14
33	P Davis	Representation	16 9 14
34	K & T Davies	Representation	16 9 14
35	S Baker	Representation	16 9 14
36	J Fearn	Representation	16 9 14

37	Warwickshire Highways Authority	County	Consultation Reply	15 9 14
38	AC Spencer-Wyatt		Representation	17 9 14
39	JA Richardson		Representation	17 9 14
40	D Davies		Representation	17 9 14
41	S Wheatcroft		Representation	17 9 14
42	S Duggan		Representation	17 9 14
43	M, R & C Bull		Representation	16 9 14
44	S J Kerr		Representation	16 9 14
45	J Hodgkinson		Representation	17 9 14
46	M D Swan		Representation	17 9 14
47	M A Hunt		Representation	17 9 14
48	W & N Wiggan		Representation	17 9 14
49	D Jenkins		Representation	18 9 14
50	J Parkes		Representation	18 9 14
51	B & B Grix		Representation	17 9 14
52	Mr & Mrs Varnam		Representation	18 9 14
53	Warwickshire Police Crime Prevention Design Advisor		Comments	18 9 14 27 10 14
54	A Wilde		Representation	26 9 14 29 9 14
55	A Turner		Representation	26 9 14
56	S Town		Representation	24 9 14
57	Dan Byles MP		Representation	22 9 14
58	S Chadbourn		Representation	29 9 14
59	R Di Giovanna		Representation	30 9 14
60	J Smith		Representation	30 9 14
61	E Beaty		Representation	1 10 14
62	Mr & Mrs Van Heezik		Representation	30 9 14
63	Warwickshire Museum (Archaeology)	County	Consultation Reply	3 10 14
64	J & H Humphreys		Representation	8 10 14
65	David		Representation	11 10 14
66	M Martin		Representation	11 10 14
67	Warwickshire Wildlife Trust		Consultation Reply	1 10 14
68	NWBC Housing Strategy Officer		Consultation Reply	23 10 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.

Application No: PAP/2014/0302

Land Adjacent The Headlands, Warton Lane, Austrey

Outline application for up to 10 dwellings with details of means of access. All other matters are reserved, for

Mr and Mrs D Ensor and Mr O Ensor

Introduction

The report to Board in November 2014 described the proposal; detailed the representations that had been received and highlighted the issues that needed to be addressed prior to the determination of the application. The Officer's recommendation at that time was 'Minded to Support' subject to the resolution of outstanding archaeology and drainage objections. It also indicated that support should be subject to the signing of a S106 Agreement covering housing and off-site play space/open space.

The November 2014 report is attached at the foot of this item as **Appendix G**. The November report should be read in conjunction with this current report and regard should be had to its content when determining this planning application.

Administrative Matters

The applicant details have been amended to make the original applicants and their son the joint applicants and the blue line on the plan has been amended to show land within the ownership of the joint applicants.

Revised Proposal

In response to concerns raised about the loss of the existing hedgerow and its relocation behind a proposed new footway, as well as the effect of the site having a vehicular access on to Newton Lane as well as Warton Lane, the applicant has submitted a revised proposal.

The revised proposal shows vehicular access to Warton Lane only. It continues to propose the formation of a new footway along Newton Lane. The footway would run alongside Newton Lane for the length of the development site and would necessitate removal of the hedgerow and the planting of a replacement hedgerow. The footway would then enter the field to the north west of the development site through an existing break in the hedgerow and would travel behind the existing hedgerow until it reaches the existing footway which leads to the recreation ground, thus allowing for the retention of the existing hedgerow on the roadside edge.

The revised proposal is shown below:



Various sections of the proposed footway are shown below:



New Consultation Findings

Warwickshire County Museum (Archaeology) – No objection.

Warwickshire County Highways Authority – No Objection subject to conditions

Police Crime Prevention – No objection with comments

Warwickshire County Council (Flood Risk Management) - No objection subject to conditions

Additional Representations

Twenty further letters of objection have been received raising the following concerns:

- The site is beyond the development boundary in the neighbouring countryside
- The land is of ridge and furrow form
- The hedgerow is historic
- Full archaeological assessment is justified
- Access to Warton Lane is dangerous
- This development is not supported by the emerging Neighbourhood Plan which reflects the views of the community as required by the 2011 Localism Act.
- More suitable brownfield sites have been identified elsewhere in the village, already enabling Austrey to provide in excess of the required housing allocation. Core Strategy Policy NW10 refers.
- Increased traffic at the north western end of the village will make what is already a very dangerous, narrow country lane even more hazardous for pedestrians, cyclists and those on horseback.
- The site is remote from any of the local amenities. The residents want to see development closer to the centre of the village to ensure the survival of these limited local services.
- There is a desire to shift the village away from the M42 and the proposed HS2 route, and the associated noise nuisance, for an improved quality of life. There is a danger that by providing a “foot in the door” on this land, we will soon see development all the way to the proposed HS2 line where it crosses Newton Lane.
- The detailed Flood Risk Assessment carried out by Opus acknowledges a very real threat from surface water flooding and flooding from public sewers, but there are no guarantees that the necessary remedial work will be undertaken to ensure that further development does not exacerbate this health and safety issue. No responsible authority would permit development in this area until these issues have been resolved, particularly when there are other more suitable alternatives. See Paragraph 100 of the NPPF.
- The failure to recognise the historical importance of this site (ridge and furrow formation; historical site of the former Manor House; adjacent to 2 Grade II listed buildings). Paragraph 129 of the NPPF and Core Strategy policy ENV16 refer.
- No attempt has been made by the developer or the landowner to engage with the local community or to take their wishes and concerns on board. This is not in the spirit of the Localism Act.
- This development brings no benefit to the community. The proposed footpath links only to remote playing fields, which are rarely used by villagers because of

their isolated location. Those using the allotments tend to travel there by car. The playing fields and pavilion have in any case been let to an outside organisation with no links to the village. There are other play areas for children which are better maintained and more centrally located. There is no need for this footpath.

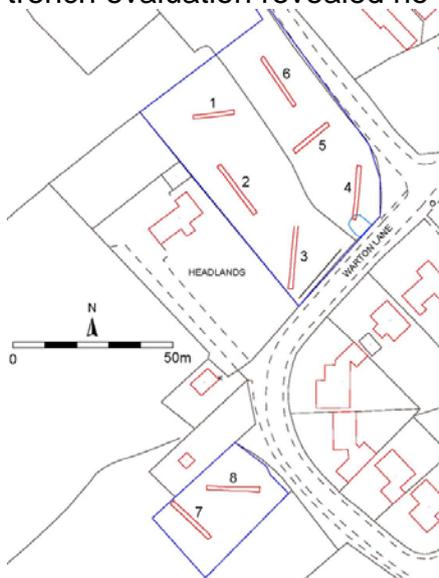
- The proposal lacks green space
- The site is not proposed in the latest version of the Neighbourhood Plan.
- There are too many homes proposed throughout the village.

Concerns about flooding and the effect on drainage are commonly repeated. Reports of excrement in the flood waters are highlighted as a risk to public health.

Observations

Archaeology

The University of Leicester Archaeological Services carried out an archaeological evaluation with 8 trial trenches in the locations shown below. The archaeological trial trench evaluation revealed no archaeological evidence during these ground works.



The Warwickshire County Archaeologist confirms that the fieldwork did not identify any archaeological features or recover any finds. She does not therefore consider that the proposed development will have a significant archaeological impact and does not require any further fieldwork either prior to, or post, the determination of this application.

Drainage

The applicant has submitted a full Flood Risk Assessment (FRA) and a drainage proposal which incorporates surface water attenuation features and hydro-brakes to limit the discharge from the site to 5 l/s (see plan extract below). The applicant acknowledges that this limiting discharge rate is in excess of the very low existing greenfield rates of runoff, but it can be practically achieved and is in line with current best practice. This rate has been approved by Severn Trent Water for discharge to the public sewer. The development would result in an increase in impermeable area, hence increasing surface water runoff. As such, on-site attenuation is proposed to limit the discharge rate.



The applicant argues that, in terms of off-site impacts, the current greenfield runoff is likely to contribute to the known overland flooding issues on Warton Lane. The introduction of a formal drainage system on the site will ensure that flows from this site are controlled and managed. In addition, the proposed downstream outfall may provide a positive impact on the surface water flooding on Warton Lane.

As detailed in the introductory section to this report, the County Council as the Lead Local Flood Authority (Flood Risk Management Officer) confirms that he does not oppose the development. It further confirms that the FRA presents an acceptable drainage solution, subject to conditions.

Highway Issues

The highway authority confirms that it offers no objection to the revised access arrangements. It notes that the footway to the north of the site is positioned behind the hedgerow, therefore the footway and hedgerow will have to be designated as highway.

A condition is needed so that the footway is 2 metres wide and usual conditions for a shared access (5m wide and surfaced with bound material for distance of 7.5m, measured from edge of carriageway) will be needed.

Affordable Housing/Open Space

As detailed in the introduction the requirement for affordable housing and off-site contributions towards open space/play space no longer apply in respect of development of this size.

Concluding Observations

As set out in the appended November 2014 report, the site lies outside the development boundary and is not part of an allocated site in the Draft Site Allocations Plan. There has been a change of circumstance since then, in that the site was proposed for inclusion in the Draft Neighbourhood Plan (NP) but it has now been dropped in the rewrite and now is no longer identified. The NP justifies its current exclusion on the basis that sites have been rated against criteria, including, proximity to services, visual intrusion, effect on rural landscape and whether the site is brownfield land. Though the scoring system is a little unclear, it appears that the NP team found the proposal to fall short of these criteria.

Members are reminded that the NP is at a very early stage in the plan making process and that very little weight can be afforded to it at this moment in time.

Whilst it is recognised that the site lies on the outer edge of the settlement, beyond the present edge formed by Warton Lane, the advice contained in the November 2014 report was that, given that existing residential development fronts Warton Lane adjacent to the site in question, the proposal would not unduly encroach beyond the extent of existing built form and would not be an undue incursion into neighbouring countryside to the extent that it would adversely affect the landscape character hereabouts. On this basis, it was concluded that the development was, small in scale (10 units or less, in accord with that envisaged in the settlement hierarchy), and sustainably located adjoining the settlement edge. In accord with there being a presumption in favour of sustainable development, it is recommended that this small development may be supported.

Recommendation

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

31. This permission is granted under the provisions of Article 4(1) of the Town & Country Planning (Development Management Procedure) (England) Order 2010 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
32. 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.
33. 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.

34. The development hereby approved shall not be carried out otherwise than in accordance with the plan numbered 14/39/03J received by the Local Planning Authority on 25 February 2015.
35. The development hereby approved shall not be commenced until existing and proposed levels plans, indication proposed finished floor levels, have been submitted to and approved by the Local Planning Authority in writing.
36. Prior to the commencement of development a specification and maintenance proposal for the approved replacement hedgerow shall be submitted to and approved by the Local Planning Authority in writing.
37. The replacement hedgerow shall be planted in accordance with the approved specification within the first planting season following the removal of the existing hedgerow and maintained in accordance with the approved maintenance proposal thereafter.
38. The development shall not be occupied until visibility splays have been provided to the vehicular accesses to the site passing through the limits of the site fronting the public highway with an 'x' distance of 2.4 metres and 'y' distances of 43 metres to the near edge of the public highway carriageway. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway.
39. Access for vehicles to the site from the public highway Warton Lane shall not be made other than at the position identified on the approved drawing number 14/39/03J at a position whereby the visibility splay requirements stated in condition 1 will be satisfied.
40. The development shall not be occupied until the access for vehicles have been provided to the site not less than 5 metres in width for a minimum distance of 7.5 metres, as measured from the near edge of the public highway carriageway.
41. The access to the site for vehicles shall not be used in connection with the development until they have been surfaced with a bound material for a minimum distance of 7.5 metres as measured from the near edge of the public highway carriageway.
42. The development shall not be occupied until the footway on Newton Lane has been constructed with a minimum width of 2 metres. The surfacing materials shall be first submitted to and approved by the Local Planning Authority in writing.
43. The development shall not be occupied until all parts of the existing access on Warton Lane within the public highway not included in the permitted means of access has been closed and the kerb and footway/ verge have been reinstated in accordance with the standard specification of the Highway Authority.

44. The development shall not be occupied until turning areas have been provided within the site so as to enable the largest vehicles likely to enter the site to leave and re-enter the public highway in a forward gear.
45. The accesses to the site shall not be constructed in such a manner as to reduce the effective capacity of any drain or ditch within the limits of the public highway.
46. The development shall not be commenced until space has been provided within the site for the parking and loading/unloading of construction/demolition vehicles in accordance with details to be approved in writing by the Local Planning Authority.
47. The Applicant/Developer shall install suitable measures to ensure that mud and debris will not be deposited on the highway as result of construction traffic leaving the site. Prior to the commencement of the development, the details of these measures (including type, method of operation and control of use) shall be submitted in writing to the Local Planning Authority for their approval in consultation with the Highway Authority.
48. The development hereby permitted shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) by Opus ref: JB-0715.00 R14 dated 19 February 2015. The rate of surface water run-off generated by the site shall be limited to discharge at no more than the existing greenfield rate and as agreed with Severn Trent Water (5l/s), as detailed in the FRA. The attenuation of surface water on site shall be to the 1 in 100 year flood event standard plus an allowance of 30% for climate change, using SuDS as proposed in the FRA.
49. Prior to the commencement of development a fully labelled network drawing, with corresponding detailed network calculations, showing all dimensions of all elements of the proposed drainage system including control devices and structures shall be submitted to and approved in writing by the Local Planning Authority.
50. Prior to the commencement of development modelled results for critical storms, including as a minimum 1yr, 30yr, and 100yr +30% cc events of various durations, shall be submitted to and approved in writing by the Local Planning Authority.. A submerged outfall should be used for the modelling. An electronic copy of the model shall be submitted to Warwickshire County Council Flood Risk Management Team.
51. Prior to the commencement of development detailed drawings showing plan and sections of the proposed permeable paving shall be submitted to and approved in writing by the Local Planning Authority.
52. In the event that the drainage network is to be adopted, evidence of an agreement with the adopting body shall be submitted to the Local Planning Authority prior to the occupation of the first dwelling..
53. Prior to the commencement of development evidence of overland flood flow routing in case of system failure shall be submitted to and approved in writing by

the Local Planning Authority. This should include the hydraulic modelled flow routes with depths/velocities of the flow.

54. No works shall commence on site until detailed design drawings and supportive calculations for the disposal of foul and surface water sewage have been submitted and approved by the Local Planning Authority in writing. No sewage discharge shall be in operation until the drainage works in accordance with the approved drawings have been completed.
55. Prior to the commencement of development a Maintenance Plan giving details on how the entire surface water system will be maintained shall be submitted to and approved in writing by the Local Planning Authority.

Notes

1. Section 163 of the Highways Act 1980 requires that water will not be permitted to fall from the roof or any other part of premises adjoining the public highway upon persons using the highway, or surface water to flow – so far as is reasonably practicable – from premises onto or over the highway footway. The developer should, therefore, take all steps as may be reasonable to prevent water so falling or flowing.
2. 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.
3. In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner through seeking to resolve planning objections and issues and suggesting amendments to improve the quality of the proposal. As such it is considered that the Council has implemented the requirement set out in paragraphs 186 and 187 of the National Planning Policy Framework.

BACKGROUND PAPERS

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

Planning Application No: PAP/2014/0302

Background Paper No	Author	Nature of Background Paper	Date
1	D Rowse	Correspondence with Flood Risk Management Officer	22 10 14
2	W & N Wiggan	Representation – Objection	4 11 14
3	Warwickshire County Council) Flood Risk Management)	Consultation Replies/Correspondence	11 11 14 13 2 14 26 2 15
4	Applicant	Revised application form	4 2 15
5	Police Crime Prevention	Consultation Reply	11 2 15
6	J E Hodgkinson	Representation – Objection	22 2 15
7	S Daley	Representation – Objection	20 2 15
8	J Daley	Representation – Objection	20 2 15
9	B & P Rees	Representation – Objection	17 2 15
10	P & W Kerr	Representation – Objection	17 2 15
11	D Taylor	Representation – Objection	17 2 15
12	J Angus	Representation – Objection	23 2 15
13	D Fullerton	Representation – Objection	23 2 15
14	A Turner	Representation – Objection	23 2 15
15	A Passey	Representation – Objection	23 2 15
16	T Dawes	Representation – Objection	23 2 15
17	K Dawes	Representation – Objection	23 2 15
18	A Richardson	Representation – Objection	23 2 15
19	G Hunt	Representation – Objection	23 2 15
20	D Rowse	Representation – Objection	23 2 15
21	D Jenkins	Representation – Objection	23 2 15
22	W Wiggan	Representation – Objection	23 2 15
23	S Orton	Representation – Objection	23 2 15
24	Warwickshire County Highways Authority	Consultation Reply	19 2 15 26 2 15
25	Applicant	Flood Risk Assessment	23 2 15
26	Applicant	Archaeological Evaluation	25 2 15
27	A Wilde	Representation – Objection	25 2 15
28	Warwickshire County Museum (Archaeology)	Consultation Reply	25 2 15

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Land Adjacent The Headlands, Warton Lane, Austrey

Outline application for up to 10 dwellings with details of means of access. All other matters are reserved, for

Mr & Mrs D Ensor

The Site

The application site is located to the south west of Newton Lane at the north western edge of Austrey. It is a roughly square shaped area of pasture land which abuts the corner junction of Newton Lane and Warton Lane. It includes a stretch of land adjacent to the edge of Newton Lane, running northwards and is shown below.



The site from Warton Lane is shown below.



The topography naturally falls in a southerly direction, but in a generally uniform manner. The site has an existing access to Warton Lane and just north of the site there is an existing vehicular access into the adjoining farm fields.

The Proposal

This is an outline application for up to 10 dwellings with details of means of access. All other matters are reserved.

An illustrative layout is shown below. It shows eight detached dwellings and a pair of semi detached dwellings (it is suggested that the semi detached properties would be offered as the affordable homes). The two on-site affordable dwellings will be intermediate dwellings.



The photographs below show the roadside hedgerow that would be removed and a replacement hedgerow would be replanted at a position further from the roadside edge in order to facilitate the provision of a footpath for the whole of the length of the west side of Newton Lane.



Hedge on right hand side of image – looking towards Warton Lane



Hedge on left hand side of image – part way along Newton Lane, looking away from Warton Lane

Background

Prior to the submission of the planning application the landowner removed a large tree from the land which was protected by a Tree Preservation Order. It formerly stood at a central position within the site. He did not seek consent to remove the tree and as such the Council considers that he carried out an unlawful act. The Planning and Development Board has given authority for a prosecution to be pursued in this respect. It can be argued that through the removal of the tree, the landowner has increased the development potential of the land.

The removed tree is shown below.



Consultations

Warwickshire County Museum (Archaeology) – Recommends that pre-determination evaluation be undertaken across the site in the form of trial trenching.

The site lies within an area which, based upon historic mapping and analysis of the village form and extant earthworks, is likely to have been within the area of medieval settlement at Austrey (Warwickshire Historic Environment Record MWA 9490). Domesday indicates a populous and valuable village, and there are signs of empty plots on the 1885 map, suggesting that the population probably contracted. Evidence for this contraction is seen in the vicinity of these application sites, in the grass field which lies to the immediate east of the house known as 'Headlands'.

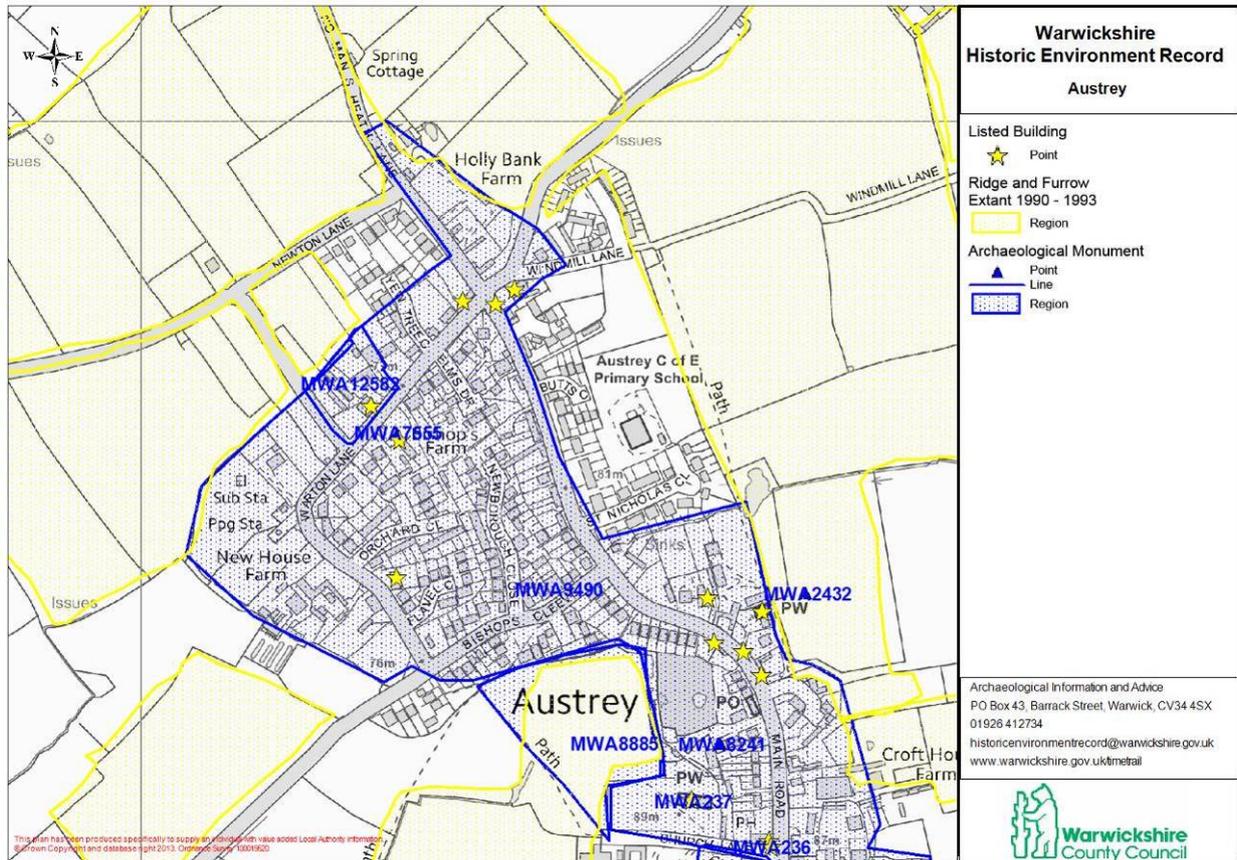
That this part of Austrey was occupied from an early period (at least early post-medieval, if not medieval) is also supported by the presence of the Listed Buildings of Bishops Farmhouse and Manor House, which date to the early to mid 16th century and late 17th/early 18th century respectively.

There is therefore a potential for archaeological deposits associated with the occupation of this area during the medieval and later periods to survive across this site and be disturbed by the development. These may include archaeological deposits worthy of conservation.

The application sites are within the MWA 9490 monument on the Historic Environment Record (HER). The site lies within the area highlighted as being of sensitivity (as highlighted in para. 4.4.2 of the HEA report, which reads 'the key sensitivities of the

Study area are the medieval settlement core and the dispersed post-medieval settlement to north’).

An extract from the HER is shown below.



In respect of the hedgerow the Museum advises that

- This stretch of hedgerow is shown on the first edition 6” Ordnance Survey sheet of 1885 (Warwickshire sheet 03 NW) and therefore is over thirty years old. It is also shown on the Tithe Map, 1840.
- This hedgerow does not mark the boundary of a pre-1850 parish or township.
- The hedgerow does not incorporate an archaeological feature as defined.
- The hedgerow is not situated within an archaeological site recorded on the Warwickshire Sites and Monuments Record by 1997.
- There is no documentary evidence available in, or known to, the County Record Office which suggest that this hedge was a pre-1600 estate or manor boundary.
- There is no documentary evidence available in, or known to, the County Record Office which suggests that this hedgerow was part of a pre-Inclosure Act field system.

Warwickshire County Highways Authority – No objection subject to conditions.

Severn Trent Water – No objection subject to conditions

Warwickshire County Council Flood/Drainage Advisor – Objection. There are known flooding issues in the vicinity of Newton and Warton Lane areas and therefore we would expect a Flood Risk Assessment/Drainage Strategy to be submitted as of the planning application demonstrating how surface water run-off is to be managed on site and how the development will not increase the risk to flooding elsewhere.

At outline planning stage we do need to have clarity on the preferred method of drainage, a correct estimate of the required storage on the site that takes into account all positively drained areas within the site and a point of discharge of the surface water drainage network.

The drainage strategy for the site appears to be via infiltration method of drainage, but no infiltration tests to support this. Whilst we do not necessarily need the tests undertaken at the outline stage, in this case if infiltration is not possible it is not clear that either discharge to water course or sewer network will be feasible/permitted. There is no "backup" strategy.

Environmental Health Officer – No Comments.

Environment Agency – No objections.

Warwickshire Wildlife Trust – Identifies the following concerns and issues:

- All the native hedgerows around perimeter that face NE and SE have ecological value (even though they are not the most diverse).
- The over-mature gappy hedgerow running up through the middle of the site is 'species-poor' but would still have *some* eco value (but less).
- Both sections of hedgerow could provide foraging and commuting routes for bats.
- Enhancements could be made relatively easily to improve them from a biodiversity point of view – ie additional plants or shrubs. Attempts to move such a mature hedgerow are likely to prove unsuccessful as the amount of damage to both branches and roots would lead to failure.
- In line with mitigation hierarchy Para 118 of the NPPF, it would be preferable to consider an alternative site layout/access arrangements with less harmful impacts. The applicant has failed to show that they have considered alternative locations and have not justified why this is the only solution.
- The need for two accesses is questioned and it is questioned whether alternative layouts have been considered and/or new footpaths could be moved elsewhere as a way of reducing adverse impacts on the biodiversity?

As it stands, although the application is only at outline stage, it is clear that the development would result in a loss of biodiversity (by building on a greenfield site and removing any of the hedgerows). Para 109 of the NPPF requires that the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains. Therefore, as a biodiversity loss is probable on site, further mitigation/ compensation would be required in order to ensure compliance with national policy.

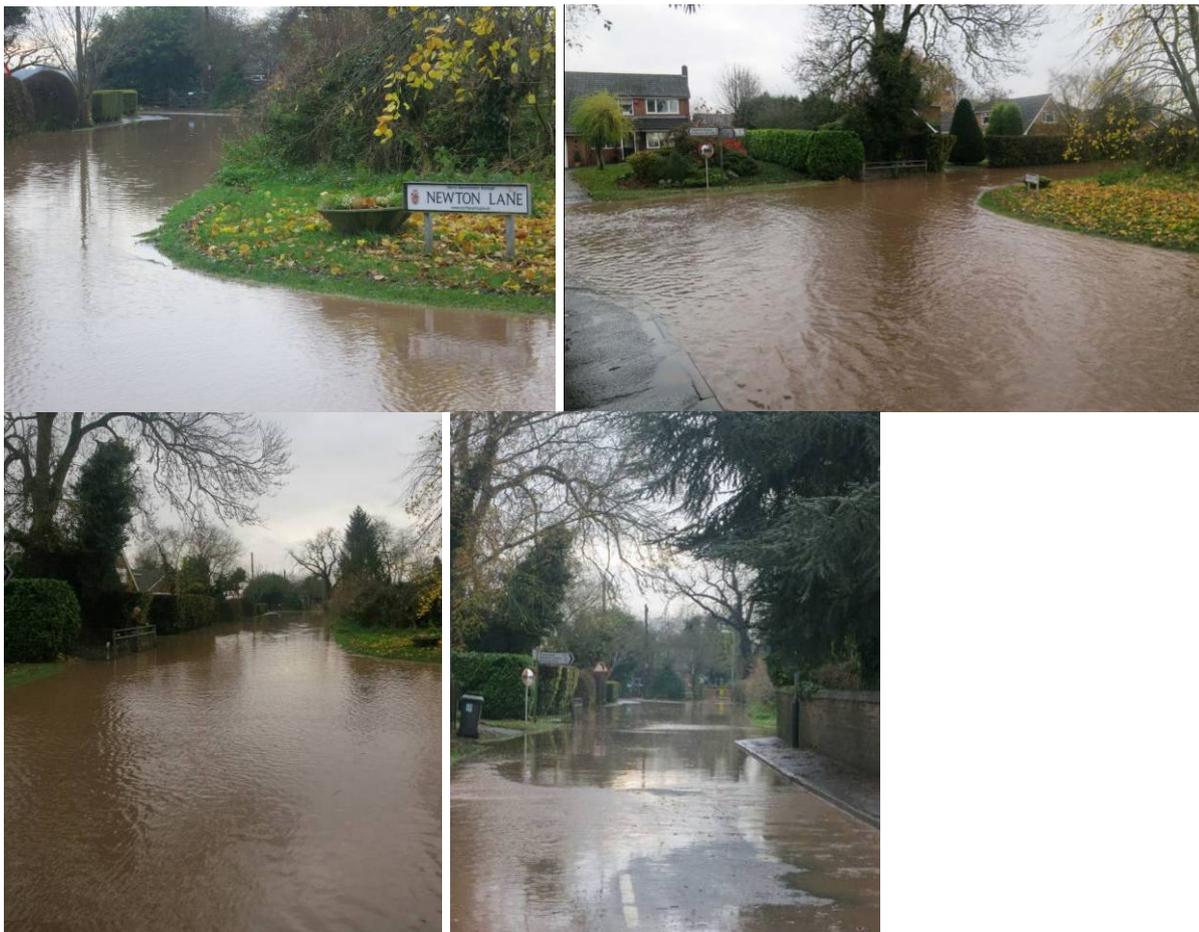
Representations

Four letters have been received raising the following concerns:

- The development is outside the village boundary. There have been previous assurances that there will be no development beyond the village boundary.
- This stretch of Warton Lane is prone to severe flooding as it is at the lowest part of the village and floodwaters from surrounding higher ground accumulate in the vicinity of the proposed access to the site.
- Existing properties would be put at greater flood risk.
- There is concern that this application would be followed with applications to develop adjacent land and that, if granted, this permission would set a precedent for future development.
- Austrey is a rural village with very limited facilities, a minimal bus service, no doctor or dentist, one primary school and only one village shop.
- Access to the village is via narrow country lanes which can be hazardous.
- The proposed new accesses would form a hazard.
- The amount of new traffic from this and other proposed developments would cause a danger.

Austrey Parish Council identifies that the main concern from both the council & residents centre on the poor drainage and flooding in this area of the village and a concern that more housing in this area will exacerbate the problem.

To illustrate concerns about flooding the Parish Council and local residents have supplied the following photographs:



The Parish Council advises that the Neighbourhood Plan is now in its final form and it is currently signing off the formal issue for the six weeks consultation, though it advises that the villagers have had prior sight of it and their comments incorporated.

It explains that the reason the Plan is supporting the development is because of the community gain of a footpath linking to the Playing Field. It indicates that this has been an objective of the village for twenty years in order to allow kids and adults safe passage to the field without a section walking on a very dangerous road with no path.

It sets out the Draft Neighbourhood Plan extract as below:

1.7. The one site allocated in the Austrey Plan and not in the NWBC preferred sites is subject to current planning application (Warton Lane / Newton Lane 10+4) and offers the community benefit of creating a complete path to the Playing Field. (Sustainability & flooding assessments are part of this application).

Site 1. Warton Lane/Newton Lane *(Allocated by Neighbourhood Plan and subject to current Planning Application)*

Policy 1.3 The site at the junction of Warton Lane and Newton Lane will have 2 groups of 5 starter and small family houses. There will be 4 similar houses on Warton Lane alongside the sewage Works. The development will include a footpath up Newton Lane (none currently) which form the missing link of a footpath to the Playing Field. There is a current application to NWBC for these developments. It should include satisfactory arrangements to alleviate associated flooding problems.

Austrey Resident's Association – Expresses concern that the presence of longstanding trees and hedgerows, that make up the rural feel of the village, have not fully been taken into consideration. The landowner's act of removing a protected tree is quoted as just cause for concern. It supplied a hedgerow survey carried out by two local ladies. By their estimation one section of the hedge would be about 690 years old and another 910 years old. It is suggested that the very low level of footfall does not justify the loss of hedgerow.

Observations

Housing Need and Housing Land Supply

The site lies outside of the development boundary for Austrey and is not allocated for housing in the Site Allocations Plan (Draft Pre-Submission June 2014) but it is known that there is an intention to put it forward in the first consultation draft of the Neighbourhood Plan as land allocated for housing. You are reminded that the Neighbourhood Plan is at a very early stage of preparation, there is known to be opposition from some members of the community to the inclusion of this site, and there is no guarantee that its inclusion will continue to an adopted plan. This early stage of preparation and uncertainty suggest that the emerging Neighbourhood Plan can be afforded very little weight in the consideration of this planning application.

In these circumstances, there is an argument to suggest that the development errs towards being contrary to the provisions of Policy NW2 of the North Warwickshire Core Strategy 2014.

The applicant's agent disagrees with that argument. She indicates that, in order to achieve the 40 new dwellings allocated by Policy NW5, the existing settlement boundary of Austrey necessitates the requirement for development to take place outside the defined development limits of the village. This is highlighted by the early drafts of the Site Allocations DPD and the SHLAA update dated December 2013 which predominantly considers sites outside the existing development limits of the village.

She argues that this application proposal will make a positive contribution to the minimum figure of 40 new dwellings in Austrey over the next plan period. What's more, she argues that it meets the objective of Policy NW5 in seeking to ensure development sites of no more than 10 dwellings are brought forward.

She points out that the site has been submitted for consideration as part of the Site Allocations DPD public consultation process and have been assigned reference number AUS11. It is listed as a reasonable alternative for development in the sustainability appraisal supporting the first draft of the Site Allocations DPD. Paragraph 5.92 of the sustainability appraisal concludes: "the likely effects of the residential sites in Austrey are broadly fairly similar, with not much variation between the scores for the preferred and alternative site options." In addition, the site was encompassed as part of site PS150 in the Council's SHLAA update December 2013 and is categorised as developable. She argues that the Site Allocations DPD is yet to be submitted and remains in draft form and suggests that the fact that this site is not currently allocated does not mean that it will not be preferred options in a later draft. She suggests that the submission of the current application demonstrates its availability and deliverability and points out that it is proposed for allocation in the Neighbourhood Plan with there being no known plans to remove these sites from the NP. She argues that it meets with the strategic objectives of Policies NW2 and NW5 of the CS.

She argues that until the Site Allocations DPD is adopted, the LPA is unable to sufficiently demonstrate a deliverable housing land supply to meet the objectives of the adopted Core Strategy.

Policy NW2 does not expressly say that no development will be permitted beyond the development boundary in Austrey. Policy NW5 indicates that Newton Regis will cater for a minimum of 40 units, usually on sites of no more than 10 units. It does not expressly require that these shall be within the development boundary. Indeed, it is acknowledged through the SAP and NP that this cannot be accommodated within the village as adjacent land is allocated.

In these circumstances it would be unreasonable to conclude that the development boundaries are absolutely sacrosanct in Category 4 settlements and it would be appropriate to assess whether there are any material considerations which could weigh in favour of the grant of a permission, in furtherance of NPPF guidance which indicates that there is a presumption in favour of sustainable development

In the circumstances of this case, it is a relatively small scale site (10 units or fewer) and at a location close to the edge of the village. Whilst it is outside of the identified

development boundary, there is some build form adjacent to it in the form of the property at The Headlands. It reasonably be argued to be organic and sustainable growth.

Though the Council stands by its up to date assessment of the current housing land supply, it is acknowledged that the housing numbers for Austrey are minimum, rather than maximum, numbers and that the grant of small scale additional numbers through windfalls will help the achievement of housing delivery.

Highway safety

The Highway Authority offers no objection to the proposed development. It is satisfied that appropriate visibility splays can be achieved.

The creation of visibility splays will however necessitate the repositioning of boundary hedgerows and these works will have the effect of altering the appearance of the street scene.

The S106 Draft Heads of Terms makes provision for a financial contribution at £75 per dwelling for; sustainable welcome packs; promoting sustainable living and to deliver road safety education in the area.

Archaeology

The applicant's agent argues that the site is not a designated heritage asset. Paragraph 128 of the NPPF states "the level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance." As neither of the sites are designated and the proposals are at outline stage (where there is opportunity for this to be explored in detail prior to the submission of reserved matters), she is of the opinion that the request is disproportionate and is capable of being secured by planning condition.

Advice from the County Archaeologist is that, in her opinion, the archaeological implications of this proposal cannot be adequately assessed on the basis of the available information. She recommends that a programme of archaeological fieldwork be undertaken to provide further information on the character, extent, state of preservation and importance of any archaeological remains present, and will also provide information useful for identifying potential options for minimising or avoiding damage to them.

She considers her approach to be consistent with para. 128 of the National Planning Policy Framework which advises that 'in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected...' and that 'where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation'.

She considers that the recommended fieldwork is proportionate and no greater than would be needed to enable the impact that the proposal would have upon any archaeological deposits which survive across the site to be established.

The use of a condition would be inappropriate as there is insufficient information available at present to enable a reasoned and informed planning decision to be made at this time. In addition, whilst this condition may secure fieldwork, it would not secure the conservation of any deposits which are worthy of conservation should these be identified at a later date. She also expresses concern as to whether or not it would be possible to 'design around' any archaeological deposits worthy of conservation should these been identified following the granting of consent – the relatively small size of these application sites may limit options to redesign the layout etc.

Following discussion with the applicant's agent she now confirms that if she has a reasonable degree of comfort that there will be 'in principle' support for the proposal, then the applicant will proceed to carry out pre-determinative trial trenching.

Drainage and Flooding

Given the known flooding issues in the northern part of Austrey the applicant was required to submit a drainage strategy. It is still awaited and will be the subject of re-consultation with the Warwickshire County Council Flood/Drainage Advisor. However, the applicant advises that a Flood Risk Assessment and drainage strategy for these sites is largely complete (waiting on a response from Severn Trent Water before the final report can be issued). The strategy will incorporate some mitigation measures to address the existing flooding problem.

Severn Trent Water does not object on the grounds of additional sewage load.

Ecology/Bio Diversity and Landscape Character

The proposal will have some urbanising effect in the vicinity of the site, particularly initially, since it proposes extensive removal of roadside hedgerow. This not only has the potential of altering the character of the rural edge of the village but will result in some loss of biodiversity. Both local residents and the Warwickshire Wildlife Trust express concern about this loss.

The applicant argues that the replacement of existing hedgerow is an opportunity for ecological enhancement because the existing hedge is species poor and the provision of a new more species rich hedgerow will not only compensate for the removal but will offer ecological enhancement in the longer term.

There is no doubt that there will be some change in character, but it is proposed that the hedgerow be re-established for the majority of its length, at a set back from the roadside edge. The works need to be set against the supported benefit of achieving safer pedestrian access to the village playing fields. Alternative access across the fields was considered but discounted because it would not be visible behind the existing hedgerow and have no natural surveillance.

The applicant advises that the decision to split access is to retain the line of existing landscaping which intersects the site, not only retains the existing biodiversity/ecological value of the site but makes a feature of the existing landscaping and character.

On balance, with appropriate use of conditions, it is considered that the loss can be adequately mitigated.

Open spaces/Play Space/Community Benefit

The applicant has indicated an intention to address this requirement as a financial contribution for off-site provision (£14,290.50) and (£5,716.20)

The provision of a footpath to the playing fields is put forward as a community benefit and is welcomed in the draft Neighbourhood Plan.

Affordable Housing

The application proposes the on-site delivery of 20% affordable housing and meets the requirements of Policy NW6 of the CS.

Amenity and Design

There is adequate space within the site to accommodate 10 dwellings without undue harm to the amenity of occupiers of adjacent properties. There would be no significant loss of light, overlooking or loss of privacy.

Each new dwelling would have private amenity space and adequate off-street car parking.

Recommendation

16. That Board resolves to visit the site ahead of considering a determination report in respect of this application.
17. That the Board be invited to identify any key issues material to the application that it wants to be addressed by the applicant.
18. That the Board is MINDED TO SUPPORT the application subject to resolution of the outstanding archaeology and drainage objections and subject a S106 Agreement covering affordable housing and off-site play space/open space.

BACKGROUND PAPERS

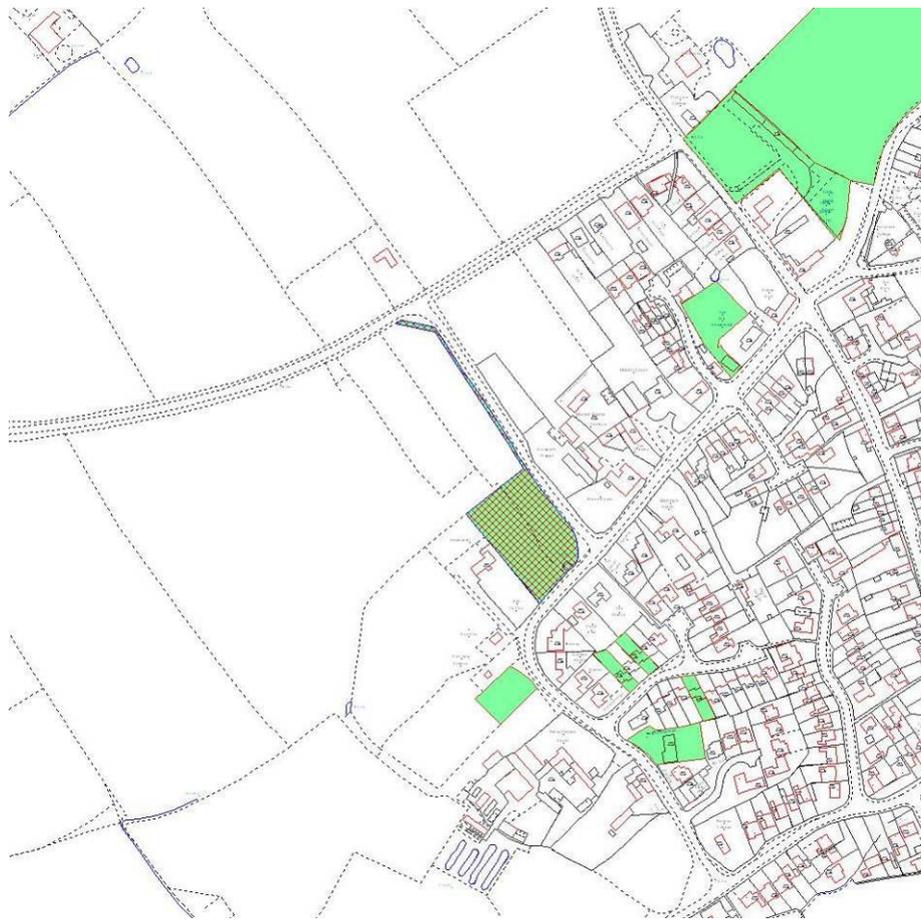
Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Planning Application No: PAP/2014/0302

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	19 6 14
2	Warwickshire County Highways Authority	Consultation Reply	30 6 14
3	S & S Duggan	Representation	11 7 14 23 7 14
4	J K Angus	Representation	8 7 14
5	Severn Trent Water	Consultation Reply	14 7 14 6 10 14
6	Environmental Health Officer	Consultation Reply	26 6 14
7	D Rowse	Representation	18 7 14
8	Warwickshire Police Crime Prevention Design Advisor	Comments	18 7 14
9	Austrey Parish Council	Representation	22 7 14 20 10 14
10	Austrey Resident's Association	Representation	27 8 14
11	Warwickshire County Council Flood/Drainage Advisor	Consultation Reply	10 9 14
12	Environment Agency	Consultation Reply	19 8 14
13	D E Fullerton	Representation	10 9 14
14	Applicant's Agent	Email re Neighbourhood Plan	15 9 14
15	Warwickshire County Museum (Archaeology)	Consultation Reply	29 7 14 12 9 14 30 9 14
16	Warwickshire Wildlife Trust	Consultation Reply	30 9 14
17	Case Officer	Email to Agent	17 10 14
18	Applicant's Agent	Emails	5 8 14 22 10 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.



Application No: PAP/2014/0301

Land South of Pumping Station, Warton Lane, Austrey,

Outline application for up to 4 dwellings with details of means of access from Warton Lane. All other matters are reserved for

Mr Owen Ensor

Introduction

The report to Board in November 2014 described the proposal; detailed the representations that had been received and highlighted the issues that needed to be addressed prior to the determination of the application. The Officer's recommendation at that time was 'Minded to Support' subject to the resolution of outstanding archaeology and drainage objections. It also indicated that support should be subject to the signing of a S106 Agreement covering housing and off-site play space/open space.

The November 2014 report is attached at the foot of this item as **Appendix H**. The November report should be read in conjunction with this current report and regard should be had to its content when determining this planning application.

New Consultation Findings

Tree Officer – No objection.

Warwickshire County Museum (Archaeology) – No objection

Warwickshire County Council (Flood Risk Management) - No objection subject to conditions

Additional Representations

A local resident has requested that an ash tree close to the proposed access be considered for a preservation order. The resident claims to own the tree. She believes that it would be at threat from construction vehicles and the construction of the proposed access.

Another resident disagrees with the conclusion that a separation distance of 15 metres from a pumping station would be adequate and believes that residents would suffer pungent smells especially in summer months. Concern is also expressed about proximity to the M42 and the proposed HS2.

Observations

Trees

The access to the proposed development of 4 houses would pass close to the tree shown in the centre of the photograph below. The application proposes the retention of the tree but the vehicular route would pass beneath its canopy.

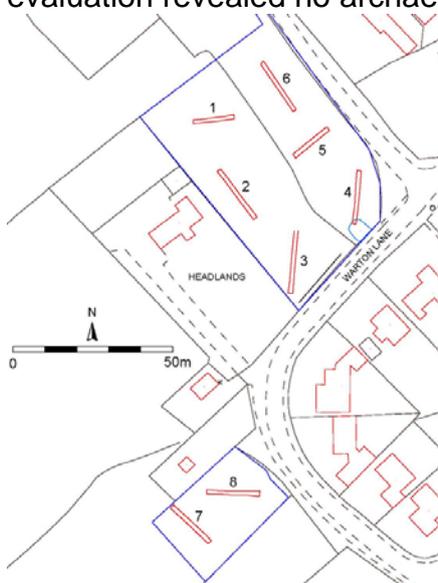


A local resident has requested that the tree be considered for a preservation order. The County Forestry Officer has visited and assessed its worthiness for a TPO. He advises that it has a large wound on the trunk and crown dieback. This renders the tree unsuitable for a TPO. In his opinion, for the long term amenity, it would be appropriate to remove the tree and replant with a suitable replacement.

Given that the tree is on neighbouring land works to it are beyond the control of the applicant, and given its condition, there is no sound reason to resist the proposed development based on the effect of the development on the tree in question.

Archaeology

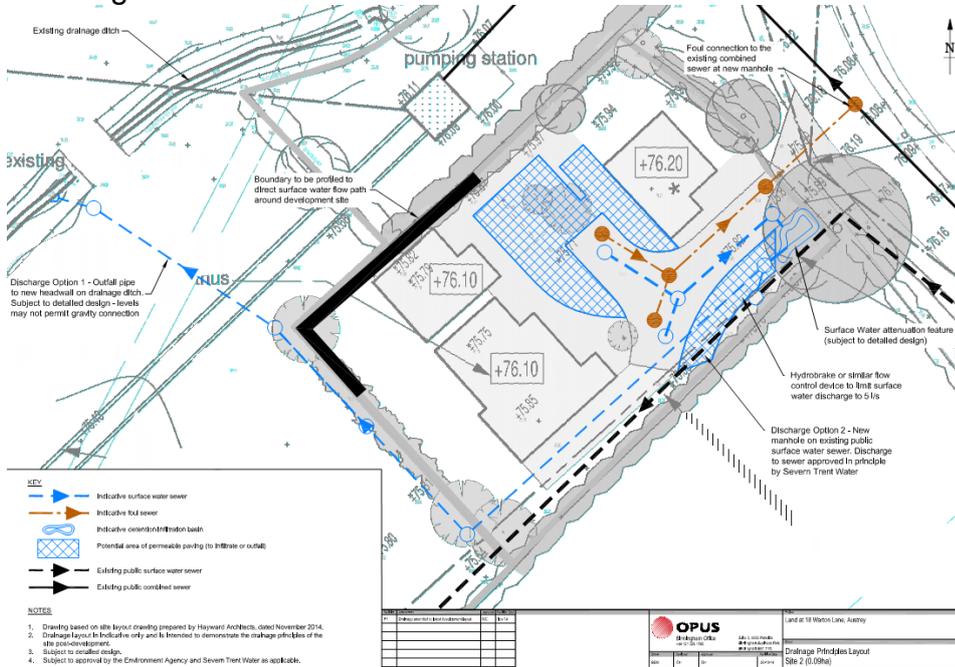
University of Leicester Archaeological Services carried out an archaeological evaluation with 8 trial trenches in the locations shown below. The archaeological trial trench evaluation revealed no archaeological evidence during these ground works.



The Warwickshire County Archaeologist confirms that the fieldwork did not identify any archaeological features or recover any finds. She does not therefore consider that the proposed development will have a significant archaeological impact and does not require any further fieldwork either prior to, or post, the determination of this application.

Drainage

The applicant has submitted a full Flood Risk Assessment (FRA) and a drainage proposal which incorporates surface water attenuation features and hydro-brakes to limit the discharge from the site to 5 l/s (see plan extract below). The applicant acknowledges that this limiting discharge rate is in excess of the very low existing greenfield rates of runoff, but can be practically achieved and is in line with current best practice. The development would result in an increase in impermeable area, hence increasing surface water runoff. As such, on-site attenuation is proposed to limit the discharge rate.



As detailed in the introductory section to this report, the County Council as the Lead Local Flood Authority (Flood Risk Management Officer) confirms that he does not oppose the development. It has since been confirmed that the FRA presents an acceptable drainage solution for the site, subject to conditions.

Affordable Housing/Open Space

As detailed in the introduction the requirement for affordable housing and off-site contributions towards open space/play space no longer apply in respect of development of this size.

Concluding Observations

As set out in the appended November 2014 report, the site lies outside the development boundary and is not part of an allocated site in the Draft Site Allocations Plan. There has been a change of circumstance since then, in that the site was proposed for inclusion in the Draft Neighbourhood Plan (NP) but it has now been dropped in the rewrite and now is no longer identified. The NP justifies its current exclusion on the basis that sites have been rated against criteria, including, proximity to services, visual intrusion, affect on rural landscape and whether the site is brownfield land. Though the scoring system is a little unclear, it appears that the NP team found the proposal to fall short of these criteria.

Members are reminded that the NP is at a very early stage in the plan making process and that very little weight can be afforded to it at this moment in time.

Whilst it is recognised that the site lies on the outer edge of the settlement, beyond the present edge formed by Warton Lane, the advice contained in the November 2014 report was that, given that existing residential development fronts Warton Lane adjacent to the site in question, the proposal would not unduly encroach beyond the extent of existing built form and would not be an undue incursion into neighbouring countryside to the extent that it would adversely affect the landscape character hereabouts. On this basis, it was concluded that the development was, small in scale (in accord with that envisaged in the settlement hierarchy), and sustainably located adjoining the settlement edge. In accord with there being a presumption in favour of sustainable development, it is recommended that this small development may be supported.

Recommendation

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

56. This permission is granted under the provisions of Article 4(1) of the Town & Country Planning (Development Management Procedure) (England) Order 2010 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
57. 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.
58. 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.
59. The development hereby approved shall not be carried out otherwise than in accordance with the plan numbered 14/39 05 received by the Local Planning Authority on 11 June 2014 and the plan numbered 14/39 04F received by the Local Planning Authority on 12 November 2014.
60. No development shall take place within a buffer zone of the adjacent pumping station.
61. The development shall not be occupied until the existing vehicular access to the site has been widened/remodelled so as to provide an access of not less than 5 metres for a minimum distance of 7.5 metres, as measured from the near edge of the public highway carriageway.
62. The access to the site for vehicles shall not be used in connection with the development until it has been surfaced with a bound material for a minimum distance of 7.5 metres as measured from the near edge of the public highway carriageway.

63. The development shall not be occupied until a turning area has been provided within the site so as to enable the largest vehicle likely to enter the site to leave and re-enter the public highway in a forward gear.
64. The Applicant/Developer shall install suitable measures to ensure that mud and debris will not be deposited on the highway as result of construction traffic leaving the site. Prior to the commencement of the development, the details of these measures (including type, method of operation and control of use) shall be submitted in writing to the Local Planning Authority for their approval in consultation with the Highway Authority.
65. The development shall not be commenced until space has been provided within the site for the parking and loading/unloading] of delivery/construction/demolition vehicles in accordance with details to be approved in writing by the Local Planning Authority.
66. The development hereby permitted shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) by Opus ref: JB-0715.00 R14 dated 19 February 2015. The rate of surface water run-off generated by the site shall be limited to discharge at no more than the existing greenfield rate and as agreed with Severn Trent Water (5l/s), as detailed in the FRA. The attenuation of surface water on site shall be to the 1 in 100 year flood event standard plus an allowance of 30% for climate change, using SuDS as proposed in the FRA.
67. Prior to the commencement of development a fully labelled network drawing, with corresponding detailed network calculations, showing all dimensions of all elements of the proposed drainage system including control devices and structures shall be submitted to and approved in writing by the Local Planning Authority.
68. Prior to the commencement of development modelled results for critical storms, including as a minimum 1yr, 30yr, and 100yr +30% cc events of various durations, shall be submitted to and approved in writing by the Local Planning Authority.. A submerged outfall should be used for the modelling. An electronic copy of the model shall be submitted to Warwickshire County Council Flood Risk Management Team.
69. Prior to the commencement of development detailed drawings showing plan and sections of the proposed permeable paving shall be submitted to and approved in writing by the Local Planning Authority.
70. In the event that the drainage network is to be adopted, evidence of an agreement with the adopting body shall be submitted to the Local Planning Authority prior to the occupation of the first dwelling..
71. Prior to the commencement of development evidence of overland flood flow routing in case of system failure shall be submitted to and approved in writing by the Local Planning Authority. This should include the hydraulic modelled flow routes with depths/velocities of the flow.
72. No works shall commence on site until detailed design drawings and supportive calculations for the disposal of foul and surface water sewage have been submitted and approved by the Local Planning Authority in writing. No sewage

discharge shall be in operation until the drainage works in accordance with the approved drawings have been completed.

73. Prior to the commencement of development a Maintenance Plan giving details on how the entire surface water system will be maintained shall be submitted to and approved in writing by the Local Planning Authority.

Notes

5. Conditions require works to be carried out within the limits of the public highway. Before commencing such works the applicant / developer must serve at least 28 days notice under the provisions of Section 184 of the Highways Act 1980 on the Highway Authority's Area Team.

This process will inform the applicant of the procedures and requirements necessary to carry out works within the Highway and, when agreed, give consent for such works to be carried out under the provisions of S184. In addition, it should be noted that the costs incurred by the County Council in the undertaking of its duties in relation to the construction of the works will be recoverable from the applicant/developer.

The Area Team may be contacted by telephone: (01926) 412515. 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. Application 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.

6. In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner through seeking to resolve planning objections and issues and suggesting amendments to improve the quality of the proposal. As such it is considered that the Council has implemented the requirement set out in paragraphs 186 and 187 of the National Planning Policy Framework.

BACKGROUND PAPERS

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

Planning Application No: PAP/2014/0301

Background Paper No	Author	Nature of Background Paper	Date
1	S Duggan	Representation – Objection	6 11 14
2	W & N Wiggan	Representation – Objection	10 11 14
3	J E Hodgkinson	Representation – Objection	24 11 14
4	Applicant	Flood Risk Assessment	23 2 15
5	Applicant	Archaeological Evaluation	25 2 15
6	Warwickshire County Council Trees Officer	Consultation Reply	24 2 15
7	Warwickshire County Museum (Archaeology)	Consultation Reply	25 2 15

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Application No: PAP/2014/0301

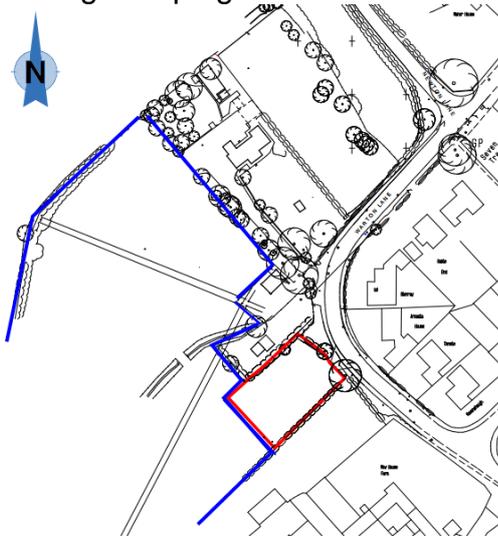
Land South of Pumping Station, Warton Lane, Austrey

**Outline application for up to 4 dwellings with details of means of access from Warton Lane. All other matters are reserved.
for**

Mr Owen Ensor

The Site

The site forms the roadside part of a field on the south west of Warton Road south of an existing Pumping Station and north of New House Farm. It is as shown below:



The photographs below show the site viewed from Warton Road.



The Proposal

An outline application for up to 4 dwellings with details of means of access from Warton Lane. All other matters are reserved. An illustrative layout is shown below.



The proposal includes the on-site provision of one affordable dwelling, equating to a 25% on-site contribution. It is envisaged that the affordable dwelling will be an intermediate dwelling.

Consultations

Warwickshire County Highways Authority – No objection subject to conditions. The required 43 metre visibility splays could be achieved in both directions (when measured 2.4 metres back from the edge of the carriageway); the proposed alterations to the access would enable two -way vehicle movements; and a turning area has been provided within the site, enabling vehicles to turn and re-enter the public highway using a forward gear.

Warwickshire County Museum (Archaeology) – Recommends that pre-determination evaluation be undertaken across the site in the form of trial trenching.

The site lies within an area which, based upon historic mapping and analysis of the village form and extant earthworks, is likely to have been within the area of medieval settlement at Austrey (Warwickshire Historic Environment Record MWA 9490). Domesday indicates a populous and valuable village, and there are signs of empty plots on the 1885 map, suggesting that the population probably contracted. Evidence for this contraction is seen in the vicinity of these application sites, in the grass field which lies to the immediate east of the house known as 'Headlands'.

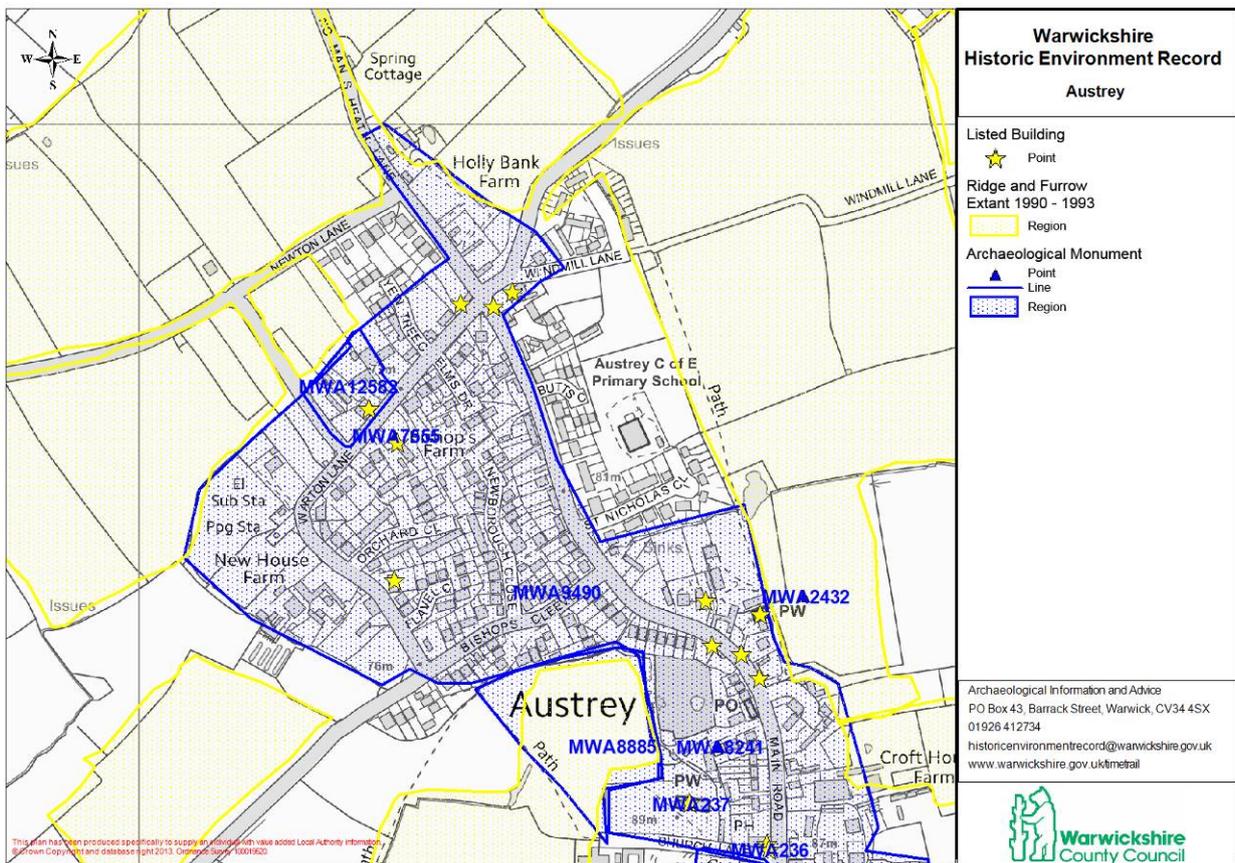
That this part of Austrey was occupied from an early period (at least early post-medieval, if not medieval) is also supported by the presence of the Listed Buildings of Bishops Farmhouse and Manor House, which date to the early to mid 16th century and late 17th/early 18th century respectively.

There is therefore a potential for archaeological deposits associated with the occupation of this area during the medieval and later periods to survive across this site and be

disturbed by the development. These may include archaeological deposits worthy of conservation.

The application sites are within the MWA 9490 monument on the Historic Environment Record (HER). The site lies within the area highlighted as being of sensitivity (as highlighted in para. 4.4.2 of the HEA report, which reads ‘the key sensitivities of the Study area are the medieval settlement core and the dispersed post-medieval settlement to north’).

An extract from the HER is shown below.



Warwickshire County Council Flood/Drainage Advisor – Objection. There are known flooding issues in the vicinity of Newton and Warton Lane areas and therefore we would expect a Flood Risk Assessment/Drainage Strategy to be submitted as of the planning application demonstrating how surface water run-off is to be managed on site and how the development will not increase the risk to flooding elsewhere.

At outline planning stage we do need to have clarity on the preferred method of drainage, a correct estimate of the required storage on the site that takes into account all positively drained areas within the site and a point of discharge of the surface water drainage network.

The drainage strategy for the site appears to be via infiltration method of drainage, but no infiltration tests to support this. Whilst we do not necessarily need the tests undertaken at the outline stage, in this case if infiltration is not possible it is not clear that either discharge to water course or sewer network will be feasible/permitted. There is no "backup" strategy.

Environmental Health Officer – Initially expressed concern about the proximity of the pumping station because of potential for noise and odour complaints but, following consultation with Severn Trent Water, later agreed that a 15m separation buffer would be adequate.

Environment Agency – No objections.

Representations

Seven letters have been received raising the following concerns:

- The development is outside the village boundary. There have been previous assurances that there will be no development beyond the village boundary.
- This stretch of Warton Lane is prone to severe flooding as it is at the lowest part of the village and floodwaters from surrounding higher ground accumulate in the vicinity of the proposed access to the site.
- The land next to the pumping station is below road level. At the moment excess flood waters drain into the field and are absorbed. If the land is developed for housing, the properties would be adversely affected and there would be reduced opportunity for flood waters to dissipate.
- One objector points out that ‘Having rented the field in question for very many years we know that it is always covered in a plant called spotted persicaria, a bistort also known as willow weed, which likes to grow in ditches and damp places. This shows how important this low-lying field is as a natural drain for the village’.
- Existing properties would be put at greater flood risk.
- With climate change the incidence of flash flooding is increasing.
- There is concern that this application would be followed with applications to develop adjacent land and that, if granted, this permission would set a precedent for future development.
- Concern is expressed that the curvature of the road is shown incorrectly on the plans.
- A new access close to the bend in the road would cause a hazard.
- Warton Lane is increasingly being used as a cut through between Warton/Polesworth and the M42, hence it has higher levels of traffic.
- Whilst the need for affordable housing is appreciated there are more appropriate locations to build.
- The Planning Statement is misleading where it discusses rural setting and landscaped boundaries is misleading because existing trees on the site are in a poor condition and unlikely to be kept.
- The site is not mentioned in the Parish/Local Plan.
- It is suggested that the Board should visit the site.

Austrey Parish Council identifies that the main concern from both the council & residents centre on the poor drainage and flooding in this area of the village and a concern that more housing in this area will exacerbate the problem.

To illustrate concerns about flooding the Parish Council and local residents have supplied the following photographs:



The Parish Council advises that the Neighbourhood Plan is now in its final form and it is currently signing off the formal issue for the six weeks consultation, though it advises that the villagers have had prior sight of it and their comments incorporated.

It explains that the reason the Plan is supporting the development here is associated to the fact that the associated application (in the same family ownership) involves the community gain of a footpath linking to the Playing Field.

Austrey Resident's Association – Expresses concern that the presence of longstanding trees and hedgerows, that make up the rural feel of the village, have not fully been taken into consideration.

Observations

Housing Need and Housing Land Supply

The site lies outside of the development boundary for Austrey and is not allocated for housing in the Site Allocations Plan (Draft Pre-Submission June 2014) but it is known that there is an intention to put it forward in the first consultation draft of the Neighbourhood Plan as land allocated for housing. You are reminded that the Neighbourhood Plan is at a very early stage of preparation, there is known to be opposition from some members of the community to the inclusion of this site, and there

is no guarantee that its inclusion will continue to an adopted plan. This early stage of preparation and uncertainty suggest that the emerging Neighbourhood Plan can be afforded very little weight in the consideration of this planning application.

In these circumstances, there is an argument to suggest that the development errs towards being contrary to the provisions of Policy NW2 of the North Warwickshire Core Strategy 2014.

The applicant's agent disagrees with that argument. She indicates that, in order to achieve the 40 new dwellings allocated by Policy NW5, the existing settlement boundary of Austrey necessitates the requirement for development to take place outside the defined development limits of the village. This is highlighted by the early drafts of the Site Allocations DPD and the SHLAA update dated December 2013 which predominantly considers sites outside the existing development limits of the village.

She argues that this application proposal will make a positive contribution to the minimum figure of 40 new dwellings in Austrey over the next plan period. What's more, she argues that it meets the objective of Policy NW5 in seeking to ensure development sites of no more than 10 dwellings are brought forward.

She points out that the site has been submitted for consideration as part of the Site Allocations DPD public consultation process and have been assigned reference number AUS11. It is listed as a reasonable alternative for development in the sustainability appraisal supporting the first draft of the Site Allocations DPD. Paragraph 5.92 of the sustainability appraisal concludes: "the likely effects of the residential sites in Austrey are broadly fairly similar, with not much variation between the scores for the preferred and alternative site options." In addition, the site was encompassed as part of site PS150 in the Council's SHLAA update December 2013 and is categorised as developable. She argues that the Site Allocations DPD is yet to be submitted and remains in draft form and suggests that the fact that this site is not currently allocated does not mean that it will not be preferred options in a later draft. She suggests that the submission of the current application demonstrates its availability and deliverability and points out that it is proposed for allocation in the Neighbourhood Plan with there being no known plans to remove these sites from the NP. She argues that it meets with the strategic objectives of Policies NW2 and NW5 of the CS.

She argues that until the Site Allocations DPD is adopted, the LPA is unable to sufficiently demonstrate a deliverable housing land supply to meet the objectives of the adopted Core Strategy.

Policy NW2 does not expressly say that no development will be permitted beyond the development boundary in Austrey. Policy NW5 indicates that Newton Regis will cater for a minimum of 40 units, usually on sites of no more than 4 units. It does not expressly require that these shall be within the development boundary. Indeed, it is acknowledged through the SAP and NP that this cannot be accommodated within the village as adjacent land is allocated.

In these circumstances it would be unreasonable to conclude that the development boundaries are absolutely sacrosanct in Category 4 settlements and it would be appropriate to assess whether there are any material considerations which could weigh in favour of the grant of a permission, in furtherance of NPPF guidance which indicates that there is a presumption in favour of sustainable development

In the circumstances of this case, it is a relatively small scale site (4 units or fewer) and at a location close to the edge of the village. Whilst it is outside of the identified

development boundary, there is some build form adjacent to it in the form of the property at the pumping station and an existing farm. It can reasonably be argued to be organic and sustainable growth.

Though the Council stands by its up to date assessment of the current housing land supply, it is acknowledged that the housing numbers for Austrey are minimum, rather than maximum, numbers and that the grant of small scale additional numbers through windfalls will help the achievement of housing delivery.

Highway Safety

The Highway Authority offers no objection to the proposed development. It is satisfied that appropriate visibility splays can be achieved and that the volumes of traffic generated will be no detriment to highway safety.

Archaeology

The applicant's agent argues that the site is not a designated heritage asset. Paragraph 128 of the NPPF states "the level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance." As neither of the sites are designated and the proposals are at outline stage (where there is opportunity for this to be explored in detail prior to the submission of reserved matters), she is of the opinion that the request is disproportionate and is capable of being secured by planning condition.

Advice from the County Archaeologist is that, in her opinion, the archaeological implications of this proposal cannot be adequately assessed on the basis of the available information. She recommends that a programme of archaeological fieldwork be undertaken to provide further information on the character, extent, state of preservation and importance of any archaeological remains present, and will also provide information useful for identifying potential options for minimising or avoiding damage to them.

She considers her approach to be consistent with para. 128 of the National Planning Policy Framework which advises that 'in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected...' and that 'where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation'.

She considers that the recommended fieldwork is proportionate and no greater than would be needed to enable the impact that the proposal would have upon any archaeological deposits which survive across the site to be established.

The use of a condition would be inappropriate as there is insufficient information available at present to enable a reasoned and informed planning decision to be made at this time. In addition, whilst this condition may secure fieldwork, it would not secure the conservation of any deposits which are worthy of conservation should these be identified at a later date. She also expresses concern as to whether or not it would be possible to 'design around' any archaeological deposits worthy of conservation should these been identified following the granting of consent – the relatively small size of these application sites may limit options to redesign the layout etc.

Following discussion with the applicant's agent she now confirms that if she has a reasonable degree of comfort that there will be 'in principle' support for the proposal, then the applicant will proceed to carry out pre-determinative trial trenching.

Drainage and Flooding

Given the known flooding issues in the northern part of Austrey the applicant was required to submit a drainage strategy. It is still awaited and will be the subject of re-consultation with the Warwickshire County Council Flood/Drainage Advisor. However, the applicant advises that a Flood Risk Assessment and drainage strategy for these sites is largely complete (waiting on a response from Severn Trent Water before the final report can be issued). The strategy will incorporate some mitigation measures to address the existing flooding problem.

Severn Trent Water does not object on the grounds of additional sewage load.

Amenity and Design

There is adequate space within the site to accommodate 10 dwellings without undue harm to the amenity of occupiers of adjacent properties. There would be no significant loss of light, overlooking or loss of privacy.

Each new dwelling would have adequate private amenity space and adequate off-street car parking. A condition can be attached to ensure adequate separation from the adjacent pumping station.

Affordable Housing

The application proposes the on-site delivery of 25% affordable housing and meets the requirements of Policy NW6 of the CS.

Open spaces/Play Space/Community Benefit

The applicant has indicated an intention to address this requirement as a financial contribution for off-site provision (£5,716.20).

Trees/Ecology/Bio Diversity and Landscape Character

Though the development may result in some loss of hedgerow and some tree cover there is opportunity within the site to secure mitigation. This can be secured by condition.

Given that existing residential development fronts Warton Lane the site does not unduly encroach beyond the extent of existing built form and would not be an undue incursion into neighbouring countryside and is unlikely to adversely affect the landscape character hereabouts.

Recommendation

19. That Board resolves to visit the site ahead of considering a determination report in respect of this application.
20. That the Board be invited to identify any key issues material to the application that it wants to be addressed by the applicant.
21. That the Board is MINDED TO SUPPORT the application subject to resolution of the outstanding archaeology and drainage objections and subject a S106 Agreement covering affordable housing and off-site play space/open space.



BACKGROUND PAPERS

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

Planning Application No: PAP/2014/0301

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	
2	J K Angus	Representation	8 7 14
3	Austrey Parish Council	Representation	22 7 14 20 10 14
4	Austrey Resident's Association	Representation	27 8 14
5	D E Fullerton	Representation	10 9 14
6	Applicant's Agent	Email re Neighbourhood Plan	15 9 14
7	Warwickshire County Council Flood/Drainage Advisor	Consultation Reply	10 9 14
8	Warwickshire County Highways Authority	Consultation Reply	15 7 14
9	J & S Daley	Representation	15 7 14
10	S Duggan	Representation	8 7 14
11	Mr & Mrs Van Heezik	Representation	8 7 14
12	J & J Hodgkinson	Representation	9 7 14
13	D Taylor	Consultation Reply	9 7 14
14	Environmental Health Officer	Consultation Reply	18 7 14 5 8 14
15	S Orton	Representation	21 7 14
16	Warwickshire County Museum (Archaeology)	Consultation Reply	29 7 14 12 9 14 30 9 14
17	Applicant's Agent	Emails	5 8 14 22 10 14
18	Environment Agency	Consultation Reply	19 8 14
19	Case Officer	Email to Agent	17 10 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.