

**To: The Deputy Leader and Members of the Planning and Development Board
Councillors Simpson, Bell, T Clews, Deakin, Dirveiks, Downes, Hayfield, D Humphreys, Jarvis, Lees, Macdonald, Morson, Moss, Parsons, H Phillips**

For the information of other Members of the Council

For general enquiries please contact the Democratic Services Team on 01827 719221 or via e-mail – democraticservices@northwarks.gov.uk

For enquiries about specific reports please contact the officer named in the reports.

The agenda and reports are available in large print and electronic accessible formats if requested.

PLANNING AND DEVELOPMENT BOARD AGENDA

19 August 2020

The Planning and Development Board will meet on Wednesday, 19 August 2020 at 6.30pm via Teams. An email invite will be sent to Board members and the meeting will be live streamed on the Council's YouTube channel, accessible from the home page of the Council's website or at <https://www.youtube.com/user/northwarks>

AGENDA

- 1 **Apologies for Absence / Members away on official Council business.**
- 2 **Disclosable Pecuniary and Non-Pecuniary Interests.**

REGISTERING TO SPEAK AT THE MEETING

PLEASE BE AWARE THAT THIS MEETING WILL BE TAKING PLACE
REMOTELY

Anyone wishing to speak at the meeting, in respect of a Planning Application, must register their intention to do so by 1pm on the day of the meeting, either by email to democraticservices@northwarks.gov.uk or by telephoning 01827 719221.

Once registered to speak, an invitation will be sent to join the Teams video conferencing for this meeting. Those registered to speak should join the meeting via teams or dial the telephone number (provided on their invitation) when joining the meeting and whilst waiting they will be able to hear what is being said at the meeting. They will also be able to view the meeting using the YouTube link provided (if so, they may need to mute the sound on YouTube when they speak on the phone to prevent feedback). The Chairman of the Board will invite a registered speaker to begin once the application they are registered for is being considered.

ITEMS FOR DISCUSSION AND DECISION (WHITE PAPERS)

3 Planning Applications - Report of the Head of Development Control

Summary

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

The Contact Officer for this report is Jeff Brown (719310)

4 Progress Report on Achievement of Corporate Plan and Performance Indicator Targets April 2019 – March 2020 – Report of the Chief Executive

Summary

This report informs Members of the progress with the achievement of the Corporate Plan and Performance Indicator targets relevant to the Planning and Development Board for April 2019 to March 2020.

The Contact Officer for this report is Robert Beggs (719238)

STEVE MAXEY
Chief Executive

Agenda Item No 3

Planning and Development Board

19 August 2020

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 not yet known because of the COVID situation.

6 **Public Speaking**

6.1 Information relating to public speaking at Planning and Development Board meetings can be found at:
https://www.northwarks.gov.uk/info/20117/meetings_and_minutes/1275/speaking_and_questions_at_meetings/3.

Planning Applications – Index

Item No	Application No	Page No	Description	General / Significant
1	PAP/2020/0020	5	Land North West Of Newton Regis Village Hall, Austrey Lane, Newton Regis, Outline application for the erection of 9 dwellings, re-surfacing, line marking and replacement lighting of village hall car park, access alterations to the village hall car park and associated works (all matters reserved except for access)	General
2	PAP/2020/0056	87	Town Council Offices, North Street, Atherstone, Demolition of existing building and construction of new 2 storey offices and meeting room	General
3	PAP/2020/0167	105	Fillongley Mount, Green End Road, Fillongley, Variation of condition no:2 of planning permission ref: PAP/2019/0042 relating to additional window and addendum to Heritage Statement, in respect Listed Building Consent for conversion of garage into a dwelling	General
4	PAP/2020/0183	112	Honey Pot Cottage, 60 Coleshill Road, Curdworth, Erection of a two-storey detached house with associated parking and landscaping	General
5	PAP/2020/0204	133	Mulberry Cottage, Farthing Lane, Curdworth, Sutton Coldfield, Single storey rear extension	General
6	PAP/2020/0215	142	42, Austrey Road, Warton, Replacing existing building with a 2 bedroom dwelling	General
7	PAP/2020/0236	156	Land Between Holmfield And Oakdene, Bennetts Road North, Corley, Erection of bungalow and double garage	General

8	PAP/2020/0245	165	Land to the Rear of 50, New Street, Dordon, Erection of dormer bungalow (re-submission PAP/2019/0462)	General
9	PAP/2020/0348 & PAP/2020/0349	172	1 & 2 Nightingale Cottages, Tamworth Road, Nether Whitacre, Erection of oak framed garden room extensions to rear elevations	General

General Development Applications

(1) Application No: PAP/2020/0020

Land North West Of Newton Regis Village Hall, Austrey Lane, Newton Regis,

Outline application for the erection of 9 dwellings, re-surfacing, line marking and replacement lighting of village hall car park, access alterations to the village hall car park and associated works (all matters reserved except for access), for

Mr H Lillingston - Manor Farm Discretionary Settlement

Introduction

This application was reported to the Board on 8 June following the introduction the temporary changed Scheme of Delegation agreed by the Council on 20 May 2020 as a consequence of the COVID situation. This allowed for the Board to be consulted on the Officer's Report. The report recommended that planning permission be granted.

The consultation responses were collated and a further report was referred to the Chief Executive as required by the new Scheme of Delegation. The recommendation remained the same.

The Chief Executive decided that determination should be deferred in order that a number of issues that had been raised by the Parish Council could be reviewed further. That review took the form of two meetings between representatives of the Parish Council, the applicant, the Head of Development Control, the Board Chairman and the local Ward Members.

As a consequence, the item is referred back to the Board for determination.

A copy of the original report is attached at Appendix A and a copy of the second report following consultation with the Board on 8th June is at Appendix B.

Matters Reviewed

The two main issues raised by the Parish Council were highway matters concerned with the safety of the proposed access arrangements onto Austrey Road and secondly the matter of why alternative sites had not been fully explored. Additionally, the meetings looked further at the scope of the works contained within the application to improve the village hall car park and the content of the Unilateral Undertaking proposed by the applicant for "social and community provisions within the village".

a) The Access

The County Council as Highway Authority was requested to review its response of “no objection” in light of the representations that had been received – the additional traffic generated that will use the access onto the bend in Austrey Lane; the safety issues involved with right hand turning traffic from Austrey Road into the new access, the proximity of the Townsend Close junction and the access arrangements at 16 Austrey Lane.

The Highway Authority stands by its consultation response. It says that the amount of additional traffic generated by the development will be small and that the design of the access arrangements meet the appropriate standards for the development proposed; the appropriate Road Safety Audits have been undertaken and that there is no dedicated right hand turn because the traffic flows are too small, visibility around the bend is good and there is no room for such a feature. The applicant has confirmed that the “improvements” to the access at number 16 are limited to the provision of a dropped kerb with no works being proposed on private land. The County Council is aware of this access and because of that, it requested a Road Safety Audit be undertaken. This was done and it did not reveal any safety concerns. Hence the County Council do not object.

Additionally, the applicant has provided a further plan illustrating the access arrangements in respect of the surface materials to be used; the boundary treatments and the provision of speed reduction measures. This is attached at Appendix C.

b) Alternative Sites

The Parish Council and residents have suggested that there are more acceptable alternative sites for new housing in the village. As a consequence, the applicant prepared an assessment of those suggested and this is at Appendix D. As indicated in Appendix B, each application has to be determined on its own merits. Moreover, the Board’s remit here is to determine this planning application and not to undertake a site selection process which is a matter for the Development Plan.

The applicant’s report does indicate that the alternatives suggested will have adverse heritage and landscape impacts, and that they too may not be acceptable to the Highway Authority. Additionally, there has been no technical consultation undertaken and neighbours have neither been consulted. In other words, those sites too may have planning issues.

c) The Unilateral Undertaking

Members will be aware from that the application itself includes improvements to the village hall car park; its lighting and access arrangements. However additionally, the applicant is proposing a separate Unilateral Undertaking to provide a financial contribution of £40k to the Parish Council for “social and community provision within the village”. As recorded in the initial report at Appendix A, Members are reminded that such a contribution is NOT directly related to the proposal. It is not necessary or essential to lessen any impacts arising from the proposal. It is thus not a matter that complies with the statutory requirements for a 106 Agreement related to a planning application. The fact

that it is being proposed is however a material planning consideration, but for the reasons above Members are asked to afford it limited weight in the final planning balance.

d) Other Matters

There are a couple of other matters that were raised during the deferral period.

Firstly, several residents have referred to the development at Manor Farm in the village and this is referred to in the reports. Members should be aware that during the course of this application, both planning permission and listed building consent have now been granted for that redevelopment scheme.

Secondly, residents in Townsend Close have made representations on the potential overlooking and loss of light impacts. These matters were covered in the original report at Appendix A. Whilst separation distances were referred to there is concern about the height difference between the Townsend Close properties and the new dwellings if approved. In order to satisfy this representation, an additional pre-commencement condition can be added in respect of requiring the prior approval of finished floor levels with accompanying cross sections through the site to Townsend Close.

Observations

The matter is now referred back to the Board following its deferral. There has been no change in material planning circumstances since its first reference to the Board and the deferral period has enabled there to be further discussion on the issues raised by the local community. However, that has not led to a situation where a different recommendation can be made to the Board.

Recommendation

That subject to the receipt of a completed Unilateral Undertaking as referred to in this report, outline planning permission be granted subject to the conditions set out in Appendix A but with the following two changes:

1. The plan numbers condition to include the plan referred to in this report and attached as Appendix C
2. Add a pre-commencement condition in respect of levels as set out in this report.

General Development Applications

(1) Application No: PAP/2020/0020

Land North West Of Newton Regis Village Hall, Austrey Lane, Newton Regis,

Outline application for the erection of 9 dwellings, re-surfacing, line marking and replacement lighting of village hall car park, access alterations to the village hall car park and associated works (all matters reserved except for access), for

Mr H Lillingston - Manor Farm Discretionary Settlement

Introduction

This item is referred to the Board at the request of local Members who consider that the weight to be given to the adverse impacts arising under Policy NW12 is significant and that as the Council has as five year supply of housing land, the assessment on the final planning balance should be one of refusal.

The Site

This is 0.66 hectares of relatively flat agricultural land immediately to the rear of established semi-detached residential properties on the north-east side of Townsend Close. A hawthorn hedgerow runs along this boundary. It contains an ash, a sycamore and a conifer. To the south is the village hall together with its car park and the tennis courts are further to the south. The access to the site is off the access drive to the village hall at the bend in Austrey Lane where it turns south at the Village Hall.

A public footpath – the T 137 – runs east/west along the access drive to the Village Hall.

The general location is shown at Appendix A.

The Proposal

This is an outline application for the erection of nine houses with all matters reserved for later approval apart from access. The existing access arrangements into the Hall and its car park would be re-engineered with a new access onto the outside of the bend in Austrey Lane leading up to the Hall and its car park. Access to the residential properties would then be off this new access road.

Improvements to the Village Hall car park are also proposed including re-surfacing and new low level lighting installed. It would not be made smaller. The existing access into the car park is right on the bell-mouth at the junction with Austrey Lane and this would be narrowed so as only to be for pedestrians and a new vehicular access provided further away along the new residential access so as to improve safety.

Additionally the applicant proposes a financial contribution of £25k towards the improvement of the adjacent recreation ground which may be spent on upgrading play equipment, landscaping, bins and seating at the discretion of the Parish Council.

A possible layout together with illustrations of the design of the properties are also submitted for information.

These matters are shown in Appendices B and C.

There are a number of documents submitted to support the application.

A Drainage Statement says that surface water discharge will be to attenuation tanks on site with discharge into the public combined sewer in Austrey Lane. Foul water would be disposed of via an on-site sewer discharging to the same combined sewer.

An Ecological Assessment concludes that the hedgerow and trees have the potential to support wildlife, but that the illustrative plans show minimal impact. The site itself is of low ecological value and there would be no bio-diversity loss particularly if new planting is agreed.

A tree report concludes that the hedgerow trees are poor in quality.

A Transport Statement concludes that the traffic generated would be unlikely to lead to any capacity issues on the local network and the improvements to the access onto Austrey lane will be of general benefit.

A Built Heritage and Landscape Appraisal looks at the impact of the proposal on these matters. Additionally it compares these impacts against a similar analysis for three other potential housing sites in the village concluding that the application site causes the least impact.

A Design and Access Statement describes the reasoning behind the approach to the design and appearance of the proposals.

Consultations

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

Warwickshire County Rights of Way – No objection in principle

Warwickshire Education Authority – No comments received

Warwickshire Museum – No comments received

Environmental Health Officer – No objection subject to standard conditions

Representations

Sixteen letters from local residents have been received objecting to the proposal on the following grounds:

- Loss of countryside and thus quality of the environment
- This is Grade 2 agricultural land
- Loss of view
- Loss of light
- Loss of privacy
- More traffic in an area that is already heavily congested because of the School
- The site is outside of the village's development boundary and the proposal would not accord with policies NW2 or NW5 of the Core Strategy.
- There has already been more development in the village than planned for
- The access improvements involve third party land
- It would not provide affordable housing in the village
- The village hall car park would become smaller thus adding to traffic/parking problems and would not enable the school bus to turn around
- The car park is already heavily used by sports clubs
- There is no or little public benefit here
- Construction difficulties through disturbance

The Parish Council has objected to the proposal on the following grounds:

- The Council has a five year supply
- Planning permissions in the village have not yet been taken up so there is no further housing need
- The site is outside of the development boundary
-
- The access will need re-engineering

Development Plan

The Core Strategy 2014 – NW1 (Sustainable Development); NW2 (Settlement Hierarchy), NW5 (Amount of Housing), NW6 (Affordable Housing Provision), NW10 (Development Considerations), NW12 (Quality of Development), NW14 (Historic Environment), NW15 (Natural Environment)

Other Material Planning Considerations

The National Planning Policy Framework

The Submitted Local Plan 2018 – LP1 (Quality of Development); LP2 (Settlement Hierarchy), LP6 (Amount of Housing), LP9 (Affordable Housing Provision) and LP31 (Development Considerations)

The Annual Housing Land Supply – March 2019

The Housing Delivery Test

The Designation Report for the Newton Regis Conservation Area

The North Warwickshire Landscape Character Appraisal 2010

The Daw Mill Appeal decision – APP/R3705/W/16/3149827

The Wood End Appeal decision – APP/R3705/W/19/3234056

Observations

a) Introduction

The site is outside of the development boundary for the village as defined by the Development Plan. As such the Plan says that new development is restricted to community based affordable housing or to that which is required within a rural area. Neither applies in this case. The proposal would therefore appear to be contrary to the provisions of Policy NW2. However as Members are aware the development boundaries of the Development Plan have been found to be out of date as set out in the Daw Mill appeal decision. In these circumstances the National Planning Policy Framework says that where the most important policies for determining applications are out of date, planning permission should be granted unless there are demonstrable and significant harms caused when the NPPF is looked at as a whole – para 11 (d) (ii) of the NPPF.

The report below therefore looks at whether the most important policies for determining this application are out of date and a number of areas of the NPPF where harm might be caused in this case. Weight will be ascribed to any such harm. In looking at these weights, Members are reminded that there is a need to identify the evidence that supports any harm. It will then be necessary to identify the other side of the planning balance and ascribe a weight to the benefits of the case as put forward by the applicant or as identified in the NPPF. Again these benefits have to be evidenced. The Board will then have to make an assessment of that final planning balance.

b) The Settlement Hierarchy

It is important to stress that although the development boundaries of Core Strategy NW2 are “out-of-date”, the main purpose of the policy is not, as this sets out a hierarchy and broad distribution of growth across the Borough. There is no reason why it should not be relied on as an underlying strategy in determining applications. The approach of directing new development to those settlements in proportion to their facilities, infrastructure and accessibility is still sound. Indeed this approach would be supported by paragraphs 78, 79, 102 and 103 of the NPPF and thus not be out-of-date.

Paragraph 78 in particular says that “to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive especially where this will support local services”. This therefore does not preclude development in the lower order settlements which can help to meet local needs and maintain or enhance their vitality. Indeed Policy NW5 of the Core Strategy refers to “minimum” housing numbers and as such there would be no conflict with NW5.

In this case, the Board has evidence from the Core Strategy and the Settlement Sustainability Appraisal that lies behind it, that Newton Regis is appropriately placed in the hierarchy as a Category Four settlement. It also has evidence from the Submitted Local Plan with its updated Appraisal and the evidence submitted to the Examination into that Plan, that its place in a settlement hierarchy is still relevant at Category Four.

In other words Policy NW2 as a spatial planning policy promoting a settlement hierarchy for the location of new development is not out of date and thus remains as one of the most important policies against which to determine this application.

The approach to new development in Category Four settlements in the Core Strategy is that development will be limited to that identified in the Strategy or a Neighbourhood Plan. The Strategy refers to a minimum of 15 units for Newton Regis. In the case of the Submitted Local Plan the approach is the same, but land is shown to be allocated in that Submitted Local Plan for 21 units at Manor Farm.

Evidence shows that planning permissions have been granted for 25 houses in the village since the adoption of the Core Strategy and this includes the site at Manor Farm.

Whilst it would appear that this would suggest a refusal in the current case, taking new development over the 21, Members are reminded that the Submitted Local Plan carries limited weight at the present time in respect of housing requirements as the Examination Inspector has not as yet recommended resolution of this matter. Additionally Policy LP6 of the Submitted Plan refers to the overall housing requirement in the Borough being a minimum figure.

As a consequence of all of these considerations, the central issue in respect of Policy NW2 is whether an additional nine houses in Newton Regis would cause significant harm to its place in the hierarchy and if so, what evidence is there to demonstrate that harm.

There are a couple of ways of looking at this. Firstly the % increase is small – an additional nine houses would amount to around a 5% increase in the village (including the permissions granted since 2014). As a consequence any increased harm is likely to be small too. Secondly, the village contains limited services and really these do not meet the everyday needs of local residents. This new development would increase the number of car trips but would not lead in itself to the introduction of new public transport services. On the other hand the limited new development would be of some benefit to the local services and increased car trips might occur in any event from increased car ownership in the village. As a consequence the scale of the proposal is considered unlikely to cause significant and demonstrable harm to existing services or to give rise to unsustainable levels of private transport.

In conclusion therefore, although the development boundary for Newton Regis is out of date, the spatial policy set out in NW2 is not. However, there would be no significant or demonstrable harm to the settlement hierarchy of the Core Strategy or to Newton Regis's place within it, if this development was to be supported.

c) Delivering Sufficient Houses

The Council has a five year supply of housing land including an appropriate buffer – the 2019 Annual Report shows this and the very recent Wood End appeal decision confirms this conclusion. Paragraph 11 (d) of the NPPF is therefore not engaged on this issue.

d) Affordable Housing

Policy NW6 of the Core Strategy is another of the most important policies relevant to this application. It says that for schemes of 14 and less units then there should be 20% affordable provision on site or through an off-site financial contribution in lieu. In this case that should be two on-site units. However as Members are aware, Government guidance changed after adoption of the Core Strategy as it considered that small development sites should be exempted from such provision. This guidance was replicated in the NPPF – Section 5 and paragraph 63 – and it now carries more weight than the thresholds set out in NW6. This is also why the draft policy in the Submitted Plan – LP9 – identifies a lower threshold for affordable provision – 10 houses. The current application is for nine. As such Policy NW6 is out of date, but there is considered to be no scope here for defending a refusal based on there being no affordable provision.

e) Character and Appearance

Policy NW12 of the Core Strategy is another of the most important policies for determining this application. Section 12 of the NPPF requires planning decisions to add to the overall quality of an area; be visually attractive, sympathetic to local character and history including the surrounding built environment, establish and maintain a strong sense of place, sustain an appropriate mix of development and support local facilities and transport networks. In this regard this approach is fully in accord with Policy NW12 of the Core Strategy. As such it is not considered to be out-of-date. So the issue for the Board here is whether the proposal would cause significant harm to these criteria and if so, what evidence is there to support that conclusion.

The North Warwickshire Landscape Character Appraisal identifies Newton Regis as being in the “No Mans Heath to Warton – Lowlands” Area. This describes a “distinctly rural landscape, with a well ordered agricultural landscape and scattered farmsteads and nucleated hilltop villages with visually prominent church spires”. One of the landscape management strategies identified, is to “reinforce the existing settlement pattern”. The proposal would not do that as it would extend development into a large open field beyond a well -established hedgerow boundary, which clearly delineates the edge of the settlement. However that extension is small, immediately adjacent to that hedgerow and linear in scope. It is considered that it would not materially affect the openness of the area or indeed the overall nucleated character of the village. On the other hand, the development would not connect or link to the existing built form and would only be reached by a cul-de-sac that has no other purpose. There would be no sense of “place” created and the development would not positively improve the character or appearance of the village. Overall therefore it is considered that moderate harm would be caused under Policy NW12 of the Core Strategy and Section 12 of the NPPF.

f) Heritage Impacts

Policy NW14 of the Core Strategy applies to all planning applications. In this case the site is close to the Conservation Area and thus it is relevant. It is not considered to be out of date and it accords with Section 16 of the NPPF.

There are no designated or non-designated built heritage assets within the site or its immediate vicinity. The closest asset is the Conservation Area whose boundary is around 160 metres to the south-west. The Council is under a statutory duty to have special regard to the desirability of preserving or enhancing the character and appearance of its Conservation Areas. In this case the significance of the Area is that it represents the retention of a rural village character through time with contemporaneous architectural and historic attributes. The elevated position and height of the church spire and the village pond and green are significant features. The proposed development is sufficiently distant and sufficiently separated from the Area by established modern development which would screen it and not cause inter-visibility with the Area. There is thus unlikely to be any harm caused to the setting of the Area. There may well be glimpses of the Church from the site but the intervening built development would form the foreground to any views. The proposed development would be seen in the context of that existing development which is already experienced within the setting of the Church or more particularly its spire. The development does not affect the three-dimensional setting of the Church by being on higher land or upsetting existing views of the church from further afield. It is considered that no harm is caused and thus the character and appearance of the Area is preserved. It is neither considered that the setting of the Church as a Listed Building is harmed for the same reasons.

There is thus no conflict with Policy NW14.

g) Highway Impacts

Policy NW10 applies to all planning applications and thus is another of the most important policies in this determination. Section 9 of the NPPF says that in assessing development applications, it should be ensured that appropriate opportunities are taken to promote sustainable transport modes; safe and suitable access to the site can be achieved for all users and that any significant impacts on the transport network or on highway safety can be cost effectively mitigated to an acceptable degree. Refusals should only be considered if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the local road network would be severe. In this regard this approach is fully in accord with Policy NW10 (6) of the Core Strategy which is thus not considered to be out-of-date. So the issue for the Board is whether the proposal would give rise to unacceptable highway safety impacts or severe impacts on the local road network. If it does, what evidence is there to support that conclusion.

It is of substantial weight that the Highway Authority has not objected to the proposal in terms of the increased traffic generated causing problems on the capacity of the local road network or at any of its junctions. There would thus be no severe impact of the network. The issue here is therefore whether the proposed access would have unacceptable highway safety impacts. The proposed access is on the site of the existing junction of the unmade access with Austrey Lane on the outside of the bend. The proposals therefore enable a substantial improvement to the safety of that access by proposing an updated engineering solution that meets the County's specifications. Additionally moving the access to the village hall car park further to the east will give significant improvement for traffic using the Hall's car park.

One “local” issue that has been raised is that the school bus reverses into the present access in order to drop off children for the village school. This existing arrangement would not change. It is agreed that the development would lead to additional traffic using the new access, however that is not a significant amount and the bus is here for a very limited time and at a regular time in the day. It is not considered that the proposal in the terms of the NPPF would have an “unacceptable impact”. As a consequence there would be no conflict with policy NW10 (6) or the NPPF.

h) Other Impacts

There is no evidence available to show that there would be unacceptable harm caused to ecological assets or to drainage and flooding interests.

Several representations have been raised concerning the impact of the development on the residential amenity of occupiers of the established houses in Townsend Close. Policy NW10 of the Core Strategy is not considered to be out of date. It requires all new development, amongst other things, to “avoid and address unacceptable impacts upon neighbouring amenities through overlooking, overshadowing, noise, light, fumes or other pollution”. In this case, the illustrative separation distances between the rear elevations of the proposed houses and the established ones is some 30 metres which is in excess of the normally accepted guideline of 22 metres. There is not considered as a consequence and because the new houses would be to the east, to be unacceptable impacts through over-shadowing or loss of light. The rear gardens of the properties in Townsend Close are already overlooked by each other and thus there would be no material increase in adverse impacts. Members will be aware that the loss of a view or outlook is not a material planning consideration. It is thus considered overall that there would be no significant or demonstrable harm caused and thus no conflict with Policy NW10.

Harms

The most important policies in the consideration of this application are NW2, NW6, NW10, NW12, and NW14 of the Core Strategy. NW6 is the only one wholly out of date and the reference to development boundaries in NW2 is also out of date.

However no harm is caused under NW6 and there is considered to be no unacceptable harm caused under the identification of a settlement hierarchy under NW2. There are unacceptable harms under policies NW10 and NW14.

There is moderate harm under NW12.

The Applicant’s Case

The applicant’s case is three-fold.

Firstly he argues that the proposal will help with delivering the Borough’s housing requirement which is set out in the emerging Local Plan. In particular he refers to para 68 of the NPPF where it states that, “small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built-

out relatively quickly". He also refers to the fact that the Core Strategy and the Emerging Local Plan both refer to housing requirements in various settlements as being minimum numbers. Whilst acknowledging that the Council may have a five year supply, he continues that this does not mean that all new housing development has to be rejected.

This argument is considered to carry significant weight given the context set out above. The Inspector in the recent Wood End appeal whilst agreeing that the Borough had a five year supply was not convinced that this might be deliverable. As a consequence, additional sites becoming available where there is no significant and demonstrable harm would support the Council's position in this regard.

Secondly, he argues that the improvements to the village hall car park are all benefits that should be afforded substantial weight. It is agreed that these are benefits but that they are not contingent upon the proposal and as such should only be afforded moderate weight.

The third matter is the prospect of the recreational contribution through a Unilateral Undertaking. This he considers again to carry substantial weight. Members should be advised that such a contribution is not directly related to the proposal. It has some linkage to it but it is not a wholly necessary or essential element in that a refusal would be contemplated without it. This is why it is being proposed through a 106 Unilateral Undertaking rather than a 106 Agreement. Members are advised that this matter carries limited weight in the determination.

When considered together the applicant's case carries significant weight.

The Final Planning Balance

In assessing this balance, the above report concludes that the only harm is the moderate harm caused under Policy NW12, but that the benefits carry significant weight. As such the balance lies in favour of supporting the proposal. It is open to Members to afford different weights to the matters to be considered in the final assessment.

Recommendation

That subject to the receipt of a completed Unilateral Undertaking as referred to in this report, Outline planning permission be GRANTED subject to the following conditions:

1. Standard Outline Condition- all matters reserved except for access
2. Standard Outline Condition
3. Standard Outline Condition
4. Standard Plan numbers condition – 3519/03 and the TTC plan numbered 01
5. Notwithstanding the details on the plan numbered 01 in condition (4) the vehicular access to the village hall car park shall be no less than 6 metres in width and constructed as a dropped kerb crossover.

REASON

In the interests of highway safety

6. The houses hereby approved shall each include the installation of one electric vehicle charging point.

REASON

In the interests of encouraging renewable energy

Pre-Commencement Conditions

7. No development shall commence on site 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. Only the approved scheme shall then be implemented on site.

REASON

In the interests of public safety

8. No development shall commence on site until a Written Scheme of Investigation for a programme of archaeological evaluative work has first been submitted to and approved in writing by the Local Planning Authority

REASON

In the interests of the archaeological potential of the site

9. No development shall commence on site until the programme as approved under condition (8); associated post-excavation analysis, report production and arrangements for archive deposition have all been undertaken and submitted to the Local Planning Authority.

REASON

In the interests of the archaeological potential of the site.

10. No development shall commence on site until an Archaeological Mitigation Strategy has been submitted to and approved in writing by the Local Planning Authority. This Strategy shall be informed by the results of the evaluation report. Development may then only proceed in accordance with the approved Strategy.

REASON

In the interests of the archaeological potential of the site

11. No development shall commence on site until a scheme and measures to secure the safety of the public using public footpath T137 have first been submitted to and agreed in writing by the Local Planning Authority. The development may only

proceed once these measures have been installed to the written satisfaction of the Local Planning Authority and the measures shall remain in place until the Local Planning Authority agrees to their removal

REASON

In the interests of highway safety

12. No works shall take place on site until a preliminary assessment for contaminated land has been undertaken and submitted in writing to the Local Planning Authority. If that assessment identifies potential contamination, a further detailed investigation shall be carried out and details of remediation measures shall be provided where appropriate. These measures shall be referred in writing to the Local Planning Authority.

REASON

In the interests of reducing the risk of pollution

13. No works shall take place until all remediation measures as may have been agreed in writing by the Local Planning Authority have been completed in full to the written satisfaction of the Local Planning Authority.

REASON

In the interests of reducing the risk of pollution

14. In the event that contamination is found at any time when carrying out the approved development that was not previously identified under conditions (12) and (13), all work shall cease on site and then only proceed following the written approval of the Local Planning Authority of appropriate remedial measures.

REASON

In the interests of reducing the risk of pollution

15. No development shall commence on site until a Construction Management Plan has first been submitted to and approved in writing by the Local Planning Authority. The approved Plan shall be adhered to at all times and shall remain in force until completion of all construction works.

REASON

In the interests of the residential amenities of neighbouring occupiers and highway safety.

16. No development shall commence on the works to the village hall car park until full details of the surfacing, drainage and levels have first been submitted to and approved in writing by the Local Planning Authority. Only the approved works shall then be installed.

REASON

In the interests of highway safety and to reduce the risk of flooding

Pre-Occupation Conditions

17. The development hereby approved shall not be occupied for residential purposes until a post-remediation verification report has been submitted to and agreed in writing by the Local Planning Authority in the event that remediation measures have had to be undertaken on site in accordance with conditions (12), (13) and (14)

REASON

In the interests of reducing the risk of pollution.

18. The development hereby approved shall not be occupied for residential purposes until the measures agreed under condition (7) above have been fully installed to the written satisfaction of the Local Planning Authority.

REASON

In the interests of public safety

19. The development hereby approved shall not be occupied for residential purposes until the following items have all been completed to the written satisfaction of the Local Planning Authority:

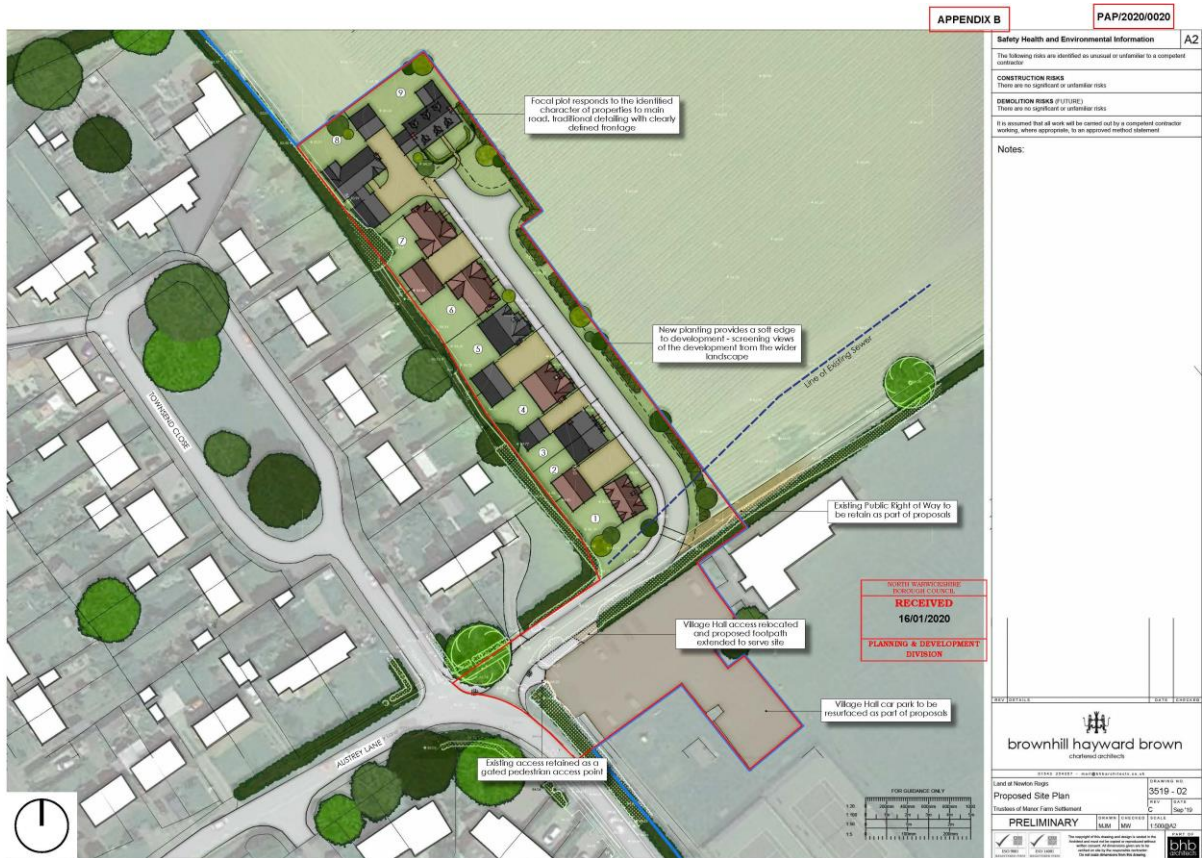
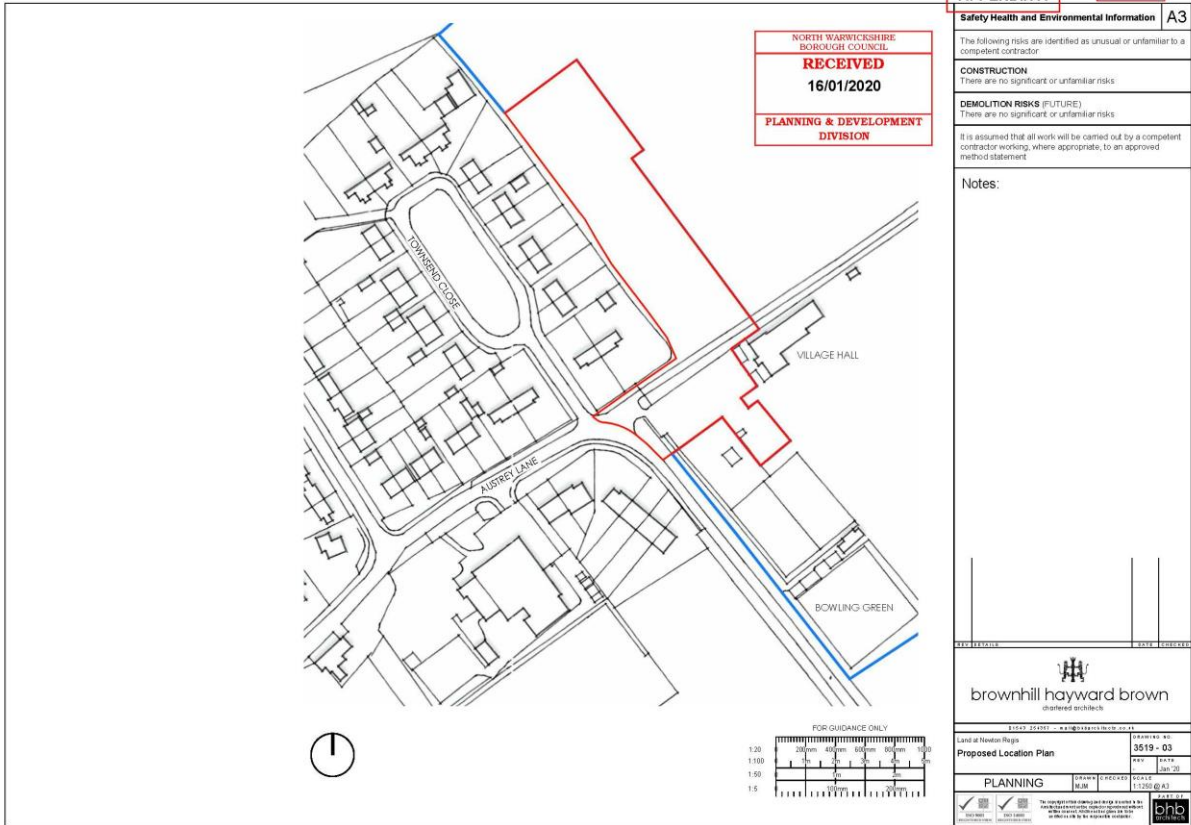
- a) The whole of the access works as defined under conditions (4) and (5) have been completed including the permanent closure of the existing vehicular access into the village hall car park.
- b) Visibility splays have been provided to the vehicular access to the site from Austrey Lane with a “x” distance of 2.4 metres and “y” distances of 43 metres as measured to the near edge of the public highway carriageway
- c) Visibility splays have been provided to the vehicular access to the village hall car park from the access road measuring 2.4 by 25 metres as measured to the near edge of the public highway carriageway.
- d) The improvements to the village hall car park as may have been agreed in writing by the Local Planning Authority under condition (16) above.

REASON

In the interests of highway safety

Notes:

1. The Local Planning Authority has met the requirements of the NPPF in this case through pre-application discussion and in seeking amended plans in order to resolve technical matters raised by consultation responses.
2. Attention is drawn to need to comply with dry NoX emissions from any gas boilers of less than 40mg per kWh.
3. Attention is drawn to Sections 59, 149, 151, 163 and 184 of the Highways Act 1980; the Traffic Management Act 2004, the New Roads and Street Works Act 1991 and all relevant Codes of Practice.
4. Public footpath T137 must remain open at all times unless closed by legal order and must not be obstructed at any time. The applicant must make good any damage to the path.
5. The developer is requested to contact Warwickshire County Council in respect of T137 and the requirements of condition (11) above.
6. The reserved matters application shall also include the changes proposed to the existing vehicular access serving the village hall.




 NORTH WARWICKSHIRE
 BOROUGH COUNCIL
RECEIVED
16/01/2020
 PLANNING & DEVELOPMENT
 DIVISION

 bhb
 architects

1. Introduction

- 1.1 This Design and Access Statement (DAS) has been prepared on behalf of the Thorpe Estate, and accompanies an outline application (with all matters reserved, save for access) made by CT planning, for residential development on land to the north of Newton Regis Village Hall.
- 1.2 The outline application seeks consent for the principle of residential development, as well as the proposed access arrangement which would serve any future development. Whilst the exact layout and landscaping proposals are beyond the scope of this application, an indicative layout accompanies this application. This layout is intended to demonstrate the site's ability to accommodate a small quantum of development and illustrate the key design features which should come forward as part of any detailed application. A separate Planning Statement, prepared by CT Planning, details the key Planning Policy considerations.
- 1.3 This DAS has been prepared to explain the design concepts and principles behind the proposals as well as dealing with issues of access as required by the Town and Country Planning (Development Procedure) (England) Order (DMPO) 2015, along with the guidance given in the Department of Communities and Local Government documents: National Planning Policy Framework (NPPF) and National Planning Policy Guidance (NPPG).
- 1.5 The document also serves the following functions and purpose:
- To provide a concise description of the key issues and the evaluation that informed the design decisions that have led to the current form of development;
 - To provide comprehensive information on the development in terms of composition, urban design, access and circulation, open space, and landscape;
 - To set design standards which promote high quality design and ensure a coordinated and coherent development.
- 1.6 This document has been structured as set out in Table 1.1 in response to the requirement criteria for a DAS as set out by the DMPO (2015) in article 9(2) to reflect:
- The design principles and concepts that have been applied to the development; and
 - How issues relating to access to the development have been dealt with.

2. Site Location and Description

2.1 Site Location

The application site is located on the northern-eastern edge of Newton Regis, approximately 1km north west of the M42. Newton Regis is a small village within the North Warwickshire Borough with a population of approximately 700 people. Newton Regis is located approximately 8 kilometres north-west of Tamworth, 12 kilometres south east of Ashby-de-la-Zouch, and 12 kilometres south of Swadlincote.

The village has good transport links, being located around 4.5 kilometres from the M42, which provides access to the M6, M6 toll and the wider Midlands region. The village is also served by the no.785 bus service, which provides access to Tamworth Town Centre, and the nearby village of Austrey.

The site is bounded to the west by the existing residential development along Townsend Close, and to the south lies Newton Regis Village Hall. Existing field boundary hedges bound the site to the north and east.

The village benefits from a range of local services and facilities, including a post office, primary school, village hall, parish church and a public house. Sporting facilities are also situated within the village, providing Tennis Courts, a Bowls Green and a Cricket Pitch.



St Mary's Church

Newton Regis Village Hall

Queens Head (PH)



2.2 Site Description

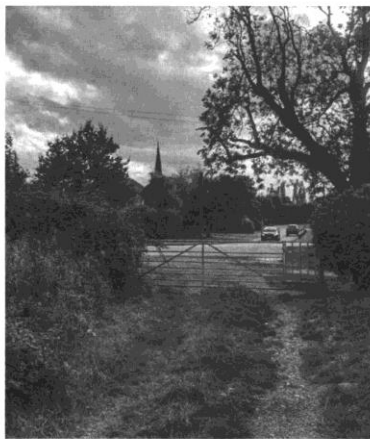
The application site, comprising former agricultural land, is located off Austrey Lane, with access adjacent to Newton Regis Village Hall. The site is to the east of the village core of Newton Regis and is outside of the designated conservation area. The total site area is approximately 0.49ha

The site has remained undeveloped, having historically been used for agricultural purposes - as such the site has low potential for local archaeological significance. A requirement (by condition) for a written statement of investigation can confirm this assessment if required as part of any future application.

The site is broadly level, with only a slight change in level north to south. The northern edge of the application site is approximately 1m lower than the levels along the southern edge. The access into the site currently offers views towards St Mary's Church, and the village core, and views the other way which look out onto open countryside.

The application site has a strong sense of visual enclosure, with views of the site screened by the Village Hall on the approach into Newton Regis via Newton Lane/Austrey Lane. A well-established field boundary to the northern edge of the site provides further containment.

It is assumed that there are no features of ecological significance within the site which require protecting. An ecological survey would accompany any reserved matters applications - and is likely that any future proposals will present an opportunity to increase ecological diversity across the site.

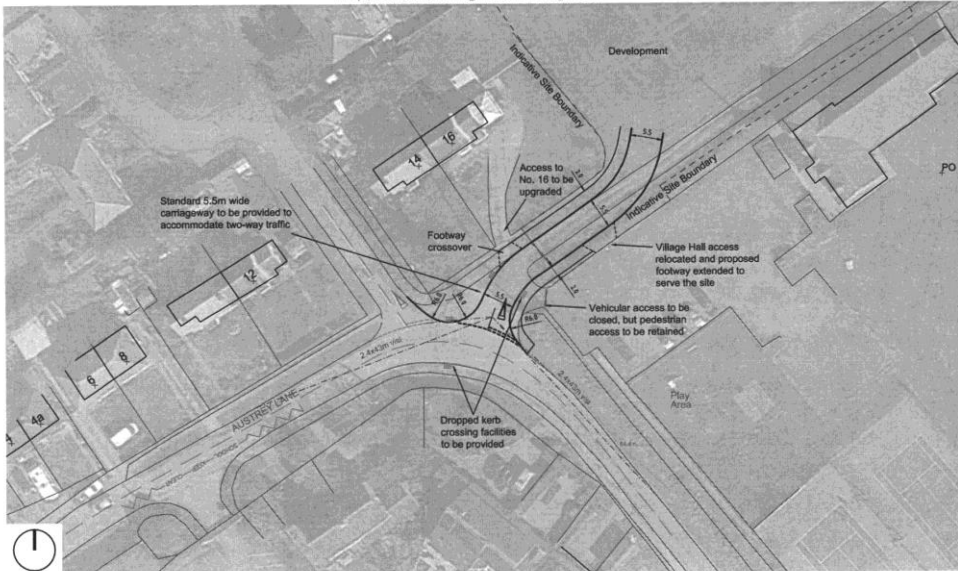


Existing View from Public Right of way - towards St Mary's Church and historic village core of Newton Regis



Existing into site from Austrey Lane, along Public Right of way - entrance frames views open surrounding open countryside, and is part of the existing character of Newton Regis. The openness should be retained as part of any proposals

Proposed Plan Showing Access Arrangement

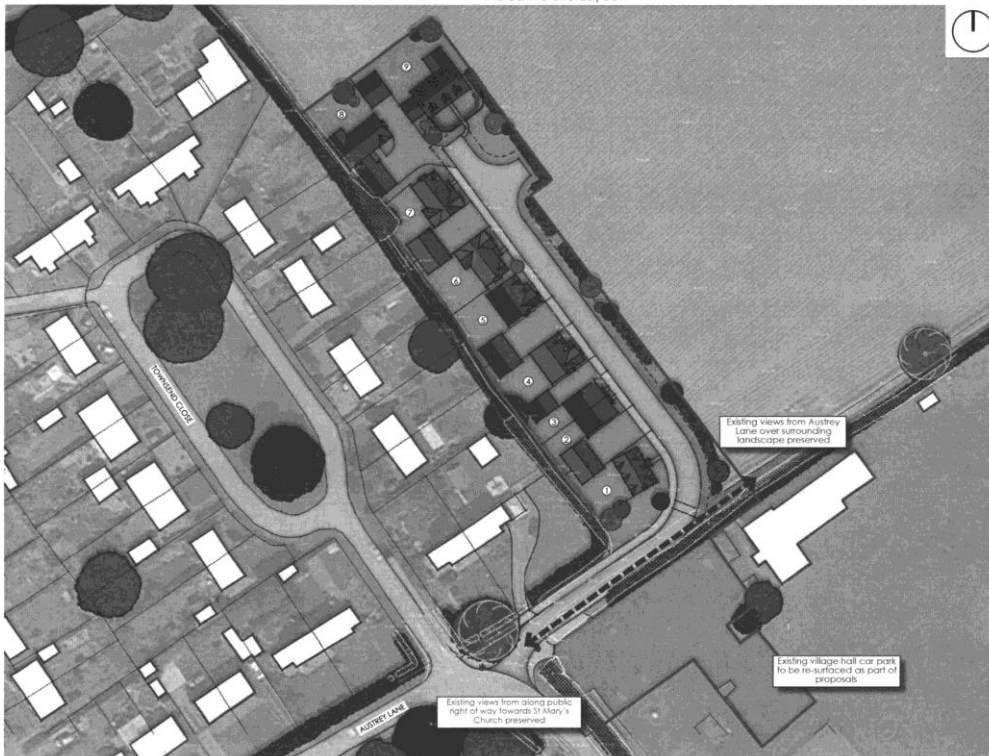


3. Access

Access into the site will be achieved via a new priority T-junction off Austrey Lane, replacing the existing gated access into the site. The access will be formed by a 5.5m access road (accommodating 2-way traffic) and a 2.0m foot-way, which links the existing footpath along Austrey Lane with the existing public right of way to the southern edge of the site. Dropped kerbs with tactile paving will emphasise a suitable crossing location for pedestrians at the site access. Visibility splays of 2.4m x 43m have been provided in either direction at the point of the proposed access.

Vehicular access to No.16 Austrey Lane will be via the new access road, with a new foot-way crossover point and dropped kerb. The proposed access road will also serve the Village Hall car park. The existing vehicular access to the Village Hall will be closed, and retained as a gated pedestrian access point. A new vehicular access point will be provided, with the Village Hall car park being resurfaced and the existing pole lighting replaced with low level bollard lighting, providing further environmental improvements.

Indicative Site Layout



Indicative Visual of Proposed Development



Proposed Housing Mix

	Total	%
2 bed	2	22%
3 bed	3	33%
4 bed	3	33%
5 bed	1	11%
Total	9	100%

3. Amount and Design

The outline application seeks consent for the principle of residential development, with all other matters reserved. An indicative layout accompanies this application and is intended to demonstrate the site's ability to accept a small amount of development.

This indicative layout consists of 9 dwellings, comprising of a mix of 2,3,4 and 5-bedroom units. This mix would ensure the proposed development addresses a range of housing needs within the village.

Although the application site lies outside of the current settlement boundary, the Core Strategy spatial portrait describes Newton Regis as having 'some potential to accommodate well designed, small scale development'.

The illustrative layout which accompanies the application demonstrates that the site can comfortably accommodate a limited quantum of development and illustrates the key principles which should be incorporated in any future reserved matters application, to ensure a high standard of design.

In addition, by virtue of its inherent visual enclosure, it is considered that the site is capable of accommodating development which: - avoids the visual encroachment of the settlement of Newton Regis into the surrounding countryside. Does not negatively impact the intrinsic character of Newton Regis. The site features several existing views; towards the historic core of the village and St Mary's Church, and from the proposed access point, looking out of the village over the surrounding open countryside. These views are to be retained as part of the proposals.

4. Scale & Appearance

Although the detailed design does not form part of this outline submission, the following parameters should be incorporated in any future detailed application, to ensure a high quality of design.

Scale
The scale of the proposed development has been carefully thought about and is considered appropriate to the immediate surroundings and the character of Newton Regis. The scheme consists of a variety of dwelling types, each with varying eaves and ridge heights, creating a variety in form and scale.

Materiality
The principle external finish will be facing brick, with key plots featuring a white render. Roofing materials would be a plain clay or slate tile. Materials in the local area vary, with painted brickwork, render and stone all present.

Appearance
A variety of traditional architectural details have been used on the proposed scheme, which responds to the character of Newton Regis. Brick arch window heads, with a mixture of corbelled and overhanging eaves all echo the surrounding area. Windows and doors will be of a style to match those in the immediate vicinity and the wider area, while chimneys, porches and other architectural details will be in-keeping with the surrounding residential context.



Indicative Visual of Proposed Development

5. Landscaping

Although, again, a detailed landscape design does not form part of this submission, the following parameters should be incorporated in any future detailed application, to ensure a high quality of design.

Planting should be incorporated along the north-east edge of the site. This will help screen the development from the surrounding countryside, meaning the only views of the proposed development will be glimpsed views.

The introduction of new trees and planting will provide a pleasant and sustainable external realm.

All houses will have a frontage to the street, with areas for planting, which would recreate the feel of a traditional cottage garden. Boundary fencing to the rear gardens of proposed plots will be demarcated with 1.8m high timber fencing.



Indicative Street Scene



6. Summary and Conclusions

The site has the potential to deliver a small, high-quality development of 9 new dwellings with associated landscape, parking and access.

The site, by virtue of its inherent visual enclosure, is capable of accommodating development which:

avoids the visual encroachment of the settlement of Newton Regis into the surrounding countryside,
Does not negatively impact the intrinsic character of Newton Regis

The site is within walking distance of the village centre, which features several facilities, including a village hall, post office, school and a regular bus service providing access to the nearby Tamworth Town Centre.

The proposals will create a high-quality development which respects and complements the existing character of the surrounding area and local village context.

Proposed Visual - showing retention of existing views over open countryside, preserving the existing character of Newton Regis

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PAP/2020/0020

Land North West of Newton Regis Village Hall, Austrey Lane, Newton Regis

Outline application for the erection of nine dwellings, re-surfacing, line marking and replacement lighting of village hall car park, access alterations to the village hall car park and associated works (all matters reserved except for access) for

Mr H Lillingston – Manor Farm Discretionary Settlement

Introduction

This case was referred to the Planning and Development Board following the resolution of the Council on 20 May 2020 in respect of the extension of delegated powers on planning applications.

Under that resolution, Members of the Board were consulted on the officer's report in respect of this case, which made a recommendation of approval. This is attached at Appendix A

The applicant and those who had submitted representations were also consulted.

This supplementary report records the responses received.

It provides an officer response and a final recommendation is then made to the Chief Executive for him to decide on the outcome

Responses Received from the Applicant

No comments have been received from the applicant

Responses Received from those making Representations at the time of the application

Five further representations have been received. These are all from, or on behalf of local residents who in summary repeat their earlier objections and consider that different weights should be attached to the harms identified in the Officer's Report ("OR") such that in the final planning balance, planning permission should be refused.

The representations are attached at Appendix B

It is not proposed to repeat matters outlined in the "OR" but to expand on some of the matters raised.

Firstly, there is additional comment about the access arrangements in terms of road safety and the potential for third party land being required. In response, the Warwickshire County Council as Highway Authority had no objection subject to conditions – its letter of 5 March 2020 is attached at Appendix B. The applicant's Transport Assessment was forwarded to the County Council. That Assessment was submitted following discussion between the applicant and County officers including a site visit and the completion of a Stage One Road Safety Audit. The applicant has confirmed that all proposed works are within the ownership of the applicant or the highway authority. In conclusion therefore significant weight is given to the statutory highway authority's response such that the

proposal would accord with the relevant policy of the Development Plan – NW10 of the Core Strategy – and the relevant paragraphs of the NPPF – 108 and 109.

Secondly, there is reference to the Human Rights Act – particularly Articles 1 and 8. It is understood that these are not Absolute Rights. Their essence is contained in the relevant Development Plan policies which seek to balance these rights with other material planning considerations. This is Policy NW10 of the Core Strategy and Section 12 of the NPPF. It is considered that whilst there will be a change to the area close to the residents, the impacts arising would not be significant to the degree that planning permission should be refused. The personal circumstances of one of the residents have been raised. This is a material planning consideration and thus additional weight should be given to the likelihood of any adverse impacts. However it is not considered that these impacts are so substantive to warrant a refusal for the reasons set out in the “OR”.

Thirdly, there is criticism of the applicant’s Ecology Assessment. However there have been no comments received from any consultation Agency on this report

Fourthly, there is reference to the applicant’s report which assessed a number of possible alternative sites for additional housing the village. Each application has to be determined on its own merits and that is the matter that was before the Board. The alternatives have not been the subject of technical or public consultation and as in the case of the application site, are not allocated for development by the Development Plan. The “OR” thus does not give weight to them. The landscape, visual and heritage impacts of the application site are dealt with independently.

Fifthly, objectors attach different weights to potential harms and to the applicant’s case. This is acknowledged and this is why consultation with the Board is important. Members of the Board can arrive at a different assessment of the final planning balance. Their comments are referred to below.

Finally there are references to the process involved. The Representations section in the “OR” is the normal layout in all planning cases and Board Members are fully aware of this. The purpose is to identify the range and subject matter of the representations made. This is not unusual practice. It is necessary too to point out that the decision here will be taken by the Chief Executive after consultation with the Board Members and following the Council’s resolution on 20 May 2020 in respect of emergency powers in the current situation.

Responses from Board Members

Eight responses were received. These are attached at Appendix C

There is one which considers that the application should be refused planning permission on the grounds of non-compliance with Policy NW12 of the Core Strategy.

There are seven which recommend a deferral including the one from the Chairman. His reason for deferral is that there should be further discussion between the applicant and the Parish Council.

Observations

The responses received from those making representations will not alter the original recommendation as it is not considered that the assessment of the final planning balance is materially altered.

The request for a deferral is in the majority of the comments received. There is no officer objection to that request.

Recommendation to the Chief Executive

That the Officer recommendation to grant planning permission for the reasons set out in the original report remains, but that there is no objection to a deferral so as to enable further discussion with the applicant on the matters raised by the objections.

Newton Regis
Tamworth
Staffs

Chief Planning Officer
North Warwickshire Borough Council
Council House
South Street
Atherstone
CV9 1DE

3.6.20

Application Number PAP/2020/0020
Application Name Mr H Lillingstone
Proposed Development Outline application for 9 houses on land North West of
Newton Regis.

Dear Sir

I write in connection with the above planning application. I have examined the plans in detail and I have knowledge of the site and surrounding area in question. I wish to object strongly to this development.

My objections are based on the following 7 points.

Highway Safety/Visibility Splay/Third Party Land.

Boundary.

Loss of Amenity and Human Rights Act in particular Protocol 1, Article 1.

Size and design of proposed site.

Built Heritage and Landscape Appraisal

Objection Bias.

The Applicant's Case.

Highway Safety, Visibility Splay and Third Party Land.

[REDACTED]

from to the junction. A well-designed access is important for the safety and convenience of all road users, those proceeding on the public road as well as those using the access. Our access is not well designed but this has never been a problem as no traffic passes the end of our driveway and the public footpath stops before our access. When we leave our property we do not pull out directly onto a public road.

Obviously the proposed road and footpath will mean traffic passing the end of our driveway, cars belonging to the new houses, plus delivery vehicles, service vehicles, vehicles going to the village hall and pedestrians.

Intensification is considered to occur when a proposed development would increase the traffic flow using the access by 5% or more. We currently **do not have any** passing traffic, this proposed road will increase the traffic flow past our access by 100%.

This fact raises some concerning highway safety issues. The required visibility splay for the footpath requires an inter-visibility splay of 2 metres back into our access and a distance measured along the footway of 2 metres on each side so both driver and pedestrian can see each other. The height and position of our hedging does not allow for this. The required visibility splay we safely need to pull directly onto a public road is also restricted.

In a letter from Tony Burrows, North Warwickshire Highways Engineer, included as an appendix in the Transport Report of the plans. He raises several questions and objections about the safety of the road including the access to our property. Whilst some of the concerns seem to have been addressed, **the concern about the proximity of our drive to the junction has not.**

The one accident reported in the plans involved my car and was due partly to the visibility for myself and the person leaving Townsend Close being blocked by a van and the close proximity of the junctions.

We have seen on the plans that an upgrade to our driveway is included. No one has spoken to us about this. Permission to acquire control of any part of our property will be denied. We will not allow any upgrading to our driveway or connected property.

Boundary.

In the introduction to the proposed plans, it is correctly stated that the proposed development lies outside of the development boundary but then states that the Development Plan is 'out of date' and planning permission should be granted unless demonstrable and significant harms caused when the NPPF is looked at as a whole. The NPPF also states that plans should positively seek opportunities to **meet development needs** of the area.

The Parish Council has objected to this application because the council has a five year supply and planning permissions in the village have not yet been taken up so there is **no further housing need**.

The development boundary is set to protect the character and heritage of the village. As the applicant has **not demonstrated any identifiable need** for more housing in the village, planning permission should be refused.

Loss of Amenity and Human Rights

The application states that there will be a separation distance of 30 metres between the rear elevations of the new houses and the established ones on Townsend Close.

We live on Austrey Lane, [REDACTED] closer to the boundary than the houses on Townsend Close. The plans show that 3 houses will be built along the length of our garden plus accompanying garages, which are situated at the rear of the houses, near to the boundary line. The ground is 1 metre higher on the proposed site.

I would urge you to consider the responsibilities of the Council under the Human Rights Act, in particular Protocol 1, Article 1, which states that a person has the right to peaceful enjoyment of all their possessions, which includes the home and other land.

In respect to light, noise, privacy, overlooking and overshadowing, the proposed development would have a dominating impact on our property and our right to the quiet enjoyment of our home.

Article 8 of the Human Rights Act states that a person has the substantive right to respect for their private and family life. In the case of *Britton vs SOS* (1997 JRL 617) the courts reappraised the purpose of the law and concluded that the protection of the countryside falls within the interest of Article 8. Private and family life therefore encompasses not only the home but also the surroundings.

We may not have the 'right' to a view but the enjoyment of a view is an important part of the residential amenity and has a wider impact on the residents.



Size and Design of Proposed Plans.

Numerous times throughout the planning application, the proposed site is referred to as being 'small' as a standalone site it maybe, although it is still classed as a major development for planning. However, it is common knowledge that the applicant wanted a development of 30 houses on Manor Farm Main Road Newton Regis but due to the conservation area, only 21 houses will be permissible, hence he needed somewhere for the other 9 houses, presumably for financial reasons.

The application states that 25 houses have received planning permission in the village, including the 21 on Manor Farm. However, since 2014 there has also been 9 houses built on Newton Fields and a bungalow on Kings Lane. Should planning permission be granted for this application the total new builds for the village, since 2014 will be 39, well in excess of the NW5 recommendation of 15.

This is a big increase for a village that is unsustainable there is no shop and limited public transport service. It is misleading to state that there is a post office, there is not! There is a post office service for 2 hours once a wee in the village hall. There will be a sizeable increase in vehicles, together with the vehicles coming into the village for the school and village hall. Together, this will have a detrimental impact on the rural heritage of the village.

The scale, proportion and design of the proposed houses will be entirely out of keeping with the established houses on Townsend Close and Austrey Lane, all being ex council and timber framed buildings of moderate size.

Built Heritage and Landscape Appraisal

The applicant had a Built Heritage and Landscape Appraisal carried out which hardly makes it an independent report and unsurprisingly points out the proposed plans to be the best location for the development. However, Site 1 – East of Kings Lane has the least impact on the homes and lives of the residents. To suggest ‘glimpsed views’ of the Conservation Area and rural setting would cause harm is downright ludicrous, when the Manor Farm development is situated right next to the conservation area! The report states that this part of the Conservation Area is already largely formed by the Kings Lane development. There is a good amount of natural screening that runs all along Kings Lane, not all of it would need removing to form an access. There is natural screening along the hedgerow so the established housing on Townsend Close would not be impacted. The field is actively farmed but so is the field on Austrey Lane which is agricultural grade 2. **All** access roads into Newton Regis are rural in nature. The report states glimpsed views to the rural setting will be obstructed. How is that relevant when our view will be severely obstructed but is not a consideration when objecting?

The biggest problem with the proposed plan for Austrey Lane is the impact it will have on the lives of the local residents. The access to our property affects only us but as stated, the dominating effect the houses running along our property will have, together with the individual worry and concern from the other affected residents has caused a great deal of resistance to this proposed development. Whilst I do not consider an extra 9 houses to be needed or necessary in the village, the site on Kings Lane should not be dismissed as unsuitable just to reinforce the applicants preference to the Austrey Lane site.

I would urge the board to consider what the most important factor is here. The right of the residents to have peaceful enjoyment of their homes, surroundings and view or the **potential** harm to some landscaping, **glimpsed** rural views and the character of the entrance into the village from the north, which would be screened.

Objection Bias

There were 16 objection letters submitted by local residents against this proposed planning application, plus 4 objections from the Parish Council. These objections have been reduced to no more than bullet points and reported in such a way that makes them sound irrelevant and trivial and in some cases, not factual as in the school bus reversing into the village hall car park, it doesn't! This attitude to the very serious concerns of the local residents is totally unacceptable.

The Applicant's Case.

The applicant argues that the proposal will help with delivering the Borough's housing requirement and he acknowledges the Council may have a five year supply, but states that does not mean all new housing should be rejected.

However, he has **not demonstrated any identifiable need for more housing** so there is no acceptable reason for exceeding the development boundary. The proposed site may be considered as 'small' but is still connected to the much larger site the applicant has on Manor Farm, bringing the total new builds by this applicant to 30 houses in the village

The 5 year supply has already been fulfilled without the need for exceeding the development boundary.

The applicant has argued that improvements to the village hall car park will have benefits but by his own admission they should only carry **moderate weight** in his application and the suggestion to upgrade the play equipment is pointless as it was significantly upgraded in 2019.

Conclusion.

Planning permission should be refused due to the close proximity of [REDACTED] Austrey Lane to the junction and the visibility safety concerns for exiting the property to both road users and pedestrians.

Planning permission should be refused as the proposed site is outside of the development boundary and no need for addition housing has been identified that would justify this action.

Planning permission should be refused as the dominating impact of 3 houses plus garages running the length of our property, close to the boundary, will be overbearing and infringes our human rights to the peaceful enjoyment of our home, garden and surroundings.

Planning Permission should be refused as Newton Regis is an unsustainable village, with little infrastructure.


Planning permission should be refused as the size and design of the proposed properties is out of keeping with the established houses.

Planning permission should be refused as there has been a significant number of objections to the proposed plans, both from the local residents and the Parish Council. The negative impact this development is having on the health and wellbeing of the local community should not be dismissed as irrelevant.

People before profit!

I wish to ask for the 3 minute address to the board when this planning permission is discussed. Thank you.

Yours faithfully

A solid black rectangular box redacting the signature of the sender.

Dear Mr Brown,

Thank you for giving us the opportunity to comment on the agenda.

We would firstly like to state our disappointment with the decision that this application will be delegated given the strong objections raised by numerous village residents as well as with the Parish Council, and the strength of feeling against this development within the community.

We note that not all of the objections raised in our original submission have been listed in your report. Specifically, the following points are not included:

- There are better alternative sites previously identified in the parish plan and supported by villagers and the Parish Council
- Lack of prior consultation with the residents and Parish Council. We note that the site was suggested to the land owner by the planning office/ a planning officer circa 3 years ago and that there have been numerous discussions during that time between highways, planning and the applicant, allowing considerable scope for consultation.
- Similarities of this application to a previously refused application within the village (PAP/2017/0067),
- Increased noise and disruption/ loss of tranquillity
- Negative effect to the health and well-being of some residents

It may be the case that you feel that these are not relevant from a planning perspective, but we feel that for completeness and transparency they should be listed.

We also feel that many objections have been understated within the report. Specifically:

- Road safety, including insufficient consideration of the school bus drop off
- The amount of recent development in the village coupled with granted and proposed applications is a significant % increase in property numbers. The combined impact on infrastructure, local services and increased car journeys will also be significant
- Impact on residential amenity. For example, the fact that the proposed development will be elevated in relation to the existing properties is not mentioned or adequately considered.

In addition, the weighting given to the various observations and arguments within the report appear to be subjective and inconsistent. These are summarised below:

Observation	Policy number/ Example comments	Consideration outcome	Our opinion
b) Settlement heirachy	NW2. Planning permission has been granted for 25 houses, so over the 21 agreed and this would suggest a refusal. % increase is small, but limited services are available. The limited new development would be of some benefit to local services.	No significant or demonstrable harm	Outcome does not reflect comments. Some indication of harm required
c) Delivery of sufficient houses	The Council has a 5 year supply of housing	No further comment made	Some indication of harm required
d) Affordable housing	NW6 requires 20% for schemes of 14 and less units, whereas a	Consider NW6 to be out of date in favour of draft	Selective interpretation

	draft policy identifies a lower threshold of 10.	policy	
e) Character and appearance	NW12	Moderate harm	Agreed
f) Heritage impacts	NW14	No harm	Agreed
g) Highway impacts	NW10 Highway Authority has not objected	No conflict	It is not clear whether the Highway Authority has actually responded.
h) Other impacts	NW10 Rear gardens are already overlooked by each other	No significant or demonstrable harm	Rear gardens are NOT currently significantly overlooked, and no consideration made of the increased elevation of the proposed new houses. Some indication of harm required

Applicant's case	Comments	Conclusion	Our opinion
The proposal will help with delivering the Borough's housing requirement	The Council has a 5 year supply, but additional sites becoming available where there is no significant or demonstrable harm would support the Council's position	Significant weight	Weighting too high
Improvements to the village hall car park are beneficial	Not contingent upon the proposal	Moderate weight	Weighting too high
Recreational contribution through a Unilateral Undertaking	Such a contribution is not directly related to the proposal	Limited weight	It is not clear why this would have a weighting at all
		Overall conclusion – significant weight	Even if the concluded weightings were accurate, they do not combine into an overall significant weighting

Many thanks for your consideration of these comments and their addition to the agenda.

Yours sincerely

Jeff Brown

From: [REDACTED]
Sent: 03 June 2020 16:34
To: Jeff Brown
Subject: FW: Application at the rear of Townsend Close for nine houses, Newton Regis
Attachments: Planning and Development Board 8 June 2020.pdf

Dear Mr Brown

Thank you for your email below, together with the attachment.

We have reviewed the report to committee and the supporting information and note the recommendation for approval. Whilst we continue to object on policy grounds, we also wish to seek further clarification on the proposed access arrangements and in particular the proposed revised access into 16 Austrey Lane. I do not believe the Report to Committee satisfactorily addresses the concerns raised in our letter dated 11th February 2020.

We would refer back to Warwickshire County Council's response to the application (contained in Appendix A of that response), dated 6th August 2018. We note in particular point 4 of the Conclusion of that letter, which states 'that the proximity of the access to the Village Hall and 16 Austrey Lane are considered too close to the public highway carriageway'.

It remains unclear within the TA or additional documentation whether this particular point has been satisfactorily addressed.

Appendix B of the TA incorporates the Road Safety Audit Stage 1. The plan that identifies the junction layout refers to the need for the access to number 16 Austrey Lane to be up-graded. This is on private property, for which no authority is given to up-grade the access at this time. The same plan is provided at paragraph 3.26 of the Planning Statement. Again, we have seen no correspondence that addresses these legitimate concerns. Unless these are addressed or confirmed, the Local Authority is approving a planning application that cannot be implemented.

At no time has my client been approached by the applicant in respect of the proposals. Given that my client's property will receive the greatest impact as a result of the proposals, this is very disappointing. My clients continue to be distressed by the lack of response and clarity given the effect on their property. I think it would have been appropriate for a direct response from the applicant to have been issued that clearly addresses this point.

There is nothing within the TA to satisfactorily address the safe access and egress in to and from my client's property provided for within the proposed new junction arrangements, the use of which will increase as a result of the development proposals.

On the basis of the above, without further clarification and confirmation that this issue has been addressed, my clients continue to object to the application and as such would be grateful if this is duly reported to Members and the Chief Executive.

I look forward to hearing from you.

Yours sincerely

[REDACTED]

[REDACTED]
Newton Regis
Tamworth
Staffordshire
B79 0NP
[REDACTED]

NWBC Planning Department
The Council House
Atherstone
Warwickshire
CV9 1DE

19/02/2020

FAO: Jeff Brown, case officer

Dear Sir,

Reference: PAP/2020/0020

Outline application for the erection of 9 dwellings, re-surfacing, line marking and replacement lighting of village hall car park, access alterations to the village hall car park and associated works (all matters reserved except for access).

I am writing regarding the planning application referenced above; I have reviewed the application in detail, along with all supporting documentation, and have also instructed professional review into the plans. I know the site well having lived in Townsend Close for three years and having grown up in the neighbouring village of Seckington. I wish to respectfully, **yet strongly**, object to the development of houses in this location.

In accordance with Section 38 of the Planning and Compulsory Purchase Act 2004 the starting place for all decisions should be the adopted Development Plan. For this application site this consists of the saved polices in the 2006 Plan, the adopted 2014 Core Strategy and the emerging Local Plan. The emerging Local Plan has reached the 'main modifications' phase and as such, no full weight can be applied to the policy with special reference to the amount of outstanding objection which remains to any given emerging policy.

Policy NW2 of the Core Strategy (CS) sets out the settlement hierarchy for the Borough. It states that development within the Borough will be distributed in accordance with the Borough's settlement hierarchy. The application site is located outside of the settlement boundary as identified in adopted Local Policy. It should be noted that similar policies for the protection of settlement boundaries has no outstanding objections in the emerging plan process, and as such significant weight can be attributed to Policy LP2 – 'Settlement Hierarchy' in the emerging plan.

In addition to this the National Planning Policy Framework (NPPF) (Paragraph 170) states that there should be protection for the best and most versatile agricultural land. Natural England's map of

agricultural land ratings shows this land as being 'excellent' or 'very good' and as such this is worth of retention.

Additionally the NPPF states that there is a presumption in favour of sustainable development (paragraph 11). In this case it is felt that development should be first accommodated within the housing designations of the adopted and emerging plan, but also it should be targeted towards urban settlements and brownfield land, within established settlement boundaries.

Has the development entered into any sort of Biodiversity Offsetting calculations? This is a requirement of national guidance and should take place. It is difficult to foresee how any sort of biodiversity could take place on site given the narrow and contrived development site. This must therefore take place off site.

The submitted Ecological Impact Assessment was carried out in September 2019 – a less than optimal time of year. Is there a plan for this to be re-assessed in April/May/June when reptiles and small mammals are more likely to be visible on site? How is the onsite mitigation to be accommodated on such a small site; log piles, bat boxes, etc...? These need a good offset from proposed residential which is hard to see how it could be accommodated.

The proposed detached garages are close to existing residential gardens on Townsend Close – these could have a significant enclosing effect on the residential amenity and should be relocated. The two storey properties are estimated to sit approximately 2.1 metres higher than the existing properties located in Townsend Close. This will result in them overlooking private residential gardens/properties and result in a loss of privacy, again to the detriment of residential amenity.

Main Road is subject to a large volume of traffic at numerous times of the day. Newton Regis Primary School is located approximately 400 feet from the proposed entrance to the site; parents use Main Road, Townsend Close and the Village Hall for parking during drop off/collection.

The current junction is already subject to an element of confusion due to the existing layout. When vehicles are travelling NE on Main Road and indicate left it is not clear whether they are turning into Townsend Close, residential properties 14/16 Main Road or the Village Hall. I am afraid that an increase in traffic utilising the proposed access road (from the estimated 36 extra cars per day and also the existing users of the Village Hall car park) combined with the newly proposed bell mouth junction will lead to further hazardous situations. Parents and children will be regularly crossing the road into Townsend Close, the proposed access road and Main Road to access the Village Hall car park.

Additionally, the various school buses that arrive at multiple times a day (drop off/collection, school trips, etc) use the village hall entrance as a safe turning space. I am concerned that the proposed access road will not allow a coach (or any large vehicle) to safely turn around without reversing onto the main road which is a blind 90 degree bend. To summarise, I believe that the proposed bell mouth junction will introduce a great deal of confusion to both drivers and pedestrians, which is likely to cause concerns for road safety.

Finally, if this application is to be decided by councillors please take this letter as notice that I would like to speak at the meeting representing the numerous objection letters that NWBC have received. If applicable, please do inform me of any committee date at your earliest convenience.

If you wish to discuss any area of this objection further do not hesitate to contact me on the details provided above. Please confirm receipt of this objection to the email address detailed above.

Kind Regards,

[REDACTED]

Your ref: PAP/2020/0020
My ref: 200020
Your letter received: 05 February 2020



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

FAO: Jeff Brown

Environment Services

PO Box 43
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Warwick
CV34 4SX

Tel: (01926) 412342
Fax: (01926) 412641
tonyburrows@warwickshire.gov.uk
www.warwickshire.gov.uk

05 March 2020

Dear Mr Brown

LOCATION: Land North West of Newton Regis Village Hall, Austrey Lane, Newton Regis
PROPOSAL: Outline application for the erection of 9 dwellings, re-surfacing, line marking and replacement lighting of village hall car park, access alterations to the village hall car park and associated works (all matters reserved except for access).
APPLICANT: Mr H Lillingston – Manor Farm Discretionary Settlement

The Highway Authority has the following comments to make in regard to your consultation dated 27 January 2020:

The internal layout of the site has not been viewed as part of the planning application. The layout will be reviewed and commented on as part of the reserved matters application only.

Comprehensive pre-application discussions occurred with the Highway Authority prior to the application being submitted.

As part of those discussions the junction arrangement was agreed, as was moving the vehicular access to the village hall car park and creating an informal pedestrian dropped kerb crossing across Austrey Lane.

The layout appears acceptable but, there are a few concerns:

*Working for
Warwickshire*

- I. The vehicular access to the car park appears to be less than 5 metres in width. To allow for regular two way movements the car park access should be a minimum of 6.0 metres in width.
- II. Planting on the eastern side of the proposed vehicular access to the village hall is proposed. Drivers leaving the site will need to be able to see approaching non-motorised users and vehicles. So pedestrian intervisibility and vehicular visibility splays will need to be conditioned.
- III. The Highway Authority has been informed that the school bus currently uses the village hall car park to turn around in and to pick-up and drop-off students. If this is the case where will students be picked-up and dropped-off? The proposed access is not suitable for a large vehicle to use. Is it more important for the bus to need to turn around? If it is an issue the bus will need to be re-routed, or the vehicular access to the car park redesigned. As the village hall is private, the use of it for buses to turn around would be by permission of the owner or an overseeing authority. Unfortunately, the bus company may not have the right to use the car park and will have to seek alternative arrangements.

New informal dropped kerb pedestrian crossings will be constructed across the new junction and across Austrey Lane. The proposed location of the crossing over Austrey Lane may change when the Stage 2 Road Safety Audit is carried out. But, based on the speed survey provided the visibility splays from the proposed crossing point can be considered acceptable.

The impact of the proposed development on the capacity of the public highway network is not considered significant.

Therefore, the Highway Authority's response to your consultation is one of no objection subject to the following conditions:

1. No dwelling shall be occupied until the access to the site from Austrey Lane, including a bellmouth, any necessary crossings, footway and carriageway, have been laid out and constructed in accordance with the approved plans and the specification of the Highway Authority.
2. The development shall not be occupied until all parts of the existing accesses within the public highway not included in the permitted means of access have been closed and the highway has been reinstated in accordance with the specification of the Highway Authority.
3. No dwelling shall be occupied until a pedestrian crossing point has been constructed across Austrey Lane in general accordance with the approved drawings and the specification of the Highway Authority.
4. Notwithstanding the drawings submitted the vehicular access to the village hall car park shall be no less than 6.0 metres in width and constructed as a dropped kerb crossover.

5. The development shall not be commenced or continue until visibility splays have been provided to the vehicular access to the site from Austrey Lane with an 'x' distance of 2.4 metres and 'y' distances of 43.0 metres to the near edge of the public highway carriageway. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway.
6. The vehicular access to the village hall car park shall not be used until visibility splays have been provided with an 'x' distance of 2.4 metres and 'y' distances of 25.0 metres to the near edge of the 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 carriageway.
7. The new vehicular access to the village hall car park shall not be used until pedestrian intervisibility splays have been provided with an 'x' distance of 2.4 metres and 'y' distances of 2.4 metres to the near edge of the footway. 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 footway and verge.
8. No development shall commence until full details of the surfacing, drainage and levels of the village hall car parking and manoeuvring areas as shown on the approved plan have been submitted to and approved in writing by the Council. The car park shall not be occupied until the areas have been laid out in accordance with the approved details and such areas shall be permanently retained for the parking and manoeuvring of vehicles.
9. No development shall take place until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority. The approved Construction Management Plan (CMP) shall be carried out as approved.

Notes:

- a. 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.

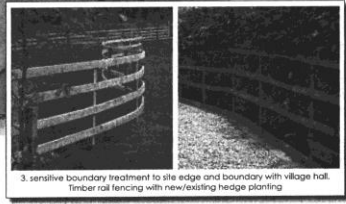
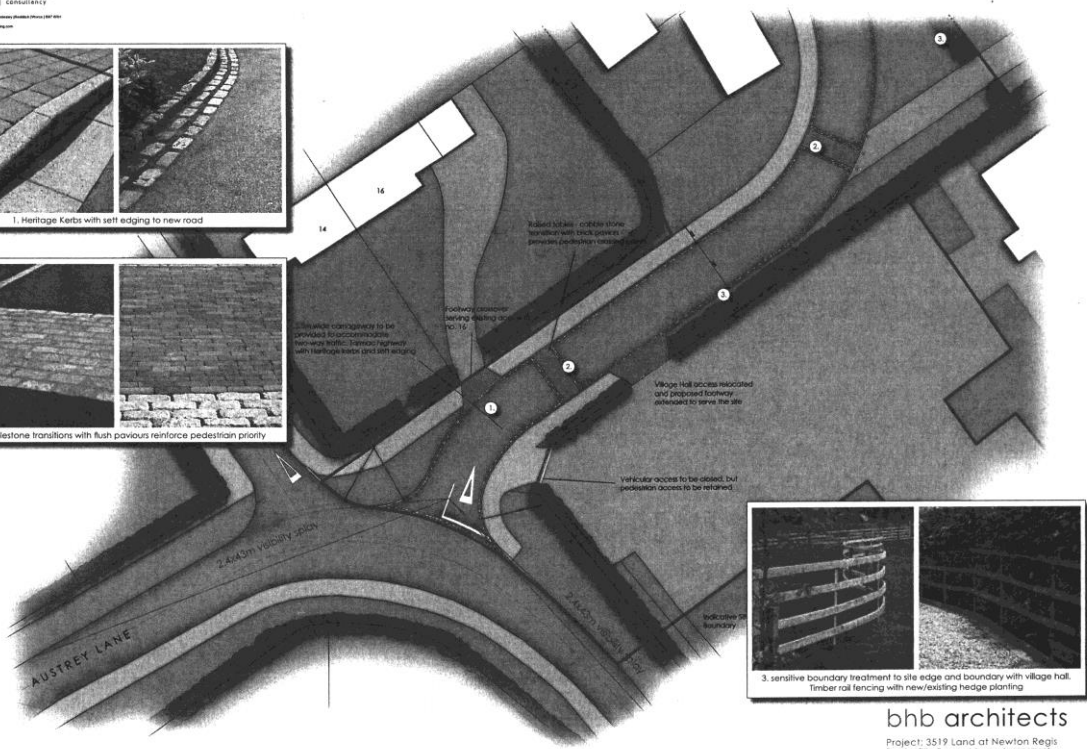
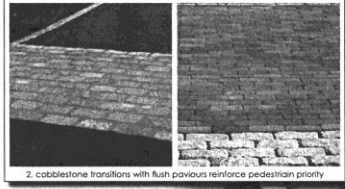
- b. Section 163 of the Highways Act 1980 requires that water will not be permitted to fall from the roof or any other part of premises adjoining the public highway upon persons using the highway, or surface water to flow – so far as is reasonably practicable – from premises onto or over the highway footway. The developer should, therefore, take all steps as may be reasonable to prevent water so falling or flowing.
- c. 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.
- d. Prior to commencement of development, the applicant is required enter into an agreement with the Highway Authority under Section 59 of the Highways Act 1980. Prior to works taking place on site and following completion of the development, a joint survey shall be undertaken with the County's Locality Officer to agree the condition of the public highway. Should the public highway be damaged or affected as a consequence of the works being undertaken during the development of the site, the developer will be required to undertake work to remediate this damage as agreed with the Locality Officer.
- e. The applicant / developer is required to contribute £75 per dwelling for sustainable welcome packs and to help promote sustainable travel in the local area.

Yours sincerely



Tony Burrows
Development Management Engineer

Copy to: Councillor Mr D Parsons, - Polesworth, for information only.



bhb architects
 Project: 3519 Land at Newton Regis
 Drawing Title: Proposed Access Arrangement
 Date: July 2020