

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

**For the information of other Members of the
Council**

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PLANNING AND DEVELOPMENT BOARD AGENDA

2 March 2020

The Planning and Development Board will meet in The Council Chamber, The Council House, South Street, Atherstone, Warwickshire, CV9 1DE on Monday 2 March 2020 at 6.30 pm.

AGENDA

- 1 **Evacuation Procedure.**
- 2 **Apologies for Absence / Members away on official Council business.**
- 3 **Disclosable Pecuniary and Non-Pecuniary Interests.**
- 4 **Minutes of the Planning and Development Board held on 9 December 2019, 13 January and 3 February 2020 – copies herewith, to be approved as a correct record and signed by the Chairman.**

ITEMS FOR DISCUSSION AND DECISION (WHITE PAPERS)

5 Brownfield Register Review 2020

Summary

This report is brought before Board to present a review of the Council's Brownfield Land Registry.

6 First Homes Consultation – Report of the Head of Housing and Head of Development Control

Summary

The report draws the Board's attention to a recent Government consultation aimed at increasing home ownership for first time buyers through the supply of affordable homes. The Board are invited to respond to the consultation.

The Contact Officers for this report are Jeff Brown and Angela Coates.

7 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)

8 Appeal Update – Report of the Head of Development Control

Summary

The Board's attention is drawn to two recent appeal decisions.

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

NORTH WARWICKSHIRE BOROUGH COUNCIL

MINUTES OF THE PLANNING AND DEVELOPMENT BOARD

9 December 2019

Present: Councillor Simpson in the Chair.

Councillors Bell, T Clews, Chambers, Deakin, Dirveiks, Downes, Hayfield, D Humphreys, Lebrun, Lees, Morson, H Phillips, Reilly and Symonds.

Apologies for absence were received from Councillor Jarvis (substitute Councillor Reilly), Councillor Parson (substitute Councillor Chambers) and A Wright (substitute Lees).

Councillors D Clews, Jenns, Lees and Moss were also in attendance. With the permission of the Chairman, Cllr D Clews spoke on item 35 d (Brittannia Mill), and Cllrs Jenns and Moss spoke on item 35 g (Land adjacent to Orchard House, Cliff).

39 **Disclosable Pecuniary and Non-Pecuniary Interests**

Councillors Bell, Dirveiks, Hayfield and Reilly declared interests in respect of minutes 41 a, b and c by virtue of being County Councillors.

Councillor Hayfield a non-pecuniary interest in item 41 c by virtue of being the Portfolio Holder for Education and Learning for Warwickshire County Council, left the meeting and took no part in the consideration of that item.

Councillor Reilly did not vote on either of these items due to their membership of the County Council's Regulatory Committee.

Councillor Dirveiks did not vote or speak on item 41b by virtue of his membership of the Warwickshire Waste Partnership.

40 **Minutes**

The minutes of the meetings of the Planning and Development Board held on 7 October and 4 November. Copies having been previously circulated, were approved as a correct record and signed by the Chairman.

41 **Planning Applications**

The Head of Development Control submitted a report for the consideration of the Board. Details of correspondence received since the publication of the agenda is attached as a schedule to these minutes.

Resolved:

- a**

 - i)** That in respect of Application Nos CON/2019/0026 (Existing Water Weir, Kingsbury Junction, Coventry Road, Sutton Coldfield) the County Council be notified that this Council has no objection to the proposal;
 - ii)** That in respect of Application Nos CON/2019/0024 (Kingsbury Park Outdoor Education Centre, Bodymoor Heath, Kingsbury) and No CON/2019/0025 (Environment Agency Depot, Coton Road, Lea Marston) the County Council be notified that this Council submits objections for the reasons given in this report;
- b** That in respect of Application No CON/2019/0029 (Packington Lane Landfill Site, Packington Lane, Little Packington) this Council does not object subject to the grant of any planning permission being time limited to 2028 or an appropriate date linked to the completion of the remediation and restoration of the mound, together with a plan to reduce litter and other detritus linked to the site;
- c** That in respect of Application No CON/2019/0031 (High Meadow Infant School, Norton Road, Coleshill) this Council raises no objection;
- d** That Application Nos PAP/2019/0236 (Land Adjacent to 32 Church Road, Warton) be refused for the following reasons:

 - i)** It is considered that the scale and location of the proposal does not accord with the position of Warton within the Borough's settlement hierarchy as defined by policies NW2 and NW5 of the North Warwickshire Core Strategy 2014;
 - ii)** It is considered that the proposal does not accord with policy NW12 of the North Warwickshire Core Strategy 2014 or section 12 of the National Planning Policy Framework 2019. This is because the scale and location of the proposal will cause significant and demonstrable harm to the character and appearance of the settlement and the surrounding area which is not outweighed by the benefits of allowing the development

- particularly as the Council can show that it has a five year housing land supply;
- iii) It is considered that the proposal does not accord with policy NW14 of the North Warwickshire Core Strategy 2014 or section 16 of the National Planning Policy Framework 2019. This is because it would cause substantial harm to the setting of the Grade 2 Listed Church of the Holy Trinity which is not outweighed by the benefits of allowing the development particularly as the Council can show that it has a five year housing land supply; and
 - iv) That an additional reason for refusal related to any objections (should there be any) from the Lead Local Flood Authority.

e That Application No PAP/2019/0503 (Foyle House, Arley Lane, Fillongley) be approved for the reasons set out in the report; and

f That Application No PAP/2019/0557 (87 Pooley View, Polesworth) be approved for the reasons set out in the report.

42 **Progress Report on Achievement of Corporate Plan and Performance Indicator Targets April – September 2019**

The Chief Executive informed Members of the progress with the achievement of the Corporate Plan and Performance Indicator targets relevant to the Board for April to June 2019.

Resolved:

- i) That the report be noted; and
- ii) That the Chief Executive and the Head of Development Control request a meeting with the Highways Authority with a view to improving the performance on consultation responses.

43 **Appeal Update**

The Head of Development Control updated the Board on recent appeal decisions.

Resolved:

That the report be noted.

44 Exclusion of the Public and Press

Resolved:

That under Section 100A(4) of the Local Government Act 1972, the public and press be excluded from the meeting for the following item of business, on the grounds that it involves the likely disclosure of exempt information as defined by Schedule 12A to the Act.

45 Tree Preservation

The Head of Development Control sought authority for an Emergency Tree Preservation Order.

Resolved:

That the Emergency Tree Preservation Order be approved, for the reasons set out in the report

**Councillor Simpson
Chairman**

**Planning and Development Board
4 November 2019
Additional Background Papers**

Agenda Item	Application Number	Author	Nature	Date
5/5	DOC/2019/0080	Corley PC	Objection	23/10/19
5/239	PAP/2018/0349	Resident	Objection	4/11/19
		Resident	Objection	4/11/19
		Resident	Resident	4/11/19
5/249	PAP/2019/0180	Warwickshire County Council	Consultation	25/10/19
5/325	PAP/2019/0508	Historic England	Consultation	30/10/19

NORTH WARWICKSHIRE BOROUGH COUNCIL

MINUTES OF THE PLANNING AND DEVELOPMENT BOARD

13 January 2020

Present: Councillor Simpson in the Chair.

Councillors Bell, D Clews, T Clews, Deakin, Dirveiks, Downes, D Humphreys, Jarvis, Lebrun, Morson, Parsons, H Phillips, and A Wright.

Apologies for absence were received from Councillor Symonds (substitute Councillor D Clews) and Councillor Hayfield

Councillor Farrow was also in attendance.

46 **Disclosable Pecuniary and Non-Pecuniary Interests**

There were no interests declared at the meeting.

47 **Planning Applications**

The Head of Development Control submitted a report for the consideration of the Board. Details of correspondence received since the publication of the agenda is attached as a schedule to these minutes.

Resolved:

- a **That Application No PAP/2019/0524 (Lea Marston Sports Ground, Blackgreaves Lane, Lea Martson) be deferred for a site visit together with discussions with the applicant and Parish Council;**

Speaker: Kevin Oakley

- b
 - i) **That Application No PAP/2019/0561 (Rear Gardens to 3 – 6 Trinity Close, Church Road, Warton) be deferred for a site visit to look particularly at parking and access;**
 - ii) **That Application No PAP/2019/0562 (Hatters Arms, Church Road, Warton) be deferred for a site visit to look particularly at parking and access;**
 - iii) **That Application No PAP/2019/0563 (3 – 6 Trinity Close, Warton) be deferred for a site visit to consider the design of the house;**

iv) That Application No MIA/2019/0037 (Non material minor amendment for changes to condition 2 of PAP/2018/0764, covering two additional parking spaces being provided) be deferred for a site visit to look particularly at parking and access;

c That Application No PAP/2019/0570 (5 Roman Way, Dordon, B78 1RD be deferred for a site visit;

Speakers: David Kirkland and David Townsend

d That Application No PAP/2019/0685 (Wathen Grange School, Church Walk, Mancetter, CV9 1PZ) be noted;

48 “The Funky Bear” Public House, Cliff

The Head of Development Control updated the Board in respect of its decision to serve a Listed Building Enforcement Notice in respect of this property/

Resolved:

That the Board is satisfied that there is compliance with the Notice requirements in this case.

49 Exclusion of the Public and Press

Resolved:

That under Section 100A(4) of the Local Government Act 1972, the public and press be excluded from the meeting for the following item of business, on the grounds that it involves the likely disclosure of exempt information as defined by Schedule 12A to the Act.

50 Land Adjacent Orchard House, Cliff

The Head of Development Control updated Members in respect of this site and in particular to an outstanding Board resolution to consider the expediency of Enforcement action.

Resolved:

That officers be instructed take action in the Courts, should there be non-compliance with the terms of the injunction affecting the present unauthorised development of the site.

**Councillor Simpson
Chairman**

NORTH WARWICKSHIRE BOROUGH COUNCIL

MINUTES OF THE PLANNING AND DEVELOPMENT BOARD

3 February 2020

Present: Councillor Simpson in the Chair.

Councillors Bell, T Clews, Deakin, Dirveiks, Farrell, Hayfield, D Humphreys, Jarvis, Lebrun, Morson, Parsons, H Phillips, Symonds and A Wright

An apology for absence was received from Councillor Downes (substitute Councillor Farrell)

Councillors Chambers, Lees and Rose were also in attendance. With the consent of the Chairman, Councillor Chambers spoke on item 54 (d).

The Chairman also welcomed Ben Dowker and Sam Patten from the Planning Division to the meeting.

51 **Disclosable Pecuniary and Non-Pecuniary Interests**

There were no interests declared at the meeting.

52 **General Fund Fees and Charges 2020/2021**

The Board was asked to consider the fees and charges for 2019/20 and the proposed fees and charges for 2020/21.

Resolved:

That the schedule of fees and charges for 2020/21, as set out in the report of the Director of Corporate Services and the Chief Executive, be accepted.

53 **General Fund Revenue Estimates 2020/21**

The Corporate Director – Resources detailed the revised budget for 2019/20 and an estimate of expenditure for 2020/21, together with forward commitments for 2021/22, 2022/23 and 2023/24.

Resolved:

a That the revised budgets for 2019/20 be accepted;

- b That the Estimates of Expenditure for 2020/21, as submitted in the report of the Corporate Director – Resources, be accepted and included in the budget to be brought before the meeting of the Executive Board on 10 February 2020.**

54 Planning Applications

The Head of Development Control submitted a report for the consideration of the Board. Details of correspondence received since the publication of the agenda is attached as a schedule to these minutes.

Resolved:

- a That Application No PAP/2019/0498 (Polesworth High School, Dordon Road, Polesworth, Warwickshire, B78 1QT), be deferred for a site visit and further consideration of the community use of the buildings;**

Speakers: David Harris and Stephanie Eastwood

- b That Application No PAP/2019/0555 and 0556 (Blyth Hall, Blythe Road, Shustoke, B46 2AF) be approved subject to the conditions set out in the report of the Head of Development Control together with an additional condition relating to a management plan for the building;**
- c That the determination of Application Nos PAP/2019/0561, 0562, 0563 and MIA/2019/0037 (Trinity Close and The Hatters at Church Road, Warton, B79 0JN) be delegated to the Head of Development Control, in consultation with the Chairman of the Board, Opposition Spokesman and Ward Members;**
- d That Application No PAP/2019/0570 (5 Roman Way, Dordon, B78 1RD) be deferred for further discussion on potential amendments to the application;**

Speakers: David Kirkland and Michelle Townsend

- e That receipt of Application No PAP/2019/0701 (Land Adjacent to Coleshill Manor, Off South Drive, Coleshill, B46 1DF) be noted.**

Speakers: Fran Rowley and Richard Gamble

55 **Progress Report on Achievement of Corporate Plan and Performance Indicator Targets April – December 2019**

The Chief Executive reported on the progress with the achievement of the Corporate Plan and Performance Indicator targets relevant to the Planning and Development Board for April to December 2019.

Resolved:

That the report be noted.

**Councillor Simpson
Chairman**

**Planning and Development Board
3 February 2020
Additional Background Papers**

Agenda Item	Application Number	Author	Nature	Date
6/4	PAP/2019/0498	LLFA	Consultation	29/1/20
6/93	PAP/2019/0570	Resident	Objection	31/1/20
		Resident	Objection	29/1/20
		Applicant	Comments	30/1/20
		Resident	Objection	2/2/20
		Resident	No objection	3/2/20
		Residents (not local) x12	Support	3/2/20

Agenda Item No 5

Planning and Development Board

2 March 2020

Report of the Chief Executive

Brownfield Register Review 2020

1 Summary

- 1.1 This report is brought before Board to present a review of the Council's Brownfield Land Register.
- 1.2 In line with Regulation 17(1) of the Town and Country Planning (Brownfield Land Register) Regulations 2017, Local Planning Authorities must review their Brownfield Land Registers at least once a year. The first Brownfield Register was brought to Members in December 2018 and the current register can be found on the Council's website at:
https://www.northwarks.gov.uk/downloads/file/7760/brownfield_land_register

Recommendation to the Planning and Development Board

That the updated Brownfield Land Register (2020) be published in accordance with Regulation 17(1) of the Town and Country Planning (Brownfield Land Register) Regulations 2017.

2 Introduction

- 2.1 The Borough Council has used its Strategic Housing Land Availability Assessment (SHLAA) 2016 to help identify and assess all the brownfield sites in the Borough. Brownfield sites with extant planning consent, that meet the relevant criteria, have also been included on the register as well as proposed housing allocations.
- 2.2 The Brownfield Land Register is kept in two parts. Part 1 comprises all brownfield sites that the Council deems to be previously developed land, and is considered to be suitable, available and achievable for residential development. All sites must be:
- **A minimum of 0.25 hectares** or be capable of accommodating at least **5 dwellings**.
 - **Suitable** for residential development, having regard to any adverse impacts on the natural environment, built environment and residential amenity as well as the authorities development plan and national policy and guidance issued by the Secretary of State.

- **Available** by the relevant landowner(s) expressing an intention to sell or develop the site.
- **Achievable**, meaning development is likely to take place within the next 15 years.

2.3 The second part of the register relates to planning in principle and is optional. Sites entered onto part 2 will be granted permission in principle, indicating that the local planning authority considers the land in question to be suitable in principle for residential development – very similar to outline planning consent. Any land entered onto part 2 is subject to separate publicity, notification and consultation procedures. A subsequent Technical Details Consent is required prior to the commencement of development on site.

2.4 It is not proposed at the present time to select any sites for entry onto Part 2 of the register.

3 The Review

3.1 The table below summarises the sites to be removed from the register and provides the reason for their removal:

Table 1: Sites to be removed from the Brownfield Land Register.

Site Reference	Site Address	Reason for removal
BFR006	Ex Police Station, Park Road, Coleshill	Site has been developed and is therefore no longer available
BFR011	1-7 Church Walk, Mancetter	Site has been developed and is therefore no longer available
BFR021	Atherstone College, Ratcliffe Road, Atherstone	Site has been developed and is therefore no longer available
BFR025	Clinic and Welfare Centre, Coventry Road, Kingsbury	Site has been developed and is therefore no longer available
BFR026	Bridge House, 80 Coleshill Road, Atherstone	Site has been developed and is therefore no longer available
BFR028	Corley Nurseries, Church Lane, Corley	Site has been developed and is therefore no longer available

3.2 The table below summarises the sites to be added to the register and provides reasoning for their inclusion:

Table 2: Sites to be added to the Brownfield Land Register

Site Reference	Site Address	Reason for Inclusion
BFR032	Magna House, South Street, Atherstone	Prior approval not required
BFR033	United Reform Church, Coleshill Road, Chapel End	Planning permission granted
BFR034	12 Market Street, Polesworth	Planning permission granted
BFR035	110 Long Street, Atherstone	Planning permission granted
BFR036	Angel Ale House, Church Street, Atherstone	Planning permission granted

4 **Next Steps**

- 4.1 The register needs to be kept under review and this will be done so on an annual basis. In addition, as part of these updates it is proposed to allow sites to be put forward at any time with a form available on the website alongside the register. This in effect is an ongoing 'call-for-sites' which will enable landowners and prospective developers to submit sites for inclusion on the register.
- 4.2 Any site put forward will be reviewed and considered for suitability during the annual review.

5 **Report Implications**

5.1 **Human Resources Implications**

- 5.1.1 The register is on ongoing project which will need to be kept under review annually. It has been drafted by the Forward Planning team who will be required to process and publicise the document and review annually. Resultantly there are will be human resources implications on staff which will be absorbed into existing resources.

The Contact Officer for this report is Andrew Horne (719364)

Background Papers

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

Background Paper No	Author	Nature of Background Paper	Date

Agenda Item No 6

Planning and Development Board

2 March 2020

Report of the Head of Housing and Head
of Development Control

Government Consultation – “First
Homes”

1 Summary

- 1.1 The report draws the Board’s attention to a recent Government consultation aimed at increasing home ownership for first time buyers through the supply of affordable homes. The Board are invited to respond to the consultation.

Recommendation to the Board

The Board is invited to nominate representatives to meet officers to discuss a response and that this be forwarded to the MCLG through the Chief Executive.

2 Background

... The consultation paper is attached at Appendix A and proposes a new category of affordable housing – First Homes. It has only just been received and officers have not had the opportunity to fully understand the impact of the proposals. Moreover the consultation ends on the 3 April which is before the next Planning Board meeting. Hence this report identifies the main thrust of the proposals and an initial consideration of its implications

3 Consultation Proposals

- 3.1 In summary the proposal seeks to provide local people with the opportunity to buy a discounted market home in their local area and that the property would then be known as a “First Home”, with the discount remaining in perpetuity. In terms of its operation then:
- The discount could be set nationally or locally – but a minimum of 30% is being suggested
 - The scheme would only apply to market homes under £600k or other “cap” as may be agreed locally

- The discount in perpetuity would be enforced through a restrictive covenant
- The definition for “local” eligibility to apply for First Home ownership would be up to each Authority
- The Homes would be delivered through Section 106 Agreements or on “exception” sites.

4 **Observations**

4.1 Officers have had initial discussions on the potential implications of the new measure. Some issues that have arisen include:

- Whether or not the proposal would address the housing needs of the Borough
- Discounts for new property in the Borough may have to be significant to enable local people to apply
- The issue of the administration of the scheme appears to rest with the Local Authority and that could well be significant – drawing up the eligibility criteria, assessing candidates, monitoring occupancy and reviewing subsequent occupation and values
- The impact on future Section 106 Agreements, as the flexibility of requesting socially rented housing or shared ownership property or off-site contributions would appear to be substantially reduced.
- If this affects the viability of a development, that might have consequences on other non-housing contributions within a Section 106 Agreement.
- How would this impact on the provision of socially rented accommodation and
- The potential loss of Right to Buy receipts

It is clear that these issues need to be worked through in more detail and thus the recommendation reflects this.

5 **Report Implications**

5.1 **Finance and Value for Money Implications**

5.1.1 The implications are that there are likely to be a resourcing issue here due to the administration requirements of the proposal; the potential loss of other housing and non-housing contributions from future Section 106 Agreements and the potential loss of Right to Buy receipts.

5.2 Legal Data Protection and Human Rights Implications

5.2.1 If the scheme is administered by the Council, it would need to hold personal information.

5.3 Environment and Sustainability Implications

5.3.1 Whilst new housing would still be located in appropriate locations, the delivery of the Council's affordable housing requirements may be comprised.

The Contact Officers for this report are Jeff Brown (01827 719310) and Anglea Coates (01827 719369).

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

Background Paper No	Author	Nature of Background Paper	Date



Ministry of Housing,
Communities &
Local Government



First Homes

Getting you on the ladder

Backed by HM Government

Consultation on the design and delivery of First Homes

February 2020



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February 2020

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Backed by HM Government

Scope of the consultation

Topic of this consultation:	<p>This consultation seeks views on the First Homes scheme. It covers the following areas:</p> <p>Design</p> <ul style="list-style-type: none"> • Ensuring First Homes are affordable • Eligibility for the First Homes scheme • Supporting the First Homes scheme • Supporting competitive mortgage lending • Restrictions on letting First Homes • Delivering the Armed Forces Covenant <p>Delivery</p> <ul style="list-style-type: none"> • Setting developer contributions for First Homes • Delivery through exception sites • Community Infrastructure Levy exemptions • Equality impacts of the First Homes scheme
Scope of this consultation:	The Ministry of Housing, Communities and Local Government is seeking the views of all interested parties in the proposal, so relevant opinions and evidence can be taken into account when shaping the way forward.
Geographical scope:	These proposals relate to England only.
Impact Assessment:	The purpose of this consultation is to gather evidence and seek views on First Homes. Any policy changes brought forward as a result of the consultation would be subject to appropriate assessment.

Basic Information

To:	This consultation is open to everyone. We are keen to hear from a wide range of interested parties from across the public and private sectors, as well as from the general public.
Body/bodies responsible for the consultation:	This consultation is being run by the Home Ownership Division of the Ministry of Housing, Communities and Local Government.
Duration:	This consultation will last for 8 weeks from Friday 7 February 2020 until Friday 3 April 2020.
Enquiries:	For any enquiries about the consultation please contact FirstHomes@communities.gov.uk
How to respond:	You may respond by completing an online survey at: https://www.gov.uk/government/consultations/first-homes

We strongly encourage responses via the online survey, particularly from organisations with access to online facilities such as Local Authorities, representative bodies and businesses. Consultations on housing and planning policy receive a high level of interest across many sectors. Using the online survey greatly assists our analysis of the responses, enabling more efficient and effective consideration of the issues raised for each question.

We have listened to concerns about the use of online surveys in the past and have made a number of adjustments ahead of this consultation. The online survey will allow respondents to save and return to the survey later; and submit additional information or evidence to support their response to this consultation. Further advice on how to use these new features is available on the home page of the online survey. Should you be unable to respond via the online survey we ask that you complete the pro forma found on the webpage. Additional information or evidence can be provided in addition to your completed pro forma.

Alternatively, you can email your response to the questions in this consultation to FirstHomes@communities.gov.uk

If you are responding in writing, please make it clear which questions you are responding to.

Written responses can be sent to:
First Homes Consultation,
Home Ownership Division, 3rd Floor, Fry Building, 2 Marsham Street, London SW1P 4DF

When you reply it would be very useful if you confirm whether you are replying as an individual or submitting an official response on behalf of an organisation and include:

- your name,
- your position (if applicable),
- the name of the organisation (if applicable),
- an address (including postcode),
- an email address, and
- a contact telephone number

The Case for Change

1. The Government is committed to making the dream of home ownership a reality for everyone and we recognise that for many this simply feels out of reach.
2. We are building more homes of all types, delivering 241,000 last year alone,¹ the highest in over 30 years; and we have committed to delivering at least a million more over this parliament. However, we know further action is needed to support home ownership and ensure that young people today have the same opportunity as their parents and grandparents.
3. That is why we have already introduced Government-backed Help to Buy schemes which have been used nearly 600,000 times to help households into ownership² and we have cut stamp-duty for the majority of first-time buyers, helping over 400,000 people.³ These schemes are working and last year we saw the number of first-time buyers reach an eleven-year high.
4. However, more needs to be done to help people buy their own home in their local area. First Homes will give

people the opportunity to buy a discounted home, rather than be forced to look elsewhere due to rising prices. The scheme will lower deposit and mortgage requirements – saving first-time buyers around £100,000 on the price of an average a property.

5. We will be setting out further steps to help people into home ownership over the coming months.

Affordability

6. Affordability is the biggest barrier to home ownership – and while this is partly due to a shortage of housing supply, low interest rates and high rents have limited the ability for young people to save the deposit they need to buy a home.
7. Over the last 23 years, the average house price in the UK has increased from £58,854 in August 1996 to £235,298 in November 2019, quadrupling the deposit needed to buy.⁴
8. More young people are spending longer renting their home, often paying a higher amount in monthly rent than a monthly mortgage payment would be.⁵ And those that

¹ MHCLG, Housing supply; net additional dwellings, England: 2018-19 (13 December 2019)

² Help to Buy: Equity Loan statistics to 30 June 2019: <https://www.gov.uk/government/statistics/help-to-buy-equity-loan-scheme-statistics-april-2013-to-30-june-2019-england>; Help to Buy: mortgage guarantee statistics to 30 June 2017: <https://www.gov.uk/government/statistics/help-to-buy-mortgage-guarantee-scheme-quarterly-statistics-october-2013-to-30-june-2017>; Help to Buy: ISA statistics to 30 June 2019: <https://www.gov.uk/government/statistics/help-to-buy-isa-scheme-quarterly-statistics-december-2015-to-30-june-2019>

[isa-scheme-quarterly-statistics-december-2015-to-30-june-2019](https://www.gov.uk/government/statistics/help-to-buy-isa-scheme-quarterly-statistics-december-2015-to-30-june-2019)

³ HMRC Quarterly Stamp Duty Land Tax Statistics - https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/862381/Quarterly SDLT 2019Q4 Main.pdf

⁴ Land Registry UK House Price Index; <http://landregistry.data.gov.uk/app/ukhpi>

⁵ Valuation Office Agency Statistical Release, October 2016 – September 2017; <https://www.gov.uk/government/statistics/private-rental->

can't rent are staying with their parents for longer; unable to start a home and put down roots in their community.

Locality

9. Although a lack of affordability is most acute in London and the South East, it is an issue across the country. High house prices in many areas are forcing young people to move out of the communities where they grew up in order to buy a home. In 1996, 93% of young people would have been able to buy their first home with a mortgage for 4.5 times their salary providing they had a 10% deposit; by 2016 this fell to 61%.⁶ The average home in Penzance in Cornwall now costs £257,808:⁷ nearly nine times the average household's annual full-time income⁸ and therefore unaffordable to many young people.
10. With new homes priced beyond the means of many people, communities have little incentive to support new housing developments in their areas. Yet by contrast, when the benefits to local first-time buyers are clear, local support for development is high: almost 3 in 4 (73%) of people in England support the building of more affordable homes in their local area.⁹

[market-summary-statistics-october-2016-to-september-2017](#) and Office for National Statistics, cited by Money Advice Service;

<https://www.moneyadviceservice.org.uk/blog/how-much-does-the-average-mortgage-cost>

⁶ Institute for Fiscal Studies 'Barriers to Homeownership for Young Adults', Oct 2018;

<https://www.ifs.org.uk/publications/13475>

⁷ As of 30/01/20 <https://www.zoopla.co.uk/house-prices/>

⁸ Median income figures from Office for National Statistics; Provisional Average household income UK: Financial year ending 2019, <https://www.ons.gov.uk/peoplepopulationandcommunity/personalandhouseholdfinances/incomeandwealth/bulle>

Government Action

11. The Government will support people to realise the dream of home ownership. A key strand of this work is ensuring that more new homes are available at a discount to local people who would otherwise struggle to buy a home on the open market. Some housing is already provided in this way, although it remains at a relatively small scale. Referred to as 'Discounted Market Sale Housing',¹⁰ these properties are offered at a discount of at least 20% off open market prices, and eligibility to purchase is determined by local markets and circumstances.
12. Currently we estimate that only about 1,000 of these types of homes are built each year.¹¹ This is nowhere near enough. We believe that this low level of delivery is due to a number of factors including a lack of detail about 'Discounted Market Sale Homes'; a lack of prioritisation in the planning system; and a complex design which can deter developers and mortgage lenders from understanding and engaging with the concept.

[tins/householddisposableincomeandinequality/financialyearending2019provisional](#)

⁹ Shared Ownership Consultation, August 2019; https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/827588/A_New_National_Model_for_Shared_Ownership_discussion_document.pdf

¹⁰ Defined in the National Planning Policy Framework; https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/810197/NPPF_Feb_2019_revised.pdf

¹¹ Derived from live tables on social housing sales. table 1, using reasonable assumptions about delivery of other types of housing tenures <https://www.gov.uk/government/statistical-data-sets/live-tables-on-social-housing-sales>

First Homes: Getting you on the ladder

13. We believe that First Homes are a key means of helping local people, especially young first-time buyers, into home ownership and maintaining strong communities. We are committed to developing more homes through our First Homes scheme. This will help widen the range of affordable options for people who are locked out of purchasing homes at the market price. However, we understand that changes need to be made to the way discount market sales schemes operate in order to have the biggest impact.
14. We propose that local people should get first refusal on First Homes sold through this scheme; ensuring they are not priced out of the communities where they live and work. The discounted sale price of the home will also last in perpetuity so that future home buyers can access the discounts and the homes can deliver long-term community benefit.
15. We are assessing the most appropriate means of delivering the scheme and will consider both legislative and non-legislative options to facilitate delivery. We are committed to delivering attractive, affordable First Homes to support more local people on to the property ladder in their area.



Backed by HM Government

Ensuring First Homes are affordable

16. The primary objective of First Homes is to support people who wish to purchase a home in their local area but are unable to afford a property on the open market. The National Planning Policy Framework currently defines discounted market sales homes as those made available at a minimum discount of 20% off full market value.¹² We do not believe that this level of discount is sufficient.
17. We believe that a 30% discount off market price should be the **minimum** level of discount under this scheme.
18. A 30% discount may not, however, be sufficient to ensure First Homes are affordable to local people in areas where affordability is particularly challenging, such as London and the South East. Local Authorities have the discretion to set higher discounts on properties on a site-by-site basis, and we expect them to seriously consider this when determining local discounts.
19. To provide this flexibility, we do not propose setting a maximum level of discount. This will be a matter to be determined through agreement between developers and Local Authorities.
20. For First Homes to encourage local development and deliver long-term benefits for local communities, we intend to ensure the discount is retained on the property in perpetuity – if a purchaser received a 30% discount from the market price when they bought their home, they must sell it for 30% below market price.
21. Discounts in perpetuity will be achieved by placing restrictive covenants on these homes, which will require that the property is sold at the original percentage discount in each subsequent resale. These covenants will be re-established with every new purchaser of the property. When the property is sold, buyers will not be able to secure good title over the property unless the covenants enforcing the discount are met. Conveyancers and mortgage lenders will therefore have a strong interest in enforcing the use of these covenants.
22. The Government is committed to banning the sale of new leasehold houses other than in exceptional circumstances and we do not consider leases necessary to achieve discounts in perpetuity on houses under this scheme. We recognise, however, that flats sold under this scheme will usually be sold as leasehold, as is common practice.
23. An independent valuation of homes sold under the scheme will be

¹² National Planning Policy Framework Annex 2; https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/810197/NPPF_Feb_2019_revised.pdf

required to ensure purchasers receive a genuine discount to comparable homes on the open market. We propose that an independent valuation of the First Home property should be undertaken both on the initial sale and on all subsequent resales. The valuation should compare the discounted property price with the value the home would be worth on the open market without any restrictions.

24. The Government is clear this scheme is not to be used to subsidise the purchase of exceptionally expensive property, and to ensure the scheme supports as many people as possible into home ownership, we are minded to introduce a cap on the value of properties available for this scheme **before** the discount is applied. We consider there are options for achieving this and we welcome views on these approaches.
25. One option is to set a single, nationally defined price cap in line with the approach under the existing Help to Buy Equity Loan scheme. This system is simple to understand, however it requires the cap to be set at a high level to ensure First Homes are available in areas of the country with high house prices. The Help to Buy Equity Loan cap is £600,000, which is above the average first-time

buyer newbuild house price in all but three Local Authority areas, and this is the maximum cap we would consider setting. Setting a national cap would not prevent Local Authorities from introducing a more targeted, lower price cap according to local circumstances if they chose to do so.

26. An alternative approach is to set regionally varied price caps. There are choices about how regional caps are designed. We could create a national cap with a higher cap for London. This accommodates higher house prices in the capital but not in areas on the London fringe or in other high-value areas such as Oxford and Cambridge. Introducing more regional caps, like the proposed approach for the future Help to Buy scheme, would ensure caps were more reflective of the local market; however there would still be places within regions which would be more expensive than surrounding areas. This approach could reduce Local Authorities' flexibility to accommodate each area's unique circumstances. Setting price caps at a more targeted geographical level, such as by county or metropolitan area, would help solve the problem of outliers within regions. However, this approach may be too prescriptive and inflexible.

Questions

Q1.

a) Do you agree with a minimum discount of 30% (but with local flexibility to set a higher one)?

b) If not, what should the minimum discount be?

- i. 20%
- ii. 40%
- iii. Other (please specify)

Q2.

a) Should we set a single, nationally defined price cap rather than centrally dictate local/regional price caps?

b) If yes, what is the appropriate level to set this price cap?

- i. £600,000
- ii. £550,000
- iii. £500,000
- iv. £450,000
- v. Other (please specify)

Q3.

a) If you disagree with a national price cap, should central Government set price caps which vary by region instead?

b) If price caps should be set by the Government, what is the best approach to these regional caps?

- i. London and nationwide
- ii. London, London surrounding local authorities, and nationwide
- iii. Separate caps for each of the regions in England
- iv. Separate caps for each county or metropolitan area
- v. Other (please specify)

Q4.

Do you agree that, within any central price caps, Local Authorities should be able to impose their own caps to reflect their local housing market?

Eligibility for the First Homes scheme

27. Local communities are less likely to oppose new home-building programmes when the homes built are affordable for local first-time buyers.¹³
28. In order to support new development, we intend to ensure that local people are prioritised for First Homes.
29. We understand that local circumstances differ and that Local Authorities need the flexibility to be able to meet local needs, so the definition of 'local people' will be at the discretion of the Local Authority and can be based on either residency or work location, as appropriate.
30. It is also essential that restrictions on First Homes do not hamper labour mobility, nor lead to units remaining unsold if eligible buyers cannot be found. We are therefore clear that any prioritisation of local connections should be time-limited to allow for homes to be made available more widely if local buyers cannot be found.
31. We believe it is appropriate to prioritise first-time buyers as this will target First Homes at the people who are most in need of support to access home ownership. As with the local connection tests, it will be important that this does not lead to units remaining unsold; therefore, we propose that this restriction should also fall away if interested buyers cannot be found.
32. However, we also recognise there will be some existing first homeowners or previous homeowners who are currently stuck in unsuitable housing and cannot move because the next step is unaffordable. There may also be some developments which are not suitable for first-time buyers such as specialist older people's housing. We would therefore welcome views on the circumstances in which Local Authorities should allow non-first-time buyers to access First Homes on the same basis as first-time buyers.
33. 'Key workers' (also referred to in the National Planning Policy Framework as 'essential local workers') provide frontline public sector services including health, education and community safety.¹⁴ We understand that sometimes these individuals are unable to afford to buy property in the local areas they serve. We believe that Local Authorities should also consider whether it is appropriate to use the First Homes scheme to also prioritise these workers – including police officers, nurses, and teachers – in their local areas. This is in line with the Government's commitment to deliver infrastructure such as schools and GP surgeries before developments are populated – First Homes offer a real opportunity for local areas to attract the people needed to staff these vital public services.
34. We want to help as many people as possible to access First Homes. This means it is important that these homes are targeted at people who

¹³ Shared Ownership discussion paper, August 2019; https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/827588/A_New_National_Model_for_Shared_Ownership_discussion_document.pdf

¹⁴ As defined by the National Planning Policy Framework; https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/810197/NPP_F_Feb_2019_revised.pdf

would otherwise struggle to purchase an appropriate home in their local area. The Government is therefore considering setting a household income cap for these homes to provide a clear signal on eligibility. This is a finely balanced decision – such a cap would target the scheme at those who need it most, but we recognise that income caps introduce complexity (for instance for self-employed individuals), and that a single national income cap cannot reflect local circumstances.

35. Even if we implement an income cap, there may still be circumstances where there are more households interested in purchasing these homes than there are homes available within a particular area. In these circumstances it will often be appropriate for Local Authorities to consider applicants' income and assets in more detail, to target these homes at those most in need of support.

Questions

Q5.

Do you agree that Local Authorities are best placed to decide upon the detail of local connection restrictions on First Homes?

Q6.

When should local connection restrictions fall away if a buyer for a First Home cannot be found?

- i. Less than 3 months**
- ii. 3 - 6 months**
- iii. Longer than 6 months**
- iv. Left to Local Authority discretion**

Q7.

In which circumstances should the first-time buyer prioritisation be waived?

Q8.

a) Should there be a national income cap for purchasers of First Homes?

b) If yes, at what level should the cap be set?

c) Do you agree that Local Authorities should have the ability to consider people's income and assets when needed to target First Homes?

Q9:

Are there any other eligibility restrictions which should apply to the First Homes scheme?

Supporting the First Homes scheme

36. Sellers of First Homes will be required to sell at the same level of discount to market price that applied at the initial purchase, and to another eligible First Homes purchaser. This will ensure that the benefit of these homes lasts in perpetuity as discussed above.
37. We also intend that homeowners will be free to make the same kinds of improvements to their home that purchasers of market homes routinely make – for example, new kitchens and bathrooms, extensions and loft conversions (subject to securing planning permission where appropriate). However, homeowners will need to be aware that they may not realise the full value uplift of these improvements due to the need to sell the home at a discount.
38. We are minded to leave the details of administration to Local Authorities. We also anticipate that the need to secure good title to a property will be a strong motivational factor in most buyers' willingness to enter into a restrictive covenant. Local Authorities could

assume these functions themselves as part of their affordable homes provision; or outsource to the private sector, Community Land Trust, or a Housing Association. We welcome views on how we can best support Local Authorities in this process and whether this will lead to any additional costs.

39. We recognise that even with homes prioritised for local first-time buyers and key workers, there may be more people interested in purchasing a First Home than there are homes available under the scheme. In these circumstances it will be important to ensure that decisions about who is prioritised are made in a fair and transparent way, which avoids price inflation through offers and counter-offers. There are a number of approaches that could be used, such as allocating on a first-come, first-served basis or using local eligibility criteria (which could include household income and assets). We would welcome views on the merits of different approaches and the best way to operationalise this both for first and subsequent sales.

Questions

Q10.

a) Are Local Authorities best placed to oversee that discounts on First Homes are offered in perpetuity?

b) If no, why?

Q11.

How can First Homes and oversight of restrictive covenants be managed as part of Local Authorities' existing affordable homes administration service?

Q12.

How could costs to Local Authorities be minimised?

Supporting competitive mortgage lending

40. We know that currently the market for lending on discount market homes is small, partly due to the limited number of homes available and partly due to the variety of different models used. This often means people need relatively high deposits and/or are charged a higher interest rate on mortgages for this type of property. To support the delivery of First Homes, we intend to improve the availability and competitiveness of mortgage finance. We propose to take three steps to address this challenge.

41. Firstly, we know that the diversity of local models for discount market homes is a barrier to effective mortgage lending at present. Therefore, informed by the responses to this consultation, we propose to create a model agreement for First Homes which still allows local discretion where appropriate. This standardised approach will make it

easier for mortgage lenders to move into this sector by reducing the need for them to interpret and then approve a variety of local models.

42. Secondly, we are minded to introduce a “mortgagee protection clause” within the model agreement. This would allow restrictions on the property, including the policy requirement to sell the home at a discount, to be waived if lenders are forced to take possession in the event of a default on mortgage payments. We will seek to ensure that this system cannot be abused. Mortgage defaults are rare, but we recognise that this means a small number of these homes may not remain affordable in perpetuity. We consider this to be a reasonable and necessary compromise in order to maximise the number of people who can afford to purchase First Home properties.

43. Finally, we believe that as First Homes provide a significant discount over market prices, homes purchased under the scheme should not be eligible for support under the Help to Buy Equity Loan programme.

Questions

Q13.

Do you agree that we should develop a standardised First Home model with local discretion in appropriate areas to support mortgage lending?

Q14.

Do you agree that it is appropriate to include a mortgage protection clause to provide additional assurance to lenders?

Restrictions on letting First Homes

44. The First Homes scheme is designed to benefit people who are unable to purchase a property at the market price in their local area. We are clear that properties sold under the scheme should be purchased by people who intend to live in them and not be used as a subsidised investment opportunity. Therefore, purchasers of First Homes will be restricted to using them as their 'sole or primary residence'. This is an established legal test and is used for determining council tax liability.

45. We recognise that there are occasions when people need to spend some time away from their home; perhaps due to work commitments such as a short posting to another location, or to care for family members. In such circumstances it would not be sensible to prevent people from letting out their home. Therefore, we are minded to make allowances for owners of First

Homes to move out and let their property for a time-limited period, not exceeding two years, without having to seek permission from the Local Authority. Lettings periods in excess of two years will be at the discretion of the relevant Local Authority.

46. We do not intend that this restriction will impact on other rights homeowners have, such as the right to let out a room to a lodger, as long as the First Home remains the homeowner's sole or primary residence. In line with normal practice, it will be important for homeowners to ensure any lettings do not breach the terms of the mortgage on their First Home.

47. Where individuals need to let the property for a longer period, we believe that they should be required to make an application to the Local Authority for permission which would be assessed on a case-by-case basis. One circumstance in which it is likely to be appropriate to grant this permission is when householders are in long term residential care.

Questions

Q15.

For how long should people be able to move out of their First Home and let it out (so it is not their main or only residence) without seeking permission from the Local Authority?

- i. Never
- ii. Up to 6 months
- iii. 6- 12 months
- iv. Up to 2 years
- v. Longer than 2 years
- vi. Other (please specify)

Q16.

Under what circumstances should households be able to move out of their First Home and let it for a longer time period? (Tick all that apply)

- i. Short job posting elsewhere
- ii. Deployment elsewhere (Armed Forces)
- iii. Relationship breakdown
- iv. Redundancy
- v. Caring for relative/friend
- vi. Long-term travelling
- vii. Other (please specify)



Backed by HM Government

Delivering the Armed Forces Covenant

48. We recognise the special circumstances of members and veterans of the regular and reserve Armed Forces. The Armed Forces defend our nation with commitment and courage, often at great personal sacrifice. The Government believes that the entire nation has a moral obligation to the members of these services, veterans, and their families. As part of our commitment to the Armed Forces Covenant, we intend to make special allowances for serving members and recent veterans of the

Armed Forces in purchasing First Homes. These will include:

- a. Serving members and recent veterans of the Armed Forces will be taken to have met the local eligibility criteria for any local area under any circumstances;
- b. A serving member of the Armed Forces placed on an assignment more than 50 miles from their home will be able to let out all or part of their property for the duration of that assignment.

Questions

Q17.

Do you agree that serving members and recent veterans of the Armed Forces should be able to purchase a First Home in the location of their choice without having to meet local connections criteria?

Q18.

What is the appropriate length of time after leaving the Armed Forces for which veterans should be eligible for this exemption?

- i. 1 year
- ii. 2 years
- iii. 3-5 years
- iv. Longer than 5 years

Q19.

Are there any other ways we can support members of the Armed Forces and recent veterans in their ability to benefit from the First Homes scheme?

Delivering First Homes

49. This Government is committed to helping people achieve their aspiration of home ownership. Important changes have already been made to the planning system that have focused on delivering more homes in the right places. We are also committed to making the planning system more efficient and will set out our proposals to accelerate the planning system shortly.

50. However, we want to go further to address the specific barriers that aspiring homeowners face. As already set out, for many people this aspiration is not realistic in the current housing market. By delivering the First Homes scheme we can make this aspiration a reality for more people. The planning system is a key tool in

making this happen, but we are also considering options to legislate to ensure delivery.

51. This consultation explores two routes for supporting the delivery of First Homes through the planning system:

- a. To create a new requirement for developers to deliver First Homes alongside market housing, either through changes to planning policy or legislation.
- b. To amend the existing entry-level exception site policy to a First Home exception site policy.

52. In addition, we are minded to amend secondary legislation to exempt First Homes from the Community Infrastructure Levy (CIL).



Backed by HM Government

Setting developer contributions for First Homes

53. Developer contributions are an established method for ensuring that local communities benefit from new development. In 2018-19, around 28,168 affordable homes were delivered through contributions from development via planning obligations under section 106 of the Town and Country Planning Act 1990 (s106).¹⁵ Around 17,800 were for rent – including affordable rent and social rent – and around 10,300 were for affordable home ownership (including shared ownership).

54. To support people to realise the dream of home ownership, the Government wishes to ensure that more developer contributions are used to deliver homes sold at a discount. There are two broad options;

- a. Prescribe that a percentage of affordable homes delivered through section 106 planning obligations should be First Homes; or,
- b. Prescribe that a percentage of **all** units delivered on suitable sites (over 10 units) are to be sold as First Homes.

55. The first option means in some cases Local Authorities may not use section

106 contributions to deliver affordable housing, including First Homes, and there is no legal obligation for them to do so. This may have an impact on the number of First Homes delivered overall and in different regions.

56. A set percentage of all units sold on suitable sites would provide greater assurance of delivery and allow wider section 106 affordable housing delivery to continue. However, this has a risk of impacting on the viability of specific sites (at least in the short term) which could have negative consequences for other developer contributions and/or lead to developments on these sites being delayed.

57. We are clear that it is not our expectation that our First Homes policy will have a negative impact on home building rates.

58. The Government is ambitious in terms of First Homes delivery to reflect the scale of the home ownership challenge faced by people across the country. In 2018-19, just under 40% of section 106 affordable housing units were for affordable home ownership (largely shared ownership). Taking this as a baseline, analysis of potential delivery under different scenarios is set out overleaf. Please note that the percentages shown in the table are illustrative examples only and do not represent any Government intentions at this stage:

¹⁵ Affordable Housing Statistics 2018-19;
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/847217/Live_Table_1000.xlsx

	Percentage of section 106 units required as First Homes		
	40%	60%	80%
First Homes delivered through section 106	8,000	12,000	15,000
First Homes delivered through exception sites	4,000	4,000	4,000
Total First Homes Delivery	12,000	16,000	19,000

59. The capacity to deliver First Homes will likely be affected by a variety of factors including broader economic conditions and the commitment to deliver Infrastructure First. This commitment ensures key infrastructure, including roads, schools and GP surgeries, comes before people move into new homes. This may impact on the delivery of First Homes on some sites. We will consider how best to align the two approaches to maximise delivery of infrastructure and First Homes.

60. The Government recognises the important role of affordable housing and supplying new homes of all affordable tenures, an approach complimented by the provision of Housing Benefit. Affordable homes will help support people into home ownership; reduce the impact of high rents in the private rented sector where people struggle to afford it; and mitigate the risk of homelessness.

61. Currently, affordable homes are provided through two main routes: grant funding through the Government's Affordable Homes Programme and developer contributions via section 106. We are mindful of the trade-off between the level of ambition for First Homes, funded through developer contributions, and the supply of other affordable housing tenures.

62. Since 2016 the Government has provided £9bn through the Affordable Homes Programme; delivering over 250,000 homes across a range of tenures, supporting people alongside generating a high level of additional supply, and contributing to the Government's plan to build 300,000 homes per year. We are committed to renewing this programme so it can continue to support the delivery of hundreds of thousands of affordable and social homes. As part of the design of this renewed programme we will consider the provision of affordable housing in the round, including the mix of tenures delivered through developer contributions, to reflect the Government's priorities and meet the housing needs of local communities across the country.

63. We are conscious that planning policy alone does not always guarantee delivery of homes. Local Planning Authorities must balance all material considerations when considering planning applications, and national policy is only one of these – other factors such as local plans and site viability can mean that national policy requirements for affordable homes are not met. We are clear that we want significant numbers of First Homes to be delivered and are considering legislative options to ensure that this policy cannot be sidestepped. We are, however, supportive of empowering local decision-makers and conscious of reducing discretion to respond to

local circumstances. We welcome views on whether legislation would be appropriate, or whether planning policy changes are sufficient.

64. We will consider appropriate transitional arrangements for implementing whichever policy approach we take forward to minimise the short-term impacts.

Questions

Q20.

Which mechanism is most appropriate to deliver First Homes?

- i. Planning policy through changes to the National Planning Policy Framework and guidance**
- ii. Primary legislation supported by planning policy changes**

Q21.

Which do you think is the most appropriate way to deliver First Homes?

- i. As a percentage of section 106 affordable housing through developer contributions**
- ii. As a percentage of all units delivered on suitable sites**

Q22.

What is the appropriate level of ambition for First Home delivery?

- i. 40% of section 106**
- ii. 60% of section 106**
- iii. 80% of section 106**
- iv. Other (please specify)**



Backed by HM Government

Delivery through exception sites

65. Exception sites provide a streamlined route to releasing appropriate land. They are small sites brought forward outside the local plan to deliver affordable housing. There are two types of exception site set out in the National Planning Policy Framework (NPPF): entry-level exception sites, which apply across the country; and rural exception sites, which are intended to meet identified local needs in rural areas.
66. Both types of exception site can make a key contribution to the delivery of additional affordable homes, particularly where plans are up-to-date and an adequate land supply exists, as land values are likely to be below those for allocated sites. They offer opportunities for developers, landowners, Local Authorities, housing associations or community groups to take the initiative in delivering much-needed homes.
67. The current exception site policies in the National Planning Policy Framework, particularly the rural exception site policy, have played an important role in delivering affordable homes. Exception sites currently deliver around 1,000 units per year, but we believe that they have the potential to deliver many more homes. We are therefore proposing changes that seek to maximise the effectiveness of these policies.
68. We have set out proposals below to help boost delivery of homes on exception sites specifically for First Homes and to enable new land to be brought into the system quickly to meet the urgent need. We are not proposing to make changes to the

existing rural exception site policy but welcome views on what we can do to help encourage more widespread use of this policy.

Entry-level exception sites

69. The revised National Planning Policy Framework, published in July 2018, introduced a new exception site policy aimed at entry-level housing suitable for first-time buyers (or those looking to rent). It is set out at paragraph 71 of the National Planning Policy Framework and makes clear that Local Authorities should support entry-level exception sites unless the need for these homes is already being met. These sites should:
 - a. Comprise entry-level homes providing affordable housing as defined in the National Planning Policy Framework; and
 - b. Be adjacent to existing settlements; proportionate in size to them; not compromise assets or areas of strategic importance; and comply with local design policies.
70. However, so far use of this policy has been limited and there has been a lack of clarity about application. Therefore, we propose to re-focus this policy to use it as a direct delivery vehicle for First Homes. We propose amending this policy and addressing the barriers to its uptake, to increase its scale and scope so that it makes a more substantial contribution to meeting housing needs.
71. We propose amending the existing policy to:
 - a. specify that the affordable homes delivered should be

First Homes for local, first-time buyers;

- b. allow a small proportion of market homes on a site where essential to ensure the development will be deliverable; and
- c. remove the threshold on site size set out in footnote 33 of the National Planning Policy Framework but retain that they should be proportionate in size to the existing settlement.

72. The Government is committed to supporting both additional housing supply and home ownership through our changes to entry-level exception sites. We recognise that there could be rare circumstances where there may not be sufficient demand amongst local people for additional First Homes, leading to viability issues for the entry-level exception site; for instance if a large number of First Homes have already been delivered in the local area. This could run counter to our objective of delivering more homes. For this reason, the Government is considering if there is a case for allowing other forms of affordable housing on entry-level exception sites in specific circumstances. In these circumstances, the Local Authority would have to demonstrate that focusing on First Homes as the sole affordable tenure would make a site unviable.

73. We propose that additional guidance should support these amendments to ensure this policy is utilised effectively across the country. We welcome feedback on other policy amendments or specific issues which could be clarified through guidance that would

increase uptake of entry-level exception sites.

Rural exception sites

74. Rural exception sites are small sites used to provide affordable housing and can already include an element of market housing at the Local Authority's discretion. These sites are explicitly focused on meeting the needs of the local community by accommodating households who are either current residents or who have an existing family or employment connection.

75. In 2017-18, 41 Local Authorities saw development take place on rural exception sites, delivering 790 homes. Cornwall has made extensive use of rural exception sites, delivering almost 180 homes in 2017-18, but this level of delivery has not been matched by other authorities. The Government has supported the delivery of housing in rural exception sites through the Community Housing Fund which funds, for example, Community Land Trusts and Rural Housing Enablers who work to secure affordable housing for local people in rural communities.

76. We are not proposing to adjust the rural exception site policy to directly support the delivery of First Homes. However, recognising that rural exception sites are currently under-used and that in the past stakeholders have asked for further policy clarity, the Government proposes providing further guidance on rural exception sites and on securing affordable housing on them, as well as how the policy sits alongside the policy on entry-level exception sites. We welcome feedback on what support would further encourage use of this policy.

Questions

Q23.

Do you agree with these proposals to amend the entry-level exception site policy to a more focused and ambitious First Homes exception site policy?

Q24.

a) Do you think there are rare circumstances where Local Authorities should have the flexibility to pursue other forms of affordable housing on entry-level exception sites, because otherwise the site would be unviable?

b) If yes, what would be an appropriate approach for Local Authorities to demonstrate the need for flexibility to allow other forms of affordable housing on a specific entry-level exception site?

Q25.

What more could the Government do to encourage the use of the existing rural exception site policy?

Q26.

What further steps could the Government take to boost First Home delivery?



Community Infrastructure Levy exemptions

77. The Community Infrastructure Levy (CIL) is a planning charge that Local Authorities can use to raise revenue from developments to fund the delivery of local infrastructure. This is an important tool alongside section 106 contributions to ensure that Local Authorities can provide the infrastructure needed to support developments.

78. Most affordable housing is currently exempt from the Community Infrastructure Levy. This is due to the fact that when developers provide affordable housing, they are providing homes to meet a social need and will receive lower returns. Charging the Community Infrastructure Levy on these units would reduce developers' ability to provide much needed affordable housing.

79. Currently, Local Authorities can apply discretionary Community Infrastructure Levy relief to homes sold under the 'Discount Market Sale' principle. To do this, the Authority must publish a policy setting out what is required to qualify for this relief, including the criteria governing who is eligible to occupy the homes and how these will be allocated. This could generate considerable variation between Local Authorities as to whether and how reliefs are applied to Discount Market Sale homes.

80. Providing a national exemption in England from the Community Infrastructure Levy for developments providing First Homes according to a national standard would ensure consistency with other affordable tenures (e.g. shared ownership) and provide the certainty needed to support delivery. Therefore, the Government proposes amending the Community Infrastructure Levy regulations to specify that the First Homes element of developments in England will benefit from an exemption from the Community Infrastructure Levy.

81. Given the option to set a policy requirement that a proportion of section 106 homes are delivered as First Homes, the Government is aware that this may affect Local Authority decision-making on the relative balance between the Community Infrastructure Levy and section 106. For instance, Local Authorities may choose to levy more Community Infrastructure Levy for infrastructure at the cost of affordable housing and First Homes. The Government could take steps to address this risk. For example, we could consider amendments to the Community Infrastructure Levy regulations and guidance to ensure that Community Infrastructure Levy rates in England are not set at a level that would prevent current levels of affordable housing delivered through section 106 obligations from being secured in future.

Questions

Q27.

Do you agree that the proposal to exempt First Homes from the Community Infrastructure Levy would increase the delivery of these homes?

Q28.

Do you think the Government should take steps to prevent Community Infrastructure Levy rates being set at a level which would reduce the level of affordable housing delivered through section 106 obligations?

Equality impacts of the First Homes scheme

82. The Equality Act 2010 requires public authorities to have due regard to the need to eliminate unlawful discrimination, advance equality of opportunity, and foster good relations. It relates specifically to groups with protected characteristics including age, disability, sex, race, religion or belief, sexual orientation, gender reassignment, pregnancy, and maternity. The central purpose of the First Homes scheme is to open up home ownership to those who are struggling to buy a home including first-time buyers and essential local workers.

83. Contributions under Section 106 of the Town and Country Planning Act 1990 (s106) are used to finance a range of affordable housing, including affordable rent and shared ownership homes. The number of properties which can be delivered by section 106 contributions is restricted by the overall number and size of developments, so increasing the number of First Homes delivered through these means could impact the numbers of homes delivered for other affordable housing tenures.

84. However, increasing contributions through entry-level exception sites will lead to the development of additional First Homes as this land would not otherwise have been used to build housing in the short or medium term. This will increase the development of First Homes while mitigating the impact on provision of other types of affordable housing tenures.

85. Our delivery analysis suggests that a First Homes policy would have a positive impact on both females and

Black, Asian and Minority Ethnic groups. Under some delivery scenarios there could be a negative impact on disabled people and people aged 55 and over. This is because disabled people are more likely to use other affordable housing tenures and because first-time buyers are more likely to be under 55.

86. The Government is determined that the First Homes policy opens up the dream of home ownership to as many people as possible and will explore all avenues to mitigate these equalities risks. As discussed earlier in this document, we are keen to explore circumstances in which the prioritisation for first-time buyers should be waived, which could include age-specific housing for older people, and we welcome further views on how we can mitigate the potential impact on older people.

87. Current planning guidance is clear that Local Authorities should consider the needs of different groups when granting planning permission, including older people and those with disabilities. The First Homes policy should support, rather than counteract, this principle; so Local Authorities will be expected to consider the needs of these groups when granting permission for developments that include First Homes. For instance, Local Authorities will want to ensure First Homes are built which meet the specific needs of people with physical or mental disabilities. We want to empower Local Authorities to take proactive decisions to support this principle and welcome views on how this can be achieved.

Questions

Q29.

a) What equality impacts do you think the First Homes scheme will have on protected groups?

b) What steps can the Government take through other programmes to minimise the impact on protected groups?

Q30.

Do you have any other comments on the First Homes scheme?



Backed by HM Government

About this consultation

This consultation document and consultation process have been planned to adhere to the Consultation Principles issued by the Cabinet Office.

Representative groups are asked to give a summary of the people and organisations they represent and, where relevant, who else they have consulted in reaching their conclusions when they respond.

Information provided in response to this consultation, including personal data, may be published or disclosed in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 2018 (DPA), the General Data Protection Regulation, and the Environmental Information Regulations 2004).

If you want the information that you provide to be treated as confidential, please be aware that, as a public authority, the Department is bound by the Freedom of Information Act and may therefore be obliged to disclose all or some of the information you provide. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.

The Ministry of Housing, Communities and Local Government will process your personal data in accordance with the law and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties. A full privacy notice is included at Annex A.

Individual responses will not be acknowledged unless specifically requested.

Your opinions are valuable to us. Thank you for taking the time to read this document and respond.

Are you satisfied that this consultation has followed the Consultation Principles? If not or you have any other observations about how we can improve the process please contact us via the [complaints procedure](#).



Backed by HM Government

Annex

Personal data

The following is to explain your rights and give you the information you are be entitled to under the Data Protection Act 2018.

Note that this section only refers to your personal data (your name address and anything that could be used to identify you personally) not the content of your response to the consultation.

1. The identity of the data controller and contact details of our Data Protection Officer

The Ministry of Housing, Communities and Local Government (MHCLG) is the data controller. The Data Protection Officer can be contacted at dataprotection@communities.gov.uk

2. Why we are collecting your personal data

Your personal data is being collected as an essential part of the consultation process, so that we can contact you regarding your response and for statistical purposes. We may also use it to contact you about related matters.

3. Our legal basis for processing your personal data

The Data Protection Act 2018 states that, as a government department, MHCLG may process personal data as necessary for the effective performance of a task carried out in the public interest. i.e. a consultation.

3. With whom we will be sharing your personal data

We will not share your personal data with organisations outside of MHCLG without contacting you for your permission first.

4. For how long we will keep your personal data, or criteria used to determine the retention period.

Your personal data will be held for two years from the closure of the consultation

5. Your rights, e.g. access, rectification, erasure

The data we are collecting is your personal data, and you have considerable say over what happens to it. You have the right:

- a. to see what data we have about you
- b. to ask us to stop using your data, but keep it on record
- c. to ask to have all or some of your data deleted or corrected
- d. to lodge a complaint with the independent Information Commissioner (ICO) if you think we are not handling your data fairly or in accordance with the law. You can contact the ICO at <https://ico.org.uk/>, or telephone 0303 123 1113.

6. The Data you provide directly will be stored by Survey Monkey on their servers in the United States. We have taken all necessary precautions to ensure that your rights in terms of data protection will not be compromised by this

7. Your personal data will not be used for any automated decision making.

8. Your personal data will be stored in a secure government IT system. which will be transferred from Survey Monkey shortly after the consultation closes.

Agenda Item 7

Planning and Development Board

2 March 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 due to be held on Monday, 6 April 2020 at 6.30pm in the Council Chamber at the Council House.

6 **Public Speaking**

- 6.1 Information relating to public speaking at Planning and Development Board meetings can be found at:
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	CON/2020/0004 05 and 06	4	Land and Buildings at Interchange Triangle, A452 Chester Road, M42 Motorway and A45 Coventry Road, Plans and specifications under Schedule 17 - High Speed Rail	General
2	PAP/2017/0560 PAP/2019/0567	16	Manor Farm, Main Road, Newton Regis, Outline application for demolition of existing agricultural buildings and erection of up to 21 dwellings (Outline:access only) Listed Building Consent for alterations to boundary wall fronting Manor Farm,	General
3	PAP/2019/0473	51	The Paddocks, Church Lane, Corley, Coventry, Garage	General
4	PAP/2019/0498	58	Polesworth High School, Dordon Road, Polesworth, Warwickshire, Demolition of five existing school buildings, erection of replacement teaching block, associated landscaping and provision of a Multi Use Games Area.	General
5	PAP/2019/0529	76	Wishing Well Farm, Breach Oak Lane, Fillongley, Change of use of land from agricultural to residential caravan site for two gypsy families, each with two caravans including no more than one static caravan / mobile home	General
6	PAP/2019/0599	88	Michael Drayton Middle School, Church Road, Hartshill, Nuneaton, Development of Medical centre with access road, parking and landscaping and outline permission for residential development - Hybrid application	General
7	PAP/2019/0685	108	Wathen Grange School, Church Walk, Mancetter, Conversion and extension of former school building plus erection of new building to provide 27 dwellings, access and associated parking plus demolition of existing single storey outbuildings	General

General Development Applications

(1) CON/2020/004, 005 and 006

Land and Buildings at the Interchange Triangle, the M42/A452 and A45

Plans and specifications under Schedule 17 of the High Speed Rail (London to West Midlands) Act 2017 for a High Speed Rail Interchange Station, the car parks and a people mover system on an elevated viaduct for

HS2 Ltd

Introduction

These applications have been submitted to the Solihull Metropolitan Borough Council and this Council has been invited to comment. Members will be aware that under the 2017 Act, these applications are not planning applications in that the Act itself has already granted planning permission for the works and there is thus a limited remit for the Council to make representations.

In respect of the station and the people mover then the Council's remit extends to:

- The local environment and amenity
- To prevent prejudicial effects on road safety
- To preserve historic and nature conservation assets and
- That the development could be carried out elsewhere within the permitted limits

In the case of the car parks then it extends to:

- Matters of access, layout and appearance

The Site

This is a large triangle of land on the west side of the M42 and A452 and north of the A45 Coventry Road just to the south of North Warwickshire. It is illustrated at Appendix A.

The Proposals

As described above, Members can see that these three applications are for the substantial works involved with the construction of the new HS2 station together with its three long stay car parks and the 2.5 km overhead transport link between that station, the NEC, Birmingham International and the Airport.

The overall station layout and its associated car parks (4600 spaces in total) are illustrated at Appendix B along with a selection of visual representations.

The route of the overhead link is shown at Appendix C again with a number of illustrations.

Observations

There is no objection in principle to these proposals given that they already have planning permission in outline through the HS2 Act. The approach to the design and appearance of the station and car parking is very much to show them as a building with its associated infrastructure in as open and green setting as possible. The building is thus low in height and constructed in timber, glass and steel in order to provide space and light inside the building as well. The car parking areas are significantly divided up with areas of landscaping and plazas such that they do extend in size much more than a usual surface car park. They too would be lit by low level fittings. The impact of the people carrier is mitigated by the design of the track and its pier supports. The only matter which appears “discordant” to the overall approach is the design of the maintenance structure for the overhead line.

Members may wish to add any comments.

Recommendations

That no objections be lodged with the Solihull Metropolitan Borough Council along with the comment on the maintenance building and any other matters raised by the Board

BACKGROUND PAPERS

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

Planning Application No: CON/2020/0004, 05 and 06

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	12/2/20

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

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

2.1 Site

The station is situated within a triangle of land, which is located in the Meriden Gap, a predominantly rural area, approximately 20km to the south east of Birmingham city centre, close to Birmingham Airport and the National Exhibition Centre (NEC).

The site is completely surrounded by roads, with its boundaries determined by the M42 to the west, the A45 Coventry Road to the south and the A452 Chester Road to the east. The triangular site measures approximately 1.4 km along the southern and widest edge and 2.1 km from south to north.

The HS2 railway line crosses under the A45 to the south of the site while to the north at the apex of the triangle, the line crosses over the M42. Due to this and the site topography, the line sits on an embankment at the south of the triangular site and in cutting at the north.

The site rises gently to the north and mainly comprises of open fields with mature trees along an east-west running river valley towards the southern end of the site. Hollywell Brook is a tributary of the River Blythe that lies within this valley and is characterised by broad-leaved woodland and marshy grassland with associated habitats. A disused railway line runs across the south-eastern corner of the site.

A Grade II* listed building (Park Farm) and a locally designated wildlife site (Denbigh Spinney) are located within the east of the site adjacent to the A452 Chester Road. In addition to Park Farm, other properties within the site are limited to residential dwellings located along Middle Bickenhill Lane on the south side of the Hollywell Valley.

Further site characteristics include sand and gravel pits (associated with Stonebridge Quarry) within the eastern section of the site, the Olympia Motor-Cross Track, an existing road (Middle Bickenhill Lane) running between the A452 Chester Road and the A45 Coventry Road, and a line of electricity pylons crossing the middle of the site from southwest to northeast.

Interchange station provides for a travel market including Solihull, Coventry, Kenilworth, the east side of Birmingham, Sutton Coldfield, Tamworth and Nuneaton with local access to the National Exhibition Centre (NEC), Birmingham International Station and Birmingham Airport provided by the new People Mover. The new station has the potential to be a catalyst for economic growth in the immediate area and the wider sub-region.

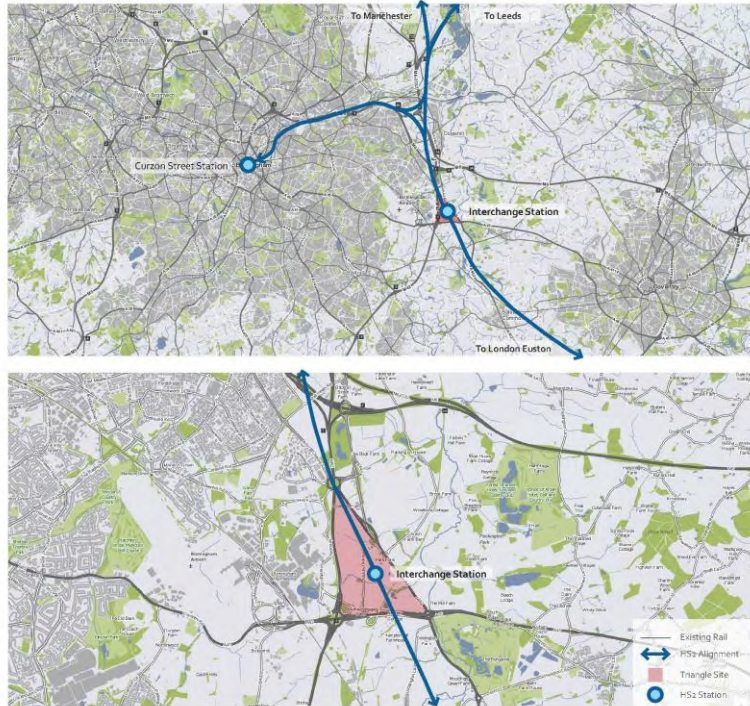
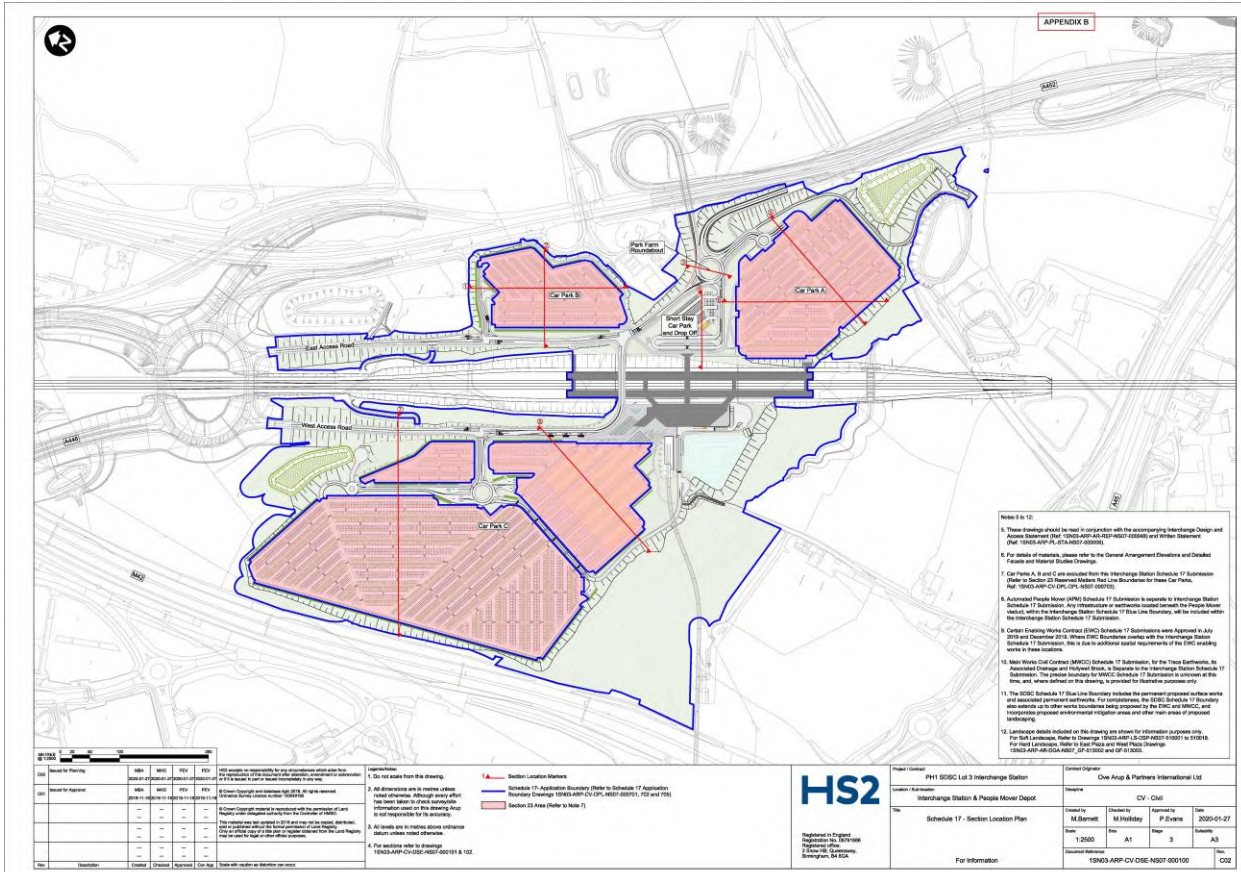


Figure 5: Location of the triangle site and its surrounding context





4.7.1 Concourse arrangement

The unpaid concourse sits to the west of the trace, and acts as the central hub of the station. Accessed via the main entrances on the North glazed gable and east pedestrian overbridge it contains the facilities and retail block of the station, as well as public seating areas, ticketing and customer help points.

Key to this space is the architectural expression of the building's timber structure, the wayshowing datum which direct the user through the station and colour accents to designate zones.

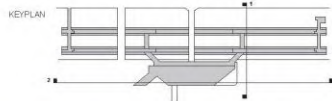
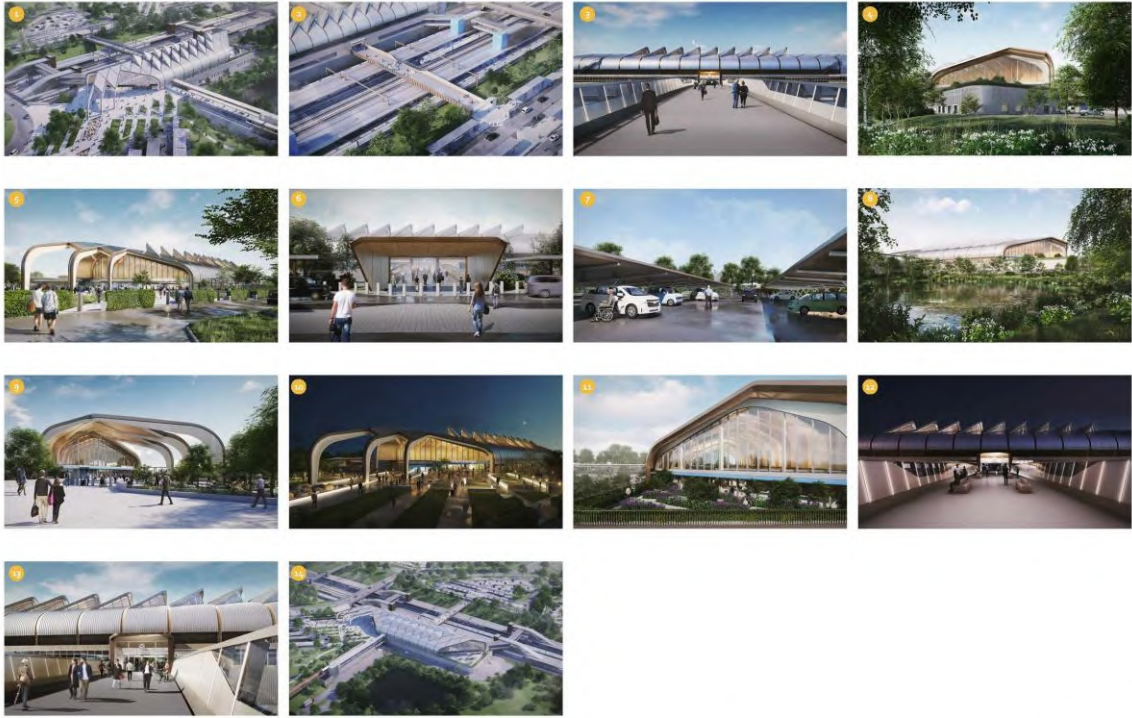


Figure 45: Concourse, Section 1



Figure 46: Concourse, Section 2



HS2 | INTERCHANGE STATION DESIGN & ACCESS STATEMENT

DOCUMENT NO.: 15M02-ARP-AR-REP-41507-0000q8

REVISION: Co2

UNCONTROLLED WHEN PRINTED

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HS2 | INTERCHANGE STATION DESIGN & ACCESS STATEMENT

DOCUMENT NO.: 15M02-ARP-AR-REP-41507-0000q8

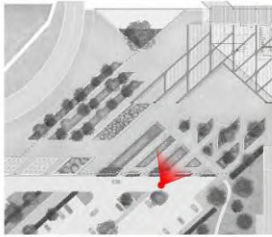
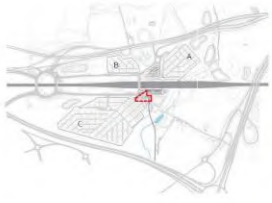


Figure 20: Looking across the West Plaza from Car Park C



5.8.2 Platform Canopy Soffit

The platform canopy soffit is provided to improve acoustics, security and aesthetics. It also reduces the possibility for pigeons to roost. It reduces the need for maintenance whilst also being accessible if services need to be inspected or replaced.

Platform edge doors



1 PVDF coated aluminium panels, champagne satin finish, typical 600mm width



2 Recessed LED spotlights



3 Painted steel columns, dark bronze finish



4 Concrete paving



5 Strip lighting



Figure 45: Solid plate over the viaduct piers to direct rainwater away from the concrete

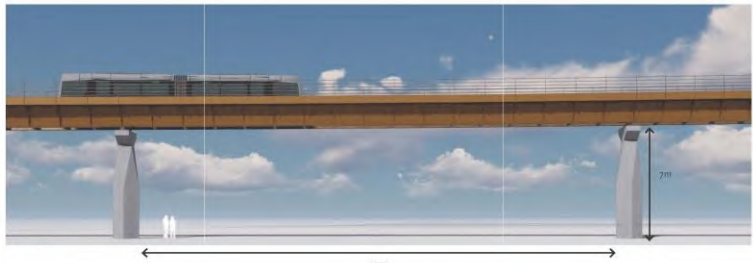
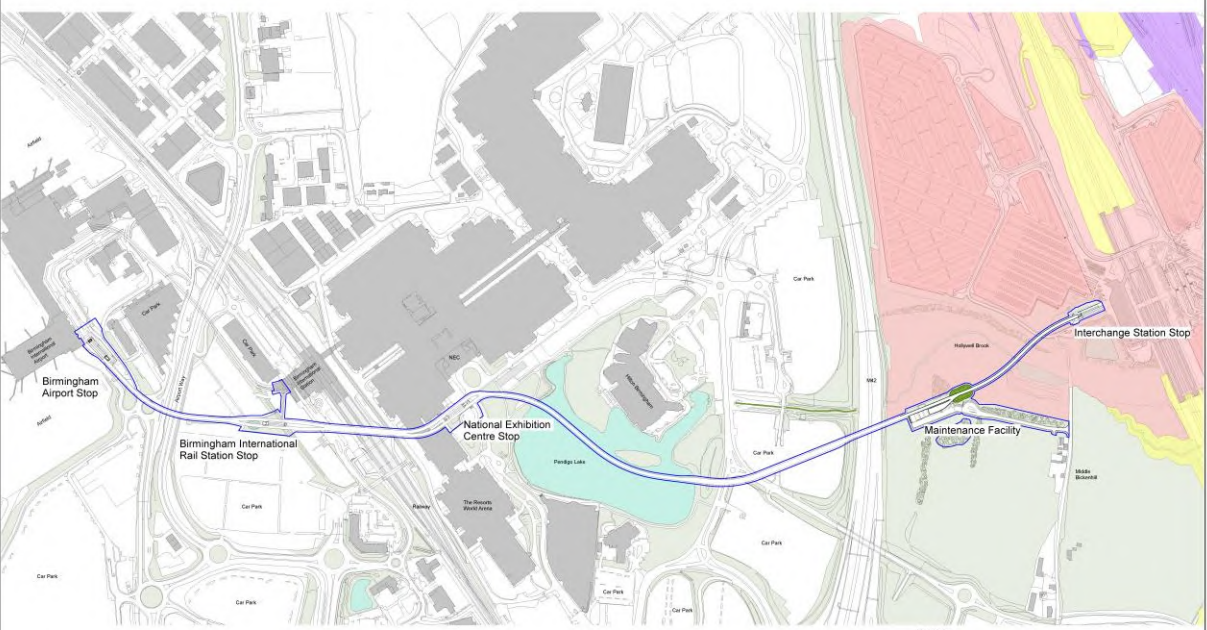




Figure 1.10: Artist's impression of the Maintenance Facility from the M42



Rev	Description	Checked	Approved	Date	Drawn	Scale	Notes
001	Issue for comment						
002	Issue for comment						
003	Issue for comment						
004	Issue for comment						
005	Issue for comment						
006	Issue for comment						
007	Issue for comment						
008	Issue for comment						
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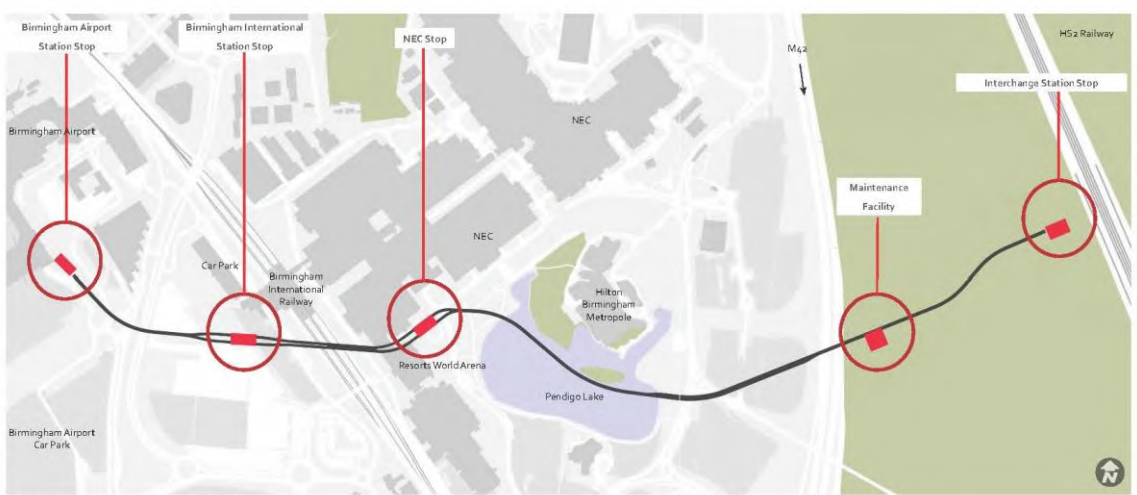


Figure 44: HS2 People Mover proposed stops location

2.6 People Mover

The People Mover is a proposal to link passengers from HS2 Interchange Station to Birmingham Airport via the National Exhibition Centre (NEC) and Birmingham International Rail Station. The People Mover is covered by a separate Schedule 17 application.

The people mover network consists of an elevated viaduct to carry the people mover vehicles, together with four passenger stops and a maintenance facility.

2.6.1 HS2 Interchange Stop

The stop at Interchange is located within the 'triangular' development site. It is situated immediately adjacent to the Interchange Station, allowing direct connectivity for passengers.

2.6.2 National Exhibition Centre Stop

The NEC stop is located to the south of the main entrance to the NEC Exhibitions Halls and to the west of Pendigo Lake.

2.6.3 Birmingham International Station Stop

Birmingham International Station Stop is situated to the west of the station in the existing station carpark.

2.6.4 Birmingham Airport Stop

Birmingham Airport Stop is located at the southern end of the airport's arrivals hall.

2.6.5 Maintenance Facility

The on-line Maintenance Facility is also located within the triangular development site. It sits along the viaduct adjacent to the M42 in order to minimise impacts on land-take, surrounding landscape and community. The location also provides easy access from Middle Bickenhill lane.

For more information on the People Mover, refer to the separate Schedule 17 Application and Design and Access Statement.



Figure 23: HS2 People Mover, view over Pendigo Lake

(2) Application No: PAP/2017/0560

Manor Farm, Main Road, Newton Regis, B79 0NA

Outline application for demolition of existing agricultural buildings and erection of up to 21 dwellings (Outline:access only),

Application No: PAP/2019/0567

Listed Building Consent for alterations to boundary wall fronting Manor Farm, both for Mr H Lillingston - The Trustees Of The Stablethorpe Settlement

Introduction

The application is reported at the discretion of the Head of Development Control.

The Site

The site lies on the southern side of Main Road to the rear and side of a farmhouse known as Manor Farm. The site formerly contained the farm buildings associated with Manor Farm (most have now been demolished). Manor Farm is a Grade II Listed Building and there are two further listed buildings in the near vicinity, Old Hall Farmhouse (Grade II) on the north eastern boundary and The Old Post Office (Grade II) to the north-west. The location and extent of the site are as shown below.



The red line of the site incorporates land sufficient to achieve a land drainage scheme.

The northern roadside part of the site lies within the Newton Regis Conservation Area and the southern part lies beyond it.

The Proposal

Is an outline application for the demolition of two existing agricultural buildings and erection of up to 21 dwellings (Outline:access only).

The site will have two proposed access routes which lie either side of Manor House Farm and are illustrated in the photographs below.

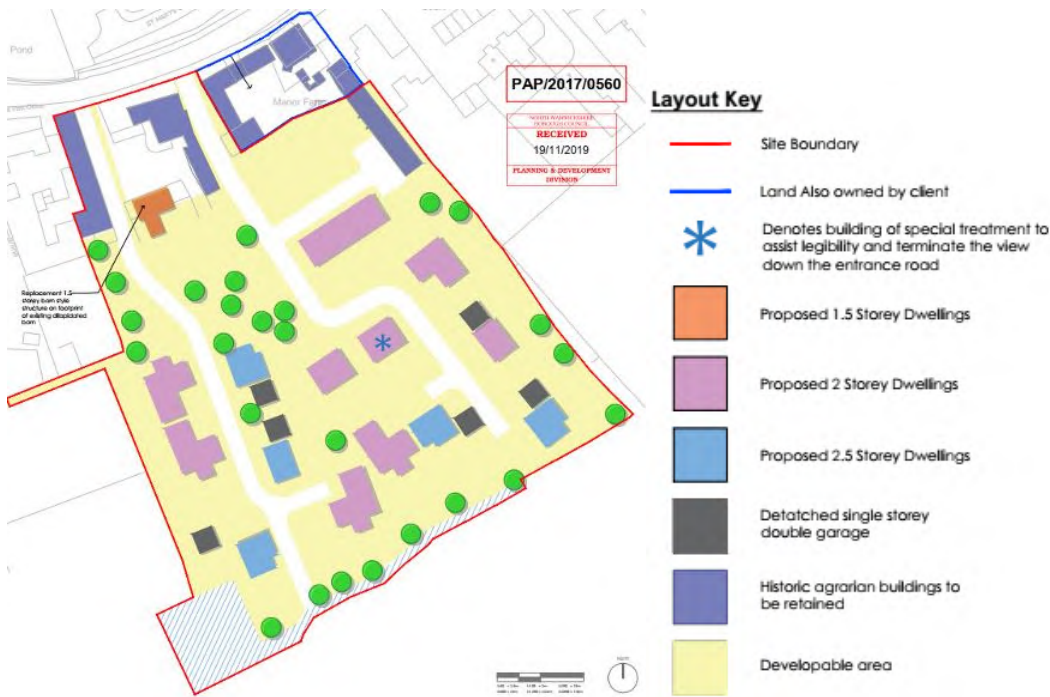


The proposal includes the demolition of the former farm building (shown at the centre of the right hand image above and in the image below) and the construction of a new dwelling in its place (one of the twenty one).



Illustration 8. The former thrashing barn on the south side of the yard at Manor Farm has been heavily rebuilt and has lost most of its historic interest, but remains valuable as a building that encloses the yard in a traditional manner, important to the historic plan form of the farmstead.

Though the application reserves details of siting, appearance, layout and landscaping, because of the heritage constraints of the site (discussed below), the applicant has submitted a Zoning Plan setting out layout parameters for consideration as part of the application. The Zoning plan is reproduced below:



The Zoning Plan seeks to establish some site layout principles:

- The retention of heritage buildings at the northern side of the development site
- The replacement of a barn on its existing footprint such that the form of the traditional agricultural yard is retained.
- The enablement of retaining/creating long views out of the Conservation Area towards the rural landscape beyond
- The creation of a separation space between the heritage buildings on Main Road and in the former farm yards and the new built form.

The application is accompanied by a Flood Risk Assessment and Illustrative Drainage Strategy, a Heritage Statement, a topographical survey, a bat and bird survey, an Ecological Appraisal, a Transport Statement, a Planning Statement and a Design and Access Statement.

The proposed development scheme proposes 21 dwellings, with an on-site provision of 9 affordable housing units with a mix of houses for affordable rent and for shared ownership. A draft S106 Agreement addresses this provision.

The zoning plan shows the retention of the cow sheds below.

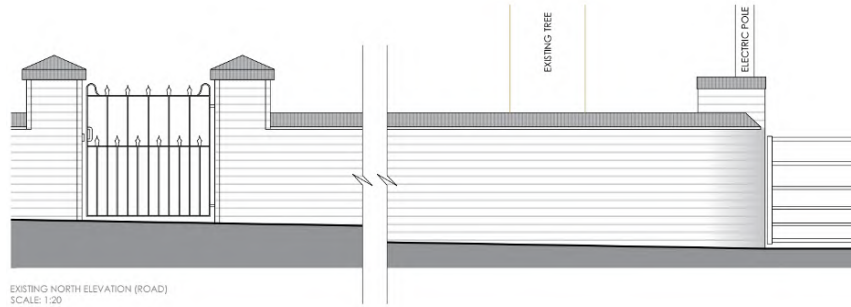
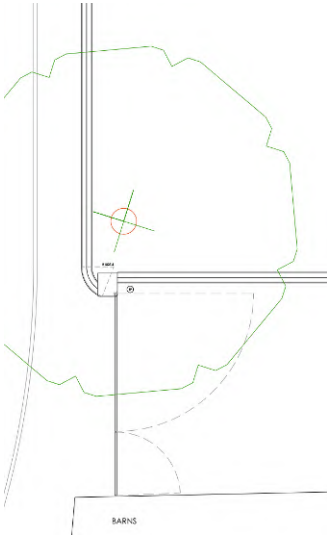
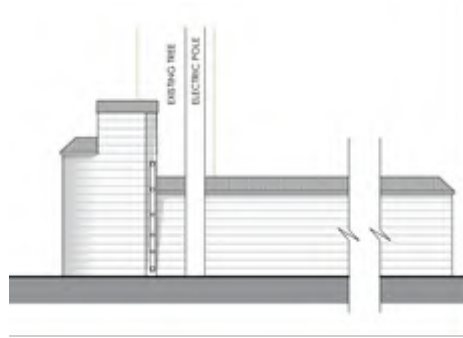


Illustration 3. This looming, rather forbidding aspect of Old Hall Farmhouse, where it towers over the old cowhouses at Bladons, is its principal interface with the development site.

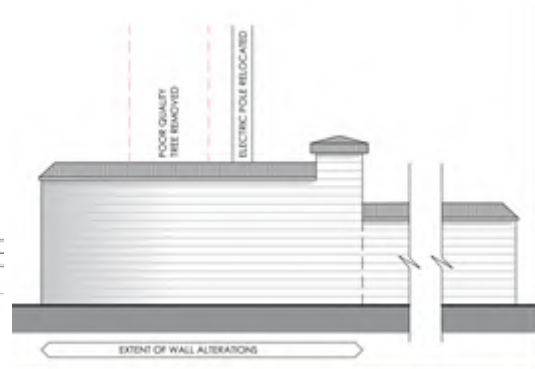
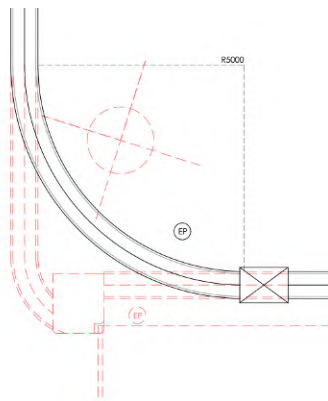
The companion Listed Building Consent application proposes alterations to the boundary wall fronting Manor Farm.

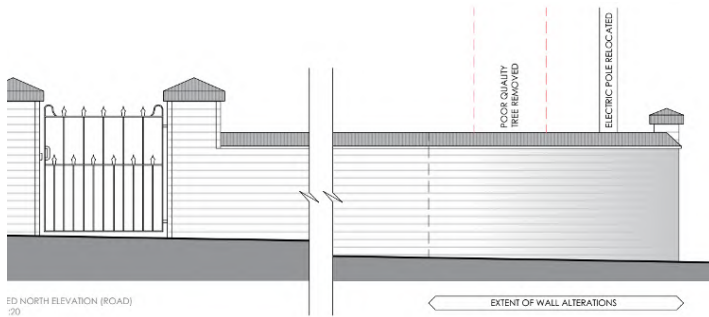
The proposal for the alteration to the boundary wall fronting Main Road to the right hand side of the Manor Farm House is in response to the Highway Authority's concern regarding a pedestrian visibility splay from the access.

The existing wall layout and elevations are as shown below:



The proposed wall layout and elevations are as shown below:





The proposal also necessitates the removal of an Ash tree from the frontage of the property.

Background

An outline application proposing 14 dwellings was granted on a slightly reduced site area (see red line plan below) in July 2016. Conservation Area consent was given for the demolition of the modern farm buildings. That demolition has now almost all taken place (see aerial photograph below). The outline application for 14 dwellings did not proceed to an approval of reserved matters because it was set aside in favour of pursuing this current scheme for an increased number of dwellings, served from an additional access point.



This scheme was initially presented as an application for 30 dwellings, however, to address siting, design and heritage issues it has now been reduced to 21 dwellings.

Development Plan

The Core Strategy 2014 – Policies NW1 (Sustainable Development); NW2 (Settlement Hierarchy), NW4 (Housing Development), NW5 (Split of Housing Numbers), NW6 (Affordable Housing Provision), NW10 (Development Considerations), NW12 (Quality of Development), NW14 (Historic Environment) and NW22 (Infrastructure)

Saved Policies of the North Warwickshire Local Plan 2006 - ENV12 (Urban Design) and ENV15 (Heritage, Conservation, Enhancement and Interpretation)

Other Relevant Material Considerations

National Planning Policy Framework 2019 - (the “NPPF”)

The North Warwickshire Local Plan Submission Version, March 2018 – LP1 (Sustainable Development); LP2 (Settlement Hierarchy), LP6 (Amount of Development), LP9 (Affordable Housing), LP15 (Landscape), LP15 (Historic Environment), LP31 (Development Considerations) and LP32 (Built Form)

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

The North Warwickshire Five Year Housing Supply as at 31/3/19

Supplementary Planning Document (SPD) on Planning Obligations for Open Space, Sport and Recreation 2018 consultation.

Consultations

Environmental Health Officer - No objection subject to conditions.

Director of Housing – No objection

Warwickshire Fire and Rescue - No objection subject to a standard condition

Severn Trent Water - No comments received.

Warwickshire County Council Highways Authority – Initially it objected to the larger scale scheme but following the receipt of amended plans now has no subject to conditions.

George Elliot Hospital Trust – It seeks a contribution of £17,392.00.

NWBC Tree Officer – No objection

Warwickshire County Council Ecologist – No objection but seeks a contribution of £47,356 towards bio-diversity offsetting

Lead Local Flood Authority – No objection subject to conditions

AD Leisure Services – Seeks financial contributions in accord with the Supplementary Planning Document (SPD) on Planning Obligations for Open Space, Sport and Recreation.

Warwickshire Museum - No objection subject to conditions

Designing out Crime Officer, Warwickshire Police – No objection

WCC Infrastructure Team – Requests contributions towards libraries and sustainable travel.

Representations

Newton Regis, Seckington and No Man's Heath Parish Council – It supports the application.

Only one other comment has been received in respect of the latest revision for 21 units and this expresses concern about levels and the impact on neighbouring building which is a Grade 2 Listed Building. Notwithstanding the Party Wall Act this does not have sufficient safeguards in this case for the stability of Old Hall Farm.

In respect of the previous 30 dwelling proposal, the following comments were received:

- Concern about the effect on the already strained sewage system.
- The width of the site entrance is not sufficient for two vehicles to pass. A vehicle exiting would cause an entering vehicle to stop on Main Road or reverse back out on to Main Road. A pavement is not proposed for pedestrian access. This is potentially dangerous.
- A development of 30 properties would represent an increase in the village of between 15% and 20%. This would adversely affect the character of the conservation area.
- The scale of the previous outline permission (believed to be 18) was reasonable and was about the maximum allowable without making a major impact on the village. Concerns about the increased scale are increased in traffic, added noise and pollution and safety.
- Kings Lane is congested. Traffic from 30 dwellings would add to that congestion. The number of dwellings should be reduced.

Observations - PAP/2017/0560

a) The Principle

The site is partly within and partly outside of the Newton Regis development boundary as defined by the Core Strategy. Outside development boundaries, according to Policy NW2 of the Strategy, development is to be limited to that necessary for agriculture, forestry or other uses that require a rural location. Affordable housing too can be appropriate in such a location. As such this proposal would not accord with this policy and thus there is a presumption of refusal as the starting point. However as Members are aware, the Daw Mill appeal decision led to the development boundaries being declared “out of date”. In these circumstances the determination of the planning applications reliant on NW2 in respect of the boundaries, are to be assessed against the NPPF, not the Development Plan. In this regard paragraph 11 says that when the most important policies for determining an application are out of date, planning applications should be granted, unless “any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole”. In other words the presumption is changed to one of approval. The principle of development thus follows on from this presumption. For a refusal to be considered here there has to be significant harm identified and which can be demonstrated.

Newton Regis is a Category 4 (Other Settlements with a development boundary) in the Core Strategy Adopted 9th October 2014. This policy indicates that Newton Regis will cater for 15 dwellings usually on sites of no more than 10 units and at any one time depending on viability.

The Emerging Development Plan allocates the application site for housing development. The plan has been subject to examination and it thus at an advanced stage of preparation. Where site allocation is not the subject of challenge, considerable weight can be afforded to the emerging policy.

Initially, Historic England raised concern about the potential impact of the site allocation on heritage assets. In response the Council commissioned a detailed Historic Environment Assessment of the site. The assessment is set out below in full because it substantially informs decision making in respect of the current application and should be read as an integral part of this report accordingly. In the context that the Local Planning Authority is statutorily required to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest it possesses, it sets out the affected heritage assets and considers their significance. It assesses against Sections 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, Section 16 of the NPPF, and Policy NW14 of the North Warwickshire Core Strategy and saved policies ENV15 and ENV 16 of the current Local Plan (2006), as well as to policy LP15 of the Emerging Local Plan.

H24 Manor Farm, Newton Regis

Description

- 3.23 This small 1ha site lies centrally with Newton Regis, on the southern side of Austrey Lane. It is bordered by open fields to the south and west; open fields and gardens / farm buildings to the east; and farm buildings to the north (leading onto Austrey Lane).
- 3.24 The site comprises of an historic farmstead with a number of modern outbuildings, paddocks and access tracks. Outline planning permission has been granted for this site (PAP/ 2016/ 0266) and a further outline planning application for the demolition of existing agricultural buildings and erection of up to 30 dwellings (PAP/ 2017/ 0560) is currently pending.

Summary of historic environment resource

- 3.25 The site lies partially within the Newton Regis Conservation Area, which covers the historic core of the village and several statutorily listed buildings. These include one Grade II listed building within the site, and two immediately adjacent to the west and east of the site. All three of these buildings and the conservation area are susceptible to change.
- 3.26 In the wider area there is a Grade II* listed church (1116451) approximately 140m to the east of the site; and a number of Grade II listed buildings also lie to the east and north of the site. Due to their siting and/ or intervening development/ vegetation these are not considered to be susceptible to setting change.
- 3.27 There are no HER records of any prehistoric or Roman activity in the site or wider area. However, this may reflect a lack of archaeological investigations, rather than an absence of archaeology.
- 3.28 The site lies within the possible area of Newton Regis medieval settlement (MWA9547), to date this is attested physically by the medieval church (1116451), and remains to the northeast of it, which include medieval ridge and furrow and a boundary ditch (MWA7349), and possible medieval house platforms (MWA7228). Further remains of ridge and furrow have also been attested elsewhere around the village (Headland 2016, 6).
- 3.29 Cartographic sources indicate that there were a number of buildings formerly within the site, most likely barns or other outbuildings of later post-medieval date that have been replaced over time. There is the potential for remains associated with these or early medieval settlement to survive within the site. These are likely to survive relatively well intact given the nature of the buildings that have been erected subsequently.
- 3.30 To the southeast of the site an early 20th century earthwork (MWA7225) was identified during an evaluation at the local school.

Designated assets on site	Designated assets adjacent susceptible to change	Non-designated assets on site	Non-designated assets adjacent susceptible to change
Manor Farmhouse (1116462) – Grade II listed building Newton Regis Conservation Area	The Post Office (1034688) – Grade II listed building Old Hall Farmhouse (1365177) – Grade II listed building	The Bladons/ Bladons Cottage and outbuildings Newton Regis potential medieval settlement (MWA9547) Remains of earlier buildings related to Manor Farm and Bladons Farm	N/A

7 H24 Manor Farm, Newton Regis

Designated heritage assets on site:

Manor Farmhouse (1116462) – Grade II listed building

Importance	Susceptibility to physical change	Susceptibility to setting change
High	High	Medium
Grade II listed	Within the proposed allocation site	Relates primarily to the farm outbuildings and fields to the rear of the property; although the adjacent historic buildings help with understanding that the site forms part of the historic core of Newton Regis.

Description

- 7.1 Manor Farmhouse is located along the northern boundary of the proposed allocation site fronting onto Austrey Lane. It is early Georgian and comprises a two storey building plus attic, built in red brick with a Flemish bond. The lower floor has 4 windows and a central door with 19/20th century half-glazed door. The moulded wood door case has pilaster strips and a segmental hood on scrolled brackets. The first floor features 5-windows which like those on the first floor feature 19/20th century wood cross windows with horizontal glazing bar and gauged brick flat arches. The central first floor window has a painted keystone with segmental pediment, inscribed with the date 1718, and initials R.S (which is thought to stand for Robert Spencer). The attic has three hipped roof dormers with moulded wood cornices and 2-light casements with horizontal glazing bar.
- 7.2 To the rear of the building there is a single storey extension with cellar. In the rear gable a brick band with a small square blocked opening over it has been suggested to be an alighting perch for pigeons, indicating that there may have been a dovecot in the attic³⁶.
- 7.3 The farm includes a number of outbuildings, these comprise: a single storey range on the west side of the farmhouse featuring a dairy, trap house and stables; a range on the east side adjoining the south end of the farmhouse and featuring a cowhouse; a barn on the south side of the yard. To the rear of the barn and courtyard there were a number of large modern agricultural buildings, that have recently been demolished; leaving only the three historic buildings around the courtyard. These buildings appear to predate July 1948 and based on their lying with the curtilage of the listed building may be considered to be curtilage listed. Beyond the outbuildings there is open agricultural land.
- 7.4 According to the present tenant of Manor Farm, it was amalgamated with Bladons Farm, immediately to the east, in 1929.³⁷ The two farms are separated by a trackway, given which Bladons Farm would not be curtilage listed; it is therefore treated as a separate non-designated heritage asset and discussed separately below.

³⁶ P. E. Heath 2017. *Manor Farm, Main Road, Newton Regis, Warwickshire B79 0NA, Heritage Statement*, pp. 9.

³⁷ Heath, P.E. 2017. *MANOR FARM, MAIN ROAD, NEWTON REGIS, WARWICKSHIRE B79 0NA Heritage Statement to accompany outline proposal for redevelopment of site, September 2017*. Unpublished report, pp. 4.



Plate 16: Grade II listed Manor Farmhouse (facing south)

Significance

- 7.5 The significance of Manor Farmhouse derives from its illustrative value, being a good example of higher-status local vernacular architecture that marks the historic core of the Newton Regis and reflects the importance of agriculture to the community. It also has considerable aesthetic value, being a fine example of early 18th century design, demonstrating attractive proportions and strong symmetry. It makes a substantial contribution to the attractive character of the historic core of Newton Regis, underlining its history as a relatively prosperous agricultural centre.
- 7.6 Setting contributes to the significance of this asset with the adjacent historic outbuildings and agricultural land to the rear of the property aiding in the legibility of its function as a farmhouse. The adjacent historic buildings to the front of the asset help with understanding that the site forms part of the historic core of Newton Regis.

Susceptibility to change

- 7.7 It cannot be assumed that the farmhouse or its outbuildings will be retained.
- 7.8 The setting Manor Farm has been changed recently with the demolition of the modern outbuildings to the rear of the property. Those of historic interest have been retained, but the spatial relationships between them and the farmhouse, and the wider rural landscape, may be susceptible to change that would reduce the group value and legibility of the farmstead.

Risk of harm

- 7.9 Development could potentially result in the total loss of the farmhouse and its associated outbuildings, or, alternatively, result in change to the spatial relationship between them, affecting the ability to appreciate their historic and functional association. While it is assumed that the listed building (and curtilage-listed structures that contribute to its significance) will be retained, it is nevertheless important to acknowledge the potential for substantial harm/total loss that could occur. A **high effect** for the purposes of this assessment
- 7.10 Were curtilage-listed structures to be demolished this would likely result in less than substantial harm, but potentially towards the higher end of the spectrum – verging on substantial harm – as the ability to read Manor Farmhouse’s function as the domestic and administrative centre of a

substantial farmstead could be almost entirely lost. While much of its aesthetic value would remain, this would severely affect the ability to read and understand its historical values.

- 7.11 Poorly-planned development to the rear of the farmhouse could also potentially sever the farmhouse from its rural hinterland, giving rise to setting change and reducing the ability to understand and appreciate the assets' historical values. This would likely equate to less than substantial harm; a **medium-high effect** for the purposes of this assessment.

Options for sustainable development

- 7.12 To minimise harm, the asset and its associated outbuildings should be retained, along with the spatial relationships between them, in discharge of the requirements of Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended and the NPPF's stipulations on harm to designated heritage assets.
- 7.13 Ideally, connections to the assets' rural setting should also be retained through sensitive, imaginative planning and design. Any development will need to be appropriate in terms of design, particularly materiality and scale/ mass to avoid wider effects (e.g. on the Conservation Area).

Newton Regis Conservation Area

Importance	Susceptibility to physical change	Susceptibility to setting change
High	High	Medium
Statutorily designated	Within the proposed allocation site.	A largely unchanged historic village comprising a range of 17 th - 18 th century buildings, primarily of rural character.

Description

- 7.14 Newton Regis was designated as a conservation area in July 1981 owing to the character and attractiveness of the historic core of the village. This comprises a linear settlement of 17th and 18th century buildings spread along Main Road/ Austrey Lane. Most are of red brick and slate construction, but there are a number are unspoilt thatched cottages, which are an unusual survival in the borough. Focal points include the duck pond (aka Henney's pond) at the centre of the village and St Mary's Church, which is situated at the northern end of Austrey Lane.
- 7.15 Although the linear layout of the settlement has been expanded as a result of post-war development it still retains its rural character. This is largely because it is centred upon three farms and most of the new development lies beyond the historic core of the village. The main exception to this is a series of bungalows along St Mary's Grove and the east end of Austrey Lane, opposite the proposed allocation site and historic buildings that run down to St Mary's Church. These lie on the edge of the conservation area, but are not overly intrusive on its character as they are small-scale and set back behind a tree-lined grass verge that offers, albeit limited, screening.
- 7.16 Whilst the conservation area boundary aligns mainly with the historic core of the village land to the rear of the Queen's Head Pubic House and in the vicinity of Henney's Pond and Newton House was also included in order to preserve the key views when approaching the village from the north and west.

Significance

- 7.17 The significance of Newton Regis lies in its distinctive local character and aesthetic value. It also has special historic interest with the local vernacular architecture including thatched cottages, which are otherwise not well-represented in North Warwickshire. The wider rural setting of the conservation is important to understanding the development of Newton Regis as a small agricultural settlement.

Susceptibility to change

- 7.18 The historic core of Newton Regis is relatively unchanged, with the exception of the modern development along St Mary's Grove. Some modern agricultural sheds/outbuildings have been

erected, but these are generally set to the rear of the farmhouses. The rural setting of the village, particularly the open land visible on the approach to and from the village, is important in aiding its legibility, as a rural settlement. The conservation area appraisal notes that although there are some undeveloped frontages within the conservation area, there are not any sites where development would not be detrimental to the existing setting of the buildings within it. As such, it is judged to have a medium susceptibility to change.

Risk of harm

- 7.19 Development of the site would potentially result in the loss of historic assets that contribute to the character and special historic interest of the conservation area. Even if these were retained, there would be the potential for development to be visible above and between the historic assets sited along the front of the site; this is of particular concern where there are single storey outbuildings. Whilst the setting change alone may be less than substantial, the potential loss of designated assets that make a key contribution to the character and significance of the conservation area would result in substantial harm. This means, that for the purposes of this assessment, there is the potential for a high level of effect.

Options for sustainable development

- 7.20 To accord with legislative and policy requirements, any new development should seek to preserve or enhance the special character and interest of the conservation area. As such, the heritage assets within the proposed allocation site – both designated, or otherwise – should be retained, along with the spatial relationships between them. The conservation area appraisal³⁸ notes that there should be an emphasis on ensuring that any new development accords with the architectural and visual qualities of the village. But further to this the siting, scale, mass and screening of any proposed development should be given careful consideration in light of its potential visibility and ability to affect the historic character of the area.

³⁸ North Warwickshire County Borough. 1995. 'Newton Regis: Designation Report' in *Conservation Areas in the borough of North Warwickshire*, pp. 71-9.

Non-designated assets within the site

Newton Regis potential medieval settlement (MWA9547)

Importance	Susceptibility to physical change	Susceptibility to setting change
Low	High	Low
Of local importance	Located within the proposed allocation site	Setting makes comparatively little contribution to the assets' significance, which is derived principally from its evidential value

Description

- 7.21 Newton Regis is not listed in the Domesday Book but there is documentary evidence for the manor from 1159, when it was granted to Geoffrey Savage by the King. The church of St Mary, 81m to the northeast of the proposed allocation site, also dates from the medieval period. The possible extent of the medieval settlement at Newton Regis based on the Ordnance Survey map of 1885 and aerial photography. The 1885 map shows the village mostly built along Main Road/Austrey Lane. On the southern side there seem to be the remnants of strip fields behind the settlement plots. Aerial photos visible on Bing dating to 1999/2000 show apparent settlement earthworks visible in the small field/paddock immediately to the south west of the village and in the area to the north of the village. To date, archaeological investigations within the village have identified the remains of medieval ridge and furrow, a boundary ditch, and possible medieval house platforms.

Significance

- 7.22 The heritage significance of any remains relating to the medieval settlement of Newton Regis will relate primarily to their evidential value.

Susceptibility to change

- 7.23 Comprising buried remains and earthworks any potential remains within the proposed allocation site will be highly susceptible to physical change. Given that the exact nature of any remains is at present unknown, it is difficult to assess the contribution made by setting. It is unlikely to contribute to any great extent, but the rural setting and unchanged historic layout may aid in their legibility.

Risk of harm

- 7.24 There is the potential for development of the site to result in the damage or total removal of any archaeological assets relating to the medieval settlement activity within Newton Regis. This would equate to the substantial harm of a low value asset, resulting in a medium effect.

Options for sustainable development

- 7.25 In itself, the asset is not a constraint to development. An appropriately staged programme of archaeological works for any eventual development, secured by condition and agreed with the Council archaeological adviser, would adequately preserve any extant remains by record.

Bladons Farm now 'The Bladons' and 'Bladons Cottage'

Importance	Susceptibility to physical change	Susceptibility to setting change
Low	High	Medium
Of local importance	Located within the proposed allocation site	Relates primarily to the associated outbuildings and wider agricultural landscape; the largely unchanged historic character of Austrey Lane also aids in the legibility of the building as part of the historic core of the Newton Regis.

Description

- 7.26 Bladons Farm lies within the proposed allocation site - to the east of Manor Farmhouse, fronting on Austrey Lane. Constructed of redbrick with a grey slate roof, it has a double front with a taller extension, with a half-hipped gable end, to the west. The house now has modern windows and is divided into two - The Bladons and Bladon Cottage. The house has gabled rear wings facing over a small brick paved back yard containing a detached washhouse and privy.³⁹ A wall divides the house's back yard from the former farm yard.
- 7.27 Adjoining the south end of Bladon Cottage is a former stable with loft over, and a long cowhouse and cartshed; this sit along the boundary with Old Hall Farmhouse to the east. West of the house, fronting onto Austrey Lane, there is an L shaped building. This comprises a stable with loft over, a covered wagon entry (formerly gated), and a range of lower, single storey shelter sheds, including a loose box, which turn the corner.⁴⁰ Formerly there was a threshing barn, aligned east-west, that formed the south side of the fold yard, but it was demolished and replaced by modern steel sheds that, in turn, have recently been removed.
- 7.28 The date of the farmhouse and outbuildings is uncertain, but they are depicted on the first edition OS map indicating that they predate the late 19th century. In 1929 the farm was apparently amalgamated with Manor Farm, to the west.⁴¹



³⁹ Heath, P.E. 2017. *MANOR FARM, MAIN ROAD, NEWTON REGIS, WARWICKSHIRE B79 0NA Heritage Statement to accompany outline proposal for redevelopment of site, September 2017*. Unpublished report, pp. 7.
⁴⁰ Heath, P.E. 2017. *MANOR FARM, MAIN ROAD, NEWTON REGIS, WARWICKSHIRE B79 0NA Heritage Statement to accompany outline proposal for redevelopment of site, September 2017*. Unpublished report, pp. 7.
⁴¹ Heath, P.E. 2017. *MANOR FARM, MAIN ROAD, NEWTON REGIS, WARWICKSHIRE B79 0NA Heritage Statement to accompany outline proposal for redevelopment of site, September 2017*. Unpublished report, pp. 4.

Plate 17: The Bladons and Bladons Cottages (facing southwest)

Significance

- 7.29 The significance of Bladons Farm derives largely from its illustrative value, being a good example of local vernacular architecture that marks the historic core of the Newton Regis and reflects the importance of agriculture to the community. Its alterations and amalgamation with Manor Farm add to its historic interest.
- 7.30 It also has some aesthetic value and contributes to the attractive character of the historic core of Newton Regis.
- 7.31 Setting contributes to the significance of this asset with the adjacent historic outbuildings and agricultural land to the rear of the property aiding in the legibility of its function as a farmhouse. The historic buildings adjacent to the front of the asset help with understanding that the site forms part of the historic core of Newton Regis.

Susceptibility to change

- 7.32 It cannot be assumed that the farmhouse or its outbuildings will be retained.
- 7.33 The setting of Bladons has been changed recently with the demolition of the modern outbuildings to the rear of the property. Those of historic interest have been retained, but the spatial relationships between them and the farmhouse, and the wider rural landscape, are susceptible to change that would reduce their group value and the legibility of the farmstead.

Risk of harm

- 7.34 Development could result in the total loss of the farmhouse and its associated outbuildings, or, alternatively, result in change to the spatial relationship between them, affecting the ability to appreciate their historic and functional association. Development would also sever the farmhouse from its rural hinterland. Whilst the setting change would likely result in less than substantial harm, the risk of the total loss of the asset means that there is the potential for a medium level of effect that equates to substantial harm.

Options for sustainable development

- 7.35 The house and associated outbuildings should be retained, along with the spatial relationships between them. Whilst the assets relationship with its rural setting should also ideally be retained, it is unlikely that this would be possible in the event of development.
- 7.36 Any development will need to be appropriate in terms of design, particularly materiality and scale/mass.

Remains of earlier post-medieval buildings and features related to Manor Farm and Bladons Farm

Importance	Susceptibility to physical change	Susceptibility to setting change
Low	High	Medium
Of local importance	Located within the proposed allocation site	Although their value is primarily evidential the above ground setting of the farms remains relatively unchanged and is likely to contribute to the legibility of any previous features as they would be historically and functionally related

Description

- 7.37 Historic maps show that there were other buildings previously on the site. The earliest map to show the site in detail is the 1795 Inclosure Map. It shows that at that time the site comprised two strip fields (labelled 87 and 88) set at right angles to the road. The plan of the buildings adjacent to the road in field 87 does not correspond to those extant today (e.g. Bladon Cottages),

and instead shows two small buildings fronting directly on to the road, with a further two rectangular buildings set back behind them, enclosing a possible courtyard area. With the exception of the building to the rear of the site, these buildings appear to have been replaced by Bladons Farmhouse and attached outbuildings to the west and rear by the publication of the First Edition 25" OS map in 1886. This survival appears to have been extended in the early 20th century and then replaced in the late 1960s.

- 7.38 The Inclosure map (1795) shows Manor Farm in field 88, with a layout similar to that which it retains today. The only difference is that it does not have the attached outbuildings to the rear. Instead, there is a small rectangular outbuilding set back behind the farmhouse and the outbuildings around the courtyard. The 25" First Edition OS map (1886) shows that this has been replaced by the attached outbuildings, to the rear of which there is a new rectangular outbuilding. Further outbuildings are depicted on the 1924 OS map, and the configuration of these changes on subsequent maps with the late 19th century outbuilding being lost some time after the 1970s.



Plate 18: Copy of the Newton Regis Inclosure map of 1785 (held by the Warwickshire County Record Office catalogue ref Z169)

- 7.39 Within the north-eastern part of the site two buildings, probably outbuildings, are depicted. These buildings continue to be shown
- 7.40 Buildings are positioned to the north of the PDA along Austrey Lane,
- 7.41 including Manor Farmhouse (constructed in 1718).

Significance

- 7.42 The heritage significance of any remains relating to previous earlier post-medieval features associated with Manor and Bladons Farms lies primarily in their evidential value.

Susceptibility to change

- 7.43 Comprising buried remains any potential remains within the proposed allocation site will be highly susceptible to physical change. Although their value is primarily evidential the above ground setting of the farms remains relatively unchanged and is likely to contribute to the legibility of any previous features as they would be historically and functionally related.

Risk of harm

- 7.44 There is the potential for development of the site to result in the damage or total removal of any archaeological assets relating to earlier post-medieval features associated with the farms. This would equate to the substantial harm of a low value asset, resulting in a Medium effect.

Options for sustainable development

- 7.45 In itself, any potential post-medieval remains relating to Manor and Bladons Farms would not be a constraint to development. An appropriately staged programme of archaeological works for any eventual development, secured by condition and agreed with the Council archaeological adviser, would adequately preserve any extant remains by record.

Designated assets outside the study area likely to be susceptible to setting change

The Post Office (1034688)

Importance	Susceptibility to physical change	Susceptibility to setting change
High	N/A	Low
Grade II listed		Relates primarily to the road and post box outside, but the wider setting helps in understanding that the building forms part of the historic core of Newton Regis and is of different function to the other buildings.

Description

- 7.46 The Post Office is 19th century brick building, now rendered white, contrasting it with the majority of historic buildings nearby. The main house is 2-storeys, but there is a single story extension to the west. The house features small paned windows, three chimney stacks, and a grey slate roof. A redundant Royal Mail wall box is set into the wall to the right of the front door, which is located centrally in the main 2-storey building. To the front, there is a lawn and a white metal fence.
- 7.47 The property, which was Grade II listed in 1988, is located immediately east of the proposed allocation site with the single storey outbuilding featuring a dairy, trap house and stables aligning with and clearly demarcating the boundary between the two sites.

Significance

- 7.48 The building is a good example of local vernacular architecture in the 19th century and illustrates the designs and building techniques typical of the area at that time. It has further historic interest as a result of its association with Royal Mail and function as the local post office, as well as aesthetic value, contributing to the overall character and attractiveness of the historic core of Newton Regis.

7.49 In terms of setting the building has a relationship with the road and an operational Royal Mail pillar box that sits to the front of it. The surrounding historic buildings, which are of similar date, help in understanding that the building forms part of the historic core of the village. By contrasting in design and materiality they also help in understanding that the building is of a different function.

Susceptibility to change

7.50 The setting of the asset could be changed as a result of the loss of the historic buildings within the site. There is also the potential for new development to be visible above the Post Office's single storey range and, in the event that the historic buildings are retained to be visible above the single storey outbuilding to the west of the Post Office. The susceptibility of this asset to setting change as a result of development within the site is judged to be low.

Risk of harm

7.51 The setting change described above would result in less than substantial harm; a medium-high effect for the purposes of this assessment.

Options for sustainable development

7.52 The historic buildings on the site should be retained to minimise harm to the setting of the Old Post Office. Consideration should be given to the design details of any development, particularly materiality and scale. With the exception of the church, the Post Office and adjacent Farmhouses dominate the streetscape and any development should be deferential in scale and mass.

Old Hall Farmhouse (1365177) – Grade II listed building

Importance	Susceptibility to physical change	Susceptibility to setting change
High	N/A	Medium
Grade II listed		Relates mainly to its outbuildings, which enable its function to be understood; the adjacent historic buildings aid in understanding that the building forms part of the historic core of Newton Regis.

Description

7.53 Old Hall Farmhouse is set back from Austrey road at a right angle and is shielded to some extent by its outbuildings, which lie to the east of the farmhouse (and have been converted into residential use). To the rear of the property is garden and parking area, beyond which there is a further garden. To the east is the proposed allocation site, and the farmhouse lies adjacent to a range of single storey outbuildings behind The Bladons/ Bladons cottage, which was formerly a single farmhouse.

7.54 The asset itself comprises a mid-18th century Georgian block, with a mid-19th century addition to the right creating a complex T-shaped plan. It is constructed of red brick with a grey slate roof. It is Grade II listed.

Significance

7.55 The heritage significance of this asset lies primarily in its historical interest as an example of local vernacular architecture that reflects the importance of agriculture to the community. It also has aesthetic value and contributes to the attractive character of the historic core of Newton Regis.

7.56 The historic outbuildings to the front of the property are an important element of this asset's setting aiding in the legibility of its function as a farmhouse; as does the open agricultural setting to the rear of the property. The adjacent historic buildings along Austrey Lane also help with understanding that the site forms part of the historic core of Newton Regis, and that that core is formed of a nucleated settlement of farmsteads.

Susceptibility to change

- 7.57 Other than the original village buildings across the road from the farm having been replaced by modern bungalows, the historic setting of this asset remains relatively intact. As such it is judged to have a medium susceptibility to change.

Risk of harm

- 7.58 Demolition of the historic buildings on the proposed allocation site would affect the legibility of the historic context of Old Hall Farmhouse. This would result in less than substantial harm to the asset; a medium-high effect for the purposes of this assessment.

Options for sustainable development

- 7.59 In line with Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended, special regard should be had to the desirability of preserving the buildings setting. In practical terms, this could be translated as ensuring that the elements of the setting that make the strongest contribution to significance are conserved and, where appropriate, enhanced.
- 7.60 A full heritage impact assessment will be required for any development within the vicinity of the asset.

Other designated assets

- 7.61 There are a number of designated assets in the wider vicinity of the site, including:
- The Grade II* listed Church of St Mary (1116451), located approximately 80m east of the proposed allocation site;
 - The Grade II listed Newton House (1319960), located approximately 110m north of the proposed allocation site;
 - The Grade II listed Rose Cottage (1319951), located approximately 47m west of the proposed allocation site;
 - The Grade II listed Pool Cottage (1034687), located approximately 46m west of the proposed allocation site;
 - The Grade II listed Ivy House and Laurel Cottage (1319951), located approximately 67m west of the proposed allocation site;
 - The Grade II listed K6 Telephone Kiosk (1365176), located approximately 72m from the proposed allocation site;
 - The Grade II listed Olde Thatch Tallett's Thatch Cottage (1116432), located approximately 83m west of the proposed allocation site; and,
 - The Grade II listed The White House (1365178), located approximately 95m west of the proposed allocation site.
- 7.62 All of the assets listed above lie within Newton Regis Conservation Area and form the historic core of the village. Due either to siting, or intervening development and vegetation, no intervisibility is anticipated between these assets and the proposed allocation site. They also do not share a relationship with the site that would be affected.

Archaeological potential

- 7.63 The proposed allocation site lies within the historic core of the village at Newton Regis, which was a medieval settlement. Although there are no known archaeological assets in the site, settlement and agricultural features of medieval date have survived in the area. There is also the potential for post-medieval settlement/ agricultural remains to survive, such as early features – in particular outbuildings - associated with Manor and Bladons farms. As with any development there

is the risk of unknown remains within the site, and the absence of known assets in the wider area cannot be assumed to reflect an absence of archaeology.

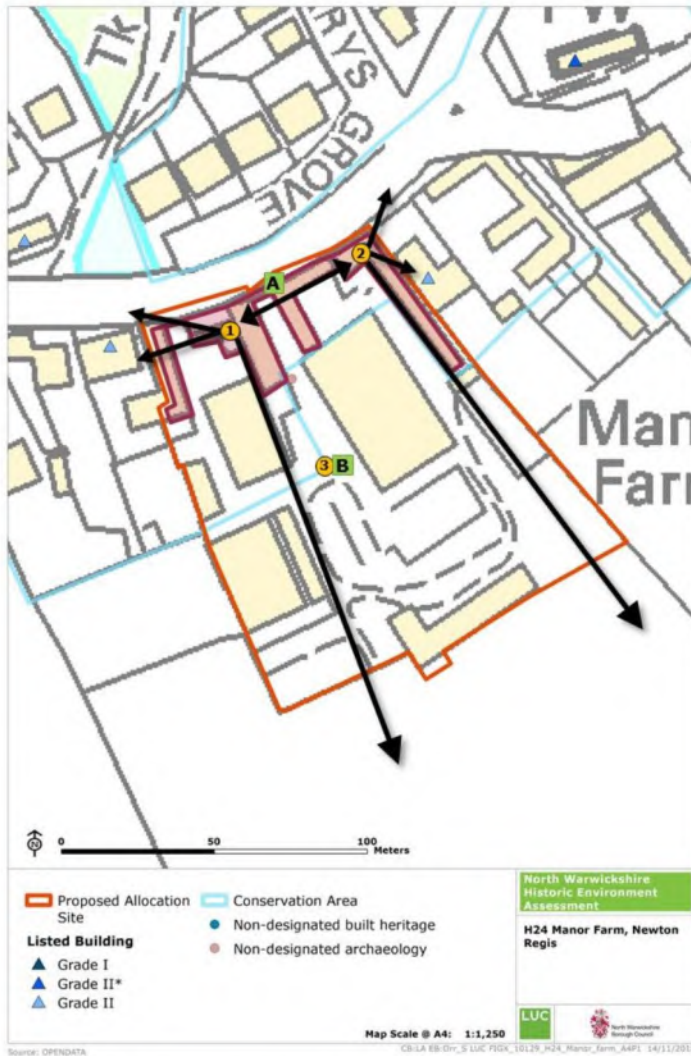
- 7.64 Any in-situ remains are likely to survive relatively intact as, although some parts of the site have been built over, the now demolished modern outbuildings will have had insignificant foundations and caused little ground disturbance. In the undeveloped parts of the site, post-medieval and subsequent agricultural activity may have resulted in some truncation of sub-surface deposits.

Cumulative effects

- 7.65 There is one designated asset within the site – the Grade II listed Manor Farm. This asset is susceptible to physical and setting change. So too are the non-designated buildings associated with Bladons Farm, which also lie within the proposed allocation site. In a maximum-case scenario the demolition of these buildings would result in significant harm not only to the assets themselves but also the character and historic interest of the Newton Regis Conservation Area of which they form a critical part. In the event that Manor Farm and Bladons Farm are retained there would still be the potential for harm via setting change to all three assets. Setting change is also a concern for Old Hall Farm and the Old Post Office, assuming the retention of the historic buildings within the site the main concern will be the design of the new development, again particularly with regards to scale and materiality.
- 7.66 Any archaeological remains within the site would be susceptible to physical change, particularly total loss.

Options for sustainable development

- 7.67 To comply with the relevant historic environment legislation and guidance Manor Farm and Bladon Farm should be retained and their setting preserved. To this end their (some curtilage-listed) historic outbuildings and the relationships between them should be conserved. Careful consideration should be given to retaining at least an element of visual and functional relationships between the assets and their rural setting, which aids understanding and contributes to their heritage values. Further consideration will need to be given to design details such as materiality, and in terms of siting and scale the development should be set back to the rear of the historic buildings and subservient to the farmhouses.
- 7.68 In relation to the archaeological assets, an appropriately staged programme of investigation involving evaluation and recording will be necessary. This could be secured by a planning condition, in agreement with the local authority archaeological advisor.
- 7.69 A detailed heritage impact statement and archaeological desk-based assessment should be undertaken.



H24: Manor Farm, Newton Regis

Potential effects

- 1 Potential for physical/ setting change to Manor House (Grade II) and outbuildings
- 2 Potential for physical/ setting change to Bladons Farmhouse (non-designated) and outbuildings
- 3 Potential for change to the character and special interest of Newton Regis Conservation Area

Options for sustainable development

- A Retain Manor House and Bladons Farmhouse and preserve their setting (e.g. spatial relationships with historic outbuildings), where possible (loss of agricultural hinterland is unavoidable).
- B New development will need to respect the agricultural form and scale of the buildings and be managed in terms of height to ensure that it does not intrude on views from the Conservation Area, and remains subservient to the farmhouses – preserving the functional and hierarchical relationship between the extant buildings.

In masterplanning the site, developers could take inspiration from the courtyard farm morphology to aid integration with existing character.

Following this HEA work undertaken by consultants for the Council, Historic England has agreed to alterations to the policy text, with the changes to reflecting and addressing setting issues and national policy/legislation expectations that were raised in Historic England’s initial representation. The following main modification is now proposed with the support of Historic England:

MM?	14	105	H24	<p>H24 Site Manor Farm, Newton Regis</p> <p>1 hectare of land is allocated for housing development at Manor Farm, Newton Regis. Any development will need to consider the significance of the designated and undesignated heritage assets within and close to the site and be taken into account in the design and form of any future development.</p> <p>1. Development of the site will need to provide for and address in particular the following:</p> <ul style="list-style-type: none"> - retention of the historic farmsteads, Manor Farm and Bladon Farm - retention of all traditional agricultural buildings associated with the historic farmstead and heritage asset, - address the setting of the farmsteads and their spatial relationship with the wider rural landscape, retaining an element of views through the site to reflect the visual and functional relationships between the assets and their rural setting, ensuring that the elements of the setting that make the strongest contribution to significance are conserved and, where appropriate, enhanced. Development should be set back to the rear of the historic buildings and be subservient to the farmhouses. - ensure development is appropriate in terms of design, materials and scale/mass that reflect the traditional, vernacular of the designated and non-designated assets within and adjoining the site and wider Conservation Area. <p>2. A detailed heritage impact assessment, statement and archaeological desk-based assessment will be required for any development within the vicinity of the asset. Given the sensitive nature of the site, proposals will require an agreed, appropriately staged programme of investigation, evaluation and recording before the development of the site.</p>	<p><i>Agreed with Historic England. Policy text changes to reflect and address setting issues and national policy/legislation expectations raised in Historic England’s representations and following further HEA work undertaken by consultants for the Council.</i></p>
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In these circumstances, the emerging policy has increased weight because it is without objection. The development accords with the emerging policy. The principle of development has previously been supported with the grant of planning permission in outline for 14 dwellings on broadly the same site. The development will deliver much needed housing, at a level envisaged as appropriate in the context of this settlement by emerging policy. It is considered that the principle of the development may be supported.

It is therefore necessary to consider the detailed impacts of the proposed development.

b) Heritage Impact:

The detailed assessment of the site and its heritage context identifies that, with the support of Historic England, development which achieved the following can be appropriate :

- retention of the historic farmsteads, Manor Farm and Bladon Farm
- retention of all traditional agricultural buildings associated with the historic farmstead and heritage asset,
- address the setting of the farmsteads and their spatial relationship with the wider rural landscape, retaining an element of views through the site to reflect the visual and functional relationships between the assets and their rural setting,

ensuring that the elements of the setting that make the strongest contribution to significance are conserved and, where appropriate, enhanced. Development should be set back to the rear of the historic buildings and be subservient to the farmhouses.

- ensure development is appropriate in terms of design, materials and scale/mass that reflect the traditional, vernacular of the designated and non-designated assets within and adjoining the site and wider Conservation Area.

This application is an outline application with access as the only matter for determination, scale, layout, appearance and landscaping are all reserved. However, given the heritage setting, the site zoning plan has been the subject of much discussion and iteration. The current Zoning Plan (2255 04 rev I - Site Zoning Plan received by the Local Planning Authority on 19 November 2019) would achieve the objective of the retention of the historic farmsteads, Manor Farm and Bladon Farm, the retention of all traditional agricultural buildings associated with the historic farmstead and heritage asset as set out in the HEA. The positioning of the new built form achieves a good separation distance from the historic farm buildings and some open lines towards the rural landscape, achieving the HEA and main modifications policy identified objective addressing the setting of the farmsteads and their spatial relationship with the wider rural landscape, retaining an element of views through the site to reflect the visual and functional relationships between the assets and their rural setting.

The HEA and main modifications policy seeks to ensure development is appropriate in terms of design, materials and scale/mass that reflect the traditional, vernacular of the designated and non-designated assets within and adjoining the site and wider Conservation Area. The Zoning Plan refers to scale, in particular the placing of buildings of differing heights, with the inclusion of a low height building (1.5 storeys) to replace the farm building closest to Manor Farm, with two storey buildings at a greater separation distance and 2.5 storey buildings at the farthest distance from the Listed Buildings and the Conservation Area at its interface with open countryside. Whilst this might be an acceptable solution to scale, without details of appearance and more clearly defined layout it is not possible to indicate that that the suggested scale could be approved at this stage. Therefore whilst the Zoning Plan can be supported in terms of the separation distances from the Listed Buildings and the Conservation Area and in terms of the retention and reuse of traditional farm buildings, it is only in these respects that the zoning would be approved at this stage. An appropriately worded condition will specify the extent to which the Zoning Plan is approved.

The NPPF at section 16 paragraph 193 states that *when considering the impact of the proposed development on the significance of the designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.*

With the zoning controls discussed above and with demanding standard of evaluation and design at the approval of reserved matters stage the development of the land in principle amounts to less than substantial harm – is historic building fabric and setting can be preserved. The site is of generous proportions and there is ample scope to preserve matters archaeological significance (with appropriate conditions requiring investigation and recording and mitigation as appropriate).

The NPPF states at para 196 that where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

There is substantial public benefit associated with the proposal. It will result in the much needed delivery of both affordable housing and market housing, in line with the Government's objective of significantly boosting the supply of homes

It is considered that public benefit may be attributed by the provision of new housing at the scale envisaged in emerging policy and that the proposal, as designed to accord with the provisions of the Main Modifications policy for H24 will ensure that the less than substantial harm is outweighed by public benefit. The proposal would not therefore be contrary to Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 or section 16 of the NPPF, or Policies ENV15 and ENV16 of the current Local Plan, or Policy NW12 of North Warwickshire Core Strategy. The proposal also accords with policy LP15 of the Draft Local Plan.

c) **Other Matters**

The Lead Local Flood Authority has concluded that there is a potential workable solution to the drainage of this site. A condition would require the submission of detailed schemes for land drainage and foul and surface water schemes.

The ash tree at the site frontage has been found to be suffering with fungal infection and its removal is justified. It will however be necessary to identify an appropriate replacement species and an appropriate location for its replacement. This should be at a position where the tree will make a similar contribution to the character and appearance of the Conservation Area. This requirement can be addressed by condition.

The Highway Authority offers no objection to the use of two access positions subject to conditions, including an improvement to pedestrian visibility. The increase in the number of dwellings from the previously approved scheme is not substantial – an additional 7 units. This will not have such a significant effect on the local road network that any highway safety concerns could be substantiated.

The owners/occupiers of Old Hall Farm, an adjacent listed building, have expressed concern that any works to the former cowsheds on their boundary would have a detrimental impact on their property given a difference of levels and the condition of the buildings. It would be appropriate to attach a condition requiring a full structural survey of the existing buildings and a full schedule of works for their re-use and/or conservation.

The applicant has provided a Draft Section 106 Agreement which makes provisions for biodiversity off-setting to the sum required by the Warwickshire County Council Ecologist; the provision of 9 affordable housing units (40% of the development in accord with policy requirements), a libraries contribution sought by Warwickshire County Council, the NHS Trust contribution and a contribution towards enhancement of local recreation and amenity/open space

d) The Final Balance

Though the scheme will result in less than significant harm to heritage assets, that harm can be minimised by good sympathetic design, as incorporated in the principles set out on the Zoning Plan, and as secured by good quality rural vernacular housing at reserved matters stage. The public benefit of securing market and affordable housing at a sustainable scale appropriate to this settlement, outweighs the less than significant harm to heritage assets and on balance the proposal may be supported.

Observations - PAP/2019/0567

A Tree Survey submitted with the application confirms that the tree is a large Ash located at the entrance to the site in the small garden area demarked by the boundary wall. The tree is at a higher level than the access drive and the wall serves to retain the garden area. A fruiting body of *Inonotus hispidus* was noted on the western side of the stem at 3m. There is dieback in the high crown of the tree and symptoms co-relating to Ash Dieback were noted. The author classifies the tree as a C classified tree within the BS5837 classification scheme because of its dieback and the fruiting body of *Inonotus hispidus* found on its stem. This fungus has the potential to denigrate the strength of the stem by causing a white rot, degrading both lignin and cellulose. The tree is not a sustainable feature of the site and its removal and replacement would ensure tree cover in the area for the future.

The applicant indicates that he anticipates the Authority would impose a condition on the planning application (ref. PAP/2017/0560) to ensure suitable replacement planting is made. It is considered that, as the Listed Building application could be implemented independently, a tree replacement condition should be attached to this application as well.

The change required to the boundary wall would propose a greater curve to the wall, which would considerably alter its appearance and dilute its form and alignment as a boundary feature which is historic to the setting of the Grade 2 listed farmhouse. However, it is evident that the alteration retains the wall in its linear form for the most part and it proposes a curve at its access point.

The immediate setting of Manor Farm house is relatively unaltered from views in and out of the Conservation Area and it continues to be experienced as a prominent historic house within its own grounds, fronted by the boundary wall. This wall contributes to the building's significance and is worthy of preservation.

In terms of the Conservation Area and the setting as a whole then boundary walls within the settlement of Newton Regis are important features along the street scene and have largely remained unaltered in their legibility as boundary features fronting important spaces and buildings along Main Road.

The NPPF advises that when considering the impact of a proposal on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.

The proposal equates to harm on the significance of the Heritage Asset as it would dilute the form and alignment of the historic wall in the historic context of the host listed building. On the scale of harm it is considered to equate less than substantial harm though on the higher end of the “spectrum”, rather than the lower end as suggested by the planning agent.

However the balancing exercise of harm can be attributed to the public benefit:

The public benefit that can be attributed to the proposal is that it will serve to resolve the highways objection in respect of the pedestrian visibility splay required to serve the site for 21 dwellings. Therefore when weighed in the planning balance there is clearly a public benefit of significant weight that would outweigh the harm on the Heritage Asset by providing a curve to the boundary wall at the access point.

Conditions

The recommendation below includes the use of pre-commencement condition(s) (this is a condition imposed on a grant of planning which must be complied with before any building or operation comprised in the development is begun or use is begun). The Town and Country Planning (Pre-commencement Conditions) Regulations 2018 provide that planning permission for the development of land may not be granted subject to a pre-commencement condition without the written agreement of the applicant to the terms of the condition. In this instance the applicant has indicated acceptance of the use of such conditions.

Recommendations

PAP/2017/0560

That subject to a S106 Agreement addressing the matters set out above, outline planning permission is **GRANTED** subject to conditions:

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

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

REASON

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

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

REASON

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

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

REASON

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

4. The development hereby approved shall not be carried out otherwise than in accordance with the plan 2255 - 01E Location Plan received by the Local Planning Authority on 19 November 2019.

REASON

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

5. The approval of reserved matters site layout shall adopt the following principles from the 2255 04I - Site Zoning Plan received by the Local Planning Authority on 19 November 2019.

- The retention of heritage buildings at the northern side of the development site marked deep purple.
- The replacement of a barn on its existing footprint such that the form of the traditional agricultural yard is retained.
- The retention and creation of long views out of the Conservation Area towards the rural landscape beyond.
- The creation of a significant separation space between the heritage buildings on Main Road and the former farm yards and the new built form.

REASON

In the interests of the protection and enhancement of heritage assets.

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

REASON

In the interests of the amenity of adjacent occupiers.

7. No works of site preparation, construction or demolition may be carried outside of the hours 08:00 to 18:00 during weekdays and 08:00 to 13:00 on Saturdays. There shall be no works of site preparation, construction or demolition at all on Sundays or Bank and Public Holidays.

REASON

In the interests of the amenity of adjacent and nearby occupiers.

8. No development, other than demolition, shall take place until a scheme for the provision of adequate water supplies and fire hydrants, necessary for fire-fighting purposes at the site, has been submitted to and approved in writing by the Local Planning Authority. The development shall not then be occupied until the scheme has been implemented to the satisfaction of the Local Planning Authority.

REASON

In the interests of public safety from fire, and the protection of emergency fire fighters.

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

REASON

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

10. Prior to the commencement of development a scheme for intrusive site investigation, based on the submitted Phase 1 Assessment shall be submitted to and approved in writing by the Local Planning Authority.

REASON

To ensure that risks from land contamination to the proposed end users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

11. Prior to the commencement of development the approved scheme of investigation shall be carried out in full and a report of findings shall be submitted to the Local Planning Authority for approval in writing.

REASON

To ensure that risks from land contamination to the proposed end users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

12. If any unacceptable contamination or adverse ground conditions are found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The report shall include a verification plan of how the remedial measures will be measured and proved.

REASON

To ensure that risks from land contamination to the proposed end users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

13. Prior to the commencement of development the approved remediation measures shall be implemented in full.

REASON

To ensure that risks from land contamination to the proposed end users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

14. Within three months of the completion of remediation a verification report shall be provided to the Local Planning Authority in order to identify how the remediation objectives were achieved compared with the verification plan.

REASON

To ensure that risks from land contamination to the proposed end users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

15. Prior to the submission of any Reserved Matters application: a) a Written Scheme of Investigation (WSI) for a programme of archaeological evaluative work, including trial trenching, across this site shall be submitted to and approved in writing by the Local Planning Authority. b) the programme of archaeological evaluative work and associated post-excavation analysis, report production and archive deposition detailed within the approved WSI is to be undertaken. A report detailing the results of this fieldwork is to be submitted to the planning authority. c) An Archaeological Mitigation Strategy document (including a Written Scheme of Investigation for any archaeological fieldwork proposed) shall be submitted to and approved in writing by the Local Planning Authority. This should detail a strategy to mitigate the archaeological impact of the proposed development. Dependent upon the results of the trial trenching, this may include further archaeological fieldwork and/or the preservation in situ of any archaeological deposits worthy of conservation.

REASON

In the interests of preserving and recording archaeological heritage assets.

16. The development, and any archaeological fieldwork post-excavation analysis, publication of results and archive deposition detailed in the Mitigation Strategy document, shall be undertaken in accordance with the approved Mitigation Strategy document.

REASON

In the interests of preserving and recording archaeological heritage assets.

17. The reserved matters shall include mitigation measures for the presence of protected species.

REASON

In the interests of preserving the biodiversity of the site and the protection of habitat and species.

18. No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, have been submitted and approved in writing by the Local Planning Authority in consultation with Warwickshire County Council (WCC). The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall:

- a. Infiltration testing, in accordance with BRE Digest 365 Soakaway Design guidance, to be completed and results submitted to demonstrate suitability (or otherwise) of the use of infiltration Sustainable Drainage Systems (SuDS)
- b. Demonstrate that the surface water drainage system(s) are designed in accordance with CIRIA C753 The SuDS Manual.
- c. Evidence that the discharge rate generated by all rainfall events up to and including the 100 year plus 40% (allowance for climate change) critical rain storm has been limited to the QBAR runoff rates for all return periods.
- d. Demonstrate detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details of any attenuation system, and outfall arrangements. Calculations should demonstrate the performance of the drainage system for a range of return periods and storms durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.
- e. If discharging to a drainage system maintained/operated by other authorities (Environment Agency, internal drainage board, highway authority, sewerage undertaker, or Canals and River Trust), evidence of consultation and the acceptability of any discharge to their system should be presented for consideration.
- f. Demonstrate the proposed allowance for exceedance flow and associated overland flow routing.
- g. Provide a Maintenance Plan to the Local Planning Authority giving details on how the entire surface water system shall be maintained and managed after completion for the life time of the development. The name of the party responsible, including contact name and details, for the maintenance of all features within the communal areas onsite (outside of individual plot boundaries) shall be provided to the Local Planning Authority.

REASON

To achieve sustainable drainage.

19. Access to the site from the public highway shall not be made other than at the positions identified on the approved drawings. No dwelling shall be occupied unless the existing public highway footway/verge crossings have been laid out and constructed in accordance with the heavy duty specification of the Highway Authority, and the footway/footpath extensions included within the accesses have been completed to the satisfaction of the planning authority.

REASON

In the interests of safety on the public highway.

20. Notwithstanding the plans submitted, no dwellings shall be occupied until delineation strips have been provided within the accesses to the site between the public highway and private areas. The accesses shall be surfaced with a bound surface for a distance of no less than 15.0 metres, as measured from the near edge of the public highway carriageway, and shall not be surfaced so as to create run-off onto the public highway. No gates shall be hung within the access so as to open within 15.0 metres of the near edge of the public highway carriageway.

REASON

In the interests of safety on the public highway.

21. No works shall commence until the visibility splays shown on Drawing No.210208-02 have been provided.

REASON

In the interests of safety on the public highway.

22. No gates shall be erected within the entrance to the site for vehicles so as to open to within 20.0 metres of the near edge of the public highway footway.

REASON

In the interests of safety on the public highway.

23. The development shall not be commenced until a turning area has been provided within the site so as to enable general site traffic and construction vehicles to leave and re-enter the public highway in a forward gear.

REASON

In the interests of safety on the public highway.

24. The development hereby permitted shall not commence or continue unless measures are in place to prevent/minimise the spread of extraneous material onto the public highway by the wheels of vehicles using the site and to clean the public highway of such material.

REASON

In the interests of safety on the public highway.

25. The number of dwellings accessed from each drop kerbed vehicular access shall not exceed the numbers shown on Drawing No. 2255 03N, and no circulatory route for vehicles between the western and eastern accesses shall be provided.

REASON

In the interests of safety on the public highway.

26. The landscaping reserved matters shall include the planting of a replacement tree for the ash tree in the Conservation Area. The approved tree shall be planted prior to the occupation of any dwelling hereby approved. If the tree fails to establish and any time in the subsequent 5 years it shall be replaced with an identical tree in the first available planting season.

REASON

In the interests of protecting the character and appearance of the Conservation Area.

27. Prior to the commencement of any development other than works of approved demolition a full structural survey and a full schedule of works for re-use and/or conservation of the existing former cowsheds on the boundary of the site adjoining Old Hall Farm shall be submitted to and approved in writing by the Local Planning Authority. The works shall then be carried out in full accord with the approved schedule.

REASON

In the interests of the preservation and conservation of heritage assets.

PAP/2019/0567

That Listed Building consent be **GRANTED** subject to the following conditions:

1. The development to which this permission relates must be begun not later than the expiration of three years from the date of this permission.

REASON

To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended by Section 51 of the Planning and Compulsory purchase Act 2004, and to prevent an accumulation of unimplemented consents.

2. The development hereby approved shall not be carried out otherwise than in accordance with the plans 2255_(10)_001_Existing Wall Plans, 2255_(24)001 – Existing Wall Elevations, 2255_(34)001_Proposed Wall Elevations and 2255_(90)001_Proposed Wall Plans received by the Local Planning Authority on 8 October 2019.

REASON

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

3. Within 3 months of the implementation of the approved works details of a replacement tree for the ash tree in the Conservation Area shall be submitted to and approved by the Local Planning Authority in writing. The approved tree shall then be planted prior within the next available planting season. If the tree fails to establish and any time in the subsequent 5 years it shall be replaced with an identical tree in the first available planting season.

REASON

In the interests of protecting the character and appearance of the Conservation Area.

4. Prior to the dismantling of the return of the wall then details of the mortar joint and mortar mix to be used in the replacement wall shall be submitted to and approved by the Local Planning Authority in writing. The approved details shall then be used.

REASON

In the interests of the preservation and conservation of heritage assets.

5. The existing bricks from the dismantled wall shall be re-used. Any shortfall shall be made up of bricks to match the existing. The approach to dismantling the wall shall be carried out using hand held tools.

REASON

In the interests of the preservation and conservation of heritage assets.

BACKGROUND PAPERS

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

Planning Application No: PAP/2017/0560

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	
2	NWBC Housing	Consultation Response	24 10 17 4 12 19
3	WCC Fire	Consultation Response	1 11 17
4	Lead Local Flood Authority	Consultation Response	1 11 17 7 3 19 26 3 19
5	Warks Police	Consultation Response	3 11 17 4 3 19 5 12 19
6	Planning Archaeologist, Warwickshire Museum	Consultation Response	8 11 17
7	Newton Regis Parish Council	Representation	17 11 17 4 3 19
8	Warwickshire County Council Highways Authority	Consultation Response	14 11 17 13 3 19 23 1 20
9	WCC Ecology	Consultation Response	15 3 19
10	George Elliot Trust	Consultation Response	18 12 19
11	WCC Infrastructure	Consultation Response	20 1 20
12	5 Various Local Residents	Representations	2 11 17 9 11 17 16 11 17 6 12 17 14 3 19

Planning Application No: PAP/2019/0567

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	
2	NWBC Tree Officer	Consultation Response	27 11 19
3	NWBC Heritage Officer	Consultation Response	19 2 20

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

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

(3) Application No: PAP/2019/0473

The Paddocks, Church Lane, Corley, Coventry, CV7 8AZ

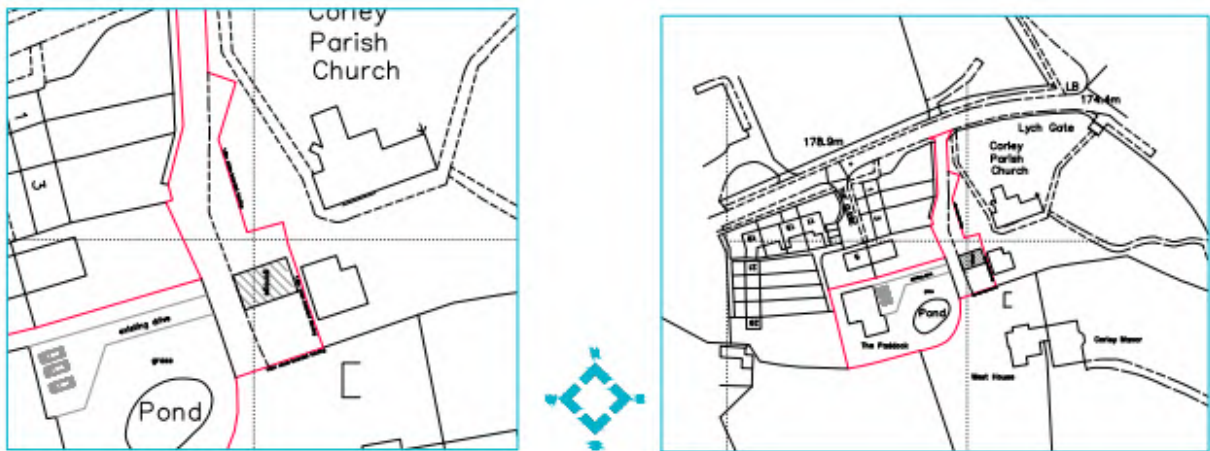
Garage, for

Mr Peter Veal

Introduction

This application is reported to the Planning and Development Board at the request of a local member concerned about the impact of the proposal.

The Site

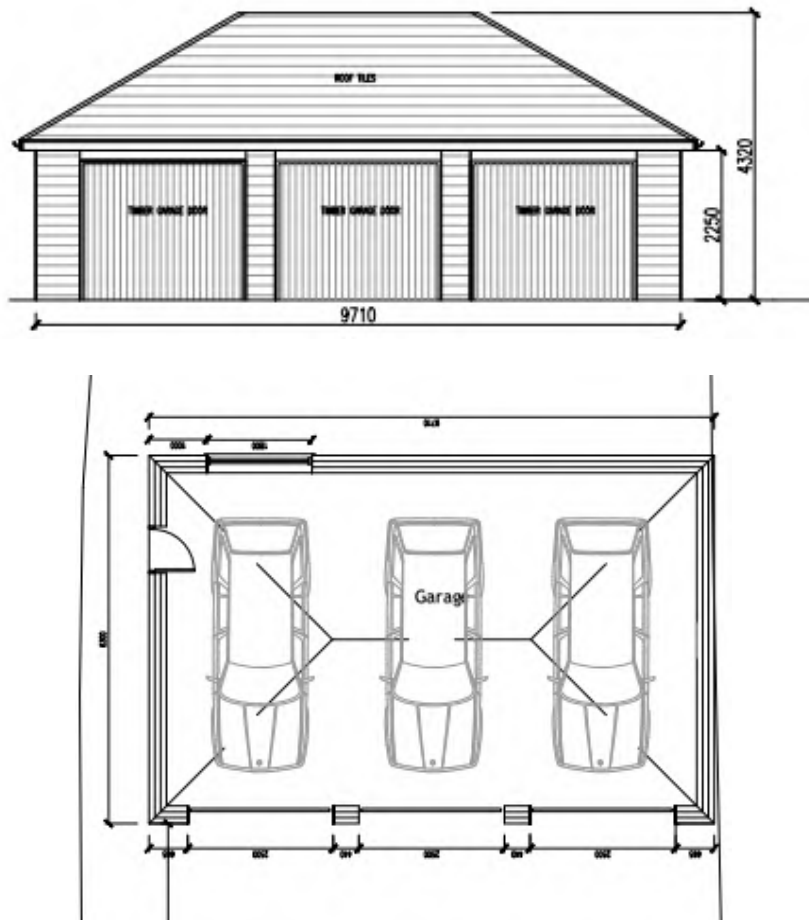


Proposed Block Plan and Site Location Plan

The application site is a detached 1980's single storey dwelling situated within the village of Corley, benefitting from a large curtilage that extends eastwards to the property's boundary with the Parish Church. It lies within the village's historic core, sited adjacent to the Grade 2 Star listed church and the Grade 2 listed Corley Manor House. The property falls inside the West Midlands Green Belt.

The Proposal

Planning permission is sought for the construction of a detached triple garage to the east of the site adjacent to the boundary with Corley Church and immediately to the east of a shared access road. The garage would sit at a 90 degree angle to the shared access and would be 9.71 metres wide, 6.3 metres deep and stand 4.32 metres tall to the apex of a hipped roof. Facing materials would consist of roof tiles, timber cladding and timber doors. It would be sited next to a Sunday school building in the church yard.



Proposed Front Elevation Plan and Floor plan

Background

Planning permission was refused last year (PAP/2018/0699) for the erection of a detached annex on the same area of the site.

Development Plan

The Core Strategy 2014 - NW1 (Sustainable Development); NW3 (Green Belt), NW10 (Development Considerations) and NW14 (Historic Environment)

Saved Policies of the North Warwickshire Local Plan 2006 - ENV12 (Urban Design); ENV13 (Building Design), ENV14 (Access Design), TPT1 (Transport Considerations in New Development) and TPT6 (Vehicle Parking)

Other Relevant Material Considerations

The National Planning Policy Framework 2019 - (the 'NPPF')

The North Warwickshire Local Plan Submission Version, March 2018 – LP1 (Sustainable Development); LP3 (Green Belt), LP 15 (Historic Environment), LP31 (Development Considerations) and LP32 (Built Form)

Planning (Listed Building and Conservation Areas) Act 1990

Consultations

Warwickshire County Council (Highways) - No objection subject to conditions.

Representations

Corley Parish Council objects for the following reasons:

- This construction is unacceptable in this location
- The scale is not acceptable nor in keeping with the surroundings
- Concern is raised that garage will become a property in the future

Observations

a) Green Belt

The site lies within the Green Belt. The NPPF defines appropriate forms of development in the Green Belt. The construction of new buildings is not included in this definition, but in this case the construction could satisfy one of the exceptions outlined in that definition. This is where the construction is considered to be “limited infilling in villages”.

In this case it is considered that it would meet this exception. Corley is recognised as a settlement within the settlement hierarchy as set out in the Development Plan and the application site itself is within a built up area where there is a variety of different surrounding built forms. The residential curtilage is not to be extended and there are fall-back situations here where incidental outbuildings could be built under permitted development rights. Looking at other Green Belt characteristics then there is unlikely to be an adverse impact on openness given the surrounding development; the tree cover and the lack of public visibility. The development would also not conflict with the five purposes of including land within the Green Belt.

As a consequence it is concluded that the proposal is appropriate development in the Green Belt.

b) Historic Environment

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory obligation on local authorities to have special regard to the desirability of ‘*preserving the building or its setting or any features of special architectural or historic interest which it possesses*’. Core Strategy policy NW14 reflects this and seeks to protect and enhance heritage assets commensurate to their significance. The garage is considered to be sited within the setting of the listed church.

The heritage significance of the church is a product of its architectural appearance and historic association with the community of the parish, forming an important building at the nucleus of the village. It is considered that owing to the single storey nature and form of the building, the development would not adversely harm the church’s setting beyond how the Sunday school arrangement has been carried out. It is considered that

the setting of the church would be preserved and thus protected. Consequently the development would accord with policy NW14; the NPPF and the statutory requirement as no harm would be caused.

Corley Manor lies further to the east and its significance is that it represents a retained building of architectural and historic interest in the evolution of the settlement. The proposal would have no direct impact on the Manor itself only its setting. However the proposal is some distance away and would not impinge visually on the curtilage of the Manor given surrounding development. As for the Church, it is not considered that any harm would be caused.

c) Design

No objection is offered from a design perspective. As indicated within preceding sections of this report, the single storey height of the building ensures that the garage would not form a dominant feature nor detract from the appearance and significance of other buildings in the vicinity. Facing materials would be conditioned to be provided prior to construction given the sensitivity of the site, ensuring that a harmonious facing appearance is achieved. However those proposed now are in keeping.

d) Highway Safety

Saved policy TPT1 states that development is only permissible in situations whereby there is sufficient capacity within the highway network to accommodate the traffic generated and the development would not be hazardous to traffic safety and visibility.

Visibility onto Church Lane is very restricted and therefore an independent use and resultant intensification of the access is not deemed to be acceptable here. Following negotiations and revised plans, the highways authority has removed their objection subject to the inclusion of a condition limiting use of the garage. This is a normal approach in circumstances such as this and would ensure that the development accords with Development Plan policy.

e) Fall-back position

In this case, the site is within a residential curtilage and thus there is a fall-back position which can be weighed against the impacts of a scheme. In these particular circumstances a garage of very similar proportions could be erected to the south of the dwellinghouse without the need for a planning application. The difference in terms of Green Belt and visual impacts would be negligible.

f) Other Matters

Members are aware that “speculation” about future uses of a building is not a planning consideration and no weight should be attached to this matter.

Recommendation

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

1. The development to which this permission relates must be begun not later than the expiration of three years from the date of this permission.

REASON

To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and to prevent an accumulation of unimplemented planning permissions.

2. The development hereby approved shall not be carried out otherwise than in accordance with the drawing numbered 3779-01F, received by the Local Planning Authority on 17 January 2020.

REASON

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

3. No development shall commence until details of the facing materials have been submitted to and approved by the local planning authority. The approved materials shall then be used and maintained thereafter.

REASON

In the interests of the character and appearance of the area and the building concerned.

4. No development shall commence until a landscaping scheme has been submitted to and approved by the Local Planning Authority. All planting, seeding or turfing comprised in the approved scheme shall be carried out in the first planting and seeding seasons following the first use of the garage or the completion of the development, whichever is the sooner; and any plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species and thereafter retained for at least the same period, unless the Local Planning Authority gives written consent to any variation.

REASON

In the interests of the character and appearance of the area

5. No laying of services, creation of hard surfaces or erection of a building shall commence until a scheme for the drainage of surface water from the site has been submitted to and approved in writing by the Local Planning Authority.

REASON

In the interests minimising the likelihood of flooding incidents and damage to the environment, property or life

6. The garage hereby permitted shall not be converted or used for any purpose other than as a domestic garage for the dwelling known as The Paddocks, Church Lane, Corley as such.

REASON

In the interests of highway safety and to prevent unauthorised use of the building hereby approved.

7. No development whatsoever within Class E of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification), shall commence on site without details first having been submitted to and approved by the Local Planning Authority, in writing.

REASON

In recognition of the very special circumstances warranting the approval of planning permission and to control future development in the interests of the openness of the Green Belt

BACKGROUND PAPERS

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

Planning Application No: PAP/2019/0473

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	14/08/2019
2	Corley Parish Council	Objection	18/11/2019
3	Warwickshire County Council Highways	No Objection	02/01/2020

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

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

(4) Application No: PAP/2019/0498

Polesworth High School, Dordon Road, Polesworth, Warwickshire, B78 1QT

Demolition of five existing school buildings, erection of replacement teaching block, associated landscaping and provision of a Multi Use Games Area, for

G F Tomlinson Building Ltd

Introduction

This application was reported to the February Board meeting but determination was deferred so that Members could visit the site and to await the outcome of ongoing discussions between the School and Community groups who presently use the buildings proposed to be demolished.

For convenience the previous report is attached at Appendix A.

The visit has been arranged after the time by which this report had to be circulated. A Supplementary Report will thus be forwarded to Members before the Board meeting. It will provide a note of the visit as well as an update on the discussions between the School and the community group.

Recommendation

That the report be noted and a supplementary report be circulated as advised.

General Development Applications

(1) Application No: PAP/2019/0498

Polesworth High School, Dordon Road, Polesworth, Warwickshire, B78 1QT

Demolition of five existing school buildings, erection of replacement teaching block, associated landscaping and provision of a Multi Use Games Area, for

G F Tomlinson Building Ltd

Introduction

The application is reported to the Board as the recommendation is contrary to the consultation response of Sport England thus resulting in the referral of the case to the Secretary of State should it be agreed, under the 2009 Direction.

The Site

The School is located on the west side of Dordon Road with a frontage to that road and also set back behind it. In total the site amounts to just over 12 hectares in area, most of which is playing fields extending well to the south.

The existing range of school buildings is concentrated at the northern end of the site with a frontage to the Dordon Road. These comprise a mix of single, two and three storey heights with a wide range of building dates and thus appearances – ranging from the Victorian ones along that frontage through to the mid-20th century with the most recent dating from 2011.

The overall site is illustrated at Appendix A.

The Proposals

The proposals brought to the Board in this report are amendments to those originally submitted. However the overall proposal is still to demolish five of the existing buildings and to replace them with one new purpose built classroom block in the same location as originally proposed.

The five to be demolished are at three different locations on site and have all been audited by the DfE and shown to be in such a poor physical condition that there is no case for repair or refurbishment. They are also not appropriate for modern day education accommodation being of temporary construction. The proposal is thus part of the DfE's Schools Investment programme to address urgent requirements. The new block would be a three storey building located at the far western end of the campus next to a similar building – the one dating from 2011 referred to above. It would house areas specifically for the teaching of science together with design and technology. It would be constructed in red brickwork with grey render and green coloured panels. The areas arising from the demolitions will now all be used for extra parking and as amenity space.

The original submission included the re-use of one of the sites where buildings are to be demolished as a small flood lit Multi Use Games Area (MUGA) to be used both during and after school hours. This has been removed from the latest plans. It is now proposed to enhance the existing larger MUGA in the north-west of the campus. This presently is

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marked out for tennis and netball courts. The enhancements include providing a new porous macadam surface; replacing the existing fencing with a new three metre high weld mesh perimeter fence, adding flood lighting and entering into a community use agreement for the facility.

The gross internal floor area to be demolished is 2056 square metres and the new block would be 2475 (but with a footprint of 825 square metres).

There would be no increase in pupil or staff numbers.

The location of the buildings to be demolished is at Appendix B. The location of the new building is at Appendix C. Its appearance is at Appendix D. The enhancements to the existing MUGA are at Appendix E.

The application is accompanied by a number of supporting documents.

A Ground Conditions report recommends that conventional foundations would be appropriate but that they should incorporate measures to reduce gas emissions into the building.

The Arboricultural report indicates the removal of a small number of trees as a consequence of the demolitions, but with new planting in the vicinity of the new building.

An Ecology report recommends good practice in respect of mitigation measures to protect retained features and that survey work did not reveal the presence of bats.

The Flood Risk Assessment concludes that the surface water is not considered to be a significant flood risk here and that foul water discharge is unlikely to be any greater than at present. Sustainable drainage systems can be employed to drain the site.

The Planning Statement together with its Addendum covering the amendment draws the submission together in a full planning policy context.

Consultations

Warwickshire County Council as Lead Local Flood Authority – It has submitted a “holding objection” because it requires more detail.

Warwickshire County Council as Highway Authority – It had concerns about the potential for increased traffic generation, but following confirmation that the development would not increase staff or pupil numbers, there is no objection subject to conditions.

Environmental Health Officer – No objection subject to standard conditions.

Sport England – It objected to the original proposal on the grounds that there would be a loss of part of an existing playing field particularly in reducing the opportunity to upgrade that pitch with new drainage measures; reducing the ability to rotate and re-position it together with other existing pitches and because the proposed MUGA by way of mitigation for the loss of playing field was not seen as appropriate due to its size which would limit the range of possible activities. It still retains its objection as a consequence of the amended proposal. This is because the location of the new classroom remains unchanged. However it does recognise the opportunity provided for extended community use of the enhanced MUGA and that provision is far more in line

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with local needs than the original proposal. As such it has indicated that if the Council considers that the overall benefits of the proposal outweigh the objection, it would support a condition requiring community use of the new enhanced MUGA.

Director of Leisure and Community Development – There was an objection too to the original proposals as the small MUGA would not meet recognised community needs. The amended proposal however is welcomed as it would allow an opportunity to use the enhanced area for recognised needs and extended opportunities for community use of the facility is an added benefit. This amended proposal is supported.

Representations

Polesworth Parish Council – It objects as it says that two of the buildings to be demolished are presently are used for community use and no alternative accommodation has been offered.

Five objections were received at the time of the original submission, with three of these directed at the new multi-use games area (MUGA) proposed on the site of one of the buildings to be demolished. These were amenity concerns because of the potential for adverse noise and light pollution immediately at the rear of existing rear gardens backing onto that part of the site. The distance of the new pitch from rear elevations would have been around 30 metres at its closest. A further objection repeats the matter raised by the Parish Council and the fifth objection was concerned that there was no additional car parking proposed. Following the removal of the new MUGA from the application and the alternative of enhancement to an existing playing field, there have been no objections received. However there is concern about the introduction of car parking in lieu of the original MUGA because of potential disturbance.

So representations received relevant to the plans to be determined relate to:

- The loss of community use of the buildings to be demolished
- The disturbance arising from a new car park and
- the lack of any additional car parking on site

Development Plan

The North Warwickshire Core Strategy 2014 – NW1 (Sustainable Development); NW2 (Settlement Hierarchy), NW10 (Development Considerations), NW12 (Quality of Development) and NW19 (Polesworth and Dordon)
Saved Policies of the North Warwickshire Local Plan 2006 – ENV12 (Urban Design) and ENV13 (Building Design)

Other Material Planning Considerations

The National Planning Policy Framework

Playing Fields Policy and Guidance – Sport England 2018

The Submitted Local Plan 2018 – LP1 (Sustainable Development); LP2 (Settlement Hierarchy), LP5 (Meaningful Gap), LP31 (Development Considerations) and LP32 (Built Form)

Observations

a) Introduction

There is no objection in principle to the general approach taken here in order to replace inappropriate and inadequate education accommodation with a better equipped and more sustainable building. There are however two significant issues which will impact on the final outcome of this report. The first relates to the actual site of the new building as it is outside of Dordon's settlement boundary and thus in the Meaningful Gap as described in the Core Strategy and the emerging Local Plan. The second is to consider the objection from Sport England.

b) The Meaningful Gap

Policy NW2 of the Core Strategy states that new development will be permitted within or adjacent to the development boundary of Polesworth with Dordon. This is the case here with the site of the new building being adjacent to that boundary – see Appendix B. However this means that the site is inside the Meaningful Gap. Members will be aware that Policy NW19 of the Core Strategy draws attention for the need to retain the separate identities of Polesworth and Dordon by retaining a meaningful gap between them and the edge of Tamworth to the west. As defined by Policy NW2 the site of the new building is outside of the settlement boundary of Dordon and thus in that Gap. The boundary runs at the rear of the range of buildings on the school site, but the recent 2011 building referred to above, is outside of that boundary and is thus already in the Gap - see Appendix B. The Submitted Regulation 19 Local Plan set out to define this Gap more explicitly and Policy LP5 does so. The new building remains in the Gap under that policy.

Full weight should not be given to Policy LP5 as the extent of the Gap was the subject of representations at the recent Examination in Public and there are no Modifications published at this time. However it is clear that the site is located between Polesworth and Tamworth and thus the impact of Policy NW19 carries full weight as it is in the adopted Development Plan. This Policy asks for the separate identities of Polesworth, Dordon and Tamworth to be respected. The proposal therefore has to be assessed against that criterion alone.

It is not considered that this criterion is materially affected for the following three reasons.

Firstly, there is already built school development outside of the boundary in the immediate vicinity of the application building. Certainly this would extend that development but it would run parallel with the boundary and visually and spatially it would be read as part of the school's existing campus. It is not a new isolated structure. It could be seen as an extension to existing buildings.

Secondly, the criterion is explicit in its reference to the identity of the named settlements. It is not a blanket refusal for all new development. The conclusion from above strongly points to the building works not changing the identity of any of the named settlements. It can be absorbed visually and spatially within the current identity of Polesworth and Dordon and certainly doesn't impact on Tamworth.

Thirdly, a range of alternative locations does not exist. The sites vacated by the temporary buildings are themselves of insufficient size to accommodate replacement education space expected at the present time. Providing an additional classroom on each site is also inefficient and will require time to transfer staff and pupils. Moreover any construction work on two or three sites within the main campus would have health and safety as well as logistical issues. Different locations for a new block were also explored – one much further to the north and having two smaller buildings – one on the present site and one to the north. These were rejected because of significant ground level changes to the north; greater impact on the meaningful gap criterion, achieving access for construction and logistical issues of retaining a working school with after-hours community use. Given all of these matters, it is agreed with the applicant that in this case, the proposal does represent the most reasonable solution.

It is in all of these circumstances therefore, that it is not considered that there is a breach of policy NW19.

c) Sport England

The objection here stems from the loss of playing field space. It is not actually part of a pitch but it is still classed as “playing field” by Sport England. Members can see from the plans that this is a small area and it essentially acts as a “buffer” area around the closest pitch. However it still is a “loss”. Its loss also as referred to above, may restrict opportunities to reposition and upgrade the larger area covered by all the playing fields in overall terms. The original proposal included a new small MUGA by way of compensation as is required by the NPPF. However this too drew an objection from Sport England as it was seen as being too small to cater for a range of sporting activities, including those which the Council’s own Playing Pitch Strategy identifies as being deficient in Polesworth and Dordon. It was not therefore an “appropriate” replacement.

In order to overcome these concerns, the School reviewed the proposed inclusion of the MUGA and now instead, proposes enhancements to an existing MUGA to the north of the site. These were described above and would enable the introduction of community use for a wider range of sporting activity – particularly to meet an identified deficiency in the Council’s Playing Pitch Strategy – namely an Under 11 football facility. Sport England as seen from above, still maintains its objection in principle, but suggests that if the Council consider that the benefits of the overall proposal are of such weight so as to support that proposal, then a condition ensuring community use would be the way forward. This approach is welcomed by appropriate officers of the Council. This position will therefore need to be addressed when the Board assesses the final planning balance.

d) Other Matters

It can be seen from the consultation section above that provided the Lead Local Flood Authority is satisfied there are no technical objections to the revised scheme subject to standard planning conditions. In respect of the Highway Authority’s concerns then there would be no increased traffic generated during school hours. However if there is support for the community use of the enhanced MUGA then there would be. However this would be outside of normal school and peak hour traffic flows. It is not considered that this would not have an adverse impact.

As can be seen there were objections received from local residents whose properties backed onto the site of the originally proposed new MUGA. That issue has now been removed. There have been no objections received from other residents in Birchmoor Road who would be close to the site of the new proposed enhancements. The distance between those enhancements and the rear elevations of property in Birchmoor Road is around 80 metres. However the use of the former MUGA as a car parking area could cause some disturbance and thus if the overall proposal is to be supported than conditions can be attached so as require no site lighting and that boundary treatments are agreed prior to use. With this in mind, on balance it is considered that the additional parking would be a benefit to both school and community use.

The other issue was that the loss of the buildings would also result in their loss to the community. They are actively used after school hours. The applicant has responded by confirming that the School would "honour" the continued use of its site for these activities, but clearly in alternative accommodation. This is very welcome and can be resolved through planning condition.

e) The Planning Balance

The Board has to assess the balance between all of these issues. It can be seen above that there is little in the way of adverse demonstrable harm arising from the proposals as a consequence of highway, drainage, arboricultural, environmental or residential amenity impacts. The use of planning conditions can assist here. There to, is no identified material harm to the overriding spatial planning policy here – that of NW19 of the Core Strategy. There are also sporting/community benefits through the upgrading of the existing MUGA for both the school and for the wider community that accord with the Council's Playing Pitch Strategy as is fully supported by the Council's Director of Leisure. Against these matters is the genuine objection of Sport England that whilst recognising the benefits above, the proposed location of the new building prejudices the future re-organisation of the existing playing fields as a whole for wider school and community use, as well as physically reducing open space around the perimeter of one playing area.

The Board is asked to refer back to the original reason for this application – namely the immediate need to replace "unfit" classroom space. That has been recognised by the DfE and the works now proposed are included within a funding regime. The alternative would be to replace the temporary classrooms with new temporary buildings. The Board has always sought permanent solutions where-ever possible and in this case it is considered that the education requirement and the accompanying community benefit outweigh the harm identified by Sport England. This is because there would be an additional community benefit arising here which meets the Council's objectives; the timing of any re-organisation of the existing playing field provision is unknown and un-costed and those improvements would need to be accompanied by similar unknown works to the standard of the ancillary accommodation – for both pupils and for the community as a whole - and the actual loss of playing field area and space is small, with Sport England not saying that it would prevent or restrict use of the nearest pitch. If the Board agrees, then as indicated in the introduction, the case would have to be referred to the Secretary of State as a "playing field development" under the 2009 Direction to see if he wishes to call-in the application for his own determination. The Board can refuse planning permission without the need for referral.

Recommendation

That subject to there being no objection from the Lead Local Flood Authority that cannot be overcome by conditions, the Council is minded to support the application subject to the conditions set out below and that as a consequence, the case is referred to the Secretary of State under the 2009 Direction, to see if he wishes to call the application in for his own determination. If this is not the case then planning permission be granted subject to the conditions.

Standard Conditions

1. Standard Three year Condition
2. Standard Plan numbers condition – TPS/BBA/00/XX/DR/A/1001/PO3; 1003/PO2, TPS/DHL/ZO/Z0/DR/L/0101/PO4, 0009/PO3, 0008/PO3, 0007/PO6, 0001/PO5, 0104/PO3, TPS/BBA/00/ZZ/DR/A/3001/PO3, TPS/BSP/ZZ/ZZ/DR/C/0260/PO3, 0240/PO4.

Defining Conditions

3. Within twelve months of the Local Planning Authority's written approval of the satisfactory completion of the enhancements to the Multi Use Games Area hereby approved, the enhanced Area shall be made available for after school hours community use as set out within an Agreement that shall be first agreed in writing by the Local Planning Authority. That Agreement shall describe the facilities to be so used; hours of use, access by non-educational users, management responsibilities and a mechanism for review. The terms of that Agreement shall be adhered to at all times.

REASON

In order to enhance community use of the new facility in line with the Local Planning Authority's Recreation and Community facility objectives.

4. Community uses and activities presently using the buildings to be demolished shall continue on the school campus under the terms set out in condition (13) below

REASON

In order to retain community uses and benefits on site.

Pre-Commencement Conditions

5. 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. This plan shall include details of:
 - a) Details of the phasing of the whole development including demolitions and any temporary access provisions/arrangements

- b) Details of the routing of construction traffic including escorts for abnormal loads and the management of junctions to and crossings of the public highway
- c) Hours of Construction Work
- d) Hours of delivery of goods and materials
- e) Details of the location of on-site compounds including provision for the turning of HG vehicles and parking arrangements
- f) Wheel washing measures
- g) Measures to control the emission of dust
- h) Noise control measures
- i) Site lighting details
- j) Details of the contact for any local concerns with construction activities on the site

The development shall only proceed in accordance with the approved Plan which shall be adhered to at all times.

REASON

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

- 6. No development shall commence on site until a preliminary assessment for contaminated land has been undertaken and this has been submitted to the Local Planning Authority. If this identifies potential contamination, a further detailed investigation shall be carried out and details of remediation measures shall be proposed. The development shall only proceed following the written approval of the Local Planning Authority.

REASON

In the interests of reducing the risk of pollution.

- 7. In the event that contamination is found whilst carrying out development that was not previously identified under condition (4) it must be reported in writing to the Local Planning Authority immediately. An investigation and risk assessment shall also be undertaken and where remediation is necessary, a remediation strategy must be prepared and development may then only proceed in accordance with the approved strategy.

REASON

In the interests of reducing the risk of pollution

8. No development shall commence on site until a detailed surface water drainage scheme for the site based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented only in accordance with the approved measures.

REASON

In the interests of reducing the risk of flooding.

9. No development shall commence on site until full details of all of the facing materials to be used in the construction of the new building have first been approved in writing by the Local Planning Authority. Only the approved materials shall then be used on site.

REASON

In the interests of the visual amenities of the area.

10. No development shall commence on site until full details of all the new landscaping to be provided on site have first been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall then be carried out on site.

REASON

In the interests of the visual amenities of the area.

11. No development shall commence on site until such time as full specifications of the treatments to be implemented on the areas of the buildings hereby approved for demolition, have first been agreed in writing by the Local Planning Authority. These shall include details of surfacing materials and boundary treatments. For the avoidance of doubt there shall be no lighting installed in or on these areas.

Only the approved specifications shall then be implemented on site.

REASON

In the interests of the visual amenities of the area.

12. No development shall commence on the enhancements to the Multi Use Games Area hereby approved, until such time as full details of the lighting to be installed together with an assessment of its impact on the residential amenity of neighbouring occupiers, have first been submitted to and approved in writing by the Local Planning Authority. The use of the Area shall only commence after the installation of the approved details.

REASON

In the interests of the residential amenity of neighbouring occupiers.

13. No development shall commence on site until such time as full details of the alternative accommodation to be provided on the existing school campus, for the non-school community uses and activities that currently use the buildings to be demolished, have first been submitted to and approved in writing by the Local Planning Authority. Those details shall include the dates on which such alternative accommodation is available for such use.

REASON

In the interests of maintaining full community use of the buildings to be demolished both during and after demolition.

14. No development shall commence on site until a Green Travel Plan to promote sustainable transport choices to the site has first been submitted to and approved in writing by the Local Planning Authority. The measures shall include the setting of targets for the proportion of employees travelling to and from the site by foot, cycle, public transport, shared vehicles and other modes of transport; the method of monitoring and review of these targets and the identification of a person who has responsibility for the plan and its monitoring. The approved Plan shall be adhered to at all times and will come into effect upon occupation of the school block hereby approved.

REASON

In the interests of promoting sustainable transport.

Pre-Occupation Conditions

15. Where remediation works have been carried out in pursuance of conditions (6) and (7) a post remediation verification report shall be submitted in writing to the Local Planning Authority. There shall be no occupation of the building hereby approved for education purposes until such time as the written approval of that Verification Report has been made by the Local Planning Authority

REASON

In the interests of reducing the risk of pollution.

16. There shall be no occupation of the building hereby approved for education purposes until a detailed maintenance plan, which has first been agreed in writing by the Local Planning Authority, has been put in place to show how the surface water systems approved under condition (8) are to be maintained and managed in perpetuity.

REASON

In the interests of reducing the risk of flooding.

17. There shall be no occupation of the building hereby approved for education purposes until such time as the enhancements to the existing multi use games area hereby approved, have been fully completed to the written satisfaction of the Local Planning Authority.

REASON

In order to ensure timely delivery of the multi-use games area in recognition of its importance to the grant of this planning permission.

BACKGROUND PAPERS

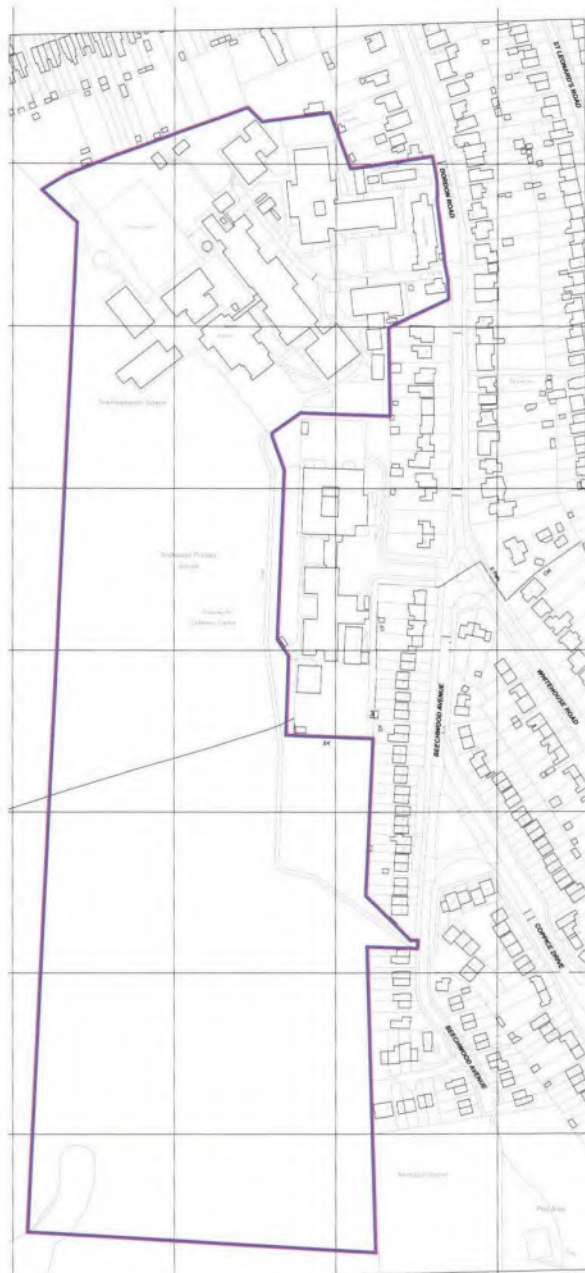
Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Planning Application No: PAP/2019/0498

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	30/8/19
2	Resident	Objection	11/9/19
3	Resident	Objection	12/9/19
4	Resident	Objection	21/9/19
5	Resident	Objection	26/9/19
6	Resident	Objection	2/10/19
7	Resident	Objection	7/10/19
8	Polesworth Parish Council	Objection	14/10/19
9	Resident	Representation	23/10/19
10	Sport England	Consultation	30/9/19
11	WCC Flooding	Consultation	22/10/19
12	Environmental Health Officer	Consultation	21/10/19
13	WCC Highways	Objection	24/10/19
14	Applicant	E-mail	19/12/19
15	Sport England	Consultation	15/1/20
16	WCC Highways	Consultation	15/1/20
17	Environmental Health Officer	Consultation	15/1/20
18	WCC Flooding	Consultation	14/1/20
19	NWBC Director L and Cd	Consultation	21/1/20

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

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



APPENDIX A

PAP2018048

— POLYLINE BOUNDARY
— BLUE LINE BOUNDARY



P03 Planning Submission	28 JUN 2018 13:28:13
P02 Revisions Update	28 JUN 2018 13:28:13
P01 Plan Issue	28 JUN 2018 17:26:13
Job Description	Urban Planning Data

B SOND BRYAN

The Church Bells, Springvale Road, Stratford, CV3 5LP
 +44(0)121 288 2888 www.sondbryan.com
 sales@sondbryan.com

The Polesworth School
 Polesworth
 Bramcote Building

OF Tomlinson

SITE LOCATION PLAN

Document No	00101	Project Name	Urban Planning Data
Scale	1:5,000	Sheet No	41

TPS - BBA - 00 - XX - DR - A - 1001

S2 SUITABLE FOR INFORMATION

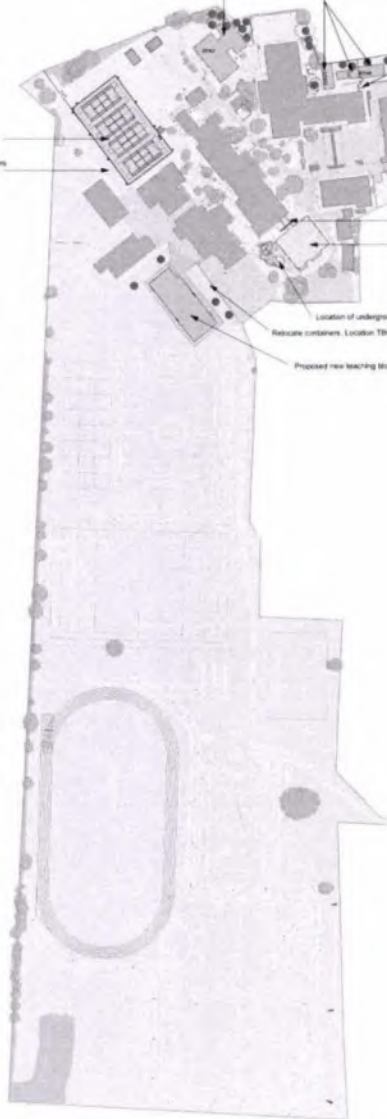
P03 PRELIMINARY

The document is the property of Sond Bryan. It is not to be used for any other purpose without the written consent of Sond Bryan. It is not to be used for any other purpose without the written consent of Sond Bryan. It is not to be used for any other purpose without the written consent of Sond Bryan.



APPENDIX C

- Demolish building EFAD (dashed line), level ground, top soil and grass seed.
- Demolish 2 buildings (dotted line), level ground, top soil and grass seed.
- Adjust fence lines / gates to boundary.
- Existing MUGA/surround with porous macadam. Provide new 3.0m high white mesh fence. Please lighting to suit to engineers layout and specification.
- Make good situation and provide draft lobby.
- Demolish building (dotted dashed line) and remove all walls / floor slab. Repgrade to match surrounding levels. Resurface with grass.
- Location of underground alteration link.
- Relocate containers, Location TBC by school.
- Proposed new teaching block.



- Proposed tree planting
- Existing tree planting retained
- Existing trees to be removed



File 101216 Location of alteration link (over)
 File 101216 Report complete for MUGA provision

DHLA	
Client	G F Tunsterson
Project	The Palmsworth School
Site	Site: Malmesbury
Drawing No.	TPS-DHL-20-20-DR-L-0101
Rev	PD4 Issue S2 Date December 19 Issue 1 1000 @ 41



APPENDIX D



MATERIAL KEY:

[Dark Brown Swatch]	BRICK TO BASE
[White Swatch]	FAÇADE CLADDING
[Light Green Swatch]	GLASS CURTAIN WALL
[Light Grey Swatch]	GLASS CURTAIN WALL
[Light Green Swatch]	GLASS CURTAIN WALL
[Light Grey Swatch]	GLASS CURTAIN WALL
[Light Green Swatch]	GLASS CURTAIN WALL
[Light Grey Swatch]	GLASS CURTAIN WALL
[Light Green Swatch]	GLASS CURTAIN WALL
[Light Grey Swatch]	GLASS CURTAIN WALL

PROJECT NUMBER	100	DATE	2018-11-15
CLIENT	THE COLLEGE OF WESTMINSTER	PROJECT NAME	BRINSFORD BUILDING
ARCHITECT	BORD KRYAN	SCALE	1:100

B BORD KRYAN

100% ARCHITECTS LIMITED 100% STREET, LONDON, W1P 0LP
 020 7582 1000 | www.bordkryan.com

The Polworth School
 Polworth
 Brinsford Building

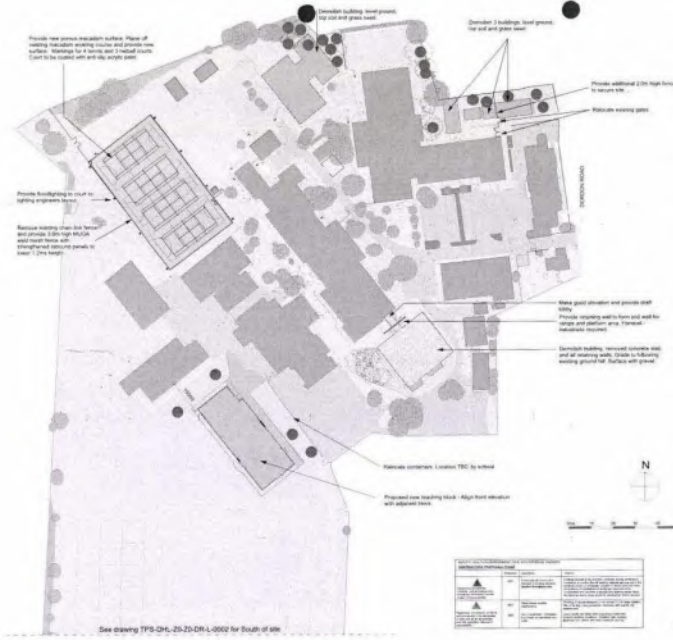
GA ELEVATIONS SHEET 1

DATE	2018-11-15
SCALE	1:100
PROJECT NUMBER	100
CLIENT	THE COLLEGE OF WESTMINSTER
ARCHITECT	BORD KRYAN

100% ARCHITECTS LIMITED

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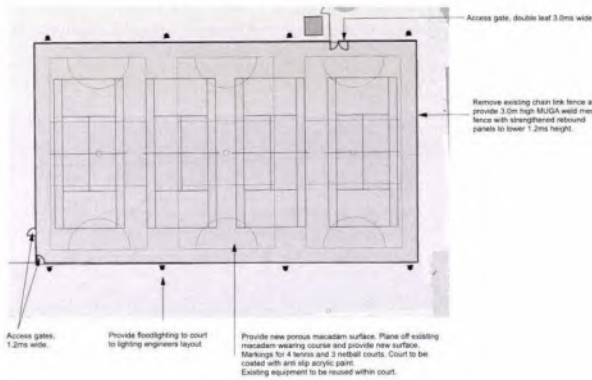
APPENDIX E



- SURFACES:** See specification 010 and 020, and engineer drawings and specifications for macadam surfacing.
- Proposed macadam footings to remain.
 - Proposed macadam footings to show increased by 50mm to engineer specification.
 - Proposed macadam porous sports surface to remain.
 - Existing macadam surface retained.
- FENCES:** See drawing TPS-DHL-20-ZD-DRL-0100 Tennis. General arrangement and identification 000.
- Existing fence retained.
 - 3.0m high welded mesh sports court fence with strengthened rebound panels to meet 1.2m height. (T1)
 - Existing chain link fence retained.
 - Proposed 2.0m high mesh fence. G2010.4.3.01.
- PLANTING:** See drawing TPS-DHL-20-ZD-DRL-0100 'Planting Plan' and specification 020.
- Proposed tree planting, 4.5m H-Rose palm, 3.0-4.5m height, redwood. (Tee plant)
 - Existing tree planting retained.
 - Existing trees to be removed.
 - Existing green screen retained.
 - Proposed grass.

DHLA

Client: G F Tomlinson
Project: The Polesworth School
Dept: MUGA works
Drawing No: TPS-DHL-20-ZD-DRL-0104
Rev: P03 Issue: SZ Date: December 19 Issue 1: 199 @ AJZ



SCOPE OF WORKS TO EXISTING MUGA COURT.
Plane off existing macadam wearing course and provide new porous macadam surface.
Apply anti-slip acrylic coating - colour to be similar to existing.
Size of court and the finished levels to the court will remain as existing.
Provide new welded mesh sports court fencing 3m high. Green colour.
Provide footlighting to engineers layout and specification.



DHLA

Client: G F Tomlinson
Project: The Polesworth School
Dept: MUGA works
Drawing No: TPS-DHL-20-ZD-DRL-0104
Rev: P03 Issue: SZ Date: December 19 Issue 1: 199 @ AJZ

(5) Application No: PAP/2019/0529

Wishing Well Farm, Breach Oak Lane, Fillongley, CV7 8AW

Change of use of land from agricultural to residential caravan site for two gypsy families, each with two caravans including no more than one static caravan/mobile home, for

Mr Mason and Mr Newbury

The Site

The red line area is 0.19 hectares and is immediately south of Breach Oak Lane just to the east of its junction with Square Lane. The surrounding area is rural in character with dispersed residential properties as well as agricultural yards and buildings. Immediately to the east is collection of farm and equestrian buildings. The lanes here are narrow single carriageway roads with high banks, hedgerows and bends. There is a strong high hedgerow along the northern boundary and a smaller hedge along its eastern side behind a wooden fence. The other two boundaries are fenced. The land slopes to the south from Breach Oak Lane. The M6 Motorway is about a kilometre to the south too.

The site is accessed off Breach Oak Lane through some metal gates at its western end.

There are two permanent buildings on site presently, one approved for housing livestock and the second as a stable block. The former measures 18 by 9 metres and is 4.3 metres to its ridge whereas the single storey stable measures 17 by 4.5 and is 2.5 metres to its ridge. These are not presently in use for the approved purposes and there is some household storage and chemical toilets in the stable. There are also touring vans on the site located around the two buildings.

The site was part of a larger holding comprising three fields which run to the south of the site and to the east of Square Lane. These are not within the ownership of the applicant families.

The centre of Fillongley (the junction of the Tamworth Road with Church Lane) is about two and a half kilometres to the west by road via Square Lane and the Tamworth Road. Half of this route is along the Breach Oak and Square Lanes which are narrow single carriageways with no footpaths or street lighting. Once the Tamworth Road is reached there is a footpath and street lighting. The village has a primary school, a public house, church, social club, recreation ground, meeting rooms and doctor's surgery but no shop or post office.

The centre of Corley (the junction of the Tamworth Road with Church Lane) is also about two kilometres to the south east by road. This route too follows Breach Oak Lane and Square Lane before it too runs along the Tamworth Road with its footpath and street lighting. An alternative route into Corley turning right (east) at the site access is some three and a half kilometres but is characterised by narrow lanes, no footpaths and no street lighting. It does however provide access to the M6 Corley Service Area where there are retail outlets. Corley has a recreation ground, Church, meeting room and two public houses but no shop, school, post office or health services.

There is no bus service running along Breach Oak Lane or Square Lane. The nearest bus stop is at the junction of Highfield Lane and the Tamworth Road about a kilometre to the south. One bus service (the 735) runs into Coventry on Mondays to Fridays four times a day with no Sunday services. Return times at this stop from Coventry run into Fillongley with the same frequency.

A general location plan is at Appendix A.

The Proposal

This is as set out in the “header” to this report and is a retrospective application as the change of use commenced in September 2019.

The statement accompanying the planning application confirms that occupation of the site is by two gypsy families. The equestrian and agricultural use of the buildings and site would stop. The existing access would be used and new landscaping is proposed to the west of the site. A package treatment plan will be on the site to dispose of foul water and surface water would drain via soakaways, but no detail is shown on the layout plan.

The layout is shown at Appendix B

The families have moved away from the Atherstone Road site at Hartshill as that site is now occupied by Irish Travellers and the applicants are Romany Gypsies. However there is no further information submitted in respect of the family’s personal background or circumstances apart from that they work locally. Additionally no information is submitted as to whether alternative sites have been considered.

Background

In 2016 planning permission was granted for the erection of an agricultural building/cattle shed and the use of land for agriculture and equestrian uses. The building is that now seen on the site. It is subject to a condition that it only be used for the housing of livestock.

In 2013 consent was given for the access into the site together with a field store and shelter. The access was implemented as was the erection of the building which is now on site. It too was subject to a condition requiring its use solely for equestrian purposes.

In 2017 planning permission was granted for a further agricultural storage building, but this has not been implemented.

Development Plan

Core Strategy 2014 - NW1 (Sustainable Development); NW2 (Settlement Hierarchy), NW3 (Green Belt), NW7 (Gypsy and Travellers), NW8 (Gypsy and Travellers Sites), NW10 (Development Considerations), NW12 (Quality of Development), NW13 (Natural Environment), NW14 (Historic Environment) and NW15 (Nature Conservation)

Saved Policies of the North Warwickshire Local Plan 2006 - ENV 13 (Building Design); ENV14 (Access Design) and TPT3 (Access and Sustainable Travel and Transport)

Other Relevant Material Considerations

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

National Planning Practice Guidance – (the “NPPG”)

Planning Policy for Traveller Sites 2015 – (the “PPTS”)

2018 Submission Draft Local Plan – LP1 (Sustainable Development); LP2 (Settlement Hierarchy); LP3 (Green Belt), LP6 (Amount of Development), LP7 (Housing Development), LP8 (Windfall Allowance), LP9 (Affordable Housing Provision), LP10 (Gypsy and Travellers), LP11 (Economic Regeneration), LP14 (Landscape), LP15 (Historic Environment), LP16 (Natural Environment), LP31 (Development Considerations), LP32 (Built Form) and LP35 (Water Management)

The North Warwickshire Landscape Character Assessment 2010

Consultations

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

Warwickshire County Council (Rights of Way) – No objection

NWBC Waste and Refuse – A bin collection area at the access is needed.

Environmental Health Officer – No comments to make

Representations

The Corley and Fillongley Parish Councils together with two local residents have submitted objections referring to:

- It is not appropriate development in the Green Belt.
- The impact upon the local highway network because of the single carriageway lanes.
- The site is not connected to main water supplies.
- There is no information on the disposal of water and water waste.
- Were sites considered that might not be in the Green Belt?
- The use of the land is agricultural/equestrian and not residential.

Observations

a) Green Belt Harm

The site is in the Green Belt. The proposal involves a material change in the use of the land to a residential caravan site for two gypsy families. This is inappropriate development in the Green Belt as defined by the PPTS – para 16. As such the development is harmful to the Green Belt and should not be approved except in very special circumstances. It is therefore necessary for the Board to establish whether such circumstances exist and that is undertaken through an assessment of the planning balance of this case. The harm side of this balance will be explored first.

The fact that this is inappropriate development carries substantial weight. However it is also necessary to assess the actual level of Green Belt harm as opposed to this definitional harm. The essential characteristics of Green Belts are their openness and their permanence. There is no definition of openness in the NPPF. However in planning terms it is generally seen as being an absence of development. The NPPG has recently provided some guidance suggesting that “openness” has four attributes – one of which is the degree of permanence. The first is a spatial element. In this case the site is located on high ground and is in open countryside but there is a scatter of buildings in the area as well as a telecommunications mast and the area is well covered in trees and hedgerows. There are already agricultural buildings on the site and the use would be accommodated in and around them. As a consequence it is not considered that there will be a material impact on openness from a spatial perspective. Because of these same factors the second element of openness – the visual one - is also not material.

The third factor is the activity associated with the proposed use. It is acknowledged that residential use will introduce all of the residential characteristics and attributes associated with the use of land for that purpose. However here the site is very well screened and there are also lawful buildings on the site. It is considered that such activity is likely to be immaterial given that the proposal is small in scale; the nature of the setting and because the lawful use of the same site would give rise to agricultural and equestrian activity almost certainly on a daily basis which might be more intensive than that arising from the proposed change of use. The final element is the degree of permanence. As the proposal is not being put forward as a temporary arrangement or is it a seasonal occupation, then there would be a degree of permanence associated here with the introduction of this change in use. When all of these factors are combined it is concluded that the overall impact on openness would be limited.

It is also necessary to establish if the proposal would cause greater conflict with the five purposes on including land within the Green Belt than that already caused by the existing development of the site. The only one that might be affected here is the “assisting in safeguarding the countryside from encroachment”. The critical factor here is that the use is within a lawful agricultural yard and given the small scale of the proposal it is not considered that there would be any greater conflict with the proposed use.

It is in all of these circumstances therefore that it is concluded that the proposal being inappropriate development causes substantial harm to the Green Belt by definition, but that the actual harm caused is limited.

b) Other Harm

It is first proposed to assess some technical matters

There is considered to be no highway harm. The access onto Breach Oak Lane is approved and was designed so as to accommodate agricultural and equestrian uses and thus the scale and type of traffic that would be generated by these activities. The residential use – even with caravans – would not give rise to alterations being needed to the access. Just as with an agricultural use there would be daily traffic generation of the site. There is no evidence to justify a claim that the proposed use would cause significant and demonstrable harm. The Highway Authority agrees.

There are no heritage assets affecting the site or in close proximity and neither is there any evidence of significant harm arising from bio-diversity loss.

Whilst the site is not liable to flooding, there has been concern raised about the lack of drainage information. However if a planning permission is granted here there can be a condition added so as to replace the existing temporary foul water arrangements on site with a treatment works as is proposed.

It is now necessary to turn to an assessment of harm to planning policy.

Policy NW12 of the Core Strategy is sound. It is not out-of-date and accords with Section 12 of the NPPF. It requires all new development to positively improve the environmental quality of an area. A useful starting point on this matter is to look at the potential landscape impacts. The site lies in the Church End to Corley (Arden Hills and Valleys) Landscape Character Area as defined by the 2010 Assessment. This describes the area as being an elevated farmland landscape of low, rounded hills, steep scarps and small incised valleys. This landform is combined with hill top woodlands and tree cover creating an intricate and small scale character punctuated by numerous scattered farm and hamlets. The southern and eastern parts of the Area however are affected by many urbanising elements such as the M6 Motorway and lines of pylons. In this context, apart from the existing buildings on the site, the relatively well-screened site is not prominent or discordant in this landscape. The proposed planting would assist further in mitigating any impact. Taking into account the existing characteristics of the site and the fall-back position, the use would be absorbed into the landscape and thus have no impact on the overall character of the surrounding landscape. It is thus considered too that the visual impacts would be negligible in this context. However the policy explicitly requires the “positive improvement” of the environmental quality of the area. The proposal does not do so – perhaps only through new hedge planting – but the issue is whether there is any harm caused to the Policy particularly through any demonstrable landscape and visual harm that might arise. It is considered not, for all of the circumstances set out above.

Policy NW8 of the Core Strategy is sound. It is not out of date as it accords with the NPPF and the PPTS. It is a criteria based policy which is used to assess gypsy and traveller residential sites. However as it relates to sites outside of the Green Belt it is not directly relevant to this case, but it does provide a useful basis for an assessment of other harms. There are five criteria and it is considered that four of them can be satisfied. These are looked at first. The first criterion is that the number of pitches proposed is appropriate in scale and size to the nearest settlement and limited to five pitches. That is the case here as only two pitches are proposed and the nearest settlements of Corley and Fillongley have substantially larger populations. The third is that the site should avoid areas of high flooding risk or those affected by other environmental hazards. This is the case here. The fourth is that the site has access to essential utilities. This matter can be resolved by planning condition – there is a technical solution. The fifth criterion is that the site is capable of assimilation into its surroundings without significant adverse impact. Given the conclusions already reached above it is considered that this is the case here. In respect of the remaining criterion, then the third requires the site to be suitably located within a safe, reasonable walking distance of a public transport service with an access to a range of services including school and health services. This is amplified at the beginning of the policy by also requiring a reasonable safe walking distance to a settlement boundary. Given the descriptions outlined at the start of this report it is not considered that this criterion can be satisfied. The routes into Fillongley and Corley are not safe or reasonable when taken as a whole. In overall terms therefore the proposal would satisfy the policy save on the matter of safe and reasonable access to facilities and services. This would constitute moderate harm in view of the objective of seeking sustainable development.

Policy NW2 of the Core Strategy is sound in respect of the approach taken towards the location of new development in basing that on a settlement hierarchy. Outside of any settlement, then development is restricted to that requiring a rural location or to a locally recognised affordable housing need, neither of which applies here. However the PPTS and indeed Policy NW8 of the Core Strategy acknowledge that gypsy and travellers sites may well be appropriately located in a rural area. As such the weight given to any noncompliance with NW2 is very limited.

c) The Harm Side of the Planning Balance

The harm side of the planning balance here therefore comprises the substantial definitional harm to the Green Belt; the limited actual Green Belt harm, the moderate harm to Policy NW8 and the limited landscape and visual harm.

d) The Appellant's Considerations

The applicant has forwarded a number of considerations to weigh against the harm side of the planning balance.

Firstly, it is argued that the Council is not providing a sufficient supply of sites for gypsy and travelling families. He says that the Development Plan requirement set out in Policy NW7 is for only nine residential pitches with no allocations being made. He says that this was based on a 2013 Assessment which is now out of date. The 2018 Submitted Plan he says shows no further increase and still has no allocations with no update of the 2013 Assessment. He concludes by saying that recent events in the Borough have shown that the 2014 and 2018 figures clearly underestimate the need which is now being illustrated by the number of recent planning applications submitted in the Borough and the number of resultant planning permissions. As a consequence too, the Council cannot offer appropriate alternatives to the current site.

It is considered that this matter can only carry limited weight. The requirements in Policy NW7 were found to be sound as the Core Strategy was adopted following Examination. In view of the low figure in that policy, there were no allocations made, but in line with the PPTS a criteria based policy was introduced – NW8 – in order to assess “windfall” applications for gypsy and traveller sites. This has led to the grant of planning permissions as cited by the applicant. It is therefore not true to say that the Council has not responded to any needs. The Submitted Plan of 2018 does not increase the overall requirement – Policy LP6. It too retains a criteria based policy – LP10. The Inspector at the Examination asked for an updated Assessment. This is not yet published. Until such time as it is the Council relies on Policy NW8. It is thus entirely sound and proper to give that policy full weight in the consideration of applications. The Council therefore has an appropriate working policy towards assessing such applications.

Secondly, he considers that the proposal does accord in full with Policy NW8. Whilst acknowledging the distances involved he considers that neither the PPTS nor the policy refer to distances or to modes of travel. He continues by saying that access to facilities only comes if the families have a settled base and this is the position here as it is a reasonably sustainable location.

It is considered that this matter can only be given limited weight. It is not agreed that Square Lane and Breach Oak Lane are safe for pedestrian or cycle use particularly by children and families. The distances to Fillongley and Corley are neither reasonable.

Existing residents here use cars for such journeys and it is expected that the applicant families would too. This is not therefore a sustainable location.

As a consequence of these matters it is concluded that the overall weight that should be given to the applicant's case is limited.

e) The Final Planning Balance

The NPPF makes it explicit that the applicant's arguments in respect of inappropriate development have to be sufficient to "clearly" outweigh the harm side of the balance. This is the judgement that the Board now has to make. It is considered that they do not.

Firstly, the overall weight on the harm side is greater than the limited weight afforded to the totality of the applicant's arguments.

Secondly, the PPTS makes it explicit that Local Planning Authorities should consider a number of relevant matters when looking at applications for traveller sites. One of these is the "other personal circumstances" of the applicant. Other than that the applicant families have moved from an authorised traveller site, no additional detail has been submitted. As such those personal circumstances are not fully known. Additionally and of greater weight, is that the PPTS says that "subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances". The Council in this case has been given no detail about any child's interest and this adds weight to the overall presumption of this sentence.

Thirdly, as indicated in that sentence, "unmet need" is unlikely to provide the weight to establish very special circumstances in the Green Belt. As explained above the Council has the policy background to deal with such applications and that policy is working in that consents have been granted.

f) Other Matters

The Board is invited to assess the planning balance as set out in this report to consider whether different weights should be attributed to any matter and to review the overall conclusion.

If the planning recommendation is agreed below, then because this is a retrospective application, the continued use of the site would be unauthorised and the Board needs to consider the expediency of enforcement action.

In this case the requirements of any Notice would be the cessation of the use of the land as a residential caravan site for two gypsy families and the removal of the residential vans from the site together with all incidental residential materials and belongings. The reason for the Notice would reflect the matters raised in this report. A time period of twelve months is considered to be proportionate given the need to find alternative accommodation. There will be impacts on the applicant as a consequence of this Notice. However there has been no information submitted to assist the Council in establishing the impact on the applicant of his occupation here and thus to assess its Public Sector Equality Duty. The compliance period is considered proportionate in these circumstances.

Recommendations

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

“The site is in the Green Belt. It is considered that the development amounts to inappropriate development thus giving rise to a presumption of refusal. It is considered that the applicant’s case is insufficient to clearly outweigh the overall level of harm caused. That harm arises from the inappropriateness of the development and the moderate harm caused by the site not having safe and reasonable access to facilities and services. The applicant’s case is limited in weight as the Council is responding positively to the submission of planning applications for traveller sites when they align with adopted policies and in this case, there is no detailed information submitted relating to the personal circumstances of the applicant families. The proposal is thus not in accord with policies NW3 and NW8 of the North Warwickshire Core Strategy 2014 as supported by the Planning Policy for Traveller Sites 2015.”

Notes

1. Notwithstanding this refusal, the Local Planning Authority has tried to work with the applicant in a positive and proactive manner in requesting additional information and detail that might assist his case but to no avail. As such it is considered that the Council has implemented the requirement set out in paragraph 38 of the National Planning Policy Framework.
- b) That it is considered expedient to serve an Enforcement Notice in this case as outlined in this report.

BACKGROUND PAPERS

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

Planning Application No: PAP/2019/0529

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	16/9/2019
2	Fillongley Parish Council	Representation	18/10/2019
3	Corley Parish Council	Representation	18/10/2019
4	NWBC Waste	Consultation response	21/10/2019
5	WCC Rights of Way	Consultation response	21/10/2019
6	NWBC Environmental Health	Consultation response	22/10/2019
7	Fillongley Parish Council	Representation	1/11/2019
8	Neighbour	Representation	24/10/2019
9	Neighbour	Representation	24/10/2019
10	Neighbour	Representation	28/10/2019
11	Neighbour	Representation	02/01/2020
12	Case officer	Email to agent	4/10/2019
13	Case officer	Email to agent	18/10/2019
14	Case officer	Email to agent	24/10/2019
15	Case officer	Email to NWBC Forward Plans	30/10/2019
16	Case officer	Email to agent	20/11/2019
17	Head of DC	Email to Case officer	20/01/2020
18	Case officer	Email to Parish Council	20/01/2020
19	Parish Council	Email to case officer	20/01/2020
20	Case officer	Email to agent	20/01/2020

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

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

Appendix A – Location Plans



Stirling Court
Norton Road
Stevenage
Herts SG1 2JY
UK

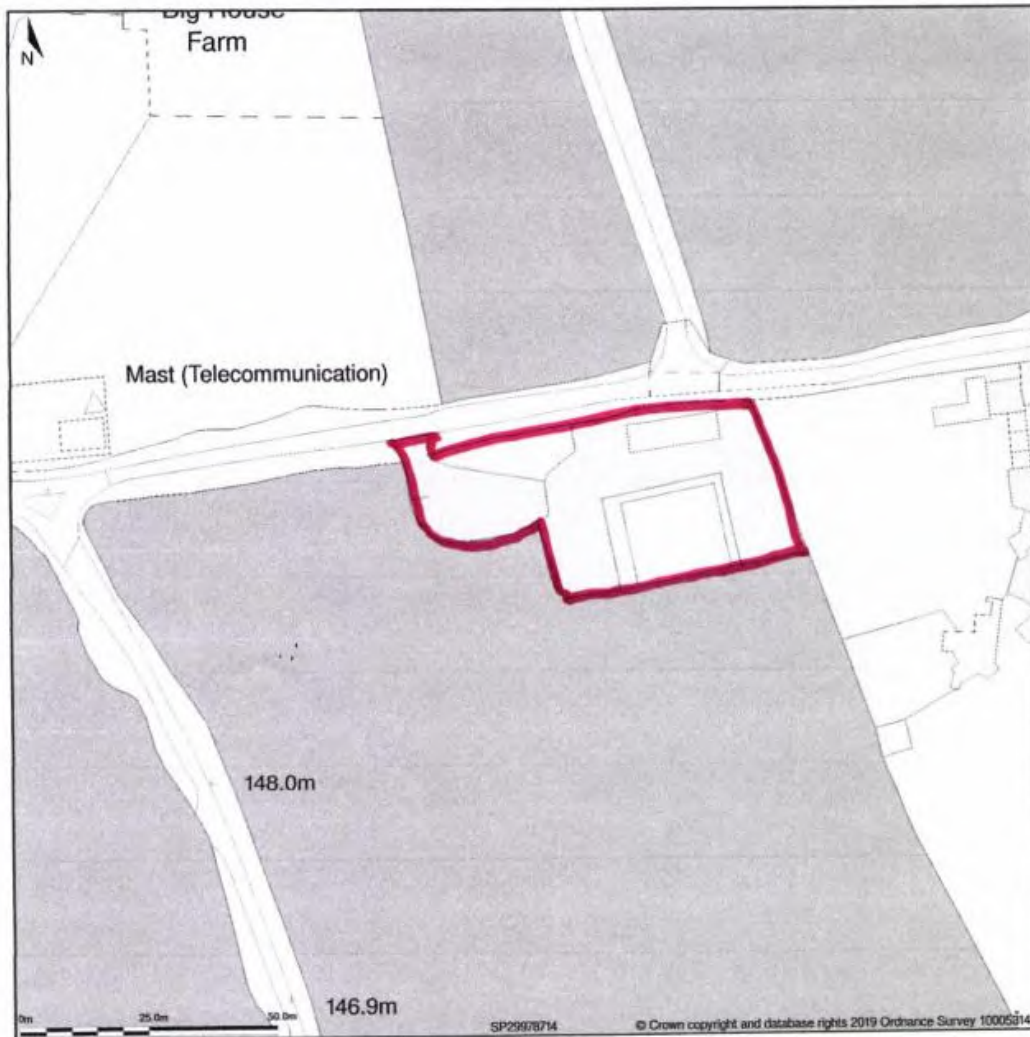
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E-mail: info@cadcorp.com



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Wishing Well Farm, Breach Oak Lane, Fillongley

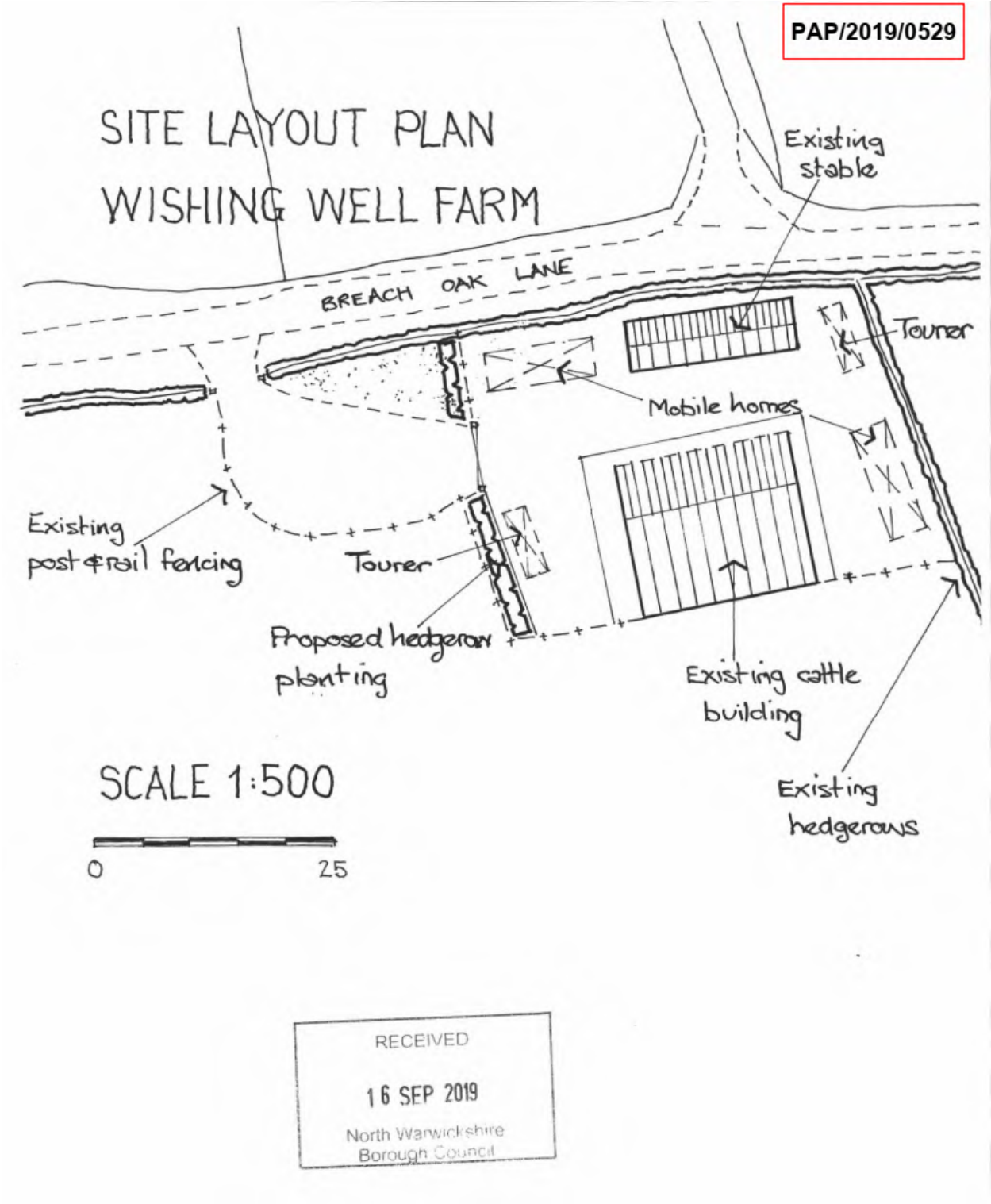


Site Plan shows area bounded by: 429878.91, 287044.14 430078.91, 287244.14 (at a scale of 1:1250), OSGridRef: SP29978714. The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.

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Appendix B – Site Plan



(6) Application No: PAP/2019/0599

Michael Drayton Middle School, Church Road, Hartshill, Nuneaton, CV10 0SZ

Development of Medical centre with access road, parking and landscaping and outline permission for residential development - Hybrid application, for

Malvern Homes (Hartshill) Ltd

Introduction

This application is being reported to the Development and Planning Board as it includes a Section 106 agreement and the land is owned by Warwickshire County Council.

The Site

A site of just under a hectare in area on the west side of Church Road within the centre of Hartshill, and just south of the junction with Oldbury Road, opposite the Secondary School, with a Post Office and shop nearby. The area is residential in character. It is now a cleared site at the front, the former School buildings having been demolished, and with the overgrown former playing fields to the rear. A War Memorial was previously located in the centre of the frontage but has now been re-located. The site is surrounded by other residential properties.

The Proposal

This planning application has two distinct elements:

1. Full permission is being sought for a medical centre ; and
2. Outline planning permission is being sought for residential use on the remaining rear element of the site. The indicative layout indicates 20 dwellings with a mixture of types.

The application site would be developed in two phases, with Phase One the full planning permission for a medical centre needing to be developed by the end March 2021 to receive funding from NHS England first. The medical centre takes an area of 0.78 acres. The building would be 1365 sq. metres in footprint to meet the size of accommodation as agreed with health care specialists and the NHS. The new building would be two storeys high with a flat roof to minimise the overall height and to increase floor to ceiling heights internally. The design is contemporary, utilising slate and tiles with use of chimneys to key properties to add interest and variety to roof-scape.

The medical centre includes a GP surgery which is fully contained on the ground floor. The rooms have a clear identification as to their usage. The layout includes a number of consulting rooms, five of the consulting rooms in the plans will be for GP use, and initially only three of these will be used based on current list size; the other two are in order to future proof in order to accommodate an increased list size up to a maximum of 10,000 patients as new housing developments in the area are completed. The remaining consulting rooms would be used by various other health care professionals, i.e. Midwife, Clinical Pharmacist, Paramedic, Physio, hospital consultants etc. but not every room will be in use every day, all day - e.g. the Midwife only holds a community clinic on a Wednesday, the Paramedic would only use the room as a base to complete

paperwork and update patient records, as he/she would be out undertaking home visits and checking on patients recently discharged from hospital during the day etc.

Each speciality requires its own specialist equipment and a room of their own.

The upper floor is proposed to be used as a Renal Dialysis Unit. Advanced discussions have taken place with University Hospital Coventry who have expressed a keen desire to see a satellite unit in this location. This will have a significant lessening impact on the demands for parking and servicing. The proposed unit will provide dialysis treatment for twelve patients per four hour session – one each morning and afternoon. The patients are transported to and from the centre by a staffed minibus therefore lessening the need for individual parking spaces. The unit is managed by only four qualified staff, including the renal consultant who will attend on a part-time basis.

Phase Two of the scheme is an outline planning permission for residential development of up to twenty dwellings. No formal layout has been submitted other than an indicative plan. This part of the site is to be retained by Warwickshire County Council before considering options to take this part of the site forward.

Background

Outline permission was granted in 2007 for residential development of the site, and planning conditions attached require amongst other things, that the maximum number of dwellings be 35 and that the war memorial be satisfactorily re-located prior to commencement of development. The application was accompanied by a Section 106 Agreement which required a payment of £55,600 to be made to the Council for open space enhancement in the Parish, together with measures to secure 40% provision of affordable housing on the site. An application to renew this permission was granted in 2011.

Development Plan

The Core Strategy 2014 - NW1 (Sustainable Development); NW2 (Settlement Hierarchy), NW4 (Housing Development), NW5 (Split of Housing Numbers), NW6 (Affordable Housing Provision), NW10 (Development Considerations), NW11 (Renewable Energy and Energy Efficiency), NW12 (Quality of Development), NW13 (Natural Environment), NW15 (Nature Conservation) NW20 (Services and Facilities) and NW21 (Transport)

Saved Policies of the North Warwickshire Local Plan 2006 ENV12 (Urban Design); ENV13 (Building Design), ENV14 (Access Design) and TPT6 (Parking)

Hartshill Neighbourhood Plan 2017 – H13 (Health and Well Being)

Other Relevant Material Considerations

National Planning Policy Framework 2019 – (the “NPPF”)

National Planning Practice Guidance Notes

The North Warwickshire Local Plan Submission Version, March 2018 - LP1 (Sustainable Development); LP2 (Settlement Hierarchy), LP16 (Natural Environment), LP21 (Town Centres and Neighbourhood Centres), LP22 (New Services and Facilities),

Consultations

Director of Housing – No affordable housing would be sought in lieu of the medical centre being a community facility

Environmental Health Officer – No objections

Police Architectural Liaison Officer – No objection

Warwickshire County Council as Highway Authority – It originally lodged an objection following the receipt of a Road Safety Audit which drew attention to the sub-standard visibility on the right hand side of the access when exiting because of the neighbour's garden fence. The Board will be updated at the meeting.

Warwickshire County Council as Flood Authority– No objection subject to conditions

Section 106 Contributions

Ecology – The Warwickshire Ecologist is requesting £43,698 of bio-diversity off-setting

Education – The County Council is asking for £58,205 towards secondary education

Highways – The County Council is asking for £1230 for road safety and travel information for new households

Representations

Three letters of representations have been received raising the following detailed matters:

- There are bats using the site
- No vehicular access should come from Hayes Road
- There is a parking problem in the area created by schools
- Concern over the position of the dwellings proposed
- Lack of privacy and overlooking from the new houses
- There are no details of boundary treatments

Observations

As the application is a hybrid application, consideration will be split into two parts - the Medical centre and the outline residential development.

a) The Medical Centre

i) Introduction

In terms of the proposed medical centre, the presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach

development management decisions positively. The aim of the NPPF is to achieve sustainable development and some of the objectives relevant to this proposal are making suitable land available for development in line with economic, social and environmental objectives so as to improve people's quality of life; ensuring high quality development through good and inclusive design and the efficient use of resources and ensuring that development supports existing communities and contributes to the creation of safe, sustainable, liveable and mixed communities with good access to jobs and key services for all members of the community. Policy NW1 outlines that where planning applications accord with policies within the Core Strategy 2014, the proposal will be approved without delay, unless material considerations indicate otherwise. The need for a medical centre in the area is clearly indicated in policy H13 of the Hartshill Neighbourhood Plan. This says that, *"To support the health and well-being of the local community the Old School site in Hartshill is identified as a suitable site for a new health centre. Such provision could be made as part of the wider redevelopment of the site."* The site is in the centre of the village, on a bus route, close to local schools, near the Post Office and local shops, church and community centre.

Paragraph 20 of the NPPF outlines the need to support the delivery of services which the community needs whilst section 8 emphasises that weight that should be given to ensure that health provision is sufficient. In this case, the proposal is seeking to provide additional health provision by closing the existing Chancery Lane surgery with a larger purpose built facility proposed. The siting of this would fall within the centre of the catchment area and it is therefore considered to be a conforming and necessary land use. Indeed, the proposal would improve the delivery of health services for the benefit of the wider community. It is likely the proposal will accommodate 5 GPs which is equivalent to a population of around 10,000 people (2,000 per GP) which will meet existing and future needs.

There is thus full policy support for the proposal in principle

ii) Highway Issues

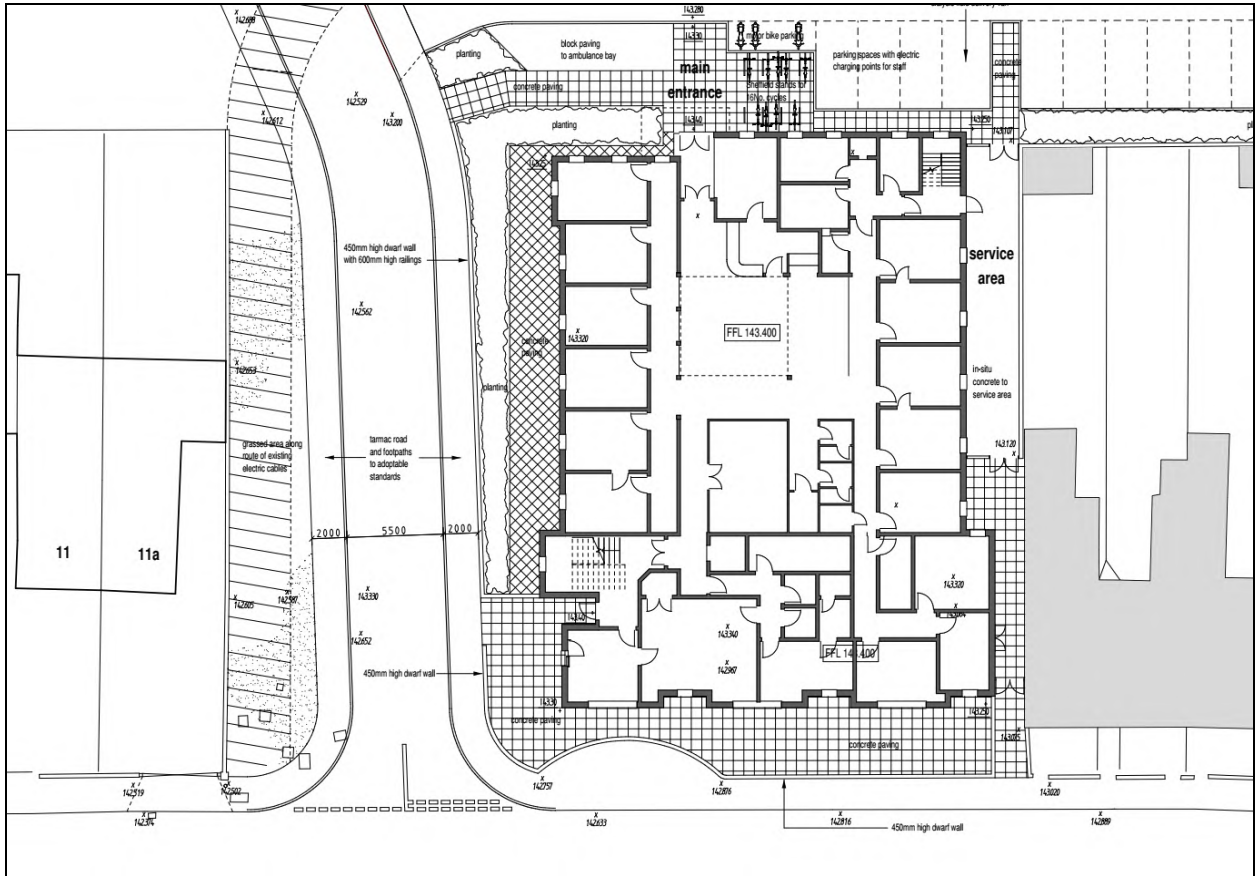
Paragraphs 102 and 103 of the NPPF indicates the need for planning to balance land uses within an area so people can minimise journey lengths for employment, shopping, leisure, education and other activities.

A transport assessment, supplementary transport assessment and road safety audit have all been submitted with the application. Medical centres are generators of travel and should therefore be located so as to maximise their accessibility by public transport, walking and cycling. Where related accommodation is to be provided it should have ready access to the site by non-car modes. In this instance it is considered that the proposal is very suitable location in this regard.

The Highway Authority originally objected to the proposal in terms of a number of points:

- Visibility from the access,
- Swept paths analysis
- Insufficient parking
- Concerns over the position of pedestrian access
- An omission of a Road Safety Audit.

Since that time there have been a number of meetings and additional information has been submitted which allay these concerns apart from one. The outstanding issue relates to the position of the new access next to an existing residential access at 11a Church Road where there is restricted visibility because of that property's boundary fence. Officers consider that the position of the medical centre cannot be changed; the site is in a highly sustainable location, traffic speeds are low and originally the school vehicle access was closer to this property than the proposed access. Therefore, this issue is considered to carry limited weight as a planning consideration.



In this regard it is considered at the proposal will not have a “severe” impact.

The applicants have provided additional information in respect of the proposed usage and have provided 70 car parking spaces in total for the proposed use. The impact on parking provision, highway safety and traffic flows is therefore considered to be acceptable subject to the highways conditions which are likely to be in respect of car parking, cycle storage, and Green Travel Plan conditions.

iii) Impact on Residential Amenity (Light, Aspect and Privacy)

The Core Strategy (NW10 Development Considerations) requires development to comply with Supplementary Planning Guidance and in turn allows for consideration of the Residential Design Guide (September 2016). Section 2 of this guide provides clear guidance on the way buildings relate to each other and the impact of this on levels of acceptable amenity for both existing and future occupiers. Paragraph 127 of the NPPF is also relevant and sets out the need for planning to deliver a good standard of amenity for all existing and future occupants of buildings.

The proposed building would be two storey in nature but would only be 8.6 metres in height and 5.1 metres to the eaves. The most affected property is that of 13 Church Road, however the single storey eaves and obscure glazed windows in the side elevation ensure that this does not impact detrimentally on this property.



The proposal would meet the Council's guidelines and it is therefore considered that there would be no detrimental loss of light, aspect and privacy.

iv) Impact on Residential Amenity (Noise and Disturbance)

Paragraphs 170 and 180 of the NPPF set out the need to consider the potential for noise that could be generated from new development. The impact of the proposed building in respect of noise from the uses and the comings and goings of patients to the building is unlikely to be significantly different to that which previously occurred from that associated school building. Environmental Health has no objections to the proposal. It is also fair to say that any building will be designed to prevent noise getting in and in that respect noise from within the building is unlikely to disturb those nearby residents.

However, the proposal is likely to include provisions for air conditioning units to be located around the outside of the building and these clearly have the potential to cause noise disturbance to residential properties when in use. Environmental Health have assessed the proposed development and raised no objection subject to a condition requiring details of the air conditioning units or plant.

v) Impact on Visual Amenity

The Core Strategy sets out that development needs to be a high standard of design. Chapter 12 of the NPPF is also relevant and sets out the importance of good design in relation to new development.

The proposed building would be two storey in nature and finished with a pitched roof matching the adjacent Victorian terraces. The gable features match the bay window elements seen on Victorian properties. The visual appearance of the proposed two storey building has been designed to be sympathetic with the adjacent buildings.



In terms of design, this development is of relatively high quality of design and finish. The proposal is innovative and reflects elements of the scale and style of the existing buildings. The height of ridge and eaves are similar height to the neighbouring properties. It is therefore considered that there would be no detrimental impact on visual amenity resulting from the proposed development.

vi) Drainage

Surface water drainage measures would be through sustainable systems and The County flooding team have no objections to the proposal as the detail can be conditioned.

b) The Residential Proposal

i) Introduction

It is noted that the principle for residential development has already been established through the earlier planning consent and that scheme was for a maximum up to 35 dwellings over the whole site. The NPPF sets out the government’s planning policies for achieving sustainable development which has replaced previous guidance notes and policy statements. Paragraph 8 of the NPPF states that at the heart of the NPPF is a presumption in favour of sustainable development, and that where the development plan is not considered up-to-date, planning permission should be granted unless material considerations indicate otherwise, or the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits assessed against the Framework taken as whole, or there are specific policies that indicate development should be restricted.

Policy NW1 outlines that where planning applications accord with policies within the Core Strategy, 2014, the proposal will be approved without delay, unless material considerations indicate otherwise. The site lies within the development boundary identified for Hartshill in the Core Strategy. Hartshill is identified as a Category 3a settlement and as such this is an entirely appropriate and sustainable location for new residential development. The proposed development of the site would play a part in contributing towards the supply of housing land in Borough.

There is no objection in principle to the grant of an outline permission here for residential development.

ii) Design and Impact on Character and Appearance of the Area

This part of the application has been submitted in outline and the only matters for consideration in the determination of this application (other than the principle of development considered above) relates to the point of access to the site, which is considered within the highway safety section below. The detailed impact on character and appearance can therefore only be assessed at the reserved matters stage. However the illustrative layout does indicate a proposal that would in overall terms would be in-keeping with the residential setting of the site.

iii) Highways Safety

As indicated on the medical centre above, highway issues have not been wholly resolved.

However, it is considered that these matters are not “severe” and therefore not of sufficient weight to support a refusal.

iv) Residential Amenity

As with all new developments, it is necessary to consider any potential impacts of a development such as this on the amenities of existing nearby residents, and in addition whether future occupants of the new dwellings would enjoy a satisfactory level of amenity. The NPPF core planning principles include the requirement that planning should seek a good standard of amenity for all existing and future occupants of land and buildings and the Core Strategy seeks to protect amenity by avoiding development which causes disturbance through unreasonable traffic generation, noise, light, dust, fumes or other disturbance.

As stated above, the application, although in outline, is accompanied by an Illustrative layout which indicates that the development of the site can accommodate up to twenty dwellings. The original submission suggested up to 23 dwellings. The reduction was so as to enable greater car parking space for the medical centre.

In respect of issues raised by neighbours the layout and house types have not been put forward for consideration at this stage. Such issues would be considered further at the reserved matters stages.

In order to ensure that nearby residents are not unduly impacted upon throughout the construction phase of the development (amongst other reasons) a Construction Management Plan is proposed to be secured by condition, which will ensure that issues such as delivery routing and hours, construction hours, lighting, and construction staff parking are controlled and managed appropriately.

v) Ground Conditions

The Council’s Environmental Health Officer advises that the proposed development is on previously development land and therefore a site investigation will be required (as suggested in the desk study report submitted by the applicant) to look for contaminants associated with former site uses. If planning permission is granted a condition requiring a site investigation to be carried out and the report including remedial measures required agreed with the Council in writing is suggested.

vi) Affordable Housing

Policy NW6 of the Core Strategy indicates that on proposals of fifteen or more dwellings the Council will seek 30% of the development as affordable housing. However, in this instance it is considered that as the site is providing a substantial community facility that is explicitly recognised in the Development Plan; which is welcomed by the local community and which is considered by the Council's Housing Officer as carrying significant weight, that the planning balance in this case, strongly lies with the new medical centre.

vii) Education

To ensure that the dwellings have been mitigated in terms of education the obligations in respect of secondary education contributions towards Hartshill School will be required. This will have to be secured through the legal agreement but that Agreement will need to specifically relate that contribution to the residential development so as not to prejudice the implementation of the medical centre.

viii) Biodiversity Off-setting

In terms of protecting and enhancing biodiversity, the site is not designated of national or local importance, however, in its previously developed state, it forms a site that holds biodiversity value. The last active use of the site was for school purposes, surveys have demonstrated that impacts on protected or important species are unlikely. Any unforeseen impacts or impacts on non-protected species can be dealt with through good practice via an Ecology Mitigation Management Plan (EMMP) which can be dealt with through a suitably worded condition. It is acknowledged there is a small the loss of habitat and the applicant is willing to make a biodiversity offsetting payment to improve habitats elsewhere in the Borough to compensate for the loss. Advice will be sought from Warwickshire Wildlife Trust and the Warwickshire ecologist to ensure that funding goes to a site close to the development. The development will lead to the funding a maximum £43,698 towards bio-diversity off-setting which may be offset slightly by on-site mitigation through the EMMP condition.

ix) Planning Obligation

As detailed above there are contributions and obligations that are required in order to make the residential development acceptable in planning terms and to accord with the provisions of the Development Plan. These are only for the residential proposal

It is considered that the above Section 106 Agreement heads of terms appropriately address the issues identified in the report. As per the requirement of Regulation 122 of The Community Infrastructure Levy Regulations 2010 (CIL), it is considered that the requirements are necessary in order to make the development acceptable in planning terms; are directly related to the development; and are fairly and reasonably related in scale and kind to the development as determined through the consultations undertaken. The "trigger" for their payment should as indicated above, be linked to the occupation of a significant percentage of the houses.

The County Council has requested £1,230 for road safety and travel information per house. This would however not meet the CIL tests set out above and are therefore not sought.

c) Conclusion

The NPPF establishes the need for the planning system to achieve sustainable development which is composed of mutually dependent economic, social and environmental dimensions (paragraphs 7 and 8). There is consequently a presumption in favour of applications for sustainable development (paragraphs 11 and 12). In broad terms, this means that the application should be approved providing that it is in accordance with the development plan and other policies within the NPPF, unless material considerations or adverse impacts indicate otherwise. Taking into account the above assessment on both the medical centre and residential development, it is consequently considered that the proposed developments are in accordance with the development plan and they would be consistent with the NPPF. Overall, there are significant benefits in favour of granting planning permission for this medical centre and housing from a social, economic and environmental perspective. It is therefore considered that the proposed development would achieve sustainable development and should both therefore be approved.

Recommendation

That planning permission be **GRANTED** for the Medical centre subject to the conditions in schedule 1 below and that an outline planning permission be granted for the residential development subject to the conditions set out in schedule 2 and subject to the completion of a 106 Agreement as set out in this report.

Schedule 1

Conditions relating to the full permission for Medical centre with access road, parking and landscaping

1. The development shall be started within three years of the date of this permission.

REASON

To comply with Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004

2. The development hereby approved shall only be carried out in accordance with the application form, the supporting letter and drawing numbers: Site Plan 16/90 23, Ground floor Plan 10S, First floor plan 11S, Proposed elevations 12H, Site layout 22C, Transport Assessment and Statement, Road safety audit

REASON

To define the approval

3. No development shall commence until full details and samples of materials proposed to be used in the external parts of the building have been submitted to and approved in writing by the Council. The development shall not be carried out other than in accordance with the approved details.

REASON

In the visual interests of the area.

4. No development (including demolition) shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The statement shall provide for :-

- A site compound with associated temporary buildings
- The parking of vehicles of site operatives and visitors
- Turning area on site for larger vehicles
- Times of deliveries including details of loading and unloading of plant and materials, which shall not occur prior to 09:00 or after 15:00 on weekdays to avoid peak periods
- Storage of plant and materials used in constructing the development
- Working hours
- Duration of works
- Wheel wash facilities
- Appropriate routing agreement using the most appropriate access route

The approved Statement shall be adhered to throughout the construction period.

REASON

In the interests of highway safety and residential amenity and to ensure that the construction period of the development is managed in an efficient way and to reduce the likelihood of vehicles queuing on the adopted highway as recommended by the Highway Authority.

5. Prior to the commencement of development a scheme for intrusive site investigation, based on a submitted Phase 1 Assessment shall be submitted to and approved in writing by the Local Planning Authority.

REASON

To ensure that risks from land contamination to the proposed end users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

6. Prior to the commencement of development the approved scheme of investigation shall be carried out in full and a report of findings including mitigation shall be submitted to the Local Planning Authority for approval in writing.

REASON

To ensure that risks from land contamination to the proposed end users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

7. If any unacceptable contamination or adverse ground conditions are found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The report shall include a verification plan of how the remedial measures will be measured and proved.

REASON

To ensure that risks from land contamination to the proposed end users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

8. Prior to the commencement of development the approved remediation measures shall be implemented in full.

REASON

To ensure that risks from land contamination to the proposed end users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

9. Within three months of the completion of remediation a verification report shall be provided to the Local Planning Authority in order to identify how the remediation objectives were achieved compared with the verification plan.

REASON

To ensure that risks from land contamination to the proposed end users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

10. Prior to completion of the slab level until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, have been submitted and approved in writing by the Local Planning Authority (LPA) in consultation with Warwickshire County Council (WCC). The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall:

- a. Provide an assessment of flood risk from all sources of flooding including fluvial, pluvial and groundwater flooding
- b. Infiltration testing, in accordance with BRE Digest 365 Soakaway Design guidance, to be completed and results submitted to demonstrate suitability (or otherwise) of the use of infiltration Sustainable Drainage Systems (SuDS)
- c. Demonstrate that the surface water drainage system(s) are designed in accordance with CIRIA C753 The SuDS Manual.
- d. Evidence that the discharge rate generated by all rainfall events up to and including the 100 year plus 40% (allowance for climate change) critical rain storm has been limited to the QBAR runoff rates for all return periods.
- e. Demonstrate detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details of any attenuation system, and outfall arrangements. Calculations should demonstrate the performance of the drainage system for a range of return periods and storms durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.
- f. If discharging to a drainage system maintained/operated by other authorities (Environment Agency, internal drainage board, highway authority, sewerage undertaker, or Canals and River Trust), evidence of consultation and the acceptability of any discharge to their system should be presented for consideration.
- g. Demonstrate the proposed allowance for exceedance flow and associated overland flow routing.
- h. Provision of an acceptable management and maintenance plan for surface water drainage to ensure continued performance of the system for the lifetime of the development. This should include a schedule of required maintenance activities and frequencies, and contact details for the organisation responsible for carrying out these duties.

The mitigation measures shall be fully implemented prior to the use hereby approved commencing and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

REASON

To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site. To reduce the impact of breach flooding on the proposed development and future occupants in accordance with policy the flood Risk and water management policies of the adopted plan.

11. Prior to the completion of the slab level a landscaping scheme shall be submitted to the Local Planning Authority for approval. For the avoidance of doubt landscaping includes, boundary treatment, surfacing materials, trees and hedges. The approved details and areas identified shall be carried out within the first planting season following the first use of the premises commencing.

REASON

In the interests of the amenities of the area.

12. Before the development/use hereby permitted is brought into use, a scheme for the insulation of the building and plant in order to minimise the level of noise emanating from the said building and plant shall be submitted to and approved in writing by the Borough Council and the scheme as approved shall be fully implemented before the use hereby permitted is brought into use.

REASON

In the interests on the neighbouring residential properties.

13. The medical centre use hereby approved shall not be brought into use until a plan which clearly identifies the details of cycle parking (position and details), refuse areas, sub-station, parking areas including electric charging points and turning areas shall be submitted to and approved in writing by Local Planning Authority. The approved details and areas identified shall be surfaced, drained, permanently marked out/demarcated and implemented prior to the first use of the premises commencing and retained for these purposes thereafter.

REASON

In the interests of highway safety and to ensure a satisfactory external appearance to the development in accordance with policy.

14. The medical centre use hereby approved shall not be brought into use until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall set out proposals (including timetable) to promote sustainable modes which are acceptable to the Local Planning Authority. The Travel Plan shall be implemented and monitored in accordance with the timetable set out in that Plan unless otherwise agreed in writing by the Local Planning Authority. Reports demonstrating progress in promoting sustainable transport measures shall be submitted within three months of first use of the site and thereafter annually for a period of five years following full build out of the development to both the Local Planning Authority and Warwickshire County Council.

REASON

In the interests of highway safety.

15. Any first floor side facing windows on the northern elevation shall be permanently glazed with obscured glass which shall provide a minimum degree of obscurity equivalent to privacy level 3 or higher and shall be maintained in that condition at all times. For the avoidance of doubt privacy levels are those identified in the Pilkington Glass product range. The obscurity required shall be achieved only through the use of obscure glass within the window structure and not by the use of film applied to clear glass.

REASON

To protect the privacy of the adjoining property and to prevent overlooking.

16. Any planting which within a period of 5 years of implementation dies, is removed, or becomes seriously damaged or diseased shall be replaced during the next planting season with others of a similar size or species, unless the Local Planning Authority gives written consent to a variation. Should replacement planting be necessary, the Local Planning Authority shall be notified in writing not less than 7 days prior to the replacement planting taking place. Notification shall include details of the problem with the implemented scheme and the specification and timing of the replacement planting.

REASON

In the interests of the setting and visual appearance of the development

Schedule 2

Conditions relating to the outline planning permission for the residential development

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

- (b) appearance
- (c) landscaping
- (d) layout and
- (e) scale

REASON

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

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

REASON

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

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

REASON

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

4. The total number of dwellings within the approved site shall not exceed 20 units.

REASON

In the interests of the amenities of the area, safety on the public highway and in recognition of the scale of contributions agreed in the accompanying Section 106 Agreement.

5. No development (including demolition) shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The statement shall provide for :-

- A site compound with associated temporary buildings
- The parking of vehicles of site operatives and visitors
- Turning area on site for larger vehicles
- Times of deliveries including details of loading and unloading of plant and materials, which shall not occur prior to 09:00 or after 15:00 on weekdays to avoid peak periods
- Storage of plant and materials used in constructing the development
- Working hours
- Duration of works
- Wheel wash facilities
- Appropriate routing agreement using the most appropriate access route.

The approved Statement shall be adhered to throughout the construction period.

REASON

In the interests of highway safety and residential amenity. To ensure that the construction period of the development is managed in an efficient way and to reduce the likelihood of vehicles queuing on the adopted highway as recommended by the Highway Authority.

6. No development shall commence until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, have been submitted and approved in writing by the Local Planning Authority (LPA) in consultation with Warwickshire County Council (WCC). The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall:

- a. Provide an assessment of flood risk from all sources of flooding including fluvial, pluvial and groundwater flooding
- b. Infiltration testing, in accordance with BRE Digest 365 Soakaway Design guidance, to be completed and results submitted to demonstrate suitability (or otherwise) of the use of infiltration Sustainable Drainage Systems (SuDS)
- c. Demonstrate that the surface water drainage system(s) are designed in accordance with CIRIA C753 The SuDS Manual.
- d. Evidence that the discharge rate generated by all rainfall events up to and including the 100 year plus 40% (allowance for climate change) critical rain storm has been limited to the QBAR runoff rates for all return periods.
- e. Demonstrate detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details of any attenuation system, and outfall arrangements. Calculations should demonstrate the performance of the drainage system for a range of return periods and storms durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.
- f. If discharging to a drainage system maintained/operated by other authorities (Environment Agency, internal drainage board, highway authority, sewerage undertaker, or Canals and River Trust), evidence of consultation and the acceptability of any discharge to their system should be presented for consideration.
- g. Demonstrate the proposed allowance for exceedance flow and associated overland flow routing.
- h. Provision of an acceptable management and maintenance plan for surface water drainage to ensure continued performance of the system for the lifetime of the development. This should include a schedule of required maintenance activities and frequencies, and contact details for the organisation responsible for carrying out these duties.

The mitigation measures shall be fully implemented prior to the use hereby approved commencing and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

REASON

To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site. To reduce the impact of breach flooding on the proposed development and future occupants in accordance with policy the flood Risk and water management policies of the adopted plan.

7. No development shall commence until an Ecology Mitigation Management Plan (EMMP) has been submitted to and approved in writing by the local planning authority. This shall include the following:

- long - term design objectives;
- management responsibilities;
- detail of ground preparation, seeding and planting, design, location and installation of bat and bird boxes, aftercare; and
- SUDS layout and design to impacts on existing vegetation

The ecology mitigation management plan shall be carried out as approved, before the first occupation of a dwelling.

REASON

To ensure appropriately designed open spaces are provided and in the interests of the protection of existing wildlife and their habitats, and to enhance the nature conservation value of the site.

8. In addition to the reserved matters detailed in Condition 1 the further approval of the Local Planning Authority shall also be required in respect of:

- a) The proposed means of access for refuse and recycling vehicles
- b) The proposed means of storage space for bins and recycling facilities
- c) Details of proposed renewable energy measures include electric charging points and boiler details
- d) A scheme for the provision of adequate water supplies and fire hydrants
- e) Details of existing and proposed levels, incorporating details of finished floor levels.

REASON

To prevent pollution of the water environment, to ensure a sustainable and safe development and to protect the amenities of the area.

9. Before the development is commenced a detailed site investigation shall be carried out to assess the degree and nature of the contamination present. The method and extent of this investigation shall be agreed with the Local Planning Authority prior to the commencement of the work. Details of appropriate measures to address the findings of the investigation, shall then be submitted to and approved in writing by the Local Planning Authority, before the development commences. The development shall then proceed in strict accordance with the measures approved.

REASON

To prevent pollution and protect the amenity of future users of the development.

10. The details of landscaping required by Condition 1 shall include a survey of the existing trees, which assesses their condition and value for retention within the development proposal. Any trees judged worthy of retention should be incorporated within the scheme and details of measures for their protection shall be identified.

REASON

In the interests of the amenities of the area.

BACKGROUND PAPERS

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

Planning Application No: PAP/2019/0599

Background Paper No	Author	Nature of Background Paper	Date
1	Agent	Application Forms, Plans and Statement(s)	28/10/2019
2	Site and Press Notice	Consultation	
3	Agent	Transport Assessment Jan	29/01/2020
4	Agent	Supplementary Transport Statement	12/02/2020
5	NWBC Housing	Consultation	25/11/2019
6	Warwickshire Police	Consultation	27/11/2019
7	WCC Highways	Consultation	27/11/2019
8	NWBC Environmental Health	Consultation	18/12/2019
9	WCC Education	Consultation	21/01/2020
10	WCC Flooding	Consultation	16/01/2020
11	WCC Ecologist	Consultation	06/01/2020
12	Resident	Objection	27/11/2019
13	Resident	Objection	02/12/2019
14	Resident	Objection	11/12/2019

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

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

(7) Application No: PAP/2019/0685

Wathen Grange School, Church Walk, Mancetter, CV9 1PZ

Conversion and extension of former school building plus erection of new building to provide 27 dwellings, access and associated parking plus demolition of existing single storey outbuildings, for

Silverleaf Capital Ltd

Introduction

The receipt of this application was referred to the January Board for information given that the Board has resolved earlier in 2019 to serve an Article Four Direction preventing the demolition of this former Mancetter Primary School building.

The matter is now referred to the Board for determination.

The previous report is attached at Appendix A so it is not proposed to repeat information that has already appeared therein. There have been no material changes in planning circumstances since the publication of that earlier report.

Submitted Documentation

In addition to the plans accompanying the application, the following documents were also submitted as background information.

A Flood Risk Assessment confirms that the site lies within Flood Zone One and therefore is not susceptible to flooding and within which new development is broadly acceptable. It is proposed that surface water would be collected on site using large pipes and below ground storage tanks with sufficient capacity for climate change allowances and appropriate discharge rates into existing sewers in Manor Road.

A Contaminated Land survey indicates no significant potential for ground contamination but the potential for asbestos to be found in the building was noted.

A Bat survey found no evidence of bat roosting sites within the present buildings.

The archaeological evaluation undertaken for the adjoining "Laurel Gardens" and bungalows development is again submitted together with the findings from the trial trenching undertaken on that site. These showed items and finds of limited importance. It is not anticipated that the current site would reveal any different result.

A Transport Assessment notes the good location of the site to public transport services, to local facilities as well as to pedestrian and cycle links to Atherstone. The existing access to the site would be improved so as to provide adequate visibility and width.

The applicant has supplemented the Assessment with a later parking assessment in order to address some of the local community concerns. This is attached in full at Appendix B. In summary this concludes that there is on-street car parking space available during day and evening times.

A Viability Statement has assessed the ability of the development to support provision of affordable housing as well as any possible financial contributions. It concludes that the proposal could not be made viable with either such provision or such contributions.

A Design and Access Statement provides a thorough explanation behind the design and appearance of the proposal given the presence of the Article Four Direction and how the setting of the site has led to the current proposal is also amplified.

A Planning Statement brings all of these matters together with an analysis of the overall proposal in respect of the Development Plan and other material planning considerations.

Representations

Mancetter Parish Council – It raises a number of concerns:

- The need in Mancetter is not for flats
- There has already been significant development in Mancetter
- It should be reduced to three storey development
- This is a dangerous junction
- There will be more on-street car parking
- Historic England need to be involved.

Five local residents have objected referring to:

- Four storey development being too high for the areas. It is out of keeping
- It will overshadow the rear gardens of the bungalows in Manor Road

Mancetter Community Group object referring to:

- The need in Mancetter is not for flats
- Increase in traffic problems
- The School is being changed

Consultations

Warwickshire County Council as Highway Authority – It had concerns about the parking but these have been resolved through review of the parking assessment. Alterations to the geometry of the access arrangement can be dealt with through an amended plan.

Warwickshire County Council as Flood Authority – No objection following the receipt of additional information.

Severn Trent Water Ltd – No objection.

Warwickshire Public Rights of Way – No objection.

Environmental Health Officer – No objection subject to standard conditions.

NWBC (Refuse and Waste) – There are practical issues that need to be resolved through the receipt of amended plans.

Warwickshire Museum – No objection subject to standard conditions.

Section 106 Contributions

WCC Public Rights of Way - £1,106 towards upkeep of local footpaths.

George Eliot NHS Trust - £22,361 towards enhancing services.

Observations

a) Introduction

The site is within the conjoined settlement boundary for Atherstone and Mancetter, which are treated together for the purposes of the Settlement Hierarchy as set out in the Core Strategy. Given this and the nature of the surrounding area, there is no objection in principle to this proposal given the place of these settlements in that settlement hierarchy. This remains unaltered in the Submission Local Plan. The issues here will all be about the detail of the proposal.

b) Heritage Matters

This is one of the main considerations as the Article Four Direction has been instrumental here in securing the retention of the former Mancetter Primary School building from demolition. The development has therefore been proposed around it rather than without it. The awkward and inappropriate modern rear extensions to the building are to be removed and this is an entirely welcome move as they detract from the significance of the building in architectural and visual terms. They also enable more space to become available for any redevelopment scheme. In this case that scheme retains the whole of the original school building and makes use of all of its existing external features – the fenestration and the entrance porch.

The school is not a listed building and neither is it in the Mancetter Conservation Area. However the Mancetter Neighbourhood Plan does refer in the Appendix to its Policy BE1, to the school being identified as a locally non-designated heritage asset. This formed the basis for the Article Four Direction. The NPPF recognises such local non-designated features as heritage assets. Whilst it is not under any statutory duty here, the Council still has to assess the impact of the proposal on the significance of the asset. The significance of this asset is historical as it is one of the few remaining village buildings in the centre of the village prior to expansion which can still be grouped with the Church, the Manor and Alms houses. It also has architectural significance in that it represents one of the last few remaining Victorian schools in the Borough.

There is also a strong community and social value significance. The building is to be retained almost intact and that is a substantial benefit. However there would be a major rear extension. This has been redesigned such that it has minimal visual effect when seen from the prominent viewpoint – the junction of Church Walk and Manor Road. However it still becomes a dominant feature and thus there is some harm caused to the asset itself as this will no longer be a “stand – alone” building. However the setting of the building will be altered because of the rear extension and the new four storey block immediately to the north. The neighbouring developments of Gramer Court and Laurel Gardens have led to the introduction of large blocks of residential development into the immediate setting of the school and thus its setting has already been affected. The new block will be taller and closer to the school building and there will thus be a sense of “containment” and thus there will be further harm to the setting of the school. In overall

terms however it is considered that on balance there is less than substantial harm caused to the heritage significance of the school. This is because it is a non-designated heritage asset; the presence of established large blocks in the vicinity, the retention of the former school almost intact and retention of its prominent location visually. Members however will be aware that a finding of “less than substantial weight” still has to be given great weight in the final planning balance.

c) Design and Appearance

It is considered that the design and appearance of the rear extension and the new block are of high quality. There has been a different approach taken to the rear extension and the new block such that there is a significant degree of variety introduced. Care has been taken with the rear extension so as not to overpower the school building whereas a different approach could be taken with the new block. The setting of the site is much changed and this has enabled a more scope in preparing the proposals. It is thus considered that the proposals fully accords with the relevant “design” policies in the Development Plan.

There is a concern raised about the height of the new block – effectively four storey. However the street scene shows that this would not materially be out of character with the adjoining Laurel Gardens. This is because the fourth storey is within the roof space and that space has been reduced through the use of the three separate gables. The design has therefore been used to reduce the impact of the mass of the building. A more usual flat roof or one overall pitched roof here would indeed be unacceptable.

d) Highway/Parking Matters

All new development gives rise to highway issues. The Highway Authority has not objected to the principle of improvements to the existing access onto Church Walk subject to minor alterations which the applicant has agreed to include. The parking issue has been resolved from the Highway Authority’s perspective following receipt of the up to date and relevant parking assessment. It is agreed that there will be added pressure for on-street parking but without direct rebuttal evidence any refusal could not be defended at appeal and that refusal would not meet the “severe” impact test set out in the NPPF.

e) Residential Amenity

It is agreed that there will be some adverse harm caused to the residential amenity of the occupiers of the bungalows in Manor Road, particularly those closest to the site. To some degree these are already overlooked by the Laurel Gardens development to the north, but the new development will be closer to the nearest of the bungalows. Looking more closely at the actual rear elevation of the rear extension to the school the following mitigating factors are noted – several of the windows are to a stair well and the rear elevation is at an angle to the bungalows such that in the main they overlook the side and front of the properties. It is agreed however that there will be harm caused but that this would be limited.

f) Other Matters

The representations received cover a couple of matters not already covered above. Firstly, in terms of numbers then Church Walk has seen significant development in recent years, but this is all in accord with the Development Plan, as Atherstone with Mancetter is a Category One settlement which with Polesworth/Dordon are expected to

take more than half of the Borough's growth. As indicated in the introduction there is thus no objection in principle and a residential redevelopment of the site is wholly appropriate here. Secondly, there is also a concern about the proposal being for flats rather than houses. The site itself is not of a size that would yield much housing particularly as the main objective here has been to retain the former school building.

On the heritage matter then the County Museum has responded to the consultation request. As can be seen it hasn't required pre-determination evaluation. Instead it will look for evaluation post demolition but it has no objection in principle.

g) Viability

There is no affordable housing being proposed. The policy requirement in this case would be for 30% on-site provision (8 units) or an equivalent off-site contribution in lieu. The applicant has submitted a viability appraisal which indicates that the development scheme would be unviable at this level of provision on site or indeed with an off-site contribution in lieu. The housing need in Mancetter is not for small flats or apartments and thus the scheme would be unlikely to attract Registered Providers. There is no support from housing officers.

The viability appraisal also indicates that the scheme would be unviable with the financial contribution sought from the NHS Trust. The footpath contribution is not considered to meet the statutory requirements in respect of these matters.

h) The Planning Balance

In this case the overriding objective has been the retention of the former school building. This was evidenced through the Article Four Direction. However the retention of the building does mean that the options for the redevelopment of the site as a whole become constrained. This is not only because of the proportion of the site it takes up but also because it limits the scope of the accommodation it can provide – in other words in development terms the value of the site lies outside of its footprint.

The current proposal meets the Council's objective here – the retention of the building incorporating its external features and appearance. That is a significant benefit and one that carries substantial weight for the local community – it being referred to in the Neighbourhood Plan. That clearly comes with some degree of harm – less than substantial harm to the setting of the School, no affordable provision and no financial contribution. It is considered that the weight of the final balance lies in supporting the scheme because of the greater public benefit in retaining the school and because the proposal as a whole introduces has a high degree of quality to the area that can be used as an "exemplar" elsewhere in the Borough.

Recommendation

That subject to no outstanding objections from the Highway Authority that cannot be overcome by condition or through amended plans, planning permission be **GRANTED** subject to the following conditions:

1. Standard Three year condition
2. Standard Plan numbers condition

3. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing to the Local Planning Authority immediately. An investigation and risk assessment shall be undertaken and where remediation is necessary a remediation scheme must be prepared and submitted to the Local Planning Authority in writing. Work may then only proceed following the written agreement of the Local Planning Authority.

REASON

In the interests of reducing the risk of pollution

Pre-commencement Conditions

4. No work shall commence on site, including demolition works, until such time as a Construction Management Plan has first been submitted to and approved in writing by the Local Planning Authority. It shall include:
 - Details of hours during which demolition and construction will take place
 - Details of the means to minimise the deposition of waste and debris on the public highway
 - Details of dust suppression measures
 - Details of onsite lighting
 - Details of onsite security measures
 - Details of controls to limit noise emissions and
 - Details of the contacts both on and off-site in order to monitor and review any complaints.

The approved Plan shall then remain in force throughout the construction period

REASON

In the interests of the residential amenities of the area.

5. No work shall commence on site other than demolition until full details of the measures to dispose of foul and surface water have first been submitted to and approved in writing by the Local Planning Authority. Only the approved measures shall then be implemented on site.

REASON

In order to reduce the risks of flooding and pollution.

6. No development shall take place other than demolition, until such time as a Written Scheme of Investigation for a programme of archaeological evaluative work has been submitted to and approved in writing by the Local Planning Authority and the programme as agreed together with the post-excavation analysis and archive deposition has been undertaken in full.

REASON

In the interests of the archaeological significance of the surrounding area.

7. No development shall commence on suite until an Archaeological Mitigation Strategy has been submitted to and approved in writing by the Local Planning Authority. This Strategy shall detail a strategy to mitigate the archaeological impact of the proposed development and this shall be informed by the archaeological evaluation. Development shall only proceed in accordance with the approved Strategy.

REASON

In the interests of the archaeological significance of the surrounding area.

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

REASON

In the interests of the visual amenities of the area

9. No development shall commence on site other than demolition until full details of the landscaping for the site has first been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall then be implemented on site.

REASON

In the interests of the visual amenities of the area

10. No construction work shall commence on site until details of electric charging points and bays together with details of specification of gas boilers to be installed have first been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall then be installed.

REASON

In the interests of sustainable development

Pre- Occupation Conditions

11. There shall be no occupation of any of the residential units hereby approved until such time as the details approved under condition (10) have been fully installed to the written satisfaction of the Local Planning Authority.

REASON

In the interests of sustainable development.

12. There shall be no occupation of any of the residential units hereby approved until such time as a Site Management Plan has first been submitted to and approved in writing by the Local Planning Authority. The approved Plan shall remain in force at all times

REASON

In the interests of the residential amenity of the occupiers and neighbouring occupants

Notes

1. The Local Planning Authority has met the requirements of the NPPF in this case through pre-application discussion and through seeking amendments in order to overcome technical objections.
2. Standard Party Wall Act Note
3. Standard Highway Authority Note
4. Severn Trent Water Ltd advises that although its sewer records do not show public sewers in the area there may however be sewers that have been recently adopted which carry statutory protection.

BACKGROUND PAPERS

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

Planning Application No: PAP/2019/0685

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	17/12/19
2	Mancetter Community Group	Objection	3/2/20
3	Mancetter Parish Council	Representation	4/2/20
4	Resident	Objection	3/1/20
5	Resident	Objection	9/1/20
6	Resident	Objection	8/1/20
7	Resident	Objection	8/1/20
8	WCC Footpaths	Consultation	2/1/20
9	Environmental Health Officer	Consultation	17/1/20
10	George Eliot NHS Trust	Consultation	
11	Severn Trent Water	Consultation	21/1/20
12	Police Architectural Liaison	Consultation	31/12/19
13	WCC Museum	Consultation	14/1/20
14	NWBC Waste & Refuse	Consultation	8/1/20
15	WCC Ecology	Consultation	9/1/20
16	WCC Highways	Consultation	17/1/20
17	Applicant	Letter	5/2/20

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

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

(4) Application No: PAP/2019/0685**Wathen Grange School, Church Walk, Mancetter, CV9 1PZ****Conversion and extension of former school building plus erection of new building to provide 27 dwellings, access and associated parking plus demolition of existing single storey outbuildings, for****Silverleaf Capital Ltd****Introduction**

The receipt of this application is reported to the Board because of its past decision to make an Article Four Direction in respect of this school building, preventing its demolition.

The current proposal is submitted after a number of meetings that have been held between the applicant, officers and Members in order to retain the school building within any redevelopment scheme. That outcome has been achieved and the report introduces the current proposal to the Board for later determination.

The Site

The former Mancetter Primary School stands at the corner of Church Walk and Manor Road in Mancetter opposite the Post Office. There is residential development around the site – the 1960's three storey Gramer Court blocks opposite; the very recent three storey Laurel Gardens Extra Care Home to the north and a series of bungalows fronting Manor Road to the west dating from the same time.

The School dates from the late Victorian period but there have been more recent extensions at its rear. There is a small presently vacant area immediately to the north within the current application site.

The general location is illustrated at Appendix A.

Background

Earlier this year there was a proposal to demolish the former school in preparation for a prospective residential redevelopment. In view of the strength of local community feeling and the fact that the school building was explicitly recognised in the Mancetter Neighbourhood Plan as a potential non-designated local heritage asset, the Council served an Article Four Direction. This effectively prevented the demolition works. In doing so, the Board invited representatives of the land owner to meet in order to see if any redevelopment proposals could retain the building. Those meetings were entered into in good faith by the land owner and the current planning application is a direct result of those discussions.

The Proposals

These can really be treated as being in two parts – the retention of the school and a separate residential block. In total 27 one bedroom new flats would be created – seventeen in the new block and ten in the converted and extended school building

Overall 20 car parking spaces are to be provided.

The former retains the present school building but would demolish the rear modern extensions and replace them with a two and a half storey extension to the rear of the school. The main frontage to the school thus remains unaltered. The rear extension comprises an "H" form which enables the roof scape to be divided into three gables. These rise above the main school ridge line.

The new block would be constructed on the vacant land to the north. This would be a four storey block again with a heavily gabled roof scape. The ground floor would provide undercroft parking spaces.

The layout is shown at Appendix B with elevations in street scape terms at Appendix C.

Development Plan

The North Warwickshire Core Strategy 2014 – NW1 (Sustainable Development); NW2 (Settlement Hierarchy), NW6 (Affordable Housing Provision), NW10 (Development Considerations), NW12 (Quality of Development) and NW14 (Historic Environment)
Saved Policies of the North Warwickshire Local Plan 2006 – ENV12 (Building Design); ENV13 (Urban Design) and TPT6 (Vehicle Parking)

Mancetter Neighbourhood Plan 2017 – DP2 (Settlement Boundaries); H1 (Smaller Infill Sites), BE2 (Protecting and Enhancing Local Character)

Other Material Planning Considerations

The National Planning Policy Framework

The Submitted Local Plan 2018 – LP1 (Sustainable Development); LP2 (Settlement Hierarchy), LP15 (Historic Environment), LP31 (Development Considerations), LP32 (Built Form) and LP36 (Parking)

Observations

This application will be brought back to the Board for determination once all of the consultations have taken place and any consequential amendments are submitted. Local residents have also been invited to make representations.

Members should be aware that whilst this application results from the Article Four Direction, it does not mean that the proposal should not be treated on its merits and such an assessment, might lead to there being little or no support for the current proposals. The final planning balance will be assessed once the full consultation process has been completed.

Recommendation

That the receipt of the application be noted

BACKGROUND PAPERS

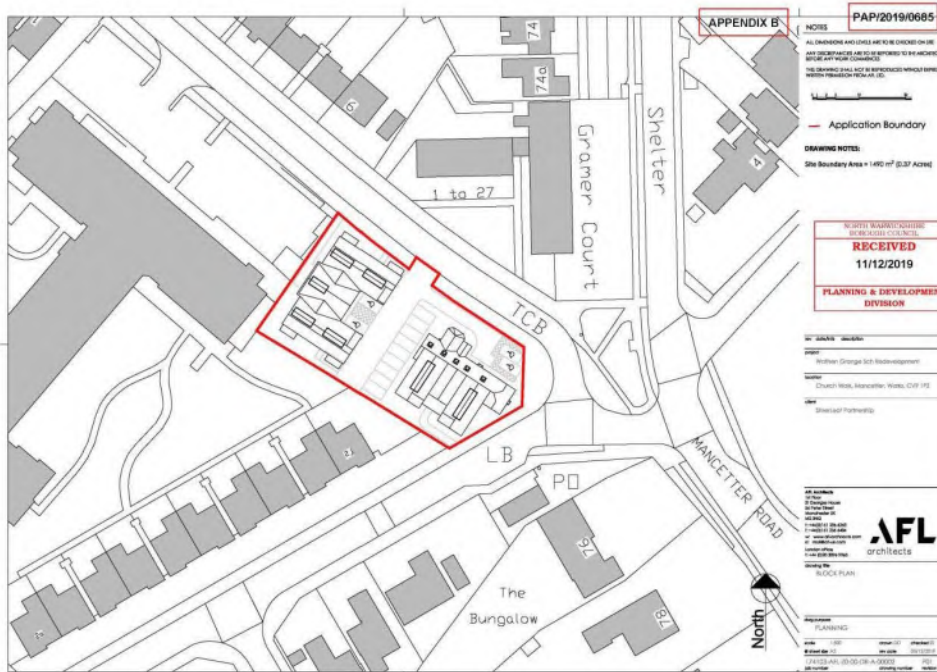
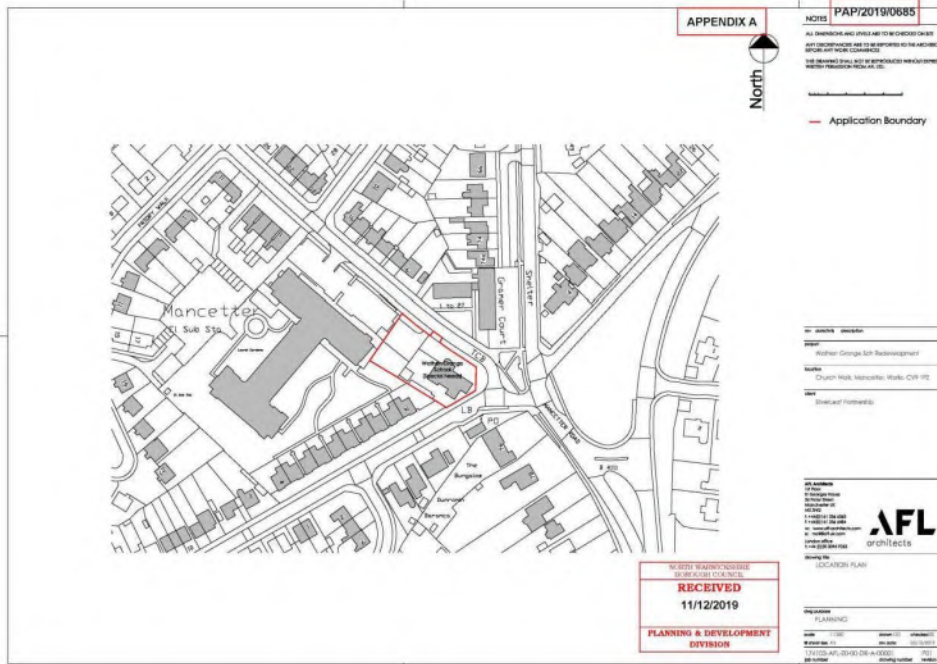
Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Planning Application No: PAP/2019/0685

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	11/12/19

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

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



APPENDIX C

PAP/2019/0685

NOTES

ALL DIMENSIONS AND LEVELS ARE TO BE CHECKED ON SITE AND RECORDED IN THE FIELD BEFORE ANY WORK COMMENCES.

THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITY.

DRAWING NOTES:

Elevations should be read in conjunction with drawings 1/2019/0685-A-2019-10-2019.

Site Elevation 01 (Church road looking south east)

Site Elevation 02 (Manor road looking east)

RECEIVED

11/12/2019

PLANNING & DEVELOPMENT DEPARTMENT

AFL
architects

PROPOSED SITE SECTIONS

5 February 2020



Fieldgate Consultants Ltd

Tony Burrows
Highways Control Engineer
Development Group
Transport and Economy
Communities
Warwickshire County Council

14b Fieldgate Lane
Kenilworth
Warwickshire
CV8 1BT

Dear Tony,

North Warwickshire BC: PAP/2019/0685 – Highways objections

Thank you for your letter of 17 January 2020 to Jeff Brown of North Warwickshire Borough Council regarding the application to convert Wathen Grange School in Mancetter to 27 dwellings with parking. This letter responds to your various points. I would be grateful if you could consider my responses below which hopefully provide sufficient information for you to remove your objection. I would also welcome the opportunity to meet with you to discuss this further if this would help.

Dealing with your comments first on access and refuse collection: I can confirm that the access will be of a width of at least 5m to allow two cars to pass. No gates are proposed on the access.

North Warwickshire refuse has agreed that the residents management company will arrange for bins to be moved to collection areas within the curtilage of the site directly adjacent to the rear of the footway on both Church Walk and Manor Road (but not on the road). This was discussed and agreed with John Rhodes (North Warwickshire Borough Council Waste and Transport Manager) on 29th January. The approach has also been discussed and agreed with Jeff Brown (Planning Officer). A revised layout is being prepared to identify the two holding areas on bin collection days and the residents management company will be subject to a planning condition or s106 agreement.

Regarding your points on parking, I set out my responses below:

Point I: Census ownership and working patterns

I agree that the Transport Statement does not give ownership information. I have looked at local tenure and dwelling type and the data shows that there are 28 flats in the Church Walk Output Area - E158105 - and of these 25 are socially rented and 2 privately rented. Of the 6 Output Areas that make up Mancetter, only two have significant flatted development: the Church Walk Output Area E158105 and the adjacent Output Area E158106 centred around the Nuneaton Road which has 20 flats of which 13 are privately owned, one socially rented and 6 privately rented. From inspection it looks as if some of the flats are in Lodge Close. I attach plans showing the Output Areas in **Appendix 1**.

Fieldgate Consultants Ltd
Company No. 11048604

I have compared the car ownership data for flats in these two Output Areas broken down by number of residents per dwelling (see attached tables) and these show that flats in the Church Walk area have a car ownership level of 0.32 per dwelling and flats in the Nuneaton Road area have a car ownership level of 0.85 per dwelling, which is over twice the Church Walk value. It is likely that some at least of this variation is due to tenure and possibly employment status (the Nuneaton Road area has a slightly higher level of employment at 58% compared to 50% in the Church Walk area).

However, this area is significantly further from Mancetter facilities than Church Walk, being about 500m walk or about 5-6 minutes' walk away from Church Walk, meaning a total walk distance of about 2km to Atherstone Town Centre. It also has fewer nearby bus services and is further from the local primary schools. So, the Nuneaton Road area is less sustainable and accessible on foot than the Church Walk site area.

Based upon the Transport Statement method of estimating the application site car ownership, I predicted a need for only 9 parking spaces on site. Using the Nuneaton Road car ownership values (set out in the attached table) for flats and allowing for 7 one person and 20 two person flats, would require 22 parking spaces on site (as set out in the attached table). This would be an on-site shortfall of 2 parking spaces.

This analysis does not take into account the greater sustainability of the application site compared to the Nuneaton Road area. I can not reasonably see how to take this into account, but I would suggest that a 10% fewer number of cars owned is not unreasonable which would eliminate any short fall on site.

I expand on this argument below.

II: Changes in the area

I agree that there have been significant changes since the census in 2011. The main one being that the adjacent playing fields have been built on with a mixed-use development of a care home and retail units, as set out in my Transport Statement. I do not think these will have had a significant impact upon my parking and car ownership analysis because the Laurel Gardens is an assisted living scheme with sufficient visitor parking and parking for the shops and café plot.

Note that on my daytime and subsequent late evening site visit it was unclear whether the assisted living and retail parking is private and there was no clear demarcation between the two. Neither the assisted living or retail spaces were included in the evening survey described below, although the majority of retail parking was empty (see photographic record in **Appendix 4** below).

III. Parking in the area

My site visit during the day identified significant free on street parking on Church Walk itself and on Daniel Road (please see photographs at **Appendix 2**). The available parking capacity would have been in excess of 20-30 cars. However, this was daytime and I agree parking stress overnight is different. To review residential parking capacity on street I have carried out a parking beat survey on Monday 3 February between 10pm and 11pm. I attach the results of the survey at **Appendix 3**.

The measured parking capacity was calculated for each street within 200m walk of the site. Only one side of each road was assessed as some of the streets were too narrow to park on both sides. This includes Daniel Road and Church Walk which are both approximately 6.3m wide. Where cars were already parked on both sides, a free space was only counted if there were no cars parked opposite. Any capacity within 10m of a junction or bend were discounted. There were two spaces in a layby outside the Mancetter post office which were not counted and also significant parking space on a cul-de-sac formed from the old Mancetter road which was also discounted as being unlikely to be used. Finally, any parking on Findley Close and The Coppice, which were within 200m walk, were discounted as the streets were too narrow.

The results show that there were a total of 27 cars parked on street and 55 spaces, leaving a total of 28 free spaces available. Of these, 5 were directly opposite the site on Church Walk and 3 were on the closest section of Daniel Road and a further 9 on Harpers Lane nearby.

Photographs of the parking were taken and are provided at **Appendix 4** to corroborate the survey.

This survey is indicative of likely overnight parking. Even allowing for some day to day variation there is clearly significant free on-street residential parking capacity on weekdays.

IV. Accessibility and modes of travel to work

I include in **Appendix 1** tables showing modes of travel to work from the Church Walk area that show that of the 103 employed people in (2011) 55% drive to work, 10% are car passengers, 5% use the bus and 21% walk to work. For the wider Atherstone and Mancetter area, the total employed population is 4,227 of which 69% drive, 7% are passengers, 2% use the bus, 2% cycle and 17% walk. Of the Atherstone and Mancetter employees, 1,644 or 39% work within Atherstone and Mancetter and the main areas outside of this are Nuneaton and Bedworth, Birmingham, Tamworth, Coventry and Solihull. Nuneaton and Bedworth has the highest public transport use with 42 out of 467 or 9% who work there using the bus.



Church Hill at eastern end of Darnley Road looking westwards



Church Hill opposite the building materials yard and asphalt yard



Church Hill outside the building materials yard



Church Hill outside the building materials yard



Church Hill from site



Church Hill eastern end

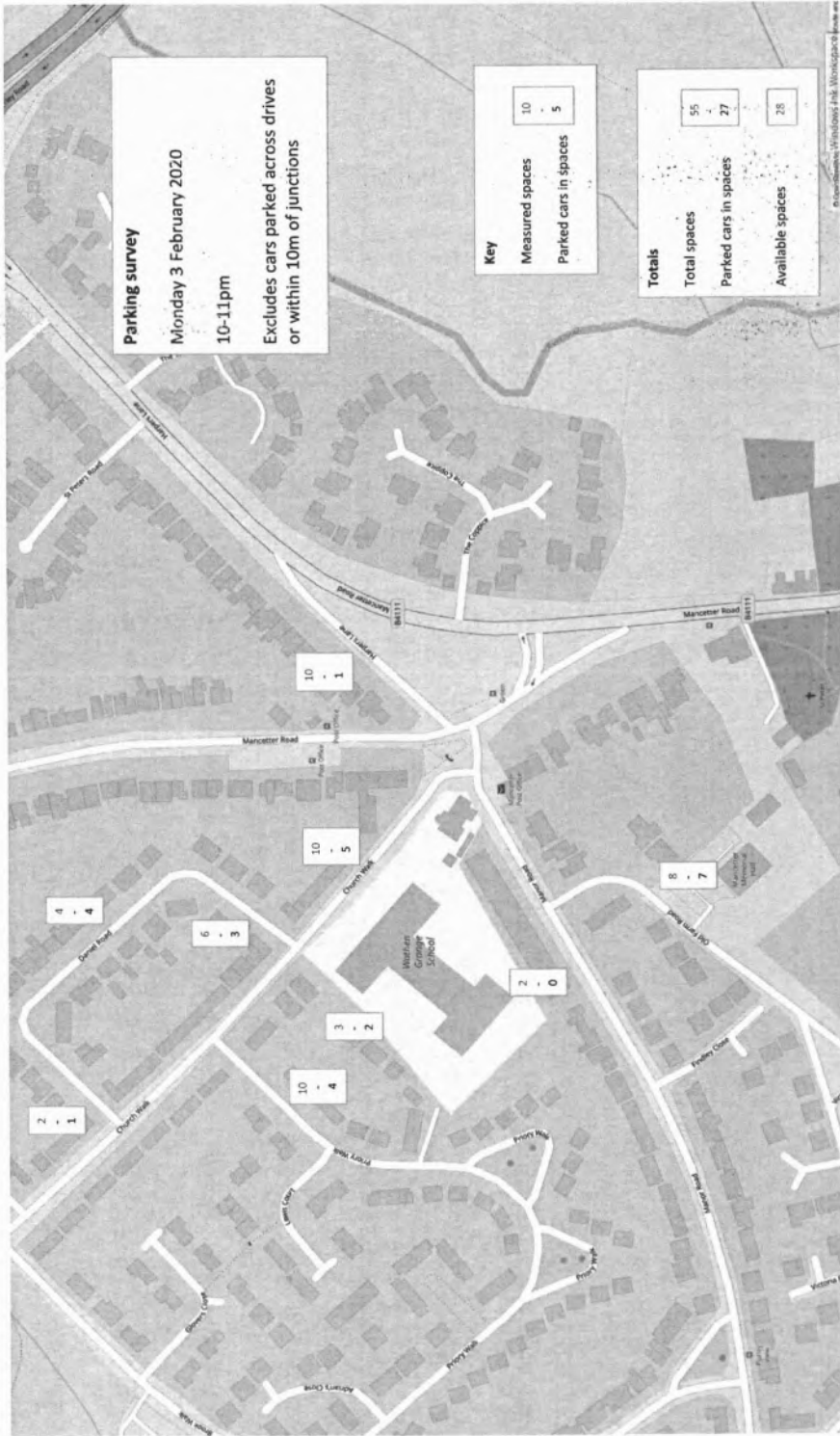


Church Hill western end



Church Hill southern section

Appendix 3: Parking Survey Results: Monday 3 February 2020 10 to 11pm.



Appendix 4: Site Photos 3 February 2020



Church Walk at eastern end of Daniel Road looking westward



Church Walk opposite site looking towards north and eastern ends



Church Walk outside site



Church Walk outside road parking towards site



Daniel Road from corner of Church Walk



Daniel Road eastern end



Daniel Road western end



Daniel Road southern section

Agenda Item No

Planning and Development Board

2 March 2020

**Report of the
Head of Development Control**

Appeal Update

1 Summary

1.1 The Board's attention is drawn to two recent appeal decisions.

<p>Recommendation to the Board</p> <p>That the report be noted.</p>

2 Appeal Decisions

a) Appeal at 60 Coleshill Road, Curdworth

2.1 As can be seen from this successful appeal at Curdworth, although the proposed dwelling was high in quality, it was not considered appropriate in this location. The principle of a new dwelling however was not a matter of concern. It is thus highly likely that an amended scheme will be submitted. The decision letter is at Appendix A.

...

b) Appeals at Spon Lane, Grendon

2.2 These are sites in which the Board has had a significant and ongoing interest because of the access onto Spon Lane between two existing houses. It can be seen from paragraph 3 of the decision letters at Appendices B and C that this too was one of the main interests of the Inspector. The issue of the impact of the proposals on the living conditions of neighbours is also a matter which is dealt with as a material consideration. These matters are all explored in some detail in the letters. The main issue as far as the Inspector is concerned is the highway safety matter and he concludes that that outweighs all other considerations.

...

3 Report Implications

3.1 Environment, Sustainability and Health Implications

3.1.1 These decisions align with the Council's Development Plan policies of seeking development that is in-keeping with its setting and that highway safety matters can be important in decisions provided the evidence is available to support a refusal.

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

Background Papers

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

Background Paper No	Author	Nature of Background Paper	Date



Appeal Decision

Site visit made on 21 January 2020

by **J Williamson BSc (Hons) MPlan MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 7th February 2020

Appeal Ref: APP/R3705/W/19/3241399

Honey Pot Cottage, 60 Coleshill Road, Curdworth B76 9HA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Shane Davies, MADE Architecture, against the decision of North Warwickshire Borough Council.
 - The application Ref PAP/2019/0278, dated 13 May 2019, was refused by notice dated 16 October 2019.
 - The development proposed is erection of one new dormer bungalow.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. Revised plans were submitted during the application, mainly reducing the size of the proposal and removing some glazing elements. I have made my decision based on the amended plans.
3. I understand that the Emerging Local Plan (ELP) has not yet been found sound. In addition, I have not been provided with any details regarding whether, and to what extent, there are unresolved objections to any policies. Consequently, I am not able to attach significant weight to the policies in the ELP.

Main Issues

4. The main issues are:
 - the effect of the development on the character and appearance of the area, with regard to its siting, layout, size, mass and design detail, and
 - the effect of the proposed development on the living conditions of existing occupiers of neighbouring properties Nos 22 and 24 Breeden Drive, and future occupiers of the proposed dwelling, with particular regard to overlooking/privacy.

Reasons

Character and appearance

5. Breeden Drive, the street from which the proposed dwelling would be accessed from, is one of a cluster of cul-de-sacs sited both sides of Coleshill Road which collectively form an expanse of residential development. Most of the properties

- are detached dwellings, though there are examples of semi-detached and short rows of terraced dwellings in the area.
6. Breeden Drive comprises mainly short rows of terraced properties with a few semi-detached and detached dwellings. All the properties are two-storeys high designed with a simple form, ie box shaped with dual-pitched roofs and gable ends. Many have a shallow canopy/porch extension along their front elevation. Most are set back from the road behind a front garden/parking area with gardens to the rear.
 7. A single-vehicle-width tarmac driveway extends off Breeden drive providing vehicle access to Nos 14-24. The rear garden of the host property, No 60 Coleshill Road, currently has a pedestrian access from this driveway. The proposal includes using this route to access the dwelling. The proposed residential plot would be created by severing the rear half of the rear garden of the host property, No 60. In terms of its siting, I consider the creation of a residential plot in the proposed location to be in keeping with the cul-de-sac pattern of development of Breeden Drive and other surrounding residential development, whilst simultaneously not eroding the pattern of development of properties on Coleshill Road located between Breeden Drive and Church Lane.
 8. The proposed dwelling would be detached. It would be around twice the width of each of the properties in the terrace it would be opposite. The form of the dwelling would be more complex than the simple form of neighbouring properties. Thus, the footprint would comprise of 3 oblong shapes attached to each other. There would be a central section, set back from the driveway towards the centre of the plot and a section attached to one end of this, at right-angles to it, extending towards, and close to, the access driveway. Another section would be attached to, and extend off, the rear elevation. As a result, the dwelling would have 3 main roofs, with 3 roof lines of slightly varying heights, running in different directions, ie the central one running north-south and the other 2 running east-west.
 9. Including the gable ends of the various sections of the proposal, there would be 6 gables of varying sizes with varying roof pitches. In general, the roof and gable pitches would be much steeper than those of neighbouring properties. At 1.5 storeys high, the proposed dwelling would have lower ridge heights than neighbouring properties and substantially lower eaves heights.
 10. I acknowledge that the design of the dwelling, in isolation, is of high quality, sustainable and inclusive. I also acknowledge that the designs of the immediate neighbouring properties are without architectural merit. However, except for the neighbouring properties being altered and extended in the future, the location provides little in the way of opportunities for future development. As such, the proposed dwelling is unlikely to serve as an example that will raise the standards of design in the area. Consequently, not only would it appear out of place from the outset, but it would continue to do so in the future.
 11. Bearing in mind the factors outlined above, I consider the individually designed proposed dwelling would be a discordant addition to the street scene that would be out of keeping with its surrounds. As such, I conclude that the proposal as designed and laid out within the plot would be harmful to the street scene and therefore the character and appearance of the area. Consequently, the proposal would not accord with saved policies ENV12 and ENV13.1 of North Warwickshire Local Plan (2006) (NWLP), or Policy NW12 of the North

Warwickshire Local Plan Core Strategy (2014) (NWLPCS). These policies require, among other things, developments to harmonise and integrate with their immediate setting and wider surroundings taking account of scale, mass, height and appearance; proposals should also demonstrate a high quality of sustainable design that positively improves the character and appearance of the area.

Living conditions

12. The proposed dwelling would have one habitable room window on the ground-floor and one on the first-floor of its front elevation. Both would serve bedrooms. These would directly face other habitable room windows on the front elevation of No 22 Breeden Drive and would be to the side of habitable room windows on the front elevation of No 24. As regards the window on the ground-floor of the proposal, the parking area would be sited directly in front of this window. Consequently, it is likely that when the property is occupied a car would be parked on the site restricting views out of and into the bedroom on the ground-floor.
13. Due to the existence of front porches on Nos 22 and 24 I consider there would be very limited loss of privacy to these properties to any rooms at ground-floor level and that any overlooking from these properties to the proposed dwelling would be severely restricted. In respect of habitable room windows at first-floor level, although I was not able to confirm this on site, my observations lead me to conclude that it is likely that Nos 22 and 24 have bedroom windows at first-floor level on their front elevations.
14. The plans show 17 m between the proposed windows of concern and the footprint of No 22. The Council's statement refers to the distance being 17-17.5 m. Hence, the parties agree that the separation distance would be somewhere between 17 to 17.5 m. Bearing in mind the small number of windows involved and the nature of rooms served, along with the constraints of the site, which result in it being unlikely for the appellant to increase the separation distance further, I consider that the proposed development would not harm the privacy levels of existing occupiers of Nos 22 and 24 or those of future occupiers of the proposed dwelling as a result of overlooking.
15. Bearing in mind the above, with regards to overlooking/privacy, I conclude that the proposed development would not harm the living conditions of existing occupiers of Nos 22 and 24 and that satisfactory living conditions would be provided for future occupiers of the proposed dwelling. As such, the proposal would accord with Policy NW10(9) of the NWLPCS and paragraph 127(f) of the National Planning Policy Framework. These policies and guidance require, among other things, developments to avoid unacceptable impacts on neighbouring properties due to overlooking and to create places with a high standard of amenity for existing and future occupiers.

Other Matters

16. The appellant has outlined various factors in support of the proposal. Thus, the site is previously developed land and the proposal would make efficient use of land. The figures in the Council's Housing Land Supply include 120 dwellings from windfall sites. The proposed site would constitute a windfall site and therefore it would contribute to this requirement. The proposal would provide economic benefits during construction and post development. The site is not in

a Conservation Area and there are no Listed Buildings within its vicinity and the site is locationally accessible.

17. Although these factors weigh in favour of the proposal they do not, either individually or collectively, outweigh the harm to the character and appearance of the area I have identified.
18. The appellant has drawn my attention to various other developments in the area. However, I do not have the full details of these and therefore cannot be sure that either of them is directly comparable to the proposal.

Conclusion

19. Notwithstanding my conclusion in respect of living conditions, for the reasons outlined above, I conclude that the appeal is dismissed.

J Williamson

INSPECTOR



Appeal Decision

Site visit made on 27 August 2019

by **S D Castle BSC(Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 14 February 2020

Appeal Ref: APP/R3705/W/19/3229569

Land to the rear of 6 to 20 Spon Lane, Grendon, Warwickshire CV9 2QG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mrs Helen Evans against the decision of North Warwickshire Borough Council.
 - The application Ref PAP/2018/0209, dated 6 June 2018, was refused by notice dated 15 January 2019.
 - The development proposed is residential development of 9 no. dwellings with access.
-

Decision

1. The appeal is dismissed.

Preliminary matters

2. The application was submitted in outline form with all matters except access reserved for later consideration. I have determined the appeal on the same basis.

Main Issues

3. The main issues are:
 - The effect of the proposed development on the safe and efficient operation of the highway.
 - The effect of the proposed development on the living conditions adjacent dwellings with particular regard to No.s 20 and 20a Spon Lane.

Reasons

Policy Context

4. The development plan includes the North Warwickshire Core Strategy adopted in 2014 (CS) and saved policies in the North Warwickshire Local Plan 2006 (LP).
5. I understand that the Emerging Local Plan (ELP), the North Warwickshire Local Plan Submission Version (March 2018), has not yet been found sound. I have not been provided with any details regarding whether, and to what extent, there are unresolved objections to any policies. Consequently, I am not able to attach significant weight to the policies in the ELP.

6. The Council refers to recent appeal decisions (Daw Mill¹ and Ansley²) establishing that CS Policy NW2 (Settlement Hierarchy) is out-of-date in so far as it relies upon development boundaries or defined areas on the Proposals Map. I concur that the restrictive nature of Policy NW2 means only limited weight can be attributed to the policy. Policy NW2 is, however, consistent with the National Planning Policy Framework (the Framework) in so far as it seeks to direct residential development towards more sustainable settlements, away from isolated rural locations which have limited access to services and facilities. There is no substantive evidence before me, however, to indicate that the proposal conflicts with these aspects of the policy.
7. I find Policy ENV14 of the LP and Policy NW10 of the CS broadly consistent with the Framework in so far as they seek to ensure safe and suitable access to the site can be achieved for all users. Policy NW10 of the CS is also broadly consistent with the Framework in so far as it seeks to avoid unacceptable impacts upon neighbouring amenity. I give these policies substantial weight.
8. I regard the adopted development plan policies listed on the refusal reason, along with Policy NW2, as the most important policies for determining the application. Taken as a whole, I do not consider them out-of-date for the purposes of this decision.

Highways

9. The site is located to the east of Spon Lane and to the north of Watling Street, a classified road (A5). The site includes an existing private drive, Willows Lane, that is located between dwellings at 20 and 20a Spon Lane. As well as providing access to the appeal site itself, Willows Lane also serves 7 dwellings (including the garage to No 20a), with dwellings off the access located to the north and east of the site. A dropped kerb crossover on the eastern side of Spon Lane provides vehicular access to Willows Lane. This dropped kerb extends to the front of No 20 and, at the time of my site visit³, two cars were parked within the front driveway of No 20. The boundary between Willows Lane and No 20 predominantly consists of a timber post and rail fence, backed by a timber closed boarded fence. The boundary between Willow Lane and No 20a includes a mix of brick wall and metal railings.
10. Spon Lane, in close vicinity to the site, is residential in character, with housing and pavements located on both sides. Most dwellings have dropped kerb crossovers providing access to parking areas to the front of dwellings. There are no signed restrictions on parking in the public highway. The eastern side of Spon Lane includes sections of grass verge and street trees between the highway and pavement. On the western side of Spon Lane, sections of grass verge are located between the pavement and the dwellings. Street lighting and telegraph poles are located on both sides of the highway. A long section of dropped kerb crossover is located on the western side of Spon Lane, to the front of Church Hall Gardens, opposite the entrance to Willows Lane. At the southern end of Spon Lane, there is a turning head and no through road to the adjacent Watling Street. A shop, bus stop, post-box and public bench are located adjacent to the turning head.

¹APP/R3705/W/16/3149827

²APP/R3705/W/17/3189584

³ 1330h to 1500h Tuesday 27 August 2019

11. The Council's refusal reason raises concerns regarding the safety and suitability of the dropped kerb crossover at the junction of Willows Lane and Spon Lane given the additional traffic that would be generated by the proposal. There is no currently adopted design guidance before me that requires a certain number of dwellings (or higher) to be served by a bellmouth access. Manual for Streets (MfS) is not prescriptive in this regard either. Nevertheless, it is contended by the Council that a bellmouth access is required to provide: pedestrians safe access into and out of the site in an area of conflict; people with mobility issues access to the site; and to ensure vehicles would not park in close proximity to the access making swept paths easier so there would be less damage to the public highway.
12. MfS advises that the kerbed separation of footway and carriageway provides a number of benefits including, amongst others, offering protection to pedestrians and assisting blind or partially-sighted people in finding their way around. In relation to this development, the Road Safety Audit (RSA) submitted by the appellant advises that a crossover is preferable to a priority junction with radius kerb arrangement given that it maintains priority along Spon Lane for pedestrians.
13. The RSA goes on to raise a concern regarding the lack of intervisibility between vehicles on Willows Lane and pedestrians approaching the access from the south west. This intervisibility is limited by virtue of the boundary fence to the front of No 20. The RSA advises that pedestrians waiting at a radius kerb may not have a clear view of vehicles approaching from the development and this could lead to collisions if pedestrians suddenly step out from a radius kerb into the path of a vehicle. The RSA recommends a vehicular crossover arrangement to ensure pedestrians have priority and do not have to wait in a position where they may be hidden from the view of drivers.
14. The photos within the RSA show a single car parked on the driveway to the front of No.20 and a further car parked on the pavement to the front on No.20. On my site visit, I noted two cars parked within the driveway to the front of No.20, with one of those cars parked adjacent to, and with the rear of the car projecting past, the existing boundary fence. The parking of cars adjacent and forward of the boundary fence of No.20 further exacerbates the limited pedestrian and vehicular intervisibility identified within the RSA.
15. The RSA advises a number of other recommendations, including the provision of a strip of corduroy paving between Willows Lane and the highway to aid visually impaired pedestrians; and the planting or other suitable structures (perhaps seating) at 20m and 40m from the crossover to restrict forward visibility on the access and slow vehicle speeds. The submitted plans do not, however, include this corduroy strip and only includes a single chicane approximately 30m from the access. The Traffic and Road Safety Group's consultation response also raises the concern that the proposed Willows Lane/footway interface gives no encouragement for vehicular traffic to give way to footway users.
16. I note that the proposal includes different coloured surfacing to delineate a central vehicle track from the required pedestrian visibility splays. I also note that surfacing materials to indicate a shared surface access drive and indicative locations for street lighting are proposed. I am not persuaded, however, that the proposed features will meet the key aims for shared surfaces set out in

MfS, including, amongst others, encouraging low speeds and creating an environment in which pedestrians can walk, or stop and chat, without feeling intimidated by motor traffic. The length of the access drive and the omission of safety features recommended by the RSA will not encourage low speeds. The lack of a corduroy strip would create problems for blind or partially-sighted people who rely on such features, in the absence of kerbs, to find their way around. Given the high boundary treatments along the access to Willows Lane and the adjacent driveway at No 20, non-motorised users would feel threatened by having no clearly defined space protected from vehicles.

17. The submitted swept path analysis shows that two cars can pass when entering and exiting Willows Lane, but also that there would be conflict between cars and larger wheel-base vehicles using the junction. Whilst the number of driveways onto Spon Lane may reduce parking and speeds along Spon Lane, they would also result in vehicular movements within close vicinity to the Willows Lane junction. Images provided by the Council and an interested party show that parking occurs on Spon Lane to the front of Nos 20 and 20a. Such parking would inevitably prevent vehicles tracking in the manner depicted in the submitted swept path analysis plans. The additional traffic from the development would inevitably increase the frequency of conflict at the Willows Lane junction.
18. The appellant accepts that, given the turning head at the end of Spon Lane is sometimes blocked, vehicles, including the refuse truck and delivery vehicles, reverse back down Spon Lane and use Willows Lane as a turning head by reversing into it and then coming back out in forward gear to exit Spon Lane northwards. Whilst the different coloured surfacing to delineate a central vehicle track highlights the pedestrian visibility splay, it doesn't prevent vehicles entering these splays when vehicular conflict occurs. Such manoeuvres would be detrimental to highways safety particularly given the crossover is proposed to enable pedestrians to continue walking along the footway without stopping despite limited visibility from the south-west.
19. I note the Council's concerns that the proposal will exacerbate existing damage to the highway as a result of larger vehicles 'dry steering' and overrunning kerbs whilst accessing Willows Lane. Whilst I find the evidence before me regarding additional damage to the highway inconclusive, submitted images clearly show large vehicles overrunning the kerbs to the front of Church Hall Gardens and the difficulty large vehicles currently have manoeuvring within the bounds of Spon Lane whilst accessing and egressing Willows Lane.
20. The Highways Authority has, however, previously accepted that dwellings on Willows Lane can be serviced by large refuse vehicles⁴. From the evidence before me⁵, it would appear that refuse vehicles of different sizes have, indeed, previously accessed Willows Lane. Furthermore, the proposals include the reconstruction of the crossover to a more robust engineering standard. As such, I am not persuaded that the additional dwellings would result in additional trips of refuse vehicles to the site, or that the increased weight of refuse vehicles would result in additional damage to the highway.
21. In terms of the frequency of traffic in the area, I have limited evidence before me and there is variation in the existing traffic counts provided by the appellant

⁴ Fieldgate Consultants Ltd Transport Proof of Evidence - Appendix C PAP/2015/0691 Access Plan

⁵ Fieldgate Consultants Ltd Transport Proof of Evidence - Appendix D Existing Refuse Collection Photos

and an interested party. The interested party's count shows that, on 16 July 2018 (Monday), there were movements of 29 pedestrians, 1 cyclist and 44 cars near the junction of Willows Lane between 0700h and 0900h. The appellant's statement includes a table showing a lower limit, mid-range and upper limit projections for future morning peak hour (0800h to 0900h) car trips in Willows Lane. The table shows a predicted upper limit of 9 vehicles per hour in the morning peak hour on Willows Lane, comprising 5 additional vehicular movements (based on 0.6 vehicles per dwelling in the peak hour). No projections have been provided regarding the increase in pedestrian and cyclist movements along Willows Lane, but 9 dwellings would inevitably produce an increase in the number of such movements. A limited increase in larger vehicles, such as delivery vehicles, would also result from the development.

22. Whilst additional traffic numbers would be relatively light, I find they would be significant given the concerns set out above regarding the safety of the design of the shared space, the potential for conflict at the proposed crossover, and the evidence of existing unsafe vehicular manoeuvres. The cumulative impact of the additional traffic would be unacceptably detrimental to highway safety. In reaching this view, I have had regard to the planning permission granted by the Council at The Liberal Club, Baddesley Ensor. From the information before me, the development at The Liberal Club differs from the current appeal in so far as the layout and features within that site slow traffic speeds. I also note that the railings forming the access boundary treatments do not impede pedestrian intervisibility to the same extent as the high fence to the front of No 20 Spon Lane. In this regard, The Liberal Club development better reflects the suggestion within paragraph 7.8.4 of MfS for footway visibility splays to be provided using boundary railings rather than walls. Notwithstanding this, I have considered this appeal on its own merits.
23. For the above reasons, I find that the development would not preserve the safety and efficient functioning of the local road network without problems of congestion, danger or intimidation caused by the size and number of vehicles and is therefore contrary to LP Policy ENV14. It would not provide for appropriate vehicle access and manoeuvring contrary to CS Policy NW10 and would not represent an inclusive design contrary to CS Strategic Objective 6. Furthermore, I find the proposal would fail to provide safe access, including for walking and cycling to the surrounding area without detriment to the safety of the existing frontage development contrary to ELP Policies LP29 and LP32. The development would not minimise the scope for conflicts between pedestrians, cyclists and vehicles or address the needs of people with disabilities and reduced mobility in relation to all modes of transport and would represent an unacceptable impact on highway safety by failing to ensure safe and suitable access to the site can be achieved for all users contrary to the provisions of the Framework, including paragraphs 108 and 110.

Living Conditions

24. The proposal would result in increased traffic along Willows Lane in close proximity to the dwellings at 20 and 20a Spon Lane. This is, however, an established residential area with existing traffic movements adjacent to both Nos 20 and 20a, including along both Spon Lane and Willows Lane.
25. Whilst the Willows Lane facing elevation of No 20 includes the main entrance and a number of windows serving habitable rooms, given the boundary

treatment and the separation distance to Willows Lane, the increase in traffic from 9 additional dwellings would not result in unacceptable levels of disturbance through noise or light pollution, taken cumulatively or otherwise. The effect on the living conditions of 20a would also be acceptable, given additional traffic would primarily pass adjacent to a side elevation and a high boundary wall. Given the majority of additional traffic resulting from 9 dwellings would be private cars not large delivery or refuse vehicles, the realignment of the access road adjacent to the gardens of Nos 20 and 20a would not result in unacceptable harm to living conditions through either disturbance, light pollution or noise.

26. I have no substantive evidence before me to indicate that the increase in vehicular movements would lead to unacceptable levels of air pollution, taken cumulatively or otherwise.
27. The details of street lighting could be appropriately controlled through the submission of a lighting scheme to avoid harm to living conditions. It is not clear at this stage what the landscaping and layout adjacent to the rear of Nos 6-20 would comprise. These details would be submitted at the reserved matters stage and there is no substantive reason before me to suggest such details would not appropriately maintain the living conditions of nearby dwellings.
28. As such, the development would not compromise the quality of life of existing adjacent occupiers and would avoid unacceptable impacts from general disturbance, noise, light and air pollution in accordance with the provisions of CS Strategic Objective 6 and CS Policy NW10. Furthermore, the development would accord with ELP Policy LP32 which sets out the requirement that, amongst others, access arrangements should not cause adverse impacts to the amenity of the existing frontage development. I have not found conflict with the provisions of the Framework with regards to this main issue, including paragraphs 127 and 180 which, taken together, require decisions should secure a high standard of amenity for existing and future users, taking into account the likely effects (including cumulative effects) of pollution on health and living conditions.

Other Matters

29. I understand the site is immediately adjacent to the development boundary of Baddesley with Grendon, an identified Local Service Centre as set out within CS Policy NW2 (Settlement Hierarchy). Policy NW2 advises that development will be permitted in or adjacent to development boundaries of Local Service Villages where it is considered to be appropriate to its place in the settlement hierarchy. The Council does not object to the principle of the development in this location and, given the surrounding residential development and local access to services, I have no reason to disagree.
30. Paragraph 64 of the Framework requires that where major development of housing is proposed, decisions should expect at least 10% of the homes to be available for affordable home ownership. CS Policy NW6 advises that for schemes of between 1 and 14 dwellings, 20% affordable housing provision will be provided. The Council contends that a condition is required to secure the provision of affordable housing at a rate of 40% of the development to accord with ELP Policy LP9. Given the ELP has not been found sound, and in the absence of any substantive evidence to the contrary, I consider the rate of

20% required by CS Policy NW6, as part of the adopted development plan, remains applicable. In the absence of a completed S106 legal agreement to this effect, a condition would be necessary to secure the required affordable housing.

31. Whilst I acknowledge that the density of the proposal is low, it would be reflective of the character of the surrounding area. Given the size of the appeal site, I am satisfied that matters relating to the character of the area, landscaping, ground conditions, open space, drainage, ecology and living conditions, could be addressed appropriately either by condition or at the reserved matters stage.
32. I note interested parties have raised concerns regarding the impact of the development on the structural integrity of adjoining properties. Issues relating to land ownership are a private matter between the relevant parties and do not have a material bearing on my assessment of the planning issues in this appeal.

Personal circumstances and the planning balance

33. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations (including the Framework) indicate otherwise.
34. I have carefully considered the objections of interested parties with regards to the potential impact of the development on the health of a local resident. In the light of this evidence, I have had due regard to the Public Sector Equality Duty (PSED) contained in section 149 of the Equality Act 2010, which sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. I have also had regard to rights conveyed within the Human Rights Act.
35. Given the sensitive nature of the health information supplied to me as part of this appeal, it would not be appropriate for me to outline the specific health conditions of the individual concerned. Particular concerns have been raised regarding the impact of dust, during and post-construction, exacerbating the local resident's medical condition. Concerns have also been expressed regarding the impact of noise, disturbance and vehicular fumes/movements on the health and living conditions of the local resident. I have considered the health documentation relating to the local resident and, based on the evidence that is before me, I agree that that the proposed development, primarily during construction, would represent a risk to the residents' health and enjoyment of property. These are personal circumstances to which I afford weight in opposition to the appeal.
36. I recognise that construction vehicles would pass in close proximity to the main entrance, windows (serving habitable rooms), rear conservatory, and outdoor amenity space, of the dwelling of the affected local resident. A high closed boarded fence encloses much of the boundary of that dwelling, but the rear garden does not contain any substantial trees or tall vegetation that might act as a barrier to the movement of dust or particles. It is noted that the local resident has to constantly undertake health monitoring at home and is encouraged to undertake healthy physical and mental pursuits such as growing fruit and vegetables and relaxing outdoors. As such, it may be necessary for

the resident to alter patterns of behaviour when construction is particularly busy or when the prevailing south-westerly wind is in a less favourable direction. Such changes may include staying in-doors with windows shut to prevent the ingress of dust and to reduce disturbance by noise / vehicular movements.

37. The Council's Environmental Health Officer has recommended a Construction Environmental Management Plan, including a dust management plan, is secured by condition. The appellant accepts that noise and dust monitoring would be required, along with provisions to inform local residents of any abnormal occurrences, swift complaint management and appropriate management of construction to ensure access to dwellings is maintained. Such measures would significantly mitigate the risks to the health of the resident during construction.
38. Following construction, I do not have any substantive evidence before me to indicate that the additional vehicular movements in terms of levels of fumes or disturbance, given the existing urban location, would cumulatively, or otherwise, have an unacceptable impact on the health of the local resident. I do note that the mobility of the local resident is limited and therefore the detrimental impact on highway safety identified above would negatively impact on the affected local resident and this weighs against the appeal. Overall, given appropriate mitigation could be secured, the evidence does not substantively indicate that the development would give rise to more than limited risk of harm to the health of the local resident and I, therefore, give limited weight to this impact in the overall balance.
39. In weighing the personal circumstances in the balance, this has to be considered against the social, environmental and economic benefits of the proposal. Such benefits would include its contribution towards boosting housing supply at an identified Local Service Centre where the distances to services and facilities would limit the need to travel. Whilst the appellant has not challenged that the Council can demonstrate a 5-year deliverable housing land supply, I acknowledge that housing targets should not be considered as a cap on the delivery of housing and the importance of delivering housing on suitable windfall sites. Given the number of dwellings proposed, I give moderate weight to the delivery of these homes, including any affordable housing. Social and economic benefits derived from jobs provided through construction and through the support future occupiers would give to services and facilities in the area further weigh in favour of the proposed development.
40. The development would not, however, minimise the scope for conflicts between pedestrians, cyclists and vehicles or address the needs of people with disabilities and reduced mobility in relation to all modes of transport and would represent an unacceptable impact on highway safety by failing to ensure safe and suitable access to the site can be achieved by all users. I give substantial weight to this conflict with paragraphs 108 and 110 of the Framework. Whilst I have not found the policies which are most important for determining the application out-of-date, even if I were to do so, the identified harm would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
41. I give limited weight to the earlier identified conflict with ELP Policies LP29 and LP32. Substantial weight is, however, given to the identified conflict with

adopted development plan policies by virtue of the development's unacceptable detrimental impact on the safe, efficient and inclusive functioning of the access and local highway network.

42. Overall, there are no material considerations, either individually or in combination, of sufficient weight to outweigh the identified conflict with the development plan, nor do they indicate that the proposal should be determined other than in accordance with the development plan.

Conclusion

43. For the above reasons, the appeal is dismissed.

S D Castle

INSPECTOR



Appeal Decision

Site visit made on 27 August 2019

by **S D Castle BSC(Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 17th February 2020

Appeal Ref: APP/R3705/W/19/3233095

5 Willows Lane, Grendon CV9 2QG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Daniel Swift against the decision of North Warwickshire Borough Council.
 - The application Ref PAP/2018/0216, dated 28 March 2018, was refused by notice dated 15 January 2019.
 - The development proposed is removal of pond, construction of 3 bed house with double garage and parking.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the proposed development on the safe and efficient operation of the highway;
 - The effect of the proposed development, with particular regard to the removal of the pond, on the character, appearance and environmental quality of the area.

Reasons

Policy Context

3. The development plan includes the North Warwickshire Core Strategy adopted 2014 (CS) and saved policies in the North Warwickshire Local Plan 2006 (LP).
4. I understand that the Emerging Local Plan (ELP), the North Warwickshire Local Plan Submission Version (March 2018), has not yet been found sound. I have only been provided with limited details regarding to what extent there are unresolved objections to any policies. Consequently, I am not able to attach significant weight to the policies within the ELP.
5. The Council refers to recent appeal decisions (Daw Mill¹ and Ansley²) establishing that CS Policy NW2 (Settlement Hierarchy) is out-of-date in so far as it relies upon development boundaries. I concur that the restrictive nature of

¹APP/R3705/W/16/3149827

²APP/R3705/W/17/3189584

Policy NW2 means only limited weight can be attributed to the policy. Policy NW2 is, however, consistent with the National Planning Policy Framework (the Framework) in so far as it seeks to direct residential development towards more sustainable settlements, away from isolated rural locations which have limited access to services and facilities. There is no substantive evidence before me, however, to indicate that the proposal conflicts with these aspects of the policy.

6. I find LP Policy ENV14 and CS Policy NW10 broadly consistent with the Framework (including para 108) in so far as they seek to ensure safe and suitable access to the site can be achieved for all users. I also find CS Policy NW12 broadly consistent with the Framework (including section 12) in so far as it requires development to demonstrate a high quality of design that positively improves a settlement's character, appearance and environmental quality. I give these policies substantial weight.
7. I regard the adopted development plan policies listed within the refusal reasons, along with CS Policy NW2, as the most important policies for determining the application. Taken as a whole, I do not consider them out-of-date for the purposes of this decision.

Highways

8. The site is located on the northern side of Willows Lane, a private road accessed off the eastern side of Spon Lane between the dwellings at 20 and 20a Spon Lane. Willows Lane serves 7 dwellings (including the garage to No 20a) located to the north and east of the private road. A dropped kerb crossover on the eastern side of Spon Lane provides vehicular access to Willows Lane. This dropped kerb extends to the front of No 20 and, at the time of my site visit³, two cars were parked within the front driveway of No 20. The boundary between Willows Lane and No 20 predominantly consists of a timber post and rail fence, backed by a timber closed boarded fence. The boundary between Willows Lane and No 20a includes a mix of brick wall and metal railings.
9. Spon Lane, in close vicinity to the site, is residential in character, with housing and pavements located on both sides. Most dwellings have dropped kerb crossovers providing access to parking areas to the front of dwellings. There are no signed restrictions on parking in the public highway. A long section of dropped kerb crossover is located on the western side of Spon Lane, to the front of Church Hall Gardens, opposite the entrance to Willows Lane. At the southern end of Spon Lane, there is a turning head and no through road to the adjacent Watling Street (A5). A shop, bus stop, post-box and public bench are located adjacent to the turning head.
10. The Council's first refusal reason raises concerns regarding the safety and suitability of the dropped kerb crossover at the junction of Willows Lane and Spon Lane given the additional traffic that would be generated by the proposal. There is no currently adopted design guidance before me that requires a certain number of dwellings (or higher) to be served by a bellmouth access. Manual for Streets (MfS) is not prescriptive in this regard either. Nevertheless, it is contended by the Council that a bellmouth access is required to provide: pedestrians safe access into and out of the site in an area of conflict; people

³ 1330h to 1500h Tuesday 27 August 2019

with mobility issues access to the site; and to ensure vehicles would not park in close proximity to the access, making swept paths easier so there would be less damage to the public highway.

11. The submitted swept path analysis shows that a large refuse vehicle can currently access and egress Willows Lane, in a forward gear, without over-running kerbs. Such manoeuvres, however, are not possible when there is parking on Spon Lane within close proximity to the junction with Willows Lane. Images provided by the Council show such parking and evidence of vehicles over-running of the pavement whilst accessing or egressing Willows Lane. Such vehicular manoeuvres inevitably result in conflict with non-motorised users of the pavement.
12. The existing dropped kerb crossover at the junction of Spon Lane and Willows Lane provides pedestrians with the right of way, requiring no stopping. Intervisibility between vehicles on Willows Lane and pedestrians approaching the junction with Spon Lane from the south west is, however, limited by the boundary fencing and vehicles parked in the driveway to the front of No 20. Whilst the initial part of Willows Lane is of sufficient width to allow for two cars to pass, such passing encourages vehicles to infringe pedestrian visibility splays.
13. The proposed dwelling is located approximately 120m from the junction with Spon Lane, but Willows Lane does not provide safety features to encourage low speeds or use by non-motorised users. There is no lighting along Willows Lane and the high boundary treatments either side of the access result in non-motorised users having no clearly defined space protected from vehicles in an area of potential traffic conflict. The lack of kerbs or other appropriate surfacing at the Willows Lane junction and along Willow Lane presents difficulties for blind or partially-sighted people who rely on such features to find their way around.
14. Given the existing layout, surfacing and boundary treatments, the additional traffic from the development would inevitably increase the frequency of conflict between vehicles and non-motorised users along Willows Lane and at the Willows Lane junction. When larger vehicles are considered, the potential for conflict detrimental to highway safety is significantly increased given the constrained dimensions of the access and lack of parking restrictions adjacent to the access.
15. I note the Council's concerns that the proposal will exacerbate damage to the highway as a result of larger vehicles 'dry steering' and overrunning kerbs whilst accessing Willows Lane. I find the evidence before me regarding additional damage to the highway inconclusive. The submissions before me indicate that, whilst larger refuse vehicles can access and egress Willows Lane in a forward gear using the existing turning head, smaller refuse vehicles have previously been used to prevent damage. I am not persuaded that the additional dwelling proposed would result in additional trips of refuse vehicles along Willows Lane or additional damage to the highway.
16. I acknowledge that the personal injury accident data records within the vicinity of the development site indicate that no accidents have been recorded since 1990. The recently completed developments of housing off Willows Lane, and other recent housing development to the north of the site, represent a recent change in circumstances and will have increased traffic movements in the

vicinity of the Willows Lane junction. Whilst additional traffic numbers from the proposed development would be light, I find they would be significant given the concerns set out above regarding the safety of Willows Lane for all users, the potential for conflict at the proposed crossover, and the evidence of existing unsafe vehicular manoeuvres. The cumulative impact of the additional traffic would be unacceptably detrimental to highway safety.

17. For the above reasons, the development would result in an intensification of the use of the access, increasing problems of danger or intimidation, and harming the safety and efficient functioning of the local road network contrary to LP Policy ENV14. It would not provide for appropriate vehicle access contrary to CS Policy NW10 and would not represent an inclusive design contrary to CS Strategic Objective 6. Furthermore, I find the proposal would fail to provide safe access, including for walking and cycling to the surrounding area without detriment to the safety of the existing frontage development contrary to ELP Policies LP29 and LP32. The development would increase the scope for conflicts between non-motorised users and vehicles, whilst failing to address access for people with disabilities, representing an unacceptable impact on highway safety by failing to ensure safe and suitable access to the site can be achieved for all users contrary to the provisions of the Framework, including paragraphs 108 and 110.

Removal of the pond

18. The pond forms part of an existing private garden. It is not prominent in public views and I have no substantive evidence before me to suggest that it forms an important feature of the landscape character of the area. Whilst the pond can be viewed from a limited number of private dwellings, the proposed dwelling would respect the existing character of the area in terms of its pitched roof design, dormer windows and finishing materials. It would be appropriately spaced in relation to surrounding dwellings, including sufficient areas of landscaping and retention of trees.
19. The submitted Great Crested Newt Report found the pond unsuitable for breeding great crested newts and only common amphibians were recorded. I have no substantive evidence before me to indicate that the development would have a detrimental impact on bio-diversity.
20. As such, the development would not result in harm to the character, appearance or environmental quality of the area and would be in accordance with CS Policy NW12 and Section 12 of the Framework which, taken together, require the creation of high quality places.

Other Matters

21. I understand the site is adjacent to the development boundary of Baddesley with Grendon, an identified Local Service Centre as set out within CS Policy NW2 (Settlement Hierarchy). Policy NW2 advises that development will be permitted in or adjacent to development boundaries of Local Service Villages where it is considered to be appropriate to its place in the settlement hierarchy. The Council does not object to the principle of the development in this location and, given the surrounding residential development and local access to services, I have no reason to disagree.

22. The concerns of interested parties regarding overbearing, loss of light and privacy are noted. However, the separation distances between the proposed dwelling and surrounding dwellings would be sufficient to ensure appropriate living conditions in these regards for adjoining occupiers. There is no substantive evidence before me to indicate that development would result in surface water drainage issues or would result in increased risk of flooding.
23. The Council's evidence refers to their Annual Monitoring Report showing a 6.39 years supply of housing land as at 31 March 2019. There is no substantive evidence before me that persuades me to take a different view on this matter.

Personal circumstances and the planning balance

24. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations (including the Framework) indicate otherwise.
25. I have carefully considered the objections of interested parties with regards to the potential impact of the development on the health of a local resident. In the light of this evidence, I have had due regard to the Public Sector Equality Duty (PSED) contained in section 149 of the Equality Act 2010, which sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. I have also had regard to rights conveyed within the Human Rights Act.
26. Given the sensitive nature of the health information supplied to me as part of this appeal, it would not be appropriate for me to outline the specific health conditions of the individual concerned. Particular concerns have been raised regarding the impact of dust, during and post-construction, exacerbating the local resident's medical condition. Concerns have also been expressed regarding the impact of noise, disturbance and vehicular fumes/movements on the health and living conditions of the local resident. I have considered the health documentation relating to the local resident and I agree that that the proposed development, primarily during construction, would represent a risk to the resident's health and enjoyment of property. These are personal circumstances to which I afford weight in opposition to the appeal.
27. I recognise that construction vehicles would pass in close proximity to the main entrance, windows (serving habitable rooms), rear conservatory, and outdoor amenity space, of the dwelling of the affected local resident. A high closed boarded fence encloses much of the boundary of that dwelling, but the rear garden does not contain any substantial trees or tall vegetation that might act as a barrier to the movement of dust or particles. It is noted that the local resident has to constantly undertake health monitoring at home and is encouraged to undertake healthy physical and mental pursuits such as growing fruit and vegetables and relaxing outdoors. As such, it may be necessary for the resident to alter patterns of behaviour when construction is particularly busy or when the prevailing south-westerly wind is in a less favourable direction. Such changes may include staying in-doors with windows shut to prevent the ingress of dust and to reduce disturbance by noise / vehicular movements.
28. The Council's Environmental Health Officer has recommended a Construction Environmental Management Plan, including a dust management plan, is

- secured by condition. Appropriate management of construction would significantly mitigate the risks to the health of the resident during construction.
29. Following construction, I do not have any substantive evidence before me to indicate that the additional vehicular movements in terms of levels of fumes or disturbance, given the existing urban location, would cumulatively, or otherwise, have an unacceptable impact on the health of the local resident. I do note that the mobility of the local resident is limited and therefore the detrimental impact on highway safety identified above would negatively impact on the affected local resident and this weighs against the appeal. Overall, given appropriate mitigation could be secured, the evidence does not substantively indicate that the development would give rise to more than limited risk of harm to the health of the local resident and I, therefore, give limited weight to this impact in the overall balance.
30. In weighing the personal circumstances in the balance, this has to be considered against the benefits of the proposal. Such benefits would include its contribution towards boosting housing supply at an identified Local Service Centre where the distances to services and facilities would limit the need to travel. I acknowledge that housing targets should not be considered as a cap on the delivery of housing and the importance of delivering housing on suitable windfall sites. Being for one property, however, it would only make a very limited contribution and this significantly limits the weight I attach to this consideration. Social and economic benefits derived from jobs provided through construction and through the support future occupiers would give to services and facilities in the area further weigh in favour of the proposed development.
31. The development would increase the scope for conflicts between non-motorised users and vehicles, whilst failing to address access for people with disabilities, representing an unacceptable impact on highway safety by failing to ensure safe and suitable access to the site can be achieved for all users. I give substantial weight to this conflict with paragraphs 108 and 110 of the Framework. Whilst I have not found the policies which are most important for determining the application out-of-date, even if I were to do so, the identified harm would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
32. I give limited weight to the identified conflict with ELP Policies LP29 and LP32. Substantial weight is, however, given to the identified conflict with adopted development plan policies by virtue of the development's unacceptable detrimental impact on the safe, efficient and inclusive functioning of the access and local highway network.
33. Overall, there are no material considerations, either individually or in combination, of sufficient weight to outweigh the identified conflict with the development plan, nor do they indicate that the proposal should be determined other than in accordance with the development plan.

Conclusion

34. For the above reasons, the appeal is dismissed.

S D Castle

INSPECTOR