

(4) Application No: PAP/2015/0149

The Homestead, Main Road, Austrey, CV9 3EG

Outline application for residential development with detailed access, for

Mrs Sue Bell

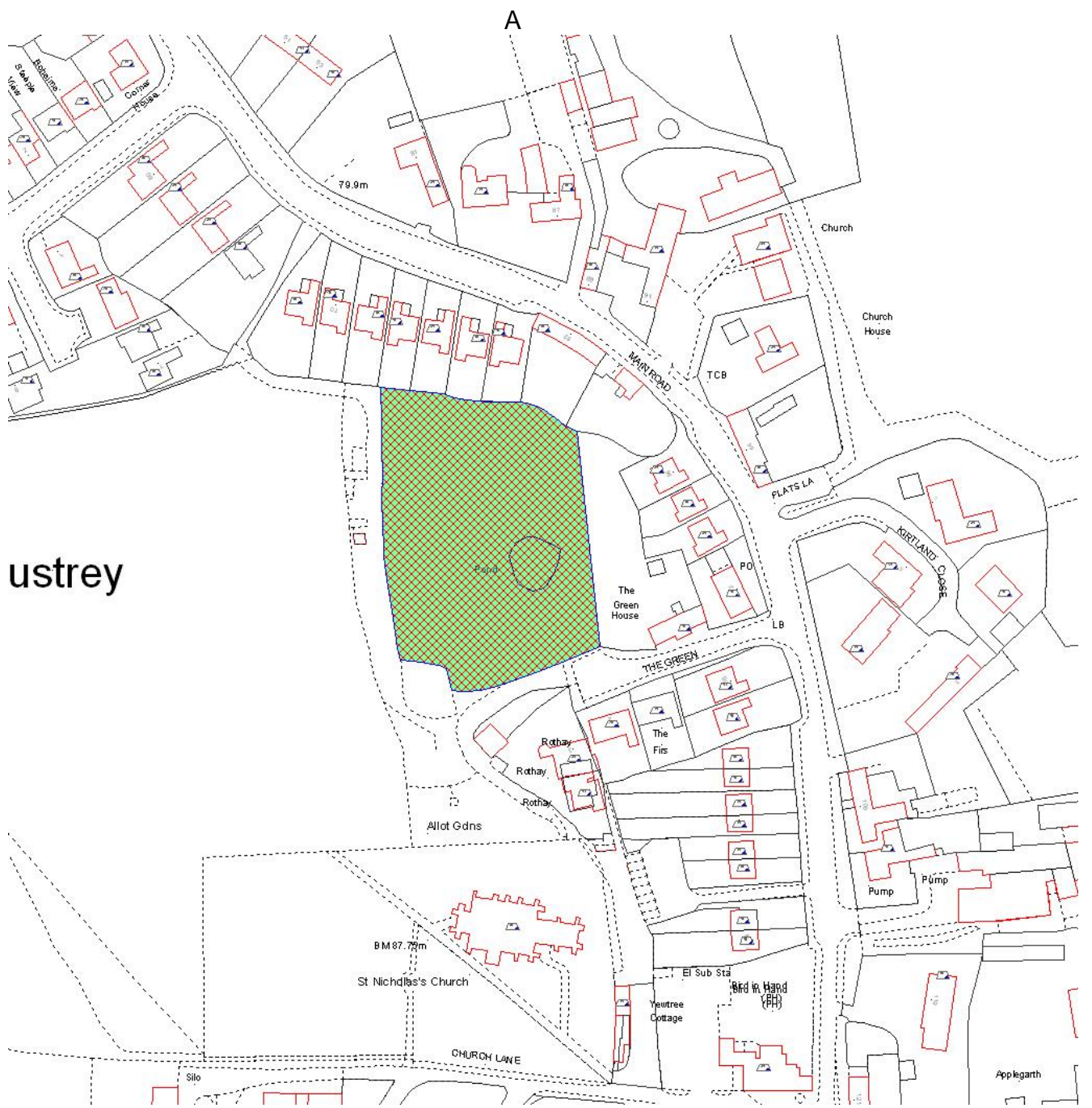
Introduction

This application was reported to the last meeting for determination but the Board deferred a decision until Member had had the opportunity to visit the site. This has now taken place and thus the matter is brought back to the Board.

For convenience the report from the October meeting is attached at Appendix A.

Recommendation

That the recommendation as set out in Appendix A be agreed.



ustrey

(5) Application No: PAP/2015/0149

The Homestead, Main Road, Austrey, CV9 3EG

Outline application for residential development with detailed access, for

Mrs Sue Bell

Introduction

This application was reported to the Planning and Development Board in August 2015. No decision was taken at that meeting. Instead, it was deferred to allow an opportunity to consider the implications of a change in Government Policy Guidance concerning the provision of affordable housing.

The report to the August Board is shown as Appendix 1.

The applicant has responded with the submission of additional information in the form of an Affordable Housing Proposal. In short, the applicant proposes that affordable housing would not be constructed on the application site but instead, to meet policy requirements, there would be the payment of a sum of money which would be used to deliver affordable housing elsewhere (an off-site contribution).

Update

Since the previous report to Board the outline planning permissions for 14 dwellings at the site known as Applegarth and the Croft and for 40 dwellings at Crisps Farm have both been issued.

Representations

Those who made representations previously have been reconsulted on the provisions in respect of affordable housing. No further representations have been received in that respect.

One further letter of objection has been received from the occupiers of the dwelling that is adjacent to the proposed access. They continue to express concern about the safety of the access given that it would be at right angles to their drive and concern about the safety of pedestrians using the public footpath at the end of The Green. They point out that they have maintained the verges on The Green for over 35 years.

The objector suggests that the trees at the site should be protected by a Tree Preservation Order.

Observations

The change in Government policy means that there is no longer a threshold below which the provision of affordable housing should not be sought and therefore the full provisions of Policy NW6 of the North Warwickshire Core Strategy (Adopted October 2014) can be applied to current proposals for the development of housing.

The payment of an off-site contribution accords with the provisions of Policy NW6 of the Core Strategy given that the development will achieve fewer than 14 units.

The proposed off-site contribution, amounting to £48,300, has been calculated using the methodology contained in the Council's Housing Viability Appraisal. Given that the application is in outline only the values attributed to the proposed dwellings cannot be wholly accurate but it is considered that the values attributed are a reasonable reflection of the site and the market.

The application therefore complies with government policy and the development plan in respect of the provision of affordable housing.

There are no further material changes in circumstance since the report to Board in August that would justify a change to the recommendation that planning permission be granted subject to conditions and the observations at that time remain relevant. Members are asked to refer to the report in Appendix 1 and to note the new recommendation below. The matter of highway and pedestrian safety is addressed in the earlier report to Board.

Recommendation

That subject to the signing of a Section 106 Agreement relating to the provision of affordable housing, the application be granted subject to the following conditions:

Standard Outline Conditions

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

- (a) appearance
- (b) 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

6/158

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

Defining Conditions

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

REASON

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

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

REASON

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

Pre-Commencement Conditions

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

REASON

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

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

REASON

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

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

REASON

In the interests of the amenities of the area, to protect the amenity of occupiers of

adjacent dwellings and to avoid any harm to the existing landscape and ecology of the site.

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

REASON

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

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

REASON

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

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

REASON

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

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

REASON

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

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

A scheme for the compensation of biodiversity loss which achieves no net loss of biodiversity.

Scheme for external lighting which is designed as to minimise the effect on bats.

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

REASON

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

During Development

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

REASON

To protect the amenities of nearby residential property.

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

REASON

In recognition of the legal protection afforded nesting birds.

Highway Conditions

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

REASON

In the interests of safety on the public highway.

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

REASON

In the interests of safety on the public highway.

18. Notwithstanding the plans submitted, no dwelling shall be occupied until a
6/161

footway extension has been constructed between the existing footway (fronting number 2 The Green) and the site.

REASON

In the interests of safety on the public highway.

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

REASON

In the interests of safety on the public highway.

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

REASON

In the interests of safety on the public highway.

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

REASON

In the interests of safety on the public highway.

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

REASON

In the interests of safety on the public highway.

Notes

1. Public footpaths are located adjacent to the southern and western boundaries of the application site. These public footpaths must remain open and unobstructed at all times
2. Conditions require works to be carried out within the limits of the public highway. Before commencing such works the applicant/developer must enter into a Highway

6/162

Works Agreement with the Highway Authority under the provisions of Section 184 of the Highways Act 1980. Application to enter into such an agreement should be made to the Planning & Development Group, Communities Group, Warwickshire County Council, Shire Hall, Warwick, CV34 4SX. In accordance with Traffic Management Act 2004 it is necessary for all works in the Highway to be noticed and carried out in accordance with the requirements of the New Roads and Streetworks Act 1991 and all relevant Codes of Practice. Before commencing any Highway works the applicant / developer must familiarise themselves with the notice requirements, failure to do so could lead to prosecution. Applications should be made to the Street Works Manager, Budbrooke Depot, Old Budbrooke Road, Warwick, CV35 7DP. For works lasting ten days or less ten days, notice will be required. For works lasting longer than 10 days, three months' notice will be required.

3. Conditions require works to be carried out within the limits of the public highway. The applicant/developer must enter into a [Minor] Highway Works Agreement made under the provisions of Section 278 of the Highways Act 1980 for the purposes of completing the works. The applicant/developer should note that feasibility drawings of works to be carried out within the limits of the public highway which may be approved by the grant of this planning permission should not be construed as drawings approved by the Highway Authority, but they should be considered as drawings indicating the principles of the works on which more detailed drawings shall be based for the purposes of completing an agreement under Section 278. An application to enter into a Section 278 Highway Works Agreement should be made to the Planning & Development Group, Communities Group, Warwickshire County Council, Shire Hall, Warwick, CV34 4SX. In accordance with Traffic Management Act 2004 it is necessary for all works in the Highway to be noticed and carried out in accordance with the requirements of the New Roads and Streetworks Act 1991 and all relevant Codes of Practice. Before commencing any Highway works the applicant/developer must familiarise themselves with the notice requirements, failure to do so could lead to prosecution. Applications should be made to the Street Works Manager, Budbrooke Depot, Old Budbrooke Road, Warwick, CV35 7DP. For works lasting ten days or less ten days, notice will be required. For works lasting longer than 10 days, three months' notice will be required.
4. Severn Trent Water advise that there is a public sewer located within the application site. Public sewers have statutory protection by virtue of the Water Industry Act 1991 as amended by the Water Act 2003 and you may not build close to, directly over or divert a public sewer without consent. You are advised to contact Severn Trent Water to discuss your proposals. Severn Trent Water will seek to assist you in obtaining a solution which protects both the public sewer and the proposed development.
5. In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner through seeking to resolve planning objections and issues and suggesting amendments to improve the quality of the proposal. As such it is considered that the Council has implemented the requirement set out in paragraphs 186 and 187 of the National Planning Policy Framework.

BACKGROUND PAPERS

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

Planning Application No: PAP/2015/0149

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Affordable Housing Proposal	16 9 15
2	S & M Collins	Representation	7 9 15

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

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

(#) Application No: PAP/2015/0149

The Homestead, Main Road, Austrey, CV9 3EG

Outline application for residential development with detailed access for

Mrs Sue Bell

Introduction

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

The Site

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

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

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

The Proposal

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

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

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



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

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



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



6/167

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



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



Background

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

Development Plan

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

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

Other Relevant Material Considerations

The National Planning Policy Framework 2012

The National Planning Practice Guidance 2014

Planning Contributions (Section 106 Planning Obligations) – DCLG 2014

The Draft Pre- Submission Site Allocations Plan June 2014)

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

Austrey

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

Total amount of housing units to be provided = 40

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

AUSTREY – SITE ALLOCATIONS

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

POLICY HS3

Proposal AUS14

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

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

The Austrey Neighbourhood Plan – July 2014

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

Consultations

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

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

Environmental Health Officer – No Comments

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

Severn Trent Water – No objection subject to conditions

Representations

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

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

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

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

- The development would impact adversely on its rural setting, its local character and its distinctiveness.
- The development recently allowed will more than satisfy the housing needs of Austrey over the period to 2029 to allow for sustainable development in the village.
- There is no housing need because the Council has a housing land supply in excess of 5 years + 20% buffer.
- The Neighbourhood Plan has support across the village and provides 57 houses against the 40 required. There is therefore no justification for any further permissions. The Site Allocations Plan is supported by the draft Austrey Neighbourhood Plan which has been prepared following 18 months consultation

with the wider village community and has the backing of Austrey Residents Association. Granting permission for application 2015/0149 is therefore not necessary and prejudicial to the emerging plan led system.

- The proposal would be contrary to Policy HSG3 of the North Warwickshire Local Plan 2006 (Saved Policies). The site is outside the development limits for Austrey as defined on the Local Plan Proposals Map. Local Plan Policy HSG3 sets out construction of dwellings outside the development boundaries, but the application does not meet the required criteria. The application is therefore not acceptable in principle.
- As the site is beyond the development boundary it may not be regarded as 'infill'.
- There is enough planned development in the village and further piecemeal development is not necessary.
- The development is not of the type needed in the village. The village needs affordable housing for young families, and bungalows or retirement homes for those wishing to downsize.
- No more homes should be developed as that would put a strain upon the infrastructure both in terms of access, facilities and public services.
- The Green is a narrow congested cul de sac. Access/visibility onto the main road from The Green is frequently impaired by parked vehicles by the PO stores. The entrance of The Green is not designed to take a large flow of vehicles into Main Road. Further housing and traffic would significantly add to an existing area of traffic congestion and concern. The Green has no public lighting.
- The applicant is proposing a new access to the site from The Green, it would be both impracticable and unsafe because of conflict with existing properties, parking congestion, the use of The Green for turning by drivers of vehicles visiting the post office store and conflict with users of Public footpath T171a which exits onto The Green via a gravelled vehicular drive.
- This planning application would be detrimental to nearby listed buildings.
- The Heritage Statement provides very little information about the potential impacts of the proposal on cultural heritage; it simply provides a recital of the list description of The Homestead. When assessing a development proposal, the significance of the heritage asset including the contribution setting makes to its significance needs to be assessed at that particular time (paragraph 128 of the NPPF). The Heritage Statement submitted does not do this in relation to The Homestead or the Church of St Nicholas.
- The Church includes a prominent spire and commands a wide landscape setting over Austrey and into the countryside beyond. It is therefore reasonable to conclude that the application site has the potential to affect the setting of the listed building and, as such, the Council has a statutory duty to have special regard to the desirability of preserving that setting. Further built form in the vicinity of the church would adversely affect its setting.

- Two further listed buildings, the Bird in Hand Public House (grade II, C17) and Village Cross (grade II, medieval steps with C19 cross) lie 100m away from the site. This is in addition to the Homestead itself, also Grade II listed, which will have its land and viewpoint severely affected by any residential development on the site.
- Case law is referred to which establishes that a finding of harm to the setting of a listed building or to a conservation area gives rise to a strong presumption against planning permission being granted.
- Both the Homestead and the site are mapped on the 1840 Tithe Apportionment Plan. The plan also shows that the village tithe barn was located on the site. It lies at the very heart of the ancient parish and it is the start of the historical earthworks that continue down the Bishops Field that are the remains of the water meadows across this area. It is entirely possible that there are archaeological remains.
- The preliminary ecological survey is incomplete being conducted in winter and fails to recognise that the surrounding area does support priority species such as great crested newts. The mature trees and hedgerows are also of a prime specimen nature and would be a significant loss. This is directly contrary to the proposed policies of the draft Neighbourhood Plan.
- The site forms a valuable haven for wildlife in the centre of the village including bats, several species of birds and that it is regularly visited by herons. When the ecological survey was carried out only a superficial examination of the site was made by the investigators who clearly did not appreciate the ecological value of the site. Discussions with local residents indicate the presence of the badger, bat species and great crested newts in the locality. Mammal pathways were observed by the ecologist on the site, possibly attributable to domestic cat, fox and also badger. Badger runs were also noted from the St Nicholas Ecosite. Other species which may be impacted include mole, field vole, grass snake and hedgehogs also present in the area. A wide variety of birds were observed during the survey and it was noted that the hedgerows and scrub on site are particularly suitable for breeding birds. In addition to there have been sightings of owl, buzzard, chaffinch, starling, thrush, bullfinch, swallow, swift, and nuthatch. It was noted that due to the close proximity of verified bat records and the mature hedgerows and trees onsite that this area may have significance for bat foraging and commuting routes. The area round The Green has no street-lamps and consequently very low night-lighting levels, and may therefore be a good location for bats which react adversely to intense lighting.
- The trees on the application site are an important part of the local landscape and any development would be detrimental to that.
- The site pond scores 0.737 "very good" (a score of 8 or above is "high") as a habitat for the great crested newt using Natural England's rapid assessment tool. It is concluded in the report that it is likely that great crested newts will be impacted by the development.
- The site has, until recently, been left to long grass. There is a wide range of grasses and shrubs which in turn support a variety of bees, butterflies, moths and other insect life, a critical food-source for birds, bats and so forth up the food-

chain. It was noted that the mix of native species within the boundary hedge was a valuable and priority habitat, with connectivity for wildlife.

- The site can be seen from a public road, public footpath, bridleway or other public land. The whole of this area of Austrey forms part of a popular dog and leisure walking route along public footpaths, and the site can be clearly viewed from public footpaths from both the south and west sides, and also from The Green.
- The development would be contrary to policies of the Neighbourhood Plan
- The Parish Council was, in 2010/2011, looking for land that could be developed as a community orchard. This may be a suitable location for an orchard as such use could be sensitively aligned with the improvements and management strategies listed by the ecologist, and would enhance the existing village setting / environment rather than detract from it.
- The proposed access is over a verge that has been maintained by the occupier of a neighbouring property for many years and contains an Acer "Red King" which was planted by them 30 years ago.
- Green space is at a premium and the village cannot afford to lose more.
- Suggests that a site visit by Councillors would be appropriate.
- Concern is expressed about disturbance during construction.
- The reduced scale scheme is acknowledged to be an improvement but the objector still feels that it leaves the pond and original tithe barn site isolated behind houses.
- The reduced site area suggests that an application will be presented for the remainder of the land at a future date.

Observations

a) Introduction – Planning Policy Context

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

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

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

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

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

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

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

b) Housing Supply

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

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

c) Type of Housing/Affordable Housing

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

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

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

d) Effect on Open Countryside

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

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



6/177

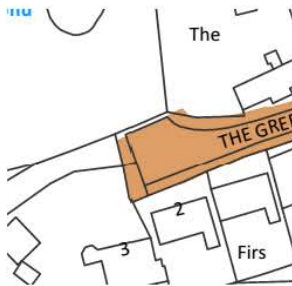
The western boundary of the site is such that the proposed development would be unlikely to be visible from surrounding countryside other than through the occasional gap in the vegetation. It would be difficult to conclude that the development constituted an incursion into open countryside surrounding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

e) Highway Safety

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

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

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



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

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

f) Impact on the Heritage of the Village

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

The location of the listed building and the approximate location of the proposed dwellings are shown below.



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

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

6/179

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



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

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

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

g) Ecology and Trees

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

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

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

crested newts, badgers and bats ahead of the application for the approval of reserved matters.

Furthermore, conditions can require the submission of:

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

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

h) Cumulative Impact

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

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

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

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

i) Other Matters

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

j) Sustainability Considerations and Conclusion

Members will be aware that the Council is currently defending two planning appeals against the refusal of planning permission at the northern edge of the settlement. Observers may seek to compare the current proposal to the appeal proposals. It is considered that the position of this application site is significantly different as to justify a

different approach. The appeal sites intrude more distinctly into open countryside whereas the site here would represent an infilling between existing built development and an established boundary with open countryside. It achieves development which is commensurate to the size of the settlement and is in a location which would cause no significant harm to the character of the settlement or, with the use of appropriate conditions, any other matter of acknowledged importance such as heritage, ecology or highway safety.

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

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

Recommendation

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

Standard Outline Conditions

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

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

REASON

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

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

REASON

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

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

REASON

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

Defining Conditions

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

REASON

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

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

REASON

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

Pre-Commencement Conditions

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

REASON

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

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

REASON

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

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

REASON

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

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

REASON

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

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

REASON

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

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

REASON

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

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

REASON

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

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

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

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

REASON

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

During Development

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

REASON

To protect the amenities of nearby residential property.

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

REASON

In recognition of the legal protection afforded nesting birds.

Highway Conditions

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

REASON

In the interests of safety on the public highway.

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

REASON

In the interests of safety on the public highway.

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

REASON

In the interests of safety on the public highway.

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

REASON

In the interests of safety on the public highway.

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

REASON

In the interests of safety on the public highway.

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

REASON

In the interests of safety on the public highway.

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

REASON

In the interests of safety on the public highway.

Notes

1. Public footpaths are located adjacent to the southern and western boundaries of the application site. These public footpaths must remain open and unobstructed at all times.

2. Conditions require works to be carried out within the limits of the public highway. Before commencing such works the applicant/developer must enter into a Highway Works Agreement with the Highway Authority under the provisions of Section 184 of the Highways Act 1980. Application to enter into such an agreement should be made to the Planning & Development Group, Communities Group, Warwickshire County Council, Shire Hall, Warwick, CV34 4SX. In accordance with Traffic Management Act 2004 it is necessary for all works in the Highway to be noticed and carried out in accordance with the requirements of the New Roads and Streetworks Act 1991 and all relevant Codes of Practice. Before commencing any Highway works the applicant / developer must familiarise themselves with the notice requirements, failure to do so could lead to prosecution. Applications should be made to the Street Works Manager, Budbrooke Depot, Old Budbrooke Road, Warwick, CV35 7DP. For works lasting ten days or less ten days, notice will be required. For works lasting longer than 10 days, three months' notice will be required.
3. Conditions require works to be carried out within the limits of the public highway. The applicant/developer must enter into a [Minor] Highway Works Agreement made under the provisions of Section 278 of the Highways Act 1980 for the purposes of completing the works. The applicant/developer should note that feasibility drawings of works to be carried out within the limits of the public highway which may be approved by the grant of this planning permission should *not* be construed as drawings approved by the Highway Authority, but they should be considered as drawings indicating the principles of the works on which more detailed drawings shall be based for the purposes of completing an agreement under Section 278. An application to enter into a Section 278 Highway Works Agreement should be made to the Planning & Development Group, Communities Group, Warwickshire County Council, Shire Hall, Warwick, CV34 4SX. In accordance with Traffic Management Act 2004 it is necessary for all works in the Highway to be noticed and carried out in accordance with the requirements of the New Roads and Streetworks Act 1991 and all relevant Codes of Practice. Before commencing any Highway works the applicant/developer must familiarise themselves with the notice requirements, failure to do so could lead to prosecution. Applications should be made to the Street Works Manager, Budbrooke Depot, Old Budbrooke Road, Warwick, CV35 7DP. For works lasting ten days or less ten days, notice will be required. For works lasting longer than 10 days, three months' notice will be required.
4. Severn Trent Water advise that there is a public sewer located within the application site. Public sewers have statutory protection by virtue of the Water Industry Act 1991 as amended by the Water Act 2003 and you may not build close to, directly over or divert a public sewer without consent. You are advised to contact Severn Trent Water to discuss your proposals. Severn Trent Water will seek to assist you in obtaining a solution which protects both the public sewer and the proposed development.
5. In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner through seeking to resolve planning objections and issues and suggesting amendments to improve the quality of the proposal. As such it is considered that the Council has implemented the requirement set out in paragraphs 186 and 187 of the National Planning Policy Framework.



AUSTREY PARISH COUNCIL

13th July 2015

Dear Ms Levy,

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

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

1. Highways / Access Concerns:

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

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

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

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

To contact us:

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

6/188

2. The Core Strategy & Austrey Neighbourhood Plan:

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

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

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

PAP/2014/0569

PAP/2014/0157

PAP/2014/0296

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

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

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

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

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

3. Ecology / Wildlife

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

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

To contact us:

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

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

Conclusion

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

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

Best Regards,

Lynsey Treadwell,
Clerk to Austrey Parish Council

To contact us:

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

BACKGROUND PAPERS

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

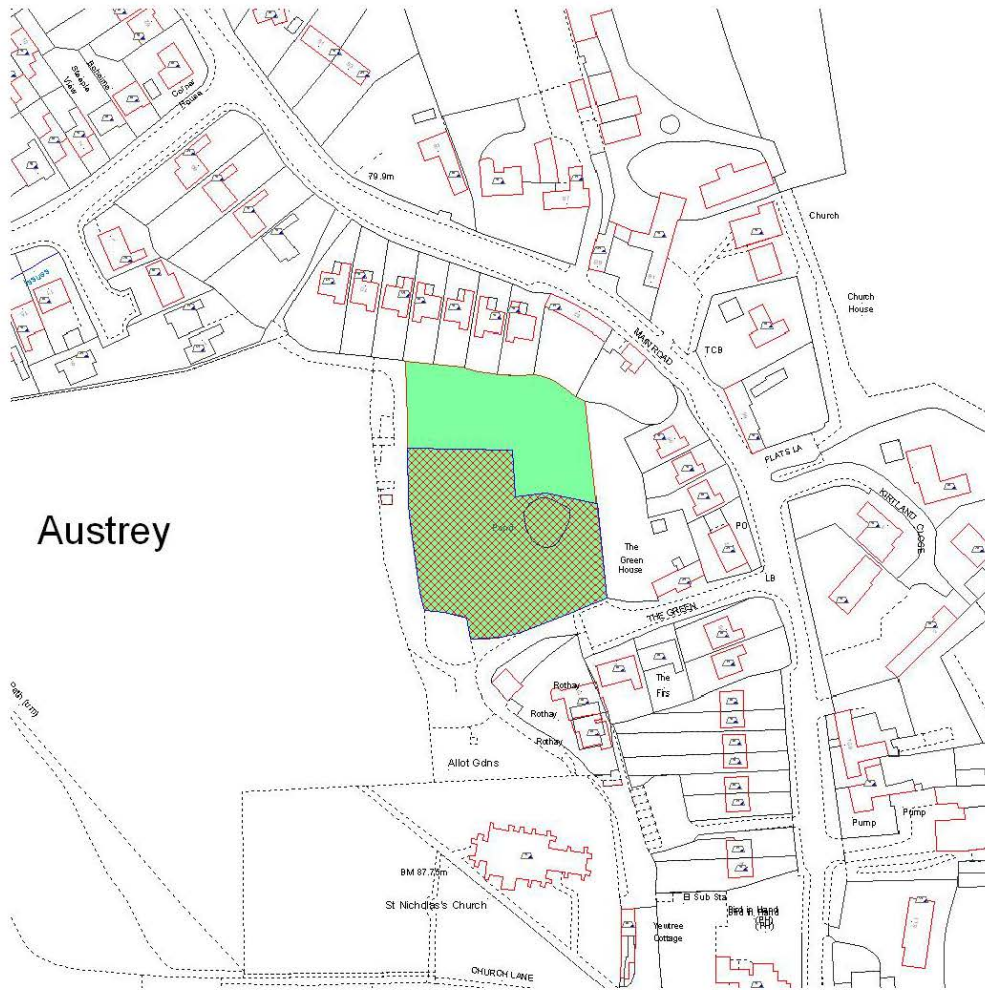
Planning Application No: PAP/2015/0149

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

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

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

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



6/193

4/77

(5) Application No: PAP/2015/0153

Outline application for up to 15 dwellings (access only), and

Application No: PAP/2013/0597

Conservation Area Consent for the demolition of agricultural buildings

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

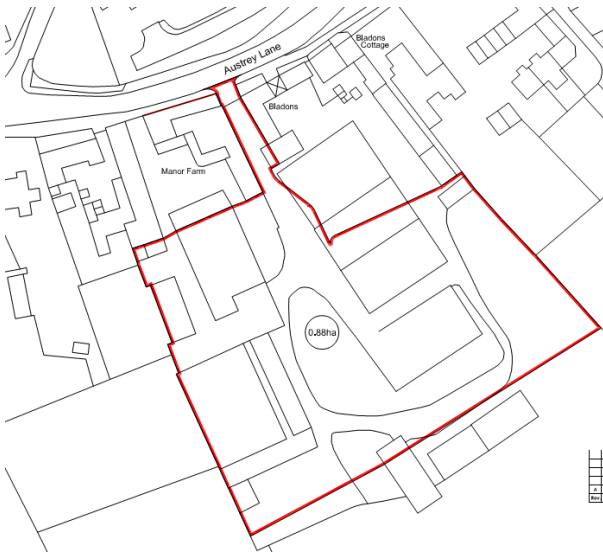
For The Trustees Of The Manor Farm Discretionary Settlement

Introduction

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

The Site

The site lies on the southern side of Main Road to the rear of a farmhouse known as Manor Farm. The site contains the farm buildings associated with Manor Farm. 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.



Part of the site lies within the Newton Regis Conservation Area and part lies beyond it. To facilitate the development the existing modern farm buildings would be demolished. Conservation Area consent is sought for the demolition of the buildings which lie within the Conservation Area. The buildings in question and the Conservation Area boundary are illustrated on the aerial photograph below.



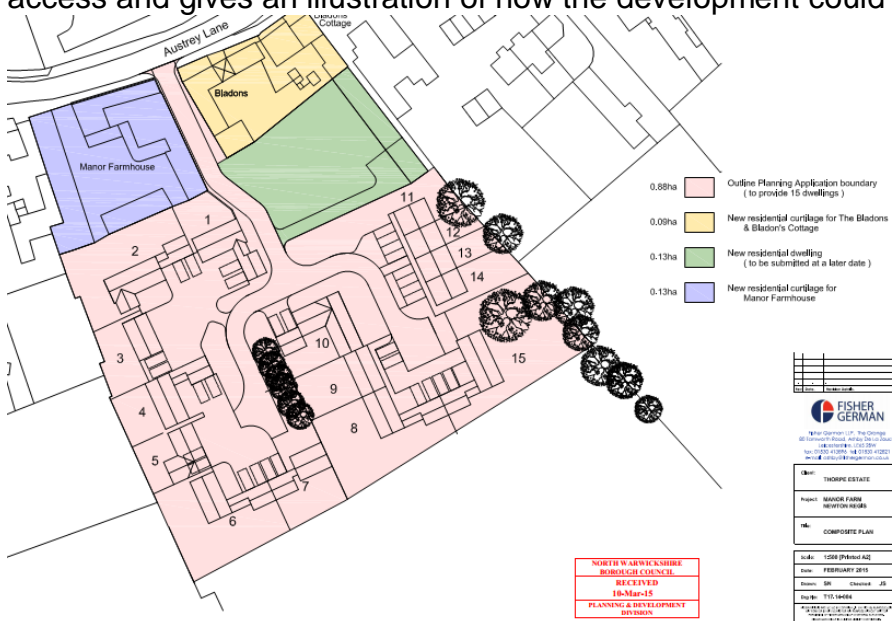
Conservation Area is to the north of the blue line

Buildings to be demolished outlined in red

The Proposal

The proposal is an outline application for the erection of up to 15 dwellings. The details of layout, appearance, scale and landscaping are matters reserved for a future application, however, approval of the details of access are sought in this application.

The proposed access would be a central single access point from Main Road between Manor Farmhouse and the property named The Bladdons. A site layout plan shows the access and gives an illustration of how the development could be set out.



The proposed access route is illustrated in the photograph below



The proposed access route will meet Main Road at a position adjacent to the front of listed farmhouse, as shown below:

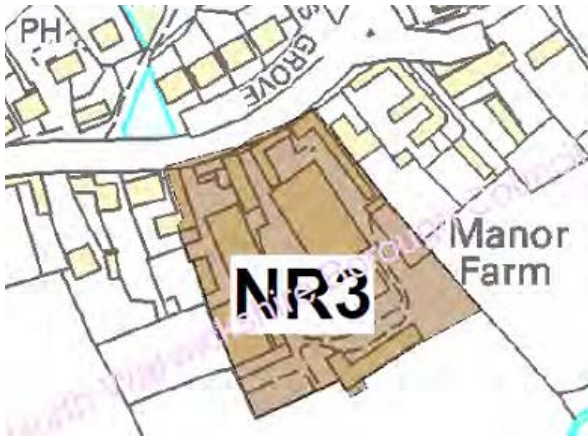


The application will necessitate the demolition of the existing large, relatively modern, agricultural buildings of the type illustrated below:



Background

The site is allocated for housing development in the Site Allocations Plan (Draft Pre-Submission June 2014) as NR3



24 new dwellings are proposed for Newton Regis as follows:

NEWTON REGIS - SITE ALLOCATIONS				
Site allocations code	ADDRESS	Original site size (ha)	NET HOUSING FIGURES	ISSUES & SITE REQUIREMENTS IDENTIFIED
NR3	Manor/Baddons Farm, Main Road, Newton Regis (part)	1.38 (Area for development approx. 0.9ha)	15	Outline Application PAP/2013/0596. High quality design required to reflect adjoining Conservation Area and Listed Building. Area occupied by Listed Building and associated ancillary buildings not to be redeveloped but retained/maintained.
NR6	Site at Seckington Lane, Newton Regis	0.28	9	Appeal Site. Application No. PAP/2013/0231
TOTAL OF PROPOSED SITES			24	

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 Material Planning Considerations

- The Council’s Site Allocations Plan (Draft Pre-Submission June 2014)
- The National Planning Policy Framework 2012 (the “NPPF”)

Consultations

- The County Forester – No arboricultural objections to the proposal.
- Environmental Health Officer - No objection subject to conditions.

- Warwickshire County Council Highways Authority - No objection subject to conditions.
- Severn Trent Water - No objection.
- AD (Housing) – She identifies a specific local need for affordable housing by reference to evidence from the Council House Waiting List. This confirms that there are 7 households in need and that 2 bed units are those the most required. It is pointed out that all of these applicants have a housing need, rather than an aspiration, as the list is very streamlined and housing applicants are only accepted onto the list if there is a definite need. Based on this, she expresses a distinct preference for the affordable housing to be on site.
- Warwickshire Museum - No objection subject to conditions.

Representations

One letter of objection has been received as follows:

1. The character of Newton Regis will change losing the last working farm from a farming village.
2. Final infill of all available land within the village boundary is not good, this is repeating planning as carried out in Buckinghamshire villages over the years where I come from and it is too high density for a farming village as Newton Regis, parking and traffic in the heart of the village increases beyond the layout and design, plus additional traffic in the heart of village next to village pond will occur. It will overload drains, etc.
3. On a positive note I do wish to see additional houses and lots of them but I preferred these on the edge of village following the original village building plan going back 100's of years, please expand area of village giving space do not infill.

The Parish Council has written in respect of the issue of housing needs and the provision of affordable housing. Its letter is reproduced in full at **Appendix 1**.

Observations

a) The Principle of Development

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

Policy NW2 of the Core Strategy sets out the Settlement Hierarchy in the Borough. Newton Regis is identified as a Category 4 settlement. Policy NW2 sets out that development will be limited to that identified in the Core Strategy or that which has been identified through a Neighbourhood or other locality plan.

Though the site partly lies outside of the development boundary for Newton Regis it is an allocated site for housing in the Site Allocations Plan (Draft Pre-Submission June 2014). Though the Site Allocations Plan is not yet formally adopted it has been the subject of consultation and there has been broad support for the inclusion of the site. Indeed, the Parish Council has indicated that it supports the principle of the development of the site. There is no Neighbourhood Plan for the settlement. In these circumstances, the development is broadly in accord with the provisions of Policy NW2

of the North Warwickshire Core Strategy 2014 and it is held that the development may be supported in principle.

It is therefore necessary to look at whether there are any detailed aspects of the proposal that weigh against this support in principle.

b) Affordable Housing

The starting point for the determination of any planning application is the Development Plan. In this case the Development Plan is the recently adopted North Warwickshire Core Strategy.

Policy NW6 of the Strategy indicates that for schemes of 15 dwellings or more there will be a requirement for the on-site provision of affordable housing. Given that this scheme is on green field land (agricultural use of land is treated as green field) and proposes 15 dwellings, the policy requires the on-site provision of 40% of the units as affordable homes – in this case that would be six.

Policy NW6 indicates that the payment of an off-site contribution will be an acceptable solution for sites where 14 or fewer dwellings are proposed. It indicates a target affordable housing tenure mix of 85% affordable rent and 15% suitable intermediate tenure wherever practicable.

The applicant indicates a preference to offer a financial contribution towards the off-site provision of affordable housing elsewhere. The applicant indicates that the sum commuted would be equivalent to the six on-site affordable housing units. The current offer is £245,000 but, following a challenge that this sum would be too little (the District Valuer has expressed the view that the sum should be £385,000), the applicant has indicated a willingness to negotiate further on the final sum offered.

The applicant argues that, despite the evidenced Borough wide need for affordable housing, local studies and local opinion do not support a local need for affordable housing in Newton Regis. The applicant seeks to rely upon the findings of a Housing Needs Survey undertaken in 2009 by Warwickshire Rural Community Council which it argues showed no need for affordable housing within Newton Regis. The applicant initially also sought to rely upon the findings of two surveys undertaken by the Parish Council in 2011 and 2013, however, it conceded that the surveys “are not overly conclusive as to whether any affordable housing is required as the questions asked are aspirational and based on guess work, rather than firm evidence”. The applicant therefore argues that in the light of no local need, an off-site contribution is an acceptable response to the affordable housing policy.

Before any discussion of a distinctly local housing need, it is necessary to recognise that Policy NW6 of the Core Strategy is not a policy which is to be selectively applied. It is not intended only to apply to some settlements and not to others. It applies Borough wide to all proposals for housing development with a view to meeting the assessed and evidenced affordable housing needs of the Borough (as identified in the Housing Market Assessment 2013 which was undertaken to provide up to date evidence for the Core Strategy).

The Housing Market Assessment 2013 established affordable housing need to be high, with a need of 112 units per annum. The need for affordable housing as identified by the assessment actually exceeds, on an annualised basis, housing requirement for the

Borough, of 175 units per annum. The Housing Market Assessment evidences a priority need for the delivery of affordable housing in full accord with Policy NW6 where it is shown to be possible.

Housing Needs Survey undertaken in 2009 by Warwickshire Rural Community Council is now six years old and cannot be regarded as up to date. Furthermore, it precedes the Housing Market Assessment 2013.

The applicant has been offered assistance to complete a new, up to date, Housing Needs Assessment to accompany the application, but he has declined to carry out a new assessment.

The Housing Officer identifies a specific local need for affordable housing by reference to evidence from the existing up to date Council House Waiting List. It is confirmed that there are 7 households in need indicating that they require housing in Newton Regis (the applicant's may have also indicated that they would take housing in other locations as an alternative). He points out that all of these applicants have a housing need, rather than an aspiration, as the list is very streamlined and housing applicants are only accepted onto the list if there is a definite need. Based on this, there is a distinct preference for the affordable housing to be on site.

The more detailed analysis of the identified need is as set out below:

App No	Band	Housing req	Date applied
6735	Band 2	2 bed house	23/09/2011
7864	Band 2	1 bed flat	13/06/2013
8163	Band 1	2 bed house	05/02/2014
8832	Band 3	2 bed house	16/12/2013
9272	Band 3	1 bed flat	11/05/2015
10135	Transfer Band 2	2 bed bungalow	12/09/2014
11260	Band 2	2 bed house	04/09/2015

Notes:

- Band 1+ Applicants in the following circumstances will be placed in the highest priority band
- Band 1 Applicants in the following circumstances are deemed to have an urgent need for re-housing:
- Band 2 Applicants in the following circumstances are deemed to have a high need for re-housing
- Band 3 Applicants in the following circumstances are deemed to have a medium need for re-housing
- Band 4 Applicants in the following circumstances are deemed to have a low need for re-housing

All but one of the applicants lives within the Borough. App 11260 is the applicant that currently lives outside of the Borough, but does have a local connection to the Borough with family in neighbouring Austrey for more than 5+ years as agreed in the lettings criteria.

In the absence of an up to date local housing needs survey and in the context of the Housing Market Assessment 2013, the housing waiting list is considered to be reliable evidence of local affordable housing need.

Discussions with the applicant about the development of this site have been ongoing for some time. Planning policy and the approach to the provision of affordable housing has evolved over this time. Early discussions with the applicant on how the delivery of affordable housing could be achieved at this site included a consideration of whether an off-site contribution would be accepted but this pre-dated the adoption of the Core Strategy. The discussions also pre-dated the receipt of a Viability Appraisal from the

applicant which evidenced that affordable housing could be delivered on site, in accord with adopted policy requirements, in a viable scheme.

A site fronting Seckington Lane was discussed as a possible rural exceptions site which could be used for the off-site provision of affordable housing. No encouragement could be offered for this solution. The land in question lies within the Newton Regis Conservation Area (see plan extract below) and beyond the development boundary for the settlement. The Conservation Area boundary is unusually curved and broadly coincides with a grouping of substantial trees (see aerial image extract below). This indicates a degree of importance for the trees in the setting of the Conservation Area and to the rural edge of the village. There would be significant concern about the loss of these trees to facilitate development. Furthermore, the development of this land would not be consistent with recent appeal decisions in respect of land in the near vicinity on the opposite side of Main Road.



The applicant has not identified any other sites to which the off-site contribution could be directed and the Borough Council does not have any sites in the village that it proposes to develop to which the off-site contribution could be directed. Furthermore, there are no known prospects of sites in neighbouring villages that the Borough Council proposes to develop to which the off-site contribution could be directed.

The applicant has submitted a viability appraisal which shows that it would be viable to make on-site provision in full accord with this policy requirement.

The Council monitors whether it achieves its target for the completion of affordable housing on a year by year basis. The monitoring exercise shows an under provision, with a worsening level of provision in recent years. This reinforces the need to deliver affordable housing in full accord with Policy NW6 where it is shown to be possible.

Because of the timing in changes to Government Affordable Housing Policy, the other allocated site in Newton Regis (NR6 Land at Seckington Lane) will no longer deliver any element of affordable housing. This places greater importance on the delivery of affordable housing at the last remaining allocated site within the village.

There is a demonstrable need for affordable housing in Newton Regis and the application site represents the best prospect for delivering it. Given the absence of any reasonably deliverable alternative site to which the financial contribution could be directed, it is imperative that affordable housing is delivered on this site in this instance.

It is noted that the Parish Council is supportive of the applicant's proposal to cater for affordable housing in the form of an off-site financial contribution, however it is not considered that a robust case has been made for failure to comply with policy requirements for 40% on site delivery and there are no readily identifiable sites in Newton Regis or nearby settlements where the monies could be directed.

Applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. Paragraph 12 of the NPPF affirms that proposed development that conflicts with an up-to-date Local Plan should be refused unless other material considerations indicate otherwise. The proposal is considered to be contrary to Development Plan Core Strategy Policy NW6 and, for the reasons set out above, and there are no material considerations that indicate that the proposal should be supported contrary to the provisions of the Development Plan.

c) Heritage Impact

Though the site lies adjacent to and in the vicinity of listed buildings and lies partly within and partly adjacent to the village Conservation Area the development, because of the extent of the site and the ability to deliver low density development, it can maintain adequate separation distances between existing properties and new built form.

The site is set back behind the main street and bordered by farm buildings, so will not be directly visible from Main Road aside from in small gaps between buildings, particularly the gap between the buildings to the east of Manor Farm where the access route will be formed. The new residential properties and associated access, will not dominate the landscape and the development will have a minimal impact upon the Conservation Area.

The new access route can be safely achieved without alteration to existing built form and existing boundary walls to the adjacent buildings. It is considered that with appropriate treatment the access arrangements would not cause harm to the character or appearance of the Conservation Area or the setting of the listed buildings.

Details of scale, layout, appearance and landscaping are all reserved matters. Significant attention will need to be paid to good design which preserves and enhances the character and appearance of the Conservation Area and the setting of the listed buildings at the reserved matters stage but it is considered that in principle there is no reason to conclude that a satisfactory design cannot be achieved.

In terms of archaeology, the site lies within the historic core of the village at Newton Regis, which was a medieval (and potentially Saxon) settlement. A building shown on historic maps of the site (and probably an 18th or 19th century barn) may survive as below ground remains. Excavations at the nearby Junior School have shown that archaeological deposits survive in this area. Much of the site remains open and undisturbed, and even those parts which have been built over consist of relatively free-standing barn structures which are unlikely to have significant foundations. The development may impact on unknown sub-surface remains in the site, potentially relating to medieval activity (either settlement or agricultural), or post-medieval activity (possibly associated with Manor Farm). Such remains would be of both local and regional interest, providing information about the early development of Newton Regis. The applicant anticipates that some further work may be required in relation to the

potential buried archaeological resource. The County Planning Archaeologist concurs with this view and offers no objection subject to conditions.

d) Ground Conditions

The Environmental Health Officer advises that based on the preliminary risk assessment submitted with the application a condition would be appropriate requiring a site investigation and remediation plan for any contamination found.

e) Other Matters

Highway Safety – Although the Highway Authority initially raised concerns it now confirms that it has no objection to the proposal, subject to conditions.

Drainage – There are no objections to the proposal from the relevant drainage authorities.

Trees – Though the site contains a small number of trees, none are of significant value and there are no trees on the site which would prohibit the grant of outline planning permission.

Design and layout – This is a reserved matter but there is ample scope within the site to achieve an appropriate design and layout. Though submitted only for illustrative purposes, the submitted site layout plan represents an acceptable solution to site layout.

f) Conservation Area Consent

The Conservation Area Consent application relates solely to the demolition of a large, modern former agricultural building within the part of the site that lies within the Conservation Area. The building does not make a positive contribution to the character and appearance of the Conservation Area. Its loss would cause no harm and its demolition can be supported.

In the absence of a scheme for the redevelopment of the site it is appropriate to attach a condition requiring details of a restoration scheme to be submitted for approval.

g) Conclusion

Though the development is supportable in terms of the delivery of required housing and the impacts on residential amenity, highway safety and impact of the historic environment, the development nevertheless fails to appropriately deliver affordable housing proposals in accordance with adopted policy. In the absence of a realistically deliverable site where the offered off-site financial contribution can be directed the application is recommended for refusal.

Recommendations

a) Application No: PAP/2015/0153

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

Policy NW6 of the North Warwickshire Core Strategy (Adopted October 2014) requires the on-site delivery of 40% of the proposed dwellings as affordable homes. The application does not meet this policy requirement and no convincing justification for non-compliance has been advanced. The affordable housing provision proposed in the application, in the form of the payment of a financial contribution for the off-site delivery of affordable housing, does not represent a reasonable alternative to the policy compliant method of affordable housing provision, given the absence of any reasonably deliverable alternative site to which the financial contribution could be directed. As such the proposal fails to comply with the requirements of Policy NW6 of the North Warwickshire Core Strategy (Adopted October 2014).

b) Application No: PAP/2013/0597

That Conservation Area Consent for demolition be **GRANTED** subject to the following conditions.

1. All materials obtained from demolition shall be permanently removed from the site within two calendar months of demolition being commenced.

REASON

In the interests of the amenities of the area.

2. Prior to the commencement of development a scheme for the restoration of the land shall be submitted to and approved by the Local Planning Authority in writing. The approved restoration scheme shall then be implemented in full.

REASON

In the interests of the amenities of the area.



NRS&NMHPC

Newton Regis, Seckington and No Man's Heath Parish Council

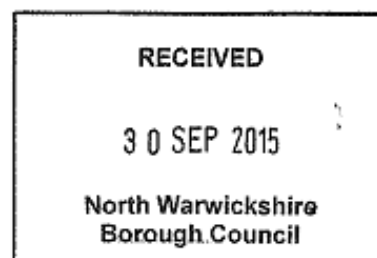
Three villages, one community

The Clerk, 6 Mawbys Lane, Appleby Magna,
Swadlincote, DE12 7AA

Tel: 01530 270725
Email: nrsandnmh.clerk@gmail.com

Date: 29th September 2015

Ms. E Levy
Senior Planning Control Officer
Development Control Service
The Council House
South Street
Atherstone
CV9 1DE



Dear Ms Levy,

PAP/2015/0153 – Manor Farm Development, Newton Regis

There have been 3 housing needs surveys in the past, carried out in the Parish, 2 by ourselves and one by Warwickshire Rural Community Council and in none of those has there been a need reported for affordable housing. In the final one a comment was made that it would be "nice" to have some but there was no genuine requirement. Should there be a requirement for affordable housing in this parish we would support their building and we are quite prepared to carry out another Housing Needs Survey to ensure that there has not been a change in the requirement since our previous survey. It therefore follows that as there would appear to be no requirement from parish residents, subject to the result of any new survey, any affordable housing occupants would be from other areas. We find that Mr Brown's assessment that our surveys are out of date, irrelevant as, in the email we sent to Ms. Erica Levy, we offered to carry out another Housing Needs Survey immediately and I am sure that this would show that our previous surveys are still current.

The applicant, we are informed, has made an offer of financial settlement to the cost of providing affordable housing where it is needed, closer to jobs, public transport, entertainment and choice as per Section 7.22 of the Core Strategy. This we fully support.

As you are well aware, the facilities in this village are extremely limited, only a pub, a Mobile Post Office that comes for two hours a week and a poor public transport system. It is presumed that those requiring affordable housing would be employed and the only place they could get to for employment by public transport is Tamworth, a 40 minute plus journey. Many of the residents in this area use Measham doctors and Queens Hospital Burton on Trent, places to where there is no public transport. There is public transport to the nearest full time Post Office and shop in Austrey, but depending on the time of leaving Newton Regis to post a parcel and buy a pint of milk it would involve a one or two hour wait to return. This appears to negate Section 7.21 of the Core Strategy.

We were not aware, until recently, that the alternative site proposed by the applicant was in Newton Regis. The applicant has been informed that we would have opposed this site as well.

We are also aware that there is Planning Approval for 18 affordable houses in neighbouring Austrey that could cover any local need, considerably more than the 9 that are on the Borough Council's waiting list.

In conclusion we reiterate that we see no need for affordable housing in Newton Regis for Parish residents and therefore support the applicant in objecting to the provision of 6 affordable houses in this village.

7.21 Any local affordable housing will have a cascade of eligibility from local ward up to Borough level. It is important that the housing provided caters for the local affordable housing need and that this is maintained as such in perpetuity. In the first place, priority will be given to those who currently live or work in the ward where the development is taking place. Secondly, the needs of those living in adjacent wards will be considered, followed then by the wider needs of the Borough. Those who have been offered a job in North Warwickshire and need to move into the area, but cannot afford a house will also be eligible if they can provide proof of the job offer.

7.22 Each housing site will be expected to provide for housing in order to meet the target of 20, 30 or 40% of housing to be affordable depending on the type and size of site over the plan period. This provision will be provided through onsite provision, off-site financial contributions and/ or land. The methodology in the Affordable Housing Viability Report will be used to calculate the financial contribution. In all cases viability issues will determine the nature and scale of provision. Planning conditions will be imposed or planning obligations be sought, in order to ensure that affordable housing provision is provided, in a way that meets local needs and is locally affordable in perpetuity. This will mean that innovative ways of providing affordable housing will need to be pursued. This will include commuted sums from small developments that collectively, can provide a viable sum and the availability of a suitable site to provide affordable housing elsewhere in the Borough.

If you have any queries or require any further information, please do not hesitate to contact me.

Yours sincerely,



Nicola Allton (Mrs)
Clerk to the Parish Council of Newton Regis, Seckington and No Mans Heath

BACKGROUND PAPERS

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

Planning Application No: PAP/2015/0153

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statements/Appraisals	10 3 15 30 4 15 22 5 15 19 8 15
2	Tree Advisor	Consultation Response	27 3 15
3	Warwickshire County Council Highways Authority	Consultation Response	14 4 15 11 5 15
4	S Gomm	Representation	3 4 15
5	Environmental Health Officer	Consultation Response	16 4 15
6	Severn Trent Water	Consultation Response	5 5 15
7	District Valuer	Consultation Response	28 5 15
8	Housing Strategy and Development Officer	Consultation Response	20 8 15 22 9 15
9	Newton Regis, Seckington and No Mans Heath Parish Council	Representation	29 9 15
10	Planning Archaeologist, Warwickshire Museum	Consultation Response	29 10 15

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

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

(6) Application No: PAP/2015/0307

Lake House, Bakehouse Lane, Nether Whitacre, B46 2EB

Certificate of lawfulness application for existing use as a dwelling house, for

Mr & Mrs Nicholas Horton

Members will be aware that the Board resolved not to grant this Certificate at its meeting on 30 September.

The application was submitted by the applicant following the investigation of an alleged breach of planning control – namely the material change of use of the property to a C3 residential use. He considered that such a use was immune from enforcement action due to that use being lawful through the passage of time. He therefore submitted the Certificate application. Following the refusal and in order to protect the Council's position, the expediency of enforcement action has to be considered as the position is that the Council has found the alleged use to be unlawful.

Observations

The Board's consideration of the Certificate application revolved around the purported continuous use of the property as a dwelling house. The Board considered from all of the evidence available that whilst the use in all probability existed at the time of determination, it was not a use that had continued fully over the previous four years. The Board considered that the actual physical structure had been present in its existing form for more than four years and thus the building itself is lawful. However the use of the property as a dwelling is in breach of planning control as it does not benefit either from immunity by virtue of a Certificate or from an express planning permission. The Board therefore has to consider whether it is expedient to issue an Enforcement Notice. That Notice would require cessation of the use of the building as a C3 dwelling and that its use reverts to its lawful use – that of a "shelter" under the planning permission reference 1998/4785.

The site is in the Green Belt. Here the change of use of buildings need not necessarily be inappropriate development provided that the buildings are of permanent and substantial construction and that the use preserves the openness of the Green Belt and does not conflict with the purposes of including land in the Green Belt.

The building here is considered to meet the first of these criteria. However it would not meet the second as residential occupation would result in permanent residential characteristics and attributes in and around the building – parked cars; washing lines, general household activity, twenty-four hour occupation, lighting, a residential curtilage and general household comings and goings – all well beyond the occasional and limited occupation as permitted under the planning permission. The introduction of these characteristics can neither be said to align with one of the purposes of including land within the Green Belt – notably the safeguarding of the countryside. The change of use would thus be inappropriate development in the Green Belt carrying the presumption of refusal.

There is thus harm caused, by definition, as a consequence of this inappropriateness. Members will also need to establish the level of actual harm on the openness of the Green Belt hereabouts. It is considered that this would be limited, because of the small size of the building and its isolated location and surrounding landscape.

Members will also have to consider what other harm would be caused. It is considered that there are no highway issues here and neither is there harm caused to the residential amenity of neighbouring occupiers. There is however harm to the overall spatial planning policy of the adopted Core Strategy. In short without a bespoke justification to show that the dwelling has to be essentially located in a rural location, the dwelling is unsustainable development being located outside of any defined settlement and thus does not accord with Policies NW1 and NW2 of that Core Strategy.

In these circumstances it is necessary to explore what material planning considerations there might be on behalf of the applicant which the Board would then have to assess to see if they amount to the very special circumstances necessary to outweigh both the Green Belt harm because of the inappropriateness of the development and the harm caused to the Council's spatial planning policies. The evidence submitted with the Certificate application suggested that the applicant bought the premises with a view to using it for his own personal use for fishing and leisure activity but that due to security issues he felt that he had to remain on site. An occasional use thus developed into a more permanent presence on site. This does not amount to a situation of very special circumstances as they are personal issues and choices. Consequently the balance rests with the harm caused, taking greater weight.

It is thus considered that the issue of an Enforcement Notice is expedient. That Notice would require cessation of the C3 use. A compliance period of six months is considered to be appropriate.

Prior to the Board taking any decision it should consider the consequences of the issue of such a Notice.

The effect of the Notice would be to make the occupier homeless, however this is mitigated in this particular instance as Members have heard evidence that this is a "second" home and that he also has residential occupation elsewhere. There was no evidence submitted with the Certificate application to suggest that this was not available.

Secondly it is not certain what direct cost impact there would be as the Notice would only focus on use of the building not on its accommodation or content. There will be some associated costs but not to the extent as if the whole building or its content had to be removed or altered.

The occupier has redress to defend himself against the requirements of the Notice through the planning appeal process where the reasons for the issue of the Notice and its requirements can be discussed.

Recommendation

That the Solicitor to the Council be authorised to issue an Enforcement Notice requiring cessation of the use of this building as a C3 dwelling house and that the requirements be to revert to the use permitted under planning permission 1998/4785. The compliance period is six months.

(7) Application No: PAP/2015/0348

Land At Crown Stables, Nuneaton Road, Mancetter, CV9 1RF

Erection of 40,001 bird broiler building and associated control room, feed silos, LPG tank, heat exchanger, hard-standing and attenuation pond, for

Crown Waste Management

Introduction

This application is reported to the Board at the discretion of the Head of Development Control in view of the significant local interest registered against this proposal during the consultation exercise and due to the determination of this application resting on a finely balanced assessment of the planning merits. In this circumstance it is suggested that the Board visit an Intensive Poultry Installation in the Borough.

The Site

This is a rectangular area of part of a much larger grassland field on the south side of Nuneaton Road (B4111). It measures some 0.92 hectares. There are two residential properties to the north of the site with one of these properties opposite the vehicular access to the site. The West Coast railway line bounds the site to the south west with one further residential property located beyond this railway line to the south west of the site. The settlement of Mancetter lies to the north-west of this site.

The development site is situated at approximately 80 metres AOD on a gentle south-easterly slope. There is a stable block and storage building in the eastern corner of the field, with the land in a long-term grass ley.

The site location is illustrated at Appendix A.

The Proposal

The proposal is for the erection of a broiler shed, control room and associated infrastructure. The building measures some 110 metres by 21 metres to a height of 3 metres to its eaves and 5.9 metres to its pitch. The building will be ridge ventilated with 18 high speed roof fans with emission points 7 metres above ground level and an efflux speed greater than 7 metres per second. In addition to the fans, windows on the sides of the building allow for natural ventilation. Other associated infrastructure includes two feed silos, a heat exchanger and an underground collection pit within a concrete yard.

The building will be constructed on a concrete base with surface water draining to an attenuation pond. The building would run parallel with the boundary of the railway.

The installation comprises a single broiler unit providing capacity for 40,001 broiler places. Day old chicks are brought into the unit and are fed and watered until they reach about 37 days of age, at which point they are removed from the site and taken to a meat processing facility. There is a 7 day cleaning period and with stocking and destocking time the average cycle is 48 days.

Manure is removed from the unit when the growing cycle is complete and the birds are removed. All manure is to be exported from the installation for use in an energy recovery facility. Water from the wash out of the poultry house, and condensate from the heat exchanger will be channelled to a covered reception pit close to the broiler unit to await collection and export off site. Roof water and yard rain water will be directed into drains and into a rainwater attenuation pond before a controlled release to the adjacent watercourse.

A number of supporting documents have been submitted.

- A Supporting Statement;
- A Great Crested Newt Survey;
- An Odour Management Plan;
- A Site Drainage Plan;
- A Vehicular Access Plan; and,
- Rejected Alternative Site Details;

Background

Historically there have been planning applications at this site associated with the agricultural and equestrian use of this site, namely through the erection of a stable block, an agricultural building and a vehicular access.

Development Plan

North Warwickshire Core Strategy 2014 – NW1 (Sustainable Development); NW10 (Development Considerations), NW11 (Renewable Energy and Energy Efficiency), NW12 (Quality of Development), NW13 (Natural Environment), NW14 (Historic Environment) and NW15 (Nature Conservation).

North Warwickshire Local Plan 2006 (Saved Policies) - Core Policy 10 (Agriculture and the Rural Economy); ENV12 (Urban Design), ENV13 (Building Design), ENV14 (Access Design), ECON7 (Agricultural and Forestry), and TPT1 (Transport Considerations).

Other Relevant Material Planning Considerations

National Planning Policy Framework 2012

National Planning Policy Guidance 2014

Under the Environmental Permitting (England and Wales) Regulations 2010, an Environmental Permit will be required from the Environment Agency for this Intensive Poultry Installation. The Environment Agency is currently considering an application made to them by Crown Stables for the Installation of a single broiler unit providing capacity for 40,001 broiler places.

Observations

The site is located in the open countryside and outside the development boundary for Mancetter.

Concerns have been expressed that the proposal for intensive poultry rearing constitutes a process more akin to an industrial process than an agricultural enterprise and is therefore inappropriate development in this location. The definition of agriculture, provided by section 336 of the 1990 Town and Country Planning Act, includes “the keeping and breeding of livestock (including any creature kept for the production of food), where that use is ancillary to the farming of land for other agricultural purposes”. The Design and Access Statement indicates that the applicant owns very little land in the vicinity. Nevertheless, the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 does include intensive livestock installations under the category of Agriculture. There is no case law available to suggest that intensive farming operations are industrial uses. The Council’s Agricultural Advisor also confirms that this operation can only be described as an agricultural use that falls within Section 336(1). As such, it is considered that this building is for the carrying out of an agricultural operation.

Policy NW1 states that development outside of a development boundary and except where other policies of the Plan expressly provide, will be limited to that necessary for agriculture, forestry or other uses that can be shown to require a rural location. As such the principle of development for agricultural purposes is accepted.

However, the erection of an Intensive Poultry Installation in this location raises the following issues:

- Impact upon residential amenities, in terms of odours and dust;
- Impact upon the landscape and visual amenities of the area;
- Ecological issues;
- Impact upon highway safety;
- Drainage and surface water run-off; and,
- Archaeological issues and impact on historic environment.

In this case the balance between the principle of agricultural development in this location and the likely impacts that such a use has the potential to cause will be at the forefront of the discussion when the Board determines the application. As such, it is recommended that an Intensive Poultry Installation is visited by Members in order that they can better understand the operation of such an Installation.

The owners of Arley Lane Farm, Station Road, Arley have agreed that Members may visit their Poultry Unit at an organised site visit on a date to be arranged. The Unit is not a Broiler Unit but it is a 70,000 bird Intensive Poultry Rearing Unit where birds are kept from day old chicks up to 16 week old pullets ready for sale as laying pullets. The building at Arley Lane Farm is a two-storey building.

It is also recommended that Members take the opportunity to familiarise themselves with the site involved with this planning application and its surroundings from Nuneaton Road.

Recommendation

That a site visit to Arley Lane Farm, Station Road, Arley is organised prior to the determination of this application at Crown Stables, Nuneaton Road, Mancetter.

BACKGROUND PAPERS

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

Planning Application No: PAP/2015/0348

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant's Agent	Application Forms, Plans and Statement(s)	8/6/15

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

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

