

General Development Applications

- 9) Application No: PAP/2014/0446
- 10) Application No: PAP/2014/0433
- 11) Application No: PAP/2014/0302
- 12) Application No: PAP/2014/0301
- 13) Application No: PAP/2014/0157
- 14) Application No: PAP/2014/0399
- 15) Application No: PAP/2014/0569

INTRODUCTION

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

Application Number	Address	Application Type	Number of dwellings Proposed	Planning Context
PAP/2014/0446	Land North Of Manor Barns, Newton Lane, Austrey	Full Planning Application	38 dwellings (13no: 3 bedroom houses; 3 no: 2 bedroom bungalows; 10 no: 2 bed houses and 12 no: 1 bed apartments)	Outside Development Boundary Not allocated in the Site Allocations Plan Not allocated in the Draft Neighbourhood Plan
PAP/2014/0433	Land Adjacent And Rear Of Manor Croft, Newton Lane, Austrey	Outline Planning Application With details of means of access, layout.	5 dwellings	Mostly Outside Development Boundary Not allocated in the Site Allocations Plan Not allocated in the Draft Neighbourhood Plan
PAP/2014/0302	Land Adjacent The Headlands, Warton Lane, Austrey	Outline Planning Application With details of means of access.	10 dwellings	Outside Development Boundary Not allocated in the Site Allocations Plan Allocated in the Draft Neighbourhood Plan
PAP/2014/0301	Land South of Pumping Station Warton Lane	Outline Planning Application With details of	4 dwellings	Outside Development Boundary Not allocated in the Site Allocations Plan

	Austrey	means of access.		Allocated in the Draft Neighbourhood Plan
PAP/2014/0157	Applegarth and The Croft, Norton Hill, Austrey	Outline Planning Application With details of means of access.	14 dwellings	Outside Development Boundary Allocated in the Site Allocations Plan Allocated in the Draft Neighbourhood Plan
PAP/2014/0399	4 Warton Lane, Austrey	Outline Planning Application With details of means of access, appearance, layout and scale	3 dwellings	Inside Development Boundary
PAP/2014/0569 NB Application received and currently being checked to ascertain that it is a valid planning application. Consultation yet to be undertaken	Crisps Farm Church Lane Austrey	Outline Planning Application With details of means of access.	40 dwellings	Outside Development Boundary Allocated in the Site Allocations Plan Allocated in the Draft Neighbourhood Plan

It is a very rare occurrence that so many proposals are submitted seeking housing development in the same settlement in such a short period of time. Whilst it is appropriate to consider each proposal as a separate entity, on its merits, it is also appropriate to have regard to the wider picture across the settlement.

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

CONTEXT

Development Plan:

North Warwickshire Core Strategy (October 2014):

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

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

SO1 – To secure a sustainable pattern of development reflecting the rural character of the Borough

SO2 - To provide for the housing needs of the Borough

SO6 - To deliver high quality developments based on sustainable and inclusive designs

SO7 - To protect and enhance the quality of the natural environment and conserve and enhance the historic environment across the Borough

SO8 - To establish and maintain a network of accessible good quality Green Infrastructure, open spaces, sports and recreational facilities

SO9 – To ensure the satisfactory provision of social and cultural facilities

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

NW1 – Sustainable Development

NW2 – Settlement Hierarchy

NW4 – Housing Development

NW5 – Split of Housing Numbers

NW6 - Affordable Housing Provision

NW10 – Development Considerations

NW11 – Renewable Energy and Energy Efficiency

NW12 – Quality of Development

NW13 – Natural Environment

NW14 – Historic Environment

NW15 – Nature Conservation

NW22 - Infrastructure

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

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

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

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

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

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

North Warwickshire Local Plan 2006 (Saved Policies):

ENV4 – Trees

ENV8 – Water Resources

ENV10 - Energy Generation and Energy Conservation

ENV11 - Neighbour Amenities

ENV12 - Urban Design

ENV13 – Building Design

ENV14 – Access Design

ENV16 - Listed Buildings, non-Listed Buildings of Local Historic Value and Sites of Archaeological Importance (including Scheduled Ancient Monuments)

HSG4 – Densities

TPT1 - Transport Considerations in New Development

TPT6 – Vehicle Parking

Other Relevant Material Considerations

Site Allocations Plan (Draft Pre-Submission June 2014)

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

Austrey

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

Total amount of housing units to be provided = 40

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

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

POLICY HS3
Proposal AUS14
 A Mixed Use Proposal for Housing, to provide additional Open Space (village green) and an element of parking for the church and village hall.

The site at Holly Bank Farm now has planning permission for 3 dwellings (granted earlier this year) and the two remaining allocated sites are the subject of current planning applications.

Government Advice: National Planning Policy Framework (NPPF).

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

The Austrey Neighbourhood Plan.

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

Neighbourhood Plan is at a very early stage of preparation, it carries little weight until it is voted for in a referendum and is then formally adopted. At this early stage of preparation there is some uncertainty about the final form of the Plan and whilst it is indicative of the direction of travel of the Parish it can be afforded only little weight in the consideration of the planning applications.

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

Context - Housing Need

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

Context- Presumption in Favour of Sustainable Development

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

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

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

Consultations Generic to All Applications

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

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

Matters Concerning Cumulative Impact

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

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

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

9) Application No: PAP/2014/0446

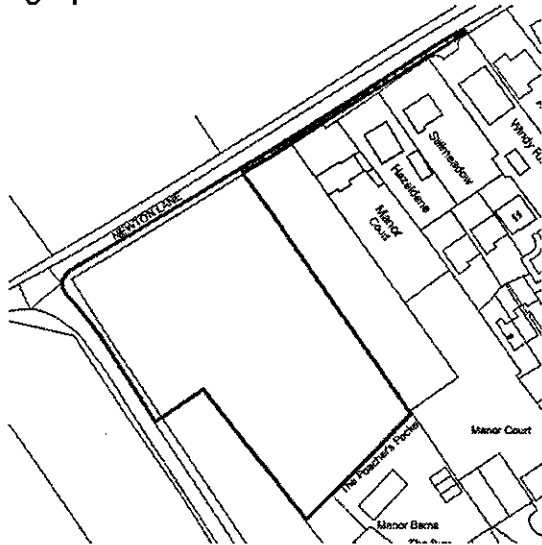
Land North Of Manor Barns, Newton Lane, Austrey

Erection of 38 dwellings (13no: 3 bedroom houses; 3 no: 2 bedroom bungalows; 10 no: 2 bed houses and 12 no: 1 bed apartments) formation of new vehicular access and associated works, for

Mr Richard Kirkland - Maplevale Developments Ltd

The Site

The site forms a roughly rectangular shaped, broadly flat, paddock adjoining Newton Lane at the northern edge of the village of Austrey. It is shown in the plan and photographs below:



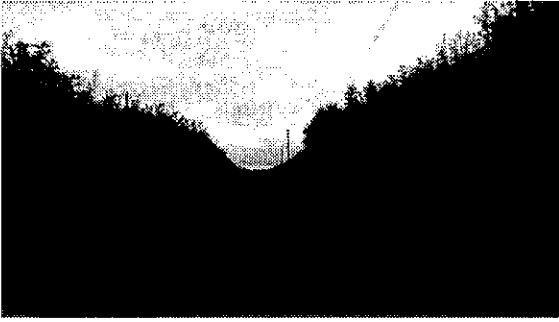
The site looking from Newton Lane towards Manor Barns and Dovecote Grange



On the roadside edge the site is bordered by established hedgerow. The photograph below shows the hedgerow at the Newton Lane road junction.



Showing the border of the site
(right hand side of lane)



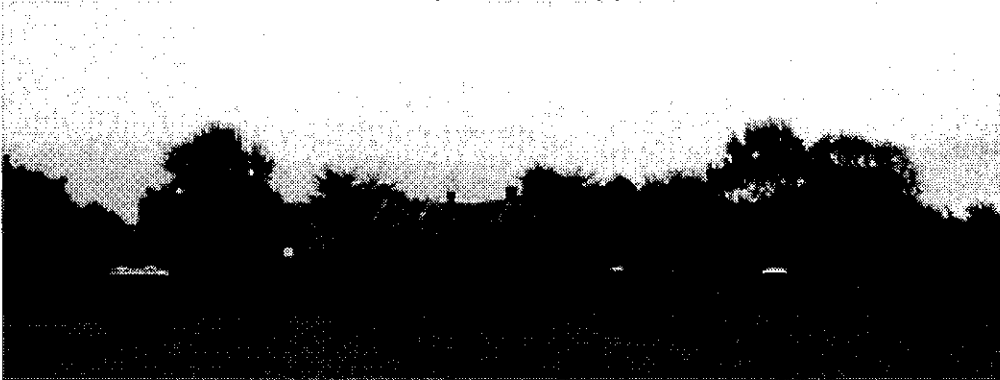
Showing the border of the site
(left hand side of lane)



The photograph below shows the closest existing property on Newton Lane



The photograph below shows the range of buildings which adjoin the southern boundary of the site. They include a single storey dwelling which has a heavily glazed elevation set 8 metres from the boundary with the application site.



The site adjoins the land that comprises application number PAP/2014/0433.

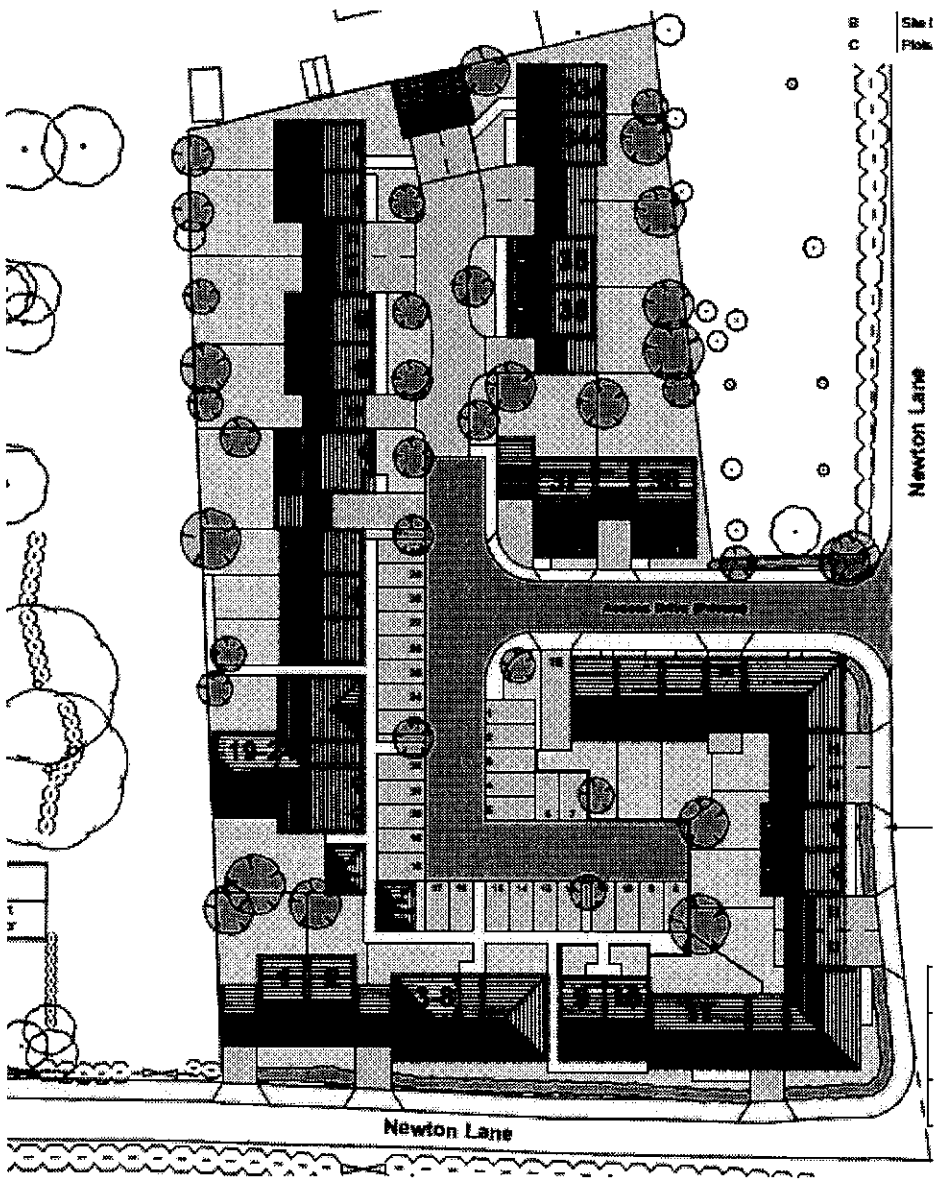
The Proposal

To erection of 38 dwellings (13no: 3 bedroom houses; 3 no: 2 bedroom bungalows; 10 no: 2 bed houses and 12 no: 1 bed apartments), the formation of new vehicular accesses and associated works.

The development would comprise 18 social housing units and 20 market dwellings in accordance with the following schedule.

Schedule of Development	
Plots	Type
Social Housing	
1 and 2 (2no.)	3 bedroom house (on-plot parking)
3-8 (6no.)	1 bedroom apartment (allocated parking)
9, 10 and 17 (3no.)	2 bedroom house (allocated parking)
13, 14, 16 and 18 (4no.)	2 bedroom house (on-plot parking)
11, 12 and 15 (3no.)	2 bedroom bungalow (on-plot parking)
Total	18 Plots
Private Housing	
19-24 (6no.)	1 bedroom apartment (allocated parking)
25 and 26 (2no.)	2 bedroom house (allocated parking)
27 (1no.)	2 bedroom house (on-plot parking)
28, 37 and 38 (3no.)	3 bedroom detached house (on-plot parking)
29-36 (8no.)	3 bedroom house (on-plot parking)
Total	20 Plots
Total	38 Plots 70 Parking spaces

The proposed site layout is as shown below.



Examples of the house types and street scenes are shown below.



Consultations

Fire Authority - No objection subject to conditions

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

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

Warwickshire County Highways Authority – Objection because of the lack of continuous footways, the narrow width of Newton Lane, the absence of street lighting, the proliferation of accesses requiring manoeuvring in the highway, the limited amount of car parking, the likelihood on on-street parking and concerns about site layout.

Warwickshire County Museum (Archaeology) - The County Archaeologist advises that shallow ridge and furrow across this site suggests that the application site once formed part of the open fields associated with Austrey. Analysis of historic mapping, and earthworks to the south-west of Headlands suggest that the focus of the medieval and later settlement in this area was to the immediate south of the application site (Warwickshire Historic Environment Record MWA 9490).

While few remains pre-dating the medieval period have been identified from the vicinity of the site, this may reflect a lack of previous investigations across this area, rather than a lack of archaeological remains. There is therefore a potential for the proposed development to disturb archaeological deposits pre-dating the medieval and later agricultural use of this area. However she does not object to the principle of development, but does consider that some archaeological work should be required if consent is forthcoming.

Warwickshire Wildlife Trust – Advises that the development will result in a loss of biodiversity and advises that further mitigation is desirable. Use of Biodiversity Impact Assessment is suggested.

NWBC Housing Strategy Officer – Advises that there is a need for shared ownership properties amongst the mix of development but otherwise broadly supports the mix of affordable housing proposed.

Representations

58 letters of objection have been received raising the following concerns:

- The type of accommodation is not in keeping with the area or in a village location
- The density of the development is too high and out of keeping. Newton Lane currently has 6 low density detached bungalows yet the development proposes small units of accommodation in apartment blocks.
- Three storey building will be obtrusive.
- The built form would be uncharacteristically close to the road.
- The development will not protect or enhance landscape character.
- The level of traffic generation
- Access arrangements will be dangerous with driveways proposed close to a dangerous bend in a narrow country lane.
- There has been no Traffic Impact Assessment
- The level of car parking will be inadequate.
- Newton Lane is not suitable for overflow car parking.
- There are too many plots to be served by a private drive
- Existing sewage provision and the electricity sub-station are inadequate.
- New housing will exacerbate an existing surface water flooding problem.
- Soakaways will be unsuitable as the area has heavy clay soil.
- Austrey is a rural village with very limited facilities for this type of housing, a minimal bus service, no doctor or dentist, one primary school and only one village shop. There are no real opportunities for employment.
- Anyone without their own transport would feel isolated.
- There are protected species in the area, including barn owls and pipistrelle bats.
- The proximity to the proposed high speed rail route is questioned.
- The inclusion of small units of affordable housing will change the present community profile.
- The development will fail to satisfy local housing needs. There is no demonstrable high demand for social housing from the local community. Small sized family homes to buy are needed.
- The construction phase would cause unprecedented inconvenience.
- Some indicate that they do not object to new development in the village per se, but find this particular proposal unacceptable.
- There is no open space within the site.
- Social housing should be intermixed rather than grouped.

- The capacity of the school to accept additional children has not been assessed.
- The cumulative number of new people in the village could be 250 and this could harm the village community.
- This application should be determined having regard to the other proposed developments in the village.
- The site has a ridge and furrow landscape with medieval origin and previously owned by The Manor House, a Grade II listed building. A proper archaeological survey should be submitted.
- The surrounding hedgerow is 900 years old.
- Some of the properties cannot be built because they are immediately adjacent to adjoining property.
- There is no mention of renewable energy sources.
- The site is not identified by the Neighbourhood Plan and the plan will provide for more than the housing need identified by the Borough Council.
- The site is outside the development boundary and in open countryside.
- Loss of privacy
- A site visit by decision makers is encouraged

Austrey Parish Council – Objects for reasons set out above plus, the following reasons:

- The development is at the wrong end on the village. Large developments should be positioned more centrally.
- It is not conducive to work on the Neighbourhood Plan.
- The development would harm the rural edge of this part of the village.
- Disappointment is expressed about the developer's failure to engage with the Parish Council and the wider local community ahead of the submission of the planning application.

The Constituency MP writes in support of residents who object to the proposal, raising concerns about sewage, flooding, the unsuitability of the design for a rural location and the proposed numbers exceeding housing need.

Observations

Housing Need and Housing Land Supply

The site lies outside of the development boundary for Austrey. It is not an allocated site for housing in the Site Allocations Plan (Draft Pre-Submission June 2014) and it is not put forward in the consultation draft of the Neighbourhood Plan as land allocated for housing.

In Category 4 settlements 'development will be limited to that identified in the plan or has been identified through a Neighbourhood or other locality plan'. The inference is that unless identified in another plan it would not be approved outside a development boundary, but it does not expressly say that no development will be permitted beyond the development boundary in Austrey.

Policy NW5 indicates that Newton Regis will cater for a minimum of 40 units, usually on sites of no more than 10 units. It does not expressly require that these shall be within the development boundary. Indeed, it is acknowledged through the SAP and NP that this cannot be accommodated within the village as adjacent land is allocated.

In these circumstances it would be unreasonable to conclude that the development boundaries are absolutely sacrosanct in Category 4 settlements and it would be appropriate to assess whether there are any material considerations which could weigh in favour of the grant of a permission, in furtherance of NPPF guidance which indicates that there is a presumption in favour of sustainable development

The circumstances of this case are such that the development of the land, or some of the land could be supported as an organic rounding of the settlement, given that it is adjacent to the village edge on two sides and bordered by a village periphery road on the remaining two sides, however, the scale of the development is of concern. Policy NW5 of the Core Strategy indicates that sites in the Category 4 settlements should usually be on sites of no more than 10 units. The proposal is for significantly more than ten units, it is for nearly four times that number. It is considered that the development is somewhat more than organic growth of the settlement, of the type envisaged in policy.

Highway Safety

The highway authority maintains a detailed objection to the application. A set of revised plans have been received which are put forward by the application in order to address the identified concerns. The Highway Authority's further response is awaited.

Archaeology

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

Drainage and Flooding

Given the known flooding issues in the northern part of Austrey the applicant was required to submit a drainage strategy. A response has been received and the further consultation response of the Warwickshire County Council Flood/Drainage Advisor is awaited.

Amenity, Design and Density

The site extends to 0.58 of a Hectare yet the application proposes 38 units of accommodation. This equates to a density of 65 dwellings to the hectare. This is a high density, most commonly found in town and city centre locations. It is necessary to query whether the proposed development in its proposed context present circumstances to suggest that such a density would be appropriate in this edge of village location.

The following image shows the application site as the corner parcel of land in the foreground. It also illustrates the density of development in the adjacent parts of the village. It is considered that the proposed development would be an inappropriately dense by contrast, such that it would not harmonise with the existing grain or appearance of the settlement.



Furthermore, the scale and mass of the proposed apartment building and the terracing of the remainder of the built form, would sit at odds with the hierarchical status in the settlement and their visual prominence.

The proximity of development to the southern boundary of the site would create conditions detrimental to the amenity of the occupiers of the property known as Poacher's Pocket given its fully glazed elevation and proximity to the site boundary.

The proposed dwellings would have an unsatisfactorily small level of private amenity space in many instances.

Affordable Housing

The application proposes 18 out of 38 units as affordable housing units.

There is no doubt that it will be challenging to meet the Council's Borough wide need for affordable housing. Therefore, in principle, it is welcomed when developers propose development at, or exceeding, the Council's Policy requirements.

It is however, appropriate to consider whether the provision of such housing is appropriate in the circumstances of each case.

NW2 indicates that development for affordable housing outside of development boundaries will only be permitted where there is a proven local need; it is small in scale and is located adjacent to a village. Though the development is proposed to be immediately adjacent to the village it is development which is not small in scale (ten units are given as an indicator of an appropriate scale).

It is also suggested that the affordable housing is only being achieved at the proposed levels at the expense of an inappropriately high density.

If there is to be any support for the development of this land the applicant has been advised that there would need to be evidence that there are material considerations that indicate that the proposal should be supported contrary to the provisions of the Development Plan. Whilst a substantial amount of affordable housing is proposed, a greater number of market dwellings are proposed. It has been suggested that in order to achieve the development of this site, a substantial reduction in the number of units would be necessary. If there is evidence of a proven local need, 100% affordable housing would be an appropriate policy solution.

Open spaces/Play Space/Community Benefit

The scheme proposes 38 new dwellings but makes no provision for the open space/play space needs of the future occupiers of the dwellings. In these circumstances, the Council will seek a financial contribution for the off-site provision or improvement of other open space/play space in the locality. The application makes no such provision. The applicant's position is that they are providing a greater than average provision of affordable housing. To this end, they are working on a viability assessment that will determine 'to what extent there may or may not be anything left in the pot to contribute towards open space'.

Trees/Ecology/Bio Diversity and Landscape Character

The site does not contain any noteworthy trees but is bordered by existing hedgerows which contribute to the rural character of the edge of the settlement.

It is proposed to make six new openings for the purpose of creating vehicular accesses and to remove or substantially cut back the existing hedgerow. Furthermore, it is proposed to construct an almost contiguous terraced built form in close proximity to the inside edge of the hedge. The likelihood of the hedgerow being maintained in the longer term is low. Firstly it is likely to be affected by the construction phase, but if it survived the construction phase, the proximity to the front elevations of the properties is likely to be undesirable for the future occupiers of the properties. It is suggested that the net effect would be the loss of a green edge to the settlement and its replacement with a very 'urban' hard edge (notwithstanding any attempts to adopt a 'rural' style in the building design.

Given the limited amount of amenity land within the site there are very limited long term opportunities to mitigate the loss of biodiversity and to 'green up' the appearance of the development.

Recommendation

1. That Board resolves to visit the site ahead of considering a determination report in respect of this application.
2. That the Board be invited to identify any key issues material to the application that it wants to be addressed by the applicant.
3. That the Board is MINDED TO REFUSE for the reasons set out in this report.

BACKGROUND PAPERS

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

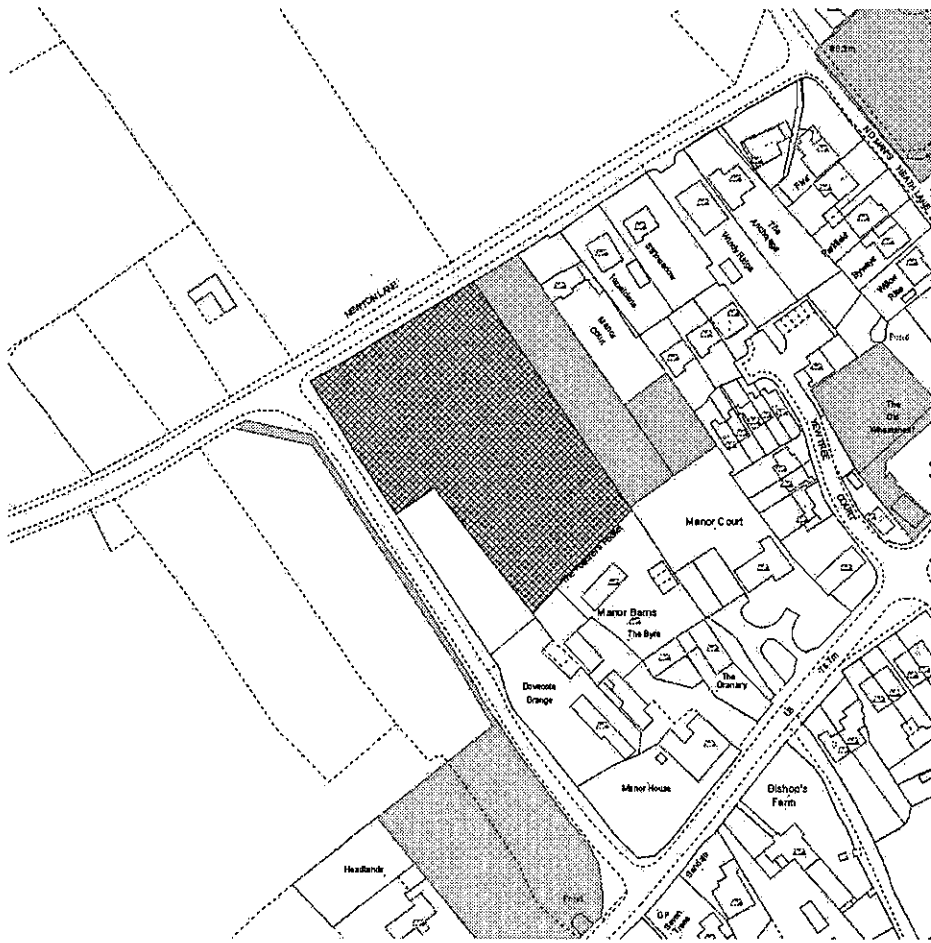
Planning Application No: PAP/2014/0446

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	21 8 14 23 10 14
2	J B Rees	Representation	1 9 14
3	P Smith	Representation	3 9 14
4	Fire Authority	Consultation Reply	3 9 14
5	D Rowse	Representation	5 9 14
6	Warwickshire County Council Flood/Drainage Advisor	Consultation Reply	10 9 14
7	D E Fullerton	Representation	10 9 14
8	Austrey Parish Council	Objection	9 9 14
9	R Lamb	Representation	11 9 14
10	M Liggett	Representation	12 9 14
11	PM Ryan	Representation	12 9 14
12	T Liggett	Representation	12 9 14
13	Y & R Davies	Representation	12 9 14
14	W A Kerr	Representation	12 9 14
15	P W Kerr	Representation	12 9 14
16	A Town	Representation	14 9 14
17	M McCormick	Representation	15 9 14
18	T Ferrand	Representation	13 9 14
19	R Ferrand	Representation	13 9 14
20	L Treadwell	Representation	9 9 14
21	R McCormick	Representation	15 9 14
22	G McCormick	Representation	15 9 14
23	K McCormick	Representation	15 9 14
24	A Briscow	Representation	15 9 14
25	R Minett	Representation	15 9 14
26	Mr & Mrs Dix	Representation	15 9 14
27	D Jenkins	Representation	16 9 14
28	JK Angus	Representation	16 9 14
29	A & A Davies	Representation	16 9 14
30	A Cooper	Representation	15 9 14
31	R D Ainscow	Representation	16 9 14
32	G Davis	Representation	15 9 14
33	P Davis	Representation	16 9 14
34	K & T Davies	Representation	16 9 14
35	S Baker	Representation	16 9 14
36	J Fearn	Representation	16 9 14
37	Warwickshire County Highways Authority	Consultation Reply	15 9 14
38	AC Spencer-Wyatt	Representation	17 9 14

39	JA Richardson	Representation	17 9 14
40	D Davies	Representation	17 9 14
41	S Wheatcroft	Representation	17 9 14
42	S Duggan	Representation	17 9 14
43	M, R & C Bull	Representation	16 9 14
44	S J Kerr	Representation	16 9 14
45	J Hodgkinson	Representation	17 9 14
46	M D Swan	Representation	17 9 14
47	M A Hunt	Representation	17 9 14
48	W & N Wiggan	Representation	17 9 14
49	D Jenkins	Representation	18 9 14
50	J Parkes	Representation	18 9 14
51	B & B Grix	Representation	17 9 14
52	Mr & Mrs Varnam	Representation	18 9 14
53	Warwickshire Police Crime Prevention Design Advisor	Comments	18 9 14 27 10 14
54	A Wilde	Representation	26 9 14 29 9 14
55	A Turner	Representation	26 9 14
56	S Town	Representation	24 9 14
57	Dan Byles MP	Representation	22 9 14
58	S Chadbourn	Representation	29 9 14
59	R Di Giovanna	Representation	30 9 14
60	J Smith	Representation	30 9 14
61	E Beaty	Representation	1 10 14
62	Mr & Mrs Van Heezik	Representation	30 9 14
63	Warwickshire County Museum (Archaeology)	Consultation Reply	3 10 14
64	J & H Humphreys	Representation	8 10 14
65	David	Representation	11 10 14
66	M Martin	Representation	11 10 14
67	Warwickshire Wildlife Trust	Consultation Reply	1 10 14
68	NWBC Housing Strategy Officer	Consultation Reply	23 10 14

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

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



10) Application No: PAP/2014/0433

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

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

Mr Raymond Davies

The Site

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

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



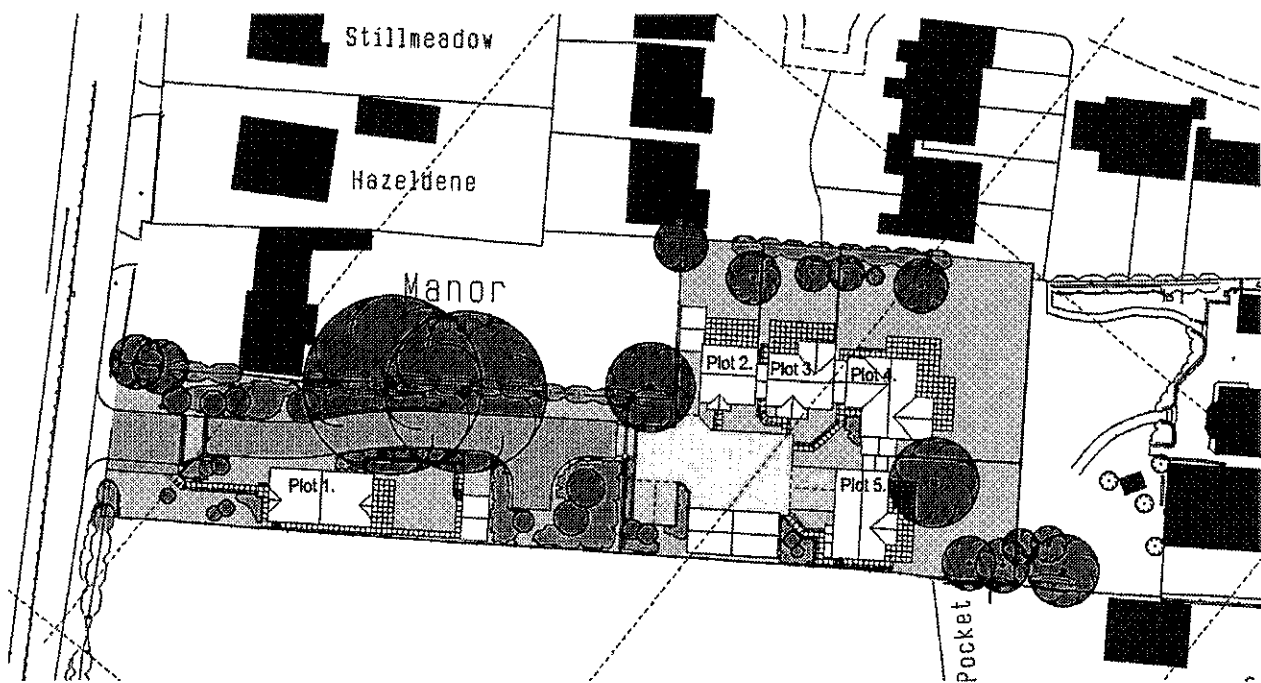
The site adjoins the land that comprises application number PAP/2014/0446. The photograph below shows the existing access to Newton Lane looking towards the neighbouring application site beyond the post and rail fence.



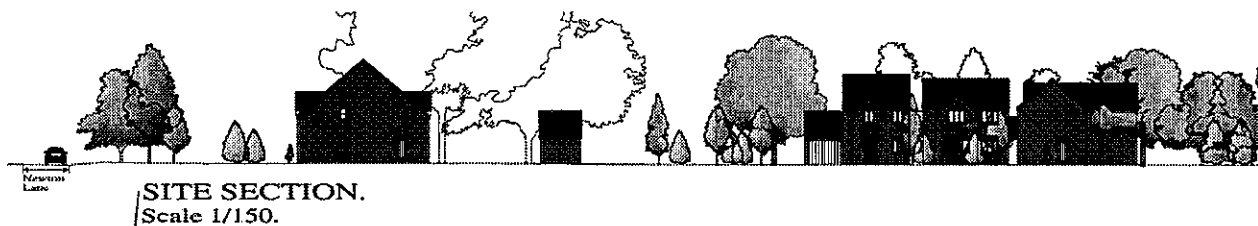
The end of the cul de sac of Yew Tree Court lies to the east and trees on the application site are visible from Yew Tree Court.

The Proposal

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



A section showing the proposed housing is below:



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

Consultations

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

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

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

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

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

Severn Trent Water – No comments

Representations

Two letters have been received raising the following concerns:

- The site exits on to a narrow country lane where it is difficult for two cars to pass. The additional traffic would cause a hazard.
- Existing sewage provision and the electricity sub-station are inadequate.
- There is a known flooding problem in the vicinity.
- Austrey is a rural village with very limited facilities for this type of housing, a minimal bus service, no doctor or dentist, one primary school and only one village shop.

Observations

Housing Need and Housing Land Supply

Policy NW2 of the Core Strategy sets out the Settlement Hierarchy in the Borough indicating the type of development that will be suited to different categories of settlements. Development in Newton Regis (a Category 4 settlement) will be limited to that identified in the Core Strategy or has been identified through a Neighbourhood or other locality plan.

Whilst a small part of the application site lies within the identified development boundary for Austrey, the largest part of it lies outside of the development boundary. It is not an allocated site for housing in the Site Allocations Plan (Draft Pre-Submission June 2014) and it is not put forward in the first consultation draft of the Neighbourhood Plan as land allocated for housing. In these circumstances, there is an argument to suggest that the development is contrary to the provisions of Policy NW2 of the North Warwickshire Core Strategy 2014.

The applicant's agent disagrees with that argument. He points that the Core Strategy (CS) explanatory text to Policy NW2 indicates that it allocates strategic housing numbers but does not give specific locations as these will be determined either through Area Action Plans or Neighbourhood Development Plans prepared by the various Parish Councils. The CS states changes to development boundaries will be made in the appropriate Development Plan Document or once development has taken place, whichever is the earlier. As confirmed by the Newton Regis appeal it is not expected that sites would come forward that would be larger than 10 units at any one time in the Category 4 settlements so the growth is organic and naturally sustainable.

He further argues that the situation over the last seven years has been that the LPA has persistently failed to meet the requirements of the Local Plan completions figure since 2006 to 2011, confirmed in recent appeal decisions. To be included in the 5 year supply sites need to be deliverable and available now. He takes issue with the LPA figures including LIP sites and allocations that have yet to secure planning permission. In these circumstances he considers that it is reasonable to allow for a 10% discount on such sites to factor in the inevitable delays on completion that will occur in respect of these sites over the next 5 years. With the 10% discount applied the 5 year figure is closer to the 5.7 years as reported in the October 2014 planning committee agenda.

Given this fact and that the Site Allocation Document and Austrey Neighbourhood Plan are in draft only and carry little or no weight, he argues that the Manor Court scheme is available and deliverable and adheres to the policy objective of NW4 by delivering organic and sustainable growth to the village. In accordance the CS, changes to the development boundary can be made in the appropriate Development Plan Document once the development has taken place.

The quote from the explanatory text is correct but it needs to be read and interpreted in the context of the policy. The settlement hierarchy identifies that development in Category 1 settlements will be accommodated 'in or adjacent to the market towns', similarly, Category 3A settlements will development will be accommodated 'in or adjacent to development boundaries', yet it states that in Category 4 settlements 'development will be limited to that identified in the plan or has been identified through a Neighbourhood or other locality plan'. The inference is that unless identified in another plan it would not be approved outside a development boundary but it does not expressly say that no development will be permitted beyond the development boundary in Austrey.

Policy NW5 indicates that Newton Regis will cater for a minimum of 40 units, usually on sites of no more than 10 units. It does not expressly require that these shall be within the development boundary. Indeed, it is acknowledged through the SAP and NP that this cannot be accommodated within the village as adjacent land is allocated.

In these circumstances it would be unreasonable to conclude that the development boundaries are absolutely sacrosanct in Category 4 settlements and it would be appropriate to assess whether there are any material considerations which could weigh in favour of the grant of a permission, in furtherance of NPPF guidance which indicates that there is a presumption in favour of sustainable development

The circumstances of this case are such that there is some substance to the applicant's argument in respect of the small scale and location of the application proposal. Whilst the site is mostly outside of the identified development boundary, it is partly within and wholly adjacent to the existing built form and can reasonably be argued to be organic and sustainable growth. It proposes only 5 dwellings and would sit adjacent to existing residential development and would be contained by an existing roadway. The land has an existing quasi residential character.

Though the Council stands by its up to date assessment of the current housing land supply, it is acknowledged that the housing numbers for Austrey are minimum, rather than maximum, numbers and that the grant of small scale additional numbers through windfalls will help the achievement of housing delivery.

Trees

There are some significant trees at the site. The scheme has been revised to ensure they can be retained, though there will be some loss of less significant trees.

Highway Safety

Though there is no objection concerning the scale of traffic generated or its impact in capacity terms, the highway authority maintains a detailed objection to the application. The applicant is currently actively working towards a solution. This matter will be updated when the application is reported for determination.

Archaeology

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

Drainage and Flooding

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

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

Affordable Housing

The applicant has submitted an affordable housing viability statement (using the methodology outlined in the Affordable Housing Viability report) and proposes a financial contribution towards the off-site provision of affordable housing (£9,660).

Open spaces/Play Space/Community Benefit

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

Ecology/Bio Diversity and Landscape Character

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

Amenity and Design

The development can be accommodated without undue harm to the amenity of occupiers of adjacent properties. Though the adjacent bungalow contains large windows in the gable elevation adjoining the site, the scheme layout has been altered to position the proposed frontage dwelling at the opposite side of the site such that the new access road and a landscaped border being closest to the bungalow.

Each new dwelling would have adequate private amenity space and adequate off-street car parking.

The scale and design of the dwellings are appropriate and will not cause harm to the character or appearance of the edge of settlement.

Recommendation

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

BACKGROUND PAPERS

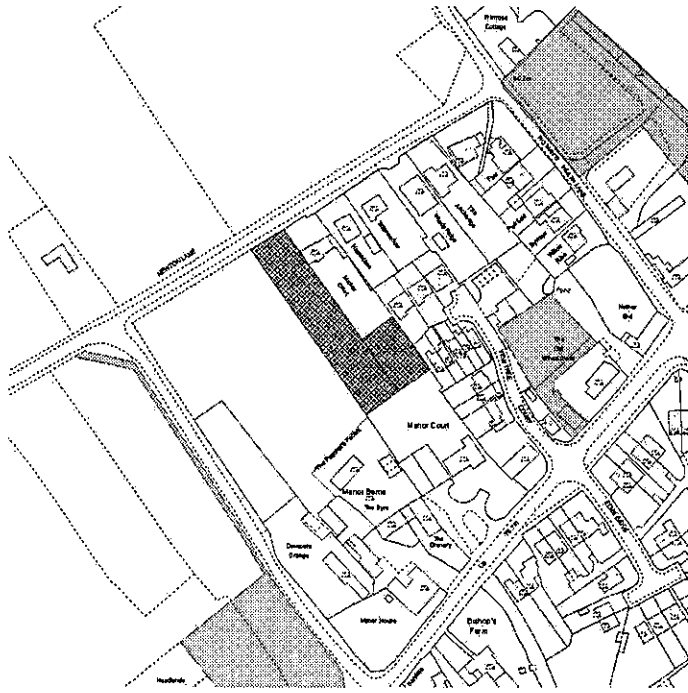
Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Planning Application No: PAP/2014/0433

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	12 8 14 15 9 14 17 10 14
2	Landscape Manager	Consultation Reply	28 8 14
3	D Rowse	Representation	5 8 14
4	D E Fullerton	Representation	10 9 14
5	Warwickshire County Council Flood/Drainage Advisor	Consultation Reply	10 9 14
6	Applicant's Agent	Email	11 9 14
7	Applicant	Letter	12 9 14
8	Environmental Health Officer	Consultation Reply	18 9 14
9	Warwickshire County Museum (Archaeology)	Consultation Reply	3 10 14
10	Severn Trent Water	Consultation Reply	20 10 14
11	Applicant's Agent	Emails	22 10 14 24 10 14

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

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11) Application No: PAP/2014/0302

Land Adjacent The Headlands, Warton Lane, Austrey

Outline application for up to 10 dwellings with details of means of access. All other matters are reserved, for

Mr & Mrs D Ensor

The Site

The application site is located to the south west of Newton Lane at the north western edge of Austrey. It is a roughly square shaped area of pasture land which abuts the corner junction of Newton Lane and Warton Lane. It includes a stretch of land adjacent to the edge of Newton Lane, running northwards and is shown below.



The site from Warton Lane is shown below.

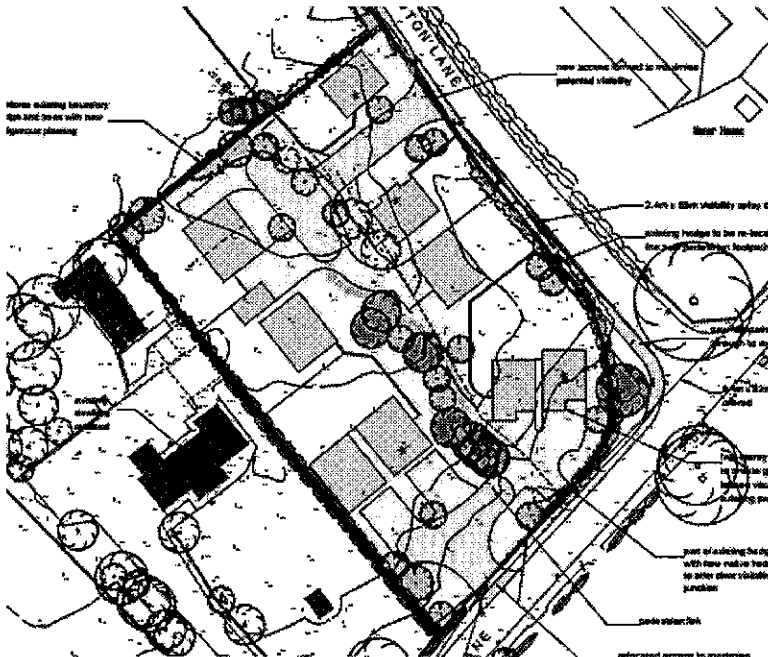


The topography naturally falls in a southerly direction, but in a generally uniform manner. The site has an existing access to Warton Lane and just north of the site there is an existing vehicular access into the adjoining farm fields.

The Proposal

This is an outline application for up to 10 dwellings with details of means of access. All other matters are reserved.

An illustrative layout is shown below. It shows eight detached dwellings and a pair of semi detached dwellings (it is suggested that the semi detached properties would be offered as the affordable homes). The two on-site affordable dwellings will be intermediate dwellings.



The photographs below show the roadside hedgerow that would be removed and a replacement hedgerow would be replanted at a position further from the roadside edge in order to facilitate the provision of a footpath for the whole of the length of the west side of Newton Lane.



Hedge on right hand side of image – looking towards Warton Lane



Hedge on left hand side of image – part way along Newton Lane, looking away from Warton Lane

Background

Prior to the submission of the planning application the landowner removed a large tree from the land which was protected by a Tree Preservation Order. It formerly stood at a central position within the site. He did not seek consent to remove the tree and as such the Council considers that he carried out an unlawful act. The Planning and Development Board has given authority for a prosecution to be pursued in this respect. It can be argued that through the removal of the tree, the landowner has increased the development potential of the land.

The removed tree is shown below:



Consultations

Warwickshire County Museum (Archaeology) – Recommends that pre-determination evaluation be undertaken across the site in the form of trial trenching.

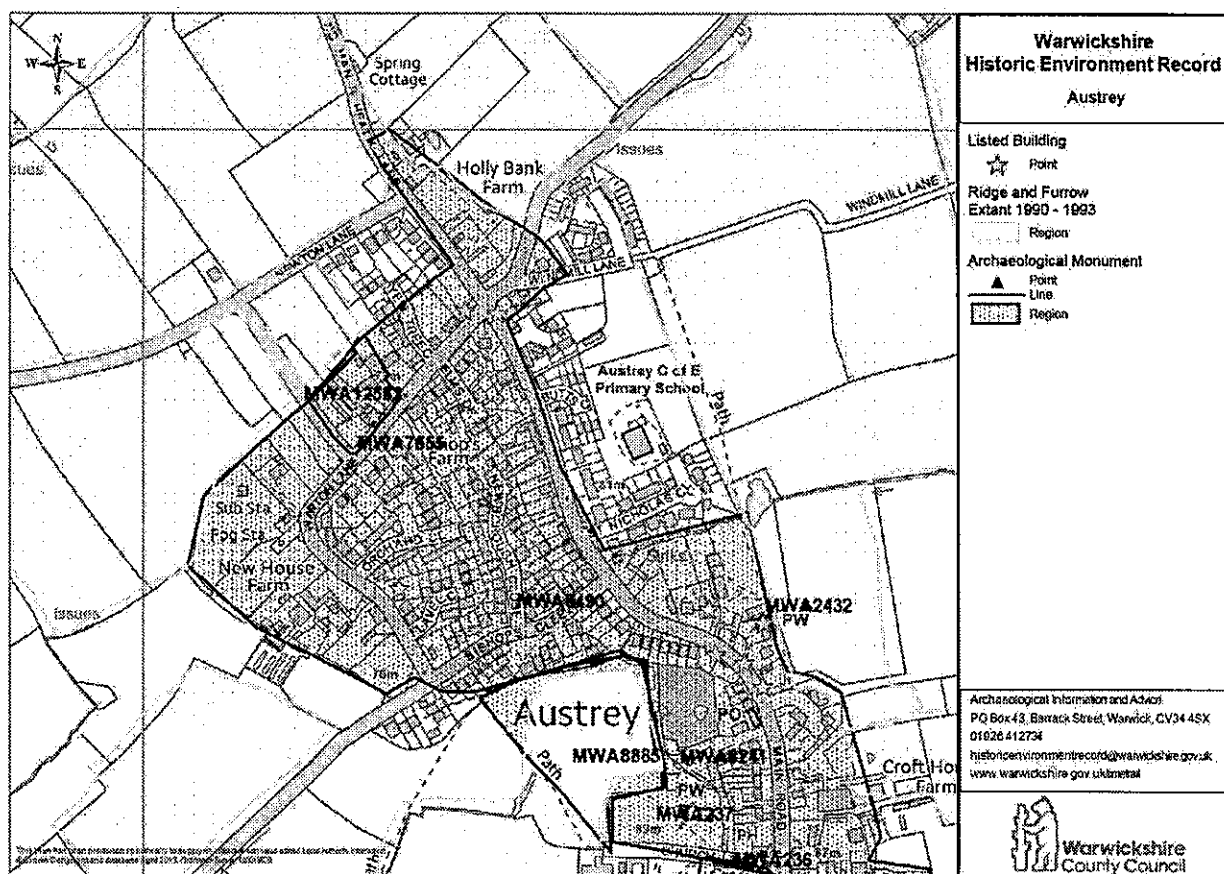
The site lies within an area which, based upon historic mapping and analysis of the village form and extant earthworks, is likely to have been within the area of medieval settlement at Austrey (Warwickshire Historic Environment Record MWA 9490). Domesday indicates a populous and valuable village, and there are signs of empty plots on the 1885 map, suggesting that the population probably contracted. Evidence for this contraction is seen in the vicinity of these application sites, in the grass field which lies to the immediate east of the house known as 'Headlands'.

That this part of Austrey was occupied from an early period (at least early post-medieval, if not medieval) is also supported by the presence of the Listed Buildings of Bishops Farmhouse and Manor House, which date to the early to mid-16th century and late 17th/early 18th century respectively.

There is therefore a potential for archaeological deposits associated with the occupation of this area during the medieval and later periods to survive across this site and be disturbed by the development. These may include archaeological deposits worthy of conservation.

The application sites are within the MWA 9490 monument on the Historic Environment Record (HER). The site lies within the area highlighted as being of sensitivity (as highlighted in para. 4.4.2 of the HEA report, which reads 'the key sensitivities of the Study area are the medieval settlement core and the dispersed post-medieval settlement to north').

An extract from the HER is shown below:



In respect of the hedgerow the Museum advises that

- This stretch of hedgerow is shown on the first edition 6" Ordnance Survey sheet of 1885 (Warwickshire sheet 03 NW) and therefore is over thirty years old. It is also shown on the Tithe Map, 1840.
- This hedgerow does not mark the boundary of a pre-1850 parish or township.
- The hedgerow does not incorporate an archaeological feature as defined.
- The hedgerow is not situated within an archaeological site recorded on the Warwickshire Sites and Monuments Record by 1997.
- There is no documentary evidence available in, or known to, the County Record Office which suggests that this hedge was a pre-1600 estate or manor boundary.
- There is no documentary evidence available in, or known to, the County Record Office which suggests that this hedgerow was part of a pre-Inclosure Act field system.

Warwickshire County Highways Authority – No objection subject to conditions.

Severn Trent Water – No objection subject to conditions

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

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

The drainage strategy for the site appears to be via infiltration method of drainage, but no infiltration tests to support this. Whilst we do not necessarily need the tests undertaken at the outline stage, in this case if infiltration is not possible it is not clear that either discharge to water course or sewer network will be feasible/permitted. There is no "backup" strategy.

Environmental Health Officer – No Comments.

Environment Agency – No objections.

Warwickshire Wildlife Trust – Identifies the following concerns and issues:

- All the native hedgerows around perimeter that face NE and SE have ecological value (even though they are not the most diverse).
- The over-mature gappy hedgerow running up through the middle of the site is 'species-poor' but would still have *some* eco value (but less).
- Both sections of hedgerow could provide foraging and commuting routes for bats.
- Enhancements could be made relatively easily to improve them from a biodiversity point of view – i.e. additional plants or shrubs. Attempts to move such a mature hedgerow are likely to prove unsuccessful as the amount of damage to both branches and roots would lead to failure.
- In line with mitigation hierarchy Para 118 of the NPPF, it would be preferable to consider an alternative site layout/access arrangements with less harmful impacts. The applicant has failed to show that they have considered alternative locations and have not justified why this is the only solution.
- The need for two accesses is questioned and it is questioned whether alternative layouts have been considered and/or new footpaths could be moved elsewhere as a way of reducing adverse impacts on the biodiversity?

As it stands, although the application is only at outline stage, it is clear that the development would result in a loss of biodiversity (by building on a greenfield site and removing any of the hedgerows). Para 109 of the NPPF requires that the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains. Therefore, as a biodiversity loss is probable on site, further mitigation/ compensation would be required in order to ensure compliance with national policy.

Representations

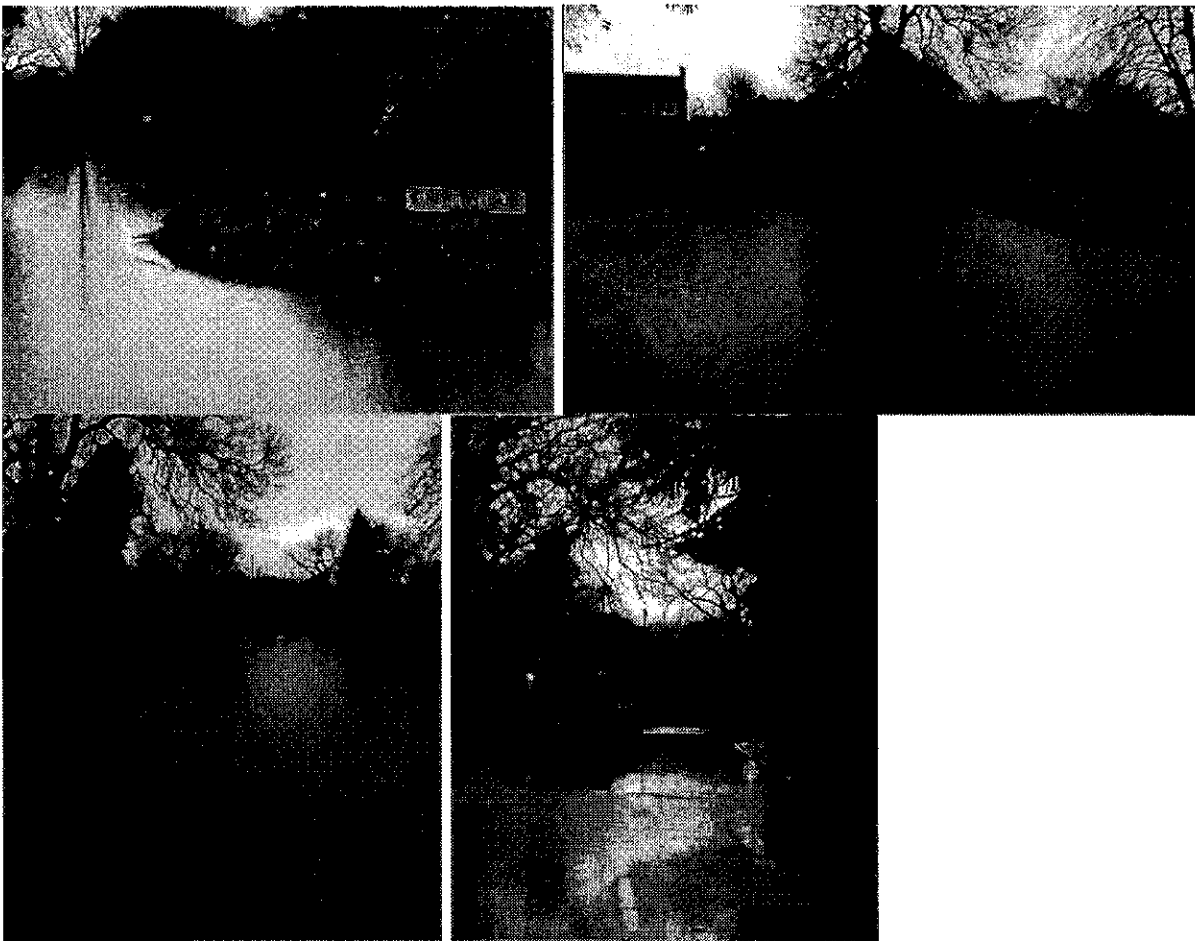
Four letters have been received raising the following concerns:

- The development is outside the village boundary. There have been previous assurances that there will be no development beyond the village boundary.
- This stretch of Warton Lane is prone to severe flooding as it is at the lowest part of the village and floodwaters from surrounding higher ground accumulate in the vicinity of the proposed access to the site.
- Existing properties would be put at greater flood risk.

- There is concern that this application would be followed with applications to develop adjacent land and that, if granted, this permission would set a precedent for future development.
- Austrey is a rural village with very limited facilities, a minimal bus service, no doctor or dentist, one primary school and only one village shop.
- Access to the village is via narrow country lanes which can be hazardous.
- The proposed new accesses would form a hazard.
- The amount of new traffic from this and other proposed developments would cause a danger.

Austrey Parish Council identifies that the main concern from both the council & residents centre on the poor drainage and flooding in this area of the village and a concern that more housing in this area will exacerbate the problem.

To illustrate concerns about flooding the Parish Council and local residents have supplied the following photographs:



The Parish Council advises that the Neighbourhood Plan is now in its final form and it is currently signing off the formal issue for the six weeks consultation, though it advises that the villagers have had prior sight of it and their comments incorporated.

It explains that the reason the Plan is supporting the development is because of the community gain of a footpath linking to the Playing Field. It indicates that this has been an objective of the village for twenty years in order to allow kids and adults safe passage to the field without a section walking on a very dangerous road with no path.

It sets out the Draft Neighbourhood Plan extract as below:

1.7. The one site allocated in the Austrey Plan and not in the NWBC preferred sites is subject to current planning application (Warton Lane / Newton Lane 10+4) and offers the community benefit of creating a complete path to the Playing Field. (Sustainability & flooding assessments are part of this application).

Site 1. Warton Lane/Newton Lane (*Allocated by Neighbourhood Plan and subject to current Planning Application*)

Policy 1.3 The site at the junction of Warton Lane and Newton Lane will have 2 groups of 5 starter and small family houses. There will be 4 similar houses on Warton Lane alongside the sewage Works. The development will include a footpath up Newton Lane (none currently) which form the missing link of a footpath to the Playing Field. There is a current application to NWBC for these developments. It should include satisfactory arrangements to alleviate associated flooding problems.

Austrey Resident's Association – Expresses concern that the presence of longstanding trees and hedgerows, that make up the rural feel of the village, have not fully been taken into consideration. The landowner's act of removing a protected tree is quoted as just cause for concern. It supplied a hedgerow survey carried out by two local ladies. By their estimation one section of the hedge would be about 690 years old and another 910 years old. It is suggested that the very low level of footfall does not justify the loss of hedgerow.

Observations

Housing Need and Housing Land Supply

The site lies outside of the development boundary for Austrey and is not allocated for housing in the Site Allocations Plan (Draft Pre-Submission June 2014) but it is known that there is an intention to put it forward in the first consultation draft of the Neighbourhood Plan as land allocated for housing. The Neighbourhood Plan is at a very early stage of preparation. There is known to be opposition from some members of the community to the inclusion of this site, and there is no guarantee that its inclusion will continue to an adopted plan. This early stage of preparation and uncertainty suggest that the emerging Neighbourhood Plan can be afforded very little weight in the consideration of this planning application.

In these circumstances, there is an argument to suggest that the development errs towards being contrary to the provisions of Policy NW2 of the North Warwickshire Core Strategy 2014.

The applicant's agent disagrees with that argument. She indicates that, in order to achieve the 40 new dwellings allocated by Policy NW5, the existing settlement boundary of Austrey necessitates the requirement for development to take place outside the defined development limits of the village. This is highlighted by the early drafts of the Site Allocations DPD and the SHLAA update dated December 2013 which predominantly considers sites outside the existing development limits of the village.

She argues that this application proposal will make a positive contribution to the minimum figure of 40 new dwellings in Austrey over the next plan period. What's more,

she argues that it meets the objective of Policy NW5 in seeking to ensure development sites of no more than 10 dwellings are brought forward.

She points out that the site has been submitted for consideration as part of the Site Allocations DPD public consultation process and have been assigned reference number AUS11. It is listed as a reasonable alternative for development in the sustainability appraisal supporting the first draft of the Site Allocations DPD. Paragraph 5.92 of the sustainability appraisal concludes: "the likely effects of the residential sites in Austrey are broadly fairly similar, with not much variation between the scores for the preferred and alternative site options." In addition, the site was encompassed as part of site PS150 in the Council's SHLAA update December 2013 and is categorised as developable. She argues that the Site Allocations DPD is yet to be submitted and remains in draft form and suggests that the fact that this site is not currently allocated does not mean that it will not be preferred options in a later draft. She suggests that the submission of the current application demonstrates its availability and deliverability and points out that it is proposed for allocation in the Neighbourhood Plan with there being no known plans to remove these sites from the NP. She argues that it meets with the strategic objectives of Policies NW2 and NW5 of the CS.

She argues that until the Site Allocations DPD is adopted, the LPA is unable to sufficiently demonstrate a deliverable housing land supply to meet the objectives of the adopted Core Strategy.

Policy NW2 does not expressly say that no development will be permitted beyond the development boundary in Austrey. Policy NW5 indicates that Newton Regis will cater for a minimum of 40 units, usually on sites of no more than 10 units. It does not expressly require that these shall be within the development boundary. Indeed, it is acknowledged through the SAP and NP that this cannot be accommodated within the village as adjacent land is allocated.

In these circumstances it would be unreasonable to conclude that the development boundaries are absolutely sacrosanct in Category 4 settlements and it would be appropriate to assess whether there are any material considerations which could weigh in favour of the grant of a permission, in furtherance of NPPF guidance which indicates that there is a presumption in favour of sustainable development

In the circumstances of this case, it is a relatively small scale site (10 units or fewer) and at a location close to the edge of the village. Whilst it is outside of the identified development boundary, there is some build form adjacent to it in the form of the property at The Headlands. It reasonably be argued to be organic and sustainable growth.

Though the Council stands by its up to date assessment of the current housing land supply, it is acknowledged that the housing numbers for Austrey are minimum, rather than maximum, numbers and that the grant of small scale additional numbers through windfalls will help the achievement of housing delivery.

Highway safety

The Highway Authority offers no objection to the proposed development. It is satisfied that appropriate visibility splays can be achieved.

The creation of visibility splays will however necessitate the repositioning of boundary hedgerows and these works will have the effect of altering the appearance of the street scene.

The S106 Draft Heads of Terms makes provision for a financial contribution at £75 per dwelling for; sustainable welcome packs; promoting sustainable living and to deliver road safety education in the area.

Archaeology

The applicant's agent argues that the site is not a designated heritage asset. Paragraph 128 of the NPPF states "the level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance." As neither of the sites are designated and the proposals are at outline stage (where there is opportunity for this to be explored in detail prior to the submission of reserved matters), she is of the opinion that the request is disproportionate and is capable of being secured by planning condition.

Advice from the County Archaeologist is that, in her opinion, the archaeological implications of this proposal cannot be adequately assessed on the basis of the available information. She recommends that a programme of archaeological fieldwork be undertaken to provide further information on the character, extent, state of preservation and importance of any archaeological remains present, and will also provide information useful for identifying potential options for minimising or avoiding damage to them.

She considers her approach to be consistent with para. 128 of the National Planning Policy Framework which advises that 'in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected...' and that 'where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation'.

She considers that the recommended fieldwork is proportionate and no greater than would be needed to enable the impact that the proposal would have upon any archaeological deposits which survive across the site to be established.

The use of a condition would be inappropriate as there is insufficient information available at present to enable a reasoned and informed planning decision to be made at this time. In addition, whilst this condition may secure fieldwork, it would not secure the conservation of any deposits which are worthy of conservation should these be identified at a later date. She also expresses concern as to whether or not it would be possible to 'design around' any archaeological deposits worthy of conservation should these been identified following the granting of consent – the relatively small size of these application sites may limit options to redesign the layout etc.

Following discussion with the applicant's agent she now confirms that if she has a reasonable degree of comfort that there will be 'in principle' support for the proposal, then the applicant will proceed to carry out pre-determinative trial trenching.

Drainage and Flooding

Given the known flooding issues in the northern part of Austrey the applicant was required to submit a drainage strategy. It is still awaited and will be the subject of re-consultation with the Warwickshire County Council Flood/Drainage Advisor. However, the applicant advises that a Flood Risk Assessment and drainage strategy for these sites is largely complete (waiting on a response from Severn Trent Water before the final report can be issued). The strategy will incorporate some mitigation measures to address the existing flooding problem.

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

Ecology/Bio Diversity and Landscape Character

The proposal will have some urbanising effect in the vicinity of the site, particularly initially, since it proposes extensive removal of roadside hedgerow. This not only has the potential of altering the character of the rural edge of the village but will result in some loss of biodiversity. Both local residents and the Warwickshire Wildlife Trust express concern about this loss.

The applicant argues that the replacement of existing hedgerow is an opportunity for ecological enhancement because the existing hedge is species poor and the provision of a new more species rich hedgerow will not only compensate for the removal but will offer ecological enhancement in the longer term.

There is no doubt that there will be some change in character, but it is proposed that the hedgerow be re-established for the majority of its length, at a set back from the roadside edge. The works need to be set against the supported benefit of achieving safer pedestrian access to the village playing fields. Alternative access across the fields was considered but discounted because it would not be visible behind the existing hedgerow and have no natural surveillance.

The applicant advises that the decision to split access is to retain the line of existing landscaping which intersects the site, not only retains the existing biodiversity/ecological value of the site but makes a feature of the existing landscaping and character.

On balance, with appropriate use of conditions, it is considered that the loss can be adequately mitigated.

Open spaces/Play Space/Community Benefit

The applicant has indicated an intention to address this requirement as a financial contribution for off-site provision (£14,290.50) and (£5,716.20)

The provision of a footpath to the playing fields is put forward as a community benefit and is welcomed in the draft Neighbourhood Plan.

Affordable Housing

The application proposes the on-site delivery of 20% affordable housing and meets the requirements of Policy NW6 of the CS.

Amenity and Design

There is adequate space within the site to accommodate 10 dwellings without undue harm to the amenity of occupiers of adjacent properties. There would be no significant loss of light, overlooking or loss of privacy.

Each new dwelling would have adequate private amenity space and adequate off-street car parking.

Recommendation

1. That Board resolves to visit the site ahead of considering a determination report in respect of this application.
2. That the Board be invited to identify any key issues material to the application that it wants to be addressed by the applicant.
3. That the Board is MINDED TO SUPPORT the application subject to resolution of the outstanding archaeology and drainage objections and subject a S106 Agreement covering affordable housing and off-site play space/open space.

BACKGROUND PAPERS

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

Planning Application No: PAP/2014/0302

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	19 6 14
2	Warwickshire County Highways Authority	Consultation Reply	30 6 14
3	S & S Duggan	Representation	11 7 14 23 7 14
4	J K Angus	Representation	8 7 14
5	Severn Trent Water	Consultation Reply	14 7 14 6 10 14
6	Environmental Health Officer	Consultation Reply	26 6 14
7	D Rowse	Representation	18 7 14
8	Warwickshire Police Crime Prevention Design Advisor	Comments	18 7 14
9	Austrey Parish Council	Representation	22 7 14 20 10 14
10	Austrey Resident's Association	Representation	27 8 14
11	Warwickshire County Council Flood/Drainage Advisor	Consultation Reply	10 9 14
12	Environment Agency	Consultation Reply	19 8 14
13	D E Fullerton	Representation	10 9 14
14	Applicant's Agent	Email re Neighbourhood Plan	15 9 14
15	Warwickshire County Museum (Archaeology)	Consultation Reply	29 7 14 12 9 14 30 9 14
16	Warwickshire Wildlife Trust	Consultation Reply	30 9 14
17	Case Officer	Email to Agent	17 10 14
18	Applicant's Agent	Emails	5 8 14 22 10 14

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

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



12) Application No: PAP/2014/0301

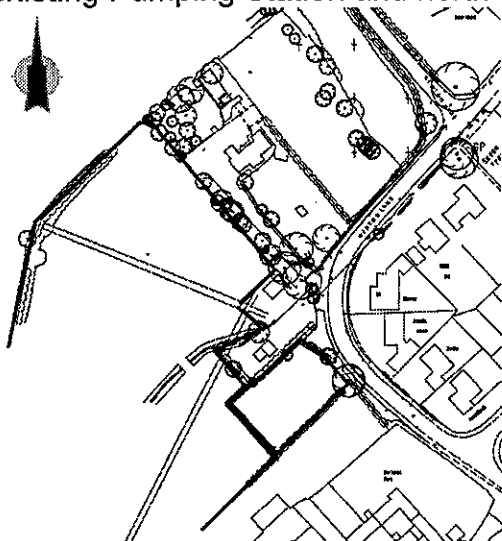
Land South of Pumping Station, Warton Lane, Austrey

Outline application for up to 4 dwellings with details of means of access from Warton Lane. All other matters are reserved.
for

Mr Owen Ensor

The Site

The site forms the roadside part of a field on the south west of Warton Road south of an existing Pumping Station and north of New House Farm. It is as sown below:

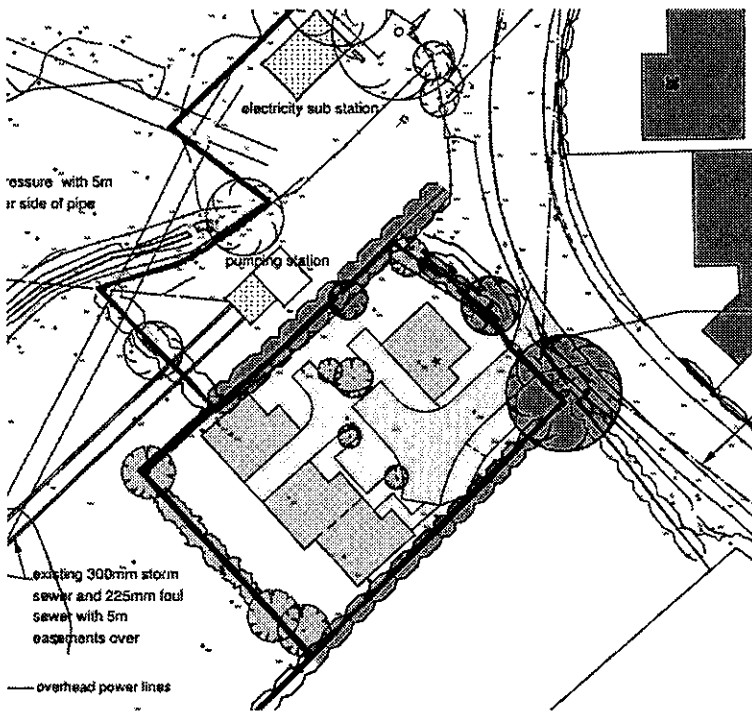


The photographs below show the site viewed from Warton Road.



The Proposal

An outline application for up to 4 dwellings with details of means of access from Warton Lane. All other matters are reserved. An illustrative layout is shown below.



The proposal includes the on-site provision of one affordable dwelling, equating to a 25% on-site contribution. It is envisaged that the affordable dwelling will be an intermediate dwelling.

Consultations

Warwickshire County Highways Authority – No objection subject to conditions. The required 43 metre visibility splays could be achieved in both directions (when measured 2.4 metres back from the edge of the carriageway); the proposed alterations to the access would enable two -way vehicle movements; and a turning area has been provided within the site, enabling vehicles to turn and re-enter the public highway using a forward gear.

Warwickshire County Museum (Archaeology) – Recommends that pre-determination evaluation be undertaken across the site in the form of trial trenching.

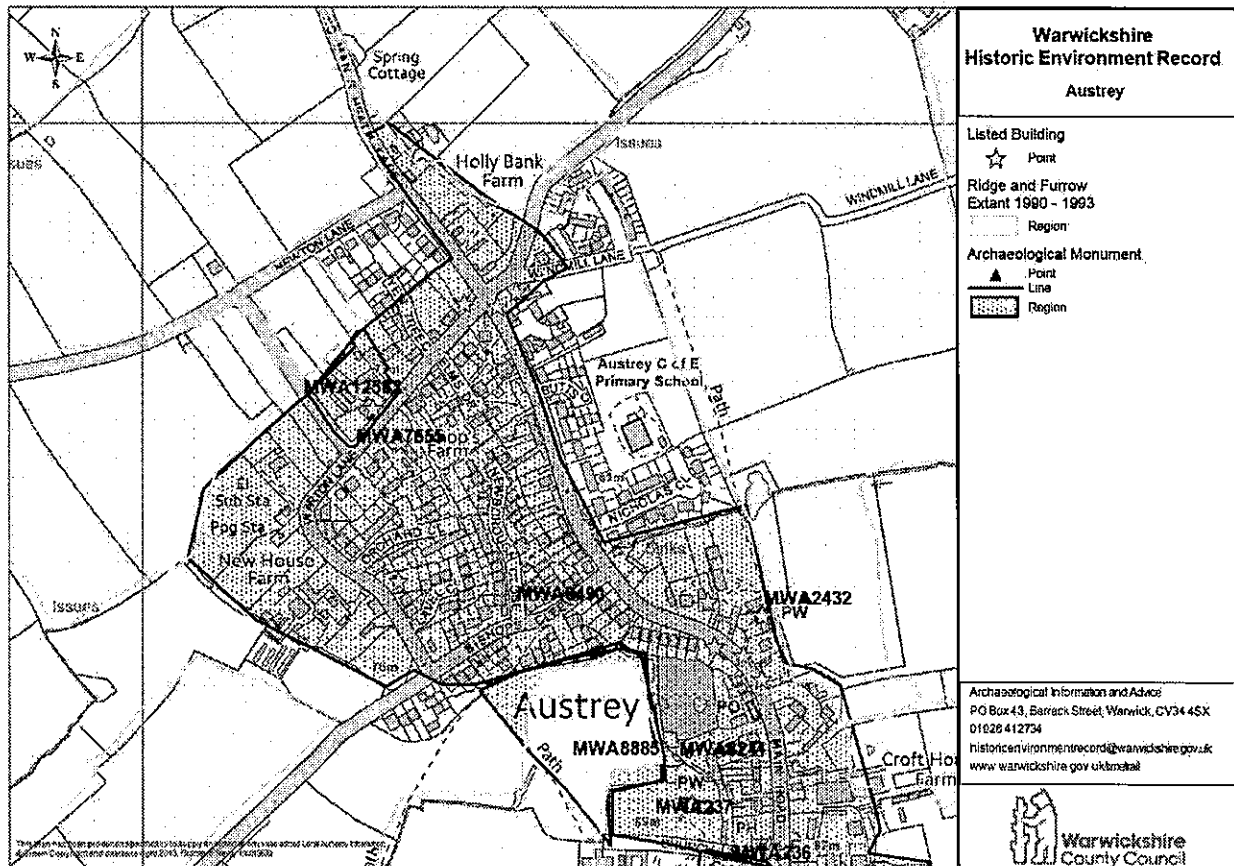
The site lies within an area which, based upon historic mapping and analysis of the village form and extant earthworks, is likely to have been within the area of medieval settlement at Austrey (Warwickshire Historic Environment Record MWA 9490). Domesday indicates a populous and valuable village, and there are signs of empty plots on the 1885 map, suggesting that the population probably contracted. Evidence for this contraction is seen in the vicinity of these application sites, in the grass field which lies to the immediate east of the house known as 'Headlands'.

That this part of Austrey was occupied from an early period (at least early post-medieval, if not medieval) is also supported by the presence of the Listed Buildings of Bishops Farmhouse and Manor House, which date to the early to mid 16th century and late 17th/early 18th century respectively.

There is therefore a potential for archaeological deposits associated with the occupation of this area during the medieval and later periods to survive across this site and be disturbed by the development. These may include archaeological deposits worthy of conservation.

The application sites are within the MWA 9490 monument on the Historic Environment Record (HER). The site lies within the area highlighted as being of sensitivity (as highlighted in para. 4.4.2 of the HEA report, which reads 'the key sensitivities of the Study area are the medieval settlement core and the dispersed post-medieval settlement to north').

An extract from the HER is shown below.



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

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

The drainage strategy for the site appears to be via infiltration method of drainage, but no infiltration tests to support this. Whilst we do not necessarily need the tests undertaken at the outline stage, in this case if infiltration is not possible it is not clear that either discharge to water course or sewer network will be feasible/permitted. There is no "backup" strategy.

Environmental Health Officer – Initially expressed concern about the proximity of the pumping station because of potential for noise and odour complaints but, following consultation with Severn Trent Water, later agreed that a 15m separation buffer would be adequate.

Environment Agency – No objections.

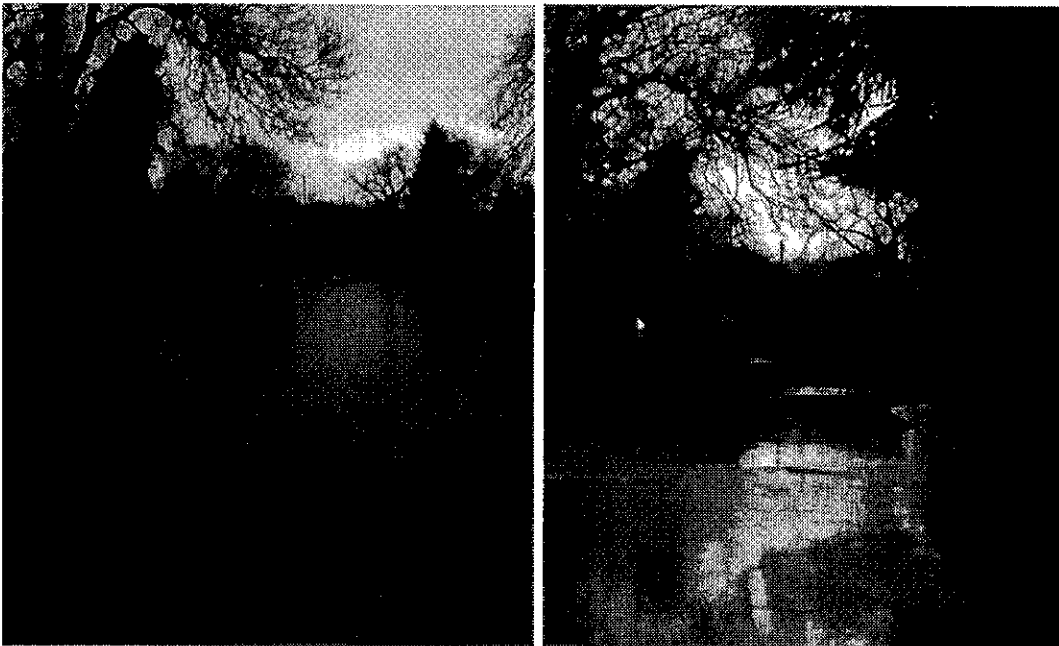
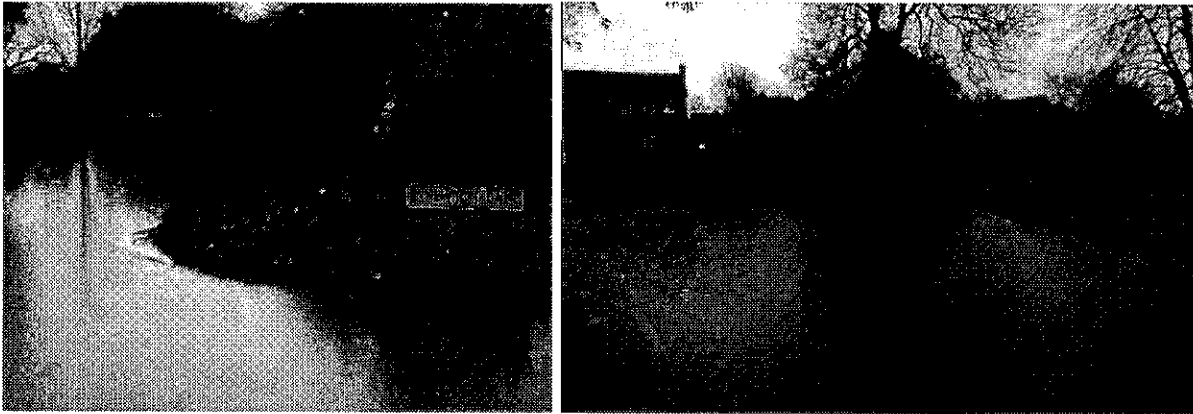
Representations

Seven letters have been received raising the following concerns:

- The development is outside the village boundary. There have been previous assurances that there will be no development beyond the village boundary.
- This stretch of Warton Lane is prone to severe flooding as it is at the lowest part of the village and floodwaters from surrounding higher ground accumulate in the vicinity of the proposed access to the site.
- The land next to the pumping station is below road level. At the moment excess flood waters drain into the field and are absorbed. If the land is developed for housing, the properties would be adversely affected and there would be reduced opportunity for flood waters to dissipate.
- One objector points out that 'Having rented the field in question for very many years we know that it is always covered in a plant called spotted persicaria, a bistort also known as willow weed, which likes to grow in ditches and damp places. This shows how important this low-lying field is as a natural drain for the village'.
- Existing properties would be put at greater flood risk.
- With climate change the incidence of flash flooding is increasing.
- There is concern that this application would be followed with applications to develop adjacent land and that, if granted, this permission would set a precedent for future development.
- Concern is expressed that the curvature of the road is shown incorrectly on the plans.
- A new access close to the bend in the road would cause a hazard.
- Warton Lane is increasingly being used as a cut through between Warton/Polesworth and the M42, hence it has higher levels of traffic.
- Whilst the need for affordable housing is appreciated there are more appropriate locations to build.
- The Planning Statement is misleading where it discusses rural setting and landscaped boundaries is misleading because existing trees on the site are in a poor condition and unlikely to be kept.
- The site is not mentioned in the Parish/Local Plan.
- It is suggested that the Board should visit the site.

Austrey Parish Council identifies that the main concern from both the council & residents centre on the poor drainage and flooding in this area of the village and a concern that more housing in this area will exacerbate the problem.

To illustrate concerns about flooding the Parish Council and local residents have supplied the following photographs:



The Parish Council advises that the Neighbourhood Plan is now in its final form and it is currently signing off the formal issue for the six weeks consultation, though it advises that the villagers have had prior sight of it and their comments incorporated.

It explains that the reason the Plan is supporting the development here is associated to the fact that the associated application (in the same family ownership) involves the community gain of a footpath linking to the Playing Field.

Austrey Resident's Association – Expresses concern that the presence of longstanding trees and hedgerows, that make up the rural feel of the village, have not fully been taken into consideration.

Observations

Housing Need and Housing Land Supply

The site lies outside of the development boundary for Austrey and is not allocated for housing in the Site Allocations Plan (Draft Pre-Submission June 2014) but it is known that there is an intention to put it forward in the first consultation draft of the Neighbourhood Plan as land allocated for housing. You are reminded that the Neighbourhood Plan is at a very early stage of preparation, there is known to be opposition from some members of the community to the inclusion of this site, and there is no guarantee that its inclusion will continue to an adopted plan. This early stage of preparation and uncertainty suggest that the emerging Neighbourhood Plan can be afforded very little weight in the consideration of this planning application. In these circumstances, there is an argument to suggest that the development errs towards being contrary to the provisions of Policy NW2 of the North Warwickshire Core Strategy 2014.

The applicant's agent disagrees with that argument. She indicates that, in order to achieve the 40 new dwellings allocated by Policy NW5, the existing settlement boundary of Austrey necessitates the requirement for development to take place outside the defined development limits of the village. This is highlighted by the early drafts of the Site Allocations DPD and the SHLAA update dated December 2013 which predominantly considers sites outside the existing development limits of the village.

She argues that this application proposal will make a positive contribution to the minimum figure of 40 new dwellings in Austrey over the next plan period. What's more, she argues that it meets the objective of Policy NW5 in seeking to ensure development sites of no more than 10 dwellings are brought forward.

She points out that the site has been submitted for consideration as part of the Site Allocations DPD public consultation process and have been assigned reference number AUS11. It is listed as a reasonable alternative for development in the sustainability appraisal supporting the first draft of the Site Allocations DPD. Paragraph 5.92 of the sustainability appraisal concludes: "the likely effects of the residential sites in Austrey are broadly fairly similar, with not much variation between the scores for the preferred and alternative site options." In addition, the site was encompassed as part of site PS150 in the Council's SHLAA update December 2013 and is categorised as developable. She argues that the Site Allocations DPD is yet to be submitted and remains in draft form and suggests that the fact that this site is not currently allocated does not mean that it will not be preferred options in a later draft. She suggests that the submission of the current application demonstrates its availability and deliverability and points out that it is proposed for allocation in the Neighbourhood Plan with there being no known plans to remove these sites from the NP. She argues that it meets with the strategic objectives of Policies NW2 and NW5 of the CS.

She argues that until the Site Allocations DPD is adopted, the LPA is unable to sufficiently demonstrate a deliverable housing land supply to meet the objectives of the adopted Core Strategy.

Policy NW2 does not expressly say that no development will be permitted beyond the development boundary in Austrey. Policy NW5 indicates that Newton Regis will cater for a minimum of 40 units, usually on sites of no more than 4 units. It does not expressly require that these shall be within the development boundary. Indeed, it is acknowledged through the SAP and NP that this cannot be accommodated within the village as adjacent land is allocated.

In these circumstances it would be unreasonable to conclude that the development boundaries are absolutely sacrosanct in Category 4 settlements and it would be appropriate to assess whether there are any material considerations which could weigh in favour of the grant of a permission, in furtherance of NPPF guidance which indicates that there is a presumption in favour of sustainable development

In the circumstances of this case, it is a relatively small scale site (4 units or fewer) and at a location close to the edge of the village. Whilst it is outside of the identified development boundary, there is some build form adjacent to it in the form of the property at the pumping station and an existing farm. It can reasonably be argued to be organic and sustainable growth.

Though the Council stands by its up to date assessment of the current housing land supply, it is acknowledged that the housing numbers for Austrey are minimum, rather than maximum, numbers and that the grant of small scale additional numbers through windfalls will help the achievement of housing delivery.

Highway Safety

The Highway Authority offers no objection to the proposed development. It is satisfied that appropriate visibility splays can be achieved and that the volumes of traffic generated will be no detriment to highway safety.

Archaeology

The applicant's agent argues that the site is not a designated heritage asset. Paragraph 128 of the NPPF states "the level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance." As neither of the sites are designated and the proposals are at outline stage (where there is opportunity for this to be explored in detail prior to the submission of reserved matters), she is of the opinion that the request is disproportionate and is capable of being secured by planning condition.

Advice from the County Archaeologist is that, in her opinion, the archaeological implications of this proposal cannot be adequately assessed on the basis of the available information. She recommends that a programme of archaeological fieldwork be undertaken to provide further information on the character, extent, state of preservation and importance of any archaeological remains present, and will also provide information useful for identifying potential options for minimising or avoiding damage to them.

She considers her approach to be consistent with para. 128 of the National Planning Policy Framework which advises that 'in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected...' and that 'where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation'.

She considers that the recommended fieldwork is proportionate and no greater than would be needed to enable the impact that the proposal would have upon any archaeological deposits which survive across the site to be established.

The use of a condition would be inappropriate as there is insufficient information available at present to enable a reasoned and informed planning decision to be made at this time. In addition, whilst this condition may secure fieldwork, it would not secure the conservation of any deposits which are worthy of conservation should these be identified at a later date. She also expresses concern as to whether or not it would be possible to 'design around' any archaeological deposits worthy of conservation should these been identified following the granting of consent – the relatively small size of these application sites may limit options to redesign the layout etc.

Following discussion with the applicant's agent she now confirms that if she has a reasonable degree of comfort that there will be 'in principle' support for the proposal, then the applicant will proceed to carry out pre-determinative trial trenching.

Drainage and Flooding

Given the known flooding issues in the northern part of Austrey the applicant was required to submit a drainage strategy. It is still awaited and will be the subject of re-consultation with the Warwickshire County Council Flood/Drainage Advisor. However, the applicant advises that a Flood Risk Assessment and drainage strategy for these sites is largely complete (waiting on a response from Severn Trent Water before the final report can be issued). The strategy will incorporate some mitigation measures to address the existing flooding problem.

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

Amenity and Design

There is adequate space within the site to accommodate 10 dwellings without undue harm to the amenity of occupiers of adjacent properties. There would be no significant loss of light, overlooking or loss of privacy.

Each new dwelling would have adequate private amenity space and adequate off-street car parking. A condition can be attached to ensure adequate separation from the adjacent pumping station.

Affordable Housing

The application proposes the on-site delivery of 25% affordable housing and meets the requirements of Policy NW6 of the CS.

Open spaces/Play Space/Community Benefit

The applicant has indicated an intention to address this requirement as a financial contribution for off-site provision (£5,716.20).

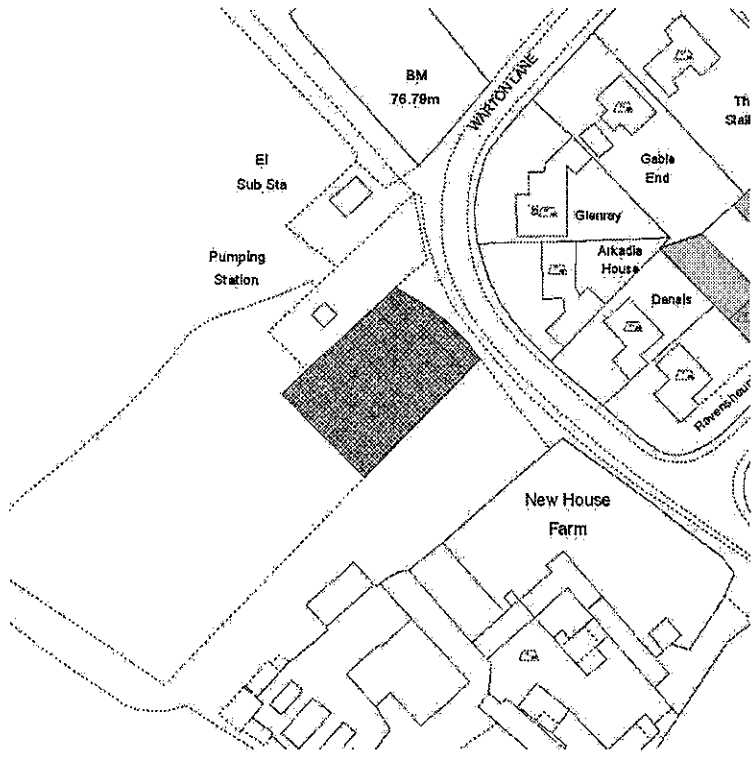
Trees/Ecology/Bio Diversity and Landscape Character

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

Given that existing residential development fronts Warton Lane the site does not unduly encroach beyond the extent of existing built form and would not be an undue incursion into neighbouring countryside and is unlikely to adversely affect the landscape character hereabouts.

Recommendation

1. That Board resolves to visit the site ahead of considering a determination report in respect of this application.
2. That the Board be invited to identify any key issues material to the application that it wants to be addressed by the applicant.
3. That the Board is MINDED TO SUPPORT the application subject to resolution of the outstanding archaeology and drainage objections and subject a S106 Agreement covering affordable housing and off-site play space/open space.



BACKGROUND PAPERS

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

Planning Application No: PAP/2014/0301

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	8 7 14
2	J K Angus	Representation	22 7 14
3	Austrey Parish Council	Representation	20 10 14
4	Austrey Resident's Association	Representation	27 8 14
5	D E Fullerton	Representation	10 9 14
6	Applicant's Agent	Email re Neighbourhood Plan	15 9 14
7	Warwickshire County Council Flood/Drainage Advisor	Consultation Reply	10 9 14
8	Warwickshire County Highways Authority	Consultation Reply	15 7 14
9	J & S Daley	Representation	15 7 14
10	S Duggan	Representation	8 7 14
11	Mr & Mrs Van Heezik	Representation	8 7 14
12	J & J Hodgkinson	Representation	9 7 14
13	D Taylor	Consultation Reply	9 7 14
14	Environmental Health Officer	Consultation Reply	18 7 14 5 8 14
15	S Orton	Representation	21 7 14
16	Warwickshire County Museum (Archaeology)	Consultation Reply	29 7 14 12 9 14 30 9 14
17	Applicant's Agent	Emails	5 8 14 22 10 14
18	Environment Agency	Consultation Reply	19 8 14
19	Case Officer	Email to Agent	17 10 14

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

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

13) Application No: PAP/2014/0157

Applegarth and The Croft, Norton Hill, Austrey

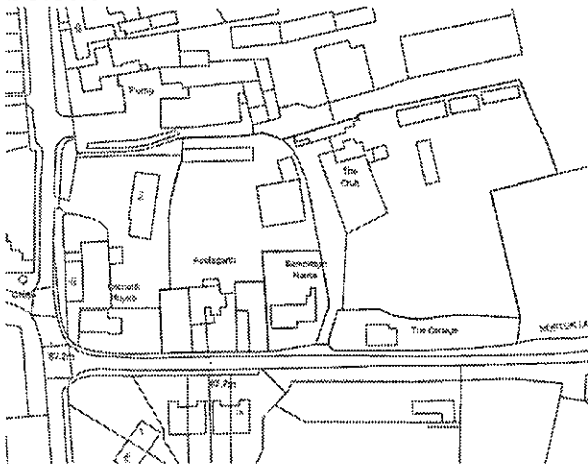
Outline application for erection of 14 dwellings and access road - all other matters reserved, for

Mr Smyczek & Mrs Bowman

The Site

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

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



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



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



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



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



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

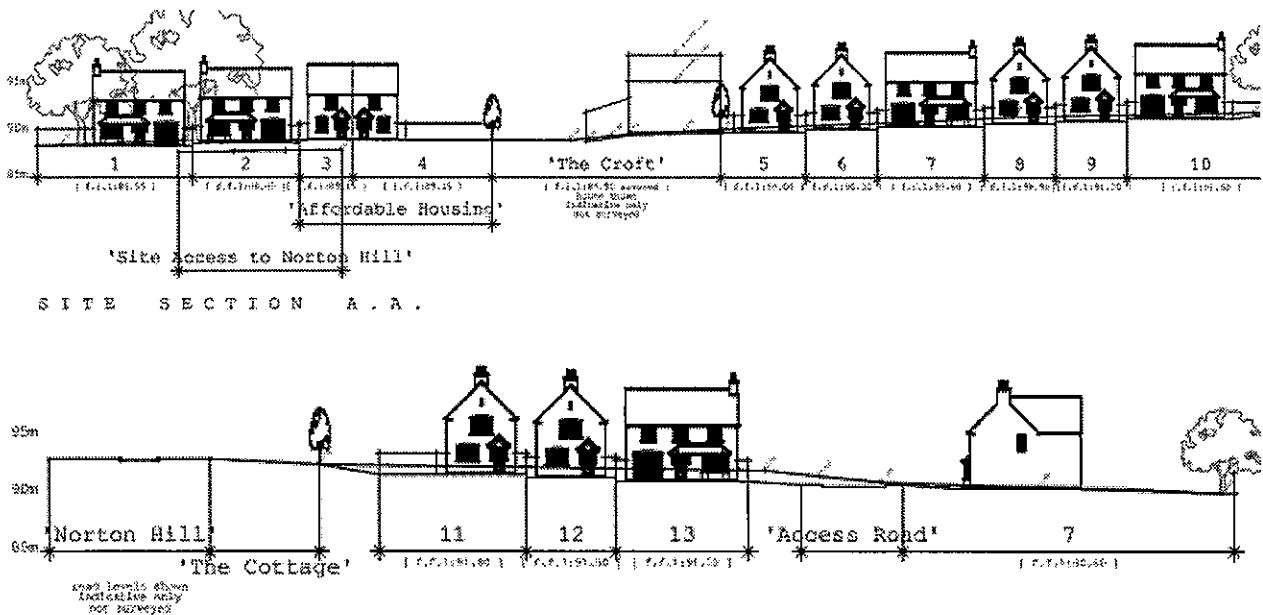
The Proposal

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

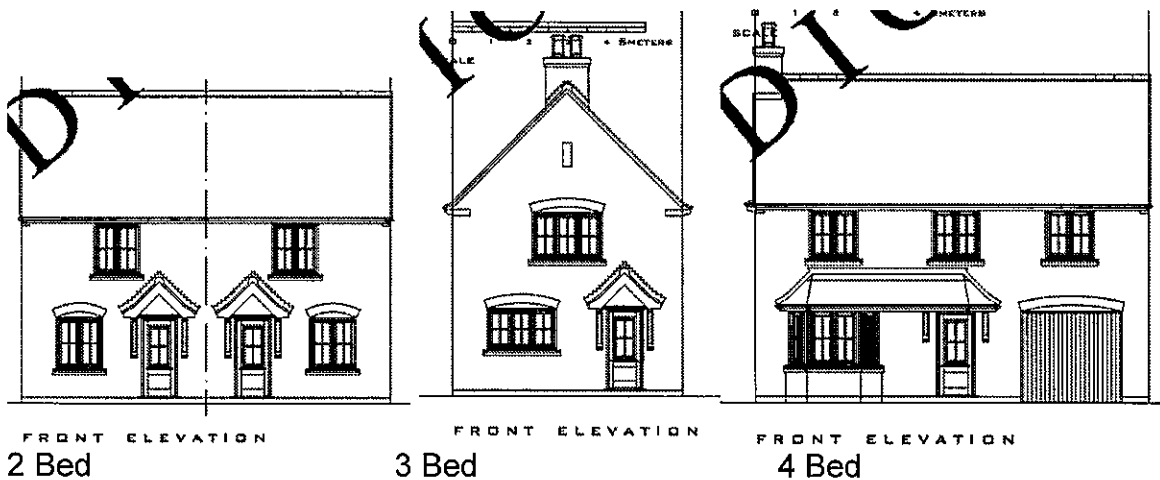
The access arrangements and the illustrative site layout are as shown below. The pair of dwellings highlighted blue are illustratively those that would be identified as affordable homes:



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



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



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

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

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

Consultations

Warwickshire County Museum (Archaeology) - The proposed development lies within an area of archaeological potential, within the possible extent of the medieval settlement at Austrey (Warwickshire Historic Environment Record MWA 9490). There is a potential for the proposed development to disturb archaeological deposits, including structural remains and boundary features, associated with the occupation of this area from the medieval period onwards.

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

Severn Trent Water - No objection subject to conditions

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

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

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

Representations

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

- Additional traffic will cause highway safety issues.
- Traffic speeds along this stretch of Norton Hill, it is narrow and there is on street car parking restricting visibility. The proposed access would not be safe. Vehicles travel in excess of the speed limit
- The pavement in the vicinity of the proposed access is in poor condition, narrow and unsuitable for wheelchair access.
- There is no employment in the village and all new residents will need to commute. This is not sustainable.
- 14 new dwellings would be 'over development'.
- Applegarth should not be demolished (Note. It is no longer proposed to be demolished).
- The development will result in loss of privacy, overlooking and cause noise nuisance.
- The development will result in degradation of the rural environment.
- The proposed plot sizes are dramatically smaller than the plot sizes of existing neighbouring dwellings and will be out of character. If properties with smaller plot sizes are proposed they should be sited such that they are not adjacent to existing neighbours or the total number of dwellings proposed should be reduced.
- Elevated ground levels mean that the proposed dwellings would tower above the adjacent cottage and impact on the skyline. Bungalows would be preferable and are a needed form of development.
- Objectors suggest that a site visit by the Planning Committee would be appropriate.
- The supporting documents inaccurately claim that there are good transport services.
- The development would be beyond the village boundary and the size of the village would grow inappropriately by stealth.

- The development, if granted could contravene the Human Rights Act Articles 1 and 8.
- Norton Hill suffers an existing problem with surface water flash flooding. The proposed dwellings would add to the problem and residents of any new dwellings would be inconvenienced by the flooding (a photograph illustrating a flood event is supplied).
- Existing drainage has poor capacity.
- Users of the highway would be able to see into windows of the adjacent property (Bembridge House)
- The development could lead to increased calls for the felling of a large existing copper beech tree.
- The distribution of new housing should be more dispersed around the village, with fewer houses proposed at this site.
- There would be more suitable sites in the village to build new dwellings.
- Any increase in the height of boundary fences would interfere with rights to light.

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

It sets out the following extract from the current draft:

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

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

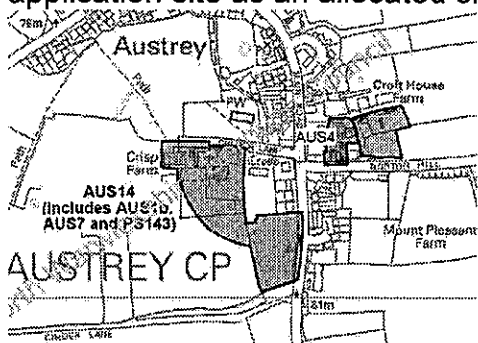
Policy 1.5: As part of the Norton Hill development an area of community green space will be established in keeping with the development in line with the 'safer spaces' standards to avoid anti-social behaviour problems.

Observations

Housing Need and Housing Land Supply

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

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



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

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

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

Trees

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

Highway Safety

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

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

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

Archaeology

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

Drainage and Flooding

The site is not within a Flood Zone and the flooding experienced at the north of the village does not occur to the same degree at the southern side of the village (though there has been some flash flooding). There is no objection to the development of this site from the drainage authority. It is currently believed that this aspect may be dealt with as a reserved matter. A sustainable drainage solution will be sought.

Affordable Housing and Housing Mix

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

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

Amenity and Design

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

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

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

The adjacent farm is in use for the rearing of livestock. Dwellinghouses in close proximity to such uses can give rise to nuisance from flies, odours and noise. There are no recorded incidences of this particular premises having been the subject of complaint from the occupiers of existing nearby properties. There are limited number of measures that can be proposed to address this potential issue, but a condition requiring the approval of appropriate acoustic boundary treatment would be appropriate and maximising the separation distance of the properties from the boundary (in the vicinity of Plots 1 to 4) should be sought in any revised site layout. It is not considered that the risk to amenity is so great that planning permission should be refused, particularly given that a planning permission has previously been granted at the neighbouring farm that would result in the cessation of use for the buildings for the rearing of livestock.

Open spaces/Play Space/Community Benefit

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

Ecology/Bio Diversity and Landscape Character

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

Recommendation

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

BACKGROUND PAPERS

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

Planning Application No: PAP/2014/0157

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

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

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



14) Application No: PAP/2014/0399

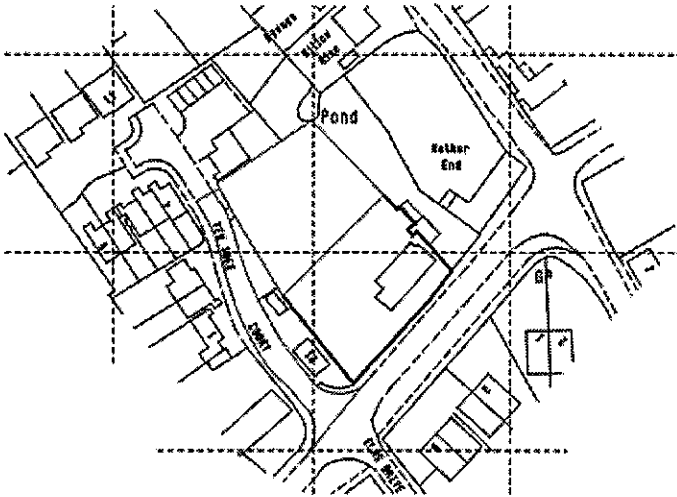
4, Warton Lane, Austrey, Atherstone, CV9 3EJ

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

Ms Rosaria Giovanna

The Site

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



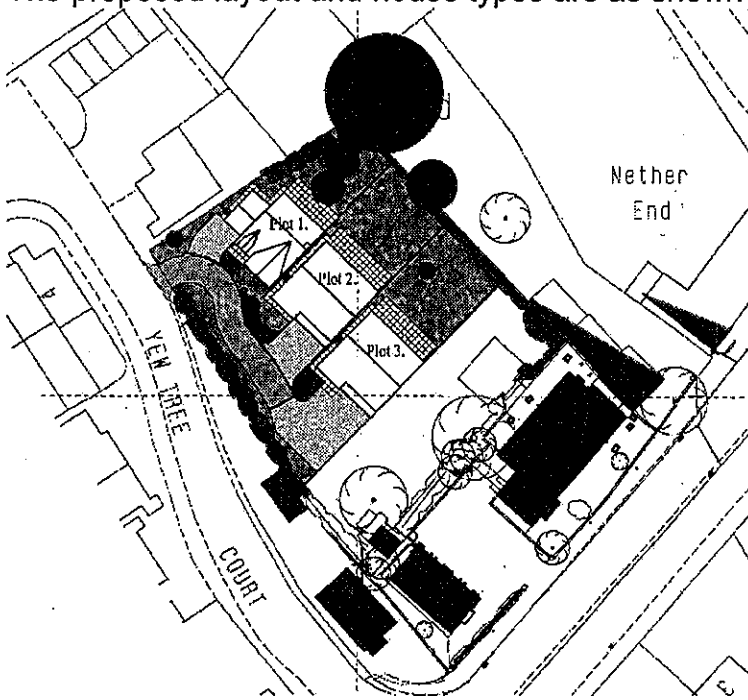
The interior of site is shown in the photographs below:



The Proposal

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

The proposed layout and house types are as shown below:



STREET SCENE.

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



Background

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

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



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

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

Consultations

Warwickshire County Highways Authority – Objection. It has not been demonstrated that the proposed access is suitable for the purpose intended. Visibility splays from the proposed access are not in accordance with guidance and the access is not suitable to provide two way traffic flows, shared space for pedestrians and vehicles, or the storage of refuse bins for collection, and it has not been demonstrated that the proposed parking and manoeuvring areas are suitable for the purpose intended. The proposed development could result in on street parking, which could obstruct access/egress to the existing dwellings along Yew Tree Court.

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

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

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

Representations

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

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

Observations

Housing Need and Housing Land Supply

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

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

Highway Safety

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

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

Archaeology

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

Drainage and Flooding

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

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

Affordable Housing

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

Open spaces/Play Space/Community Benefit

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

Amenity and Design

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

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

Trees/Ecology/Bio Diversity and Landscape Character

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

Recommendation

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

BACKGROUND PAPERS

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

Planning Application No: PAP/2014/0399

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

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

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15) Application No: PAP/2014/0569

Crisps Farm, Church Lane, Austrey

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

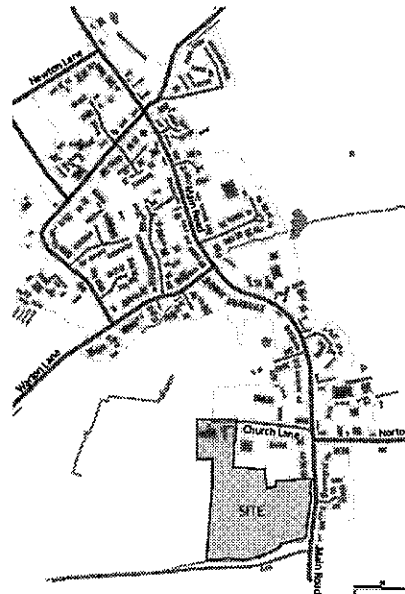
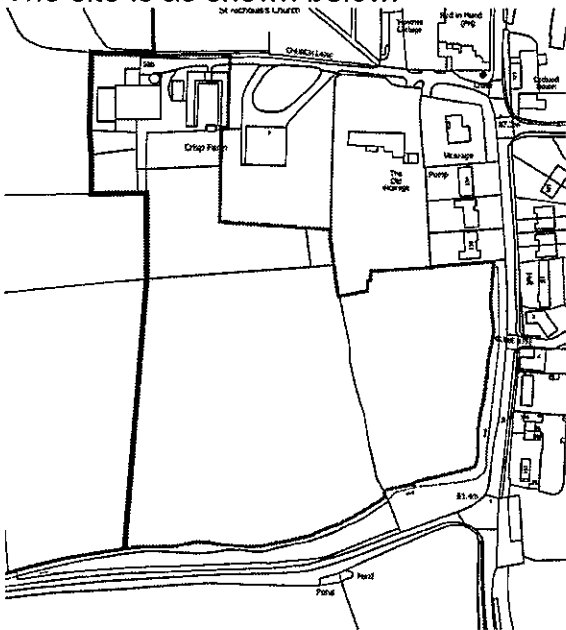
Introduction

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

The Site

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

The site is as shown below:



The Proposal

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

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

TABLE 1. LAND USE SCHEDULE

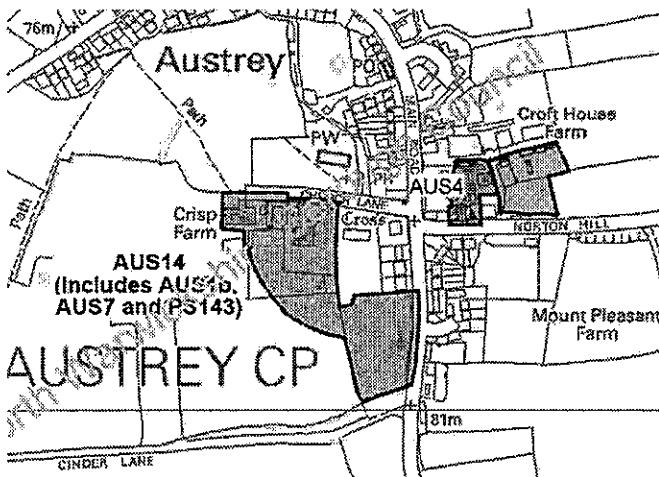
USE	HA	AC
Residential Development	1.99	4.91
Village Green (to include Church Parking - 8 spaces)	0.43	1.06
Informal Open Space	0.14	0.35
Access Infrastructure (to include Village Hall Parking - 8 spaces and Landscape)	0.08	0.19
Existing and Proposed Landscape Vegetation	0.35	0.87
Drainage Attenuation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

The application is accompanied by the following:

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

Preliminary Observations

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



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

Preliminary Conclusion

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

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

Recommendation

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