

Planning Committee: 31 March 2020

Item Number: 1

Application No: [W 19 / 1939](#)

Town/Parish Council: Norton Lindsey
Case Officer: Lucy Hammond

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Registration Date: 15/01/20

Expiry Date: 15/04/20

**Land off Gannaway Farm off Curlieu Lane and rear of Brick Kiln Close,
Norton Lindsey, Stratford on Avon, Warwick, CV35 8JR**

Outline planning application for the development of 12no. affordable homes,
with all matters reserved except for access. FOR Claverdon Community Land
Trust

This application is being presented to Committee due to the number of objections and an objection from the Parish Council having been received.

RECOMMENDATION

That planning permission be approved subject to the conditions listed at the end of this report.

DETAILS OF THE DEVELOPMENT

Outline planning permission is sought, with all matters reserved except for access, for the erection of twelve affordable houses on land at Gannaway Farm, to the rear of Brick Kiln Close which is accessed off Curlieu Lane. The application site, almost in its entirety, is within the administrative boundary of Stratford on Avon District Council so the main application has been submitted to the respective planning authority, with a duplicate application (this one) having been submitted to Warwick District Council for consideration.

For the avoidance of doubt, the only matter which Warwick District Council can consider is the access and highway safety implications of the proposed development because it is only a very small proportion of the access (which already exists) which lies within the administrative boundary of this authority. To that end, this planning application can therefore only consider the access and not the erection of the twelve affordable houses and the associated planning considerations.

THE SITE AND ITS LOCATION

The application site covers an area of land approximately 2 acres in size that forms the south eastern corner of Gannaway Farmland. It is bounded on two sides by established residential development; on the eastern side by Brick Kiln Close which is a residential cul-de-sac accessed off Curlieu Lane and on the southern side by the rear boundaries of properties situated along the Wolverton Road. To the north and west boundaries open countryside adjoins the site which

is located in the West Midlands Green Belt. A public right of way travels in a north westerly direction that joins up to the site access.

It is important to note that the access proposed to serve the new development already exists. An access off Curlieu Lane turns into Brick Kiln Close which currently serves twelve semi-detached properties. The existing access road would continue westwards through the site and connect into the adjoining parcel of land (the application site) to provide access to the twelve new dwellings proposed. In terms of the physical vehicle access off Curlieu Lane, no changes are proposed to this as it already exists however some works would be required to the existing hedge line/landscaping to ensure the required visibility splays can be achieved in both directions. The hedge and landscaping is in the extent of the highway verge and is therefore in the control of the County Council Highways Authority and to that end is included within the red line site area as part of the submitted site edged red location plan which accompanies the planning application.

PLANNING HISTORY

W/11/0647 - Erection of building for farm storage – Approved 21.07.2011

W/09/1092 - Construction of new vehicular cross over and pavement on highways land for proposed housing in Stratford District – Approved 01.09.2010

RELEVANT POLICIES

- National Planning Policy Framework
- The Current Local Plan
- DS5 - Presumption in Favour of Sustainable Development
- DS18 - Green Belt
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)

SUMMARY OF REPRESENTATIONS

Norton Lindsey Parish Council: Objection for the following reasons:

- Curlieu Lane is frequented by pedestrians including ramblers, dog walkers, people walking to and from the Norton Lindsey pub, etc, and the anticipated increase in traffic from the proposed new development onto a narrow stretch of road, part of which has a 60mph speed limit and no footpath, is dangerous
- The additional traffic generated through Brick Kiln Close and Curlieu Lane will negatively impact on the village of Norton Lindsey, and the lack of any practicable public transport adds to the strain placed on its infrastructure
- The buses are not frequent from the centre of Norton Lindsey and there are no footpaths to either Claverdon, Warwick Parkway or Hatton Rail Stations
- There are also objections to the proposed location of the development in relation to Claverdon village; the Claverdon HNS identified a requirement for affordable homes to be built within Claverdon village boundary but this development is over 2 miles from Claverdon with no safe walking route or public transport facilities between the two
- The proposal does not meet Norton Lindsey's housing needs

- It will have a negative impact on the street scene and openness of the Green Belt
- The design is not in keeping with other properties in the surrounding area
- Norton Lindsey and Wolverton Parish Councils carried out a joint public consultation in summer 2019 to which 92 responses were received, the comments from which have gone into the PC responses to this planning application

Wolverton Parish Council: Objection for the following reasons:

- The proposed development does not qualify as a "local needs scheme" as it does not meet an identified local need for Wolverton Parish to which it is adjacent;
- The proposed development is not a rural exception scheme as it does not have the support of the local community; and
- The proposed development does not satisfy the relevant planning policies.

Cllr Matecki: Objection for the following reasons:

- The development is to satisfy the housing needs of Claverdon, but the housing is nowhere near Claverdon
- The development is rural development which is not for the needs of the village of Norton Lindsey which contravenes the WDC Local Plan
- The site is on raised ground and so will be very prominent
- The housing will be in the SDC part of the village of Norton Lindsey where the residents will be using all the facilities of the main part of the village that falls within WDC, yet they will get no financial benefit from the development

WCC Highways: No objection and no conditions considered necessary as the access already exists

WCC Public Rights of Way: No objection; recommend advisory note requiring the public right of way (SD167a) to remain open and unobstructed at all times during construction

WCC Fire & Rescue: No objection subject to condition

WCC Ecology: Have responded to SDC since the application site falls within their administrative boundary and only the access lies within WDC; no comments made in respect of the WDC application

Public Response: 8 letters of objection received raising the following material planning considerations:

- The proposal seeks to place Claverdon's housing need in Norton Lindsey village
- The site is in the Green Belt
- Curlieu Lane is narrow and additional traffic will create problems
- There is no public transport in Norton Lindsey which the development can rely on
- There is no safe walking route to local services and amenities or nearby villages/towns (Warwick/Henley/Stratford)
- There is limited visibility to the north for vehicles joining Curlieu Lane from Brick Kiln Close
- There will be increased risk to pedestrians

- Concern about noise and disturbance during construction
- Concern about impact on ecology
- There is no need for affordable housing in Norton Lindsey
- The proposed access to the development is unsuitable
- Concern about insufficient/inadequate drainage
- Concern about loss of privacy and overlooking

Officer note: while many of the issues raised above are material planning considerations, they are not relevant to the determination of this planning application which is only considering the access arrangements that would serve the proposed development. The rest of the application site and proposals contained therein fall outside of WDC's administrative boundary and therefore cannot be considered by this planning authority. All that is being considered therefore is the access and highway safety implications of the proposal and to that end, only the comments related to access and highway safety noted above have been considered by the case officer. The rest will be for consideration by Stratford on Avon District Council in the determination of the main application which is with them.

ASSESSMENT

As has been set out above, this is a duplicate planning application which has been submitted by the applicant to Warwick District Council for determination because part of the application site falls within Warwick's administrative boundary.

In reality, only a very small part of the access and the visibility splays lie within Warwick District Council, while the rest of the site lies entirely within Stratford on Avon District. The total site area is 2 acres, or 8,110 sq.m. while the part of the site within WDC amounts to 188 sq.m. This equates to just over 2% of the total site area falling within the administration of Warwick District Council and to that end all that this Council can consider are those issues which are relevant to the part of the site which falls within its jurisdiction.

The main issues relevant to the consideration of this application are therefore impact on the Green Belt and principally access and highway safety implications of the development.

Matters related to the principle of development (housing need, sustainability etc), visual impact, impact on neighbouring amenity, ecology, flooding and drainage and any other such material planning consideration is not for this planning authority to consider and would be for Stratford on Avon District Council, as the primary determining authority, to consider.

Whether the proposal constitutes appropriate development in the Green Belt

Policy DS18 of the Local Plan states that national planning policy will be applied to proposals within the Green Belt. Paragraphs 145 and 146 of the National Planning Policy Framework list the particular types of development that will not be considered inappropriate development in the Green Belt. Without detailing those types of works it is important, in the first instance, to clarify that for this

particular application, in the part of the site which lies within Warwick District's administrative boundary, no built form is actually proposed. In fact, there is no operational development physically proposed since no improvement works are required to the existing access which is to be retained in its current form and utilised to serve the new development. The works which are required within WDC's boundary are some clearance/maintenance works within the county verge to ensure that the required visibility splays can be achieved in both a northerly and southerly direction from the access point.

This in itself does not constitute inappropriate development in Green Belt terms but at the same time is not specifically listed as one of the exceptions under paragraph 146 since hedgerow maintenance and/or removal for the purposes of improving a visibility splay within the highway verge is not 'operational development'. With no physical engineering works proposed to the access itself there can be no impact, by definition, on the openness of the Green Belt and to that end officers are satisfied that the part of the application which Warwick District Council is able to consider, is acceptable in Green Belt terms.

Access and highway safety

Policy TR1 of the Local Plan states that development will only be permitted that provides safe, suitable and attractive access routes for pedestrians, cyclists public transport users, emergency vehicles, delivery vehicles, refused vehicles and other users of motor vehicles, as appropriate. Development proposals will be expected to demonstrate that they (*inter alia*):

- a) are not detrimental to highway safety;
- b) are designed to provide suitable access and circulation for a range of transport modes including pedestrians, cyclists, emergency services and public transport services;
- c) create safe and secure layouts for motorised vehicles, cyclists, pedestrians and public transport and integrate the access routes into the overall development;
- d) where practical, incorporate facilities for charging plug-in and other ultra-low emission vehicles where the development proposals include provision for off street parking and is for one or more dwelling, and;
- e) have taken account of the needs of people with disabilities by all modes of transport.

Insofar as this planning application can be considered by the planning authority, only point (a) and to a lesser degree (b) above are relevant given the small amount of the application site which is within Warwick District. Officers are unable to consider the internal road layout, facilities for charging plug-in/low emission vehicles etc because this all relates to the rest of the site beyond the WDC boundary, i.e. the area within SDC's administration.

With specific regard to the access proposed to serve the new dwellings, which is the access already serving Brick Kiln Close, the County Highways Authority initially raised objection to the application on a number of points. Primarily (and most directly relevant to this application) there was insufficient visibility to the north of Brick Kiln Close which was obstructed by vegetation outside the application site (originally shown outside the site edged red). In addition, there was concern about potential conflict between vehicles and pedestrians because

of the proposed change in priority around a particular corner of the site, concern about the footpath serving the development which was noted as needing to be continuous along the south side of the access, concerns about forward visibility at certain plots and the indicative layout illustrated a layout which would not be suitable for adoption despite the applicant proposing this to be built to adoptable standards. In summary, there was insufficient information provided with the application to enable the Highways Authority to be able to properly assess the application and additional information was therefore sought to address these points, including revised information in respect of swept path analysis which was also picked up as not suitable or sufficient.

Further to a revised site edged red which now includes the full extent of the visibility splays in both directions and incorporates any vegetation which would need to be removed to facilitate the improved visibility as being within the highway verge, together with additional information that responds to other points raised in the initial objection, the Highways Authority has confirmed there is no longer any objection to the proposed development and all previous concerns have been overcome. There is no concern that the proposed twelve dwellings would place additional pressure on the existing access or increase traffic movements on the highway network to a degree that would be dangerous or result in detriment to highway safety and moreover since the access to the site is already constructed (and serving an established residential development) the Highways Authority has confirmed that no conditions in respect of this are considered necessary.

In summary, the proposed development, insofar as this planning authority is able to consider the part of the site that lies within its administrative boundary, is not considered to have any detrimental impacts on highway safety and the access in its existing condition is considered safe and suitable to accommodate the proposed additional dwellings. Officers are therefore satisfied that the development accords with Policy TR1 of the Local Plan.

SUMMARY / CONCLUSION

Approximately 2% of the total site area falls within Warwick District's administrative boundary while the remainder of the site lies in Stratford on Avon District. The only part of the site in Warwick District is the access, which already exists. All the operational development i.e. the proposed dwellings and other associated works is within SDC's administration and therefore cannot be considered by WDC. The access already exists and currently serves a cul-de-sac development (Brick Kiln Close) of twelve properties. No physical works or other improvement works are proposed to it to facilitate this development, only an extension of the access road to connect into the application site which is all outside of WDC's boundary. To that end, only hedge clearance to facilitate the required visibility splays is proposed in WDC's administration and this would be undertaken within the highway verge (and is within the site edged red).

The development is acceptable in Green Belt terms. In respect of access and highway safety, additional information has been received during the course of the application which has overcome the Highways Authority's initial objection to the application, much of which related to the part of the site within SDC's administration. In relation to the physical access and the impacts of the

development on highway safety and the highway network the County Highways Authority has confirmed there is no objection and no need for any conditions since the access already exists and is operating. There is therefore no detriment to highway safety as a result of this proposed development and for this reason it is recommended that planning permission be granted.

CONDITIONS

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings BMD 19 040 DR 001, BMD 19 040 SK 001, ITP 2935 001 B, ITP 2935 002 B and M1191 A 01 01 A and specification contained therein, submitted on 15 January 2020. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
