

Application No: [W 22 / 0750](#)

Town/Parish Council: Norton Lindsey
Case Officer: Jonathan Gentry

Registration Date: 04/05/22
Expiry Date: 03/08/22

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

Erection of 10no. affordable (discount market sales) homes FOR Claverdon
Community Land Trust Ltd

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

Planning permission is sought for the erection of ten 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 effect this planning application can therefore only consider the access, and not the erection of ten affordable houses and their associated planning considerations.

THE SITE AND ITS LOCATION

The application site covers an area of land approximately 1.93 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 washed over by the 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 ten 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 onto Curlieu Lane. This area, which has been included within the red line site area of the application is in the extent of the highway verge and is therefore in the control of County Council Highways.

PLANNING HISTORY

W/19/1939 - Outline planning application for the development of 12no. affordable homes, with all matters reserved except for access – Granted 27/03/2020

W/11/0647 - Erection of building for farm storage – Granted 21/07/2011

W/09/1092 - Construction of new vehicular cross over and pavement on highways land for proposed housing in Stratford District – Granted 01/09/2010

RELEVANT POLICIES

- National Planning Policy Framework

Warwick District Local Plan 2011-2029

- DS18 - Green Belt
- TR1 - Access and Choice
- BE1 - Layout and Design
- NE4 - Landscape

SUMMARY OF REPRESENTATIONS

Norton Lindsey Parish Council – Members raised objection for the following reasons:

-Highway safety in Curlieu Lane and Brick Kiln Close would be negatively impacted by the development.

-Despite the position of the application site largely outside of WDC, the development will result in a significant impact upon Norton Lindsey which lies largely within the district.

-The proposed development would not meet the requirements of Local Plan Policy H3 in relation to affordable housing on rural exception sites, or the NPPF.

-The development would not meet an identified local housing need and would resultantly constitute inappropriate development in the Green Belt. The proposed

housing mix would not match local needs, set out by the Claverdon Housing Needs Survey and the Norton Lindsey Housing Needs Survey.

-The proposed development lies in a limited infill village which does not have the infrastructure or services in place to support it. In addition, the proposal would not constitute limited infill.

-The proposed development is not sustainable as it has no access to pedestrian routes, public transport, or a range of local services.

-The site has a significant history of flooding, and the proposed development would exacerbate the issue.

-The proposed designs are incongruous with their immediate surroundings and no community engagement has taken place.

-The land is being proposed as the only site available, but this does not mean it is the right site for this nature of development.

Councillor Matecki – Raised objection for the following reasons:

-The development is contrary to Policy H1 in relation to directing new housing development.

-It is not possible to determine whether the development will accord with Policy H2 in relation to affordable housing.

-There has not been a housing need demonstrated in the village of Norton Lindsey contrary to Policy H3.

-Village of Norton Lindsey would be subject to extra stresses on its resources without directly benefitting from any CIL or S106 contribution which would be dispersed to Claverdon

WCC Highways - No objection and no conditions considered relevant to WDC application.

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 Ecology - No comments made in respect of the WDC application.

Public Response - 7 objection comments received raising the following material planning considerations:

-Curliu Lane and Brick Kiln Close are narrow and additional traffic will create highways safety problems on both. Additional lack of walking access into and out of application site.

-Proposed development is out of character with the rural nature of Norton Lindsey and surrounding built form. Risk of overdevelopment of the parish.

-Norton Lindsey lacks the infrastructure to support the development, which would be more suited to Claverdon Village.

-There is insufficient public transport provision to accommodate additional development within the village.

-Proposed development poses a security risk to neighbouring properties.

-Proposed development will result in harmful amenity impact in the form of loss of privacy and overlooking of neighbouring properties.

-Proposed development may result in flooding issues to neighbouring sites.

-The proposed development does not meet the needs of Claverdon Village.

- Potential ecological impact of proposed development on existing wildlife. Additional loss of agricultural land.
- Permitting this development would set precedent for further expansion to this part of the village.
- Harmful impact upon the Green Belt.

Officer note

While many of the issues raised above are material planning considerations for the overall proposal, 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 as highlighted in **bold**. The rest will be for consideration by Stratford upon Avon District Council in the determination of the main application.

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, while the rest of the site lies entirely within Stratford on Avon District. The total site area is 1.93 acres, or 7,819 sq.m. while the part of the site within WDC amounts to approximately 180 sq.m. This equates to just over 2% of the total site area falling within Warwick District and to that end this Council is only considering 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 Local Planning Authority to consider and would be for Stratford on Avon District Council, as the primary determining authority, to consider. The same principle of assessment was made under the previously granted outline consent W/19/1939 for twelve dwellings on the same site.

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 149 and 150 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 proposed. In this regard there is no operational development physically proposed under this application, 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 vegetation clearance measures 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 work in itself does not constitute inappropriate development in Green Belt terms, but conversely 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'. Notwithstanding this, in accordance with the assessment made under W/19/1939, Officers assess that with no physical engineering works proposed to the access itself there can be no impact, by definition, on the openness of the Green Belt. With this in mind 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 remainder of the site beyond the WDC boundary, i.e. the area within SDC's administration.

As per a revised access layout submitted under the previous application at the site, the red line site boundary for the proposed development has been illustrated to include the requisite visibility splays from Brick Kiln Close onto Curlieu Lane. This incorporates any vegetation which would need to be removed to facilitate the improved visibility as being within the highway verge.

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 raised no objection to the application citing the previous outline consent granted for the same site (W/19/1939). It was noted that the current application for a slightly lower number of units results in a similar conclusion to that scheme, in that the development would not result in 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. While a number of conditions were set out within the issued response, these were all made with reference to the internal layout of the site and do not relate to the small area of the site within Warwick District. As a result these shall not be applied to this application.

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.

Design and impact on the street scene

Policy BE1 of the Warwick District Local Plan 2011-2029 states that development will only be permitted which positively contributes to the character and quality of the environment through good layout and design. Policy NE4 states that new development will be permitted that positively contributes to landscape character.

Any visual implication to the site area would be limited to the aforementioned vegetation clearance works to be carried out within the highway verge. Any such works are not viewed to result in any harm to the wider visual characteristics of the setting, being comparable in nature to other verge management along this section of Curlieu Lane. No harm to the visual character of the area is viewed to result from the development.

Officers therefore consider that the development would meet the requirements of Policy BE1 and NE4.

Other matters

Other consultees including WCC Ecological Services, WCC Landscaping and WCC Archaeological Services commented on the application issuing feedback comments and in the case of the latter, a recommended condition. However, all matters raised by these consultees relate to the core site area outside the jurisdiction of WDC and such have not been included as part of this assessment.

The WCC Rights Of Way team also commented on the application, noting the proximity of a recorded public footpath (SD167a) to the northern side of the Brick Kiln Close site access and its junction with Curlieu Lane. In this regard an advisory note setting out the responsibilities of the applicant in respecting the access to and use of the footpath was recommended, a measure agreed by Officers.

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 operational development i.e. the proposed dwellings and other associated works is within SDC's administration and therefore cannot be considered by WDC. The existing access 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 red line site boundary).

The development is acceptable in Green Belt terms. In respect of access and highway safety, the Highway Authority have raised no objection to the proposed development, with no further requirements for the area of the site within WDC. It has therefore been established that there would be 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 approved site location plan 'M1191-A-01-01-B' and drawings 'M1191-A-01-03-F', 'M1191-A-01-04-F', 'M1191-A-01-04A-A', 'M1191-A-02-02-A', 'M1191-A-02-03-A', 'M1191-A-05-01-B', 'M1191-A-05-02-B', 'M1191-A-05-03-B' submitted on the 14th May 2022, and specification contained therein. **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.
