

## **PLANNING COMMITTEE 20th JUNE 2017**

### **OBSERVATIONS RECEIVED FOLLOWING PREPARATION OF AGENDA**

#### **Item 8: W/17/0440 – Land off Bremridge Close, Barford**

##### Clarification on Principle of Development

The Town and Country Planning Act 1990 (section 70(2)) and the Planning and Compulsory Purchase Act 2004 (section 38(6)) make it clear that planning applications must be determined in accordance with the Development Plan (of which the Neighbourhood Plan is a part) unless material considerations indicate otherwise.

Policy RAP1 in the existing Local Plan refers to the location of new housing development. Barford in this document is not an area allocated as an area acceptable for new open market housing development. Therefore, the application is contrary to the housing policies of the existing Local Plan.

When assessing the material considerations regarding this application, the application site as a whole forms two allocations with the emerging Local Plan – H22 and H48.

The application can be described as premature insofar as the emerging Local Plan has not yet been formally adopted and the site is identified as a housing allocation within the emerging document. However, as the Local Plan is in the final stages of modification and can be afforded significant weight in the decision making process.

Taking the key housing Policy of the Barford Neighbourhood Development Plan as the starting point for decision making in this case, the development is considered contrary to the key headings of acceptable new residential development. However, significant weight is afforded to the exceptions as identified within Policy B1 of the Neighbourhood Plan that do allow for residential development outside of the identified settlement boundary within the Plan

It is also noted that the proposed allocation under H48 formed part of the emerging Local Plan when the Neighbourhood Plan referendum took place and so an element of conflict with the Neighbourhood Plan was present at the time of adoption.

Paragraphs 16 and 184 of the NPPF make it clear that Neighbourhood Plans must support the strategic development needs as set out in the Local Plan including policies for housing. Further, they must plan positively to support local development. In addition, Neighbourhood Plans must be in general conformity with the strategic policies of the Local Plan.

The emerging Local Plan is at an advanced stage and can be afforded significant weight in the decision making process. This document gives support for the development of this site for housing as two identified allocations for new

housing. This weighs heavily in favour of supporting the principle of development in this case.

When balancing the considerations set out above, Officers are satisfied that the residential development of this site is acceptable in principle.

#### Weight to be afforded to Emerging Policy

Policy H1 of the emerging Local Plan refers to Directing New Housing and this can be afforded significant weight as the methodology behind the identification of new housing locations is based upon the Settlement Hierarchy Report 2014 which was carried out post the adoption of the NPPF. As the report was carried out after the introduction of the NPPF, it was carried out in accordance with the most up to date guidance on identifying acceptable housing locations in accordance with national guidance.

The additional Policies relating the supply of Housing such as H2 (Affordable Housing, H4 (Housing Mix) and H10 (Allocated sites within Growth Villages) are also considered to have significant weight as the policy is based upon the most up to date methodology.

The Main Modifications requested by the Inspector have been incorporated into the Policies. On this basis, the emerging Local Plan is at an advanced stage and can be afforded significant weight in the decision making process in accordance with the advice set out in para 216 of the NPPF.

#### Neighbourhood Plan

Policy B1 of the Neighbourhood Plan refers to new housing development and states that;

Over the plan period, within the defined settlement boundary for Barford (see plan 5.7) new housing development proposals will be permitted where:

Either

1. it is located on the preferred sites shown on map 5.7; or
2. it does not conflict with the policies of this Neighbourhood Development Plan and in particular:  
it would not lead to the loss of open space preserved under policy B10, the views described at paragraph 5.39, shops or other local facilities;  
it has appropriate access; and parking is in accordance with policy B13.

Development outside the settlement boundary will only be permitted where it is in accordance with the policy of the new Local Plan that deals with such development.

At the time of referendum, Policy H48 formed part of the emerging Local Plan as an allocated site which lay outside of the development boundary identified in the NP. At this stage, it was highlighted that the allocation would conflict with the NP and had the potential to result in the NP being out of date at the point the Local Plan is adopted.

### Clarification of 5 Year Housing Land Supply Position

The most up to date Five Year Housing Land Supply (5YHLS) figures were provided on 8 June 2017. The figures state that as of 1 April 2017, the District Planning Authority is able to demonstrate a 6.62 year Housing Land Supply. In this respect, as a supply in excess of the 5 year supply (plus 5%) buffer has been demonstrated, the provisions of Paragraph 14 of the NPPF do not apply. Therefore, the housing policies of the Local Plan are no longer considered out of date for the purposes of decision making where they are in general conformity with the NPPF.

### Planning Balance

When considering the planning balance, the development must be in accordance with the Development Plan unless other material considerations indicate otherwise. Officers acknowledge that the current Local Plan policy resists development within Barford. However, the material considerations that indicate otherwise in this case are the Housing Policies within the emerging Plan which are at an advanced stage and are therefore afforded significant weight in the planning balance. On this basis, Officers are satisfied that this weight outweighs the harm as a result of the departure from the current Local Plan.

### Siting and Design and Impact on Living Conditions

These elements have been assessed in accordance with the Residential Design Guide SPG and Officers are satisfied that the development accords with the requirements.

### Update on Contributions

The Section 106 Agreement would secure 40% Affordable Housing giving a total of 25 Units.

Financial contributions requested are as follows;

A contribution of £445,928 towards Education

A contribution of £65,517 towards the NHS

A contribution of £3,813 towards the improvement/maintenance of Public Rights of Way within a 1.5 mile radius of the site

A contribution of £228,000 towards improvements to the local Highway Network

A contribution of £1,400 towards improvements to local Libraries

A contribution of £4,725 for the provision of sustainable travel packs.

A contribution of £128,445.86 has been requested towards Public Open Space. There is a query from the agent regarding this figure based upon the areas of land provided within the site that would result in a total requirement of £121,972.86 (a difference of £6473). This is yet to be clarified. Due to the rural Parish location of the site, it would be proposed to consult with the Parish Council to identify local needs and improvement of existing Public Open Spaces.

The proposed financial contributions are in accordance with the requests from the various consultees in relation to the relevant services. It is considered that

these contributions will adequately mitigate the impact of the development on these services.

It is considered that the above section 106 provisions meet the tests set out in Regulation 122 of the Community Infrastructure Levy Regulations, i.e. they are considered necessary to make the development acceptable in planning terms, they are directly related to the development, and they are fairly and reasonably related to the development in scale and kind. Furthermore the pooling restrictions in Regulation 123 are not breached.

#### Additional Comments received

Multiple communications have been received regarding the access to the site including the emergency/pedestrian access from the site onto Westham Lane. Comments made;

- Westham Lane at the point of access from site is in private ownership.
- Emergency access point does not connect to public highway within site edged red and application is therefore invalid.
- The Westham Lane access is unsuitable for vehicular use and is inadequate for use by emergency vehicles.
- Access to site from Bremridge Close is insufficient.
- Contrary to WCC Guidance on level of dwellings served by Cul-de-sac.
- Parcel of land put forward for allocation without suitable or robust analysis of the capacity of access arrangements.

WCC Highways – Following discussions with the applicants transport consultant and additional information, the County Highways Authority have no objection to the proposed application subject to conditions, Section 106 Contributions and Notes.

### **Item 13: W/17/0686 – Lodge Farm House, Westwood Heath Lane**

#### Green Belt Principle

Proposal is not inappropriate development as it complies with Paragraph 90, Bullet Point 4 of the NPPF that refers to the reuse of buildings.

#### Update to Conditions

Condition 3 removed as it did not meet the Tests of Planning Conditions as set out within the National Planning Policy Guidance.

### **Item 3: W/17/0809 – Baginton School**

#### Principle of the Development

The most up to date Five Year Housing Land Supply (5YHLS) figures state that as of 1 April 2017, the Local Planning Authority is able to demonstrate a 6.62 year Housing Land Supply. In this respect, as a supply in excess of the 5 year

supply (plus 5%) buffer has been demonstrated, the provisions of Paragraph 14 of the NPPF do not apply. Therefore, the housing policies of the Local Plan are no longer considered out of date for the purposes of decision making where they are in general conformity with the NPPF. The proposed development is not in accordance with adopted Local Plan policy RAP1 as detailed in the Case Officer Report.

### The Impact on Landscape and Heritage Assets

Paragraph 134 of the NPPF confirms that where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimal viable use. In this case, it is considered that the harm to the character and appearance of the Conservation Area and the setting of the Grade I Listed Church would be less than substantial. The provision of two dwellings would make a limited contribution to the Council's housing supply, however, the weight to be given to this is limited by the fact that the Council is able to demonstrate a 5 year housing land supply and the proposal would also result in the loss of a community facility. The limited benefit identified is not considered to outweigh the harm the development would cause to the designated heritage assets for the reasons identified in the report.

### Additional Consultation Responses

- *Email from the Rector of St John the Baptiste Church* – the primary purpose of the Lucy Price Sunday School Fund is to provide a Sunday School for the children of Baginton. Since the closure of Baginton School, the Sunday School has been run inside the neighbouring church. The closure of the building was forced on the Sunday School Fund because it did not have sufficient funds to carry out repairs and to bring it up to current safety and access standards.
- *Officer Response:* This statement provided by the Rector clarifies that Baginton School is not utilised because it has fallen into a state of disrepair, rather than a *lack of need for the facility*. Information already provided by the applicant as part of the original submission clearly stated that the funds were required for a new building to house the Sunday School, rather than retaining it in the church, and this letter does not suggest otherwise. There is still considered to be a loss of community facility which would be contrary to adopted Local Plan Policy SC8.
- *Letter from Mrs Williams On Behalf of St John the Baptist Church* – the spiritual needs of the children in Baginton via the current arrangement of holding the Sunday School within the Church building are acceptable and do not need to change. The proceeds of the sale of the land will allow Lucy Price Sunday School Trust to fulfil their obligations to the charity and its beneficiaries.

- *Response from Officer* - this letter directly contradicts the information given to the Council from Baginton Parochial Church Council.
- *Timetables provided for the Royal British Legion Club Baginton (for all of 2016) and for Baginton Parish Hall (for June 2017)* - no supporting information has been provided in reference to these documents, however, it is assumed that this information attempts to show that there is capacity for the existing community facility to be accommodated elsewhere within the village. It appears that there is some capability to accommodate additional bookings within these venues, although there is no clear evidence to show that the venues have enough physical capacity for the Sunday School. Moreover, when assessing the loss of a community facility, adopted Local Plan policy SC8 requires that there are other facilities accessible to the local community by means other than the car **and** either the facility is redundant and no other user willing to acquire and manage it; or there is an assessment demonstrating a lack of need for the facility within the local community. Neither of these criteria have been met.
- *Further comments from The Old School House:* Objection: the proposed buildings are considerably higher and deeper than the existing building. The windows serving the side elevation (towards the proposed development) are relied upon to provide light into the downstairs rooms, which will be reduced as a result of the proposed development. A window serving a first floor bedroom will also suffer a loss of light. There will be loss of privacy. Residential activity next to this neighbour's windows will result in a loss of privacy, will be overbearing and un-neighbourly form of development. Concern regarding responsibility for upkeep of the right of way.

#### **Item 4: W/17/0710 88 - Westlea Road**

##### *Councillor Naimo: Objection:*

Concern regarding the drawings and difficulty in scaling room sizes. Query regarding whether the improvements to the cooking facilities and whether they can be secured by conditions or planning enforcement? Concern regarding the parking provision – the site is opposite to the Westbury Community Centre and WAYC Youth Centres, which get very busy, meaning that on street parking cannot be relied on.

##### *Officer Response:*

The room dimensions have been confirmed as acceptable by Private Sector Housing who have also confirmed that kitchen facilities will be upgraded in August; this cannot be controlled by planning conditions. WCC Highways have

made an assessment on parking, which is considered to be acceptable. There would only be a demand for one car parking space within the street, subject to adherence to the imposed condition to move the lamp post to the front of the site.

*Community Safety* - No objection.

**Item 12: W/17/0645 – 28 Miranda Drive**

Email from applicant wanting to stress their willingness to plant new tree within garden as mitigation.

**Item 5: W16/1233 – 19 Kenilworth Road, Leamington Spa**

One neighbour has submitted a further objection raising concerns about contractor car parking during construction works.

Conditions 4, 5, 8, 11 have been amended to allow for demolition works to be undertaken prior to the submission of the details required by those particular conditions.

In the Committee Report it is stated that "*The existing building on the application site has a two storey rear wing alongside the school buildings and the nearest affected windows*". This is incorrect. The existing rear extension on the application property is three storeys high.

**Item 6: W16/2356 – Grove Farm, Harbury Lane**

Application is withdrawn from the agenda as it has been determined under delegated powers following a 'no objection' from the Parish Council.

**Item 7: W17/0395 – University of Warwick, Land to west of Gibbet Hill Road**

Negotiations are ongoing with the Open Space team in respect of securing a relevant scheme in this respect that is relative and proportionate to the scale of development proposed. Depending on the final response and calculations undertaken, there will be a need for an additional condition/unilateral undertaking to secure the relevant scheme.