

**(4) Application No: PAP/2020/0020**

**Land North West Of Newton Regis Village Hall, Austrey Lane, Newton Regis,**

**Outline application for the erection of 9 dwellings, re-surfacing, line marking and replacement lighting of village hall car park, access alterations to the village hall car park and associated works (all matters reserved except for access), for**

**Mr H Lillingston - Manor Farm Discretionary Settlement**

**Introduction**

This application was referred to the Board's August meeting, but determination was deferred in order to enable Members to visit the site. That has now taken place with full regard to the current restrictions on "gatherings". A note of the visit is at Appendix A.

A copy of the previous report is at Appendix B.

**Observations**

There have been no changes in material planning circumstances affecting this application since the last meeting.

There were several comments made during the last discussion referring to a number of matters.

The Board is reminded that since the Daw Mill appeal decision, development boundaries are "out-of-date" and thus they carry no weight. This situation has been taken into account in subsequent decisions of the Council. Indeed, part of the recent Manor Farm permission in the village is outside of the boundary as defined in the Core Strategy.

Additionally, policy NW5 of the Core Strategy refers to "minimum" housing numbers, not to a maximum number.

Policy NW6 in respect of affordable housing does not apply, given that the proposal is for less than ten units. Also, when coupled with the Manor Farm permission there would be a range of housing being made available in the village including affordable housing. Finally, the issue of the school bus is an existing situation. It is not for the applicant to resolve it. The Highway Authority is satisfied that the proposals will not make the situation worse and that is the extent of the remit of the Planning Board in this case.

**Recommendation**

That outline planning permission be **GRANTED** subject to the conditions as set out in Appendix B together with an additional pre-commencement condition in respect of ground levels.

## APPENDIX A

**PAP/2020/0020**

**Board Site Visit – 4<sup>th</sup> September at 1430**

Present:

Councillors Bell, D Humphries, Lees, Jens, Phillips, McDonald and Simpson together with J Brown

1. Members met at the Village Hall car park and observed social distancing throughout the visit.
2. The outline site plan and the illustrative layout were shown to Members as they viewed the site from within the field. The outer boundary of the site was observed with reference to the Village Hall and the ground levels were noted vis-à-vis those at the properties in Townsend Close. The proposed works to the car park were also explained.
3. The access from the site onto Austrey Lane was observed together with Members seeing the visibility splays shown on the access plan as they appeared on the ground
4. The access from number 16 was seen and its relationship with the proposed access drive observed.
5. The visit concluded at around 1445.

**General Development Applications**

**(#) Application No: PAP/2020/0020**

**Land North West Of Newton Regis Village Hall, Austrey Lane, Newton Regis,**

**Outline application for the erection of 9 dwellings, re-surfacing, line marking and replacement lighting of village hall car park, access alterations to the village hall car park and associated works (all matters reserved except for access), for**

**Mr H Lillingston - Manor Farm Discretionary Settlement**

**Introduction**

This application was reported to the Board on 8 June following the introduction the temporary changed Scheme of Delegation agreed by the Council on 20 May 2020 as a consequence of the COVID situation. This allowed for the Board to be consulted on the Officer's Report. The report recommended that planning permission be granted.

The consultation responses were collated and a further report was referred to the Chief Executive as required by the new Scheme of Delegation. The recommendation remained the same.

The Chief Executive decided that determination should be deferred in order that a number of issues that had been raised by the Parish Council could be reviewed further. That review took the form of two meetings between representatives of the Parish Council, the applicant, the Head of Development Control, the Board Chairman and the local Ward Members.

As a consequence, the item is referred back to the Board for determination.

A copy of the original report is attached at Appendix A and a copy of the second report following consultation with the Board on 8<sup>th</sup> June is at Appendix B.

**Matters Reviewed**

The two main issues raised by the Parish Council were highway matters concerned with the safety of the proposed access arrangements onto Austrey Road and secondly the matter of why alternative sites had not been fully explored. Additionally, the meetings looked further at the scope of the works contained within the application to improve the village hall car park and the content of the Unilateral Undertaking proposed by the applicant for "social and community provisions within the village".

**a) The Access**

The County Council as Highway Authority was requested to review its response of "no objection" in light of the representations that had been received – the additional traffic generated that will use the access onto the bend in Austrey Lane; the safety issues involved with right hand turning traffic from Austrey Road into the new access, the

proximity of the Townsend Close junction and the access arrangements at 16 Austrey Lane.

The Highway Authority stands by its consultation response. It says that the amount of additional traffic generated by the development will be small and that the design of the access arrangements meet the appropriate standards for the development proposed; the appropriate Road Safety Audits have been undertaken and that there is no dedicated right hand turn because the traffic flows are too small, visibility around the bend is good and there is no room for such a feature. The applicant has confirmed that the “improvements” to the access at number 16 are limited to the provision of a dropped kerb with no works being proposed on private land. The County Council is aware of this access and because of that, it requested a Road Safety Audit be undertaken. This was done and it did not reveal any safety concerns. Hence the County Council do not object.

Additionally, the applicant has provided a further plan illustrating the access arrangements in respect of the surface materials to be used; the boundary treatments and the provision of speed reduction measures. This is attached at Appendix C.

### **b) Alternative Sites**

The Parish Council and residents have suggested that there are more acceptable alternative sites for new housing in the village. As a consequence, the applicant prepared an assessment of those suggested and this is at Appendix D. As indicated in Appendix B, each application has to be determined on its own merits. Moreover, the Board’s remit here is to determine this planning application and not to undertake a site selection process which is a matter for the Development Plan.

The applicant’s report does indicate that the alternatives suggested will have adverse heritage and landscape impacts, and that they too may not be acceptable to the Highway Authority. Additionally, there has been no technical consultation undertaken and neighbours have neither been consulted. In other words, those sites too may have planning issues.

### **c) The Unilateral Undertaking**

Members will be aware from that the application itself includes improvements to the village hall car park; its lighting and access arrangements. However additionally, the applicant is proposing a separate Unilateral Undertaking to provide a financial contribution of £40k to the Parish Council for “social and community provision within the village”. As recorded in the initial report at Appendix A, Members are reminded that such a contribution is NOT directly related to the proposal. It is not necessary or essential to lessen any impacts arising from the proposal. It is thus not a matter that complies with the statutory requirements for a 106 Agreement related to a planning application. The fact that it is being proposed is however a material planning consideration, but for the reasons above Members are asked to afford it limited weight in the final planning balance.

### **d) Other Matters**

There are a couple of other matters that were raised during the deferral period.

Firstly, several residents have referred to the development at Manor Farm in the village and this is referred to in the reports. Members should be aware that during the course of

this application, both planning permission and listed building consent have now been granted for that redevelopment scheme.

Secondly, residents in Townsend Close have made representations on the potential overlooking and loss of light impacts. These matters were covered in the original report at Appendix A. Whilst separation distances were referred to there is concern about the height difference between the Townsend Close properties and the new dwellings if approved. In order to satisfy this representation, an additional pre-commencement condition can be added in respect of requiring the prior approval of finished floor levels with accompanying cross sections through the site to Townsend Close.

### **Observations**

The matter is now referred back to the Board following its deferral. There has been no change in material planning circumstances since its first reference to the Board and the deferral period has enabled there to be further discussion on the issues raised by the local community. However, that has not led to a situation where a different recommendation can be made to the Board.

### **Recommendation**

That subject to the receipt of a completed Unilateral Undertaking as referred to in this report, outline planning permission be granted subject to the conditions set out in Appendix A but with the following two changes:

1. The plan numbers condition to include the plan referred to in this report and attached as Appendix C
2. Add a pre-commencement condition in respect of levels as set out in this report.

**General Development Applications**

**(1) Application No: PAP/2020/0020**

**Land North West Of Newton Regis Village Hall, Austrey Lane, Newton Regis,**

**Outline application for the erection of 9 dwellings, re-surfacing, line marking and replacement lighting of village hall car park, access alterations to the village hall car park and associated works (all matters reserved except for access), for**

**Mr H Lillingston - Manor Farm Discretionary Settlement**

**Introduction**

This item is referred to the Board at the request of local Members who consider that the weight to be given to the adverse impacts arising under Policy NW12 is significant and that as the Council has as five year supply of housing land, the assessment on the final planning balance should be one of refusal.

**The Site**

This is 0.66 hectares of relatively flat agricultural land immediately to the rear of established semi-detached residential properties on the north-east side of Townsend Close. A hawthorn hedgerow runs along this boundary. It contains an ash, a sycamore and a conifer. To the south is the village hall together with its car park and the tennis courts are further to the south. The access to the site is off the access drive to the village hall at the bend in Austrey Lane where it turns south at the Village Hall.

A public footpath – the T 137 – runs east/west along the access drive to the Village Hall.

The general location is shown at Appendix A.

**The Proposal**

This is an outline application for the erection of nine houses with all matters reserved for later approval apart from access. The existing access arrangements into the Hall and its car park would be re-engineered with a new access onto the outside of the bend in Austrey Lane leading up to the Hall and its car park. Access to the residential properties would then be off this new access road.

Improvements to the Village Hall car park are also proposed including re-surfacing and new low level lighting installed. It would not be made smaller. The existing access into the car park is right on the bell-mouth at the junction with Austrey Lane and this would be narrowed so as only to be for pedestrians and a new vehicular access provided further away along the new residential access so as to improve safety.

Additionally the applicant proposes a financial contribution of £25k towards the improvement of the adjacent recreation ground which may be spent on upgrading play equipment, landscaping, bins and seating at the discretion of the Parish Council.

A possible layout together with illustrations of the design of the properties are also submitted for information.

These matters are shown in Appendices B and C.

There are a number of documents submitted to support the application.

A Drainage Statement says that surface water discharge will be to attenuation tanks on site with discharge into the public combined sewer in Austrey Lane. Foul water would be disposed of via an on-site sewer discharging to the same combined sewer.

An Ecological Assessment concludes that the hedgerow and trees have the potential to support wildlife, but that the illustrative plans show minimal impact. The site itself is of low ecological value and there would be no bio-diversity loss particularly if new planting is agreed.

A tree report concludes that the hedgerow trees are poor in quality.

A Transport Statement concludes that the traffic generated would be unlikely to lead to any capacity issues on the local network and the improvements to the access onto Austrey lane will be of general benefit.

A Built Heritage and Landscape Appraisal looks at the impact of the proposal on these matters. Additionally it compares these impacts against a similar analysis for three other potential housing sites in the village concluding that the application site causes the least impact.

A Design and Access Statement describes the reasoning behind the approach to the design and appearance of the proposals.

## **Consultations**

Warwickshire County Council as Highway Authority – No objection subject to standard conditions

Warwickshire County Rights of Way – No objection in principle

Warwickshire Education Authority – No comments received

Warwickshire Museum – No comments received

Environmental Health Officer – No objection subject to standard conditions

## **Representations**

Sixteen letters from local residents have been received objecting to the proposal on the following grounds:

- Loss of countryside and thus quality of the environment
- This is Grade 2 agricultural land

- Loss of view
- Loss of light
- Loss of privacy
- More traffic in an area that is already heavily congested because of the School
- The site is outside of the village's development boundary and the proposal would not accord with policies NW2 or NW5 of the Core Strategy.
- There has already been more development in the village than planned for
- The access improvements involve third party land
- It would not provide affordable housing in the village
- The village hall car park would become smaller thus adding to traffic/parking problems and would not enable the school bus to turn around
- The car park is already heavily used by sports clubs
- There is no or little public benefit here
- Construction difficulties through disturbance

The Parish Council has objected to the proposal on the following grounds:

- The Council has a five year supply
- Planning permissions in the village have not yet been taken up so there is no further housing need
- The site is outside of the development boundary
- The access will need re-engineering

### **Development Plan**

The Core Strategy 2014 – NW1 (Sustainable Development); NW2 (Settlement Hierarchy), NW5 (Amount of Housing), NW6 (Affordable Housing Provision), NW10 (Development Considerations), NW12 (Quality of Development), NW14 (Historic Environment), NW15 (Natural Environment)

### **Other Material Planning Considerations**

The National Planning Policy Framework

The Submitted Local Plan 2018 – LP1 (Quality of Development); LP2 (Settlement Hierarchy), LP6 (Amount of Housing), LP9 (Affordable Housing Provision) and LP31 (Development Considerations)

The Annual Housing Land Supply – March 2019

The Housing Delivery Test

The Designation Report for the Newton Regis Conservation Area

The North Warwickshire Landscape Character Appraisal 2010

The Daw Mill Appeal decision – APP/R3705/W/16/3149827

The Wood End Appeal decision – APP/R3705/W/19/3234056

### **Observations**

## **a) Introduction**

The site is outside of the development boundary for the village as defined by the Development Plan. As such the Plan says that new development is restricted to community based affordable housing or to that which is required within a rural area. Neither applies in this case. The proposal would therefore appear to be contrary to the provisions of Policy NW2. However as Members are aware the development boundaries of the Development Plan have been found to be out of date as set out in the Daw Mill appeal decision. In these circumstances the National Planning Policy Framework says that where the most important policies for determining applications are out of date, planning permission should be granted unless there are demonstrable and significant harms caused when the NPPF is looked at as a whole – para 11 (d) (ii) of the NPPF.

The report below therefore looks at whether the most important policies for determining this application are out of date and a number of areas of the NPPF where harm might be caused in this case. Weight will be ascribed to any such harm. In looking at these weights, Members are reminded that there is a need to identify the evidence that supports any harm. It will then be necessary to identify the other side of the planning balance and ascribe a weight to the benefits of the case as put forward by the applicant or as identified in the NPPF. Again these benefits have to be evidenced. The Board will then have to make an assessment of that final planning balance.

## **b) The Settlement Hierarchy**

It is important to stress that although the development boundaries of Core Strategy NW2 are “out-of-date”, the main purpose of the policy is not, as this sets out a hierarchy and broad distribution of growth across the Borough. There is no reason why it should not be relied on as an underlying strategy in determining applications. The approach of directing new development to those settlements in proportion to their facilities, infrastructure and accessibility is still sound. Indeed this approach would be supported by paragraphs 78, 79, 102 and 103 of the NPPF and thus not be out-of-date.

Paragraph 78 in particular says that “to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive especially where this will support local services”. This therefore does not preclude development in the lower order settlements which can help to meet local needs and maintain or enhance their vitality. Indeed Policy NW5 of the Core Strategy refers to “minimum” housing numbers and as such there would be no conflict with NW5.

In this case, the Board has evidence from the Core Strategy and the Settlement Sustainability Appraisal that lies behind it, that Newton Regis is appropriately placed in the hierarchy as a Category Four settlement. It also has evidence from the Submitted Local Plan with its updated Appraisal and the evidence submitted to the Examination into that Plan, that its place in a settlement hierarchy is still relevant at Category Four.

In other words Policy NW2 as a spatial planning policy promoting a settlement hierarchy for the location of new development is not out of date and thus remains as one of the most important policies against which to determine this application.

The approach to new development in Category Four settlements in the Core Strategy is that development will be limited to that identified in the Strategy or a Neighbourhood Plan.

The Strategy refers to a minimum of 15 units for Newton Regis. In the case of the Submitted Local Plan the approach is the same, but land is shown to be allocated in that Submitted Local Plan for 21 units at Manor Farm.

Evidence shows that planning permissions have been granted for 25 houses in the village since the adoption of the Core Strategy and this includes the site at Manor Farm.

Whilst it would appear that this would suggest a refusal in the current case, taking new development over the 21, Members are reminded that the Submitted Local Plan carries limited weight at the present time in respect of housing requirements as the Examination Inspector has not as yet recommended resolution of this matter. Additionally Policy LP6 of the Submitted Plan refers to the overall housing requirement in the Borough being a minimum figure.

As a consequence of all of these considerations, the central issue in respect of Policy NW2 is whether an additional nine houses in Newton Regis would cause significant harm to its place in the hierarchy and if so, what evidence is there to demonstrate that harm.

There are a couple of ways of looking at this. Firstly the % increase is small – an additional nine houses would amount to around a 5% increase in the village (including the permissions granted since 2014). As a consequence any increased harm is likely to be small too. Secondly, the village contains limited services and really these do not meet the everyday needs of local residents. This new development would increase the number of car trips but would not lead in itself to the introduction of new public transport services. On the other hand the limited new development would be of some benefit to the local services and increased car trips might occur in any event from increased car ownership in the village. As a consequence the scale of the proposal is considered unlikely to cause significant and demonstrable harm to existing services or to give rise to unsustainable levels of private transport.

In conclusion therefore, although the development boundary for Newton Regis is out of date, the spatial policy set out in NW2 is not. However, there would be no significant or demonstrable harm to the settlement hierarchy of the Core Strategy or to Newton Regis's place within it, if this development was to be supported.

### **c) Delivering Sufficient Houses**

The Council has a five year supply of housing land including an appropriate buffer – the 2019 Annual Report shows this and the very recent Wood End appeal decision confirms this conclusion. Paragraph 11 (d) of the NPPF is therefore not engaged on this issue.

### **d) Affordable Housing**

Policy NW6 of the Core Strategy is another of the most important policies relevant to this application. It says that for schemes of 14 and less units then there should be 20% affordable provision on site or through an off-site financial contribution in lieu. In this case that should be two on-site units. However as Members are aware, Government guidance changed after adoption of the Core Strategy as it considered that small development sites should be exempted from such provision. This guidance was replicated in the NPPF – Section 5 and paragraph 63 – and it now carries more weight than the thresholds set out in NW6. This is also why the draft policy in the Submitted Plan – LP9 – identifies a lower threshold for affordable provision – 10 houses. The current application is for nine. As

such Policy NW6 is out of date, but there is considered to be no scope here for defending a refusal based on there being no affordable provision.

#### **e) Character and Appearance**

Policy NW12 of the Core Strategy is another of the most important policies for determining this application. Section 12 of the NPPF requires planning decisions to add to the overall quality of an area; be visually attractive, sympathetic to local character and history including the surrounding built environment, establish and maintain a strong sense of place, sustain an appropriate mix of development and support local facilities and transport networks. In this regard this approach is fully in accord with Policy NW12 of the Core Strategy. As such it is not considered to be out-of-date. So the issue for the Board here is whether the proposal would cause significant harm to these criteria and if so, what evidence is there to support that conclusion.

The North Warwickshire Landscape Character Appraisal identifies Newton Regis as being in the “No Mans Heath to Warton – Lowlands” Area. This describes a “distinctly rural landscape, with a well ordered agricultural landscape and scattered farmsteads and nucleated hilltop villages with visually prominent church spires”. One of the landscape management strategies identified, is to “reinforce the existing settlement pattern”. The proposal would not do that as it would extend development into a large open field beyond a well -established hedgerow boundary, which clearly delineates the edge of the settlement. However that extension is small, immediately adjacent to that hedgerow and linear in scope. It is considered that it would not materially affect the openness of the area or indeed the overall nucleated character of the village. On the other hand, the development would not connect or link to the existing built form and would only be reached by a cul-de-sac that has no other purpose. There would be no sense of “place” created and the development would not positively improve the character or appearance of the village. Overall therefore it is considered that moderate harm would be caused under Policy NW12 of the Core Strategy and Section 12 of the NPPF.

#### **f) Heritage Impacts**

Policy NW14 of the Core Strategy applies to all planning applications. In this case the site is close to the Conservation Area and thus it is relevant. It is not considered to be out of date and it accords with Section 16 of the NPPF.

There are no designated or non-designated built heritage assets within the site or its immediate vicinity. The closest asset is the Conservation Area whose boundary is around 160 metres to the south-west. The Council is under a statutory duty to have special regard to the desirability of preserving or enhancing the character and appearance of its Conservation Areas. In this case the significance of the Area is that it represents the retention of a rural village character through time with contemporaneous architectural and historic attributes. The elevated position and height of the church spire and the village pond and green are significant features. The proposed development is sufficiently distant and sufficiently separated from the Area by established modern development which would screen it and not cause inter-visibility with the Area. There is thus unlikely to be any harm caused to the setting of the Area. There may well be glimpses of the Church from the site but the intervening built development would form the foreground to any views. The proposed development would be seen in the context of that existing development which is already experienced within the setting of the Church or more particularly its spire. The development does not affect the three-dimensional setting of the Church by being on

higher land or upsetting existing views of the church from further afield. It is considered that no harm is caused and thus the character and appearance of the Area is preserved. It is neither considered that the setting of the Church as a Listed Building is harmed for the same reasons.

There is thus no conflict with Policy NW14.

### **g) Highway Impacts**

Policy NW10 applies to all planning applications and thus is another of the most important policies in this determination. Section 9 of the NPPF says that in assessing development applications, it should be ensured that appropriate opportunities are taken to promote sustainable transport modes; safe and suitable access to the site can be achieved for all users and that any significant impacts on the transport network or on highway safety can be cost effectively mitigated to an acceptable degree. Refusals should only be considered if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the local road network would be severe. In this regard this approach is fully in accord with Policy NW10 (6) of the Core Strategy which is thus not considered to be out-of-date. So the issue for the Board is whether the proposal would give rise to unacceptable highway safety impacts or severe impacts on the local road network. If it does, what evidence is there to support that conclusion.

It is of substantial weight that the Highway Authority has not objected to the proposal in terms of the increased traffic generated causing problems on the capacity of the local road network or at any of its junctions. There would thus be no severe impact of the network. The issue here is therefore whether the proposed access would have unacceptable highway safety impacts. The proposed access is on the site of the existing junction of the unmade access with Austrey Lane on the outside of the bend. The proposals therefore enable a substantial improvement to the safety of that access by proposing an updated engineering solution that meets the County's specifications. Additionally moving the access to the village hall car park further to the east will give significant improvement for traffic using the Hall's car park.

One "local" issue that has been raised is that the school bus reverses into the present access in order to drop off children for the village school. This existing arrangement would not change. It is agreed that the development would lead to additional traffic using the new access, however that is not a significant amount and the bus is here for a very limited time and at a regular time in the day. It is not considered that the proposal in the terms of the NPPF would have an "unacceptable impact". As a consequence there would be no conflict with policy NW10 (6) or the NPPF.

### **h) Other Impacts**

There is no evidence available to show that there would be unacceptable harm caused to ecological assets or to drainage and flooding interests.

Several representations have been raised concerning the impact of the development on the residential amenity of occupiers of the established houses in Townsend Close. Policy NW10 of the Core Strategy is not considered to be out of date. It requires all new development, amongst other things, to "avoid and address unacceptable impacts upon neighbouring amenities through overlooking, overshadowing, noise, light, fumes or other pollution". In this case, the illustrative separation distances between the rear elevations

of the proposed houses and the established ones is some 30 metres which is in excess of the normally accepted guideline of 22 metres. There is not considered as a consequence and because the new houses would be to the east, to be unacceptable impacts through over-shadowing or loss of light. The rear gardens of the properties in Townsend Close are already overlooked by each other and thus there would be no material increase in adverse impacts. Members will be aware that the loss of a view or outlook is not a material planning consideration. It is thus considered overall that there would be no significant or demonstrable harm caused and thus no conflict with Policy NW10.

## **Harms**

The most important policies in the consideration of this application are NW2, NW6, NW10, NW12, and NW14 of the Core Strategy. NW6 is the only one wholly out of date and the reference to development boundaries in NW2 is also out of date.

However no harm is caused under NW6 and there is considered to be no unacceptable harm caused under the identification of a settlement hierarchy under NW2. There are unacceptable harms under policies NW10 and NW14.

There is moderate harm under NW12.

## **The Applicant's Case**

The applicant's case is three-fold.

Firstly he argues that the proposal will help with delivering the Borough's housing requirement which is set out in the emerging Local Plan. In particular he refers to para 68 of the NPPF where it states that, "small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built-out relatively quickly". He also refers to the fact that the Core Strategy and the Emerging Local Plan both refer to housing requirements in various settlements as being minimum numbers. Whilst acknowledging that the Council may have a five year supply, he continues that this does not mean that all new housing development has to be rejected.

This argument is considered to carry significant weight given the context set out above. The Inspector in the recent Wood End appeal whilst agreeing that the Borough had a five year supply was not convinced that this might be deliverable. As a consequence, additional sites becoming available where there is no significant and demonstrable harm would support the Council's position in this regard.

Secondly, he argues that the improvements to the village hall car park are all benefits that should be afforded substantial weight. It is agreed that these are benefits but that they are not contingent upon the proposal and as such should only be afforded moderate weight.

The third matter is the prospect of the recreational contribution through a Unilateral Undertaking. This he considers again to carry substantial weight. Members should be advised that such a contribution is not directly related to the proposal. It has some linkage

to it but it is not a wholly necessary or essential element in that a refusal would be contemplated without it. This is why it is being proposed through a 106 Unilateral Undertaking rather than a 106 Agreement. Members are advised that this matter carries limited weight in the determination.

When considered together the applicant's case carries significant weight.

### **The Final Planning Balance**

In assessing this balance, the above report concludes that the only harm is the moderate harm caused under Policy NW12, but that the benefits carry significant weight. As such the balance lies in favour of supporting the proposal. It is open to Members to afford different weights to the matters to be considered in the final assessment.

### **Recommendation**

That subject to the receipt of a completed Unilateral Undertaking as referred to in this report, Outline planning permission be GRANTED subject to the following conditions:

1. Standard Outline Condition- all matters reserved except for access
2. Standard Outline Condition
3. Standard Outline Condition
  
4. Standard Plan numbers condition – 3519/03 and the TTC plan numbered 01
  
5. Notwithstanding the details on the plan numbered 01 in condition (4) the vehicular access to the village hall car park shall be no less than 6 metres in width and constructed as a dropped kerb crossover.

#### REASON

In the interests of highway safety

6. The houses hereby approved shall each include the installation of one electric vehicle charging point.

#### REASON

In the interests of encouraging renewable energy

### **Pre-Commencement Conditions**

7. No development shall commence on site until a scheme for the provision of adequate water supplies and fire hydrants necessary for fire-fighting purposes at the site has been submitted to and approved in writing by the Local Planning Authority. Only the approved scheme shall then be implemented on site.

REASON

In the interests of public safety

8. No development shall commence on site until a Written Scheme of Investigation for a programme of archaeological evaluative work has first been submitted to and approved in writing by the Local Planning Authority

REASON

In the interests of the archaeological potential of the site

9. No development shall commence on site until the programme as approved under condition (8); associated post-excavation analysis, report production and arrangements for archive deposition have all been undertaken and submitted to the Local Planning Authority.

REASON

In the interests of the archaeological potential of the site.

10. No development shall commence on site until an Archaeological Mitigation Strategy has been submitted to and approved in writing by the Local Planning Authority. This Strategy shall be informed by the results of the evaluation report. Development may then only proceed in accordance with the approved Strategy.

REASON

In the interests of the archaeological potential of the site

11. No development shall commence on site until a scheme and measures to secure the safety of the public using public footpath T137 have first been submitted to and agreed in writing by the Local Planning Authority. The development may only proceed once these measures have been installed to the written satisfaction of the Local Planning Authority and the measures shall remain in place until the Local Planning Authority agrees to their removal

REASON

In the interests of highway safety

12. No works shall take place on site until a preliminary assessment for contaminated land has been undertaken and submitted in writing to the Local Planning Authority. If that assessment identifies potential contamination, a further detailed

investigation shall be carried out and details of remediation measures shall be provided where appropriate. These measures shall be referred in writing to the Local Planning Authority.

REASON

In the interests of reducing the risk of pollution

13. No works shall take place until all remediation measures as may have been agreed in writing by the Local Planning Authority have been completed in full to the written satisfaction of the Local Planning Authority.

REASON

In the interests of reducing the risk of pollution

14. In the event that contamination is found at any time when carrying out the approved development that was not previously identified under conditions (12) and (13), all work shall cease on site and then only proceed following the written approval of the Local Planning Authority of appropriate remedial measures.

REASON

In the interests of reducing the risk of pollution

15. No development shall commence on site until a Construction Management Plan has first been submitted to and approved in writing by the Local Planning Authority. The approved Plan shall be adhered to at all times and shall remain in force until completion of all construction works.

REASON

In the interests of the residential amenities of neighbouring occupiers and highway safety.

16. No development shall commence on the works to the village hall car park until full details of the surfacing, drainage and levels have first been submitted to and approved in writing by the Local Planning Authority. Only the approved works shall then be installed.

REASON

In the interests of highway safety and to reduce the risk of flooding

**Pre-Occupation Conditions**

17. The development hereby approved shall not be occupied for residential purposes until a post-remediation verification report has been submitted to and agreed in

writing by the Local Planning Authority in the event that remediation measures have had to be undertaken on site in accordance with conditions (12), (13) and (14)

REASON

In the interests of reducing the risk of pollution.

18. The development hereby approved shall not be occupied for residential purposes until the measures agreed under condition (7) above have been fully installed to the written satisfaction of the Local Planning Authority.

REASON

In the interests of public safety

19. The development hereby approved shall not be occupied for residential purposes until the following items have all been completed to the written satisfaction of the Local Planning Authority:

- a) The whole of the access works as defined under conditions (4) and (5) have been completed including the permanent closure of the existing vehicular access into the village hall car park.
- b) Visibility splays have been provided to the vehicular access to the site from Austrey Lane with a "x" distance of 2.4 metres and "y" distances of 43 metres as measured to the near edge of the public highway carriageway
- c) Visibility splays have been provided to the vehicular access to the village hall car park from the access road measuring 2.4 by 25 metres as measured to the near edge of the public highway carriageway.
- d) The improvements to the village hall car park as may have been agreed in writing by the Local Planning Authority under condition (16) above.

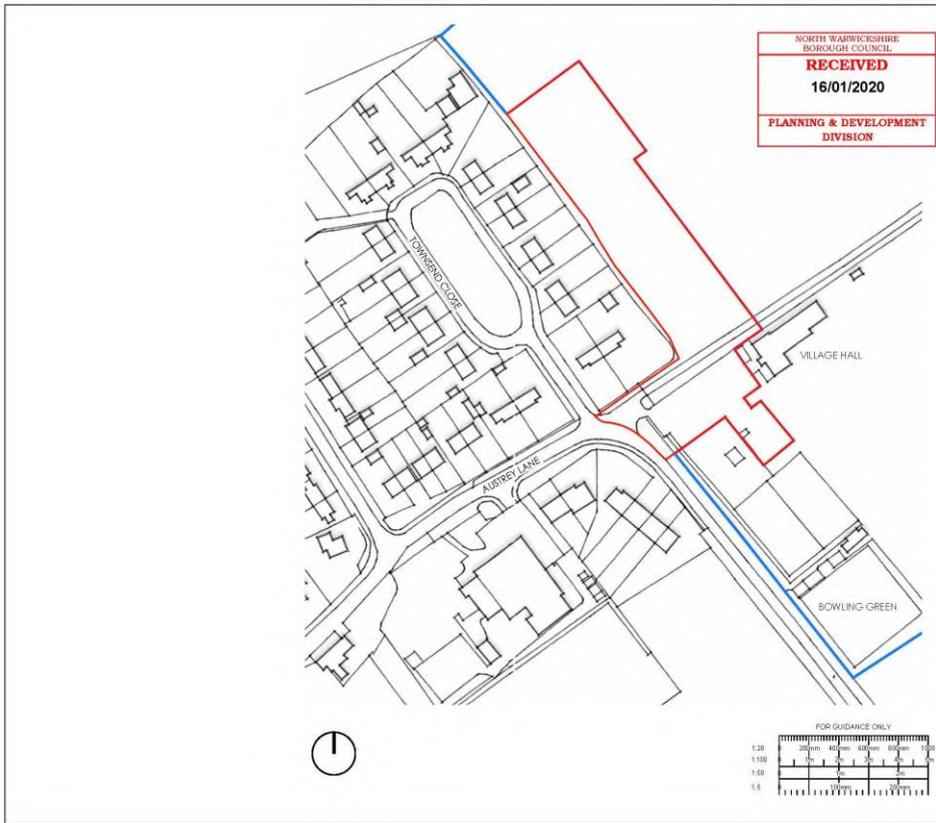
REASON

In the interests of highway safety

**Notes:**

1. The Local Planning Authority has met the requirements of the NPPF in this case through pre-application discussion and in seeking amended plans in order to resolve technical matters raised by consultation responses.
2. Attention is drawn to need to comply with dry NoX emissions from any gas boilers of less than 40mg per kWh.

3. Attention is drawn to Sections 59, 149, 151, 163 and 184 of the Highways Act 1980; the Traffic Management Act 2004, the New Roads and Street Works Act 1991 and all relevant Codes of Practice.
4. Public footpath T137 must remain open at all times unless closed by legal order and must not be obstructed at any time. The applicant must make good any damage to the path.
5. The developer is requested to contact Warwickshire County Council in respect of T137 and the requirements of condition (11) above.
6. The reserved matters application shall also include the changes proposed to the existing vehicular access serving the village hall.



NORTH WAIRWICKSHIRE  
BOROUGH COUNCIL  
**RECEIVED**  
16/01/2020  
PLANNING & DEVELOPMENT  
DIVISION

<b>APPENDIX A</b>	<b>PAP/2020/0020</b>
<b>Safety Health and Environmental Information</b> A3	
The following risks are identified as unusual or unfamiliar to a competent contractor	
<b>CONSTRUCTION</b> There are no significant or unfamiliar risks	
<b>DEMOLITION RISKS (FUTURE)</b> There are no significant or unfamiliar risks	
It is assumed that all work will be carried out by a competent contractor working, where appropriate, to an approved method statement.	
Notes:	
Land at Newell Ridge <b>Proposed Location Plan</b> PLANNING Scale: 1:200 @ A3 Date: 16/01/2020 Rev: 03 Project No: 3519-03	



NORTH WAIRWICKSHIRE  
BOROUGH COUNCIL  
**RECEIVED**  
16/01/2020  
PLANNING & DEVELOPMENT  
DIVISION

<b>APPENDIX B</b>	<b>PAP/2020/0020</b>
<b>Safety Health and Environmental Information</b> A2	
The following risks are identified as unusual or unfamiliar to a competent contractor	
<b>CONSTRUCTION RISKS</b> There are no significant or unfamiliar risks	
<b>DEMOLITION RISKS (FUTURE)</b> There are no significant or unfamiliar risks	
It is assumed that all work will be carried out by a competent contractor working, where appropriate, to an approved method statement.	
Notes:	
Land at Newell Ridge <b>Proposed Site Plan</b> PRELIMINARY Scale: 1:500 @ A3 Date: 16/01/2020 Rev: 02 Project No: 3519-02	



APPENDIX C

Land at Newton Regis  
Design and Access Statement Rev B  
October 2019

NORTH WARWICKSHIRE  
BOROUGH COUNCIL  
**RECEIVED**  
16/01/2020  
PLANNING & DEVELOPMENT  
DIVISION

bhb  
architects

## 1. Introduction

- 1.1 This Design and Access Statement (DAS) has been prepared on behalf of the Thorpe Estate, and accompanies an outline application (with all matters reserved, save for access) made by CT planning, for residential development on land to the north of Newton Regis Village Hall.
- 1.2 The outline application seeks consent for the principle of residential development, as well as the proposed access arrangement which would serve any future development. Whilst the exact layout and landscaping proposals are beyond the scope of this application, an indicative layout accompanies this application. This layout is intended to demonstrate the site's ability to accommodate a small quantum of development and illustrate the key design features which should come forward as part of any detailed application. A separate Planning Statement, prepared by CT Planning, details the key Planning Policy considerations.
- 1.3 This DAS has been prepared to explain the design concepts and principles behind the proposals as well as dealing with issues of access as required by the Town and Country Planning (Development Procedure) (England) Order (DMPO) 2015, along with the guidance given in the Department of Communities and Local Government documents: National Planning Policy Framework (NPPF) and National Planning Policy Guidance (NPPG).
- 1.5 The document also serves the following functions and purpose:
- To provide a concise description of the key issues and the evaluation that informed the design decisions that have led to the current form of development;
  - To provide comprehensive information on the development in terms of composition, urban design, access and circulation, open space, and landscape;
  - To set design standards which promote high quality design and ensure a coordinated and coherent development.
- 1.6 This document has been structured as set out in Table 1.1 in response to the requirement criteria for a DAS as set out by the DMPO (2015) in article 9(2) to reflect:
- The design principles and concepts that have been applied to the development; and
  - How issues relating to access to the development have been dealt with.

## 2. Site Location and Description

### 2.1 Site Location

The application site is located on the northern-eastern edge of Newton Regis, approximately 1km north west of the M42. Newton Regis is a small village within the North Warwickshire Borough with a population of approximately 700 people. Newton Regis is located approximately 8 kilometres north-west of Tamworth, 12 kilometres south east of Ashby-de-la-Zouch, and 12 kilometres south of Swadlincote.

The village has good transport links, being located around 4.5 kilometres from the M42, which provides access to the M6, M6 Toll and the wider Midlands region. The village is also served by the no.785 bus service, which provides access to Tamworth Town Centre, and the nearby village of Austrey.

The site is bounded to the west by the existing residential development along Townsend Close, and to the south lies Newton Regis Village Hall. Existing field boundary hedges bound the site to the north and east.

The village benefits from a range of local services and facilities, including a post office, primary school, village hall, parish church and a public house. Sporting facilities are also situated within the village, providing Tennis Courts, a Bowls Green and a Cricket Pitch.



St Mary's Church



Newton Regis Village Hall



Queens Head (PH)



**2.2 Site Description**

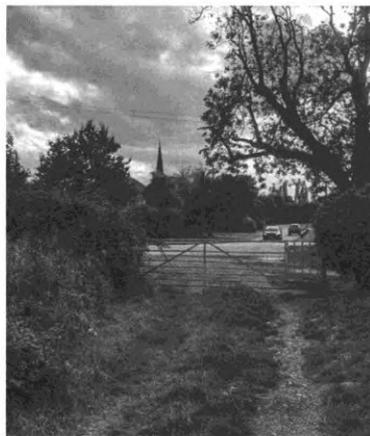
The application site, comprising former agricultural land, is located off Austrey Lane, with access adjacent to Newton Regis Village Hall. The site is to the east of the village core of Newton Regis and is outside of the designated conservation area. The total site area is approximately 0.49ha.

The site has remained undeveloped, having historically been used for agricultural purposes - as such the site has low potential for local archaeological significance. A requirement (by condition) for a written statement of investigation can confirm this assessment if required as part of any future application.

The site is broadly level, with only a slight change in level north to south. The northern edge of the application site is approximately 1m lower than the levels along the southern edge. The access into the site currently offers views towards St Mary's Church, and the village core, and views the other way which look out onto open countryside.

The application site has a strong sense of visual enclosure, with views of the site screened by the Village Hall on the approach into Newton Regis via Newton Lane/Austrey Lane. A well-established field boundary to the northern edge of the site provides further containment.

It is assumed that there are no features of ecological significance within the site which require protecting. An ecological survey would accompany any reserved matters applications - and is likely that any future proposals will present an opportunity to increase ecological diversity across the site.

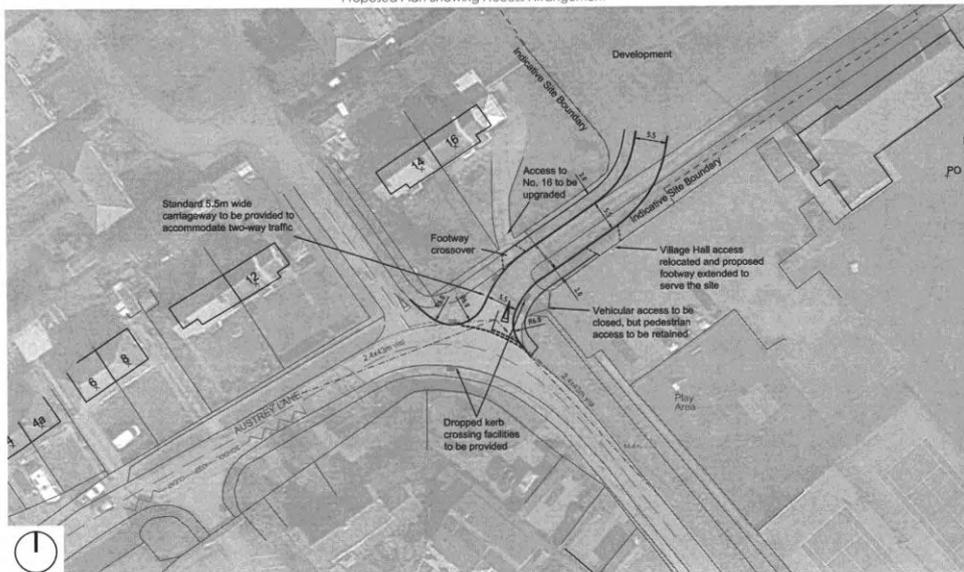


Existing view from Public Right of way - towards St Mary's Church and historic village core of Newton Regis



Existing view into site from Austrey Lane, along Public Right of way - entrance frames views of open surrounding open countryside, and is part of the existing character of Newton Regis. The openness should be retained as part of any proposals.

Proposed Plan Showing Access Arrangement

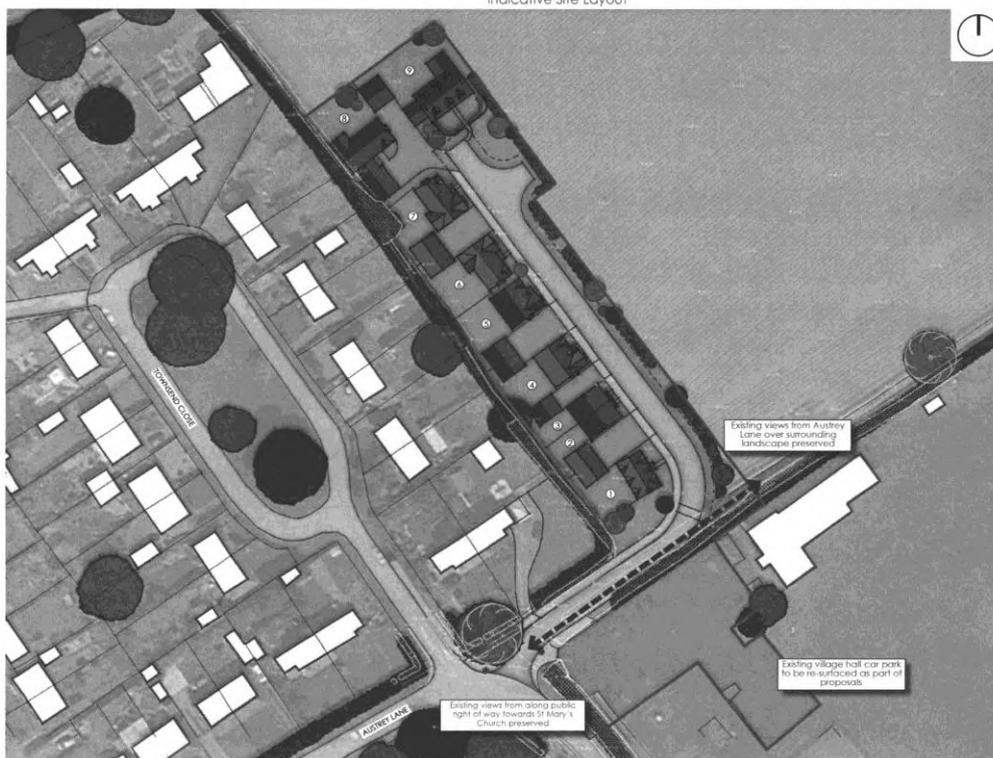


3. Access

Access into the site will be achieved via a new priority T-junction off Austrey Lane, replacing the existing gated access into the site. The access will be formed by a 5.5m access road (accommodating 2-way traffic) and a 2.0m foot-way, which links the existing footpath along Austrey Lane with the existing public right of way to the southern edge of the site. Dropped kerbs with tactile paving will emphasise a suitable crossing location for pedestrians at the site access. Visibility splays of 2.4m x 43m have been provided in either direction at the point of the proposed access.

Vehicular access to No. 16 Austrey Lane will be via the new access road, with a new foot-way crossover point and dropped kerb. The proposed access road will also serve the Village Hall car park. The existing vehicular access to the Village Hall will be closed, and retained as a gated pedestrian access point. A new vehicular access point will be provided, with the Village Hall car park being resurfaced and the existing pole lighting replaced with low level bollard lighting, providing further environmental improvements.

Indicative Site Layout



Indicative Visual of Proposed Development



3. Amount and Design

The outline application seeks consent for the principle of residential development, with all other matters reserved. An indicative layout accompanies this application and is intended to demonstrate the site's ability to accept a small amount of development.

This indicative layout consists of 9 dwellings, comprising of a mix of 2,3,4 and 5-bedroom units. This mix would ensure the proposed development addresses a range of housing needs within the village.

Although the application site lies outside of the current settlement boundary, the Core Strategy spatial portrait describes Newton Regis as having 'some potential to accommodate well designed, small scale development'.

The illustrative layout which accompanies the application demonstrates that the site can comfortably accommodate a limited quantum of development and illustrates the key principles which should be incorporated in any future reserved matters application, to ensure a high standard of design.

In addition, by virtue of its inherent visual enclosure, it is considered that the site is capable of accommodating development which: - avoids the visual encroachment of the settlement of Newton Regis into the surrounding countryside. Does not negatively impact the intrinsic character of Newton Regis. The site features several existing views; towards the historic core of the village and St Mary's Church, and from the proposed access point, looking out of the village over the surrounding open countryside. These views are to be retained as part of the proposals.

4. Scale & Appearance

Although the detailed design does not form part of this outline submission, the following parameters should be incorporated in any future detailed application, to ensure a high quality of design.

**Scale**  
The scale of the proposed development has been carefully thought about and is considered appropriate to the immediate surroundings and the character of Newton Regis. The scheme consists of a variety of dwelling types, each with varying eaves and ridge heights, creating a variety in form and scale.

**Materiality**  
The principle external finish will be facing brick, with key plots featuring a white render. Roofing materials would be a plain clay or slate tile. Materials in the local area vary, with painted brickwork, render and stone all present.

**Appearance**  
A variety of traditional architectural details have been used on the proposed scheme, which responds to the character of Newton Regis. Brick arch window heads, with a mixture of corbelled and overhanging eaves all echo the surrounding area. Windows and doors will be of a style to match those in the immediate vicinity and the wider area, while chimneys, porches and other architectural details will be in-keeping with the surrounding residential context.



Indicative Visual of Proposed Development

5. Landscaping

Although, again, a detailed landscape design does not form part of this submission, the following parameters should be incorporated in any future detailed application, to ensure a high quality of design.

Planting should be incorporated along the north-east edge of the site. This will help screen the development from the surrounding countryside, meaning the only views of the proposed development will be glimpsed views.

The introduction of new trees and planting will provide a pleasant and sustainable external realm.

Fall houses will have a frontage to the street, with areas for planting, which would recreate the feel of a traditional cottage garden. Boundary fencing to the rear gardens of proposed plots will be demarcated with 1.8m high timber fencing.



Indicative Street Scene



## 6. Summary and Conclusions

The site has the potential to deliver a small, high-quality development of 9 new dwellings with associated landscape, parking and access.

The site, by virtue of its inherent visual enclosure, is capable of accommodating development which:-

avoids the visual encroachment of the settlement of Newton Regis into the surrounding countryside;

Does not negatively impact the intrinsic character of Newton Regis

The site is within walking distance of the village centre, which features several facilities, including a village hall, post office, school and a regular bus service providing access to the nearby Tamworth Town Centre.

The proposals will create a high-quality development which respects and complements the existing character of the surrounding area and local village context.

Proposed Visual - showing retention of existing views over open countryside, preserving the existing character of Newton Regis

bhb  
architects

georgan house  
24 bird street  
lichfield  
staffordshire  
ws13 6pt

01543 254357

[www.bhbarchitects.co.uk](http://www.bhbarchitects.co.uk)

[mail@bhbarchitects.co.uk](mailto:mail@bhbarchitects.co.uk)

**PAP/2020/0020**

**Land North West of Newton Regis Village Hall, Austrey Lane, Newton Regis**

**Outline application for the erection of nine dwellings, re-surfacing, line marking and replacement lighting of village hall car park, access alterations to the village hall car park and associated works (all matters reserved except for access) for**

**Mr H Lillingston – Manor Farm Discretionary Settlement**

**Introduction**

This case was referred to the Planning and Development Board following the resolution of the Council on 20 May 2020 in respect of the extension of delegated powers on planning applications.

Under that resolution, Members of the Board were consulted on the officer's report in respect of this case, which made a recommendation of approval. This is attached at Appendix A

The applicant and those who had submitted representations were also consulted.

This supplementary report records the responses received.

It provides an officer response and a final recommendation is then made to the Chief Executive for him to decide on the outcome

**Responses Received from the Applicant**

No comments have been received from the applicant

**Responses Received from those making Representations at the time of the application**

Five further representations have been received. These are all from, or on behalf of local residents who in summary repeat their earlier objections and consider that different weights should be attached to the harms identified in the Officer's Report ("OR") such that in the final planning balance, planning permission should be refused.

The representations are attached at Appendix B

It is not proposed to repeat matters outlined in the "OR" but to expand on some of the matters raised.

Firstly, there is additional comment about the access arrangements in terms of road safety and the potential for third party land being required. In response, the Warwickshire County Council as Highway Authority had no objection subject to conditions – its letter of 5 March 2020 is attached at Appendix B. The applicant's Transport Assessment was forwarded to the County Council. That Assessment was submitted following discussion between the applicant and County officers including a site visit and the completion of a Stage One Road Safety Audit. The applicant has confirmed that all proposed works are within the ownership of the applicant or the highway authority. In conclusion therefore significant weight is given to the statutory highway authority's response such that the

proposal would accord with the relevant policy of the Development Plan – NW10 of the Core Strategy – and the relevant paragraphs of the NPPF – 108 and 109.

Secondly, there is reference to the Human Rights Act – particularly Articles 1 and 8. It is understood that these are not Absolute Rights. Their essence is contained in the relevant Development Plan policies which seek to balance these rights with other material planning considerations. This is Policy NW10 of the Core Strategy and Section 12 of the NPPF. It is considered that whilst there will be a change to the area close to the residents, the impacts arising would not be significant to the degree that planning permission should be refused. The personal circumstances of one of the residents have been raised. This is a material planning consideration and thus additional weight should be given to the likelihood of any adverse impacts. However it is not considered that these impacts are so substantive to warrant a refusal for the reasons set out in the “OR”.

Thirdly, there is criticism of the applicant’s Ecology Assessment. However there have been no comments received from any consultation Agency on this report

Fourthly, there is reference to the applicant’s report which assessed a number of possible alternative sites for additional housing the village. Each application has to be determined on its own merits and that is the matter that was before the Board. The alternatives have not been the subject of technical or public consultation and as in the case of the application site, are not allocated for development by the Development Plan. The “OR” thus does not give weight to them. The landscape, visual and heritage impacts of the application site are dealt with independently.

Fifthly, objectors attach different weights to potential harms and to the applicant’s case. This is acknowledged and this is why consultation with the Board is important. Members of the Board can arrive at a different assessment of the final planning balance. Their comments are referred to below.

Finally there are references to the process involved. The Representations section in the “OR” is the normal layout in all planning cases and Board Members are fully aware of this. The purpose is to identify the range and subject matter of the representations made. This is not unusual practice. It is necessary too to point out that the decision here will be taken by the Chief Executive after consultation with the Board Members and following the Council’s resolution on 20 May 2020 in respect of emergency powers in the current situation.

#### **Responses from Board Members**

Eight responses were received. These are attached at Appendix C

There is one which considers that the application should be refused planning permission on the grounds of non-compliance with Policy NW12 of the Core Strategy.

There are seven which recommend a deferral including the one from the Chairman. His reason for deferral is that there should be further discussion between the applicant and the Parish Council.

#### **Observations**

The responses received from those making representations will not alter the original recommendation as it is not considered that the assessment of the final planning balance is materially altered.

The request for a deferral is in the majority of the comments received. There is no officer objection to that request.

**Recommendation to the Chief Executive**

That the Officer recommendation to grant planning permission for the reasons set out in the original report remains, but that there is no objection to a deferral so as to enable further discussion with the applicant on the matters raised by the objections.

[REDACTED]  
Newton Regis  
Tamworth  
Staffs

Chief Planning Officer  
North Warwickshire Borough Council  
Council House  
South Street  
Atherstone  
CV9 1DE

3.6.20

Application Number PAP/2020/0020  
Application Name Mr H Lillingstone  
Proposed Development Outline application for 9 houses on land North West of  
Newton Regis.

Dear Sir

I write in connection with the above planning application. I have examined the plans in detail and I have knowledge of the site and surrounding area in question. I wish to object strongly to this development.

My objections are based on the following 7 points.

Highway Safety/Visibility Splay/Third Party Land.

Boundary.

Loss of Amenity and Human Rights Act in particular Protocol 1, Article 1.

Size and design of proposed site.

Built Heritage and Landscape Appraisal

Objection Bias.

The Applicant's Case.

### Highway Safety, Visibility Splay and Third Party Land.

[REDACTED]

from to the junction. A well-designed access is important for the safety and convenience of all road users, those proceeding on the public road as well as those using the access. Our access is not well designed but this has never been a problem as no traffic passes the end of our driveway and the public footpath stops before our access. When we leave our property we do not pull out directly onto a public road.

Obviously the proposed road and footpath will mean traffic passing the end of our driveway, cars belonging to the new houses, plus delivery vehicles, service vehicles, vehicles going to the village hall and pedestrians.

Intensification is considered to occur when a proposed development would increase the traffic flow using the access by 5% or more. We currently **do not have any** passing traffic, this proposed road will increase the traffic flow past our access by 100%.

This fact raises some concerning highway safety issues. The required visibility splay for the footpath requires an inter-visibility splay of 2 metres back into our access and a distance measured along the footway of 2 metres on each side so both driver and pedestrian can see each other. The height and position of our hedging does not allow for this. The required visibility splay we safely need to pull directly onto a public road is also restricted.

In a letter from Tony Burrows, North Warwickshire Highways Engineer, included as an appendix in the Transport Report of the plans. He raises several questions and objections about the safety of the road including the access to our property. Whilst some of the concerns seem to have been addressed, **the concern about the proximity of our drive to the junction has not.**

The one accident reported in the plans involved my car and was due partly to the visibility for myself and the person leaving Townsend Close being blocked by a van and the close proximity of the junctions.

We have seen on the plans that an upgrade to our driveway is included. No one has spoken to us about this. Permission to acquire control of any part of our property will be denied. We will not allow any upgrading to our driveway or connected property.

### **Boundary.**

In the introduction to the proposed plans, it is correctly stated that the proposed development lies outside of the development boundary but then states that the Development Plan is 'out of date' and planning permission should be granted unless demonstrable and significant harms caused when the NPPF is looked at as a whole. The NPPF also states that plans should positively seek opportunities to **meet development needs** of the area.

The Parish Council has objected to this application because the council has a five year supply and planning permissions in the village have not yet been taken up so there is **no further housing need**.

The development boundary is set to protect the character and heritage of the village. As the applicant has **not demonstrated any identifiable need** for more housing in the village, planning permission should be refused.

### **Loss of Amenity and Human Rights**

The application states that there will be a separation distance of 30 metres between the rear elevations of the new houses and the established ones on Townsend Close.

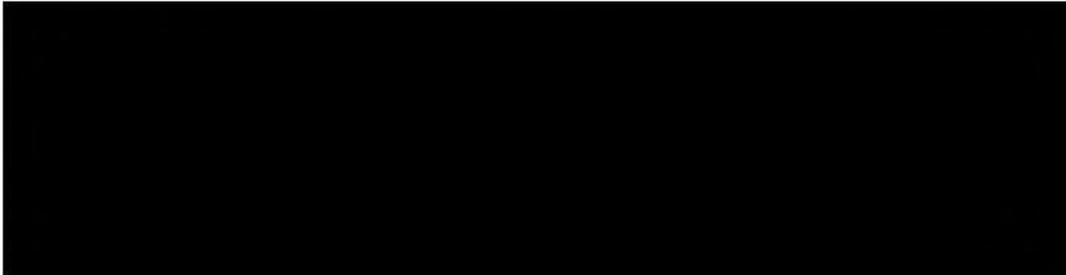
We live on Austrey Lane, [REDACTED] closer to the boundary than the houses on Townsend Close. The plans show that 3 houses will be built along the length of our garden plus accompanying garages, which are situated at the rear of the houses, near to the boundary line. The ground is 1 metre higher on the proposed site.

I would urge you to consider the responsibilities of the Council under the Human Rights Act, in particular Protocol 1, Article 1, which states that a person has the right to peaceful enjoyment of all their possessions, which includes the home and other land.

In respect to light, noise, privacy, overlooking and overshadowing, the proposed development would have a dominating impact on our property and our right to the quiet enjoyment of our home.

Article 8 of the Human Rights Act states that a person has the substantive right to respect for their private and family life. In the case of *Britton vs SOS* (1997 JRL 617) the courts reappraised the purpose of the law and concluded that the protection of the countryside falls within the interest of Article 8. Private and family life therefore encompasses not only the home but also the surroundings.

We may not have the 'right' to a view but the enjoyment of a view is an important part of the residential amenity and has a wider impact on the residents.



### **Size and Design of Proposed Plans.**

Numerous times throughout the planning application, the proposed site is referred to as being 'small' as a standalone site it maybe, although it is still classed as a major development for planning. However, it is common knowledge that the applicant wanted a development of 30 houses on Manor Farm Main Road Newton Regis but due to the conservation area, only 21 houses will be permissible, hence he needed somewhere for the other 9 houses, presumably for financial reasons.

The application states that 25 houses have received planning permission in the village, including the 21 on Manor Farm. However, since 2014 there has also been 9 houses built on Newton Fields and a bungalow on Kings Lane. Should planning permission be granted for this application the total new builds for the village, since 2014 will be 39, well in excess of the NW5 recommendation of 15.

This is a big increase for a village that is unsustainable there is no shop and limited public transport service. It is misleading to state that there is a post office, there is not! There is a post office service for 2 hours once a wee in the village hall. There will be a sizeable increase in vehicles, together with the vehicles coming into the village for the school and village hall. Together, this will have a detrimental impact on the rural heritage of the village.

The scale, proportion and design of the proposed houses will be entirely out of keeping with the established houses on Townsend Close and Austrey Lane, all being ex council and timber framed buildings of moderate size.

### **Built Heritage and Landscape Appraisal**

The applicant had a Built Heritage and Landscape Appraisal carried out which hardly makes it an independent report and unsurprisingly points out the proposed plans to be the best location for the development. However, Site 1 – East of Kings Lane has the least impact on the homes and lives of the residents. To suggest ‘glimpsed views’ of the Conservation Area and rural setting would cause harm is downright ludicrous, when the Manor Farm development is situated right next to the conservation area! The report states that this part of the Conservation Area is already largely formed by the Kings Lane development. There is a good amount of natural screening that runs all along Kings Lane, not all of it would need removing to form an access. There is natural screening along the hedgerow so the established housing on Townsend Close would not be impacted. The field is actively farmed but so is the field on Austrey Lane which is agricultural grade 2. **All** access roads into Newton Regis are rural in nature. The report states glimpsed views to the rural setting will be obstructed. How is that relevant when our view will be severely obstructed but is not a consideration when objecting?

The biggest problem with the proposed plan for Austrey Lane is the impact it will have on the lives of the local residents. The access to our property affects only us but as stated, the dominating effect the houses running along our property will have, together with the individual worry and concern from the other affected residents has caused a great deal of resistance to this proposed development. Whilst I do not consider an extra 9 houses to be needed or necessary in the village, the site on Kings Lane should not be dismissed as unsuitable just to reinforce the applicants preference to the Austrey Lane site.

I would urge the board to consider what the most important factor is here. The right of the residents to have peaceful enjoyment of their homes, surroundings and view or the **potential** harm to some landscaping, **glimpsed** rural views and the character of the entrance into the village from the north, which would be screened.

### **Objection Bias**

There were 16 objection letters submitted by local residents against this proposed planning application, plus 4 objections from the Parish Council. These objections have been reduced to no more than bullet points and reported in such a way that makes them sound irrelevant and trivial and in some cases, not factual as in the school bus reversing into the village hall car park, it doesn't! This attitude to the very serious concerns of the local residents is totally unacceptable.

### **The Applicant's Case.**

The applicant argues that the proposal will help with delivering the Borough's housing requirement and he acknowledges the Council may have a five year supply, but states that does not mean all new housing should be rejected.

However, he has **not demonstrated any identifiable need for more housing** so there is no acceptable reason for exceeding the development boundary. The proposed site may be considered as 'small' but is still connected to the much larger site the applicant has on Manor Farm, bringing the total new builds by this applicant to 30 houses in the village

**The 5 year supply has already been fulfilled without the need for exceeding the development boundary.**

The applicant has argued that improvements to the village hall car park will have benefits but by his own admission they should only carry **moderate weight** in his application and the suggestion to upgrade the play equipment is pointless as it was significantly upgraded in 2019.

### **Conclusion.**

Planning permission should be refused due to the close proximity of [REDACTED] Austrey Lane to the junction and the visibility safety concerns for exiting the property to both road users and pedestrians.

Planning permission should be refused as the proposed site is outside of the development boundary and no need for addition housing has been identified that would justify this action.

Planning permission should be refused as the dominating impact of 3 houses plus garages running the length of our property, close to the boundary, will be overbearing and infringes our human rights to the peaceful enjoyment of our home, garden and surroundings.

Planning Permission should be refused as Newton Regis is an unsustainable village, with little infrastructure.

Planning permission should be refused as the size and design of the proposed properties is out of keeping with the established houses.

Planning permission should be refused as there has been a significant number of objections to the proposed plans, both from the local residents and the Parish Council. The negative impact this development is having on the health and wellbeing of the local community should not be dismissed as irrelevant.

People before profit!

I wish to ask for the 3 minute address to the board when this planning permission is discussed. Thank you.

Yours faithfully

A solid black rectangular box redacting the signature of the sender.

Dear Mr Brown,

Thank you for giving us the opportunity to comment on the agenda.

We would firstly like to state our disappointment with the decision that this application will be delegated given the strong objections raised by numerous village residents as well as with the Parish Council, and the strength of feeling against this development within the community.

We note that not all of the objections raised in our original submission have been listed in your report. Specifically, the following points are not included:

- There are better alternative sites previously identified in the parish plan and supported by villagers and the Parish Council
- Lack of prior consultation with the residents and Parish Council. We note that the site was suggested to the land owner by the planning office/ a planning officer circa 3 years ago and that there have been numerous discussions during that time between highways, planning and the applicant, allowing considerable scope for consultation.
- Similarities of this application to a previously refused application within the village (PAP/2017/0067),
- Increased noise and disruption/ loss of tranquillity
- Negative effect to the health and well-being of some residents

It may be the case that you feel that these are not relevant from a planning perspective, but we feel that for completeness and transparency they should be listed.

We also feel that many objections have been understated within the report. Specifically:

- Road safety, including insufficient consideration of the school bus drop off
- The amount of recent development in the village coupled with granted and proposed applications is a significant % increase in property numbers. The combined impact on infrastructure, local services and increased car journeys will also be significant
- Impact on residential amenity. For example, the fact that the proposed development will be elevated in relation to the existing properties is not mentioned or adequately considered.

In addition, the weighting given to the various observations and arguments within the report appear to be subjective and inconsistent. These are summarised below:

Observation	Policy number/ Example comments	Consideration outcome	Our opinion
b) Settlement heirachy	NW2. Planning permission has been granted for 25 houses, so over the 21 agreed and this would suggest a refusal. % increase is small, but limited services are available. The limited new development would be of some benefit to local services.	No significant or demonstrable harm	Outcome does not reflect comments. Some indication of harm required
c) Delivery of sufficient houses	The Council has a 5 year supply of housing	No further comment made	Some indication of harm required
d) Affordable housing	NW6 requires 20% for schemes of 14 and less units, whereas a	Consider NW6 to be out of date in favour of draft	Selective interpretation

	draft policy identifies a lower threshold of 10.	policy	
e) Character and appearance	NW12	Moderate harm	Agreed
f) Heritage impacts	NW14	No harm	Agreed
g) Highway impacts	NW10 Highway Authority has not objected	No conflict	It is not clear whether the Highway Authority has actually responded.
h) Other impacts	NW10 Rear gardens are already overlooked by each other	No significant or demonstrable harm	Rear gardens are NOT currently significantly overlooked, and no consideration made of the increased elevation of the proposed new houses. Some indication of harm required

<b>Applicant's case</b>	<b>Comments</b>	<b>Conclusion</b>	<b>Our opinion</b>
The proposal will help with delivering the Borough's housing requirement	The Council has a 5 year supply, but additional sites becoming available where there is no significant or demonstrable harm would support the Council's position	Significant weight	Weighting too high
Improvements to the village hall car park are beneficial	Not contingent upon the proposal	Moderate weight	Weighting too high
Recreational contribution through a Unilateral Undertaking	Such a contribution is not directly related to the proposal	Limited weight	It is not clear why this would have a weighting at all
		<b>Overall conclusion – significant weight</b>	<b>Even if the concluded weightings were accurate, they do not combine into an overall significant weighting</b>

Many thanks for your consideration of these comments and their addition to the agenda.

Yours sincerely

**Jeff Brown**

---

**From:** [REDACTED]  
**Sent:** 03 June 2020 16:34  
**To:** Jeff Brown  
**Subject:** FW: Application at the rear of Townsend Close for nine houses, Newton Regis  
**Attachments:** Planning and Development Board 8 June 2020.pdf

Dear Mr Brown

Thank you for your email below, together with the attachment.

We have reviewed the report to committee and the supporting information and note the recommendation for approval. Whilst we continue to object on policy grounds, we also wish to seek further clarification on the proposed access arrangements and in particular the proposed revised access into 16 Austrey Lane. I do not believe the Report to Committee satisfactorily addresses the concerns raised in our letter dated 11<sup>th</sup> February 2020.

We would refer back to Warwickshire County Council's response to the application (contained in Appendix A of that response), dated 6<sup>th</sup> August 2018. We note in particular point 4 of the Conclusion of that letter, which states 'that the proximity of the access to the Village Hall and 16 Austrey Lane are considered too close to the public highway carriageway'.

It remains unclear within the TA or additional documentation whether this particular point has been satisfactorily addressed.

Appendix B of the TA incorporates the Road Safety Audit Stage 1. The plan that identifies the junction layout refers to the need for the access to number 16 Austrey Lane to be up-graded. This is on private property, for which no authority is given to up-grade the access at this time. The same plan is provided at paragraph 3.26 of the Planning Statement. Again, we have seen no correspondence that addresses these legitimate concerns. Unless these are addressed or confirmed, the Local Authority is approving a planning application that cannot be implemented.

At no time has my client been approached by the applicant in respect of the proposals. Given that my client's property will receive the greatest impact as a result of the proposals, this is very disappointing. My clients continue to be distressed by the lack of response and clarity given the effect on their property. I think it would have been appropriate for a direct response from the applicant to have been issued that clearly addresses this point.

There is nothing within the TA to satisfactorily address the safe access and egress in to and from my client's property provided for within the proposed new junction arrangements, the use of which will increase as a result of the development proposals.

On the basis of the above, without further clarification and confirmation that this issue has been addressed, my clients continue to object to the application and as such would be grateful if this is duly reported to Members and the Chief Executive.

I look forward to hearing from you.

Yours sincerely

[REDACTED]

[REDACTED]  
Newton Regis  
Tamworth  
Staffordshire  
B79 0NP  
[REDACTED]

NWBC Planning Department  
The Council House  
Atherstone  
Warwickshire  
CV9 1DE

19/02/2020

FAO: Jeff Brown, case officer

Dear Sir,

**Reference: PAP/2020/0020**

*Outline application for the erection of 9 dwellings, re-surfacing, line marking and replacement lighting of village hall car park, access alterations to the village hall car park and associated works (all matters reserved except for access).*

I am writing regarding the planning application referenced above; I have reviewed the application in detail, along with all supporting documentation, and have also instructed professional review into the plans. I know the site well having lived in Townsend Close for three years and having grown up in the neighbouring village of Seckington. I wish to respectfully, **yet strongly**, object to the development of houses in this location.

In accordance with Section 38 of the Planning and Compulsory Purchase Act 2004 the starting place for all decisions should be the adopted Development Plan. For this application site this consists of the saved policies in the 2006 Plan, the adopted 2014 Core Strategy and the emerging Local Plan. The emerging Local Plan has reached the 'main modifications' phase and as such, no full weight can be applied to the policy with special reference to the amount of outstanding objection which remains to any given emerging policy.

Policy NW2 of the Core Strategy (CS) sets out the settlement hierarchy for the Borough. It states that development within the Borough will be distributed in accordance with the Borough's settlement hierarchy. The application site is located outside of the settlement boundary as identified in adopted Local Policy. It should be noted that similar policies for the protection of settlement boundaries has no outstanding objections in the emerging plan process, and as such significant weight can be attributed to Policy LP2 – 'Settlement Hierarchy' in the emerging plan.

In addition to this the National Planning Policy Framework (NPPF) (Paragraph 170) states that there should be protection for the best and most versatile agricultural land. Natural England's map of

agricultural land ratings shows this land as being 'excellent' or 'very good' and as such this is worth of retention.

Additionally the NPPF states that there is a presumption in favour of sustainable development (paragraph 11). In this case it is felt that development should be first accommodated within the housing designations of the adopted and emerging plan, but also it should be targeted towards urban settlements and brownfield land, within established settlement boundaries.

Has the development entered into any sort of Biodiversity Offsetting calculations? This is a requirement of national guidance and should take place. It is difficult to foresee how any sort of biodiversity could take place on site given the narrow and contrived development site. This must therefore take place off site.

The submitted Ecological Impact Assessment was carried out in September 2019 – a less than optimal time of year. Is there a plan for this to be re-assessed in April/May/June when reptiles and small mammals are more likely to be visible on site? How is the onsite mitigation to be accommodated on such a small site; log piles, bat boxes, etc...? These need a good offset from proposed residential which is hard to see how it could be accommodated.

The proposed detached garages are close to existing residential gardens on Townsend Close – these could have a significant enclosing effect on the residential amenity and should be relocated. The two storey properties are estimated to sit approximately 2.1 metres higher than the existing properties located in Townsend Close. This will result in them overlooking private residential gardens/properties and result in a loss of privacy, again to the detriment of residential amenity.

Main Road is subject to a large volume of traffic at numerous times of the day. Newton Regis Primary School is located approximately 400 feet from the proposed entrance to the site; parents use Main Road, Townsend Close and the Village Hall for parking during drop off/collection.

The current junction is already subject to an element of confusion due to the existing layout. When vehicles are travelling NE on Main Road and indicate left it is not clear whether they are turning into Townsend Close, residential properties 14/16 Main Road or the Village Hall. I am afraid that an increase in traffic utilising the proposed access road (from the estimated 36 extra cars per day and also the existing users of the Village Hall car park) combined with the newly proposed bell mouth junction will lead to further hazardous situations. Parents and children will be regularly crossing the road into Townsend Close, the proposed access road and Main Road to access the Village Hall car park.

Additionally, the various school buses that arrive at multiple times a day (drop off/collection, school trips, etc) use the village hall entrance as a safe turning space. I am concerned that the proposed access road will not allow a coach (or any large vehicle) to safely turn around without reversing onto the main road which is a blind 90 degree bend. To summarise, I believe that the proposed bell mouth junction will introduce a great deal of confusion to both drivers and pedestrians, which is likely to cause concerns for road safety.

Finally, if this application is to be decided by councillors please take this letter as notice that I would like to speak at the meeting representing the numerous objection letters that NWBC have received. If applicable, please do inform me of any committee date at your earliest convenience.

If you wish to discuss any area of this objection further do not hesitate to contact me on the details provided above. Please confirm receipt of this objection to the email address detailed above.

Kind Regards,

[REDACTED]

Your ref: PAP/2020/0020  
My ref: 200020  
Your letter received: 05 February 2020



Mr J Brown BA Dip TP MRTPI  
Head of Development Control Service  
The Council House  
South Street  
Atherstone  
CV9 1DE

FAO: Jeff Brown

**Environment Services**

PO Box 43  
Shire Hall  
Warwick  
CV34 4SX

Tel: (01926) 412342  
Fax: (01926) 412641  
tonyburrows@warwickshire.gov.uk  
www.warwickshire.gov.uk

05 March 2020

Dear Mr Brown

**LOCATION:** Land North West of Newton Regis Village Hall, Austrey Lane, Newton Regis  
**PROPOSAL:** Outline application for the erection of 9 dwellings, re-surfacing, line marking and replacement lighting of village hall car park, access alterations to the village hall car park and associated works (all matters reserved except for access).  
**APPLICANT:** Mr H Lillingston – Manor Farm Discretionary Settlement

The Highway Authority has the following comments to make in regard to your consultation dated 27 January 2020:

The internal layout of the site has not been viewed as part of the planning application. The layout will be reviewed and commented on as part of the reserved matters application only.

Comprehensive pre-application discussions occurred with the Highway Authority prior to the application being submitted.

As part of those discussions the junction arrangement was agreed, as was moving the vehicular access to the village hall car park and creating an informal pedestrian dropped kerb crossing across Austrey Lane.

The layout appears acceptable but, there are a few concerns:

*Working for  
Warwickshire*

- I. The vehicular access to the car park appears to be less than 5 metres in width. To allow for regular two way movements the car park access should be a minimum of 6.0 metres in width.
- II. Planting on the eastern side of the proposed vehicular access to the village hall is proposed. Drivers leaving the site will need to be able to see approaching non-motorised users and vehicles. So pedestrian intervisibility and vehicular visibility splays will need to be conditioned.
- III. The Highway Authority has been informed that the school bus currently uses the village hall car park to turn around in and to pick-up and drop-off students. If this is the case where will students be picked-up and dropped-off? The proposed access is not suitable for a large vehicle to use. Is it more important for the bus to need to turn around? If it is an issue the bus will need to be re-routed, or the vehicular access to the car park redesigned. As the village hall is private, the use of it for buses to turn around would be by permission of the owner or an overseeing authority. Unfortunately, the bus company may not have the right to use the car park and will have to seek alternative arrangements.

New informal dropped kerb pedestrian crossings will be constructed across the new junction and across Austrey Lane. The proposed location of the crossing over Austrey Lane may change when the Stage 2 Road Safety Audit is carried out. But, based on the speed survey provided the visibility splays from the proposed crossing point can be considered acceptable.

The impact of the proposed development on the capacity of the public highway network is not considered significant.

Therefore, the Highway Authority's response to your consultation is one of no objection subject to the following conditions:

1. No dwelling shall be occupied until the access to the site from Austrey Lane, including a bellmouth, any necessary crossings, footway and carriageway, have been laid out and constructed in accordance with the approved plans and the specification of the Highway Authority.
2. The development shall not be occupied until all parts of the existing accesses within the public highway not included in the permitted means of access have been closed and the highway has been reinstated in accordance with the specification of the Highway Authority.
3. No dwelling shall be occupied until a pedestrian crossing point has been constructed across Austrey Lane in general accordance with the approved drawings and the specification of the Highway Authority.
4. Notwithstanding the drawings submitted the vehicular access to the village hall car park shall be no less than 6.0 metres in width and constructed as a dropped kerb crossover.

5. The development shall not be commenced or continue until visibility splays have been provided to the vehicular access to the site from Austrey Lane with an 'x' distance of 2.4 metres and 'y' distances of 43.0 metres to the near edge of the public highway carriageway. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway.
6. The vehicular access to the village hall car park shall not be used until visibility splays have been provided with an 'x' distance of 2.4 metres and 'y' distances of 25.0 metres to the near edge of the carriageway. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the carriageway.
7. The new vehicular access to the village hall car park shall not be used until pedestrian intervisibility splays have been provided with an 'x' distance of 2.4 metres and 'y' distances of 2.4 metres to the near edge of the footway. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the footway and verge.
8. No development shall commence until full details of the surfacing, drainage and levels of the village hall car parking and manoeuvring areas as shown on the approved plan have been submitted to and approved in writing by the Council. The car park shall not be occupied until the areas have been laid out in accordance with the approved details and such areas shall be permanently retained for the parking and manoeuvring of vehicles.
9. No development shall take place until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority. The approved Construction Management Plan (CMP) shall be carried out as approved.

**Notes:**

- a. Condition numbers 1, 2 and 3 require works to be carried out within the limits of the public highway. Before commencing such works the applicant / developer must enter into a Highway Works Agreement with the Highway Authority under the provisions of Section 184 of the Highways Act 1980. Application to enter into such an agreement should be made to the Planning & Development Group, Communities Group, Warwickshire County Council, Shire Hall, Warwick, CV34 4SX.

In accordance with Traffic Management Act 2004 it is necessary for all works in the Highway to be noticed and carried out in accordance with the requirements of the New Roads and Streetworks Act 1991 and all relevant Codes of Practice. Before commencing any Highway works the applicant / developer must familiarise themselves with the notice requirements, failure to do so could lead to prosecution.

Applications should be made to the Street Works Manager, Budbrooke Depot, Old Budbrooke Road, Warwick, CV35 7DP. For works lasting ten days or less

ten days, notice will be required. For works lasting longer than 10 days, three months notice will be required.

- b. Section 163 of the Highways Act 1980 requires that water will not be permitted to fall from the roof or any other part of premises adjoining the public highway upon persons using the highway, or surface water to flow – so far as is reasonably practicable – from premises onto or over the highway footway. The developer should, therefore, take all steps as may be reasonable to prevent water so falling or flowing.
- c. Pursuant to Section 149 and 151 of the Highways Act 1980, the applicant/developer must take all necessary action to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's/developer's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.
- d. Prior to commencement of development, the applicant is required enter into an agreement with the Highway Authority under Section 59 of the Highways Act 1980. Prior to works taking place on site and following completion of the development, a joint survey shall be undertaken with the County's Locality Officer to agree the condition of the public highway. Should the public highway be damaged or affected as a consequence of the works being undertaken during the development of the site, the developer will be required to undertake work to remediate this damage as agreed with the Locality Officer.
- e. The applicant / developer is required to contribute £75 per dwelling for sustainable welcome packs and to help promote sustainable travel in the local area.

Yours sincerely



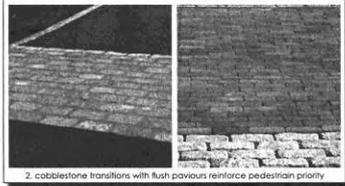
Tony Burrows  
Development Management Engineer

Copy to; Councillor Mr D Parsons, - Polesworth, for information only.

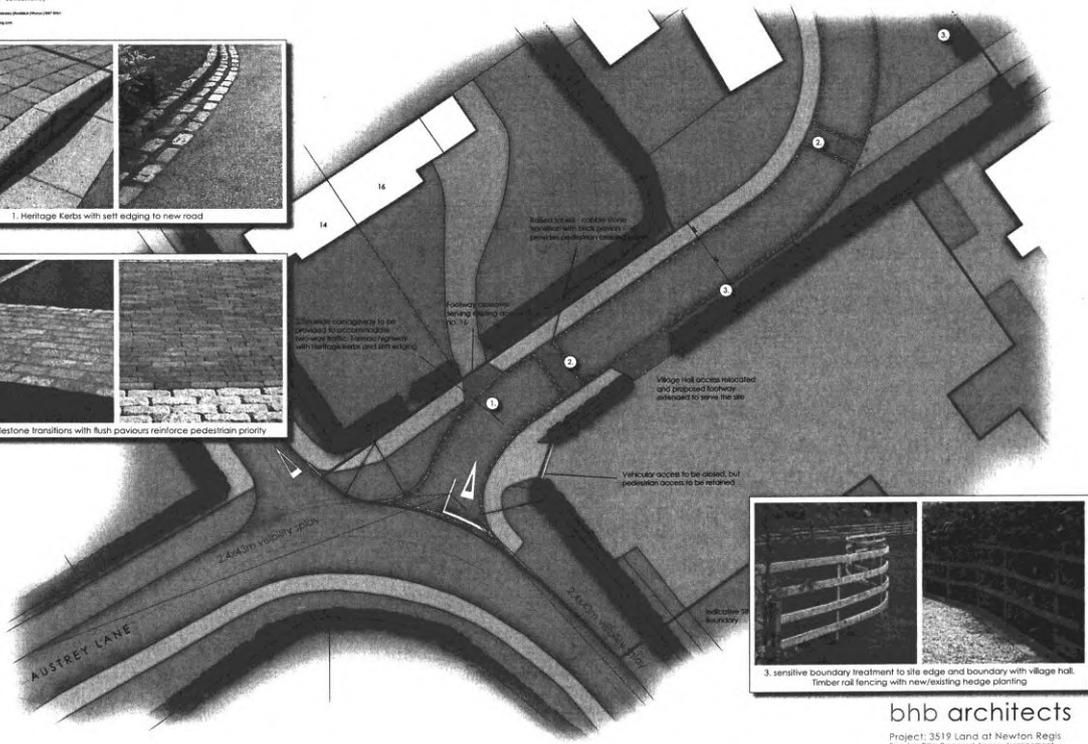
ttc The Transportation Consultancy  
27 Wellington Way, Newton Regis, Gloucestershire, GL20 9JH  
Tel: 01452 861111



1. Heritage Kerbs with self edging to new road



2. cobbles transitions with flush pavements reinforce pedestrian priority



3. sensitive boundary treatment to site edge and boundary with village hall. Timber roll fencing with new/existing hedge planting

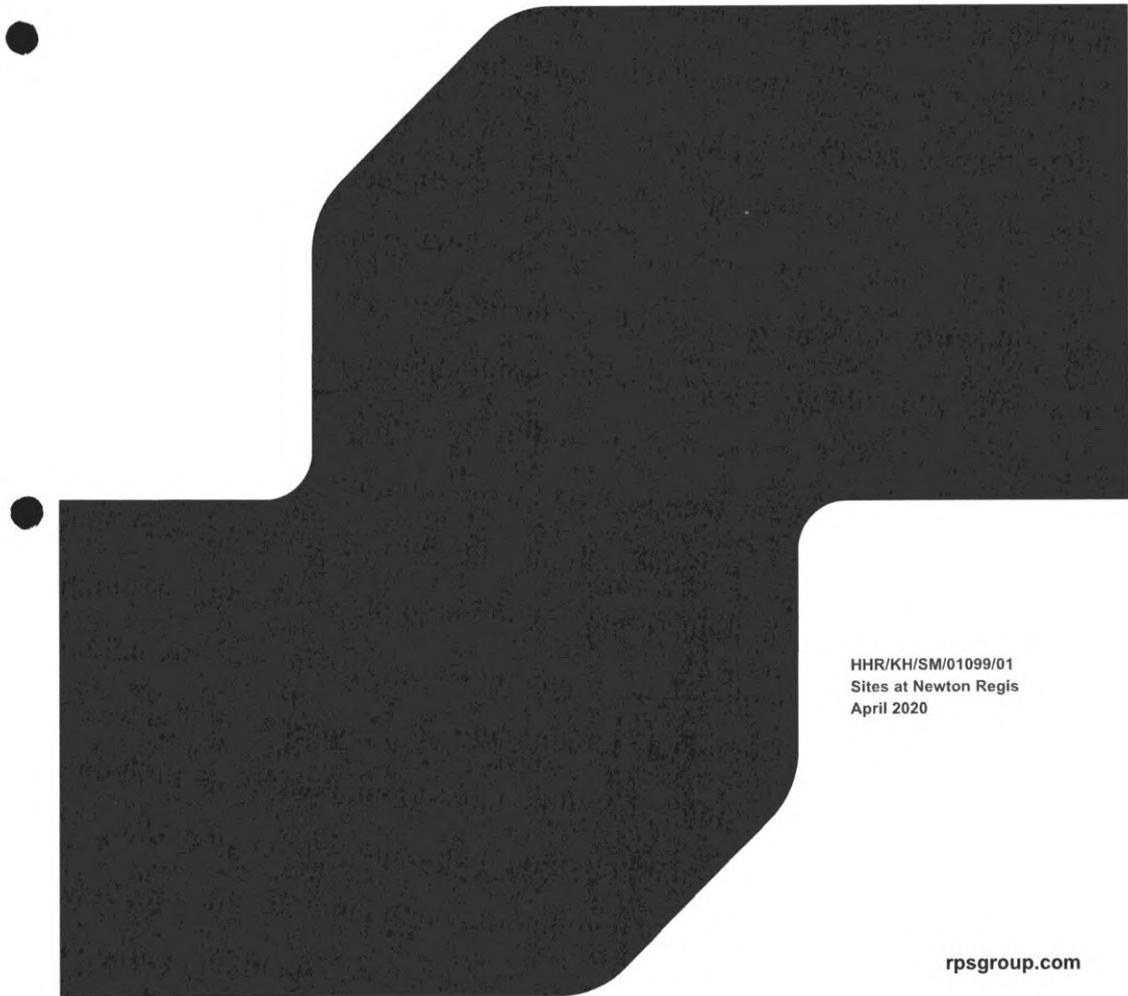
bhb architects

Project: 3519 Land at Newton Regis  
Drawing Title: Proposed Access Arrangement  
Date: July 2020



## BUILT HERITAGE & LANDSCAPE APPRAISAL

Sites at Newton Regis, Warwickshire



HHR/KH/SM/01099/01  
Sites at Newton Regis  
April 2020

[rpsgroup.com](http://rpsgroup.com)

**BUILT HERITAGE & LANDSCAPE APPRAISAL – SITES AT NEWTON REGIS**

<b>Quality Management</b>					
Version	Status	Authored by	Reviewed by	Approved by	Review date
1	Comment	HHR & KH	SM & PH	SM & PH	20/04/2020
2	Final	HHR & KH	SM & PH	SM & PH	21/04/2020

<b>Approval for issue</b>		
Simon Mortimer		21 April 2020

<b>File/Model Location</b>	
Document location:	S:\documents\Historic Buildings Jobs\JCH0000\JCH01099 - Sites at Newton Regis

© Copyright RPS Group Plc. All rights reserved.

The report has been prepared for the exclusive use of our client and unless otherwise agreed in writing by RPS Group Plc, any of its subsidiaries, or a related entity (collectively 'RPS'), no other party may use, make use of, or rely on the contents of this report. The report has been compiled using the resources agreed with the client and in accordance with the scope of work agreed with the client. No liability is accepted by RPS for any use of this report, other than the purpose for which it was prepared. The report does not account for any changes relating to the subject matter of the report, or any legislative or regulatory changes that have occurred since the report was produced and that may affect the report. RPS does not accept any responsibility or liability for loss whatsoever to any third party caused by, related to or arising out of any use or reliance on the report. RPS accepts no responsibility for any documents or information supplied to RPS by others and no legal liability arising from the use by others of opinions or data contained in this report. It is expressly stated that no independent verification of any documents or information supplied by others has been made. RPS has used reasonable skill, care and diligence in compiling this report and no warranty is provided as to the report's accuracy. No part of this report may be copied or reproduced, by any means, without the prior written consent of RPS.

Prepared by:	Prepared for:
<b>RPS</b>	<b>CT Planning, on behalf of the Thorpe Estate</b>
<b>Hannah Hamilton-Rutter BSc(Hons) PGDip MA</b> <b>AssocIHBC</b> <b>Senior Associate Director - Archaeology &amp; Heritage</b>	
<b>Katie Hegmann BA(Hons) MLA CMLI</b> <b>Senior Landscape Architect</b>	
Sherwood House, Sherwood Avenue Newark, Nottinghamshire NG24 1QQ	
T +44 1636 642 707	
E h.hamilton-rutter@rpsgroup.com	

## Contents

<b>1</b>	<b>INTRODUCTION</b> .....	<b>2</b>
<b>2</b>	<b>LEGISLATIVE AND PLANNING POLICY FRAMEWORK</b> .....	<b>3</b>
	Legislation .....	3
	National Planning Policy .....	3
	National Guidance .....	4
	Local Planning Policy .....	5
<b>3</b>	<b>BASELINE ENVIRONMENT</b> .....	<b>6</b>
	General .....	6
	Overview of Landscape Character .....	6
	Visual Resource .....	7
<b>4</b>	<b>SITE 1 – EAST OF KING’S LANE</b> .....	<b>8</b>
	Site Summary .....	8
	Built Heritage .....	8
	Landscape and Views .....	9
	Conclusions .....	10
<b>5</b>	<b>SITE 2A – WEST OF KING’S LANE</b> .....	<b>11</b>
	Site Summary .....	11
	Built Heritage .....	11
	Landscape .....	11
	Conclusion .....	12
<b>6</b>	<b>SITE 2B – EAST OF HAMES LANE</b> .....	<b>14</b>
	Summary of Site .....	14
	Built Heritage .....	14
	Landscape .....	14
	Conclusion .....	16
<b>7</b>	<b>SITE 3 – NORTH OF VILLAGE HALL</b> .....	<b>17</b>
	Site Summary .....	17
	Built Heritage .....	17
	Landscape .....	17
	Conclusion .....	18
<b>8</b>	<b>CONCLUSION</b> .....	<b>19</b>

## Figures

- Figure 1: Site Location Plan
- Figure 2: Planning Designations
- Figure 3: HER Monument Data
- Figure 4: Aerial Photograph
- Figure 5: Zone of Theoretical Visibility (ZTV)
- Figure 6: Topography
- Figure 7: Warwickshire HLC

## Appendices

- Appendix A Historic Environment Record Data Gazetteer
- Appendix B Relevant Landscape Character Extracts

## 1 INTRODUCTION

- 1.1 This Built Heritage & Landscape Appraisal (hereafter referred to as the 'Appraisal') has been researched and prepared by RPS for CT Planning, on behalf of the Thorpe Estate.
- 1.2 This Appraisal provides an overview of the potential built heritage and landscape considerations relating to the potential residential development of four alternative sites within the village of Newton Regis (Figure 1), to determine which are likely to be sensitive to development:
- Site 1: Land east of King's Lane (centred at SK278078, c. 1.5 hectares);
  - Site 2A: Land west of King's Lane (centred at SK278077, c. 0.3 hectares);
  - Site 2B: Land east of Hames Lane (centred at SK277076, c. 1.7 hectares); and
  - Site 3: Land north of Village Hall (centred at SK280077, c. 1.2 hectares).
- 1.3 This Appraisal has been prepared to inform the determination of a live planning application for Site 3 (planning ref: PAP/2020/0020); this is an outline application to North Warwickshire Borough Council (NWDC), for the proposed development of nine dwellings and works to the village hall. The other three Sites (Sites 1, 2A & 2B) have been identified as alternative locations for residential development within the village as part of the consultation process.
- 1.4 With regard to built heritage, this report refers to the relevant legislation contained within the Planning (Listed Buildings and Conservation Areas) Act 1990 and both national and local planning policy. In addition, relevant Historic England guidance notably *The Setting of Heritage Assets* (2017) and *Conservation Principles* (2008) has been consulted to inform the judgements made.
- 1.5 For consideration of Landscape and Visual capacity and constraints of the four Sites, this report has been written in accordance with guidance realised by the Landscape Institute (LI) including; *Guidelines for Landscape and Visual Impact Assessment* (GLVIA3) (Third Edition – April 2013). It is also informed by Natural England's *Topic Paper 6 'Techniques and Criteria for Judging Capacity and Sensitivity'* and capacity work completed within the *North Warwickshire Landscape Character Assessment - Final Report* (August 2010) (NWLCA) completed by FPCR in August 2010. This Appraisal stops short of 'quantifying' landscape capacity but does draw on the topics in the NWLCA to provide a qualitative overview of landscape sensitivity to the type of development here proposed, in this case small-scale residential.
- 1.6 Due to the Covid-19 restrictions on travel, this Appraisal is a desk-top report and the conclusions reached are the result of historic research, the analysis of available baseline data including the Warwickshire Historic Environment Record (HER), the National Heritage List for England (NHLE), information from North Warwickshire District Council (NWDC), Google Streetview, aerial photographs, published landscape character assessments, and the application of professional judgement. NWDC do not currently have an adopted local list of heritage assets, and potential non-designated built heritage assets have been identified from the HER. The findings of this report are based on the known conditions at the time of writing and all maps and plans are for illustrative purposes only.
- 1.7 Relevant Planning Designations, HER Monument Records and an Aerial Photograph are included within Figures 2-4 respectively, to better illustrate the existing heritage and landscape features. A Zone of Theoretical Visibility (ZTV) (Figure 5), a plan showing the Topography (Figure 6) and a plan showing the Warwickshire Historic Landscape Character areas (Figure 7) have also been produced to help further inform this desk-top Appraisal.

## 2 LEGISLATIVE AND PLANNING POLICY FRAMEWORK

### Legislation

- 2.1 Where any development may affect certain designated heritage assets, there is a legislative framework to ensure proposed works are developed and considered with due regard to their impact on the historic environment. This extends from primary legislation under the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 2.2 The relevant legislation in this case extends from section 66 of the 1990 Act with regard to Listed Buildings and their settings, and also Section 72 which considers the character and appearance of Conservation Areas.
- 2.3 Nationally designated landscapes, and their immediate setting, such as National Parks and Areas of Outstanding Natural Beauty (AONB), are protected by the National Parks and Access to the Countryside Act 1949 and the National Planning Policy Framework (NPPF).
- 2.4 The European Landscape Convention (ELC), which the UK ratified in 2006, required its Member States to establish and implement landscape policies aimed at landscape protection, management and planning. This was designed to cover all landscapes and not just those protected by existing landscape designations. However, there are no landscapes designated at a national or a local level within the Study Area, or within the four Sites.
- 2.5 In accordance with the ELC and the GLVIA3, this Appraisal seeks to analyse the individual landscape features and aspects which contribute to the local landscape character of the four sites, their use and value. The results of this Appraisal have then been used to assess the landscape capacity of the four sites to accommodate the change proposed.

### National Planning Policy

#### National Planning Policy Framework (Ministry of Housing, Communities and Local Government, February 2019)

- 2.6 The NPPF is the principal document that sets out the Government's planning policies for England and how these are expected to be applied. The document sets out broad aims to achieve sustainable development in Section 2, including an environmental objective *'to contribute to protecting and enhancing our natural, built and historic environment'* at paragraph 8(c).
- 2.7 Strategic policies regarding Plan-making at Section 3 include, at paragraph 20(d), the sufficient provision for *'conservation and enhancement of the natural, built and historic environment, including landscapes and green infrastructure...'*
- 2.8 It defines a heritage asset as a: *'building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest'*. This includes both designated and non-designated heritage assets.
- 2.9 Section 11: Making effective use of land, recognises the need to safeguard and improve the environment when meeting the needs for development. Paragraph 118(a) recognises that development has opportunities *'...to achieve net environmental gains – such as developments that would enable new habitat creation or improve public access to the countryside; to new habitat creation or the improvement of public access to the countryside.'* Paragraph 122 recognises the *'desirability of maintaining an area's prevailing character and setting... or of promoting regeneration and change'* and *'the importance of securing well-designed, attractive and healthy places'*.

## BUILT HERITAGE & LANDSCAPE APPRAISAL – SITES AT NEWTON REGIS

---

- 2.10 Section 12: Achieving well-designed places, contains policies about achieving high quality design for all development. Planning policies and decisions should ensure that developments ‘...are sympathetic to local character and history, and reflect the identity of the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities),’ Paragraph 127(c).
- 2.11 Section 15: Conserving and Enhancing the Natural Environment. Paragraph 170 states that ‘Planning policies and decisions should contribute to and enhance the natural and local environment by: (a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality)’; (b) recognising the intrinsic character and beauty of the countryside’ including the benefits of trees and woodland...’
- 2.12 Paragraph 180 requires that new development is appropriate to its location, ensuring relatively undisturbed areas retain tranquillity and amenity value, and that the impact of light pollution from artificial light is limited within intrinsically dark landscapes.
- 2.13 Section 16: Conserving and Enhancing the Historic Environment relates to the conservation of heritage assets in the production of local plans and decision taking. It emphasises that heritage assets are ‘an irreplaceable resource, and should be conserved in a manner appropriate to their significance’.
- 2.14 For proposals that have the potential to affect the significance of a heritage asset, paragraph 189 requires applicants to identify and describe the significance of any heritage assets that may be affected, including any contribution made by their setting. The level of detail provided should be proportionate to the significance of the heritage assets affected. This is supported by paragraph 190, which requires LPAs to take this assessment into account when considering applications.
- 2.15 Under ‘Considering potential impacts’ the NPPF emphasises that ‘great weight’ should be given to the conservation of designated heritage assets, irrespective of whether any potential impact equates to total loss, substantial harm or less than substantial harm to the significance of the heritage assets.
- 2.16 Paragraph 195 states that where a development will result in substantial harm to, or total loss of, the significance of a designated heritage asset, permission should be refused, unless this harm is necessary to achieve substantial public benefits, or a number of criteria are met. Where less than substantial harm is identified paragraph 196 requires this harm to be weighed against the public benefits of the proposed development.
- 2.17 Paragraph 197 states that where an application will affect the significance of a non-designated heritage asset, a balanced judgement is required, having regard to the scale of harm or loss and the significance of the heritage asset.

## National Guidance

### Planning Practice Guidance (DCLG)

- 2.18 The Planning Practice Guidance (PPG) has been adopted in order to aid the application of the NPPF. It reiterates that conservation of heritage assets in a manner appropriate to their significance is a core planning principle.
- 2.19 Key elements of the guidance relate to assessing harm. It states that substantial harm is a high bar that may not arise in many cases and that while the level of harm will be at the discretion of the decision maker, generally substantial harm is a high test that will only arise where a development seriously affects a key element of an asset’s special interest. It is the degree of harm, rather than the scale of development, that is to be assessed.

## Historic England Guidance

- 2.20 The following guidance produced by Historic England outlines their approach to the sustainable management of the historic environment and provides a staged approach to the assessment of development proposals on built heritage assets;
- *Conservation Principles* (2008);
  - *Good Practice Advice Note 2: Managing Significance in Decision-Making* (2015); and
  - *Good Practice Advice Note 3: The Setting of Heritage Assets* (2017).

## Local Planning Policy

- 2.21 In considering any planning application for development, the local planning authority will be mindful of the framework set by government policy, in this instance the NPPF, by their current Development Plan Policy and by other material considerations.
- 2.22 The current development plan for North Warwickshire District Council is formed by the *North Warwickshire Local Plan: Core Strategy* (adopted 2014) and the Saved Policies of the *North Warwickshire Local Plan* (adopted 2006). The policies relevant to built heritage and landscape are identified below:
- Core Strategy (2014)
- Policy NW13 Natural Environment
  - Policy NW14 Historic Environment
- Local Plan (2006)
- Policy ENV1 – Protection and Enhancement of Natural Landscape
  - Policy ENV4 – Trees and Hedgerows
  - Policy EN15 – Heritage Conservation, Enhancement and Interpretation
  - Policy ENV16 – Listed Buildings, Non-listed Buildings of Local Historic Value and Sites of Archaeological Importance (including Scheduled Ancient Monuments)
- 2.23 The new draft *North Warwickshire Local Plan – Submission Version* (March 2018) is currently in the process of examination. The following policies are relevant to built heritage and landscape:
- LP14 Landscape
  - LP15 Historic Environment
  - LP16 Natural Environment
  - LP17 Green Infrastructure
- 2.24 There is currently no Neighbourhood Plan or designated Neighbourhood Area for Newton Regis.

## 3 BASELINE ENVIRONMENT

### General

- 3.1 The Study Area (Figure 1) is centred on the village of Newton Regis, within the district of North Warwickshire. The village sits within primarily rural surrounds and lies to the east of Seckington, north-west of Austery and south-west of No Man's Heath. The closest larger settlement is the town of Tamworth, approximately 7 km to the south-west.
- 3.2 The land-use within the Study Area outside of the village settlement is arable farming, with a range of small, medium and large field patterns, mostly regular in shape. There are a few woodland / plantations, one of which to the north of the village, which falls just within the Study Area, is designated as Ancient Woodland.
- 3.3 The Newton Regis Conservation Area (NRCA) covers a large portion of the village and includes numerous listed buildings and Tree Preservation Orders (TPOs) (Figure 2). The Church of St Mary (Grade II\* Listed Building) dates from the 13th with later additions and provides a landmark within the centre of the village. There are further Listed Buildings (see Appendix A) within the NRCA which identify the historic village core. Elsewhere within the village there are modern buildings of various styles; these have generally been built along the main roads extending out of the village and on cul-de-sacs off these main roads.
- 3.4 There is a primary school (Newton Regis C of E), a village hall, village green / sports field with a formal playground, cricket ground and nets, hard tennis courts and bowls club which adjoin the western entrance into the Village on Austery Lane.
- 3.5 There are several Public Rights of Way (PRoW) which cross the Study Area linking Newton Regis to neighbouring villages. The closest PRoW to the four sites includes T134 and T137. PRoW T134 traverses north-west to south-east within the field to the north of the village to join Kings Lane. T137 exits the eastern extent of the village travelling north-east towards Newton Gorse before joining Austery Lane. The M42 is located between Newton Regis and Austery following a north-east to south-west orientation. The B5493 crosses the Study Area to the north of the village and there is access into the settlement from this B road via King's Lane.

### Overview of Landscape Character

- 3.6 The current landscape character assessment for this Appraisal is the *North Warwickshire Landscape Character Assessment - Final Report* (August 2010) (NWLCA) completed by FPCR in August 2010. This report also includes a Landscape Capacity Study (LCS) for the land adjacent to the main settlements and local service centres within the District. The LCS does not cover the village of Newton Regis. The NWLCA also provides an overview of the Warwickshire Landscape Guidelines, which were prepared in 1993 by Warwickshire County Council and the Countryside Commission (now Natural England), which provides reference to the more refined borough level study.
- 3.7 Within the NWLCA, the Study Area is all within LCA 72: Mease / Sence Lowlands, which covers the northern and north-eastern part of the District. All four sites are within the district level Landscape Character Area 1: No Man's Heath to Warton – Lowlands, details of this LCA can be seen in full in Appendix B. The Key Characteristics of LCA 1: No Man's Heath to Warton – Lowlands are detailed as below;

#### *Key Characteristics*

- *A distinctive shallow bowl landform of gently undulating low rounded hills that contain a central valley;*

## BUILT HERITAGE & LANDSCAPE APPRAISAL – SITES AT NEWTON REGIS

- *Mixed open agricultural landscape with a scattering of small red-brick, nucleated hill top villages with visually prominent church spires;*
  - *Dense network of minor country roads and lanes, bordered by grass verges, some towards the north containing hedges with bracken hint at former heaths;*
  - *M42 cuts through centrally;*
  - *Strong rectilinear hedge pattern of late enclosure with in parts extensive very open areas of arable cultivation on the more elevated land, particularly towards Orton-on-the-Hill;*
  - *Small flat pastoral fields on lower land, associated with a number of small tributaries of the Anker River particularly notable at Austrey Meadows;*
  - *Tree cover confined to small regularly shaped game coverts and hedgerow trees;*
  - *Wide open views across the character area from the elevated fringes, from lower land views across open fields to near escarpments.'*
- 3.8 It is considered that in general the Study Area is consistent with these LCA key characteristics. To further inform this assessment, the current Historic Landscape Assessment has been reviewed to provide additional baseline information for the Appraisal.
- 3.9 English Heritage and Warwickshire County Council worked to produce the Warwickshire Historic Landscape Characterisation Project in June 2010 (Figure 7). Sites 1 and 3 are within HLC Type 'Planned Enclosure (16)', described as;
- 'Small or large enclosures with a predominantly straight boundary morphology giving a geometric, planned appearance. Laid out by surveyors these field patterns are the result of later enclosure during the 18th and 19th centuries. This includes commons enclosed by Act of Parliament.'*
- 3.10 Sites 2A and 2B are within HLC Sub-type 'Large Irregular Fields (13)', as below;
- 'Large irregular fields with a number of sinuous boundaries which cannot be assigned to one of the other historic landscape character types. Includes enclosure patterns created through the amalgamation of fields since the publication of the 1st edition OS mapping.'*

### Visual Resource

- 3.11 A Zone of Theoretical Visibility (ZTV) has been prepared. It defines the approximate extent of the surrounding area from which views would be theoretically possible to new buildings on the four Sites. It was prepared using a view height of 1.7 m and four origin points positioned at the approximate centre of each Site. It assumes that new buildings within each site would be 2-storey properties at 7.5m above existing ground level (agl). The ZTV includes visual barriers for significant blocks of woodland and settlement. As the ZTV does not account for garden vegetation, hedgerows or individual trees, the potential inter-visibility with any proposed development on the four Sites would in reality be further reduced. See Figure 5 for more details.
- 3.12 As shown on Figure 5, development at Site 1 would be theoretically most visible, particularly from within views from PRoW to the west of the village due to its extension to the north of the settlement, resulting in few settlement barriers. However, existing mature trees along Kings Lane, and intervening field boundary vegetation would likely restrict and filter views. It is marginal, but the least visible of the 4 Sites theoretically would be Site 3; due to the screening to views provided by the existing settlement and its location on the eastern extent of the village.

## 4 SITE 1 – EAST OF KING’S LANE

### Site Summary

- 4.1 Site 1 comprises the south-western part of a large agricultural field situated to the eastern side of King’s Lane at the northern edge of the village. The western and southern boundaries of this site are formed by mature hedgerows interspersed with mature trees, and adjacent to the south of the site, are the rear gardens of buildings along King’s Lane and Townsend Close.

### Built Heritage

- 4.2 There are no designated or non-designated built heritage assets located within Site 1 (Figures 2 & 3). The potential development of this site would therefore cause no direct (physical) harm to any built heritage asset.
- 4.3 There are no designated built heritage assets within the immediate vicinity of Site 1 and there is no evidence of a historic functional association between the site and any identified built heritage asset.
- 4.4 The nearest designated built heritage asset to Site 1 is the Newtown Regis Conservation Area which is approximately 203m to the south-west of the site. As shown from the ZTV (Figure 5), there is some potential inter-visibility between new development within Site 1 and the eastern edge of the Conservation Area at the junction of Main Road, Austrey Lane and King’s Lane.
- 4.5 This part of the Conservation Area’s setting is largely formed by modern residential development along King’s Lane which extends to the south-western corner of Site 1. This part of the site and its boundaries form part of the background to this view. Site 1 is therefore considered to comprise part of the Conservation Area’s wider setting and the residential development of the site has the potential to cause harm to its significance through development within its setting.
- 4.6 Due to the elevated position and height of the spire of the Church of St Mary (Grade II\* Listed Building, NHLE: 1116451) which is located approximately 268m to the south-west of Site 1, there may be glimpsed views of the spire from the site, most likely from the higher ground, within the north-east of the site, albeit existing vegetation would partially restrict and filter these views. These would therefore appear to be incidental views rather than the result of any designed landscape, and the intervening built development which would form the foreground of any views of the spire from the site is generally of modern twentieth century buildings. Any residential development within Site 1 would be seen in the context of the adjacent existing modern development already present within the setting of the Church of St Mary, and it is therefore unlikely that the development of the site would cause harm to the significance of the heritage asset.
- 4.7 Site 1 is considered not to form part of the setting of any potential non-designated built heritage assets identified on the HER (Figure 3) due to the intervening built development, vegetation and changes in topography. There is also no evidence of a historic functional association between the site and any of these heritage assets.
- 4.8 The Newton Regis Medieval Settlement (HER ref: MWA9547) is located adjacent to the south-western corner of Site 1. This is a heritage asset of negligible heritage significance as its legibility and understanding has been adversely affected by the modern development within the village and it is now only understood from documentary evidence. The Conservation Area now more accurately defines the extent of the historic core and the areas of most heritage significance within the village. Consequently, the proposed development of Site 1 would not have any impact on this heritage asset.

## Landscape and Views

- 4.9 Within the HLC, Site 1 falls within 'Sub-Area Planned Enclosure' and is specifically listed within the HLC data as; '*Area of large rectilinear fields with straight boundaries laid out in a regular geometric pattern. Some field boundaries have been lost giving a more un-ordered appearance,*' (HLCUID Ref: HWA1455).
- 4.10 The landform (Figure 6) of Site 1 slopes gradually, and mostly consistently, from east to west. The higher parts of the site would be potentially visible on approach to the village from Kings Road over existing hedgerows, more so than the lower parts of the site closer to Kings Road. The Site is in active use for arable farming, but the field adjoins the existing residential edge and Kings Road, and so also forms a fringe landscape to the residential area, albeit due to the established vegetation on the boundaries to the settlement, it does still retain some rural character. The land to the north is a large-scale, open rural landscape.
- 4.11 As for landscape features, the mature trees and established hedgerows could be potentially affected by development of this Site, and careful protection of their Root Protection Areas (RPAs) would need to be enforced. These trees are considered to have a high amenity value, and so would be an important constraint to any onward development on this site. To get safe access into Site 1, some of these trees and hedgerows might need to be removed due to required visibility splays. The direct impacts upon this existing vegetation would have negative effects upon the localised landscape character and their existing screening value.
- 4.12 The Site, from desktop inspection, seems to be in Good landscape condition and is an actively farmed field. There is a direct relationship with the settlement edge on this Site, but as mentioned above, the mature vegetation along its boundaries provide some separation from the existing village.
- 4.13 This site would extend the village to the north, which, whilst mirroring the much older development to the west off Hames Lane, would not quite be in-keeping with the overall morphology of Newton Regis, and would change part of a large-scale field with some open rural characteristics to that of a housing area.
- 4.14 Of the four Sites, the ZTV (Figure 5) indicates that Site 1 would potentially be the most visible of the site options. The access into the village from Kings Road is considered the more rural of the accesses, compared to the other, larger roads, i.e. Main Road and Newton Lane / Austery Lane. However, as previously stated, the ZTV does assume a 'worst-case' scenario. In reality, field boundaries, garden vegetation and individual trees, would also provide some screening to views to the site.
- 4.15 There would be glimpsed and filtered views to proposed development within Site 1 from Kings Road, although the mature trees along the hedgerow adjoining the site would provide some screening. There are some heavily filtered views towards existing development adjoining the site within views from this approach.
- 4.16 There would also be filtered views over the road towards Site 1 from PRoW (No. T134) travelling south-east. There is an available, but glimpsed view through a field gate gap on exiting the village on Kings Road, looking over this Site, to the rural land to the north-west and to higher ground.
- 4.17 In terms of landscape value, there are no landscape designations or historic references (as mentioned above) that would be directly affected. New buildings within Site 1 would be discernible from areas within the setting to the NRCA. The existing vegetation is considered to be of value. There is currently no public access onto this Site, as such it would appear to be of limited recreational value, albeit unofficial use of the site, i.e. by dog-walkers, is unknown.

## Conclusions

- 4.18 The proposed development of Site 1 has the potential to affect the significance of the Newton Regis Conservation Area which forms part of its wider setting. There would be the potential harm to valued landscape features, i.e., mature trees, and the obstruction to glimpsed views to the rural setting on exiting the village would be a noticeable change. The proposed development here would, without some extensive new landscape planting, also be detrimental to the character of the entrance into the village from the north, which – from this single lane road – is considered more rural in nature to other accesses into the village.

## 5 SITE 2A – WEST OF KING’S LANE

### Site Summary

- 5.1 Site 2A is located at the northern edge of the village to the west side of King's Lane. It comprises the eastern part of a larger agricultural field which extends to Hames Lane to the south-west of the site. The southern boundary is formed by mature poplar trees which edge a private driveway to a residential dwelling 'Newton Lodge', which was historically an access track to Newton House. There is an open, ditched boundary to the northern edge of the site where it is adjacent to a further field, and the site is bound to the east along King's Lane by a mature hedgerow and trees.

### Built Heritage

- 5.2 There are no designated or non-designated built heritage assets located within Site 2A. The potential development of this site would therefore cause no direct (physical) harm to any built heritage asset.
- 5.3 There are no designated built heritage assets within the immediate vicinity of Site 2A and there is no evidence of a historic functional association between the site and any identified built heritage asset.
- 5.4 The *Newton Regis Conservation Area* and *Newton House* (Grade II Listed Building, NHLE: 1319960) are located approximately 130m and 160m to the south-west of the site respectively. Whilst Site 2A is not located directly adjacent to these built heritage assets, it forms part of their wider open, undeveloped setting to the north and north-west. This contributes to the significance of the Conservation Area and Newton House as part of their rural context, allowing them to be understood as forming the historic extent of the village. The development of Site 2A therefore has the potential to cause harm to the significance of the Conservation Area and Newton House through development within their settings.
- 5.5 The *Church of St Mary* (Grade II\* Listed Building, NHLE: 1116451) is located approximately 230m to the south-east of Site 2A and, by virtue of the height of the spire and elevated location of the church, there may be glimpsed views of the spire from the site. These are likely to be incidental views and intervening modern built development would form the foreground of any views towards the church from the site. Any residential development within Site 2A would therefore be seen in the context of the adjacent existing modern development already experienced within the setting of the Church of St Mary.
- 5.6 Site 2A is not considered to form part of the setting of the majority of the potential non-designated built heritage assets identified on the HER (Figure 3) due to the intervening built development, vegetation and changes in topography. The negligible heritage significance of the *Newton Regis Medieval Settlement* (HER ref: MWA9547) is discussed at paragraph 4.8. It would not be affected by the development of Site 2A.

### Landscape

- 5.7 Within the HLC, Site 2A falls within 'Sub-area Large Irregular Fields' and is specifically listed within the HLC data as; *'Large irregular fields with predominantly curvilinear boundaries on the edge of Newton Regis. Evidence of ridge and furrow in fields. In very southern part possible house platforms or earthworks relating to the Medieval settlement of Newton Regis.'* (HLCUID Ref: HWA1472).
- 5.8 The landform (Figure 6) of Site 2A falls more sharply within the east of the site, and then slopes gradually from east to west. On the approach from Kings Road, the site would be visible between mature trees along the western side of the road, with the view being mostly open within the immediate vicinity.

## BUILT HERITAGE & LANDSCAPE APPRAISAL – SITES AT NEWTON REGIS

---

- 5.9 From desktop survey there appears to be some inconsistencies between the purchased aerial mapping and Street View with regards to the use of the field. The Site could be used for arable farming or if could be set aside, unimproved former farmland. If set aside, the condition of the landscape would be reduced but its value in terms of biodiversity and amenity value could be higher. The field at this point adjoins the access to the recently built Newton Lodge and was historically the access to Newton House. The track is lined by regular planted poplar trees which provide further 'residential' character. There are open views to the rural setting to the village to the north.
- 5.10 As for landscape features, the line of mature Poplars and hedgerow along the southern boundary of the site would provide some constraints to development, and the Root Protection Areas (RPAs) would need to be kept clear of any ground disturbance. The mature trees along the western side of Kings Road would also need consideration. These trees are considered to have a medium to high amenity value, and so should be retained unaffected as part of any onward development on this site. As with Site 1, access into the site may result in some tree and hedgerow removal which would be a direct effect upon the landscape features and screening, resulting in some locally adverse landscape character effects.
- 5.11 There is a direct relationship with the settlement edge on this Site, but the mature boundaries and the tree lined access track provide some separation from the village, and this area was historically part of the Newton House estate.
- 5.12 This site would extend the village to the north to continue development along the west side of Kings Road. Development here would be more in keeping with the way Newton Regis has expanded, in comparison to Site 1, but there would be potentially more harm to the setting of the heritage assets as described above, given its proximity to the listed buildings and NRCA.
- 5.13 Site 2A would potentially be the most visible from within views from the PRoW network from the North, most notably PRoW (No. T134) travelling south-east, and for road users accessing the village from Kings Road. There would also be the potential for views to a proposed development on Site 2A from the northern edges of the village (Figure 5). Views from the PRoW to the village feature the church spire as a landmark and already include heavily filtered views towards the settlement. But, given the absence of established boundary vegetation along the southern part of this site, development here would be a noticeable change to the views on approach to the village, and to the setting to the Conservation Area within views from this direction. New planting would need to be substantial, but the change to views would likely remain noticeable.
- 5.14 The access into the village from Kings Road is considered the more rural, compared to the larger roads of Main Road and Newton Lane / Austery Lane. Development in this location, given the open boundaries to the north, would likely cause a noticeable change to views from this approach.
- 5.15 There is a glimpsed view over Site 2A to the western part of the village and the NRCA, and to the rural area to the north when exiting the village. Development here would obstruct this view.
- 5.16 In terms of landscape value, there are no landscape designations or historic references (as mentioned above) that would be directly affected. New buildings within Site 2A would be within the wider setting to the NRCA. The existing vegetation is considered to be of value. It is assumed that there is currently no formal public access onto this Site, as such it would have limited or no recreational value, but it would potentially be of some visual amenity value to occupiers of the neighbouring residential properties which it adjoins.

## Conclusion

- 5.17 Site 2A forms part of the wider setting of the Newton Regis Conservation Area and the Grade II Newton House. The development of the site would therefore have the potential to cause harm to the significance of both of these heritage assets through development within their settings.

**BUILT HERITAGE & LANDSCAPE APPRAISAL – SITES AT NEWTON REGIS**

---

- 5.18 Further, proposed development at this site would be open to views from the PRow network to the north and would impact upon the rural landscape character of the existing access into the village from the north.

## 6 SITE 2B – EAST OF HAMES LANE

### Summary of Site

- 6.1 Site 2B is located to the eastern side of Hames Lane at the northern edge of the village. It forms the central part of a larger agricultural field and its southern and western boundaries are generally formed of mature vegetation and trees. There is a more open boundary to the north and east. It is adjacent to existing built development to the northern side of Main Road, albeit set quite far back due to the large garden plots, and pasture on the other side of the former access track to Newton House. The site does adjoin existing buildings within the Breakmills complex.

### Built Heritage

- 6.2 There are no designated built heritage assets located within Site 2B. As shown by Figure 3, the Newton Regis Medieval Settlement (HER ref: MWA9547) partially extends into the southern area of the site; the negligible heritage significance of this asset is discussed at paragraph 4.8 and it does not merit consideration in the assessment of the development of this site.
- 6.3 Site 2B is situated directly adjacent to the northern boundary of the Newton Regis Conservation Area, which also extends along Hames Lane to the east of the site. It also forms part of the wider setting to the rear of the two listed houses along the northern side of Main Street: Newton House (Grade II Listed Building, NHLE: 1319960) and Pool Cottage (Grade II Listed Building, NHLE: 1034687).
- 6.4 In its present state, Site 2B comprises part of the open undeveloped setting of these built heritage assets and forms part of the rural context within which the historic core of the village is appreciated and experienced, contributing to their significance. The Conservation Area is particularly sensitive to the proposed development of Site 2B as development within it would be visible as part of views east from Hames Lane, a small rural road which reinforces the rural character of the historic core of the settlement.
- 6.5 The proposed development of Site 2B therefore has the potential to cause harm to the significance of a number of designated built heritage assets through changes within their settings.
- 6.6 Due to the elevated position and height of the spire which is located approximately 170m to the south-west of Site 2B, there may be glimpsed views of the spire from the site. These appear to be incidental views rather than the result of any designed landscape, and the intervening built development, which would form the foreground of any views of the spire from the site, is generally of modern twentieth century construction. Any residential development within Site 2B would be seen in the context of the adjacent existing modern development already experienced within the setting of the Church of St Mary, and therefore the development of the site would be unlikely to cause harm to the significance of the church.
- 6.7 Site 2B is not considered to form part of the setting of any potential non-designated built heritage asset identified on the HER (Figure 4) due to the intervening built development, vegetation and changes in topography. There is also no evidence of a historic functional association between the site and any of these assets.

### Landscape

- 6.8 Similarly, to Site 2A, Site 2B falls within 'Sub-area Large Irregular Fields'. It is specifically listed within the HLC data as; '*Large irregular fields with predominantly curvilinear boundaries on the edge of Newton Regis. Evidence of ridge and furrow in fields. In very southern part possible house platforms or earthworks relating to the Medieval settlement of Newton Regis,*' (HLCUID Ref: HWA1472).

## BUILT HERITAGE & LANDSCAPE APPRAISAL – SITES AT NEWTON REGIS

---

- 6.9 There is a very shallow gradient within this site (Figure 6), with a very slight decline from east to west, before the land rises again in the rear garden of Breakmills to the west. On approach from Kings Road, the site would be visible between mature trees along the western side of the road. It is anticipated that development on this site would be more visible within local views than that on Site 2B and 1, due to its increased scale, the orientation of the access road and absence of intervening vegetation.
- 6.10 As with Site 2A, there is inconsistency between the purchased aerial mapping and Street View with regards to the use off the field. The Site could be used for arable farming or if could be set aside, unimproved former farmland. If set aside the condition of the landscape would be reduced but it's value in terms of biodiversity and amenity value could be higher. The field at this point adjoins the poplar lined former access track to Newton House and there are filtered views to adjoining properties to the west, providing elements of a residential edge character. The set back of properties and extensive garden planting does provide a greater separation and reduces the suburban influences on this site compared to Site 2A and Site 1. There are open northerly views to the rural setting to the village.
- 6.11 As for landscape features, the line of mature Poplars and hedgerow along the south-eastern boundary and on the residential edges, would provide some constraints to development, and the RPAs of these trees would need consideration. These trees are considered to have a medium to high amenity value, and so would be a constraint to any onward development on this site. Access into the site from Hames Lane would result in some tree and hedgerow removal which would be a direct effect upon the landscape features and their screening Resulting in some locally adverse landscape character effects.
- 6.12 There is a direct relationship with the settlement edge on this Site, but the mature boundaries and the tree lined access track provide some separation to the village, and this area was historically part of the Newton House estate.
- 6.13 This site, in terms of village morphology and settlement pattern, if developed, would seem somewhat detached from the village, and would close the historic gap within the NRCA between the village pub, Newton House and the farmhouses to the north along Hames Lane. The loss of this green gap within the setting to the conservation area would be a noticeable change to the local landscape character.
- 6.14 Site 2B would likely be visible from within views from the PRoW network from the North, most notably PRoW (No. T134) travelling south-east, and from the access into the village from Kings Road. There would also be the potential for views towards proposed development here from the northern edges of the village and from properties along Hames Lane (Figure 5).
- 6.15 As with Site 2A, views from the PRoW to the village would feature the church spire as a landmark above the tree line, alongside filtered views to the chimneys and roofscapes of other buildings within the NRCA. Development within Site 2A would in part obstruct views to this part of the village and would bring development closer to visual receptors with limited existing screening. There would be a noticeable change to the view, including a change to the setting to the Conservation Area within views, from this direction. New planting would need to be substantial, but the change would likely remain noticeable and adverse upon views from the PRoWs and Kings Road.
- 6.16 In terms of landscape value, there are no landscape designations that would be directly affected. The setting to the Conservation Area would be altered by introducing new development within Site 2B. The existing vegetation is considered to be of value and would need to be protected where possible. It is assumed that there is currently no formal public access onto this Site as such it would have limited or no recreational value, but it would potentially be of some visual amenity value to those neighbouring residential properties which it adjoins.

## Conclusion

- 6.17 The proposed development of Site 2B has the potential to cause harm to the significance of the Newton Regis Conservation Area and the Grade II Listed Buildings Newton House and Pool Cottage.
- 6.18 As with Site 2A, proposed development at Site 2B would be open to views from the local PRoW network and be a noticeable suburbanising character to the access into the village from the north. Further, development here would close a historic 'green gap' (not designated) within the setting of the NRCA.

## 7 SITE 3 – NORTH OF VILLAGE HALL

### Site Summary

- 7.1 Site 3 is located at the eastern edge of the village to the north of the village hall, which is accessed off the junction of Townsend Close and Austrey Lane. The site forms part of a larger agricultural field which is bounded by hedgerows and mature trees and is situated directly adjacent to the modern residential development (post 1900s / Pre 1955) along Townsend Close and the Sports Fields near the Village Hall.

### Built Heritage

- 7.2 There are no designated or non-designated built heritage assets located within Site 3. The potential development of this site would therefore cause no direct (physical) harm to any built heritage asset.
- 7.3 There are no designated or non-designated built heritage assets within the immediate vicinity of Site 3 and there is no evidence of a historic functional association between the site and any identified built heritage asset.
- 7.4 The nearest built heritage asset to Site 3 is the *Newton Regis Conservation Area* which is situated approximately 158m to the south-west of the site on Main Road. The site is separated from the Conservation Area by existing modern development along King's Lane, Austrey Lane and Townsend Close which would screen any development within Site 3 and as shown by the ZTV (Figure 5), there is unlikely to be any inter-visibility between the Conservation Area and Site 3. It is therefore considered that the site is unlikely to form part of the setting to the Conservation Area and the development of Site 3 would not cause harm to the significance of this heritage asset.
- 7.5 Due to the elevated position and height of the spire of the Church of St Mary, there may be glimpsed views of the spire from the site. These appear to be incidental views rather than the result of any designed landscape, and the intervening built development which would form the foreground to any views of the spire from the site is generally of modern twentieth century origin. Any residential development within Site 3 would be seen in the context of the adjacent existing modern development already experienced within the setting of the Church of St Mary, and it is unlikely that the proposed development of Site 3 would cause harm to the heritage significance of the church.

### Landscape

- 7.6 Within the HLC, Site 3 falls within 'Sub-Area Planned Enclosure' and is specifically listed within the HLC data as; '*Area of large rectilinear fields with straight boundaries laid out in a regular geometric pattern. Some field boundaries have been lost giving a more un-ordered appearance,*' (HLCUID Ref: HWA1455).
- 7.7 The landform (Figure 6) of Site 3 slopes gradually first and then more steeply, from east to west. The Site is in active use for arable farming, but the field adjoins the existing residential edge and amenity land at the village hall and sports field, and so also forms a fringe landscape to the residential area. The limited vegetation between the site and this residential edge means that despite its arable use, this site shares a relationship with the suburban edge of the village.
- 7.8 As for landscape features, there are few mature trees adjoining this site, and hedgerows. However, those which occur should be considered as part of any future development proposal. These few trees and hedgerows are considered to have a medium to high amenity value, and so would be an important constraint to be considered in any onward development on this site. Access into Site 3 would share the entrance on the corner of Austrey Lane, which serves the entrance to the village hall, and then via a small part of the existing track, which is also a PRoW (No. T137). There would be very limited vegetation removal to allow for this new entrance, but the footpath would perhaps

## BUILT HERITAGE & LANDSCAPE APPRAISAL – SITES AT NEWTON REGIS

---

- need realigning or subdividing from the main access road. There would be limited direct effects upon vegetation and a short stretch of the PRoW (No. T137).
- 7.9 The Site, from desktop inspection, seems to be in good condition as an active farming field. There is a direct relationship with the settlement edge on this Site with some limited separation from the suburban edge of the village.
- 7.10 This site would extend the village to the east, which, given the location of the sports fields and the village hall, and the existing relationship with the residential edge, would be in-keeping with the existing settlement pattern of Newton Regis. However, this would also extend development into a part of a medium-size field with some limited open rural characteristics.
- 7.11 The ZTV (Figure 5) shows Site 3 would be potentially visible from a more restricted part of the Study Area than other sites, due to the screening to views provided by the existing village. In reality, this potential visual envelope would also be much reduced by existing vegetation within field boundaries, garden vegetation and individual trees which are not included in the ZTV. Potential views from the north would be mostly restricted by intervening field boundary vegetation. There would also be limited views for users of the access into the village along Newton Lane / Austrey Lane.
- 7.12 There would be very heavily filtered views to any proposed development on approach to the village from Austrey Lane. There are some heavily filtered views towards existing buildings adjoining the site and along Main Road within views from this approach. There is an open view towards the Church Spire and a proposed development on the site wouldn't cause any obstruction to this, or any above features of note, within the views.
- 7.13 Further, there would be open views towards Site 3 from the PRoW (No. T137) travelling west. The spire to the Church would be visible from within the site and from the footpath, but much of the remaining NRCA would be screened by existing buildings. This view includes partially open views towards the properties at Townsend Close and the Village Hall. Development within the site would bring built form closer within the view but would be within a part of it that is already affected by post war development within the eastern part of the village.
- 7.14 In terms of landscape value, there are no landscape designations or historic references (as mentioned above) that would be directly affected. The existing vegetation is considered to be of some value, but there would be limited need for its removal. A PRoW adjoins the southern boundary but the site itself is private land. There site would also have some amenity value for occupiers of the neighbouring residential properties.

### Conclusion

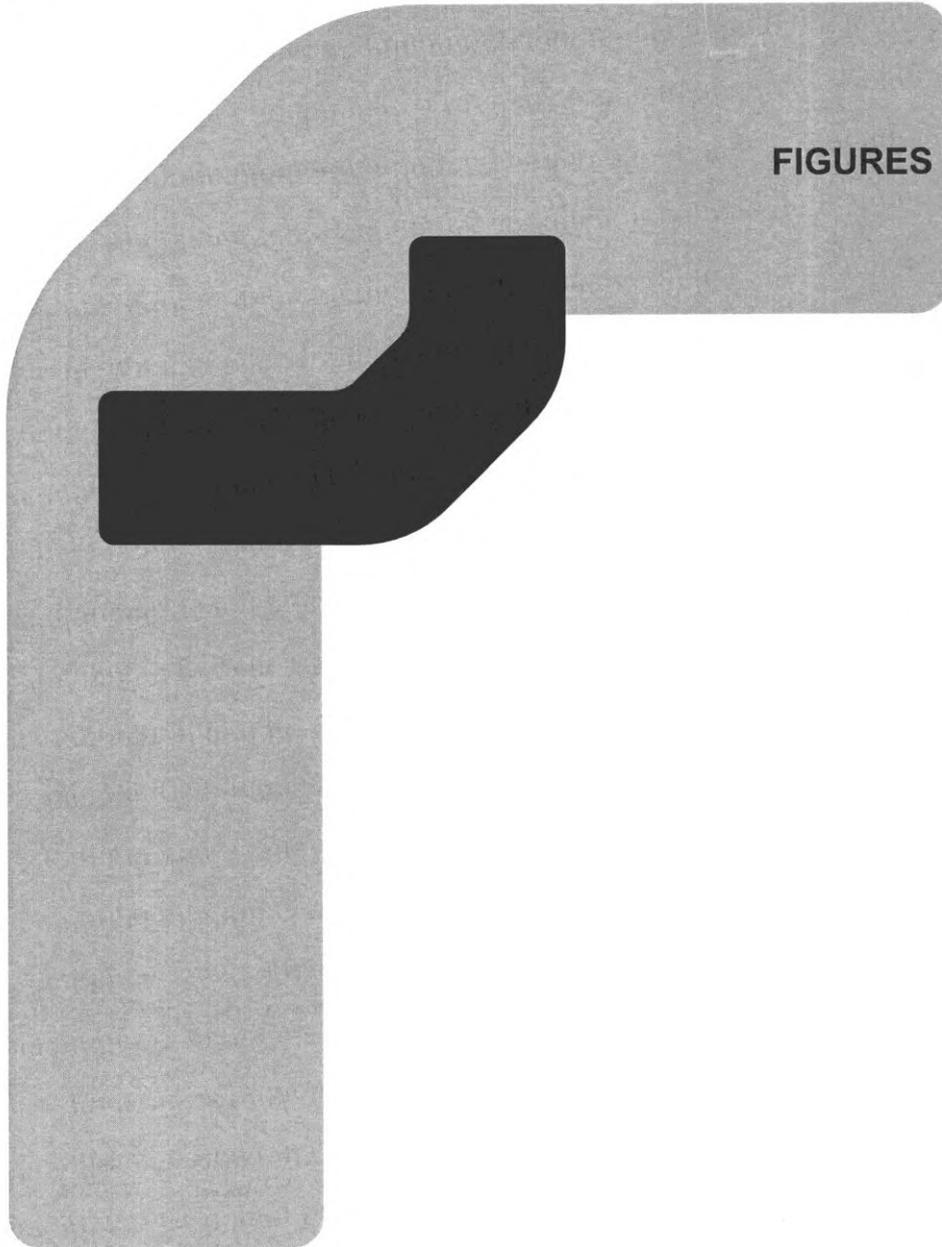
- 7.15 The proposed development of Site 3 would be unlikely to cause harm to the significance of any of the identified built heritage assets as it does not form part of their respective settings.
- 7.16 Development would be visible for users of the PRoW along the southern boundary of the site, however views from this footpath include existing open views due through limited existing vegetation to the more recent residential edge of Newton Regis.
- 7.17 Of the four sites considered in this study, this site represents the most appropriate extension to the village, given its existing enclosure and association with the residential edge of the village, the village hall and sports fields to the south, as well as the limited potential loss of existing vegetation.

## 8 CONCLUSION

- 8.1 This Appraisal has been prepared by RPS for CT Planning, on behalf of the Thorpe Estate. It identifies built heritage and landscape considerations in relation to the potential residential development of four alternative sites (Sites 1, 2A, 2B & 3) within Newtown Regis.
- 8.2 With regard to likely built heritage impacts, it is considered that the only site where development does not have the potential to harm any built heritage asset is Site 3. Of particular sensitivity are Sites 2A & 2B which have the potential to affect the significance of a number of designated built heritage assets through changes within areas of their settings that provide some contribution to their significance.
- 8.3 From a landscape character and visual resources standpoint, Site 3 is also the preferable site for a development of the type proposed. Development upon this site would result in minimal potential effects upon the local landscape character, the setting to the village and conservation area, and upon views. Of the remaining sites, development upon Site 2A should be resisted as the magnitude of change would be considered to be most substantial from a landscape and visual perspective in comparison to the other sites.
- 8.4 Therefore, when considered together, the site most able to accommodate residential development with the least potential impacts on either built heritage assets or landscape and views is Site 3.

## REFERENCES

- Department for Communities and Local Government, 2018. *National Planning Practice Guidance (NPPG)*.
- Historic England, 2008. *Conservation Principles, Policies and Guidance*.
- Historic England, 2015. *Historic England Good Practice Advice Note 2 – Managing Significance in Decision-Taking in the Historic Environment*.
- Historic England, 2017. *Historic England Good Practice Advice Note 3 – The Setting of Heritage Assets*. Second Edition.
- Historic England, 2020. *National Heritage List for England*.
- Ministry of Housing, Communities & Local Government, 2019. *National Planning Policy Framework*.
- Warwickshire Historic Environment Record (HER).
- Landscape Institute and Institute of Environmental Management and Assessment, (2013). *Guidelines for Landscape and Visual Impact Assessment, 3rd Edition*.
- Natural England, (2014). *An Approach to Landscape Character Assessment*.
- FPCR, (August 2010). *North Warwickshire Landscape Character Assessment - Final Report*.
- English Heritage & Warwickshire County Council, (June 2010). *Warwickshire Historic Landscape Characterisation Project*,
- Natural England, (2013). *Topic Paper 6 'Techniques and Criteria for Judging Capacity and Sensitivity'*
- British Standards Institution (BSI), (2012). *British Standard 5837:2012 Trees in relation to design, demolition and construction. Recommendations*.





© 2020 RPS Group  
 Notes  
 1. This drawing has been prepared in accordance with the scope of RPS's appointment with its client and is subject to the terms and conditions of that appointment. RPS accepts no liability for any use of this document other than by its client and only for the purposes for which it was prepared and provided.  
 2. If received electronically it is the recipient's responsibility to print to correct scale. Only written dimensions should be used.

**Legend**  
 — Study Area (1km)  
 — Site Options Locations

Rev	Description	By	CB	Date

**RPS** MAKING COMPLEX EASY  
 Lakesbury House, Hillingbury Road, Chandlers Ford, Hampshire SO53 5SS  
 T:02380 810 440 E: rpsa@rpsgroup.com

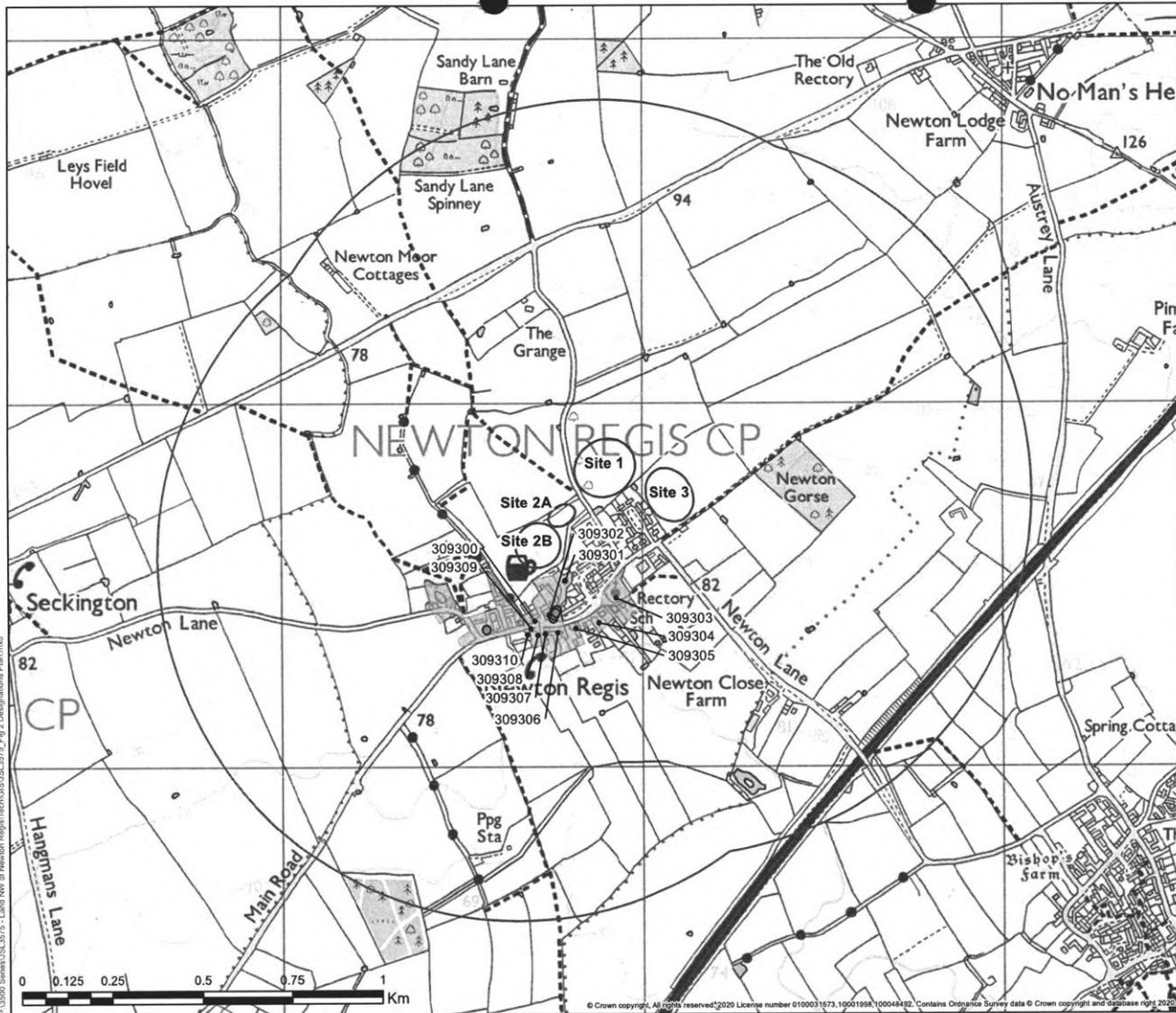
Client **CT Planning (on behalf of the Thorpe Estate)**  
 Project **Sites at Newton Regis, Warwickshire**  
 Title **Site Location Plan**

Status **Information** Drawn By **KH** PM/Checked By **PH**  
 Project Number **JSL2853** Scale @ A3 **1:25,000** Date Created **March 2020**  
 Figure Number **1** Rev **:**

rpsgroup.com

P:\2020\Site\JSL2853 - Land NW of Newton Regis\Tech\GIS\JSL2853\_Fig 1 Site Plan.rvt

© Crown copyright. All rights reserved. (2020) License number 0100031673, 10001998, 100048192. Ordnance Survey data © Crown copyright and database right 2020.



© 2020 RPS Group  
 Notes:  
 1. This drawing has been prepared in accordance with the scope of RPS's appointment with its client and is subject to the terms and conditions of that appointment. RPS accepts no liability for any use of this document other than by its client and only for the purposes for which it was prepared and provided.  
 2. If received electronically it is the recipient's responsibility to print to correct scale. Only written dimensions should be used.

**Legend**

- Study Area (1km)
- Site Options Locations

Listed Buildings

- Grade II
- Grade II\*

Conservation area

- Conservation area
- TPO Locations
- Ancient Woodland

Rev	Description	By	CB	Date

**RPS** MAKING COMPLEX EASY

Lakesbury House, Hillingbury Road, Chalfont St Giles, Bucks HP8 4NF  
 T: 02930 810 440 E: rpsso@rpsgroup.com

Client **CT Planning (on behalf of the Thorpe Estate)**

Project **Sites at Newton Regis, Warwickshire**

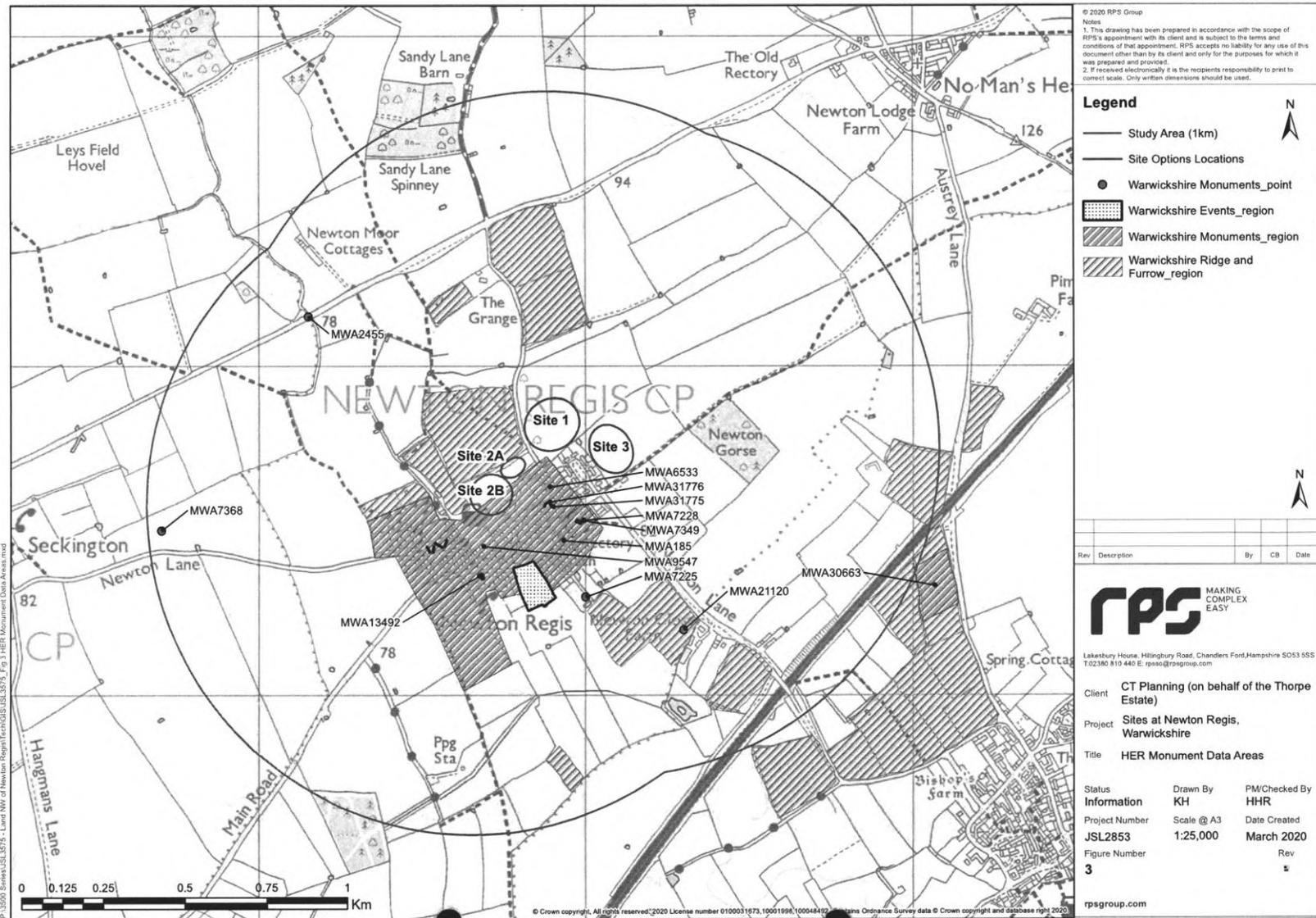
Title **Designations Plan**

Status **Information** Drawn By **KH** PM/Checked By **PH**

Project Number **JSL2853** Scale @ **A3** Date Created **March 2020**

Figure Number **2** Rev **-**

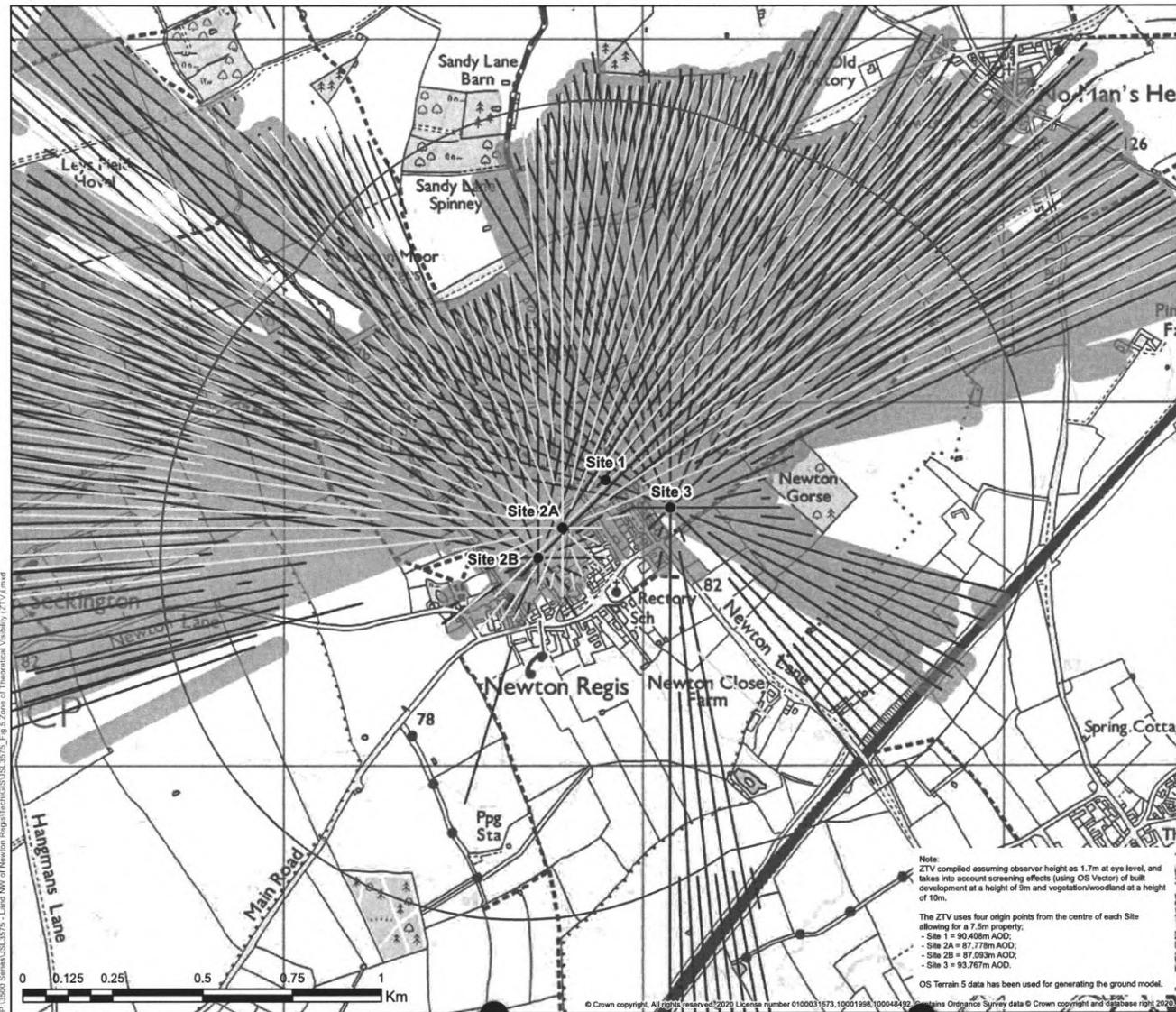
5/241



P:\5000 Sites\JSL2853 - Land NW of Newton Regis\Tech\GIS\JSL2853 - Fig 3 HER Monument Data Areas.mxd

© Crown copyright. All rights reserved. 2020 License number 0100031073, 10001998, 100048492 Ordnance Survey data © Crown copyright and database right 2020.





© 2020 RPS Group  
 Notes  
 1. This drawing has been prepared in accordance with the scope of RPS's appointment with its client and is subject to the terms and conditions of that appointment. RPS accepts no liability for any use of this document other than by its client and only for the purposes for which it was prepared and provided.  
 2. If received electronically it is the recipient's responsibility to print to correct scale. Only written dimensions should be used.

- Legend**
- Study Area (1km)
  - ZTV origins
  - Site 1
  - Site 2A
  - Site 2B
  - Site 3

Rev	Description	By	CB	Date



Lakesbury House, Hillingbury Road, Chandlers Ford, Hampshire SO53 5SS  
 T02380 810 440 E: rps@rpsgroup.com

Client **CT Planning (on behalf of the Thorpe Estate)**  
 Project **Sites at Newton Regis, Warwickshire**  
 Title **Zone of Theoretical Visibility (ZTV)**

Status	Drawn By	PM/Checked By
Information	KH	PH
Project Number	Scale @ A3	Date Created
JSL2853	1:25,000	March 2020
Figure Number		Rev
5		

rpsgroup.com

P:\2020 Sites\JSL2853 - Land NW of Newton Regis\Tech\02\05\JSL2853\_Fig 2 Zone of Theoretical Visibility\_ZTV.dwg

© Crown copyright. All rights reserved. 2020 License number 0100031673, 10001998, 100042492 Contains Ordnance Survey data © Crown copyright and database right 2020.

5/244



© 2020 RPS Group  
Notes:  
1. This drawing has been prepared in accordance with the scope of RPS's appointment with its client and is subject to the terms and conditions of that appointment. RPS accepts no liability for any use of this document other than by its client and only for the purposes for which it was prepared and provided.  
2. If received electronically it is the recipient's responsibility to print to correct scale. Only written dimensions should be used.

© 2020 RPS Group  
Notes:  
1. This drawing has been prepared in accordance with the scope of RPS's appointment with its client and is subject to the terms and conditions of that appointment. RPS accepts no liability for any use of this document other than by its client and only for the purposes for which it was prepared and provided.  
2. If received electronically it is the recipient's responsibility to print to correct scale. Only written dimensions should be used.

**Legend**

- Site Options Locations
- Contours (1m)
- Contours (0.25m)



Rev	Description	By	CB	Date



Lakesbury House, Hillingbury Road, Chandlers Ford, Hampshire SO53 5SS  
T:02380 810 440 E: rpsa@rpsgroup.com

Client **CT Planning (on behalf of the Thorpe Estate)**

Project **Sites at Newton Regis, Warwickshire**

Title **Topography**

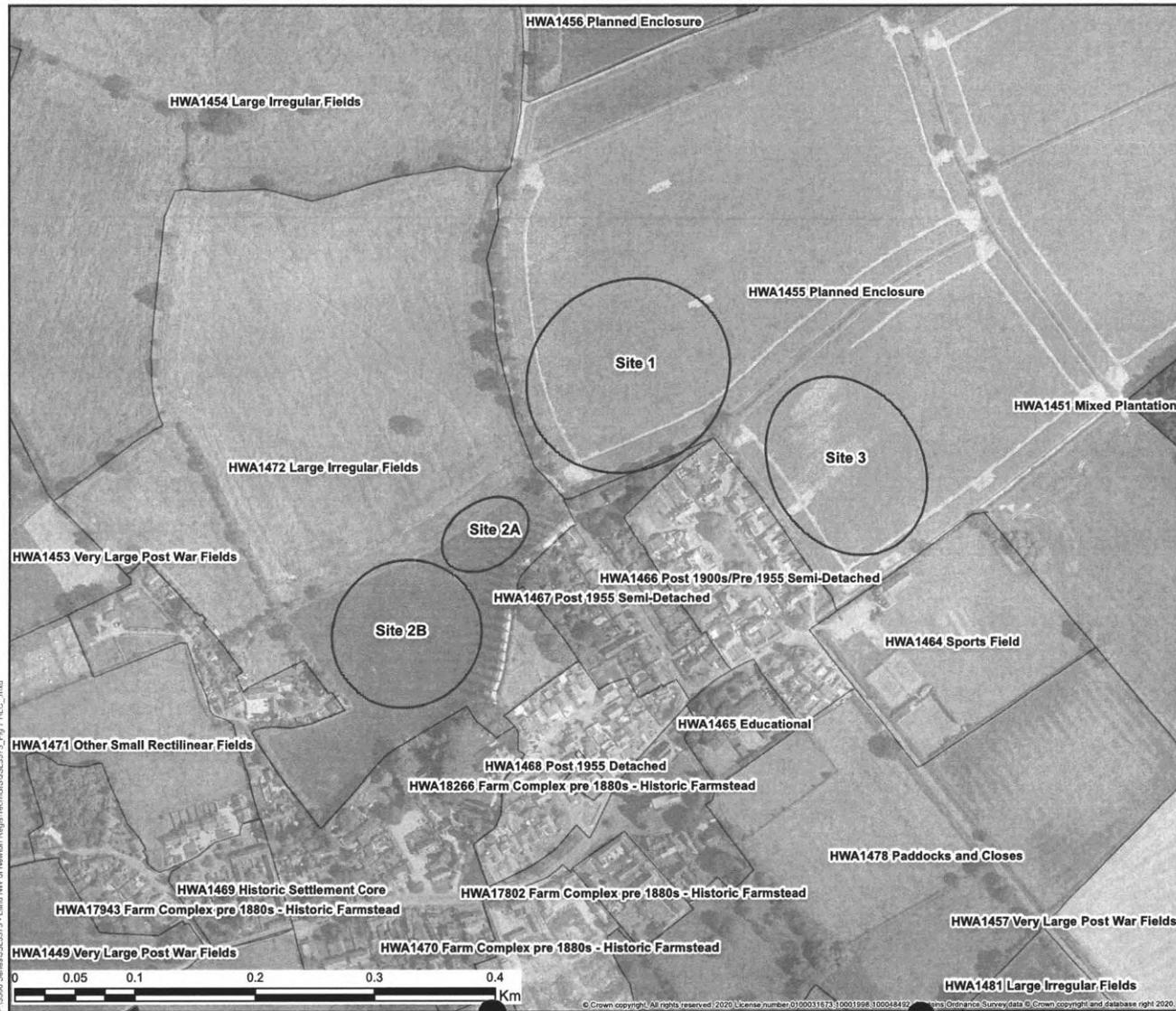
Status **Information** Drawn By **KH** PM/Checked By **PH**

Project Number **JSL2853** Scale @ **A3** Date Created **March 2020**

Figure Number **6** Scale Bar **Rev -**

rpsgroup.com

© Crown copyright. All rights reserved. 2020 License number: G100031023, G10001701, 100044472. Contains Ordnance Survey data. © Crown copyright and database right 2020.



© 2020 RPS Group  
 Notes  
 1. This drawing has been prepared in accordance with the scope of RPS's appointment with its client and is subject to the terms and conditions of that appointment. RPS accepts no liability for any use of this document other than by its client and only for the purposes for which it was prepared and provided.  
 2. If received electronically, it is the recipient's responsibility to print to correct scale. Only written dimensions should be used.

**Legend**

- Site Options Locations
- Warwickshire HLC Region (HLCUID)**
- |  |         |  |          |
|--|---------|--|----------|
|  | HWA1449 |  | HWA1468  |
|  | HWA1451 |  | HWA1469  |
|  | HWA1453 |  | HWA1470  |
|  | HWA1454 |  | HWA1471  |
|  | HWA1455 |  | HWA1472  |
|  | HWA1456 |  | HWA1478  |
|  | HWA1457 |  | HWA1481  |
|  | HWA1464 |  | HWA17802 |
|  | HWA1465 |  | HWA17943 |
|  | HWA1466 |  | HWA18266 |
|  | HWA1467 |  |          |

Rev	Description	By	CB	Date



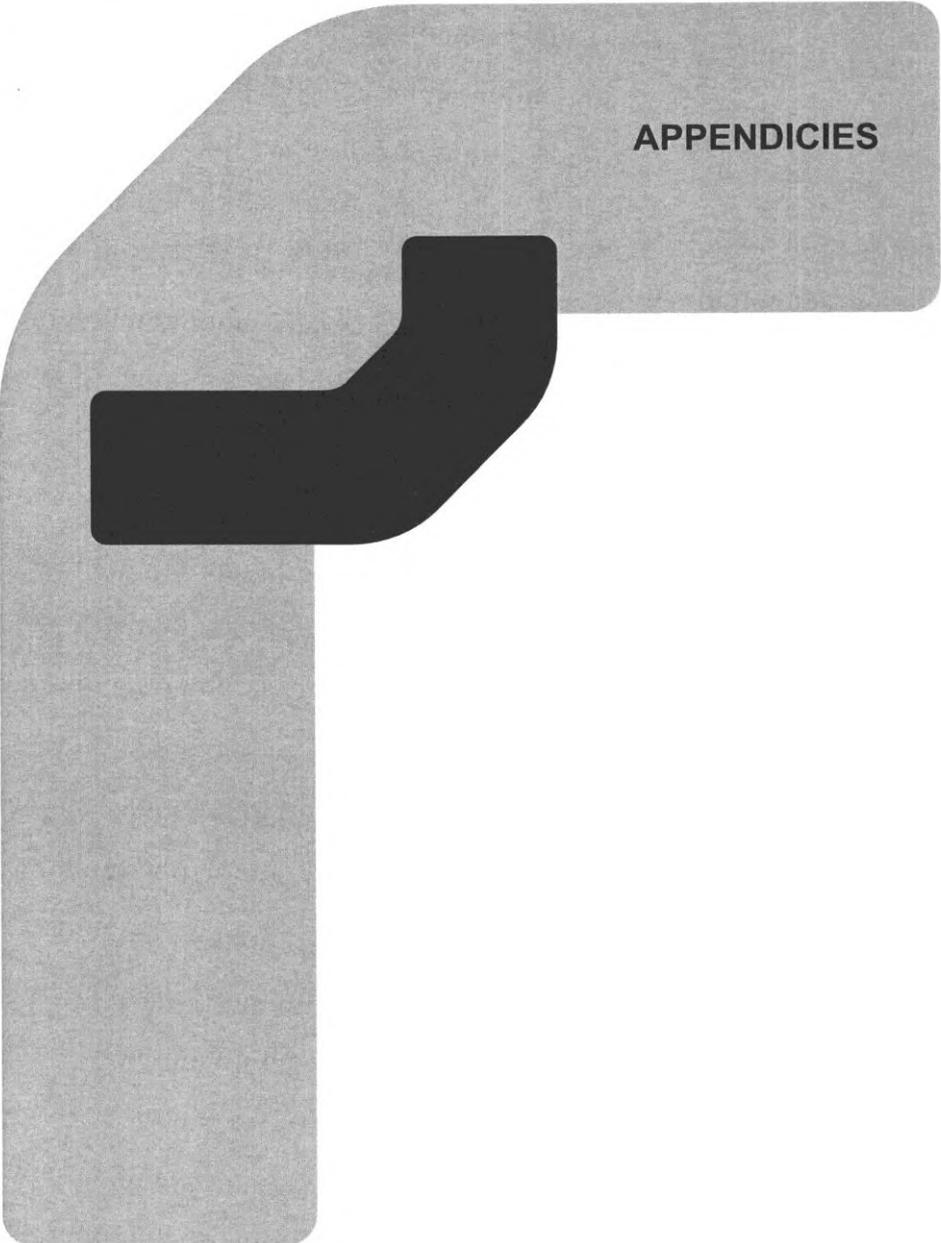
Lakesbury House, Hillingbury Road, Chardlers Ford, Hampshire SO53 5SS  
 T:02380 810 440 E: rps@rpsgroup.com

Client **CT Planning (on behalf of the Thorpe Estate)**  
 Project **Sites at Newton Regis, Warwickshire**  
 Title **Warwickshire HLC**

Status **Information** Drawn By **KH** PM/Checked By **PH**  
 Project Number **JSL2853** Scale @ **A3** Date Created **March 2020**  
 Figure Number **7** Scale Bar **Rev 5**

rpsgroup.com

P:\0200\_Sales\US\_3575 - Land NW of Newton Regis\Tech\GIS\3575\_Fig 7\_HLC.mxd



**APPENDICIES**

**Appendix A**

**Historic Environment Record Data Gazetteer**

**BUILT HERITAGE & LANDSCAPE APPRAISAL – SITES AT NEWTON REGIS**

HER No.	Name	Location	Date
<b>Monuments</b>			
MWA13492	The White House, Main Street, Newton Regis	SK 2768 0736	Post-medieval to Modern
MWA185	Church of St Mary, Newton Regis	SK 2792 0747	Medieval to Modern
MWA21120	Newton Regis (Medieval) Field 189	SK 2830 0720	Medieval
MWA2455	Toll road 110m NE of Seckington to No Man's Heath	SK 2715 0815	Imperial
MWA30663	Surviving Ridge and Furrow, No Mans Heath Lane, Austrey	SK 2906 0733	Medieval to Post-medieval
MWA31775	Ditch containing 18th and 19th century pottery, and its later re-cut, Newton Regis	SK 2789 0757	Post-medieval to Modern
MWA31776	Pit containing fire debris and 18th-19th Century Pottery, Newton Regis	SK 2788 0758	Post-medieval to Imperial
MWA6533	Site of Smithy at Newton Regis	SK 2787 0764	Imperial
MWA7225	Evaluation at Newton Regis Junior School	SK 2800 0730	Imperial
MWA7228	Earthworks	SK 2798 0752	Medieval
MWA7349	Remains of Ridge and Furrow, Newton Regis	SK 2798 0752	Medieval
MWA7368	Findspot - Migration or Early Medieval brooch fragment	SK 2670 0750	Anglo-Saxon
MWA9547	Newton Regis Medieval Settlement	SK 2769 0737	Medieval
<b>Listed Buildings</b>			
309300	K6 TELEPHONE KIOAK	SK 2770 0739	II
309301	NEWTON HOUSE	SK 2778 0750	II
309302	POOL COTTAGE	SK 2773 0741	II
309303	CHURCH OF ST MARY	SK 2791 0746	II*
309304	OLD HALL FARMHOUSE	SK 2787 0739	II
309305	MANOR FARMHOUSE	SK 2780 0738	II
309306	THE POST OFFICE	SK 2776 0737	II
309307	ROSE COTTAGE	SK 2773 0737	II
309308	IVY HOUSE AND LAUREL COTTAGE	SK 2771 0736	II
309309	OLDE THATCH AND TALLETT'S THATCH COTTAGE	SK 2769 0737	II
309310	THE WHITE HOUSE	SK 2768 0737	II

**Appendix B**

**Relevant Landscape Character Extracts**

**Landscape Character Area 1: No Man's Heath to Warton - Lowlands**



**Corresponding National and County Landscape Character Areas**

*Countryside Agency: LCA 72 The Mease/Sence Lowlands*

*Warwickshire Landscapes Guidelines: Mease Lowlands: Estate Farmlands*

<p><b>Key characteristics;</b></p>	<ul style="list-style-type: none"> <li>• A distinctive shallow bowl landform of gently undulating low rounded hills that contain a central valley;</li> <li>• Mixed open agricultural landscape with a scattering of small red-brick, nucleated hill top villages with visually prominent church spires;</li> <li>• Dense network of minor country roads and lanes, bordered by grass verges, some towards the north containing hedges with bracken hint at former heaths;</li> <li>• M42 cuts through centrally;</li> <li>• Strong rectilinear hedge pattern of late enclosure with in parts extensive very open areas of arable cultivation on the more elevated land, particularly towards Orton-on-the-Hill;</li> <li>• Small flat pastoral fields on lower land, associated with a number of small tributaries of the Anker River particularly notable at Austrey Meadows;</li> <li>• Tree cover confined to small regularly shaped game coverts and hedgerow trees;</li> <li>• Wide open views across the character area from the elevated fringes, from lower land views across open fields to near escarpments.</li> </ul>
<p><b>Location and boundaries;</b></p>	<p>Located within the lower-lying north eastern corner of the Borough. The boundaries are clearly defined to the north, east and south by a series of distinct escarpments. The western boundary with Lichfield District is less clearly defined.</p>
<p><b>Landscape Character (key description);</b></p>	<p>Visually open, mixed farmland located within a distinctive bowl landform. A series of ditches and small watercourses pass through the lower reaches and drain into the River Anker to the west.</p> <p>This is a well ordered agricultural landscape, with scattered farmsteads and nucleated hilltop villages (Austrey, Seckington, Newton Regis and Warton) each with prominent church spires. The villages include both traditional vernacular buildings and more recent development, connected by a network of minor roads and lanes typically bordered by wide grass verges, some with hedges. In the north some hedges contain bracken as a remnant of the former heaths in this area. A distinctly rural landscape, the only notable urban influence is the M42 motorway, which cuts centrally through the character area. There is little roadside planting associated with the motorway and therefore wide open views are possible across the rural landscape both from and towards it.</p>

	<p>In the lower lying areas alongside the watercourses, small, regular, often linear fields are used for grazing and are enclosed by low hedgerows. This is particularly notable at Austrey Meadows to the south of Austrey. On higher land, towards the distinctive low escarpments that contain the character area, the field pattern is less intact with larger, intensively managed arable fields. In places, particularly towards Orton-on-the-Hill (located within Hinckley and Bosworth Borough) agricultural intensification has resulted in wide open fields with few hedgerows. Remaining lines of hedgerow trees hint at the historical hedgerow pattern.</p> <p>Scattered small, regularly shaped game coverts and hedgerow trees provide little tree cover and the landscape is visually open, with panoramic views from the elevated fringes. From elevated locations within the character area distant hilltop masts and wooded ridgelines are visible but their influence on the character of the area is insignificant.</p>
<b>Key landscape related designations;</b>	<ul style="list-style-type: none"> <li>• SAM site of a Norman motte and bailey castle lies on high land at Seckington;</li> <li>• Conservation Area at the historic core of Newton Regis;</li> <li>• RIGS designation to the west of Warton;</li> <li>• Several small 'Ancient Woodland' coverts.</li> </ul>
<b>Pressures for change / key issues;</b>	<p>The main pressure for change identified within this agricultural LCA is agricultural intensification, which has resulted in loss of traditional meadows, hedgerows, riparian vegetation and heathland. There may also be small scale development pressures for village expansion.</p>
<b>Landscape / management strategies;</b>	<p>Conserve and strengthen the rural character and dispersed nucleated settlement pattern of this agricultural landscape;</p> <ul style="list-style-type: none"> <li>• Any new development should reinforce the existing settlement pattern of the rural villages;</li> <li>• New agricultural buildings should be sited, designed and landscaped to blend with the surrounding landscape;</li> <li>• Avoid types of farm diversification that are inappropriate to the agricultural landscape;</li> <li>• Maintain the quiet, peaceful character of the area and only encourage informal recreation;</li> <li>• Encourage set-aside field margins around Clifton Heath and No-mans Heath to be managed for re-establishment of heathland;</li> <li>• Conserve the historic field pattern, with priority given to restoring and strengthening primary hedge lines including those alongside roads;</li> <li>• Manage hedgerows to enhance the field pattern by planting up gaps, allow hedges to grow by reducing cut rotation intervals to 3 yearly intervals for wildlife benefits;</li> <li>• Promote management of small woods and game coverts, in places long rotation coppicing may be appropriate;</li> <li>• Enhance tree cover through small scale planting of broadleaved coverts and woods in keeping with geometric pattern of hedged fields and visually open character;</li> <li>• Encourage natural regeneration of trees and vegetation alongside watercourses and promote small areas of wetland planting in areas currently lacking in habitats;</li> <li>• Encourage ecological management of grassland areas and wetlands.</li> </ul>



- North Warwickshire Borough boundary
- Proposed Landscape Character Area boundary
- Current settlement area boundary

**Landscape Character Areas**

- 1 No Man's Heath to Werton Lowlands
- 2 Little Werton to Fields Farm-Fen Lanes
- 3 Anker Valley
- 4 Baddesley to Hantshill Uplands
- 5 Tamworth Fringe Uplands
- 6 Wood End to Whitacre Upper Tame Valley Farmlands
- 7 Church End to Corley Hills and Valleys
- 8 Blythe Valley Parkland Farmland
- 9 Hoggrill's to Furnace End Hamlets
- 10 Cole Valley
- 11 Tame Valley Wetlands
- 12 Middleton to Curdworth Tame Valley Farmlands
- 13 Metchaw to Trickle Coppice Wooded Uplands



Reproduced from the Ordnance Survey 1:25,000 Scale  
 MasterMap data, licensed to the Council of Warwickshire  
 by Ordnance Survey, 100 Brook Hill Drive, Exton, Leicestershire  
 LE19 1UE, UK. Ordnance Survey, 100 Brook Hill Drive,  
 Exton, Leicestershire LE19 1UE, UK.

**North Warwickshire Borough Council  
 North Warwickshire Landscape  
 Character Assessment  
 Landscape Character Areas**

**Figure 11**

Scale 1:10000@A3, August 2010

**fpcr**  
 FPCRL LLP  
 100 Brook Hill Drive  
 Exton, Leicestershire LE19 1UE  
 Fax: 01509 476044, mail@fpcr.co.uk  
 File: J:\1101180505\Fig 11-Landscape Character Areas

**(5) Application No: PAP/2020/0215**

**42, Austrey Road, Warton, B79 0HW**

**Replacing existing building with a 2 bedroom dwelling, for**

**Mr R Virk**

### **Introduction**

This application was referred to the Board's August meeting, but determination was deferred in order to enable Members to visit the site.

With the agreement of the Chairman and given the current restrictions on "gatherings", Members were asked to visit the site themselves given that the site is highly visible and accessible from the public domain.

The previous report is attached for convenience at Appendix A.

### **Observations**

During discussion on this item at the August Board there was a query about notification of the application to neighbouring occupiers. It is confirmed that no Notice was displayed at the site, but that letters were sent to 22 surrounding addresses.

There are no further updates to report and there have been no material changes in planning circumstances since the August meeting.

### **Recommendation**

That planning permission be **GRANTED** subject to the conditions as set out in Appendix A.

**General Development Applications**

**(#) Application No: PAP/2020/0215**

**42, Austrey Road, Warton, B79 0HW**

**Replacing existing building with a 2 bedroom dwelling, for**

**Mr R Virk**

**Introduction**

This application is referred to the Board by a local Member who is concerned about the potential impact of the proposal on the highway.

**The Site**

The application site is currently a single storey detached property that abuts the footpath on the northern side of Austrey Road about 40 metres south of its junction with Curlew Close. The footpath narrows from less than two metres in depth at its southern end to less than a metre at its northern end.

A location plan is attached at Appendix A with photographs of the building at Appendices B and C.

**The Proposal**

It is proposed to demolish this building and erect a new two bedroom one and a half storey house on its footprint. Immediately to the north would be space for two parking spaces. Its front entrance would be on that side elevation and there would be two frontage dormers.

Plans are attached at Appendices D and E.

**Background**

The building was originally one of the earliest Methodist Society buildings in the Tamworth area but more latterly it has been used as a commercial garage for car repairs. The inside of the building shows this use.

**Representations**

Eight letters of support have been received from local residents who consider that the proposal would provide an improvement to the immediate run-down appearance of the site in the middle of the village. A dwelling here is considered to be better than running the garage business.

**Consultations**

Warwickshire County Council as Highway Authority – It objects as it has concerns over the proposed parking arrangement considering that it could cause obstruction in the highway footpath and possibly the actual carriageway as well as create a safety issue because of the lack of visibility.

Warwickshire County Ecologist – Appropriate bat mitigation measures should be introduced into the construction.

### **Development Plan**

The Core Strategy 2014 – NW1 (Sustainable Development); NW2 (Settlement Hierarchy), NW10 (Development Considerations) and NW12 (Quality of Development)

Saved Policies of the North Warwickshire Local Plan 2006 – ENV12 (Urban Design) and ENV13 (Building Design)

### **Other Material Planning Considerations**

The National Planning Policy Framework – (the “NPPF”)

The Submitted Local Plan for North Warwickshire 2018 – LP1 (Sustainable Development); LP2 (Settlement Hierarchy), LP31 (Development Considerations) and LP32 (Built Form)

### **Observations**

There is no objection to this proposal in principle given its location within Warton’s development boundary. It is a sustainable location. There are however a number of detailed matters which need consideration.

The first is to establish the lawful use of the site as this will provide a “fall-back” position against which to compare likely impacts between the proposed use and that lawful use. The last use was as a commercial car repair garage and equipment and storage for such a use are clearly visible within the building. The north side elevation has also been altered to provide a double door entrance. This use is understood to have commenced in the 1960’s and continued through to the 1980’s. From a planning perspective the matter is whether that use has been abandoned as the building has not been used as such for many years. There is no record of a permission having been granted for the car repair use but given the length of time it was in use it is highly likely that it would have become an “established” use. There are several “tests” for abandonment in planning terms. The fact that the building is still intact; sound in structure and is capable of reuse as a garage without very little intervention, suggests that on the balance of probability, the use has not been abandoned in a planning sense. This is a conclusion that should carry significant weight in this case.

The building is a non-designated heritage asset because of its origins as reported above. The NPPF requires that the significance of non-designated heritage assets should be taken into account in the determination of planning applications and that a balanced view will need to be taken in regard to the scale of any harm or loss and the significance of the asset. The significance of the asset here is that it is a surviving building reflecting a now lost historic and community use as a small place of worship, significant within the non-conformist movement within the setting of the village. It also retains some interesting

architectural features – brick detailing and an arched window. Clearly the proposal requires the loss of this asset and thus harm will be caused. In assessing the level of harm, then the former use has been lost – now surviving only as a limited historical memory - and there has been inappropriate intervention in the past to its external and internal appearance thus diluting its visual significance so that it is no longer recognised as a former place of worship. Its appearance in the street scene presently is of very little value and would probably be perceived as a garage or workshop by a visitor. Moreover, whilst still sound, further repair, maintenance and refurbishment will be required in the near future. As a consequence, the level of harm here is considered to be less than substantial. There will be some community public benefit as a consequence of the proposal – a new house would be created; if the correct design is agreed which retains some of the associated architectural features then there would be some legibility to the past, the historic feature of a building at the back of the pavement would be retained on the same footprint and there would be some environmental gain in the overall street-scene, particularly if the use is re-introduced. As such it is considered on balance that the benefits do outweigh the harm caused in this instance.

Following on from this then the design and appearance of the proposal are going to be important. The present design retains the detailed decorative eaves band and its brick dentil course. The north end elevation retains the small gable arched window which is currently “blind” and replicates a second on the other end gable together with a larger version on the north gable. Additionally, the stone cills and lintols are to be retained on the new front windows. Clay tiles and lead cheeks to the dormers are also proposed. As such it is considered that the design is appropriate and reflects the past architectural significance of the existing building.

A bat survey has been undertaken and that found no evidence of bat roosts within the building. Nevertheless, mitigation measures should be introduced by way of a planning condition.

The neighbouring house to the north-east is well set back and that to the south is again set away. There are however no windows proposed in the elevation facing this property. The building to the rear is a residential annex but this has no openings facing the proposed dwelling and is at a higher level. In these circumstances there is limited harm to neighbouring residential amenity. It is however acknowledged that the residential amenity for the occupiers of a new property here would not be ideal, but then traditional terraced properties and rural cottages do also abut footpaths.

The main issue here however is the response from the Highway Authority. It carries weight and clearly its substance is a direct result of the physical arrangements on the site. Two parking spaces could be available, but it is agreed that this would not be an ideal arrangement particularly if one car was oversized. Moreover, visibility is impaired by the presence of the front corner of the building and pedestrian safety is already compromised at this location. If this was a new site and not one being redeveloped, the Highway Authority’s position would lead to a recommendation of refusal. However, this site has a lawful use and that is a “fall-back” position of significant weight. When in use for car repairs, there were cars parked here on the pavement as well as on the open area to the north. If that use was reintroduced, then this would inevitably be replicated. The issue is thus one of comparing a limited residential use to a small commercial car repair workshop. It is considered that there is in fact probably not a clear distinction between the two.

In making a final assessment therefore the position is that the proposal is acceptable in principle; causing less than substantial heritage harm, limited harm to residential amenity but moderate highway harm. On the other side of the balance is the removal of a commercial use from a residential area; an overall significant improvement to the visual and environmental quality of the street scene and the retention of some of the heritage significance of the site. It is considered that the balance here rests with supporting the proposal. This is given added weight because of the local support for the proposal.

## Recommendation

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

1. The development to which this permission relates must be begun not later than the expiration of three years from the date of this permission.

### REASON

To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and to prevent an accumulation of unimplemented planning permissions.

2. The development hereby approved shall not be carried out otherwise than in accordance with the plan numbered 20027/1010C, received by the Local Planning Authority on 01 June 2020, received by the Local Planning Authority on 17 April 2020.

### REASON

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

3. The new works shall be carried out in accordance with the following details:
  - a) Re-use of the existing bricks, blended with Birtley Olde English facing brickwork (or similar approved) to closely match the colour of the existing bricks.
  - b) A brick bond to match the existing (specifically not a stretcher bond) and a medium tone to the mortar mix in colour and joints to match (need not be a lime mortar mix).
  - c) Wet verges and the egg and dart details to the existing eaves and rise and fall brackets for the black rainwater goods shall be used
  - d) The windows shall be flush fitting timber casements in timber with 6mm double glazed units
  - e) The windows over foot-ways shall be inward opening.
  - f) The door shall be in a vertical oak finish.
  - g) The dormer cheeks and flashings shall be zinc or leaded, with reclaimed small plain clay roofing tiles to the main roof and the dormers.

### REASON

In the interests of the amenities of the area and the building concerned.

4. No development whatsoever within Classes A, B, C, D and E of Part 1 and Class A of Part 2, of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification), shall commence on site without details first having been submitted to and approved by the Local Planning Authority, in writing.

REASON

In the interests of the amenities of the area.

5. No additional windows or door openings in any elevation and roof plane shall be made, other than as shown on the plans hereby approved, nor shall any approved windows or doors be altered or modified in any manner.

REASON

To protect the privacy of the occupiers of adjoining properties.

6. No development shall commence on site until a satisfactory photographic record of the building has first been obtained in accordance with a brief to be first agreed in writing by the Borough Planning Authority. The record so obtained shall be submitted to, and approved by the Local Planning Authority prior to development commencing, and shall comprise of photographs being recorded using 35mm black and white film with negatives.

REASON

To ensure that the historic interest in the fabric of the existing structure is adequately recorded prior to any work commencing on the site. The photographs must be recorded in a manner that will enable the record to be deposited with the County Record Office in a stable format.

7. The site has previously been used as a commercial car repair garage, therefore there is a risk of ground contamination. No works other than demolition shall take place until a preliminary assessment for contaminated land has been undertaken. If the assessment identifies potential contamination a further detailed investigation shall be carried out and details of remediation measures shall be provided where necessary. All works shall be carried out by a competent person and agreed in writing by the Local Planning Authority prior to commencement of development.

REASON

In the interest of the health of the final occupants of the dwelling.

8. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Planning Authority. An investigation and risk assessment must be undertaken, and where remediation is necessary a

remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority.

REASON

In the interest of the health of the occupants of the dwelling.

9. Where remediation works have been carried out in pursuance with the preceding conditions, a post remediation verification report shall be submitted in writing to and approved by the Local Planning Authority before the development is first occupied.

REASON

In the interest of the health of the occupants of the dwelling.

10. There shall be two vehicle off-street parking spaces provided prior to occupation. Each must be at least 3 metres long and 4.8 metres wide. The car parking surface shall be Grasscrete or a similar material.

REASON

To ensure that the parking provision enables sufficient access to the vehicle and does not reduce the width of the public highway and to maximise the available amenity space and the visual amenity of the site.

11. The building hereby approved shall not be occupied until details of bat mitigation measures have first been agreed in writing by the Local Planning Authority and then installed again to the written approval of the Authority.

REASON

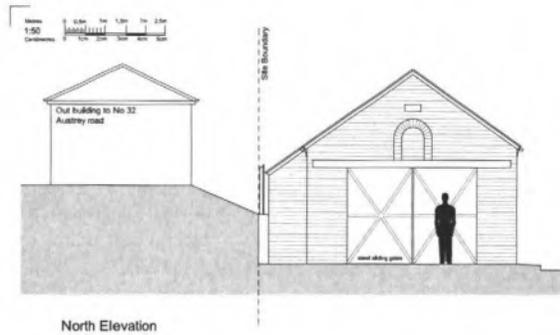
In the interests of securing bio-diversity enhancement

## Notes

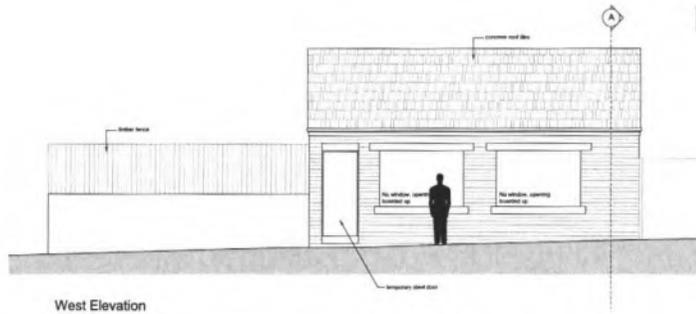
1. The submitted plans indicate that the proposed works come very close to or abut neighbouring property. This permission does not convey any legal or civil right to undertake works that affect land or premises outside of the applicant's control. Care should be taken upon commencement and during the course of building operations to ensure that no part of the development, including the foundations, eaves and roof overhang will encroach on, under or over adjoining land without the consent of the adjoining land owner. This planning permission does not authorise the carrying out of any works on neighbouring land, or access onto it, without the consent of the owners of that land. You would be advised to contact them prior to the commencement of work.
1. You are recommended to seek independent advice on the provisions of the Party Wall etc. Act 1996, which is separate from planning or building regulation controls, and concerns giving notice of your proposals to a neighbour in relation to party walls, boundary walls and excavations near neighbouring buildings. An explanatory booklet can be downloaded at <https://www.gov.uk/guidance/party-wall-etc-act-1996-guidance>

2. The developer is reminded that the Control of Pollution Act 1974 restricts the carrying out of construction activities that are likely to cause nuisance or disturbance to others to be limited to the hours of 08:00 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays, with no working of this type permitted on Sundays or Bank Holidays. The Control of Pollution Act 1974 is enforced by Environmental Health.
3. Although there are known to be pipstrelle and long eared bats in the vicinity. A stage 1 bat survey has been undertaken and has established that no bats are present in this building. You are advised that bats are deemed to be European Protected species. Should bats be found during the carrying out of the approved works, you should stop work immediately and seek further advice from the Ecology Section of Museum Field Services, The Butts, Warwick, CV34 4SS (Contact Ecological Services on 01926 418060).
4. Any gas boilers provided must meet a dry NOx emission concentration rate of <40mg/kWh. The specification of the gas boiler(s) shall be submitted to and approved in writing by the Local Planning Authority before they are fitted and the approved specification shall be implemented prior to the first occupation of the development.
5. It is advisable that Electric Vehicle charging points are provided for each off-street parking space.
6. Prior to the occupation of the approved dwelling(s), please contact our Street Name & Numbering officer to discuss the allocation of a new address on 01827 719277/719477 or via email to [SNN@northwarks.gov.uk](mailto:SNN@northwarks.gov.uk). For further information visit the following details on our website [https://www.northwarks.gov.uk/info/20030/street\\_naming\\_and\\_numbering/1235/street\\_naming\\_and\\_numbering\\_information](https://www.northwarks.gov.uk/info/20030/street_naming_and_numbering/1235/street_naming_and_numbering_information)
7. In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner through pre-application discussions, seeking to resolve planning objections and issues and suggesting amendments to improve the quality of the proposal. As such it is considered that the Council has implemented the requirement set out in paragraph 38 of the National Planning Policy Framework.

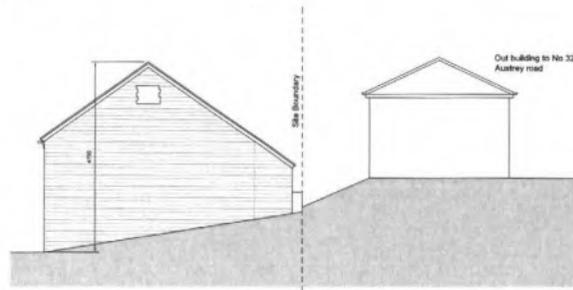
5/261



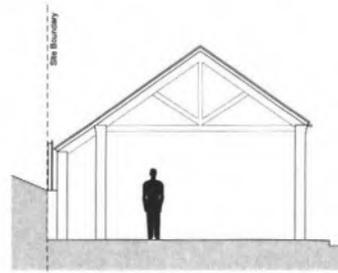
North Elevation



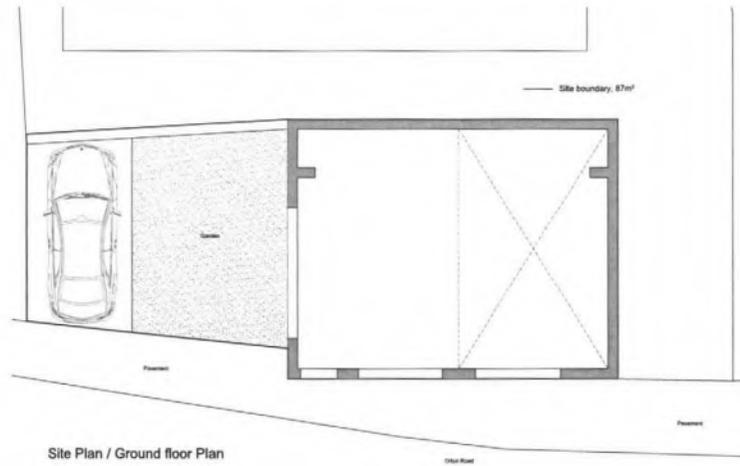
West Elevation



South Elevation



Section A



Site Plan / Ground floor Plan

PAP/2020/0215

The copyright of this drawing is owned with AP Engineering Design Ltd and must not be copied or reproduced without the consent of the company.  
 Approval does not constitute a guarantee, warranty, or endorsement, nor does it constitute an assumption of liability for the safety or suitability for any particular use. The user must check all relevant regulations and standards and verify the accuracy of any data used prior to any construction or installation work.

Scale: 1:1250  
 Drawing No: 0100



Site Location Plan - 1:1250

RECEIVED  
 17/04/2020  
 PLANNING & DEVELOPMENT  
 DIVISION

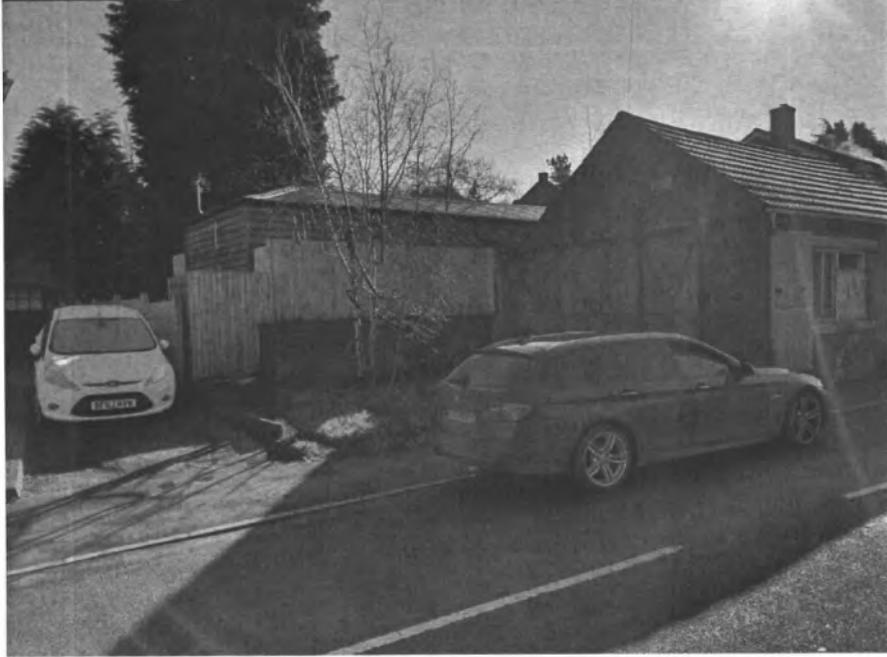
FOR PLANNING  
 Date: RSV  
 Project: 47 Austrey Road, Warton  
 Drawing No: Existing Plans and elevations  
 Scale: PA PT A1 1:50 Date: Mar 2020  
 Project No: 20027 Drawing No: 0100



8 Cross Road  
 Warton, 874 9PH  
 t 07491423431

Appendix A





Appendix C



**From:** paul\_adler  
**To:** Andrew Collinson  
**Cc:** planaproconsult; Christina Fortune  
**Subject:** Re: PAP/2020/0215 - 42 Austrey Road, Warton - Proposed 3 bedroom dwelling  
**Date:** 28 April 2020 08:50:55

---



5/266

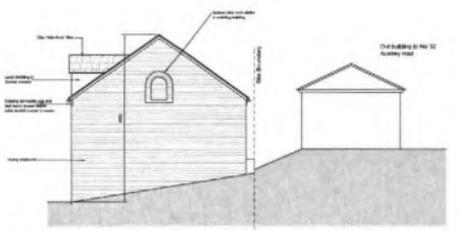
Scale: 1/8" = 1'-0"  
1/4" = 3'-0"  
1/2" = 6'-0"  
3/4" = 9'-0"  
1" = 12'-0"



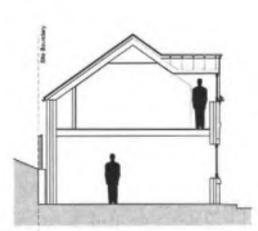
North Elevation



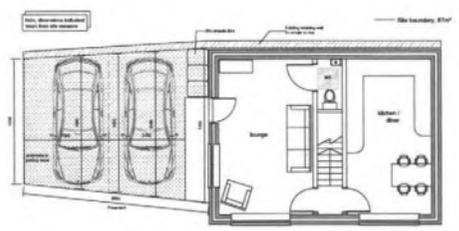
West Elevation



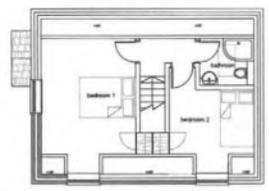
South Elevation



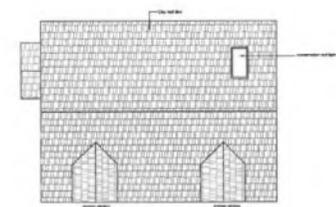
Section A



Ground Floor Plan



First Floor Plan



Materials Key



Roof Tiles - Redburn Hammer City  
Class - 07 Blue Slate, Lincoln Park,  
Clay



Exterior Brickwork - Newark Facing Brick  
Belfry Clay English



Exterior and Stone - Each element  
to be selected and verified before  
work starts in accordance with  
specifications.



Original finishes from current building to be  
retained and restored for the historic portion  
of the building.  
All new finishes to have similar look and  
feel to existing building.



Existing concrete egg and dart band must  
be retained and restored to match.  
All new concrete joints to be open joints to black  
steel.

The layout of this drawing shall not be  
used for construction purposes without  
the written consent of the architect.  
No part of this drawing shall be  
reproduced or transmitted in any form  
or by any means, electronic, mechanical,  
photocopying, recording, or by any  
information storage and retrieval system,  
without the prior written permission  
of the architect.



Site Location Plan - 1:1250

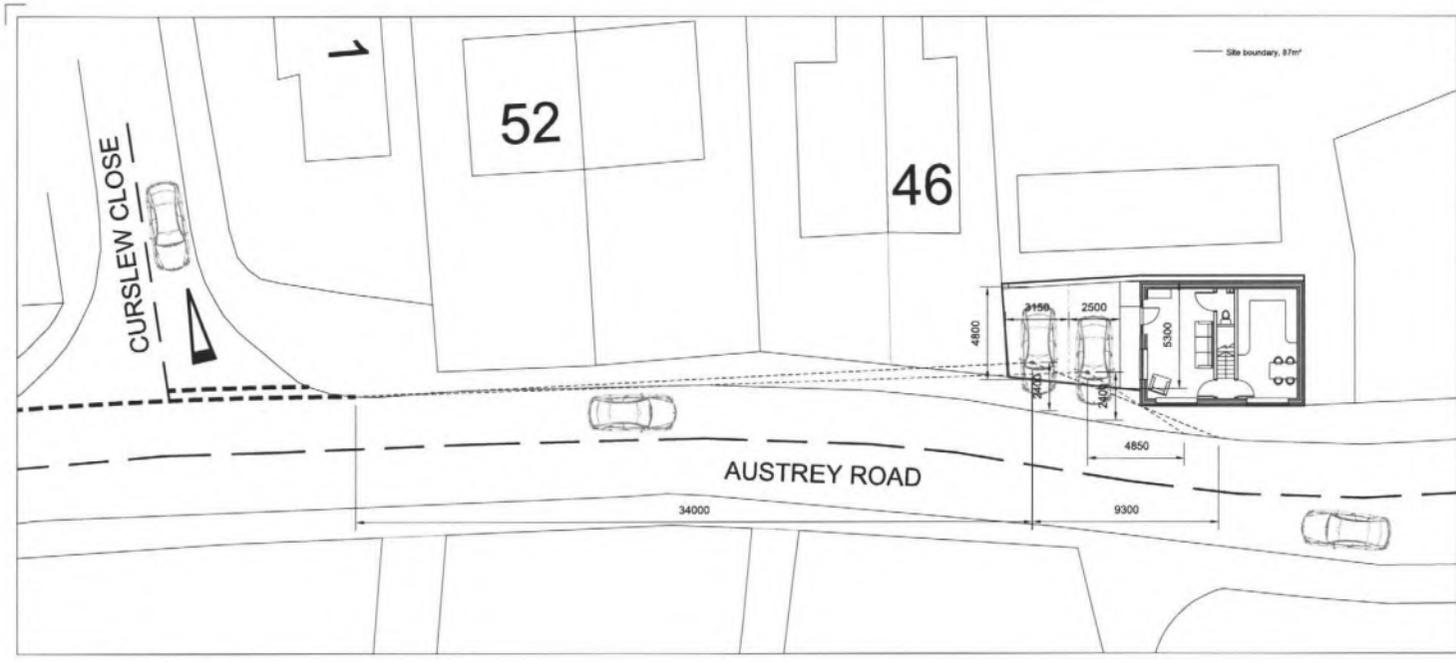
FOR PLANNING  
DATE: \_\_\_\_\_  
BY: \_\_\_\_\_  
44 AUSTREY ROAD, WARTON  
WILTSHIRE  
PROPOSED PLANS AND ELEVATIONS

WILTSHIRE COUNCIL  
PLANNING & DEVELOPMENT  
DIVISION  
RECEIVED  
07/08/2020



Appendix D

5/267



Site Plan 1:100

The copyright of this drawing is owned by AP Engineering Design Ltd and must not be copied or reproduced without the consent of the company.

Figures dimensions only to be taken from this drawing. DO NOT SCALE. All contractors shall take the site and be responsible for checking all existing and proposed and making the correct of any discrepancies prior to any construction or installation work.

Scale: 1:1250  
North: 0 10m 20m 30m 40m 50m  
Coordinates: 49 55 00 00 00 00 00 00



Site Location Plan - 1:1250



RECEIVED  
09/07/2020  
PLANNING & DEVELOPMENT  
DIVISION

FOR PLANNING

Class: RSV

Project: 42 Austrey Road, Warton

Drawing Title: SITE PLAN

Date	Number	Drawn By	Scale	Date
09/07/2020	PT	AY	1:100	July 2020
20027		0102		IV

Appendix E



**(6) Application No: PAP/2020/0245**

**Land to the Rear of 50, New Street, Dordon,**

**Erection of dormer bungalow (re-submission PAP/2019/0462), for**

**Mr O Carvalho**

**Introduction**

This application was referred to the Board's August meeting, but determination was deferred to enable Members to visit the site. With the Chairman's agreement and given the current restrictions on "gatherings". Members were asked to visit by themselves.

For convenience the previous report is copied at Appendix A.

**Observations**

During the discussion at the August meeting the applicant referred to the passage in the report which says that the application for the rear of 80 New Street was "permitted in 2000 under a different policy regime". In fact, outline consent was granted in 1998. At that time neither the 2006 Local Plan; the Core Strategy 2014 nor the NPPF existed. Hence the NPPF guidance today that refusals on highway grounds should only be considered where there are significant highway safety impacts, as here, and that Section 12 of the NPPF requiring that development should be sympathetic to local character and history did not exist.

There are no further updates to advise the Board on and there have been no changes in material planning circumstances since the August meeting.

**Recommendation**

That planning permission is **REFUSED** for the reasons set out in Appendix A.

**General Development Applications**

**(#) Application No: PAP/2020/0245**

**Land to the Rear of 50, New Street, Dordon,**

**Erection of dormer bungalow (re-submission PAP/2019/0462), for**

**Mr O Carvalho**

**Introduction**

The application is reported to the Planning and Development Board at the request of a local member who considers that the weight attached to the applicant's case should be reconsidered.

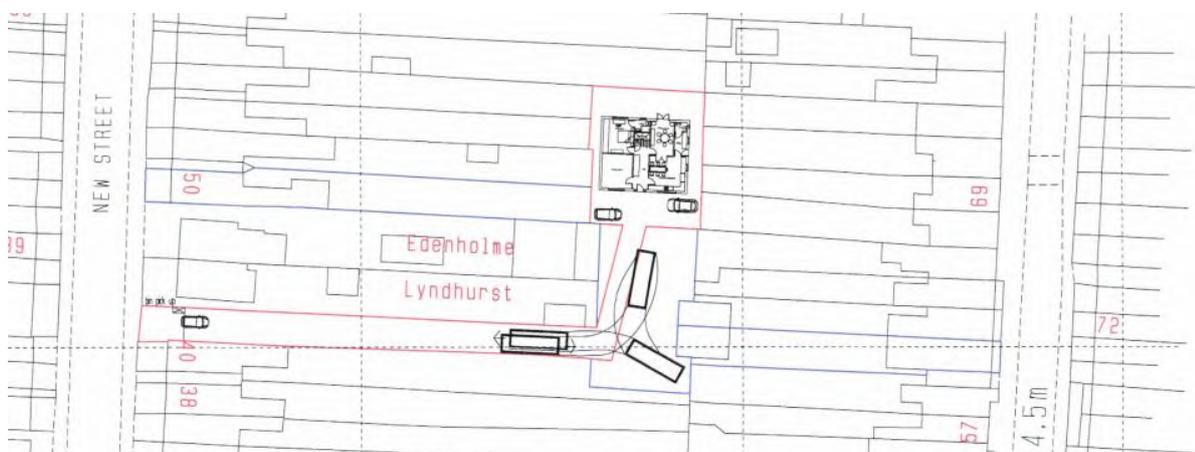
**The Site and Development Proposal**

Planning permission is sought for the erection of dormer bungalow on a 260sq/m rectangular parcel of land to the rear of 50-56 New Street, Dordon. The application is a re-submission of a previously withdrawn application, reference PAP/2019/0462.

The property adopts a simple dormer bungalow form with a gabled roof and two front facing dormer windows aligned to the driveway. The dwelling would be 11.5 metres wide, 9.7 metres long with a maximum ridge height of 6.85 metres. Parking and manoeuvring space is laid out to the front of the dwelling with a limited amenity space provided at the rear.

Vehicular and pedestrian access to New Street is to be provided via an existing private driveway which runs between 40 New Street and Lyndhurst, providing access to the rear of properties along Long Street and the application site.

The applicants currently benefit from a right of access along the driveway, a drive which currently serves four properties. Vehicle parking is evident to the rear of the dwellings along Long Street.



Proposed Site Plan



Proposed elevations and floor plans

## Development Plan

North Warwickshire Core Strategy (October 2014) - NW1 (Sustainable Development); NW2 (Settlement Hierarchy), NW4 (Housing Development), NW5 (Split of Housing Numbers), NW10 (Development Considerations), NW11 (Renewable Energy and Energy Efficiency), NW12 (Quality of Development) and NW15 (Natural Environment)

North Warwickshire Local Plan 2006 (Saved Policies) - ENV4 (Trees and hedgerows); ENV12 (Urban Design), ENV13 (Building Design), ENV14 (Access Design), TPT1 (Transport Considerations in New Development), TPT3 (Access and Sustainable Travel and Transport) and TPT6 (Vehicle Parking)

## Other Relevant Material Considerations

The North Warwickshire Local Plan Submission Version, March 2018 - LP1 (Sustainable Development); LP2 (Settlement Hierarchy), LP31 (Development Considerations) and LP32 (Built Form)

National Planning Policy Framework 2019 - (the "NPPF")

## **Consultations**

Warwickshire County Council (Highways) – It objects because there is limited visibility at the access onto New Street because of front garden walls and on-street car parking, thus creating a safety issue for drivers as well as for pedestrians. Additionally access for delivery and emergency vehicles cannot be achieved.

NWBC (Waste Management) – Refuse wagons will not enter into a private driveway to collect waste and therefore a bin presentation point should be provided where the drive meets New Street.

## **Representations**

No representations have been received

## **Observations**

### **a) Introduction**

This application will be determined in accordance with the aforementioned development plan policies, unless material considerations indicate otherwise, pursuant to section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990. North Warwickshire Borough Council has recently published its Annual Five Year Housing Supply Report.

The position set out in that report shows a supply of 6.39 years. Furthermore, recent appeal decisions, namely at Wood End (ref. 3234056), confirm that Core Strategy policy NW2 which sets out a broad growth distribution strategy is not out of date when considered as a whole, despite its development boundaries being considered so.

### **b) Principle of development**

The site falls within the development boundary for Dordon with Polesworth and these are identified as a category 1 settlement within policy. This states that inside of category 1 settlements, development for housing will be permitted. Consequently, in principle residential development within the defined development boundary can be considered acceptable.

### **c) Design**

Saved policy ENV12 of the 2006 Local Plan requires development proposals to harmonise with the immediate and wider setting while respecting natural features and policy NW12 of the 2014 Core Strategy seeks for development to positively improve a settlements character and appearance. Part one of saved policy ENV13 relates to the physical characteristics of built form, only permitting development where the 'scale,

*massing, height and appearance of the proposal positively integrates into its surroundings’.*

The application proposes a new dwelling to the rear of two rows of early 20<sup>th</sup>C terraced properties along New Street and Long Street which are cohesive in form, layout and appearance. This distinctive well-defined and clearly identifiable pattern of development is a positive element of local character and appearance.

The proposal’s siting and unsympathetic juxtaposition to the surroundings plots would undermine and dilute the clearly identifiable urban grain, failing to harmonise with the immediate and wider setting and appearing visually incongruous to the detriment of local character. The development also appears ‘shoehorned’ into the site, evident by the high dwelling to plot ratio and the limited extent of the rear garden which is just 3.75m deep and covers an area of 55m<sup>2</sup>. It is axiomatic that the development would also fail to secure positive improvements to the settlement’s character and appearance by reason of derogating from the established pattern of development

The supporting statement refers to approved development to the rear of the Co-op (PAP/2017/0659) in New Street and to the rear of 80 New Street (FAP/1999/5819) as providing comparable context and precedent for the development of this site.

The site at land to the rear of the Co-op is of a sufficient scale to replicate the layout and form of dwellings along New Street, creating a sympathetic, linear run of short terracing and a single semi-detached pair, thus preserving local character. In respect of the dwelling on land to the rear of 80 New Street, this application was permitted in 2000, under a different policy regime. Officers do not consider this development to respect the prevailing urban grain and argue that, despite its approval and subsequent construction, the dwelling’s poor design should not be perpetuated.

Considered holistically, the proposals are contrary to saved 2006 Local Plan policy ENV12 and 2014 Core Strategy Policy NW12.

#### **d) Highway Safety**

Saved Policy TPT1 states that development is only permissible in situations whereby there is sufficient capacity within the highway network to accommodate the traffic generated and that the proposals would not be hazardous to traffic safety and visibility. Saved policy TPT3 stipulates that development will not be permitted “unless its siting, layout and design makes provision for safe and convenient pedestrian and vehicular access and circulation”.

The above policy approach is considered to be consistent with the NPPF which confers that developments should provide safe and suitable access for all users (para 108b); give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas (para 110a) and allow for the efficient delivery of goods, and access by service and emergency vehicles (para 110d).

Paragraph 109 of the NPPF indicates that development should only be refused on highways grounds where there would be an unacceptable impact on highway safety, or the residual cumulative impacts of the scheme are severe.

Vehicular and pedestrian access to New Street is to be provided via the existing private driveway which runs between 40 New Street and Lyndhurst, presently providing access to the rear of properties along Long Street and the application site. A right of access is afforded to the applicants', however this relates solely to the parcel of land and not the property along New Street. In total, four properties utilise the driveway with vehicle parking evident to the rear of the dwellings along Long Street.

The County Council's objection carries substantial weight. Whilst it is acknowledged that the applicants benefit from a right of access along the private driveway, the driveway is not the desired route for service, delivery or emergency vehicles, all of which are likely to park along New Street to provide service for 50 New Street. Occupants of the new dwelling and visitors to the property will in all likelihood utilise the private driveway as a means of access into and egress from the site. Consequently, intensification will occur within the sub-standard driveway.

The drive itself is long (c.55m), uneven, not lit and not wide enough for a shared space to enable cars to pass (3.7m). Given these characteristics, the driveway would not provide for safe, priority pedestrian access and egress, particularly to those with disabilities/reduced movement capability and would likely lead to increased conflict between pedestrians and motorists. Furthermore, the driveway cannot be widened, re-profiled or re-surfaced without the involvement of third parties.

A plan indicating a swept path for service vehicles has been provided, but it is not clear that larger vehicles will be able to enter in to the site, manoeuvre and egress from the site in a forward gear within the land owned by the applicant, nor has it been demonstrated that movements can take place whilst other vehicles are parked to the rear of the other plots along New Street and Long Street. Residents will also be required to manoeuvre bins 75 metres from the dwelling to a proposed presentation point adjacent to New Street, well in excess of the suggested 30m limit as set out within approved document H of the Building Regulations. Furthermore, the presentation point when in use could inhibit the movement of vehicles.

Visibility onto New Street from the access is just 3.8 metres, set against a requirement of 33 metres. Visibility cannot be improved without changes to the frontages of both houses either side of the access, Lyndhurst and 40 New Street, which are not within the control of the applicant. A passing bay is provided towards the rear of the driveway but this outside of the application site and within the rear garden of 40 New Street.

Considered together, it is not considered that the proposals provide for safe, secure access for all users and the cumulative impacts of the development on highway safety would be unacceptable, conflicting with saved 2006 Local Plan policies TPT1 and TPT3, Core Strategy Policy NW10 (6) and paragraphs 108(b), 110(a) and 110(d) of the National Planning Policy Framework 2019.

#### **e) Amenity**

Policy NW10 (9) of the Core Strategy requires all development proposals to avoid and address *unacceptable* neighbouring amenity impacts (emphasis added). Paragraph 127(f) of the NPPF states that planning decisions should ensure that a high standard of amenity is provided for existing and future users.

No adverse impact on neighbouring properties is considered to arise given the low profile and window positioning on the new dwelling and it is material that no objections have been received. As for the occupiers of the new dwelling, the rear amenity space for the new plot is restricted with an average depth of just 3.75m and a total area of c.55m<sup>2</sup>, palpably smaller than the surrounding properties. Nonetheless, this would provide suitable level amenity for new occupiers.

## **Recommendation**

That planning permission be **REFUSED** for the following reasons:

- 1) The application proposes a new dwelling to the rear of two existing rows of properties within the settlement of Dordon which, in this particular location, has a strong, cohesive linear form. The new development by virtue of its siting would undermine these distinctive, positive elements of local character and appearance. The development also appears cramped and contrived within a spatially constrained site. As a consequence, the proposals would be contrary to saved 2006 Local Plan policy ENV12 and 2014 Core Strategy Policy NW12, the former requiring development proposals to harmonise with the immediate and wider setting and the latter seeking for positive improvements to a settlements character, appearance and environmental quality.
- 2) Considered as a whole, it is not considered that the proposals provide for safe, secure access for all users and the cumulative impacts of the development on highway safety would be unacceptable, conflicting with saved 2006 Local Plan policies TPT1 and TPT3; Core Strategy Policy NW10 (6) and paragraphs 108(b), 110(a) and 110(d) of the National Planning Policy Framework 2019.

## **Notes**

1. Notwithstanding this refusal, the Local Planning Authority has worked with the applicant in a positive and proactive manner through early identification of the key areas of concern, some of which were principle issues which could not be resolved through the submission of revised plans. As such it is considered that the Council has implemented the requirement set out in paragraph 38 of the National Planning Policy Framework.

## BACKGROUND PAPERS

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

Planning Application No: PAP/2020/0245

<b>Background Paper No</b>	<b>Author</b>	<b>Nature of Background Paper</b>	<b>Date</b>
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	13/5/2020
2	WCC Highways	Consultation Response 1– Objection	08/06/2020
3	WCC Highways	Consultation Response 2 – Objection	01/07/2020
4	NWBC Waste Management	Consultation Response 1– Comments	21/05/2020
5	Applicant	Amended Ownership Certificate	30/07/2020

*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.*