## COMMITTEE REPORT

<table>
<thead>
<tr>
<th>Application Reference</th>
<th>13/02360/OUT</th>
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<tbody>
<tr>
<td><strong>Site Address</strong></td>
<td>Land off London Road, Shipston-on-Stour</td>
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<tr>
<td><strong>Proposals</strong></td>
<td>Outline planning permission with means of site access from London Road to be determined (layout, scale, appearance and landscaping reserved for subsequent approval) for the erection of up to 55 dwellings; public open space, earthworks, structural landscaping, and all other ancillary and enabling works.</td>
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<td><strong>Case Officer</strong></td>
<td>Jay Singh</td>
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<td><strong>Presenting Officer</strong></td>
<td>Jay Singh</td>
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<td><strong>Applicant</strong></td>
<td>Orbit Homes</td>
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| **Ward Member(s)**    | Cllr Cheney  
                       | Cllr Kenner |
| **Town Council**      | Shipston |
| **Reason for Referral to Committee** | Objection from Town Council  
|                       | Objection from Cllr Cheney  
|                       | Scale of Development |
| **Recommendation**    | Grant outline planning permission subject to completion of a S.106 Legal Agreement |
1. DESCRIPTION OF PROPOSAL

Outline planning permission is being sought for a residential development of up to 55 dwellings with all matters except access to be reserved. Matters relating to appearance, layout, scale and landscaping are not for consideration at this time.

The proposed development consists of the following elements:

- The application site comprises approximately 2.52 ha;
- Potential developable area for up to 55 dwellings;
- 35% of the total number of houses (19) to be affordable dwellings with the remaining (36) to be open market housing;
- Potential density of approximately 22 dwellings per hectare;
- Upgrading of the existing Play Area facilities on adjacent open space to the north of the site at ‘Angela’s Meadow’;
- On-site open space provision (minimum area of 286sqm in accordance with the District Council’s standards). The open space would be integrated with the existing open space at ‘Angelas Meadow’ located adjacent;
- Off-site compensatory bio-diversity off-setting land of 0.8 ha in area;
- New access directly off London Road which shall include footway widening and new ‘ghost island’ right hand turn. The access is indicated to provide 2.4m x 90m visibility splays:

In addition to the District Councils normal S.106 requirements, the applicant is proposing:

- Off-site open space provision comprising 2 football pitches measuring 1.8 ha in area for community use;
- An offer for the existing maintenance costs of POS at Angela’s Meadow to be taken over by a third party, thus relieving the occupants of this Estate the financial burden of this;

Whilst this an outline application, the supporting information provides:

- Development principles for the site indicate areas of lower and higher density development to the north-eastern and south-eastern boundaries, building frontages, gardens, primary/secondary/tertiary routes, existing/proposed open space, existing/proposed landscaping (including landscape buffers) and key views;
- a mixture of housing types and sizes would be provided including 1,2,3,4 and 5 bed dwellings with a maximum height of two-storeys;
- Housing design, appearance and materials that draw upon local vernacular as well other influences;
- a minimum of 2 off road car parking spaces per dwelling would be provided;
- the internal road layout would be designed to a maximum 20 mph speed limit;
- secure cycle storage for each dwelling; and
- provision of SUDS.

2. DESCRIPTION OF SITE AND SURROUNDINGS (INCLUDING RELEVANT PLANNING CONSTRAINTS)

The application site comprises a single arable field approximately 2.5 ha in size adjoining the southern edge of Shipston on. The site is located in open countryside adjoining the built up area boundary of Shipston on Stour.
The application site is located approximately 1km from the centre of Shipston with a full range of services and facilities located in the north of the Town including public houses, shop, post office, medical centre, church and leisure facilities. The local school is approximately 1.6km from the site. Along the route to the school and other town facilities are bus stops to access public transport to these and other destinations. Employment opportunities are available within the settlement on Tileman’s Lane industrial estate as well as within the commercial core of the town and the surrounding area.

The site is roughly a square parcel of land which is dominated by semi-improved grass land and is enclosed by hedgerows and trees ranging from 4-12m in height to the southern, eastern and western boundaries. The site is bounded by the A3400, London Road to the west; beyond which lies the Shipston Cemetery, with the recently constructed Angelas Meadow to the north and pasture and arable fields to the south and east. An area of open space (with children’s play area) forming part of the Angelas Meadow abuts the northern boundary of the site. To the south of the site are agricultural fields and a single residential property known as ‘Ridgeway’.

A number of good quality (category B) lime trees are located within the highways verge to the west of the site. One horst chestnut tree, which is in poor condition, is located within the centre of the site. There are no Tree Preservation Orders on trees within the site.

Beyond the tree lined eastern boundary of the site is an area used for camping by the Girl Guides. Further east is the River Stour and beyond intervening woodland is the hamlet of Barcheston. A number of public rights of way are found within the locality including the ‘Shakespeares Way’ located to the east of the River Stour which broadly follows the route of the River Stour. Further east are some narrow country lanes linking Barcheston and Willington.

The nearest heritage assets to the site comprise the Cemetery Chapels (Grade II Listed) located approximately 50m south-west of the site, the Manor at Barcheston (Grade II Listed) located approximately 300m north-east of the site and the Church of St. Martin (Grade II* Listed) located approximately 400m north-east of the site. In addition, the boundary of the Shipston-on-Stour Conservation Area is located around 470m north of the site.

The site has a gradual change in topography from 78m AOD on the western boundary to around 68 AOD to the eastern boundary towards the River Stour and valley floor.

Public views into the site from the north (other than from the Angelas Meadow residential estate), west and south, are largely limited due to a combination of existing built form, hedgerows and surrounding landform. Views from the east, from the public rights of way and the Hamlet of Barcheston, are available. A number of these views are seen through the intervening woodland which filter views of the site. Longer distance views of the site can be seen from the south-east including from narrow country lanes, the entrance to Barcheston Cottages, the AONB (Brailes Hill) and nearby public rights of way. From these views, the site appears as an undeveloped field viewed against the backdrop of the existing built form of Shipston which includes the existing roofscape for the residential estate of Angelas Meadow located adjacent.

3. **HISTORY/BACKGROUND**

None relevant
4. **RELEVANT POLICY CONTEXT**

**The Development Plan**

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<td>Flood Defence</td>
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<td>PR.8</td>
<td>Pollution Control</td>
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<td>IMP.4 &amp; 5</td>
<td>Infrastructure Provision</td>
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<td>IMP.6</td>
<td>Transport Assessments</td>
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**Other Material Considerations**

**Central Government Guidance**

- National Planning Policy Framework 2012
- National Planning Practice Guidance 2014
- PPS5: Planning for the Historic Environment Practise Guide
- The Setting of Heritage Assets – English Heritage Guidance
- Arrangements for Handling Heritage Applications: Circular 08/2009
- Arrangements for Handling Heritage Applications: Circular 09/2005
- Arrangements for Handling Heritage Applications: Circular 01/2001
- Biodiversity and Geological Conservation: Circular 06/2005

**Supplementary Planning Guidance and Supplementary Planning Documents**

- Meeting Housing Needs 2008
- Car and Cycle Parking Standards 2007
- Sustainable Low Carbon Buildings 2007
- Provision of Open Space 2005
- Stratford on Avon District Design Guide 2001
Other Documents

High Court judgements on Shottery appeal and Tewkesbury appeal
Recent appeal decisions
Cotswolds AONB Landscape Character Assessment
Coventry & Warwickshire Joint Strategic Housing Market Assessment (SHMA) (November 2013)

Town Council
Shipston on Stour Town Plan 2008-2013
Shipston on Stour Housing Needs Survey 2005
Shipston on Stour Housing Needs Survey 2013
Shipston on Stour Neighbourhood Plan 2014

District Council
PPG17 Open Space, Sport and Recreation Assessment and Playing Pitch Strategy (Arup, April 2011)
Corporate Strategy 2011-2015
Landscape Sensitivity Study (2011) including Part B (Assessment of Shipston-on-Stour) and Part C (Areas of Restraint Assessments).
Habitats Regulations Assessment of the Stratford on Avon District Core Strategy (July 2012)
Water Cycle Study
Strategic Housing Land Availability Assessment and updates (SHLAA) 2012 (Site SHP 704)
Proposed Submission Core Strategy 2014
Housing Strategy (2009-2014)
Sub-Regional Green Infrastructure Strategy 2014

County Council
Warwickshire Sustainable Community Strategy (2009-2016)
Warwickshire Economic Strategy (2011)
Warwickshire Landscape Projects 1993

Other Legislation
Planning (Listed Buildings and Conservation Areas) Act 1990
Town and Country Planning (Environmental Impact Assessment) Regulations 2011
Human Rights Act 1998
Equality Act 2010
Section 17 of the Crime and Disorder Act 1998
Natural Environment and Rural Communities (NERC) Act 2006
The Conservation of Habitats and Species Regulations 2010
Community and Infrastructure Levy (CIL) Legislation
Localism Act 2011

5. **APPLICANT’S COMMENTS**

The application is supported by the following documentation:

- Arboricultural Surveys;
- Archaeological Assessment;
- Heritage Assessment;
- Waste Management Plan;
- Ecological Surveys;
- Flood Risk Assessment;
- Landscape and Visual Impact Assessment;
- Statement of Community Involvement;
- Planning Statement;
- Agricultural Land Statement;
- Services Appraisal;
- Transport Statement;
- Travel Plan; and
- Design and Access Statement.

A summary has been provided by the applicant stating the following:

The planning application has been the subject of extensive pre-application discussions between the applicants, the District and Shipston Town Council. The proposals have also been subject to wider community consultation at a public exhibition as detailed in the Statement of Community Engagement. Support was forthcoming for the scheme in respect of the development.

The development of a sustainable site in Shipston-on-Stour will deliver the following benefits for both the site and the wider community:

the delivery of housing to assist in meeting the Council’s housing targets;

the delivery of a balanced and mixed community. A wide range of high quality and well-designed housing will contribute to existing communities and enhance local facilities;

the provision of 35% affordable housing will assist in providing homes for all and ensure younger people and families are able to set foot on the property ladder without having to move out of the area;

the housing mix will comprise a proportion of 2-5 bedroom dwellings to address existing housing needs;

the site is within walking distance of local shops and services, close to an existing bus route and is in a sustainable location;

The New Homes Bonus Calculator provided by the Department for Communities and Local Government confirms that the provision of up to 55 new homes, would equate to a New Homes Bonus of approximately £550,000 over a 6 year period; and

A commitment to provide a minimum of two additional sports pitches at the neighbouring Shipston Sports Club to be used by Shipston Excelsior Football Club.

Orbit Homes is the development and sales arm of the Orbit Group and specialise in building well designed new homes for market sale, Help to Buy Shared Ownership, Independent living and Affordable Rent.

Unlike other developers Orbit’s mission is to ‘Build Communities.’ We have no shareholders other than Orbit Group which means no dividend pay-out with all profits being recycled back into our core business of providing new and maintaining our existing affordable housing stock. Indeed in discussions with the Officers who believe this is an ‘exemplar’ scheme not only providing all of the policy requirements but also additional community benefits.

Furthermore, Orbit Homes have a strong commitment to delivering both market and affordable homes in Stratford District. Over the last 5 years, Orbit Homes have delivered over 150 units within the District. Orbit currently hold 37,000 units
nationally throughout 3 operating areas. Within Stratford there is currently is 8,944 units equating to 24.32% of the total stock, demonstrating by far the biggest single stockholding Orbit have under any one local authority.

Landscape Area of Restraint:

A Landscape and Visual Assessment submitted as part of the is planning application demonstrates that the proposed development will have a localised visual impact, with views towards the Site from the surrounding landscape and visual receptors being interrupted by intervening vegetation and landform. The retention and enhancement of key existing landscape features, particularly the boundary vegetation, will restore the character of the site and reinforce local landscape character in line with landscape character assessment guidance. There would be no impact on the Area of Restraint or Shipston Conservation Area.

Economic Benefits:

We calculate the Gross Value Added (GVA) generated by future residents of the Application Proposal will therefore total £2.7m per annum (based on current values).

We calculate that the provision of up to 55 dwellings will generate convenience goods expenditure of £285,560, comparison goods expenditure of £479,490 and expenditure of leisure goods and services of £269,280 the majority of which will be spent in the local economy.

The New Homes Bonus Calculator provided by the Department for Communities and Local Government confirms that the provision of up to 55 new homes, would equate to a New Homes Bonus of approximately £550,000 over a 6 year period to the local authority.

Other Social Benefits:

In addition to the economic and social benefits mentioned, Orbit Homes have committed to providing a minimum of two additional sports pitches at the neighbouring Shipston Sports Club to be used by Shipston Excelsior Football Club. This will enable the long term future of the club and is essential to the maintenance, prosperity and further development and unity of the club.

In addition to the above, the Club have given an undertaking that they will take on the existing maintenance of the POS to Angela’s Meadow as part of the deal thus relieving the occupants of this Estate the financial burden of this.

6. **TOWN COUNCIL**

Shipston Town Council

Object to the application for the following planning reasons:-

- The site is identified on the approved local plan and emerging core strategy as being an area of restraint where development is considered inappropriate.
- On highways grounds – we consider that the visibility to and from the site onto the A3400 is not adequate.
- We consider that the Girl Guide camp site and nature reserve would be adversely affected and therefore the development would have a negative impact on the social sustainability of this site.
- We believe that the need for affordable housing development is met by recent developments and emerging sites, e.g. Norgren Site, Stratford Road and Hornsby Close.
- We have concerns about the risk of flooding further down the hill from the site (15.10.13).

**Barcheston and Willington Parish Meeting (adjoining Parish):**

Strongly object to this application on the following grounds:

1. **Demonstrable Harm to the Landscape**

The application is in an Area of Restraint in the existing approved Local Plan and in the emerging Core Strategy, approved by the District Council in July 2013. Under Policy CS14 it states that the Areas of Restraint apply to ‘relatively small areas within or adjacent to settlements and their over-riding purpose is to protect the inherently open nature of a particular area, because of the valuable contribution it makes to the character and physical form of the settlement’. Under paragraph 2.15 of the NPPF it states that ‘due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater weight that may be given)’. Paragraph 216 goes on to say that decision-takers may also give weight to relevant policies in emerging plans, according to such matters as the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given).

The application site is on high ground, dominating the adjacent countryside, particularly visible from the Shakespeare Way, which is much used between Barcheston & Willington, not only by locals but by people from much further afield. It is also clearly visible from the road between Barcheston & Willington and from beyond, including the Cotswolds AONB at Brailes Hill on the edge of the Parish (the enclosed photos clearly illustrate the impact on the surrounding countryside.).

For the above reasons, it is considered that the development of this site would cause demonstrable harm to the landscape and therefore be unsustainable in landscape terms.

2. **Flood Risk**

The NPPF under paragraph 103 states that ‘when determining planning applications, Local Planning Authorities should ensure that the flood risk is not increased elsewhere and only consider development at risk of flooding where informed by a site specific Risk Assessment, following a ‘Sequential Test’. We contend that there is a real possibility that this proposal would not increase the flood risk elsewhere and the application does not show the surface water would be managed and disposed of within the site without increasing the flood risk elsewhere.

The site is both above and in close proximity to the River Stour and its flood plain and as such surface water run-off could increase the risk of buildings in the Parish flooding, as well as increasing the risk of flooding in Shipston Town Centre, downstream. In recent years flooding at the bridge has made the road from Shipston-on-Stour to Brailes impassable on a number of occasions.

The NPPF under paragraph 101 states that ‘the aim of the Sequential Test is to steer new development to areas with the lowest possibility of flooding and development should not be allocated or permitted if there are reasonably available
sites appropriate for the development in areas with a lower probability of flooding. The Strategic Flood Risk Assessment will provide the basis for applying this test. A sequential approach should be used in areas known to be at risk of any form of flooding’.

3. The Girl Guides’ Campsite & Nature Reserve

The application site is adjacent to the Girl Guides Campsite and Nature Reserve and a housing estate so close would inevitably destroy the existing rural setting and tranquillity of the site as well as interfering with the privacy of the young girls camping there in the summer months. The Parish Meeting supports the objections of the Girl Guides Association.

4. Conserving & Enhancing the Historic Environment

The NPPF Chapter 12 Paragraph 129 requires Local Planning Authorities to identify and assess the Particular Significance of any Heritage Asset that may be affected by a proposal (including by Development affecting the setting of a Heritage Asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a Heritage Asset, to avoid or minimise conflict between the Heritage Assets conservation and any aspect of the proposal. The Manor House in Barcheston is a Heritage Asset Listed Grade II, whose grounds go down to the River Stour, opposite the Application Site. The earliest English Tapestries, known as the Sheldon (or Barcheston) Tapestries were woven in the house in the 16th century and are now in public collections throughout the world. The Tapestry Map of Warwickshire woven in the house being a major exhibit in Warwick Museum. The house is visited by those interested in the Arts, historical societies and groups from all over the world, who also visit Barcheston Church, Listed Grade II*, which has recently been the subject of a major restoration with a grant from the Heritage Lottery Fund. The Manor Barns are also listed Grade II. The landscape setting of the Manor House and the group setting of the other historic buildings in the hamlet would be demonstrably harmed by this proposed development, which as such would be unsustainable in terms of the NPPF.

5. Shipston-on-Stour Housing Requirements

Shipston has doubled in size between 1981 and 2008. Since 2008, according to the Core Strategy, planning permissions for new houses either built or to be built exceed the District Councils allocation for houses in Shipston for the whole period up to 2028, which we are informed does not take into account the recent permission granted to Cala Homes to build 125 houses on the Norgren Site. Currently there are other applications in the pipeline for substantial residential developments in Campden Road (Banner Homes: 60 houses, Ainscough: 130 houses) which, it could be argued, are closer to the town centre, more convenient to the facilities of the town and do not suffer from the constraints applicable to the Application Site.

6. Pressure on Facilities such as Schools, Medical Centre, Infrastructure, etc

Development in Shipston in recent years have put intolerable pressures on the facilities of the town. The Secondary School is understood to be full to capacity and the other facilities, such as the Medical Centre, are under great pressure. Any further development will make the situation impossible without considerable public expenditure.
7. Inconvenience of Location of Site

The Core Strategy states 'the town has been extended considerably southwards in recent years and further development in this direction would be some distance from shops and facilities' (para.7.6 page 132).

The NPPF chapter 4 para. 3.4 states that plans and decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. The inadequacy of public transport will mean that occupants of houses in this proposed development would be dependent on the use of private motor cars. This would be either to reach the town centre, schools, etc or to reach places of employment. There being few job opportunities in Shipston, the town being in a relatively remote rural corner of the District, this would result in the inevitability of private car journeys to places of employment. In transport terms the development can hardly be considered as sustainable.

In light of the recent postponement of the Public Inquiry into the proposed Ainscough development in Campden Road, Shipston-on-Stour on the grounds of there being no Environmental Impact Assessment, the District Council will no doubt satisfy themselves that in this case there is an independent EIA available.

For all the above reasons, the Barcheston with Willington Parish Meeting requests the District Council to refuse this Planning Application. We would be obliged if these comments could be taken into account. (15.10.14)

7. WARD MEMBERS

Councillor Cheney

Object to this planning application for the following reasons:-

‘As a District Councillor for Shipston I object to this application on the following planning grounds:-

1. The area is designated as an ‘Area of Restraint’ in the emerging Stratford on Avon District Core Strategy. There are very good landscape reasons for identifying this area as such and the building of a housing estate in this area would badly affect that landscape.

2. Development of this site would extend the built area of the town, adversely affecting the view of the town from surrounding areas, which include the nearby Cotswold Area of Outstanding Beauty.

3. The proposed access on to the busy A3400 is in a dangerous location on the brow of the hill.

4. The application is being made in advance of the adoption of the Shipston Neighbourhood plan or The Stratford Core Strategy Planning Policy Document. I therefore feel that this application is premature.

5. There would be a serious negative impact on the Girl Guide camp which is located immediately adjacent to the site. The camp would be overlooked and the activities on the camp site would intrude on the residents of the proposed houses.’(17.10.14)

Councillor Kenner

Support the application for the following planning reasons:

‘As District Councillor for Shipston Ward I support this application for the following planning reasons:
1. The development is on a sustainable site with good access to the town centre and local services.

2. It will provide a much needed mix of affordable housing (approximately 20-25 homes) managed by a social landlord and will contribute overall to meeting local housing demand and the shortfall in housing supply in the District. Shipstons need for 77 affordable homes, as identified by G I Hearn in early 2013, will not be adequately met by other developments to date or in the application process.

3. The development will have its own road. The existing speed limit will be extended southwards from the town. Therefore I am satisfied that highways issues have been adequately addressed.

4. The proposal includes land for Shipston Sports and Social Club. This will provide two much needed football pitches for the youth teams of Shipston Excelsior FC. It will contribute to social sustainability. These additional football pitches will meet an urgent social need for more sports facilities in the town for young people. The number of young people playing football for the club has increased considerably in recent years but there are insufficient football pitches to meet that need. The additional sports facilities will contribute towards promoting good health and combating obesity. I fully support the statements of support issued by both Shipston Sports and Social Club and Shipston Excelsior FC.’ (16.10.13).

Councillor Saint (adjoining Ward Member)

Objects to the proposal for the following reasons:

My interest in this application is as lead member on Planning Policy.

At no time has development at this location been proposed by the District Council as an allocation in its Local Plan or emerging Core Strategy.

The proposed development site is a green field location of attractive pasture land outside the built up area boundary of Shipston-on-Stour. The land is at a sensitive location protected as part of an Area of Restraint in the saved policies of the District Local Plan. The status has been maintained in the emerging submission submission draft of the proposed Core Strategy, following a review of boundaries for the Areas of Restraint.

If implemented, the proposals would have an impact in both Shipston-on-Stour and many surrounding communities. The land forms part of the upland landscape visible from many public view points.

The NPPF contains policies that will support the protection to the landscape and both designated and non-designated heritage assets, giving great weight to their protection.

Any new development in Shipston-on-Stour would benefit from a Neighbourhood Plan. The District Council has approved a Neighbourhood Plan Area and is providing support to the local community.

I object to the planning application as:

The application site is likely to fail the environmental sustainability criteria in the NPPF.

The proposed development will have an overbearing impact upon the neighbouring hamlet of Barcheston, significantly undermining its historic character and rural setting.
There are no mitigating circumstances to warrant development in the Area of Restraint.

Any development will do significant and demonstrable harm to the landscape when viewed from a number of public vantage points.

The application is premature, given that it lies within the approved boundary of the Shipston-on-Stour Neighbourhood Plan’ (17.10.14).

**Cllr Phillip Seccombe (adjoining Ward Member)**

Objects to the proposal for the following reasons:

‘I am the adjoining Ward Member to Shipston – Brailes, which includes the Parish of Barcheston and Willington. I believe this application effects Barcheston, as least as much as Shipston.

I would like to attend the East Area Planning Committee when this application is heard and will object for the following planning reasons:-

1. The site is situated in an Area of Restraint in the current Plan and the emerging Core Strategy.
2. The site is on the edge of the Town, with poor public transport links to the centre, and other places of employment.
3. There is a danger the development of this site will add to the already difficult flooding problems in Shipston.

The site is highly visible from surrounding footpaths and the Cotswolds AONB.’ (11.10.13).

8. **THIRD PARTY REPRESENTATIONS**

A total of 128 representations have been received comprising 109 letters of objection (including two letters from CPRE) and 19 letters of support.

The letters of objection raise the following concerns:

**Unsustainable Location**

The application site is not within walking distance of local facilities and there are more appropriate sites for development within Shipston as set out in the Draft Core Strategy. In addition, bus services along the London Road are infrequent which means, the future occupiers of the development would largely be dependent on travel by the car which not be sustainable contrary to the provisions of Chapter 4 of the NPPF regarding sustainable transport.

No significant local employers or job creation prospects coupled with limited local public transport means that future residents would be dependent on commuting out of town by car contrary to sustainable transport principles and increasing the carbon footprint of the development.

**Landscape Impact**

Proposal would infill gap between Shipston-on-Stour and the hamlet of Barcheston, impacting on the local landscape character and dominating views from Barcheston as well as local rights of way along the River Stour. This includes views from the Shakespeare Right of Way. Photographs have been provided by an objector to illustrate this point.

Proposal would extend the urban area of Shipston southwards into the open countryside resulting in demonstrable landscape harm to prominent hillside location that is visible from the surrounding countryside and the AONB.
The inclusion of external lighting within the development will further exacerbate the urban impact of the proposal on the landscape. The proposed landscape buffers of 10m are insufficient to mitigate the impact of the development.

**Impact on the rural character**
The proposal would have an adverse impact on the rural character of the village and relationship with the Barcheston Hamlet.

**Highways**
Adverse impact on highway safety from the new access to London Road lacking appropriate visibility splays due to the rising of the topography of the A3400 on approach to the site limiting visibility coupled with existing traffic often exceeding 30 mph speed limit. In addition, the increased traffic generation within the local highways infrastructure would impact on highway safety. Access through ‘Angela’s Meadow’ for future occupiers and construction traffic would result in an unacceptable on highway safety due to the narrow nature of the estate road.

**Heritage Impact**
The proposal would dominate views of and the setting of nearby heritage assets including nearby Grade II* Listed Church, Grade II Listed Manor House (which was important for the history of the arts, where in the 16th Century William Sheldon established the earliest tapestry weaving workshop in England). The Church and Manor are popular tourist attractions. In addition, there are 4 other listed buildings within Barcheston whose settings would be detrimentally affected by the development contrary to the provisions of Chapter of the NPPF. The proposal would detrimentally impact on views of, and the setting, of the cemetery and church spire – the enclosure by housing would detract from the public experience of these heritage assets.
Proposal would result in damage to the local historic landscape and the setting of Barcheston with its heritage assets.

**Ecological Impact**
Proposed development will impact on local wildlife/ecological habitats including foxes, badgers, rabbits, grass snakes, water voles, coots, grass snakes, green wood peckers amongst others.

**Impact on neighbouring residential amenity**
Development will impact on neighbouring residential amenity (including the occupiers of Angela’s Meadow) by way of increased noise and disturbance, loss of light, privacy, outlook/views and would result in overbearing impact. The residential amenity future occupiers of the proposed housing could be affected the activities at the girl guides camp by way of noise and disturbance due to campsite being operated over night.

**Design and appearance**
The proposed design and appearance would be a standard residential estate that would not be compatible with the surrounding built form. Due to the gradient of the site, the houses will sit too high which will be out of character with the area and result in disproportionate scale/massing for the housing.

**Contrary to established and emerging Planning Policy**
Development site is with an area of restraint within the local plan and emerging core strategy where such development is considered inappropriate and these policies should be given significant weight having regard to the provisions of the
NPPF and those policies that seek to conserve and enhance the Natural Environment. The original reasoning for the designation of the site as an area of restraint is still applicable today.

_Flood Risk_
Proposal would result in increased surface water run-off which would exacerbate the risk of flooding to nearby properties/buildings, and insufficient information has been provided to demonstrate this would not be the case, contrary to the provisions of chapter 10 of the NPPF ‘Meeting the Challenge of Climate Change, Flooding and Coastal Change’. In addition, insufficient information on the means of drainage is provided within the planning submission. Without this information, the application should not be determined.

_Anti-social behaviour and crime_
The proposed development would result in increased anti-social behaviour and nuisance to the local area and the operation of the girl guides camp which has vulnerable children young children.

_Other objections_
- The LSS 2011 is of limited weight and the development would not address the identified constraints set out in the study relating to impact on views of the application site from Barcheston/Valley and the setting of neighbouring heritage assets.
- Lack of need for proposed affordable housing with current over provision within Shipston.
- It would impact on the operation of the Girl Guides camp to the east of the site by being located at a higher level resulting in a loss of privacy. The introduction of urban development would not be compatible with the countryside environment required for the Camp detracting from its use.
- Insufficient infrastructure to support the current proposal as well other developments with the current infrastructure already over subscribed/at capacity e.g. local schools, local sewerage system, local medical centre.
- More appropriate locations for large scale residential schemes and associated affordable housing e.g. existing proposals on Campden Road and the proposed new town at Gaydon.
- Proposed housing would lead to the loss of shops/facilities e.g. Lloyds Bank which is already closing.
- The existing play area at Angelas Meadow has insufficient capacity to accommodate the demand from the proposed housing.
- The proposed football pitches were already used by the local community but 12-18 months their use was stopped by the landowner – the offer to return to them to community use is not a significant benefit. In addition, the location of the pitches close to the river and their quality is poor.
- There is a lack of community gain associated with the proposal – the applicant should be offering more to the community as part of the scheme.
- Proposal would lead to an area of public amenity space.
- The proposal is premature and would undermine the housing strategy set out in the emerging Core Strategy. In addition, the amount of housing in the pipeline already far exceeds the allocation within emerging Core Strategy.
- Unacceptable loss of agricultural land.
- The supporting plans are unclear as to the boundaries of the site to the east and south nor do the landscape buffers show areas for access or maintenance.
- Supporting visual impact assessment/photos distort views of the site from the surrounding landscape.
- Proposal constitutes inappropriate development of greenfield land.
- Proposal requires an Environmental Impact Assessment and should not be considered without one.
- The reduction in the scheme to 55 dwellings does not overcome the fundamental concerns with the scheme.
- Orbit homes have not implemented the previous landscaping and buffers to the Angelas Meadow site which could mean, if this development went ahead, any approved landscaping would not be properly carried out.
- Lack of financial contributions towards improving the health centre.
- Councils Conservation Officer has not thoroughly assessed the impact on the affected heritage assets.

The letters of **support** raise the following positive matters:

- The proposed development meets the needs of the town and is beneficial to the whole community within the town.
- The applicant, orbit homes, is already established within the local community.
- The District Council does not have a 5 year housing supply and this proposal will make a significant contribution to meeting this need.
- Orbit Homes has undertaken significant public consultation in preparing the proposal and have a good track record of community engagement.
- Orbit Homes have worked with Stratford District Council to provide an appropriate number, type, size and tenure of dwellings to meet the needs of the community of Shipston.
- The proposed football pitches and additional open space will support the local football club providing much needed facilities. Currently, out of town facilities also have to be used. The pitches would direct leisure users to local facilities which would also support the local economy. This is social benefit.
- The proposed landscaping to the boundaries would screen the development from the wider countryside, London Road and the girl guides camp.
- It is recognised that the proposal would result in some landscape harm. However, the benefits of the proposal would out weigh this harm. Therefore, the application should be supported.

**9. CONSULTATIONS**

**English Heritage**

*Initial comments*

Do not wish to comment in detail but advise the District Council when determining the application you should take into account the setting of the nearby heritage assets (including Barcheston Church and the Shipston Conservation Area) and consider the impact in the terms set out in our guidance, The Setting of Heritage Assets. There appears to be some undesignated medieval ridge and furrow in the field which should be considered in the terms sets out in paragraph 128 of the NPPF.

The application should be determined in accordance with national and local policy guidance and on the basis of your specialist conservation advice. (16.10.2013).
Additional Comments

The area of restraint has been retained in the Draft Core Strategy: Local Development Framework, 2012 at section 10.6. The area in question lies on the eastern side of Shipston on Stour within which the proposed development lies. Clearly, there is a need to maintain a separation between the small settlement of Barcheston and the larger Shipston. This separation is important in heritage significance terms, as brought out in some of the other responses to the application.

I would re-emphasise the need to undertake a thorough assessment of the impact of the scheme on all the adjoining heritage assets in line with the English Heritage Guidance on the assessment of setting. (15.11.13).

Additional Comments

Re-iterate previous advice given 16.10.13 and 15.11.13.

SDC Conservation Officer

No objection. The application site is a significant distance away from the Conservation Area and does not affect its setting. There are three listed buildings near the site including the St Martin Church Grade II Listed circa C12/13th, The Manor Grade II Listed circa C16/17th and Two Cemetery Chapels Grade II Listed late C19th. The first two are also a significant distance away on the opposite side of the river. They are within their own setting and are not seen in juxtaposition with the site.

The Chapels are also in their own landscape (the cemetery) which does not relate to the field opposite (application site). The tall hedge to the boundary of the field adjacent to the road screens the site and keeps views of the field out of the sightlines of the Chapels.

In summary, the development would not harm the settings of the three listed buildings. (15.11.2014)

WCC Archaeology

No objection subject to a written scheme of archaeological investigation being secured by planning condition (10.11.13).

Additional comments

There is evidence ridge and furrow survives across this site which is of local significance. The proposed development will have a significant impact upon this ridge and furrow, which will result in a minor adverse impact on the historic environment. I do not consider that this would be grounds to object to the development (04.06.14).

Environment Agency

No objection subject to conditions controlling surface water run-off rates, provision of attenuation basin and detailed surface water drainage strategy (17.10.2013).
**Severn Trent**

*Initial comments*

No objection subject to the imposition of conditions in respect of surface water and foul drainage (25.10.2013)

*Additional comments*

Re-iterate previous response (27.03.14).

**WCC Drainage and Flood Risk Team**

No objection to detailed surface water drainage system coming forward prior to the commencement of development to ensure adequate drainage scheme is provided for the proposal and there would be no adverse impact on the risk of flooding. (06.02.14).

**WCC Highways**

No objection subject to conditions and relevant informative notes ensuring the access being laid in accordance with drawing no. Q6345-E03 Rev C, access visibility splays of 2.4m x 90m, access width of 5.5m, 7.5m kerb radius width for the access, access gradient not steeper than 1 in 50 for the first 15m, access being surfaced with bound material and access construction design to reduce surface water run-off. In addition, contributions of £15,000 towards the provision of gateway features at the existing 30mph speed limit on the approach into Shipston on Stour, £20,000 towards the provision of bus shelters at the two bus stops in proximity of the site and £50 per dwelling for sustainable welcome packs for future occupiers.

The developer is also required to improve the footway extending across the site frontage as part of the s.278 agreement. Details to be agreed at later stage as part of the S278 process (05.11.13).

**Cotswold Conservation Board**

The application would not have an adverse impact on the landscape and scenic beauty of the Cotswolds AONB or its setting. This is due to the distance to the site from the AONB, and that such development would be seen in the context of the village in such views. This is not to say that there may not be local landscape impacts. However, these would not be within the remit of the Cotswolds Conservation Board to consider (16.01.2014).

**WCC Ecology**

The proposal is supported by ecological reports including reptile survey, extended phase 1 habitat survey, badger survey, biodiversity offsetting calculations, ecological protection plan and biodiversity enhancement scheme. A low population of grass snake has been found within the application site. However, appropriate mitigation/compensation measures are proposed, the development provides sufficient quality, quantity and connectivity of habitat, to accommodate the reptile population. Based on the measures put forward, there should be no net loss to the status of the local reptile population. Appropriate working practices/safeguards for other protected species are also detailed within the ecological protection plan which can be secured by planning condition.
The application is supported by a Biodiversity Impact Assessment (BIA) which indicates the development of this site will lead to a net loss in biodiversity, so to compensate for this, 0.8 HA of land is being provided off-site. Ecological Services are satisfied that this is a suitable level of compensatory land within an appropriate location to offset the loss to biodiversity. This will also ensure that the proposed development leads to a net gain in biodiversity, as promoted in paragraph 109 of the NPPF.

As well as the requirement for an offset compensation scheme, it is recommended that the areas of green infrastructure are managed in a wildlife friendly manner, a long term ecological management scheme ‘Habitat Management Strategy’ will be required which can be secured by planning condition. (19.05.14).

**Warwickshire Badger Group**

No objection but request additional badger surveys be undertaken prior to development commencing (26.09.13).

**Natural England**

*Initial comments*

No objection (09.10.13).

*Additional comments*

Re-iterate previous response (05.03.14).

**Sport England**

No objection subject to the proposed off-site football pitches being secured and suitable contribution towards leisure facilities within Shipston-on-Stour (28.10.14).

**WCC Rights of Way**

No objection subject to the securing of a financial contribution of £6310 towards the improvement of public footpaths within a 1.5 mile radius of the application site (18.10.2013)

**WCC Fire and Rescue**

No objection subject to the imposition of conditions requiring a scheme for the provision of adequate water supplies and fire hydrants necessary for fire fighting purposes on the site secured by planning condition (10.10.13).

**SDC Environmental Health**

*Initial comments*

No objection subject to precautionary assessment, and where necessary mitigation, of any potential contamination within the site being secured by planning condition (25.11.13).

*Additional comments*

Re-iterate previous response dated 25.11.13 (04.03.14)
Warwickshire Police Crime Prevention Design Officer

No objection subject to the consideration of the implementation of specific measures such as glazing that meets British standards to ensure that the occupants do not become victims of crime or anti-social behaviour. Affordable housing should be built to Secured by Design standard. (30.09.2013)

South Warwickshire Foundation Trust

No objection subject to the payment of a contribution of £100,680 towards Acute and Community Healthcare Facilities (26.02.2014).

WCC Libraries

No objection subject to the payment of a contribution of £10,242 towards library facilities (09.10.2014).

WCC Education

Initial comments (60 dwellings):

Request £347,862 towards early years, primary, secondary and sixth form education places (16.10.13)

Following receipt of amended plans (55 dwellings):

Request £285,021 towards early years, primary, secondary and sixth form education places (28.05.14).
10. **ASSESSMENT OF THE KEY ISSUES**

**Principle of Development**

When determining a planning application the Council is required to make the determination in accordance with the Development Plan unless material considerations indicate otherwise (Section 38(6) PCPA 2004 and Section 70(2) TCPA 1990). The National Planning Policy Framework (NPPF) is a key material planning consideration.

**The Development Plan and Housing Supply**

At the time of writing this report, the formal development plan comprises only the saved policies of the Stratford on Avon District Local Plan Review. Paragraph 215 of the National Planning Policy Framework (NPPF) advises that “due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework”.  

Under National Policy, the provisions of the NPPF have the greatest weight in determining the principle of housing in this planning application, while the Council is deemed to currently have an unmet housing need (see Annex A to this report). Under paragraph 215 of the NPPF, the saved polices of the District Council’s local plan need to be considered, but have little weight when compared to the policy provisions within the NPPF itself, if they are not consistent with the NPPF.

The application site is located within an Area of Restraint as identified in the Local Plan Review and as such saved policy EF.3 applies. The overriding intention of ‘Areas of Restraint’ is to protect their inherently open character because of the valuable contribution they make to the character of the settlement. This may take the form of significant areas of open space within the urban area or a physical feature which is important in establishing its setting. I acknowledge that the NPPF does not make specific reference to areas of restraint and as such policy EF.3 is not wholly consistent with the NPPF, given the restrictive nature of the policy. However, the ethos of the Areas of Restraint policy is carried through in one of the core planning principles of the NPPF which states that planning should take account of the different roles and character of different areas and recognise the intrinsic character and beauty of the countryside (paragraph 17, 5th bullet point).

**Material considerations**

**The National Planning Policy Framework**

Paragraph 14 of the NPPF states ‘inter alia’ that there is a presumption in favour of sustainable development and that planning permission should be granted where development accords with the development plan.

Where the development plan is absent, silent or relevant policies are out-of-date, planning permission should be granted unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole; or
- specific policies in the Framework indicate development should be restricted.
The NPPF sets out at paragraph 17 twelve core principles that planning should underpin. Of these 12 core principles, a number apply in relation to this application. These include:

Bullet point 3 seeks to proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. This is developed further under section 6 ‘Delivering a wide choice of high quality homes’ in particular seeking to boost housing supply (paragraphs 47 and 49).

Bullet point 5 seeks ‘inter-alia’ to recognise the intrinsic beauty and character of the countryside. This is developed further under section 11 ‘conserving and enhancing the natural environment’.

Bullet point 7 seeks to contribute and enhance the natural environment which is again developed under section 11 of the framework.

Bullet point 8 encourages the effective use of land by reusing land that has been previously developed, provided that it is not of high environmental value. Paragraph 111 of the NPPF also seeks to encourage the effective use of previously developed land. However, the NPPF is clear in that it does not preclude the use of ‘greenfield’ sites for development.

Bullet point 10 seeks to conserve heritage assets in a manner appropriate to their significance, so they can be enjoyed for their contribution to the quality of life of this an future generations. Section 12 of the Framework, develops this further in particular paragraphs 129 to 134.

Bullet point 11 seeks to actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable. This is developed further under section 4 ‘Promoting sustainable transport’ of the Framework.

Bullet point 12 seeks to take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs. This is developed further under section 7 ‘Requiring Good Design’ and section 8 ‘Promoting Healthy Communities’ of the Framework.

Emerging core strategy

The Council on the 12th May 2014 approved its Proposed Submission Core Strategy 2014. The document follows a ‘Focused Consultation’ into a Housing Requirement of 10,800 for the plan period 2011 – 2031 and Strategic Site Options. This document was published on 5th June 2014 in compliance with Regulations 19, 20 and 35 of the ‘Local Planning Regulations 2012’ to invite representations concerning soundness and due legal process, including compliance with the Duty to Co-operate. It is anticipated that the document will be submitted to the Secretary of State in September 2014, with the examination proceeding through the latter part of the year/early 2015.

Housing supply

Policy CS15 ‘Distribution of Development’ will be based on a pattern of balanced dispersal, in accordance with the distinctive character and function of the wide range of settlements across the District, as reflected in the following hierarchy:
The policy indicates specific strategies for the main rural centres are set out in the Core Strategy. Proposals for a new settlement at Gaydon and Lighthorne Heath, to the west of the M40, are also identified as a major growth point.

Policy CS16 ‘Housing Development’ gives a breakdown on new housing requirements (approx figures) by type of settlement, with Main Rural Centres absorbing 2830 new homes. The supporting text to Policy AS6 suggests up to 235 dwellings plus windfall development are to be provided over the plan period within Shipston on Stour.

Areas of Restraint

The application site is indicated to be within the proposed Shipston-on-Stour Area of Restraint which includes the river environs to the east of the town as set out in Policy CS13. This policy indicates land designated as an Area of Restraint makes an important contribution to the character of the settlement. Development must not harm or threaten the open nature of such areas, taking into account any possible cumulative effects.

The policy goes on to say planning permission for a large-scale form of development in an Area of Restraint will only be granted where a scheme would have demonstrable community benefits and contribute significantly to meeting an objective of the Core Strategy. It will also need to be demonstrated that no suitable alternative sites outside the Area of Restraint are available for the proposed development.

The policy further indicates that projects which enhance the character and visual amenity of Areas of Restraint will be encouraged, as will the promotion of beneficial uses such as public access, nature conservation and food production. The boundaries to the Areas of Restraint are shown within the supporting maps to the policy.

Paragraph 216 of the NPPF allows for weight to be given to relevant policies in emerging plans, unless other material considerations indicate otherwise, and only subject to the stage of preparation of the plan, the extent of unresolved objections and the degree of consistency of the relevant emerging policies to the NPPF policies.

To date, in officers’ opinion, the Proposed Submission Core Strategy (May 2014) carries limited weight for decision making purposes.

Landscape Sensitivity Study 2011

This document forms part of the evidence basis underpinning the preparation of the Core Strategy. Part B of the document covers land parcels/sensitivity assessments for the main towns and villages. The application site is identified as ‘Sho7’. The document assesses the sites suitability for residential housing in respect of landscape sensitivity as follows:

- Stratford Main Town;
- Main rural centres;
- A new settlement;
- Local Service villages; and
- All other settlements.
The zone is a sloping grass field on the lower valley side of the River Stour at the southern edge of the settlement. New housing has recently been constructed to the north creating a raw edge and the cemetery with its listed chapels/spire and mature conifer trees lies to the south west, across the A3400 approach road to the settlement. A single dwelling lies to the south east. The site is visible from the east across the valley although is partly screened from Barcheston by intervening trees. Views from the A3400 are limited until close to the zone.

The zone's sensitivity lies in its contribution to the setting of the cemetery and its proximity to Barcheston and its listed buildings. The cemetery and grounds are a positive feature and gateway to the settlement but lie on the opposite slopes of a minor ridge to the zone. Therefore, housing development in this zone may be acceptable if designed to minimise effects on the cemetery and its users and in views across the valley from Barcheston and its environs.’

The assessment concludes:

‘Housing should address road A3400 positively being set back at a lower level while retaining hedge and adding trees; structure planting minimum 10m wide to southern boundary to screen housing from south; structure planting to north east and within development to mitigate effects on Barcheston and environs; avoid development of projection of the site towards valley floor to keep corridor of green space along valley bottom including campsite; access from existing development’

Part C of the document reviewed all of the District Council’s Areas of Restraint, including the Shipston-on-Stour AoR where the application site is located. The review recommended the extension of the AoR to the east, to separate Barcheston from Shipston, to contribute to the setting of listed buildings, and to limit expansion in these areas. However, it recommended removing the application site from the AoR due to it having development potential. This particular recommendation was not carried through in the Emerging Core Strategy Policy CS13 ‘Areas of Restraint’.

Impact on the character of the area and rural landscape

The NPPF requires as part of its core principles (paragraph 17 -5th bullet point), that, inter alia, planning should take account of the different roles and character of different areas and recognising the intrinsic character and beauty of the countryside. Saved policy PR.1 of the Local Plan Review states that proposals should respect, and where possible, enhance the quality and character of the area. Proposals that would damage or destroy features that contribute to the distinctiveness of the local area will not be permitted unless significant public benefit would arise from the scheme. The value attached to such features by local communities’ will be taken into account. This policy is considered to have a high degree of consistency with the NPPF.

Paragraph 109 of the NPPF states that the planning system should contribute to, and enhance, the natural and local environment by protecting and enhancing valued landscapes, whilst paragraph 113 advises that local authorities should set criteria based policies against which proposals for any development affecting landscape areas will be judged.

The Landscape Sensitivity Study 2011 carried out an assessment of all the Areas of Restraint in the District. This assessment concluded that the Shipston Area of Restraint was worthy of protection subject to modifications to its boundaries. It provides an attractive strong green corridor to limit development along and adjacent to the River Stour and provides a buffer between the settlement of
Shipston to the west and Barcheston to the east to maintain their separate identities and also contributes to the setting of Barcheston.

The LSS 2011 recommended modifications that include the extension of the Area of Restraint to include areas to the east to reinforce the separation of Barcheston from Shipston. It also recommended the removal of the area to the south, just east of the cemetery, which is the proposal site the subject of this application. The proposed boundary changes are intended to address the expectation that there would be potential development pressure on vulnerable areas, and suggests omitting the application site from the Area of Restraint in response to the expected pressure to round off the settlement and fill in gaps in the settlement form.

This Area of Restraint has been carried through into the Proposed Submission Core Strategy 2014 with the extended areas to the east of the application site as proposed by the LSS 2011 Area of Restraint Assessment. However, the recommendation to remove the application site from the Area of Restraint has not been carried forward into Core Strategy Policy CS13 and its supporting policy maps, and therefore, the application site is proposed to be retained within the Area of Restraint.

The weight to be given to the LSS 2011 (which removes the site from the AoR) and the weight to be given to emerging policy (which retains the site with the AoR) is a matter for the decision-maker.

**Landscape character**

In the Landscape Sensitivity Study (LSS) 2011, the site (SH07) is identified as a sloping grass field on the lower valley side of the River Stour at the southern edge of the settlement. The study recognises new housing (Angelas Meadow) has recently been constructed to the north creating a raw edge with a cemetery with its listed chapels/spire and mature conifer trees lying to the south west, across the A3400 approach road to the settlement. The site is noted to be visible from the east across the valley although it is partly screened from Barcheston by intervening trees. Views from the A3400 are considered to be limited until you are close to the site.

The study indicates the zone’s sensitivity lies in its contribution to the setting of the cemetery and its proximity to Barcheston and its listed buildings. The cemetery and grounds are a positive feature and gateway to the settlement but lie on the opposite slopes of a minor ridge to the site. Therefore, housing development in this site may be acceptable if designed to minimise effects on the cemetery and its users and in views across the valley from Barcheston and its environs.

The study concludes any housing should address road A3400 positively, being set back at a lower level while retaining the hedge and adding trees; new structural planting that is a minimum of 10m width to the southern boundary to screen housing from the south; new structural planting to the north-east and within the development to mitigate effects on Barcheston and environs; need to avoid the projection of any development within the site towards the valley floor to maintain a corridor of green space along valley bottom including the campsite; The access to the scheme should be from the existing development is possible.

I consider that the proposal needs to be assessed in respect of the specific site context and also within the context of the District Council’s Landscape Sensitivity Study (LSS) 2011 in respect of parcel of land (Sh07) which is the latest evidence base in respect of assessing the context of the site in the wider landscape.
As part of the current application the applicant has submitted a concept plan in respect of how the application site may be developed in the future and which would inform any subsequent reserved matters application should outline planning permission be granted. The indicative layout plan shows the density of proposed housing would be kept low along the north-eastern and south-eastern boundary, with significant landscape buffers to the boundaries (up to 10m in width) and the retention of existing trees/hedgerows to the boundaries within the site, as well as new structural landscaping within the site, to mitigate the overall impact of the proposed development on the character of the area.

In addition, the plans show proposed houses facing the A3400 being set back up to 10-20m from the road, which would mean, taking account the reducing levels within the site, the ground floor to proposed houses would be set at a lower level than the road further reducing the impact on the rural street scene along London Road in accordance with the advice set out in the LSS 2011. The impact on the character of the area could be further reduced by limiting the height of the dwellings.

The landscape buffer to the western boundary of the site would maintain a sufficient landscaping to soften the appearance of the development to the London Road, although I acknowledge several of the Lime Trees outside the site along the highway verge would have to be removed to facilitate the visibility splays for the proposed vehicular access way which would have some harmful impact. However, the trees could be replaced as part of appropriate landscaping scheme to minimise this impact to the local landscape character and additional compensation would be provided through the provision of significant landscape buffers, creation of publicly accessible open space and for long term establishment of hedgerow and canopy trees within the site.

It is also recognised that the development would not project into the more sensitive landscape areas close to the valley floor along the River Stour which would ensure the maintenance of a green corridor along the route of the river in accordance with the assessment within the LSS 2011.

The indicative site plan indicates the proposed development would allow the retention and enhancement of key existing landscape features, particularly the boundary vegetation, which would help retain some of the character of the site and re-enforce local landscape character.

The proposal would have some localised impact on the character of the surrounding landscape in the short term through the loss of an agricultural field. However, in my opinion, over time, the impact will become beneficial as proposed planting scheme matures and contributes positively to local landscape character.

I consider that the proposal would not have a significant detrimental impact in terms of landscape character. The concept plan produced shows that substantial landscaping can be provided especially when viewed from the east and south-east of the site where views of the site are available to minimise the impact.

I consider that the mitigation measures proposed would assimilate the development into the landscape and would allow the principle of maintaining a continuous green corridor to the River Stour to the east to be secured. In addition, I consider that this development would provide enhanced structural landscaping to define a clear settlement edge to the southern boundary of Shipston and improve the existing raw urban edge to the open countryside.
I have also given careful consideration to the impact of the proposed development on the character and appearance of the Cotswold AONB. However, given the separation distances exceeding 2.2km and the fact that the site will be read in the context of the existing townscape, I do not consider that the proposed development will have a detrimental impact on the Cotswold AONB. The Cotswold Conservation Area Board have raised no objection to the proposed development.

In summary, I do not consider that the proposed development would have a significant detrimental impact on the character of the area and the limited impact could be mitigated through an appropriate layout coming forward at the reserved matters stage and appropriate structural landscaping.

**Visual Impact**

Medium distance views (300-600m) from listed buildings, Barcheston village and public rights of way are available but are relatively limited due to the intervening vegetation associated with the River Stour. Where views of the site are available, they form part of a wider view of the site, seen in the context of built form and against the back drop of the surrounding hills and vegetation.

It is recognised that the proposed development would have a localised visual impact, with views towards the site and from the surrounding landscape and visual receptors predominantly interrupted by intervening vegetation and landform. The visual effects of greatest significance would be on the existing residential properties and users near the site including properties along London Road, adjacent to the site, Angelas Meadow and the Ridgeway where existing views across the site are of open agricultural field; and users of the Girl Guides Camp.

However, the submitted information, including an indicative master plan seeks to reduce the adverse nature of these effects through the careful siting and scale of the new buildings in relating to existing properties and rear gardens. The proposed densities have been kept low along the north-eastern and south-eastern boundary, together with significant enhancements to the boundary vegetation, including the creation of landscape buffers. These mitigation measures ensure, once the planting has matured, any localised impacts would be significantly reduced.

It is noted that views of the proposed development from the Church of St Martins, Barcheston village and public rights of way across the valley to the east and south-east are available. However, they are partially filtered by intervening woodland, and can be seen within the context of a wider view, including surrounding built form and structural vegetation.

Whilst this is an outline application, the scheme can be laid out to ensure key views of the Cemetery Church Spire can be achieved through the site and out of Barcheston and across the valley, further minimising the impact on the local landscape character within the context of Barcheston and the Cemetery. (The impact on heritage assets is considered in more detail further below).

The development would retain separation distances of over 300m to Barcheston and 50m to Cemetery Chapels which, in my opinion, coupled with the proposed landscaping and sensitive site layout, would ensure these features maintain their individual identities within the rural landscape and local views.

The site is located approximately 2.2km from the Cotswolds AONB and does not infringe the lower slopes of Brailes Hill, therefore, views would be seen over a long distance where the proposed development would not be readily distinguishable in the context of the existing settlement of Shipston and wider landscape view.
For these reasons, whilst there would be some short term impact on localised views, I consider that the proposed development can be successfully assimilated in the landscape in the medium term where it would be seen against the context of the existing residential boundary of Shipston subject to appropriate mitigation. In light of this I do not consider that the proposed development would have a significantly detrimental impact on the visual amenity of the surrounding area.

**Conclusion on impact on the character of the area and rural landscape and visual amenity**

Taking into account the landscape character of the area and the visual impact resulting from the proposed development subject to appropriate mitigation, I consider that the extent and location of the net developable area would be acceptable and over time would have a positive impact on local landscape character.

In assessing this site specific proposal, I have concluded that, in terms of impact on the landscape character and views, this site is in principle suitable for residential development in relation to impacts on landscape character and visual amenity.

It is for the Committee, as decision-taker, to weigh all of these material considerations and draw its own conclusions. In particular, the Committee should consider what weight it gives to the LSS 2011 recommendation to remove this site from the AoR and what weight it gives to the emerging policy (and associated plans) which retains this site within the AoR.

**Impact on heritage assets (Setting of Listed Buildings, Conservation Area and Archaeology)**

Paragraphs 128-137 of the NPPF seek to protect heritage assets, as do saved policies EF.13 and EF.14 of the Local Plan Review. However, unlike the local plan, the NPPF at paragraphs 133 and 134 provides scope whereby harm to heritage assets may be acceptable if outweighed by public benefits. I consider the local plan policies (EF.13 and EF.14) to have limited consistency with the NPPF and they are therefore afforded significantly less weight.

**Impact on setting of Shipston Conservation Area and Listed buildings**

The Conservation Officer has carefully assessed the impact on nearby heritage assets indicating that given the application site is a significant distance away from the Conservation Area it would not affect its setting.

The Conservation Officer recognises there are three main heritage assets near the site including the St Martins Church Grade II Listed circa C12/13th, The Manor Grade II Listed circa C16/17th and Two Cemetery Chapels Grade II Listed late C19th. The first two are also considered to be a significant distance away (over 300m) on the opposite side of the river. They are within their own setting and are not seen in juxtaposition with the site and therefore would not detrimentally be affected by the proposed development.

The Chapels are also considered by the Conservation Officer to be in their own landscape (the cemetery) which does not relate to the field opposite (the application site) and are situated approximately 50m from the development. The tall hedge to the boundary of the field adjacent to the road screens the site and generally keeps views of the field out of the sightlines of the Chapels.
For these reasons, the Conservation Officer has concluded that the proposed development would not have a detrimental impact on the setting of the Conservation Area or the setting of any listed buildings.

Having regard to the Conservation Officer’s comments, I consider subject to an appropriate layout coming forward at the reserved matters stage which could allow views through the development to be achieved of the Church Spire to and from Barcheston, and appropriate structural landscaping to the boundaries of the site, the setting of the cemetery and Barcheston with its listed buildings would be preserved.

It is recognised that the proposal would result in the introduction of modern residential development to the southern edge of the settlement where the hamlet of Barcheston is located nearby. However, the proposed housing would be 300m from this hamlet which would ensure a strong sense of separation would be maintained between the southern settlement edge of Shipston and Barcheston, ensuring Barcheston maintains its individual identity at the same time preserving the setting of heritage assets within Barcheston.

Overall, I consider there are no direct impacts identified for the listed buildings and the level of impact on the wider setting of these listed buildings is identified as having a negligible degree of harm on their individual and group significances. Even if some harm was identified to these heritage assets, having regard to the provisions of paragraph 134 of the NPPF, I consider it would be less than substantial and would be outweighed by public benefits associated with the provision of 55 dwellings to meet the District’s housing needs.

Archaeology

An archaeological assessment has been submitted as part of this application. The assessment concludes, given the low potential for the site to contain significant archaeological remains, any additional investigations should be secured by planning condition. WCC Archaeological Services have assessed the supporting information and raise no objection subject to a written scheme of archaeological investigation being secured by planning condition.

The application site does contain ridge and furrow relating to historical agricultural activity. WCC Archaeological Services have assessed the ridge and furrow and concluded it is of local importance, and whilst the proposed development would have a significant impact upon this particular area of ridge and furrow, overall it will only result in a minor adverse impact on the wider historic environment, and therefore, they do not consider that this would be grounds to object to the development.

In accordance with paragraph 133 of the NPPF, the loss of the ridge and furrow is considered necessary to achieve the substantial public benefits associated with the provision of 55 dwellings to meet the District’s housing needs. These substantial benefits would outweigh the loss of the ridge and furrow in officers’ opinion.

In light of the above, other than the loss of the ridge and furrow within the site, the proposed development would not have a significant detrimental impact on any heritage assets in accordance with saved adopted policies EF. 11, EF.13, EF.14 and paragraphs 128-137 of the NPPF. I therefore consider, in terms of heritage impact, the application site is suitable in principle for residential development.
The application site was included as part of a larger Land Parcel SHP704 (which includes the Angelas Meadow residential estate) identified in the 2012 Strategic Housing Land Availability Assessment (SHLAA) review.

The review indicates housing development in this area maybe acceptable if designed to minimise effects on the cemetery and its users, and in views across the valley from Barcheston and its environs. It explains if there is a requirement for further greenfield development, this site should be considered as a possible development site.

The review goes on to say, taking account of the character of the site and its surroundings, this site could be developed for low density development e.g. 25 dwellings. The review concludes the north-western part of the site gained permission for social housing (Angelas’ Meadow) which is now completed. The remainder of the site has potential for housing as part of broader location in this area.

Town Council Documents

Shipston Town Council Town Plan 2008 - 2013

The plan was adopted in 2008 which identifies a number of broad issues for the town and a range of possible actions. One of the key findings is that there should be limited use of greenfield sites for housing.

Shipston Housing Needs Survey 2005

This identified an affordable housing requirement for the town that was met by the recent residential development at Angelas Meadow.

Shipston Housing Needs Survey 2013

A full copy of this document was not accessible at the time of writing this report but it is understood that the following affordable housing requirements have been identified for the town:

- 24 homes for rent from a housing association
- 2 homes for shared ownership sale
- 24 homes for local market ownership

This document reflects a more recent evidence base and therefore is afforded some weight.

Shipston Neighbourhood Plan 2014

A draft document was not available at the time of writing this report but it is understood the neighbourhood plan is at a very early stage of preparation and therefore carries limited weight in officers’ opinion.

New Homes Bonus

The creation of new homes would in economic terms provide money to support local communities under the Governments ‘New Homes Bonus’ and is a material consideration and one that gives some support to the consideration of the application.
Prematurity

The National Planning Policy Guidance states that Annex 1 of the National Planning Policy Framework explains how weight may be given to policies in emerging plans.

Notwithstanding the size, scale and location of this scheme in relation to Long Itchington, taking into account the current stage of the core strategy, as well as recent high court judgements and the advice set out in the NPPF, it is officers’ opinion that no objection can be raised on grounds of prematurity.

Conclusion on the Principle of Development

Having regard to the above, it must be recognised that the District’s relevant housing policies are out of date. With the District’s emerging core strategy afforded limited weight at this stage, the Council has a deficiency in its housing land supply that the proposal would help meet both in terms of market and affordable housing provision and this factor is given significant weight in the determination of the application.

I have concluded that the harm to the character of the landscape and to visual amenity is acceptable. In addition, there would not be a significant detrimental impact on the setting of nearby heritage assets and the relationship of the site with Barcheston in the wider context. Overall, I conclude that the principle of the residential development proposed on this site to be acceptable subject to the material considerations set out below.

Highways Matters

Access and highway safety

Paragraph 32 of the NPPF states, amongst other things, that decisions should take account of whether opportunities for sustainable transport modes have been taken up; safe and suitable access to the site can be achieved for all people and whether improvements can be undertaken effectively limiting the impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

Paragraph 34 of the NPPF also states, amongst other things, that developments that generate significant movements are located where the need to travel will be minimised, albeit, paragraph 34 also takes into account policies throughout the framework relating to rural areas.

Saved policies DEV.4, DEV.5 COM.7 and COM.9 of the Local Plan Review remain generally consistent with this approach.

It is recognised that objections have been raised to the scheme on the grounds of traffic generation, highway safety and inappropriate access arrangement. WCC Highways have carefully considered the proposal, the supporting Transport Statement and other relevant information and concluded it would have a minimal impact on the local highways infrastructure subject to the implementation of the ‘ghost island’ right hand turn into the new access way, new gateway features (at a cost of £15,000) for the existing 30mph speed limit on the approach to Shipston-on-Stour to increase awareness of the development, by making drivers more aware of the change in speed limit as they approach the outskirts of Shipston and new junction construction with 2.4m x 90m visibility splays.
In addition, the supporting TRICS data indicates at the peak AM time 34 vehicles will leave the site (29 will travel north), with 31 arriving in the peak PM time (26 of which will be arriving from the north). In considering the impact at junctions, this level of traffic generation would also have a minimal impact on the safety or operation of the local road network.

Paragraph 32 of the NPPF states development should only be refused on transport grounds where the impacts of development are severe. In this instance, the impact on the local highways infrastructure, having regard to the evidence provided, is considered to be minimal, and therefore in officers’ opinion, would not justify refusal of this application in accordance with the provisions of paragraph 32 of the NPPF.

Accessibility

The site is located on the southern edge of the urban area of Shipston on Stour where it is recognised to be some distance from the village centre and school if travelling by foot. However, it is within walking distance to the local facilities including public house, shop, post office, medical centre, church and leisure facilities. In addition, there are public transport connections along the A3400 London Road which provide access to other facilities, therefore, in officers’ opinion any future occupiers would not be wholly dependent on car borne travel.

The application is supported by Travel Plan that sets out measures to promote more sustainable modes of transport. The measures include the appointment of a Travel Plan Co-ordinator for 5 years that would make regular visits to the site and co-ordinate sustainable transport initiatives with local residents.

In addition to this, WCC Highways, to promote more sustainable modes of transport, request £20,000 towards the provision of bus shelters at the two bus stops close to the site, improvements to the footway extending across the site frontage and £50 per dwelling for sustainable welcome packs.

It is also recognised, whilst the scheme is at an outline stage, secure cycle storage can be secured within the scheme at the reserved matters stage to further promote sustainable modes of transport.

These measures, taking in the account the location of the site, when considered holistically, mean the proposed development is considered acceptable in terms of accessibility in officers’ opinion.

Parking Provision

Paragraph 39 of the NPPF states that if setting local parking standards, authorities should take into account the accessibility of the development, the type, mix and use of the development, availability of public transport; local car ownership levels and the overall need to reduce the use of high emission vehicles. Saved policy DEV.5 of the Local Plan and the car and cycle parking SPD use maximum standards and are not consistent with the framework and are therefore afforded less weight.

Whilst this is outline application, the site is considered to has capacity to accommodate parking provision for a minimum of 2 spaces per dwelling, which I consider is acceptable, in accordance with the provisions of paragraph 39 of the NPPF.
Taking into account all of the above, I consider that the proposed development would have no significant or demonstrable impact in relation to highway safety taking into account access, traffic generation, and accessibility to public transport, subject to the imposition of conditions and contributions (which are considered to meet the tests for conditions and CIL tests) being secured by S.106/278 agreements, having regard to the provisions in the NPPF and saved policies DEV.4, DEV.5 COM.7 and COM.9 of the Local Plan Review, which remain generally consistent with the NPPF.

**Layout, scale, appearance and landscaping (Reserved Matters)**

Notwithstanding this is an outline application, where matters relating to layout, scale, appearance and landscaping would be considered at the reserved matters stage, the indicative layout provides a form of development that is comparable in terms of density (22 d.p.h.) and scale to existing development located nearby.

It also be recognised there areas of new housing adjacent to northern boundary of the site ‘Angelas Meadow’, and therefore, a similar form of modern residential development within the site would harmonise with the surrounding built form. However, the details over the final form of the proposal would be considered at the reserved matters stage.

In addition, given the landscape sensitivity of the site and its edge of settlement location I consider that it is appropriate to impose a condition requiring that a Design Code is imposed in order that an appropriate layout and design can be achieved.

The SHLAA 2012 suggested the site has potential for up to 25 dwellings. However, having regard to the mitigation measures proposed and a sensitive layout coming forward at the reserved matters stage, I consider the scale of development (up to 55 dwellings) and density of 22 dph would be appropriate in this context.

Matters relating to parking, crime prevention, refuse and bin storage would be addressed at reserved matters stage. Bin provision could be secured by condition at this stage in accordance with saved policy IMP.4 of the Local Plan Review.

For these reasons, it is demonstrated that the site has capacity to accommodate a form of development that would harmonise with the surroundings subject to an appropriate layout, scale, appearance and landscaping provision coming forward at the reserved matters stage in accordance with the provisions of paragraphs 56, 57 of the NPPF and saved policies PR.1 and DEV.1. In officers’ opinion, these policies have a high degree of consistency with the guidance contained in the NPPF. Further guidance is also provided in the District Design Guide.

**Landscaping and Trees**

Paragraphs 58 and 109 of the NPPF seek to ensure development is visually attractive as a result of appropriate landscaping and to protect and enhance valued landscapes. Saved policies PR.1 and DEV.2 reflect these policies and therefore remain generally consistent with the NPPF.

The application site is open in nature with trees/hedgerows, other than a single horse chestnut in the centre of the site, being located to the perimeters of the site. The proposal would require the removal of the horst chestnut. However, the supporting arboricultural report indicates this tree should be removed due to its exceptionally poor condition (irrespective of the proposed development proceeding or not). The removal of this tree is therefore considered acceptable.
The proposal would also require removal of some of hedge row within the site to the western boundary and Lime trees along the highway verge beyond the western boundary to construct the new access way with associated visibility splay. The loss of a small section of hedgerow would have a minor harmful impact but the loss of the lime trees would result in a more substantial harmful impact, given the several of the lime trees are category B trees which make a significant contribution to the character of the area and the visual amenity of the street scene.

However, whilst the loss of the Lime trees would be harmful in the short term, I consider that the harm could largely be mitigated in the medium-long term by suitable replacement trees being secured, as part of a wider soft landscaping scheme (which will form part of the reserved matters and relevant planning conditions) which includes appropriate landscape buffers along the western boundary of the site. It is also noted Officers’ the Lime Trees fall within the ownership of Warwickshire County Council who have raised no objection to their removal.

In relation to the remaining trees/hedgerow along the boundaries, whilst this is an outline proposal, it is considered the site has capacity to accommodate up to 55 dwellings whilst retaining and incorporate the remaining hedgerows trees to the boundaries subject to appropriate tree protection measures being secured by planning condition, in the interests of ensuring the creation of a high quality landscaped environment.

I consider that the scheme is acceptable in respect of impact on features of landscape value within the site and the highways verge having regard to the provisions of paragraphs 58 and 109 of the NPPF and saved policies PR.1 and DEV.2 which are generally consistent with the NPPF.

**Housing mix and affordable housing**

Paragraph 50 of the NPPF refers to the need to deliver a wide choice of high quality homes to create sustainable, inclusive and mixed communities, and to include appropriate provision of affordable housing. Saved policies COM.13 and COM.14, whilst now quite old, seek to secure affordable housing and a mix of housing types and therefore still have some consistency with the NPPF. Whilst the Council has an adopted SPD Meeting Housing Needs, the most recent evidence base is now the Coventry & Warwickshire SHMA published in November 2013.

The scheme is in outline form with details to be secured through reserved matters. The Council’s current position in securing affordable housing is in a state of transition, given the age of the saved policies (COM.13) and in light of the new evidence coming forward. The applicant in this case is proposing to provide affordable housing at 35% of total units. Officers consider that this affordable housing provision, which would be secured by way of S.106 agreement, is acceptable until the Council’s evidence base has been assessed in greater detail. The overall housing mix would be dealt with at reserved matters stage.

**Residential amenity**

The application is in outline form with the detailed layout and design being assessed at reserved matters stage. However, taking into account the size of the site, likely number of units, resulting density across the site and separate distances to existing neighbouring properties, I am satisfied that appropriate levels of amenity could be achieved with the development for future occupiers whilst
preserving the amenity of the occupiers of existing properties, with no unacceptable overlooking, overbearing or overshadowing impacts.

In addition to this I am satisfied that the number of vehicles using the site will not give rise to unacceptable levels of noise and disturbance or pollution having regard neighbouring residential amenity.

Concern has also been raised over the potential impact on the operation of the girl guides camp to the east. However, having regard to the separation distances and intervening tree belts coupled with the proposal comprising development that is residential nature, any potential conflict in terms of noise and disturbance or loss of privacy would not be significant.

It is also noted that The District Council’s Environmental Health officer has raised no objection to the proposal having regard to such amenity issues.

**Provision of Public Open Space**

I have carefully considered the amount of open space that would be provided on site. In respect of the location of the open space The NPPF, at paragraphs 58 and 73, encourages access to high quality open spaces and opportunities for sport and recreation. Saved policies COM.4 and COM.5 also seek to secure appropriate standards of open space provision and therefore remain broadly consistent with the provisions of the NPPF.

Having regard to the above, where there is a deficiency in public open space, new development proposals should seek to make new provision available. The PPG17 audit, which is the latest evidence base available to the District, indicates there is some deficiency in public open space for Shipston in respect of youth and adult pitch provision.

The proposed development comprising up to 55 dwellings and would put additional pressures upon existing public open space and play facilities. To meet these needs, the applicant 'Orbit Homes' have suggested, an area of open space would be provided within the application site and it would be located to the northern boundary so it can be integrated with the existing area open space at ‘Angelas Meadow’ (which is within their control) to provide a combined/enhanced area of recreational space. In addition, given there are existing play facilities at Angelas Meadow, the play area would be enhanced through the provision of additional play equipment. Again, this would provide an improved range of local facilities.

This approach would ensure the appropriate provision of public space and play facilities to meet the needs for future occupiers of the development as well as existing occupiers of Angelas Meadow. The provision of the play area/open space could be secured by condition.

However, the application site will not provide for active youth and adult open space and as such I consider that it is acceptable for the applicant to pay a contribution of approximately £14,289 towards off site youth and adult space provision to be secured by way of a S106 legal agreement. The long term management of the on-site POS and off-site provision would be secured by way of the S.106 agreement.

The applicant has included an offer of two-football pitches (1.8 HA) and has requested this should be discounted from the requested contribution of £14,289. However, given the PPG 17 Open Space Audit 2011 indicates there is over-supply of adult football pitches, and under supply of other facilities e.g. cricket pitches,
hockey, junior rugby pitches, I consider the offer of 2 off-site football pitches to be of limited weight and the contribution of £14,289 should be sought in full subject to the request being CIL compliant.

The applicant has also made an offer for the existing maintenance costs of POS at Angelas Meadow to be taken over by a third party, thus relieving the occupants of this Estate the financial burden of this. However, whilst this is a benefit in kind, Officers’ do not consider this to be a significant public/community benefit, given there would be requirement for the management of the open space to be secured through the associated S.106 Legal Agreement in any event.

I also acknowledge that the PPG 17 Open Space Audit 2011 also stated that there is a shortfall of approximately 27 allotments in Shipston. However, in the absence of an adopted planning policy to secure allotments on site or a financial contribution towards off-site provision, it is not considered reasonable to request allotment provision in this instance.

The scheme is therefore, in my opinion, acceptable in respect of open space provision subject to conditions and the completion of a S.106 agreement in accordance with paragraphs 58, 73 of the NPPF and saved policies COM.4 and COM.5 and the tests set out in paragraph 122 of the CIL regulations.

**Lighting**

Paragraph 125 of the NPPF encourages good design to limit the impact of pollution. Given this sensitive edge of settlement location details of lighting can be secured through reserved matters or controlled through the imposition of conditions so not to have a detrimental impact on the amenity of adjoining residential premises or on the appearance of the countryside.

**Loss of Agricultural Land**

Paragraph 112 of the NPPF identifies that Local Authorities should seek to use areas of poorer quality land in preference to that of higher quality. However, the majority of land in Stratford district is Grade 3a and Grade 3b and it is considered that the loss of this particular piece of land would not cause such significant and demonstrable harm, that would outweigh the benefits of the scheme, to the extent it would constitute a reason for refusal of the application.

**Drainage and Flood risk**

Paragraph 103 indicates, when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where informed by a site specific flood risk assessment following the sequential test, and if required the exception test, it can be demonstrated that within the site the most vulnerable development is located in areas of lowest flood risk (unless there are overriding reasons to prefer a different location); and development is appropriately flood resilient and gives priority to the use of sustainable urban drainage systems, amongst other things. Saved Policy PR.7 is consistent with this policy insofar as seeking to ensure development proposals do not increase flood risk.

The site is located within Flood Zone 1 (lowest risk of flooding) where residential development is considered acceptable in principle by the NPPF in relation to flood risk. The proposal is also supported by a Flood Risk Assessment that sets out a package of on-site mitigation measures that ensures the development is flood resilient taking into account 30% increase in rainfall intensity for climate change,
as well incorporating SUDS, that would ensure the development would not increase flood risk elsewhere.

In light of the measures set out in the supporting FRA, coupled with the Environment Agency and Severn Trent Water raising no objection, the proposal is not considered to increase the risk of flooding within the site or the locality in accordance with the provisions of paragraphs 93-108 of the NPPF and saved policies PR.7 and DEV.7 of the Local Plan Review, which remain broadly consistent with the NPPF.

Taking into account the above, in particular the response from the Environment Agency and Severn Trent, officers raise no objection to the development on grounds of drainage/flood risk/contamination, subject to the imposition of conditions.

**Ecology**

One of the core planning principles of the NPPF is to conserve and enhance the natural environment, as expanded upon by paragraph 118. Saved policies EF.6 and EF.7 of the Local Plan Review generally accord with the NPPF as they relate to the retention, protection, management and, where appropriate, creation of wildlife habitats, albeit, the NPPF is less restrictive.

The application site has been subject to extensive ecological assessments which conclude there are no overriding ecological constraints to the development proposals. WCC Ecological Services and Natural England have assessed the information submitted with the application in significant detail. WCC Ecological Services subsequently raise no objection to the proposal subject to the imposition of conditions requiring the implementation of a protected species ecological plan and a habitat management strategy.

The NPPF differs to that of the local plan policies in that it allows for biodiversity offsetting, provided suitable sites are available. Warwickshire County Council are piloting a biodiversity offsetting scheme. Following the completion of Biodiversity Impact Assessment for the proposal, WCC consider that the proposal would result in the loss of biodiversity. To compensate for this 0.8 HA of land is being offered by the applicant off-site. Ecological Services are satisfied that this is a suitable level of compensatory land within an appropriate location to offset the loss to biodiversity. This will also ensure that the proposed development leads to a net gain in biodiversity, as promoted in paragraph 109 of the NPPF.

No objection has been raised on ecological or biodiversity grounds by Natural England. I have taken into account the standing advice of Natural England in respect of assessing the impact on any protected species as a result of the proposed development.

For the reasons outlined above, I consider that this development is acceptable in terms of ecological impact and would result a net gain in bio-diversity accordance with paragraph 118 of the NPPF, subject to the imposition of a condition and note. I have also had regard to the provisions of the NERC act in assessing this development.

**Energy Conservation**

Paragraphs 95 and 98 of the NPPF require schemes to incorporate renewable saving measures. Saved policy DEV.8 and the Council’s Low Carbon Buildings SPD remain generally consistent with the NPPF, as they also seek to improve energy
conservation and promote use of renewable technologies. The core strategy, albeit of limited weight, is moving away from a reliance on renewable technology to a fabric first approach thereby reducing energy usage in the first instance.

This development is only in outline form with limited details of how energy conservation will achieved. However, I consider that details of the final strategy can be secured by way of condition and dealt with at the Reserved Matters Stage having regard to the aims and objectives of paragraphs 95 and 98 of the NPPF, Saved policy DEV.8 and the Low Carbon Buildings SPD.

**Land Contamination**

The application site is within an area at low risk of contamination, and therefore, subject to the imposition of planning conditions to mitigate any potential harm to other land uses, health or the natural environment, the proposed development is not considered to give rise to any land contamination issues in accordance the provisions of saved policy PR.8 and the principles of the NPPF.

**Impact on public footpaths**

The NPPF requires as part of its core principles to actively manage patterns of growth to make the fullest possible use of, inter alia, walking. Saved policy COM.9 seeks to ensure that the layout and design of development proposals will be expected to incorporate facilities for walking that are safe, convenient to use and well connected to other parts of the settlement. In Officers opinion policy COM.9 is consistent with the guidance contained in the NPPF.

There are no recorded public rights of way crossing the site or immediately abutting the application site. However, the WCC Rights of Way Officer has commented in order to mitigate the increase in the County Council’s maintenance liability from the increase in use of the local public rights of way by new residents from the proposed development a contribution of £6310 is requested. This contribution would be used towards upgrading stiles to gates and path surface improvements.

In light of the above and subject to the payment of £6310 towards improvements to public right of way within a 1.5mile radius of the application site that can be secured by a S106 agreement the proposal would not have a detrimental impact on any nearby public footpath in accordance with the requirements of the NPPF and saved policy COM.9.

**Planning Obligations**

**Libraries**

Warwickshire County Council Library Service has requested a contribution of approximately £10,242 towards the improvement of library facilities, having had regard to the provisions in the NPPF and saved policies DEV 6 and IMP.4 of the Local Plan Review.

**Education**

WCC Education have requested a contribution of £285,021 towards early years, primary, secondary and sixth form education places which would be generated by the development, having had regard to the provisions of the NPPF and saved policies DEV 6 and IMP.4 of the Saved Local Plan.
Highways

WCC Highways have requested contributions of £15,000 towards the provision of gateway features at the existing 30mph speed limit on the approach into Shipston on Stour, £20,000 towards the provision of bus shelters at the two bus stops in proximity of the site and £50 per dwelling for sustainable welcome packs for future occupiers.

Healthcare

A contribution of £100,680 has been requested towards Acute Healthcare by South Warwickshire Foundation Trust. However, in light of 3 recent Planning Appeal Decisions were such requests were not found to be CIL compliant, therefore, the District Council, having regard to the provisions of saved policies DEV.6, IMP.4 and Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010, will not be seeking to secure the contribution of £100,680 as part of this planning permission.

The District Council have also consulted NHS Property Services in relation to Primary Healthcare. At the time of writing this committee report a response has not been received. Updates to this will be circulated to members as late papers.

Footpaths

£6310 towards improvements to public right of way within a 1.5mile radius of the application site that can be secured by a S106 agreement having had regard to saved policy COM.9 of the Local Plan Review.

Open Space

A contribution of £14,289 to be secured having had regard to the NPPF and saved policies COM.4 and COM.5 of the Local Plan Review.

All of the above requested contributions are considered to be compliant with the CIL Regulations. However, if it is later considered that the contributions are not CIL compliant, for example as a result of an appeal decision on another site with similar circumstances (as is the case with the acute healthcare contribution above), then they will not be secured as part of the planning permission.

Assessment of sustainable development

The ‘golden thread’ running through the NPPF is the presumption in favour of sustainable development (para.14). The NPPF states that there are three dimensions to sustainable development: social, economic and environmental. These roles should not be undertaken in isolation, because they are mutually dependant (paras.7-8).

Taking into account the assessments detailed in the report, together with the additional benefits created in terms of the creation of short term construction jobs, and longer term support for the local economy from new residents, I consider that the development does constitute a sustainable form of development.

Conclusion

At the heart of the NPPF there is a presumption in favour of sustainable development (Paragraph 14). Having taken into account all the above, I have
concluded that this development does constitute a sustainable form of development.

I acknowledge that the Council cannot currently demonstrate a 5 year housing land supply, and therefore, its relevant housing supply policies are currently considered to be out of date. Where the development plan is out of date, the decision taker should grant planning permission, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, or, where specific policies indicate development should be restricted (Paragraph 14).

I have concluded that the development would not result in significant harm (although I acknowledge that there will be some harm) to the character of the landscape and would not have a significant visual impact on the landscape and, as such, development would be acceptable in principle in this location.

I have also identified that the scheme would result in the loss of 2.5ha of Grade 3 agricultural land, loss of landscape features (Lime trees) and heritage assets within the site (ridge and furrow) and would introduce modern residential development within the setting of a Grade II Listed Cemetery and the Barcheston. I do not consider that these are sufficient reasons for refusal in terms of the principle of development, when weighed against the wider public benefits from the scheme.

I consider the public benefits of the scheme that can be identified as followed:

- Provision of up to 55 houses towards the District Council’s unmet housing need;
- Provision of 35% of all units to be affordable units, contributing to the significant District shortfall in affordable housing provision;
- Provision of off-site open space/leisure facilities (2 football pitches);
- Socio economic benefits e.g. construction jobs, additional consumer spending in the vicinity of the site, new homes bonus.
- Offer for the existing maintenance costs of POS at Angelas Meadow to be taken over by a third party, thus relieving the occupants of this Estate the financial burden of this.

I have no objection in relation to highway matters, housing mix and affordable housing, residential amenity, impact on ecology, energy conservation, drainage and flood risk, contamination and local infrastructure (subject to the payment of adequate financial contributions, imposition of conditions and the approval of a reserved matters application) or any other matters.

Taking all of the above into account and acknowledging that there would be significant benefits arising from the proposal, I consider that the harm identified would not significantly or demonstrably outweigh the benefits of contributing towards the District’s unmet housing need and the other benefits identified.

In conclusion, I consider that the proposal constitutes a sustainable form of development, and therefore, the application is recommended for approval subject to the completion of a S106 Agreement and the imposition of appropriate planning conditions as set out below.
11. RECOMMENDATION

That, subject to the completion of a legal agreement to secure the following (the detailed wording of which is delegated to officers):

- Affordable dwellings – 35% of total number of units
- Highways contributions –
  - £15,000 towards the provision of gateway features at the existing 30mph speed limit on the approach into Shipston on Stour
  - £20,000 towards the provision of bus shelters at the two bus stops in proximity of the site
  - Sustainability welcome packs (£50 per dwelling)
- Education contribution (a contribution of approximately £285,021 – final figure dependent on the subsequent reserved matters application), towards the provision of education places comprising 1 early year, 10 primary education places, 7 secondary education places and 1 sixth form education places.
- Libraries contribution (approximately £10,242 – the final amount will be formula based and will dependent on the subsequent reserved matters application)
- Open space contribution (approximately of £14,289 - final figure dependent on the subsequent reserved matters application).
- Footpath contribution of approximately £6310 - final figure dependent on the subsequent reserved matters application).
- Upgrading of and maintenance of off-site open space with Angelas Mead(equipped play area) and incidental open space (to include sustainable urban drainage).
- Provision and maintenance of 2 off-site recreational open space (2 football pitches).
- Provision and maintenance of 2 acres land for bio-diversity off-setting.

the Planning Manager be authorised to GRANT outline planning permission, subject to the following conditions and notes, the detailed wording of which is delegated to officers:

1. Plan(s) to which decision relates for the avoidance of doubt
2. Details of the layout, scale, appearance and landscaping ("hereinafter called “the reserved matters") submitted to LPA
3. Approval of reserved matters shall be made no later than 1 year from date of permission
4. Development not begun later than 2 years from the date of approval of last reserved matters to be approved
5. Maximum number of dwellings to be erected on site of 55.
6. Prior to first occupation the access to the site and associated ghost island junction shall be positioned and laid out in general accordance with the details shown on drawing no. Q6345-E03 Rev C.

7. The development shall not be occupied until access for vehicles have been provided to the site not less than 5.5 metres in width for a distance of 15m, as measured from the near edge of the public highway carriageway.

8. The accesses to the site for vehicles shall not be used until they have been provided with 7.5m kerbed radius turnouts on each side.

9. The gradient of the access of vehicles to the site shall not be steeper than 1 in 50 for a minimum distance of 15m, as measured from the near edge of the public highway carriageway.

10. The development shall not be occupied until visibility splays have been provided to the vehicular access to the site with an 'x' distance of 2.4m and 'y' distance of 90m to the near edge of the planted 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 0.6m above the level of the public highway carriageway.

11. The access to the site shall not be constructed in such a manner as to reduce the effective capacity of any drain or ditch within the limits of the public highway.

12. Details of Tree/hedgerow Protection measures

13. Details of soft landscaping.


15. The development hereby permitted, including site clearance, shall only be carried out in accordance with Section 5 of the Ecological Protection Plan and Biodiversity Enhancement Scheme (Revision Number C) prepared by Middlemarch Environmental and submitted to the local planning authority on 16.05.2014. The development shall be carried out strictly in accordance with these details, unless otherwise agreed in writing by the local planning authority.

16. No development shall commence until a Habitat Management Strategy for the whole site has first been submitted to and approved in writing by the local planning authority. This shall include details of measures to be implemented for ecological mitigation and enhancement, habitat management and measures for the monitoring of outcomes and the means of reviewing the strategy. The approved strategy shall be implemented in full and followed at all times.

17. Details of all external light fittings and lighting columns.

18. Maximum height of any dwelling/building on the site of 9m from existing ground level to ridge height

19. Notwithstanding the details submitted in the Design and Access Statement, no reserved matters applications shall be submitted for the development until and unless a Design Code for the site has been submitted to and approved in writing by the Local Planning Authority. The design code shall
consist of guidance relating to the following matters in respect of the proposed dwellings unless otherwise agreed in writing by the Local Planning Authority:

- Block typologies;
- Frontage codes;
- Street hierarchy and codes;
- Building types and heights
- Key and focal buildings;
- Key views through the site; and
- Key spaces and open spaces.

The design code shall then be used to inform the subsequent reserved matters application.

20. 10% energy saving measures

21. Provision of water butts

22. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) for Proposed Residential Development for Land off London Road, Shipston on Stour, Warwickshire (Ref: R-FRA-Q6345PP-01, Date: July 2013) and the mitigation measures detailed within the FRA.

23. No development shall proceed until a scheme for the management of surface water which incorporates sustainable drainage systems, is developed in accordance with the design criteria/principles outlined in the supporting FRA, has been reviewed and approved in writing by the local planning authority.

24. Details of foul water drainage strategy.

25. A detailed scheme for the provision, specification and siting of the play equipment to upgrade the existing play area (indicated on the site plan at Angelas meadow) shall be submitted to and approved in writing by the District Planning Authority and shall be installed in accordance with the details approved prior to the occupation of 50% of the dwellings.

26. An area of open space shall be provided, constructed and maintained on site at a minimum size of 286m² in the location approved as part of reserved matters approval(s).

27. Provision of 3 bins per dwelling

28. Scheme for adequate water supplies and fire hydrants

29. All new dwellings to achieve a minimum rating of Level 3 of the Code for Sustainable Homes

30. Minimum of 50% of all new dwellings shall be designed and built to meet all relevant specifications of the Joseph Rowntree Foundation's 'Lifetime Homes' standards.

31. Existing and proposed site levels (including cross sections) and finished floor levels.
32. Notwithstanding the provisions of Part 4 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), no buildings, compounds, structures or enclosures which are required temporarily in connection with the development hereby permitted shall be placed or erected on the site or adjacent land until details have been submitted to and approved in writing by the District Planning Authority.

33. The development hereby approved shall not be occupied until a plan showing a management plan for the site, detailing who is responsible for maintaining the roads, landscaping, private gardens and any other land shown within the application site has been submitted to and approved by the District Planning Authority and thereafter the management of the site shall be in accordance with the approved plan.

34. Contaminated land condition (3 part condition requiring investigation of the nature and extent of any contamination affecting the site); if contamination found then a further remediation report to be submitted; if during development any unacceptable contamination is found then additional measures for remediation shall be submitted and implemented.

34. The development shall not be commenced until a Construction Management Plan has been submitted to and agreed in writing by the Local Planning Authority in consultation with the Highway Authority.

35. The off-site compensatory biodiversity land indicated on the site plan shall be provided prior to the first occupation of any dwelling hereby permitted.

36. Prior to the occupation of the 30th dwelling hereby permitted, the off-site football pitches indicated on the approved site plan shall be made available for use in accordance with a timetable which has been submitted to and approved in writing by the Local Planning Authority.

37. The development hereby permitted shall implemented in accordance with the recommendations of the approved Travel Plan.

Notes:

1. Highways notes.
2. Ecological note relating badgers.
3. Severn Trent notes.
6. Paragraph 186 and 187 of the NPPF.
Appendix 1 - Considerations arising from the deficit in housing land supply

When determining a planning application the Council is required to make the determination in accordance with the Development Plan unless material considerations indicate otherwise (Section 38(6) PCPA 2004 and Section 70(2) TCPA 1990). The National Planning Policy Framework (NPPF) is a material consideration in planning decisions (paragraph 196).

NPPF paragraph 14 sets out the presumption in favour of sustainable development. This is described as the golden thread running through both plan-making and decision taking. For decision taking, this means approving development proposals that accord with the development plan without delay. Where the development plan is absent, silent or relevant policies are out of date, permission should be granted unless ‘any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole’ or ‘specific policies in this Framework (such as Green Belt, or AONB) indicate that development should be restricted’.

The NPPF conveys a strong imperative in favour of housing delivery. To that end, in order ‘to boost significantly the supply of housing’ (paragraph 47), local planning authorities should identify a supply of “specific deliverable sites sufficient to provide five years’ worth of housing against their housing requirements with an additional buffer of 5% (moved forward from the later in the plan period)."

Like many districts, Stratford-on-Avon is currently in a transitional period as it seeks to replace the Local Plan Review (2006) with an up-to-date Core Strategy. Submission of the Core Strategy to the Secretary of State for independent examination is expected for September 2014.

The Proposed Submission Core Strategy (May 2014) seeks to deliver 10,800 homes for the period 2011 to 2031. This figure is based on an up-to-date objective assessment of housing need as required by the NPPF. Using this approach, the Council considers that the housing land supply available in the District as at 31 March 2014 equates to 4.8 years. The Council is therefore not able to demonstrate a five year housing land supply as required by the NPPF. It follows that the relevant housing supply policies in the development plan are not to be considered up-to-date (paragraph 49 of the Framework) and, in considering applications for housing development, decision makers should be guided by the presumption in favour of sustainable development as set out in paragraph 14 of the NPPF.

Whilst the Council may appear near to achieving the equivalent of a 5 year supply, it must be stressed that the objective is not just to achieve a 5 year supply of housing, but to maintain 5 year’s worth of housing supply on an on-going basis. Thus, Stratford-on-Avon District needs to continually deliver some 540 homes on average every year over the plan period.