



Appeal Decision

Inquiry opened on 1 December 2015

Site visits made on 3 and 4 December 2015

by Philip Major BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 29 March 2016

Appeal Ref: APP/J3720/W/15/3009042

Land south of Stockton Road, Long Itchington, Warwickshire.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by CEMEX UK Properties against the decision of Stratford on Avon District Council.
 - The application Ref: 14/00856/OUT, dated 18 March 2014, was refused by notice dated 16 October 2014.
 - The development proposed is described as *outline planning application with means of site access from Stockton Road to be determined (layout, scale, appearance and landscaping reserved for subsequent approval) for the erection of up to 81 dwellings; public open space; earthworks, structural landscaping, car parking, and all other ancillary and enabling works.*
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Preliminary Matters

1. The description of the proposal above takes into account the agreed position of the parties that the proposed development was amended during its consideration by the Council, resulting in a reduction of the proposed maximum number of houses from 85 to 81. This is confirmed in the letter dated 16 March 2015 which accompanies the appeal.
2. At the inquiry I was asked to accept that the detailed access drawing to be considered as part of the proposals should be replaced. The offered replacement drawing reflects minor consequential alterations to details of the access which have been incorporated in order to show matters discussed between the relevant parties. No objections were raised by any person to the revised drawing being introduced. I am satisfied that the alterations are sufficiently minor that no prejudice would be caused to any party by the revised drawing being accepted, and I will make my determination accordingly. The revised drawing now forming part of the application is prepared by Vectos and numbered 130882/A/08 – Proposed Highway Works¹.
3. The Appellant and the Council agreed at the time of the inquiry that the Council was unable to demonstrate a 5 year supply of deliverable housing land². However, a short time later the Council produced an 'Interim Five Year Housing Land Supply Calculation – as of 31 December 2015' which indicated that the 5 year supply was then 5.2 years. Subsequently I invited further representations

¹ Document 1

² The Council calculation was less than 4 years

on this matter, which I received in mid February 2016. Housing Land Supply was not a matter discussed at the inquiry and both parties requested that I consider the matter in writing before issuing this decision. I have also received further updates from the Council which include a position statement of 29 February and an interim calculation from the Core Strategy Inspector. I address these matters in more detail below.

Decision

4. The appeal is allowed and planning permission is granted for the erection of up to 81 dwellings; public open space; earthworks, structural landscaping, car parking, and all other ancillary and enabling works at land south of Stockton Road, Long Itchington, Warwickshire in accordance with the terms of the application, Ref: 14/00856/OUT, dated 18 March 2014, subject to the conditions set out in the attached schedule.

Main Issues

5. In light of the inclusion of Housing Land Supply (HLS) evidence in writing by agreement, the main issues in the appeal are:
 - (a) Whether the Council can demonstrate a 5 year supply of deliverable housing land;
 - (b) The impact of the proposal on the character and appearance of the surrounding locality, including impact on the nearby Grand Union Canal;
 - (c) The impact of the proposal on highway safety and transport matters;
 - (d) Whether the location and scale of development would be capable of being successfully integrated with the existing village;
 - (e) In light of any identified impacts, whether the proposed development constitutes sustainable development;
 - (f) In light of the findings on the preceding issues, the final planning balance.

Reasons

Background

6. The Council, in its short statement dated 9 February 2016 acknowledges that Policy STR.2 is time expired, and as a consequence paragraph 14 of the National Planning Policy Framework is triggered. It concedes that the presence or otherwise of a 5 year HLS is not a determinative factor in this appeal. I agree that paragraph 14 is triggered if the development is found to be sustainable. This would mean that planning permission should be granted unless there are significant and demonstrable impacts which would outweigh the benefits of development when assessed against the NPPF as a whole. The single development plan policy cited by the Council in its reasons for refusing permission is saved Policy PR.1 of the Stratford on Avon District Local Plan Review 1996-2011. This policy seeks to protect and where possible enhance the quality and character of the area and prevent the destruction of features which contribute to the distinctiveness of the local area.
7. There is an emerging Core Strategy (CS). It has been the subject of examination and an interim report has been issued. Amongst other things that interim report identified that the objectively assessed need (OAN) for housing needed to be revisited. The further work carried out by the Council has

- resulted in its draft revised OAN being raised to 14485 dwellings over the plan period to 2031 (draft Policy CS.16). But this figure is, so far as I am aware, not yet agreed and is still the subject of objections heard at further examination hearings which began in January 2016.
8. Any revision of OAN potentially impacts on the strategy for housing distribution in the emerging CS (draft Policy CS.15). Although most housing is intended to be focused on Stratford on Avon, main rural centres, and new settlements, there are a number of Local Service Villages (LSVs) which are identified for some growth, and these are categorised according to their existing range of services (by reference to a consistent methodology³) and thus the ability to take more development. Long Itchington falls within the highest category of LSV (category 1) which reflects its acknowledged range of services. As it stands the LSVs are earmarked for around 2000 dwellings in the plan period, with those at category 1 earmarked for about 450 of that total. It is indicated that no category 1 LSV should take more than about 25% of the total, which the parties agree equates to something not much over 100 dwellings at Long Itchington.
 9. I note that the interim report into the CS is unsure about the antecedence of the 2000 figure for LSVs, and suggests that there would need to be justification for increasing it. I have no doubt that this matter would be raised at the CS hearings, alongside the matter of the OAN and distribution strategy. At present I do not believe that I can read too much into the interim report findings. The Inspector has not so far as I am aware suggested that the LSV figure should be taken as agreed, or that it is ultimately a correct figure. It was accepted as appropriate in the light of the evidence heard up to that date, but the evidence has changed (with the new OAN figure proposed) and may well change further. In his conclusion on housing strategy and supply he indicates that he finds the strategy to direct about 17.5% of the housing growth to sustainable villages to be justified. If that were to be applied to the proposed OAN of 14485 the LSV figure would rise from 2000 to more than 2500. I do not, therefore, accept the interim report as being definitively supportive of the 2000 figure for LSVs (as the Council suggests) or of definitive support for the distribution strategy of the entire OAN or the proportion of the OAN which will ultimately be allocated to LSVs. Those are matters still to be finalised following the appropriate procedure with the CS Inspector. Taking the CS housing proposals in the round I consider that the weight attaching to the revised OAN proposal and its implications for housing distribution cannot be afforded full weight as yet.
 10. This position is constantly evolving, as witnessed by the latest submission made by the Council and the interim calculation of housing supply made by the CS Inspector. I must simply record here that I have had no involvement with the CS examination and that I must make my determination on the basis of the evidence heard by, and submitted to, me. This includes the latest housing land supply figures and the recently issued appeal decision⁴. I note that the Inspector in that case did not take into account the latest information sent to me, but in any event the information has not altered the balance of considerations here.
 11. With that in mind I turn to the main issues.

³ Document 3

⁴ APP/J3720/W/15/3017900

Housing Land Supply

12. I start by stating what all parties are well aware of – that predicting the future supply of housing is an inexact process. It entails best estimates using professional judgement at a point in time. Complete precision is impossible and for that reason a few houses here and there make little practical difference to outcomes. There is bound to be some variation in the result of assessments.
13. In order to judge the adequacy of supply in the future it is first necessary to know what the requirement is. As I understand it the figure set out above of 14485 is not yet fixed, and I have noted that it has been subject to objection. It seems most unlikely that the figure would reduce and, albeit that it is not yet finalised, for the purposes of this exercise I will adopt it.
14. Planning Practice Guidance advises that local planning authorities should update their housing supply data annually. In this case the Council has introduced an interim calculation part of the way through the year (the usual monitoring period is April to March). I therefore share the Appellant's concern that this latest interim data has the potential to include inaccuracies. I agree that it is preferable to carry out monitoring on regular fixed dates with known inputs. The Council's interim calculation and the tables of expected delivery move the 5 year period from the current year (2015/16) as the starting point to a starting point of 2016/17. That seems to me to be unjustified before a full year analysis is available. Having said that I must work with the information supplied, and I turn next to that.
15. Adopting the requirement of 14485 and adding in the shortfall from previous years as of 31 December 2015, and adding a 20% buffer (agreed between the parties) the Council considers that its requirement is 6049 dwellings (1210 per annum) and supply (on corrected figures) is 6275. This equates to the 5.2 years claimed by the Council. However, the Council's figures are based on its own estimates of delivery, or the predicted housing trajectory, on a myriad of sites across the District. The main disputes between the parties hinge on when sites will actually come on stream, and the rate of delivery of housing after that point. The Council indicates that it has taken a conservative view, but the Appellant contends that it is still too optimistic.
16. The above figures are based on the substantive evidence before me, though I note that the latest interim calculation by the CS Inspector includes slightly different figures. Having not been involved with the evidence given to the CS examination I can only comment on the information given directly to me. It would be wholly inappropriate for me to attempt to make assumptions about what evidence the CS Inspector heard. There are a number of key sites on which the parties differ and which I address briefly below.
17. Starting with sites on which there is a resolution to grant planning permission, or where there is an outline planning permission, I am sympathetic to the representations of the Appellant as set out here.
 - (i) Long Marston Airfield (Phase 1) is expected by the Appellant to come on stream in the year 2017/18, and in the years to 2020/21 to deliver some 370 dwellings. But this assumes delivery in years 3 to 5 of 120 dwellings per annum (dpa). This site is controlled by a single housebuilder and I

share the view of the Appellant that it is unlikely that parts of the site would be sold off to competitors. There is certainly no evidence of such a proposal. In such circumstances I believe that the expected delivery of 120dpa is excessively optimistic. Given that major housebuilders generally average something in the region of 40dpa per sales outlet I cannot accept that this site is likely to produce 3 times that figure. Whilst the Appellant may be over cautious in discounting 290 dwellings from the Council's expectations I can certainly see a case for discounting at least 180dpa (60 in each of years 3 to 5). Even then it would be generous to accept that 40dpa would be delivered in 2017/18.

- (ii) The site described as land off Falkland Place, Temple Herdewyke is expected by the Council to contribute 54 dwellings towards the end of the period ending in 2020/21. As noted, we are not yet in that 5 year period, but for the purposes of this exercise I will not change that figure.
- (iii) Armscote Road, Ilmington. This is a relatively small site for 11 dwellings. I am informed that the application, despite having a resolution to grant planning permission, has now been withdrawn because of an objection from the Environment Agency. Whilst the site may remain as a possible development site in the future there seems to be uncertainty in relation to timing. Latest information suggests that the site will not deliver in the 5 year period. The process of obtaining planning permission would need to start again. The degree of current uncertainty means that I agree that the site should be discounted at the present time.

18. I turn now to some of the sites with outline planning permission.

- (iv) Land west of Shottery. The Council indicates that it accepts a reduction of 30 dwellings in its expectations for this site in 2016/17. Beyond that the predictions are of significant numbers being delivered, peaking at 120dpa on assumptions of at least 2 and possibly 3 sales outlets. However I find the evidence to support the number of sales outlets lacking in robustness. I accept that 2 outlets are likely, but do not yet accept that there is enough evidence to conclude that this site is likely to exceed about 80dpa. I therefore discount a total of 100 units from this site.
- (v) There are 2 sites at Allimore Lane, Alcester. Together they have outline permission for 350 dwellings. The evidence produced is that conditions are being discharged and that reserved matters applications are expected in early 2016. It seems to me that given their current position it is optimistic to expect one of the sites to produce 40dpa in 2017/18. Beyond that I see no substantive evidence to support the expectation that each site would have 2 sales outlets, and that each would produce 40 to 50dpa. I therefore discount some of these dwellings from supply and consider that a reduction of 100 dwellings in total (less than suggested by the Appellant) would be reasonable.
- (vi) I consider that the Council is optimistic in its predicted trajectory for the land at Arden Heath Farm. This is a site which is, I am told, yet to be sold to a developer. The expectation of delivery commencing in 2017/18 may therefore be unachievable. I prefer the evidence of the Appellant and discount some of this supply (- 30 units).

- (vii) A similar situation applies at land north of Campden Road, Shipston-on-Stour. Here the Council trajectory was for 111 dwellings, but the site has not yet been sold. The evidence before me which is most persuasive is that assumed delivery here should be reduced by at least 36 dwellings.
19. I pause at this point to review the effect of my consideration of the evidence relating to the above 8 sites. Even allowing for the 5 year supply period to extend to 2020/21 I have concluded that these sites should have their supply contribution discounted by some 457 dwellings. Other sites assessed by the Appellant suggest the discount figure would be much higher. However, I need go no further as the effect of the discount on these 8 sites is to reduce deliverable supply to about 4.8 years. The full picture is likely to bring the figure significantly lower.
20. I do not know how this assessment relates to that carried out by the CS Inspector simply because the evidence before him is not before me, though I note his interim calculation that the Council can demonstrate some 5.4 years supply. However, that is still an interim position and I am required to make my assessment on the evidence given in relation to this appeal. I take the CS Inspector's calculation into account but not having heard the same evidence it would be wrong to accept the outcome of that assessment can read across to this case. In any event, as I point out later, this is not a critical factor in the determination of the appeal.
21. In reaching my conclusion on housing land supply I have had regard to the Council's evidence that it is being conservative. In some areas that is so, and I recognise that the time period between resolutions to grant planning permission and the issue of the permission has fallen rapidly. Nonetheless I consider that the Council is too optimistic in delivery expectations for me to conclude, on the evidence before me, that it can currently demonstrate a 5 year supply. With that in mind I move on the other issues.

Character and Appearance

22. The site lies on the edge of Long Itchington and is currently an arable field. In the somewhat dated Warwickshire Landscape Guidelines of 1993 it falls within the Feldon Regional Landscape Type, and Lias Village Farmlands Local Landscape Type. The land has no special designation. The features of the landscape described in the Guidelines can be seen on and around the appeal site. These include that the area is characterised by nucleated settlement pattern, a strong influence of parliamentary enclosure, undulating topography, small and medium sized fields, and many hedgerows. All of these factors are seen in and around the site, which is itself almost entirely surrounded by hedgerows.
23. The Council commissioned a landscape sensitivity assessment for villages in the district in 2012. This more recent study has identified the appeal site as lying within a 'land cover parcel' (LCP101) which takes in much of the land to the north-east of the village. The study assesses the sensitivity of the land to housing development as medium (the lowest category around any category 1 LSV) and notes that the area feels relatively open with few hedgerow trees, and that the main sensitivity lies in its openness on rising land, the rural character and the proximity to the canal. Nonetheless the assessment indicates that the western part of the appeal site may be suitable for housing development.

24. Since that time the 'baseline' situation has changed. To the north-west a small development of affordable homes has been built, with access from Stockton Road. More significantly planning permission has been granted for a housing development of about 150 homes to the north of Stockton Road, and that site 'overlaps' with the appeal site. This permitted site was referred to as the David Wilson Homes (DWH) site at the inquiry, and I will continue that terminology. The DWH site extends far beyond the appeal site into what is currently open agricultural land. I have no reason to doubt that it will be developed (and I note that a reserved matters application is being considered at present⁵). As a result the character of the immediate surroundings will in due course be changed. The appeal site will be heavily influenced by development to the north and will be perceived as a field bounded on 2 sides by built development with the canal to the south. The boundary with open countryside to the east would be relatively short.
25. In addition to the changed surroundings it is also pertinent to the case to emphasise that the appeal site has strong boundaries. In particular the hedge to the south (which faces the canal) and that to the east (facing open countryside across the canal access track) are significant features in themselves. Together with the northern hedgerow alongside Stockton Road they lend a self-contained character to the site. There is no public access to the land, and views are restricted to glimpses from gateways, across domestic gardens, and (heavily filtered) through the perimeter hedgerows. Hence, whilst I fully accept that local residents apportion value to the fact that they are aware of this field being undeveloped, and can see the countryside setting across it from some positions, the field does not play a major part in defining the character of the area. In terms of Policy PR.1 I do not consider that the field contributes materially to the distinctiveness of the local area.
26. The proposed development has been the subject of some thought as to how it might be developed. This includes illustrative material which shows the way in which the southern and eastern parts of the site could be softened with landscaping and open space, and the provision of a significant area of public open space to the north-eastern section of the site. Whilst these illustrations are not part of the application before me, they show that it would be possible to reinforce the existing boundary planting. In my judgement this in turn shows that it would be possible to design a scheme which would mitigate the visual impact of the development and bring some benefits for the wider community.
27. When approaching from the east along Stockton Road a scheme such as that illustrated would introduce a soft edge to the development and the village. At this point the viewer would already be passing alongside the DWH development to the north and would be aware that the village was being approached and entered. The visual impact of the development proposed here would therefore be much reduced. There could be no mistaking the extension of the village into a currently undeveloped area, but in the context of the existing and forthcoming surroundings the impact would be relatively minor. Indeed I accept that to some extent the soft edge which could be provided, taken with the public open space, can be seen as offering some improvement to the current village approach and to that extent would respect the character of the area.

⁵ Document 6

28. Turning to the relationship with the canal to the south, it is fair to consider this as an undesignated heritage asset. The canal is a striking and well used facility for those on the water and those on the towpath. Its significance seems to me to lie in the historic connections with the trade which was hauled along the canal, the physical connections with the settlements along its route, and the interest in the engineering attaching to its channel, locks and other infrastructure.
29. This canal, along with others, was built to connect settlements. As such it passes through a wide variety of landscapes and townscapes. In the vicinity of the appeal site this varies from open countryside, to residential development, to industrial buildings. None of this is surprising. The introduction of houses on the appeal site would add to the variety of landscape traversed, but would not materially alter it. The canal would still pass alongside countryside areas, alongside industrial buildings and alongside villages. Those villages have evolved over time and will no doubt continue to do so. I am therefore satisfied that the impact on the significance of the canal would be extremely limited.
30. In any event I have already referred to the potential for strengthening the southern boundary landscaping. During my site visit (in winter) I observed that glimpses of the appeal site could be seen from the towpath. With judicious landscaping any impact could be reduced further to the extent that visual impact for users of the canal corridor would be minor. The canal corridor would continue to be flanked here by significant vegetation which would reduce the impact of any building on site to a minimal level. I do not accept, as suggested by the Council in evidence, that there would be any likelihood of occupants of the appeal site seeking to remove or reduce the southern landscaping belt in order to afford views towards the canal. In any event such matters would be in the control of the body responsible for landscape maintenance and this would be clear at the time any property was purchased. The likely distances involved would also preclude the landscaping from unacceptably interfering with the living conditions at any dwelling.
31. The Long Itchington Village Design Statement was adopted in 2000. It is a largely descriptive document, but does set design recommendations for the East End of the village (adjacent to which the appeal site lies). One of the recommendations is that any development must incorporate ample open spaces and appropriate landscape design schemes. The proposed development would be capable of following this recommendation. The general design principles set out do not appear to me to be in conflict with what could be achieved on the appeal site.
32. To draw together my findings on the issue:
- The impact on the character of the area would be minor to moderate;
 - The visual impact would be moderate at worst;
 - The impact on the canal would be minor.
33. In my assessment the proposal would respect the character of the area by offering scope to design a well integrated development which would provide enhancement opportunities to both the approach to the village and public open space. It would not damage any feature which materially contributes to distinctiveness hereabouts. As a result I see no conflict with saved Policy PR.1

or with the core planning principles set out in the NPPF and cited in the reasons for refusal. Nor do I find any conflict with emerging CS Policy CS5 since the proposal follows the broad objectives set out there. The District Design Guide brought to my attention I find to be of limited value and weight as it concentrates on detailed design guidance which is more applicable to a reserved matters or full planning application.

Highways and Transport

34. There is no dispute between the main parties to the appeal that the technical solution proposed for gaining access to the site is acceptable. I have no reason to depart from that view⁶.
35. However, local residents' concerns in relation to traffic flows, and the presence of the local primary school on the north side of Stockton Lane are a legitimate concern. The highway authority is content that the traffic flows can be safely accommodated even when the traffic from the DWH site and others is factored in. Although there were suggestions that a new traffic assessment should have been carried out to take account of other developments I am content that the matter has been properly dealt with and that the functioning of junctions and quantum of traffic flows has been adequately considered. I have noted that the highway authority has subsequently objected to a further development proposal located off Collingham Lane, but that would add further traffic flows which are not at issue in this appeal. Hence the assessments and conclusions by technical experts in relation to the proposal before me carry significant weight.
36. At my site visit I saw that Stockton Road takes a reasonable amount of traffic but I did not observe anything which might be described as heavy flows. However I accept that the road will be busy at the times when the school is opening and closing, and at other times which I have not observed. That said, the DWH site currently offers enhancement to car parking for the school which should make the use of roads at school times more convenient. The proposed development before me also proposes enhancements in the form of improved road crossings. There would be an upgrade to the existing zebra crossing on Southam Road to a PUFFIN crossing, and the installation of a further PUFFIN crossing on Stockton Road. These would bring significant safety enhancements for all pedestrians. I understand the concerns expressed for the safety of children close to a construction site, but in light of the enhancements which would be brought forward here I do not have sufficient evidence to conclude that safety would be unacceptably compromised.
37. Stockton Road leads eastwards to a sharp bend and a narrow bridge over the canal. I have evidence of accidents having occurred there. But I do not accept that traffic emanating from the appeal site would be likely to materially harm safety at that location. Whilst some traffic would turn towards the east, it would be expected that the majority of traffic would turn towards Southam Road. My site visits confirmed that drivers are aware of the nature of the bend and narrow bridge and drive accordingly. This is therefore a matter which carries limited weight.
38. There is also concern relating to safety to the west, in and around the village core. The Council criticised the width of the footpath leading to the village, but

⁶ Documents 4 and 24

it is clear that there would be ample room to widen it if that was deemed to be necessary. At my site visits I found the footpath to the village (which would be enhanced by additional and improved pedestrian crossing facilities) to be satisfactory. I do accept, though, that the village centre suffers from congestion, some of which I saw for myself. This stems from the agglomeration of facilities, the narrow streets and the actions of those who seek to use the facilities. It may be that some extra traffic would be attracted to the village centre from the appeal site (particularly to the Co-op store) but given the fact that there is a much closer convenience shop within a few minutes walk I do not accept that this extra traffic would be likely to amount to significant volumes. The impact on traffic flow in the village is therefore likely to be limited.

39. Turning to the matter of transport the Appellant points out that it is expected that the existing bus service through Long Itchington (which is in part responsible for its category 1 LSV rating) would be likely to be improved as a result of this and other developments. It is intended that contributions (dealt with below) would be pooled from 3 developments to make specific improvements to the current hourly bus service and to alter the bus route. The improvements envisage doubling the service to half hourly, with hourly buses visiting Stockton Road. A new bus stop would be provided adjacent to the site. Although these improvements cannot be guaranteed in light of the necessary tendering process, the information before me leads me to conclude that the offered improvements are more likely to occur than not⁷. This would provide a significant boost to the opportunity to use public transport and is a factor which weighs in favour of the proposal. The necessary loop road to enable buses to reverse direction could be provided within the site.
40. Drawing together my findings on this issue I am content that the proposed development would be capable of providing a safe traffic environment and would not (in NPPF paragraph 32 terms) result in severe residual cumulative impacts. In addition there would be enhancement to pedestrian safety and the local bus service.

Location and Scale

41. A main plank of the Council's case is that the appeal site is in the wrong place, being too far from services. However, that does not sit well with the fact that the Council itself granted planning permission for 75 dwellings on part of the DWH site prior to the larger scheme there being determined. I heard evidence on the desirable, acceptable and maximum walking distances suggested in guidance and as with any development the particular acceptability of a scheme depends on numerous factors including gradient, footpaths and road crossings.
42. I accept that the walk to the Co-op store in the centre of the village is about 1.2km, but it is an easy walk of about 15 to 20 minutes on good (and to be safety enhanced) footpaths. But there is another local convenience store (noted above) within a few minutes walk of the site. Although not currently offering the same range as the Co-op the bringing forward of development at the eastern end of the village may well result in the range of goods provided being expanded. The primary school and community centre is 'on the doorstep' and the bus service is likely to call outside the site in future. Even if it did not, the distance to the nearest bus stop on Southam Road is about

⁷ Document 5

- 600m, which I regard as an acceptable distance. Taken in the round it is my view that the location of the development would be acceptable in relation to its proximity to village services.
43. The Council's and local residents' concerns relating to the scale of development in the village also require assessment. I completely understand that there is a fear of the village being unable to cope with, and integrate successfully, large numbers of new residents. It is clearly the case that if DWH and this site were to be developed then the pace of growth of the village would far exceed past trends. However, there is no substantive evidence that the extra population would make it impossible for those residents to be welcomed into the community or for them to be unable to play an integral part within the community. New residents would also doubtless support the continuance of local services. Hence I cannot accept that the suggestion of a risk to social cohesions has been made out.
44. Commuting to work is an everyday occurrence though it has long been an objective of planning policy to reduce reliance on the private car for that and other journeys. I accept that the development would be likely to increase commuting from the village to workplaces to some extent, but that is a factor of individual choice as well as location. The enhanced bus service I have referred to would add a further option for commuters, and would follow the NPPF objective of seeking to reduce reliance on the private car. I also note that the Parish Council's survey indicated that more residents might use the bus if there was a more frequent service, as proposed here.
45. Southam, which is a short distance to the south, offers what appears to be a significant employment base (as well as facilities not available in the village such as doctors and chemists). Much was made of the potential or otherwise for a particular local company to offer jobs to those who might live at the appeal site but the range of activities and employment opportunities in Southam appears to be quite wide and varied. It does not seem to be reliant on a single employer. That is not to say that Southam would provide work for all those living at the site – clearly it would not – or that any work there would be reached by bus. But the Parish Council survey does also indicate that those who use the bus most frequently use it to travel to Southam. The base numbers doing so may currently be low, but increased frequency and the short journey time offer scope for increased bus use. In short, I am satisfied that some of the residents of the site would be likely to commute to work (as with any development site) but that there are local employment and transport opportunities which would be able to mitigate out commuting.
46. I cannot afford much weight to the view that the total increase in dwelling numbers would exceed the loose 'threshold' set out in the draft CS (and referred to above) of just over 100 dwellings. That number has already been exceeded at the DWH site, but it has not stopped the Council resolving to grant permission for a further 58 dwellings at Marton Road. Hence I find the evidence of the Council confused and unconvincing. On the one hand it seeks to rely on the draft CS threshold, but on the other it overrides that threshold elsewhere. Indeed it is also the case that other LSVs of a lower category (and hence with fewer or relatively inferior services) also have housing commitments in significant quantities, which seems to illustrate that there is no

practical implementation of the CS numbers⁸. Suffice to say that, for the reasons given earlier, I attach limited weight to the numbers set out in the draft CS. As a result I do not find that the scale of development proposed can be ruled out on those grounds.

47. To sum up on this issue I accept that there are sincerely held concerns about the ability of the village to successfully incorporate the number of dwellings proposed. But there is a lack of evidence to back up those concerns. The location is acceptable from the point of view of access to village services and is close to an employment and larger service centre at Southam. With the improved bus service planned being able to improve non car access to Southam and other centres I am satisfied that it has been shown that the appeal site is of an acceptable scale, and suitably located.

Whether Sustainable

48. I turn next to whether, taking the NPPF as a whole, this proposal can be considered to be sustainable development. As the NPPF points out, there are 3 strands to sustainability.
49. Economic role. The development would provide direct jobs in construction and indirect economic benefits through suppliers to the construction trade. There is also likely to be a direct economic benefit to the local service providers in the village and beyond from the spending power of new residents. The new homes bonus would also be of economic benefit. Estimate of economic benefits from the development has been calculated in tabular form⁹. Although by no means certain this gives an indication of what might be expected.
50. Social role. Providing much needed housing would be beneficial, and a major benefit would be the provision of 35% affordable housing on the site. This would follow the objective of emerging CS Policy CS.17. The improved bus service would also be of material social benefit.
51. Environmental role. There is acceptance in the draft CS that some greenfield land will be required for housing. My assessment is that this development of such land would lead to no more than a minor to moderate loss to the character and appearance of the area. It would not lead to significant harm. Set against this would be the potential for an element of gain from new landscaping and public open space, with an attractive entrance designed for the village.
52. Taking the NPPF as a whole, this site can be regarded as a sustainable choice for development. I do not find conflict with paragraphs 7 and 10 of the NPPF as cited in the reasons for refusal. Before turning to the planning balance I will address other material matters raised at the inquiry and in representations.

Other Matters

53. There are designated heritage assets in the general locality (to the south-east) which are associated with the canal. These are Shop Lock Cottage and the adjacent Shop Lock. The assets' significance is linked inextricably with the canal and its historic use. The settings of these assets are limited by that link and are contained within the immediate environment of the canal and the

⁸ Document 10

⁹ Document 8

corridor it occupies. There would be no direct impact upon the fabric of either of these assets and, given the separation from the site, no impact upon their setting. Hence I find that no designated heritage asset would suffer any harm if development were to proceed.

54. The presence of the development would be perceived by current residents of the village closest to the site. I include in this residents of canal boats to the south. There may be some glimpses of development from the south, and certainly there are likely to be some views into the site from the west. However, the detailed design of the development would be able to preclude any undue impact on outlook or privacy. This is not a matter which should weigh against the proposal.
55. Members of the local community are concerned that the proposed development would put undue pressure on local infrastructure, including schools and health services. These matters are addressed in the comprehensive S106 planning obligation which I deal with later but it is pertinent to mention the matter of school intake numbers here as it has been a cause of concern for the local community. With regard to the ability of primary and secondary establishments to accept the likely increase in students generated by this development it is fair to point out that the County Council is content with the position subject to the offered contributions. It must be a function of the County Council to deal appropriately with any increase in numbers. In light of that position I am not in a position to conclude that the development would be unacceptable for that reason. I am therefore satisfied that it has been shown that the proposal would not be likely to be unacceptably harmful to local infrastructure (including its impact on drainage as mentioned by some residents) subject to conditions and the S106 obligation.

The Planning Balance

56. I have determined that the proposal falls within the definition of sustainable development taking the NPPF as a whole. As such, because on my assessment the Council cannot demonstrate a 5 year supply of deliverable housing land, paragraph 14 of the NPPF is engaged and planning permission should be granted unless there are demonstrable and significant impacts which outweigh the benefits of the permission.
57. Benefits of the permission here are themselves significant. New dwellings would assist in providing the new homes required and would help to achieve the NPPF objective of boosting significantly the supply of housing. The affordable housing element within the proposals is important and in accordance with emerging policy. In addition the improved bus service which is likely to come forward would enhance the opportunity to use public transport. Economic benefits would also flow from implementation of the scheme.
58. The impact on the character and appearance of the area would be relatively small, and not significant given the changed context with the DWH site to the north. There would be no unacceptable highway impacts and I am satisfied that the population of the new development could be satisfactorily assimilated into the community, individually and cumulatively, with other planned development.

59. I have found no conflict with the development plan, or with emerging policies relating to landscape protection. I do not consider that the proposal would unacceptably fetter the further preparation of the Core Strategy.
60. The Council has not, in my judgement, demonstrated significant detrimental impacts sufficient to outweigh the advice of paragraph 14 of the NPPF that planning permission should be granted.
61. Even in the event that I had accepted without question the CS Inspector's interim housing supply calculation (and I explain above why that would not be appropriate) I am satisfied that the benefits of this proposal outweigh any harm. Taking a simple planning balance (setting aside the enhanced weight afforded by NPPF paragraph 14) the benefits set out above manifestly outweigh the minor harm identified. On any realistic balancing exercise, therefore, the appeal must succeed.

Conditions and S106 Obligation

Conditions

62. An agreed list of conditions was provided at the inquiry¹⁰. The 'standard' reserved matters conditions are required alongside a condition specifying the approved plans. In addition, for the reasons set out below, I consider that the following conditions are necessary and reasonable and meet the tests set out in Planning Practice Guidance.
- In order to ensure a satisfactory external appearance a condition specifying the maximum height of any dwelling.
 - In order to ensure highway safety, conditions requiring the adherence to the access point shown on the approved drawing; approval of details of the construction of roads, footways and drives; restrictions on planting within the access visibility splays; and the upgrading and provision of highway crossings.
 - For environmental, landscape and biodiversity protection, conditions requiring tree and vegetation protection; ecological and biodiversity creation, enhancement and management; the provision of water butts; and details of landscape management.
 - In order that the scheme results in a satisfactory form of development conditions which ensure provision of waste containers; provide details of a suitable drainage scheme; and provide a construction management plan.
 - A condition is necessary in order to ensure that proper play facilities are included within the scheme.
 - A condition is necessary which requires a scheme of archaeological investigation in order that any hidden assets are properly recorded.
63. I do not agree that a condition can reasonably be imposed which seeks to adhere to the principles shown on the concept masterplan as this may require substantial revisions in the event of a bus loop being provided on site. In any event the Council retains control of detailed matters including layout. The suggested condition requiring a footpath extension fronting the primary school

¹⁰ Documents 25 and 26

is unnecessary and unreasonable as it would be on the opposite side of Stockton Road, insufficiently related to the development, and in any case I understand that such an extension has been required in association with the DWH site. I do not accept that it has been shown to be necessary to impose any conditions dealing with land contamination. No evidence has been provided that any contamination is likely and such conditions would be unreasonable.

64. Where necessary I have amended wording of conditions for clarity or precision, and omitted some wording which refers to matters to be addressed at reserved matters stage.

Obligation

65. An executed S106 Obligation has been provided, and is agreed between the Appellant, Stratford on Avon District Council and Warwickshire County Council¹¹. There is also a Community Infrastructure Levy (CIL) Justification Statement submitted by the Council¹².

66. The Obligation makes provision for a number of contributions to be made. These are:

- i) A healthcare contribution;
- ii) A youth and adult sports pitch contribution;
- iii) Education contributions;
- iv) A library contribution;
- v) A local bus service contribution;
- vi) A rights of way contribution;
- vii) A speed sign contribution;
- viii) Travel packs contribution.

67. In regard to the contributions above I am satisfied that those from ii) to viii) inclusive would be necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind to the development. Each would be used to address the specific impacts of the development for particular purposes, and I am satisfied that it has been shown that there would be no pooling of contributions which exceed 5 such contributions. As such the contributions are acceptable in regard to Regulation 122(2) of the Community Infrastructure Levy Regulations 2010. I deal later with contribution i) above.

68. In addition the Obligation commits to the provision of 35% affordable housing on the site. Again, I am satisfied that this provision satisfies the tests set out in the CIL Regulations (as repeated in paragraph 204 of the NPPF).

69. Turning to the healthcare contribution, I am aware that this has been discussed at various inquiries of late, and that there has been no fixed position on whether it meets the tests of the Regulations. The contribution would provide for running costs, and so is not subject to pooling restrictions. It has been calculated to account for a shortfall in healthcare running costs resulting from the increase in population caused by occupation of the development. The calculation makes allowance for occupation taking place over a period of time. The contribution is proposed because of the manner in which NHS funding is

¹¹ Document 27

¹² Document 28

calculated, based on the previous year's population and expenditure, with no allowance made for any future population growth possible until the following year¹³. Hence there is a short term gap which the contribution sought seeks to address. It seems to me that the funding gap (and need for the contribution) can be directly related to the development, and has been calculated to fairly and reasonably relate to it.

70. The question, then, is whether it is necessary to make the development acceptable. The NPPF makes reference to the need to take account of and support local strategies for health. Without the funding there would be a danger that local strategies would fail to provide adequately, and that could lead to fines being levied on the South Warwickshire NHS Trust, which would worsen the situation. Clearly NHS funding is calculated in a manner which has the potential to disadvantage health service provision when increases in population result from new development, albeit for a short period. In my judgement the contribution sought is therefore a direct result of the development and, in light of the potential for the funding gap to result in unacceptable health care provision over a limited period of time, is necessary to make the development acceptable in planning terms. In this I agree with the Inspectors who determined appeals at Campden Road¹⁴ and Arden Heath Farm¹⁵. The contribution therefore meets the tests of the Regulations and the NPPF. I do not, therefore, exclude that provision from the Obligation.

Overall Conclusion

71. For the reasons given above I conclude that the appeal should be allowed.

Philip Major

INSPECTOR

¹³ Document 29

¹⁴ APP/T3725/A/14/2221858

¹⁵ APP/J3720/W/15/3004380

SCHEDULE OF CONDITIONS

- 1) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 3) The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby approved shall be carried out in accordance with the following plans and drawings – Red Line Plan (233602/URB/RL/002) and Proposed Highway Works (130882/A/08). Access to the site from the public highway shall not be made other than at the position identified on these drawings and the access shall not be used until it has been laid out and constructed in accordance with a scheme to be submitted to and approved in writing by the local planning authority.
- 5) The dwellings erected as part of the development hereby permitted shall not exceed a maximum of 9 metres to ridge height from finished ground floor level.
- 6) A detailed scheme for the provision, specification and siting of play equipment in the location approved as part of the reserved matters approval shall be submitted to and approved in writing by the local planning authority and installed in accordance with the approved details prior to occupation of 50% of the dwellings permitted.
- 7) No development shall take place until details of the construction of the road serving the development including footways, private drives and means of accessing individual plots, drainage (including outfalls) and levels of the car parking and manoeuvring areas have been submitted to and approved in writing by the local planning authority. The plans shall include details of how provision will be made for buses to enter and leave the site unless provision has been made for buses to enter and leave the development site to the north of Stockton Road permitted under approval ref: APP/J3720/A/14/2221692. Any roads that are to be used for the passage of buses within the site shall be a minimum of 6.1m wide and shall be offered for adoption by the County Council. The site shall not be occupied until the areas have been laid out and constructed to at least base course level (in phases to be agreed if appropriate). These areas shall thereafter be retained for the parking and manoeuvring of vehicles.
- 8) The development hereby permitted shall not be occupied until the existing zebra crossing on the A423 located between Stockton Road and Lether Street has been upgraded to a PUFFIN crossing.
- 9) The development hereby permitted shall not be occupied until a PUFFIN crossing has been constructed on Stockton Road (C33) fronting Long Itchington Primary School.

- 10) No structure, tree or shrub shall be erected, planted or retained within the visibility splays (as shown on drawing 130882/A/08) exceeding, or likely to exceed at maturity, a height of 0.3 metres above the level of the public highway carriageway.
- 11) No development shall take place until a combined ecological and landscaping scheme, including ecological enhancement and management for the site, has been submitted to and approved in writing by the local planning authority. The scheme shall include all aspects of landscaping including details of habitat creation and management, a long term plan for the creation and subsequent management of wild flower grassland, and details of each of the 3 bat and bird boxes (the latter suitable for use by house sparrow, starling or swift) to be erected, and their location on site. The scheme shall include a reassessment of the final design using the most current and locally adopted DEFRA Biodiversity Offsetting Metric. The scheme shall be adhered to at all times and fully implemented as approved.
- 12) No development shall take place until a landscape management scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall include:
 - a) Details of the means of retention and enhancement of all existing boundary hedgerows and boundary trees (except where removal is required to facilitate vehicular or pedestrian access, in accordance with the layout and landscaping details to be approved as reserved matters) and
 - b) A management and monitoring plan, to include details of how the boundaries and hedgerows and boundary trees to be retained and enhanced will be cared for during and after the implementation of the development hereby permitted.

The development shall be implemented in accordance with the requirements of the approved scheme, which shall be adhered to at all times thereafter.

- 13) No demolition, site clearance or building operations of any type shall commence, or equipment, machinery or materials be brought onto the site until a scheme for the protection of all retained trees and hedges has been submitted to and approved in writing by the local planning authority. The scheme shall include the following:
 - a) The submission of a tree protection plan and appropriate working methods – the Arboricultural Method Statement in accordance with BS5837:2012 Trees in relation to design, demolition and construction – Recommendations.
 - b) Details of the erection of stout protective fencing in accordance with BS5837:2012, Clause 6.2.
 - c) Fencing shall be shown on the tree protection plan and installed to the extent of the tree root protection area as defined in BS5837:2012 and as agreed in writing by the local planning authority.
 - d) No equipment, machinery or structure shall be attached to or supported by a retained tree.

- e) No mixing of cement mortar or use of other contaminating materials or substances shall take place within a root protection area, or where seepage or displacement would cause them to enter a root protection area.
- f) No fires shall be lit within 10 metres of the nearest point of the canopy of any retained tree within or adjacent to the site.

The approved scheme shall be kept in place until all parts of the development have been completed and all equipment, machinery and surplus materials have been removed from the site.

- 14) No development shall take place until a drainage scheme for the disposal of surface water has been submitted to and approved in writing by the local planning authority. The scheme shall include sustainable drainage and shall provide:

- a) Calculations of pre, and post-development runoff rates.
- b) A fully labelled network drawing showing all dimensions of all elements of the proposed drainage system.
- c) Detailed network calculations that correspond to the drawing above.
- d) Modelled results for critical storms, including as a minimum 1year, 30year, and 100year + 30% CC events of various durations. A submerged outfall should be used in the modelling.
- e) An electronic copy of the model to be provided to the Flood Risk Management Team at Warwickshire County Council.
- f) Documentation relating to the surface water discharge rate and/or consents required.
- g) Evidence of overland flood flow routing in case of system failure. This shall include flow routes and depths/velocities of the flows.
- h) If the drainage network is to be adopted, evidence of an agreement with the adopting body.
- i) A Maintenance Plan giving details on how the entire surface water system, including any SuDS features, shall be maintained and managed after completion for the lifetime of the development, including the name of the maintenance company and a contact who will be responsible for the lifetime of the development.
- j) A timetable for the implementation of the drainage system.

The scheme shall be implemented as approved prior to the first occupation of the development hereby approved, and shall be maintained in accordance with the approved scheme thereafter.

- 15) No development shall take place until a Construction Method Statement (CMS) has been submitted to and approved in writing by the local planning authority. The CMS shall provide for:

- a) The parking of vehicles of site operatives and visitors.
- b) Loading and unloading of plant and materials.
- c) Storage of plant and materials used in constructing the development.

- d) The erection and maintenance of security hoarding including any decorative displays or facilities for public viewing.
- e) Wheel washing facilities.
- f) Measures to control the emission of dust and dirt during construction.
- g) A scheme for the recycling/disposal of waste resulting from demolition and construction works.

The CMS shall be adhered to throughout the construction period.

- 16) No dwelling within the development hereby permitted that has a downpipe shall be occupied until it has been provided with a minimum 190 litre capacity water butt fitted with a child proof lid and connected to the downpipe.
 - 17) No dwelling within the development hereby permitted shall be occupied until the developer has provided that property with 3 bins for the disposal of refuse, recycling and green waste, in accordance with the Council's bin specification.
 - 18) No part of the development hereby permitted shall be commenced within the site until a written scheme for a programme of archaeological investigation work has been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented as approved.
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Richborough Estates

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Gwion Lewis of Counsel

He called Cllr C Williams	Stratford on Avon District Council
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FOR THE APPELLANT:

Mary Cook of Counsel

She called Mr D Bird CEng MICE Mr C Self DipLA CMLI MA(Urban Des) Mrs K Ventham BSc(Hons) MSc MRTPI	Vectos Transport Planning Specialists CSa Environmental Planning Barton Willmore LLP
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FOR THE SOUTH WARWICKSHIRE NHS FOUNDATION TRUST (S106 discussion only)

Annabel Graham Paul of Counsel Mel Duffy	Instructed by Leenamari Aantaa-Collier of the Wilkes Partnership South Warwickshire NHS Foundation Trust
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INTERESTED PERSONS:

Cllr Richard Jackson	Long Itchington Parish Council
Mr Andrew Jack	Local resident
Mr S Collyer	Local resident
Mrs J Highton	Local resident
Mrs M Forth	Local resident
Cllr D Riches	Local ward member
Mrs H Ashbourne	Local resident

KEY DOCUMENTS SUBMITTED BEFORE THE INQUIRY, AT THE INQUIRY AND SUBSEQUENTLY

From the Appellant

DOC 1	Revised Access Drawing 130882/A/08
DOC 2	Opening submissions
DOC 3	Local Service Village Methodology
DOC 4	Email confirming agreement to Transport Statement of Common Ground
DOC 5	Emails confirming intentions for an enhanced bus service
DOC 6	Planning layout for the DWH site
DOC 7	Warwickshire CC response to the DWH layout proposals
DOC 8	Assessment of economic benefits of the proposal

- DOC 9 Jobs search result for Codemasters
- DOC 10 Housing completions and commitments as of 30 September 2015
- DOC 11 Closing submissions

From the Council

- DOC 12 Opening submissions
- DOC 13 Public inquiry circulation list
- DOC 14 Bundle relating to the draft revised Core Strategy, proposed modifications and Matters, Issues and Questions for January 2016 hearings
- DOC 15 Closing submissions

From Interested Persons

- DOC 16 Statement of Cllr Jackson
- DOC 17 Statement of Mr Jack
- DOC 18 Statement of Mr Collyer
- DOC 19 Statement of Mrs Higton
- DOC 20 Statement of Mrs Forth
- DOC 21 Statement of Mrs Ashbourne
- DOC 22 Note of the development of Long Itchington

Other Documents

- DOC 23 Statement of Common Ground
- DOC 24 Statement of Common Ground on Transport Matters
- DOC 25 Agreed list of conditions
- DOC 26 Agreed revision to condition 6
- DOC 27 S106 Agreement between CEMEX Ltd, Stratford on Avon District Council and Warwickshire County Council
- DOC 28 CIL Justification Statement
- DOC 29 Representations from South Warwickshire NHS Foundation Trust, including previous appeal decisions

Documents Submitted Post Inquiry

- DOC 30 Letter of 4 January 2016 and interim HLS calculation summary from the Council
- DOC 31 Written Statement and Appendices of the Council on HLS
- DOC 32 Written Statement and Appendices of the Appellant on HLS
- DOC 33 Information Sheet No 006/2006 – 5yr HLS calculation of the Council
- DOC 34 Interim calculation of 5yr HLS by the CS Inspector