Planning Committee: 15 September 2015 **Item Number:** 13

Application No: W 15 / 1297

Registration Date: 05/08/15
Town/Parish Council: Eathorpe **Expiry Date:** 30/09/15
Case Officer: Liam D'Onofrio
01926 456527 liam.donofrio@warwickdc.gov.uk

Land at The Fosse, Eathorpe, CV33 9DQ
Erection of 3no. 3 bedroom dwellings FOR Messrs N & R Reeve

This application has been requested to be presented to Committee by Councillor Doody.

RECOMMENDATION

Planning Committee are recommended to grant planning permission, subject to conditions.

DETAILS OF THE DEVELOPMENT

Planning permission is sought for the erection of three 3-bedroomed detached dwellinghouses. The properties include detached double garages.

The application is accompanied by a Design and Access Statement, Arboricultural Impact Assessment and Ecological Survey. The Design and Access Statement states that the development incorporates a layout which seeks to provide low density, high quality dwellings, thereby remaining sympathetic to the surrounding landscape and land use and mirroring the design aspects of the existing dwellings in the village.

THE SITE AND ITS LOCATION

The application site relates to a parcel of land of some 0.52 acres located on the western side of the B4455 Fosse Way. The Old Fosse Way lies to the west of the site and the site will be accessed via an existing bridle way to the north, which also served Eathorpe Park Lodge. The car park of The Plough PH is located to the south. The site is within Green Belt and within the Eathorpe infill village boundary and conservation area.

PLANNING HISTORY

W/15/0709 Erection of three 3-bedroom dwellings: Withdrawn 06/07/15 to address Highway Authority comments regarding the access arrangement.

RELEVANT POLICIES

- National Planning Policy Framework

The Current Local Plan

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)

- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
- DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- DAP3 - Protecting Nature Conservation and Geology (Warwick District Local Plan 1996 - 2011)
- DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
- SC11 - Affordable Housing (Warwick District Local Plan 1996 - 2011)
- SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)

The Emerging Local Plan

- BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- H11 - Limited Village Infill Housing Development in the Green Belt (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

Guidance Documents

- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- Vehicle Parking Standards (Supplementary Planning Document)
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Open Space (Supplementary Planning Document - June 2009)

SUMMARY OF REPRESENTATIONS

Eathorpe, Hunningham, Offchurch and Wappenbury Parish Council: Comments awaited.

Councillor Redford: Objection, there is no lack, or great demand for housing within this village. Eathorpe suffers greatly from river flooding and more particularly from flash flooding from the Fosse Way. The drains and drainage are totally inadequate which needs to be resolved before any additional housing is considered. Both the District and County Councils are aware of the serious flooding issues. There are no schools nearer than a car journey away. Inadequate bus service (1 bus a week) and no shop. These proposed properties will not be of a price that a first time buyer would be likely to consider.

WCC Highways: Comments awaited. Members will be updated at the meeting, however it is understood that the Highway Authority have undertaken a site visit to assess the access point and an objection is not anticipated.

WCC Ecology: No objection, subject to conditions.

WCC Archaeology: No objection

WDC Community Protection: No objection, subject to condition.

WDC Green Space: No open space contributions are considered necessary in this rural location.

ASSESSMENT

The main issues relevant to the consideration of this application are as follows:

- Principle;
- Siting and design;
- Impact upon the living conditions of nearby dwellings;
- Car parking and highway safety;
- Health and Wellbeing;
- Ecology/Landscaping;
- Drainage and floodrisk;
- Renewable energy.

The Principle of the Development

The site is within Green Belt where the current Local Plan Policy in relation to residential development is RAP1 - 'Directing New Housing'. The National Planning Policy Framework (NPPF) 2012 states (para. 49) that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites against their housing requirement. The Council's current position is that it cannot demonstrate a five year supply of deliverable housing sites against the housing requirement and Policy RAP1 is to be considered out-of-date.

NPPF paragraph 14 explains that, where relevant policies are out of date, planning permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole.

The National Planning Policy Framework (NPPF) states that the construction of new buildings is inappropriate development in the Green Belt unless it is development falling within one of the various categories listed as exceptions. One such category is limited infilling in villages.

The application site falls within the Eathorpe Village Infill boundary, as defined on the emerging Local Plans Proposals Map (No.10). The application site is between built form and the proposed dwellinghouses will sit within the general pattern of development. Whilst there is no definition of 'limited infill' within the framework the insertion of three new units is considered to meet this definition.

The proposal would therefore fall within the category of 'limited infilling in villages' set under NPPF Paragraph 89. Consequently it is concluded the proposal would not be inappropriate development in the Green Belt. There is therefore no

need to consider whether there are other considerations amounting to very special circumstances.

The scheme would largely comply with Policy H11 of the emerging Local Plan, although this seeks to limit development to two dwellinghouses. In this case two dwellinghouses would not make the best use of this land and three dwellinghouses will provide an appropriate layout. Furthermore only limited weight can currently be given to Policy H11 as it is unadopted.

It is considered that the properties would not be 'isolated homes' within the countryside as they would relate to an existing settlement. Paragraph 55 of the NPPF notes that where there are groups of smaller settlements, development in one village may support services in a village nearby.

The scheme is therefore considered to be sustainable, in terms of paragraph 14 of the NPPF and acceptable in principle.

Siting and design

The proposed dwellinghouses will be well sited within the existing pattern of development. They will be well proportioned with appropriate bulk and mass for two storey properties. The proposed design will provide a sympathetic solution with a vertical emphasis to windows and feature chimneys.

The proposed scheme is therefore considered to provide an acceptable scale and design and will not harm the visual amenity of the streetscene and the character of setting of the conservation area.

The impact on the living conditions of nearby dwellings

The proposed dwellinghouses will not breach the 45-degree sightline measured from the habitable windows of neighbouring properties and will meet minimum separation distances between neighbouring properties and also between proposed properties within the application site in compliance with the Council's Residential Design Guide SPG.

The proposed dwellinghouses are not therefore considered to result in any significant loss of light, outlook, privacy or amenity to the occupiers of surrounding properties.

Car Parking and Highway Safety

Following the withdrawal of the original application W/15/0709 the Highway Authority have visited the site and consider that the proposed site access is suitable. The formal response of the Highway Authority is awaited and Members will be updated at the meeting.

The site will provide adequate off-street parking with room for vehicles to turn and exit in a forward gear.

Health and Wellbeing

No health and wellbeing issues are considered to be raised by this application.

Ecology and landscaping

The Ecologist has assessed the Ecological Assessment and raises no objection to the scheme, subject to conditions relating to a scheme of mitigation for reptiles and amphibians, a lighting condition and a condition to secure ecological enhancements, such as bat and bird boxes.

A tree protection condition is suggested to protect mature trees during development and it is also considered prudent to remove permitted development rights to restrict further extensions/out buildings, which could affect the trees root system.

Drainage and Flood Risk

The site is located within Flood Zone 1, in which there is no requirement to consult the Environment Agency. The Council's Health & Community Protection Team have, in terms of flood risk, raised no objection to the scheme but have suggested a drainage and SUDs condition to avoid any localised flooding issues.

Renewable Energy

The buildings will need to be constructed to provide either 10% of the predicted energy requirement of the development from renewable energy resources, or a scheme showing how at least 10% of the energy demand of the development and its CO^2 emissions would be reduced through the initial construction methods and materials. This can be successfully secured through the standard planning condition.

Affordable Housing

The provision of three dwellinghouses within the rural area triggers the need for the provision of 40% affordable housing in accordance with Local Plan Policy SC 11. For small scale developments, such as this one, this can be successfully secured through a planning condition.

SUMMARY/CONCLUSION

In the opinion of the Local Planning Authority, the development is acceptable in principle and respects surrounding buildings in terms of scale, height, form and massing and does not adversely affect the amenity of nearby residents, flood risk or highway safety. The proposal is therefore considered to comply with the policies listed.

CONDITIONS

1 The development hereby permitted shall begin not later than three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and

approved drawing(s) 8853/1 (Plot 1), 8853/1 (Plot 2), 8853/1 (Plot 3), 8853/1 (Location - Site Plan) and specification contained therein, submitted on 05/08/15 and 02/09/15. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.

3 The development hereby permitted shall not be commenced unless and until a scheme showing how either a). at least 10% of the predicted energy requirement of the development will be produced on or near to the site from renewable energy resources, or b). a scheme showing how at least 10% of the energy demand of the development and its CO^2 emissions would be reduced through the initial construction methods and materials has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until all the works within the approved scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications. **REASON**: To ensure that adequate provision is made for the generation of energy from renewable energy resources or to achieve carbon savings in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011.

4 The development hereby permitted shall be carried out in strict accordance with details of surface water drainage works that shall have been submitted to and approved in writing by the local planning authority. Details shall include plans showing any existing and proposed drainage systems for the site, showing the location of yard gullies, manholes soakaways, and pipes including shape, material, pipe falls in relation to the proposed building and sustainable urban drainage methods. If soakaways are suggested details of porosity tests to determine suitability should also be submitted for agreement. **REASON:** To ensure that a satisfactory means of drainage is provided such as to minimise flooding in accordance with Policies DP11 & DP3 of the Warwick District Local Plan 1996-2011.

5 The development hereby permitted shall not commence until a detailed schedule of mitigation measures for reptiles and amphibians has been submitted to and approved in writing by the Local Planning Authority. A reptile survey must be carried out at the appropriate time of year, during appropriate weather conditions, by a suitably qualified ecologist to inform the necessary mitigation. These approved mitigation measures shall thereafter be implemented in full. **Reason:** To ensure that protected species are not harmed by the development in accordance with Policy DP3 of the Warwick District local Plan 1996-2011 and the NPPF.

6 The development hereby permitted shall not commence until details of all external light fittings and external light columns have been submitted to and approved by the Local Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. In discharging this condition the District Planning Authority expects lighting to be restricted on the eastern edge of the site and to be kept to a minimum at night across the whole site in order to minimise impact on emerging and foraging bats. This could be achieved in the following ways:

- low pressure sodium lamps or low brightness LEDs should be used in preference to high pressure sodium or high brightness LEDS;
- Blue spectrum lighting should be minimised and filtered where possible;
- the brightness of lights should be as low as legally possible;
- lighting should be timed to provide some dark periods;
- connections to areas important for foraging should contain unlit stretches.

Reason: To ensure that protected species are not harmed by the development in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011 and the NPPF.

7 No development shall commence until a schedule of ecological enhancements for the housing development has been submitted and approved in writing by the Local Planning Authority. In discharging this condition the LPA expect to see details of the following: installation of bat, bird and insect boxes, native tree planting and enhancement of retained habitats. The works and ecological enhancement shall thereafter be carried out in accordance with the approved details. **Reason:** To ensure that protected species are not harmed by the development in accordance with Policy DP3 of the Warwick District local Plan 1996-2011 and the NPPF.

8 The development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme. The scheme shall include:

i. The numbers, type and location of the site of the affordable housing provision to be made:
ii. The timing of the construction of the affordable housing;
iii. The arrangements to ensure that such provision is affordable for both initial and subsequent occupiers of the affordable housing; and
iv. The occupancy criteria to be used for determining the identity of prospective and successive occupiers of the affordable housing, and the means by which such occupancy shall be enforced.

The agreed scheme shall be implemented in accordance with the approved details prior to the occupation of any of the residential units hereby permitted. **Reason :** To ensure the necessary infrastructure and facilities are provided in accordance with Policy SC of the Warwick District Local Plan 1996-2011.

9 No part of the development hereby permitted shall be commenced and nor shall any equipment, machinery or materials be brought onto the site until a scheme for the protection of all existing trees and hedges to be retained on site has been submitted to and approved in writing by the Local Planning Authority and has been put in place. The scheme must include details of the erection of stout protective fencing and be in accordance with British Standard BS5837:2012, Trees in Relation to design, demolition and construction. Nothing shall be stored or placed in those areas fenced in accordance with this condition and nor shall the ground levels be altered or any excavation take place without the prior consent in writing of the Local Planning Authority. 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. **Reason:** To protect trees and other features during site construction in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011.

10 The development shall be carried out only in full accordance with sample details of the facing and roofing materials which shall have been submitted to and approved in writing by the local planning authority. **REASON:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy DP1 of the Warwick District Local Plan 1996-2011.

11 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking and re-enacting that Order with or without modification), no development shall be carried out which comes within Classes A or E of Part 1 of Schedule 2 of this Order. **REASON:** That due to the development's close relationship with the adjoining mature trees it is considered necessary to ensure that no additional development is carried out without the permission of the local planning authority in accordance with Policies DP1 & DP3 of the Warwick District Local Plan 1996-2011.

12 If an air source heat pump is chosen as the method to comply with the requirement for renewable energy, noise arising from the air source heat pump(s) permitted, when measured one metre from the facade of any noise sensitive premises, shall not exceed the background noise level by more than 3dB (A) measured as LAeq (5 minutes). If the noise in question involves sounds containing a distinguishable, discrete, continuous tone (whine, screech, hiss, hum etc.) or if there are discrete impulses (bangs, clicks, clatters, thumps etc.) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level. **REASON:** To protect the amenities of the occupiers of nearby properties in the locality in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011.

13 The development shall not be occupied unless and until the car parking and manoeuvring areas indicated on the approved

drawings have been provided and thereafter those areas shall be kept marked out and available for such use at all times.
REASON: To ensure adequate off-street car parking and servicing facilities in the interests of both highway safety and visual amenity in accordance with Policies DP1, DP2 & DP8 of the Warwick District Local Plan 1996-2011.