Planning Committee: 20 July 2021 **Item Number:** 7

Application No: W 20 / 1847

Registration Date: 11/11/20
Town/Parish Council: Eathorpe **Expiry Date:** 06/01/21
Case Officer: Rebecca Compton
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Rosedale, Main Street, Eathorpe, Leamington Spa, CV33 9DE
Erection of 1no. dwelling and associated vehicular access. FOR Kenilworth Property Developments Ltd

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This application is being presented to Planning Committee due to the number of objections and an objection from the Parish Council having been received.

RECOMMENDATION

Planning Committee is recommended to grant planning permission, subject to the conditions listed at the end of the report.

RELEVANT PLANNING HISTORY

W/19/1787 - Erection of a new dwelling - Granted

KEY ISSUES

The Site and its Location

The application site is located within the village boundary of Eathorpe which is designated as a Limited Infill Village in the adopted Local Plan. The application site forms the side garden area of an existing dwelling 'Rosedale' which is located in relatively central spot in the village. The site is washed over by Green Belt, lies within Flood Zone 2 and is also within the Eathorpe Conservation Area.

DETAILS OF THE DEVELOPMENT

The application seeks planning permission for the proposed erection of a two-storey detached dwelling together with a new vehicular access. This scheme is a re-submission of a previously approved scheme for the erection of a new dwelling (ref: W/19/1787).

The key changes proposed following the approved scheme are:

- Increase in the plot depth of the dwelling to incorporate a single storey rear projection and increased habitable space at first floor
- Increase in width of dwelling
- New vehicular access off Main Street in addition to the shared drive with The Cottage and Rosedale
- Removal of detached garage to be replaced with single storey utility room
- New area of hardstanding to the front of the building for parking

- Minor changes to external details such as porch

RELEVANT POLICIES

- National Planning Policy Framework
- Warwick District Local Plan 2011-2029
- BE1 - Layout and Design
- BE3 - Amenity
- HE1 - Protection of Statutory Heritage Assets
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- NE5 - Protection of Natural Resources
- FW3 - Water Conservation
- H1 - Directing New Housing
- H11 - Limited Village Infill Housing Development in the Green Belt
- DS18 - Green Belt
- FW1 - Development in Areas at Risk of Flooding
- CC2 - Planning for Renewable Energy and Low Carbon Generation
- FW3 - Water Conservation
- TR3 - Parking
- Guidance Documents
- Residential Design Guide (Supplementary Planning Document- May 2018)
- Parking Standards (Supplementary Planning Document- June 2018)
- Air Quality & Planning Supplementary Planning Document (January 2019)

SUMMARY OF REPRESENTATIONS

Eathorpe Parish Council: Object on the following grounds:

- Greater in size than the previously approved dwelling
- Impact on flooding as a result of the increase in size of the dwelling
- Loss of garden area to the front garden now to be laid as hardstanding
- Loss of on-street parking due to new access

WCC Highways: No objection. A TRO would be required if the road sign needs to be removed.

WCC Flood Management: No objection.

WCC Ecology: Raised concerns over trees to be removed and impact on bats and loss of biodiversity.

Environment Agency: No objection.

WDC Conservation: Raised concerns over the increased size of the dwelling, loss of hedgerow to the frontage and the large area of hardstanding to the front garden.

Public Response: 19 letters of objection have been received raising the following concerns:

- The size of the dwelling is significantly larger than the previously approved dwelling
- The development would result in loss of on-street parking
- The development would lead to flooding issues for neighbouring properties
- The development would result in the loss of hedgerow and vegetation to the front of the property that adds to the rural character of the village
- Large area of hardstanding to the front not in keeping with area
- Loss of biodiversity

ASSESSMENT

Principle of housing

Local Plan Policy H1 sets out a settlement hierarchy of where new housing should be directed. New dwellings are permitted within the boundaries of Limited Infill Villages, although the policy also states that housing development on garden land, in urban or rural areas, will not be permitted unless it reinforces or harmonises with the established character of the street.

The principle of housing development on this site has already been determined to be acceptable by virtue of the previous approval. However, as the application site comprises garden land, the siting and design must be assessed in terms of whether it harmonises with the character of the street. Other properties on this side of the road are set back from the highway and the proposed dwelling has also been set back to reinforce the pattern and retain the building line. There is also a mix of semi-detached and detached dwellings and the proposal as a detached dwelling is in keeping with other properties in the varied street scene. The new dwelling is of a size and scale that is in keeping with other properties in the immediate and wider area. As such the provisions of Policy H1 are considered to be met.

Policy H11 deals specifically with housing in Limited Infill Villages within the Green Belt and sets out criteria that must be met for a proposal to be acceptable. These are that the development is for no more than two dwellings, infilling of a small gap fronting a public highway between an otherwise largely uninterrupted built up frontage and is partly visible from the street and that the loss of the plot being infilled would not harm the integrity of the village or local character.

The new dwelling would be situated on garden land currently associated with the existing dwelling at Rosedale, the land forms a gap between Rosedale and Harton Cottage. The new dwelling would be set back from the highway in line with other dwellings along this part of Main Street. The land is situated in between a run of dwellings and is of a comparable size to other plots in the immediate street. The proposal is considered to comply with the requirements of Policy H11 in that the new dwelling would occupy a small gap in an otherwise uninterrupted built up frontage. The site of the new dwelling is presently garden land and is not considered to be an open space that adds to the character of the village. Giving consideration to these factors I am satisfied that the proposal complies with the criteria set out in Policy H11 and can be classed as infill development.

Concerns have been raised by members of the public that the proposed dwelling is greater in size than the previously approved dwelling under planning permission ref; W/19/1787. The proposed dwelling is of the same height as the previously approved dwelling but extends further into the plot. Officers consider that the increase in depth stills ensures that the dwelling sits comfortably in the plot and the street scene which is characterised by dwellings of varying sizes with varying plot depths. It is considered that in this context the proposed dwelling would not appear out of character with the street scene nor would it harm the integrity of the village or the local character. On that basis the development complies with Local Plan Policy H11.

Whether the proposal constitutes appropriate development in the Green Belt and, if not, whether there are any very special circumstances which would outweigh the harm by reason of inappropriateness and any other harm identified

The NPPF states that inappropriate development within the Green Belt is harmful by definition and should not be approved except in very special circumstances. The NPPF identifies that exceptions to inappropriate development would include limited infilling in villages. As identified above, the proposal is considered to represent limited infilling, and therefore the proposal is considered to represent appropriate development within the Green Belt.

The proposed development is therefore considered to be in accordance with Local Plan Policy DS18 and the NPPF.

Impact on character of surrounding area and setting of the Conservation Area

Policy BE1 of the Warwick District Local Plan states that new development should positively contribute to the character and quality of its environment. The policy requires the provision of high-quality layout and design in all developments that relates well to the character of the area.

Section 72 of the Planning (Listed Buildings and Conservation Areas) 1990 imposes a duty when exercising planning functions to pay special attention to the desirability of preserving or enhancing the character of a Conservation Area.

Paragraph 193 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 196 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage assets, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Warwick District Local Plan Policy HE1 of the Local Plan expects development proposals to have appropriate regard to the significance of designated heritage assets. Where any potential harm may be caused, the degree of harm must be weighed against any public benefits of the proposal. Warwick District Local Plan Policy HE2 of the Local Plan expects development proposals to have appropriate regard to the character and setting of conservation areas.

Concerns have been raised by members of the public and the Parish Council that the increase in size of the dwelling would have a harmful impact on the character

of the Conservation Area and would not be in keeping with the village. Concerns have also been raised by members of the public relating to the loss of the existing hedgerow to the front of the building together with a large area of hardstanding to the front of the building which would detract from the green and rural character of the village.

The site is located relatively centrally in the village and is surrounded by residential properties. The village offers a mix of housing types and styles from modern properties to traditional cottage style dwellings with a mix of materials including render and brick. To the north of the site the properties are predominantly large detached dwellings in spacious plots and to the south the properties are predominantly semi-detached dwellings. The new dwelling is a large detached dwelling located in a spacious plot that is in keeping with the surrounding character and style of properties in the village. Neighbouring buildings in the street scene have varying plot depths and widths with varying styles and character, it is considered that the increased depth of the building would not be out of keeping with the area in this context.

The proposed dwelling has adopted a similar external appearance to the previously approved dwelling with a front gable feature, eaves detailing and use of similar materials to that which can be found within the immediate vicinity of the application site, which would be brick and tile. These design features also take inspiration from the dwellings which it would be positioned immediately adjacent to. Sample materials of the external facing materials have been provided and are considered of a high-quality materials and will ensure the development is sympathetic to the area.

It should be noted that the hedgerow is not protected and could be removed at any time. Nevertheless, throughout the course of the application the proposals have been amended to retain some of the hedgerow to the front of the site. Large areas of hardstanding visible within the street scene is not an uncommon feature and can be seen on other properties such as Forge Cottage and 4 Park Cottages in the immediate area, there are other examples in the wider area. It should also be noted that a hardstanding could be formed on the site under permitted development. The proposal now seeks to retain some of the hedgerow to the front of the property which will provide a softer boundary treatment to the front of the site than the formerly proposed fencing and will also help mitigate any visual impact of the hardstanding in the street scene.

It is noted that the Conservation Officer has raised concerns over the increased size of the dwelling and the area of hardstanding to the front of the building together with the loss of the hedgerow. However as explained above, Officers are satisfied that the proposed design is in keeping with the surrounding area and would not be harmful to the established character of the street scene and the conservation area.

Overall, the proposals are considered to respect the character of the area and the setting of the conservation area having regard to Policies BE1 and HE1.

Impact on adjacent properties and amenity of future occupiers

Policy BE3 of the Warwick District Local Plan states that new development will not be permitted that has an unacceptable adverse impact on the amenity of nearby uses and residents.

Impact on Neighbouring Residential Amenity

The nearest neighbouring properties would be to the north and south of the site with Rosedale and The Cottage which adjoins Rosedale to the rear both situated to the north of the site and Harton Cottage to the south. There would be no conflict with the Council's 45° guideline with either of these properties as a result of the proposed development.

The new dwelling is set back into the site and is positioned no further forward than the two neighbouring buildings which is considered to ensure no overlooking or loss of amenity to the properties located opposite the site. Concerns have been raised by the neighbour at The Cottage that the increase in depth of the dwelling would have a harmful impact on their light and outlook. The increase in floor area will largely be achieved at ground floor by way of a single storey rear projection. There will be an increase in floor area to the first floor however this will achieved by way of a catslide roof and pitched roof dormers to reduce the visual bulk and mass of the building to not block light to the neighbouring dwelling at The Cottage that faces the development. The tallest part of the roof to the dwelling will be positioned opposite the blank gable end of Rosedale to again reduce any impact on light to the neighbouring dwelling at The Cottage. To the ground floor the proposed dwelling would replace the previously approved detached garage with a utility room which would be of a reduced depth and situated further away from the neighbouring dwelling than the approved garage.

Proposed Living Conditions for the Future Occupiers

The proposed dwelling would provide adequate light, privacy and outlook to all habitable rooms. The proposed dwelling would also have an ample private amenity space which accords with the Council's minimum size requirements.

The proposal is overall considered to be acceptable in terms of amenity in accordance with Local Plan Policy BE3.

Access and Parking

Policy TR1 of the Warwick District Local Plan requires all developments provide safe, suitable and attractive access routes for all users that are not detrimental to highway safety. Policy TR3 requires all development proposals to make adequate provision for parking for all users of a site in accordance with the relevant parking standards SPD.

The proposed scheme retains the existing shared access off Main Street which currently serves the neighbouring dwelling at Rosedale. The proposal also seeks to create a new access off Main Street to serve the new dwelling together with a new parking area to the front of the building. The Highways Authority was consulted on the application and raised no objection to the proposal. Whilst

concerns have been raised by members of the public regarding the loss of on-street parking, the Highways Authority have raised no objection to the loss of parking provision in the area.

The proposed parking area would provide sufficient space for 3 off road parking spaces to serve the new dwelling. This meets with the Council's requirements set out in the Parking Standards SPD.

The Highways Authority have commented that if the existing road sign is required to be removed that it is positioned within the existing hedgerow then the applicant would need to enter into a TRO with the Highways Authority to arrange for this to be removed. The scheme has since been revised to retain this section of hedgerow however it is considered appropriate to include this as an advisory note for the applicant. In any case, a condition will be added stating that the dwelling cannot be occupied until the parking has been laid out and ready for use in accordance with the approved details.

It is therefore considered that the proposal would not have an adverse impact on highway safety and provides adequate parking in accordance with Local Plan Policies TR1 and TR3.

Ecology

The County Ecologist raised concerns over loss of trees to the rear garden and the potential impact on bats, the application has been amended to retain these trees and so has addressed these concerns.

The County Ecologist also raised concerns over loss of biodiversity across the site, the proposals have addressed biodiversity loss through the planting of additional hedging along the side boundary of the site, a replacement pond is to be provided in the rear garden and bat and bird boxes will be placed on existing trees to the rear of the site. These measures are considered satisfactory to ensure there would be no net loss of biodiversity across the site.

On the basis of the above, it is considered that protected species will not be adversely affected by the proposal, subject to the suggested conditions. The proposal is therefore considered to be in accordance with Local Plan Policy NE2.

Flooding

Whilst areas of the site are situated within Flood Zone 3, the proposed dwelling has been situated to be located in Flood Zone 2. Details have been provided of proposed mitigation measures to control the flow of surface water runoff and flooding such as through the use of SuDS. Surface water is collected into slotted drainage channels and then fed into rain gardens which will clean the water prior to discharge back into the River Leam. The route to the river will be via a series of attenuation crates, which will store water prior to discharge, and the volume of the crate is based on the drainage area. The attenuation crates will hold back the water in times of excess flow and discharge this via an orifice plate.

The proposal also seeks to adopt measures within the construction of the dwelling to mitigate any impacts from potential flooding, these include setting of appropriate finished floor levels.

The Local Lead Flood Authority and the Environment Agency have been consulted and have raised no objection to the drainage strategy or the Flood Risk Assessment and flood mitigation measures that have been put forward by the proposal.

Low Emissions

The proposal will result in additional vehicular movements and therefore there is a requirement for the provision of an electric charging point in accordance with the Council's adopted Low Emissions Strategy. The proposed site plan indicates an electric charging point will be provided in accordance with the adopted strategy, a condition requiring details of the charging point is considered necessary and reasonable and so will be added.

Water Efficiency

A water efficiency scheme has been submitted with the application that demonstrates a water efficiency standard of 110 litres per person per day based to satisfy the requirements of Local Plan Policy FW3.

Waste

Waste and recycling storage could be accommodated within the site boundaries and out of sight, within the garage or to the rear of the property.

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) 2008/P/01, 2008/P/02, 2008/P/04, 2008/P/05, and specification contained therein, submitted on 16th June 2021. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.

3 The development shall be carried out in strict accordance with the approved SuDS Drainage Strategy Report produced by Civil Engineering Solutions dated December 2020 and approved drawing CES633/01/01 Rev A, submitted on 01st April 2021. **REASON**: To ensure that adequate drainage facilities are available for the satisfactory and proper development of the site in accordance with Policies BE1 and FW2 of the Warwick District Local Plan 2011-2029.

4 The development shall only be carried out in accordance with the sample materials submitted on 04th February 2021. **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 BE1 of the Warwick District Local Plan 2011-2029.

5 The development hereby permitted shall not be occupied unless and until it has been installed with a minimum 16amp electric vehicle recharging point which is ready for use and confirmation has been submitted to and approved in writing by the Local Planning Authority. As a minimum a drawing/ photograph showing the location of the charging point(s), a technical data sheet for the charging point infrastructure, and confirmation of the charging speed in kWh should be submitted to the LPA. Thereafter the points shall be retained in accordance with the approved details and shall not be removed or altered in any way. **REASON**: To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan and the Air Quality and Planning Supplementary Planning Document.

6 The development hereby permitted 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 that a satisfactory provision of off-street car parking and turning facilities are maintained at all times in the interests of the free flow of traffic and highway safety in accordance with Policies TR1 and TR3 of the Warwick District Local Plan 2011-2029.

7 The development hereby permitted shall not be occupied unless and until a scheme showing how a water efficiency standard of 110 litres per person per day based on an assumed occupancy rate of 2.4 people per household (or higher where appropriate) will be achieved has been submitted to and approved in writing by the Local Planning Authority. No dwelling/ unit shall be first occupied until the works within the approved scheme have been completed for that particular dwelling / unit in strict accordance with the approved details and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications. **REASON**: To ensure the creation of well-designed and sustainable buildings and to satisfy the requirements of Policy FW3 of the Warwick District Local Plan 2011-2029