Planning Committee: 15 October 2013 **Item Number:** 11

Application No: W 13 / 0975

Registration Date: 28/08/13
Town/Parish Council: Cubbington **Expiry Date:** 23/10/13
Case Officer: Liam D'Onofrio
01926 456527 liam.donofrio@warwickdc.gov.uk

Land adjacent to Pinehurst, Cubbington, Leamington Spa, CV32 7JY
Construction of 2 new houses and change of use of half of the site to cemetery for Cubbington Church FOR The Coventry Diocesan Board of Finance Ltd

---

This application is being presented to Committee due to the number of objections received.

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

Planning permission is sought for the erection of two detached dwellinghouses. Each dwellinghouse will have four bedrooms, two parking spaces and a garage. The supporting Design and Access Statement confirms that the houses have been carefully designed to fit into the character of the area with a similar scale and will use matching facing brick/roof tiles. The houses are set lower than surrounding properties and drop in height down a natural slope. Bin storage will be provided within the gardens with a collection area adjacent to the highway for collection days.

The remaining part of the site will be used as a graveyard for the church and a footpath link will remain from Pinehurst to the Graveyard.

The application is accompanied by an Arboricultural Implications Study and Sustainable Buildings Statement.

THE SITE AND ITS LOCATION

The application site relates to a plot of open land within the urban area, which lies southeast of Pinehurst, from which a vehicle access will be provided. The site is outside of but immediately adjacent to Cubbington Conservation Area and St Mary's Church and graveyard, which lie on a lower land level to the south of the site. The site is otherwise bounded by residential dwellings. Ground levels fall across the site from northwest to southeast and two mature pine trees are located on site.

PLANNING HISTORY

None

RELEVANT POLICIES

- 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)
- SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)
- UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
- DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Vehicle Parking Standards (Supplementary Planning Document)
- Open Space (Supplementary Planning Document - June 2009)
- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- National Planning Policy Framework

SUMMARY OF REPRESENTATIONS

Cubbington Parish Council - Supports the extension of the cemetery of St. Mary's Church as this would be a positive gain for the community. There is no objection to the remainder of the site being developed for housing. It is understood that one of the neighbours whose property adjoins the site is still disputing the inadequacy of the distance from his house to the nearest proposed new dwelling compared to the District Council's planning guidelines on Distance Separation. It has also been suggested that the two new houses now appear to be closer together than in the previous application (W13/0975); if so, the lack of space between the two new houses could be considered as being out of keeping with the character of the existing Pinehurst development.

WCC Highways - No objection, subject to conditions.

WCC Ecology - No objection, subject to conditions.

WDC Environmental Services - No noise data for air source heat pump

Public response - Six letters of objection raising the following concerns:

- Both No.31 and 33 Pinehurst have rear extensions, proposed house No.1 will be far too close.

- WDC separation distances have not been met/houses are squeezed in.
- Changing the garage to living accommodation in proposed house No.1 would make the impact worse.
- Loss of privacy.
- Residents would not benefit from erection of two large dwellings, at least bungalows would be more sympathetic.
- Protected species are on site.
- Whole area should be left for cemetery.

One supporting letter from St Mary's Church noting that the proposed graveyard extension is considered a benefit to the Cubbington community.

ASSESSMENT

The main considerations in assessing this application are:
- Principle.
- Design and impact upon the streetscene/adjacent conservation area.
- Neighbours' amenity.
- Highways.
- Landscape/ecology.
- Other matters

Principle

Policy UAP1 supports residential development on previously developed land and buildings within the confines of the urban area, however it is understood that the land previously formed part of the gardens to the Rectory but was not developed when surrounding dwellinghouses on Pinehurst and Austen Court were erected. The NPPF Paragraph 53 states that LPA's should resist inappropriate development of residential gardens where development would cause harm to the local area. The land is overgrown and no longer relates to a garden, although it does have visual value as green space. The proposed dwellings are not considered to create a contrived layout and will sit appropriately within the context of the surrounding pattern of development forming a full-stop to the Pinehurst streetscene. The residential use is compatible with surrounding residential uses.

The extension of the Church graveyard into the remaining area is appropriate and will retain a footpath access through the site.

The scheme is therefore considered to be acceptable in principle.

Streetscene/design

The proposed dwellinghouses are considered to provide an acceptable design solution. Amended plans have been requested to include a feature window with gablet in the southern elevation visible from Church Lane and chimneys to each dwelling, which are features of surrounding dwellinghouses and contribute to the skyline. The pyramidal roof design is considered appropriate and assists in reducing the overall bulk and mass of the dwellings.

The proposed dwellinghouses will be unobtrusive from Pinehurst. The dwellinghouses will be visible from Church Lane and the conservation area to the south, however they will be located no closer to the existing churchyard and will be viewed within the context of the existing dwellinghouses. It will therefore be important to ensure materials are used that match existing properties to enable the new dwellinghouses to assimilate. A condition is also suggested to secure a suitable landscaping scheme, which will help to establish the setting of the new dwellinghouses.

The proposed dwellinghouses are not considered to result in any significant impact upon the visual amenity of the streetscene or the character and setting of the adjoining conservation area.

Neighbours' amenity

The neighbours' concerns in relation to separation distances have been carefully noted. The original scheme proposed a gap of 4 metres between the flank wall of the proposed dwellinghouse and the northern boundary with No.31/33 Pinehurst. Amended plans have been received increasing the gap between the proposed flank wall and northern boundary to 6.5 metres. This has been achieved by narrowing the gap between the proposed dwellinghouses to 1 metre and reducing the width of the proposed graveyard land from 15 metres to 14 metres. The proposed dwellinghouses will therefore meet the necessary 12 metre separation distance from No.31 and No.33's rear extensions at pinch points and exceed the separation distance elsewhere. Furthermore the applicant has amended the design reducing the overall eaves and ridge height of the proposed dwellinghouses by 600mm respectively. The single storey garage to the proposed dwellinghouse (Plot 1) will have a minimum gap of 9 metres to No.31 Pinehurst. Given the garage's hip roof design, which angles away from the boundary, and its location on a lower land level the garage is not considered to create an overbearing impact or harm the outlook of the adjoining neighbour.

The necessary 22 metre window-to-window separation distance will be met between the proposed dwellinghouses and existing properties on Austen Court. A condition is suggested to ensure that side-facing windows in the northern elevation of Plot 1 are obscure glazed and non-opening to avoid overlooking. Given the space around the plots no further conditions are considered necessary in terms of limiting permitted development.

The proposed residential dwellinghouses are considered compatible with surrounding residential uses and the scheme, as amended, is not considered to result in any significant impact upon the amenities of the occupiers of surrounding properties.

Highways

The Highway Engineer has raised no objection to the scheme, which meets necessary parking standards and provides sufficient space for vehicles to turn within the site and exit in a forward gear.

Ecology/landscaping

The Council's Tree Officer has assessed the mature Pine Trees on site and a Tree Preservation Order (TPO) is being made on one of the trees, the other not meriting a TPO as it had grown at an angle and has bark damage, although the tree has no immediate health issues. The proposed dwellinghouses will not encroach upon the trees' root protection area. Conditions are suggested to ensure that the trees are adequately protected during construction.

The County Ecologist has raised no objection to the scheme, subject to protected species conditions, a landscaping and tree protection condition, drainage condition and lighting condition.

Other matters

The proposal will require an open space contribution in accordance with Policy SC13 of the Local Plan and the Open Space SPD, which can be secured by condition.

The applicant has specified the use of air source heat pumps to meet the Council's 10% renewable energy requirement. This can be secured through condition. Such units are designed for domestic use and unlikely to raise any noise issues, however further information can be provided on noise from the proposed units at discharge of condition stage to enable the Environmental Health Officer to consider the scheme and assess whether any sound attenuation will be required.

The supporting information states that the driveway/parking area will be constructed of permeable material, which can be controlled through condition.

SUMMARY/CONCLUSION

In the opinion of the Local Planning Authority, the proposed development is acceptable in principle and would not cause unacceptable harm to the visual amenity of the streetscene or the setting of the Conservation Area. Furthermore, the proposal would not adversely affect the amenity of nearby residents. 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) 1392/02B, 1392/04A, 1392/05C, 1392/06B, 1392/07, and specification contained therein. **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 shall be carried out only in full accordance with sample details of the facing and roofing materials which 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.

4 Unless the Local Planning Authority certifies that suitable alternative provision has been made for the provision or improvement of open space within the catchment area of the application site in accordance with Policy SC13 of the Warwick District Local Plan 1996-2011:

(i) no development shall commence unless or until a scheme for such provision or improvement (identifying the size/extent, location and specification of the space and works) has been submitted to and approved in writing by the Local Planning Authority; and

(ii) the dwellings hereby permitted shall not be occupied until the scheme so approved has been implemented.

REASON: To ensure the necessary infrastructure and facilities are provided in accordance with Policy SC13 of the Warwick District Plan 1996 – 2011.

5 The development hereby permitted shall only be undertaken in strict accordance with details of both hard and soft landscaping works which have been submitted to and approved in writing by the local planning authority. Details of hard landscaping works shall include boundary treatment, including full details of the proposed boundary walls, retaining walls, railings and gates to be erected, specifying the colour of the railings and gates; footpaths; and hard surfacing which shall be made of porous materials or provision shall be made to direct run-off water from the hard surface to a permeable or porous area. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of the dwellinghouses hereby permitted; and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with

another of similar size and species, unless the local planning authority gives written consent to any variation. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations. **REASON:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies DP1, DP2 and DP3 of the Warwick District Local Plan 1996-2011.

6 The development hereby permitted shall not be commenced unless and until a scheme showing how 10% of the predicted energy requirement of this development will be produced on or near to the site, from renewable energy resources, has been submitted to and approved in writing by the District Planning Authority. The development shall not be first occupied until all the works within this 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. Microgeneration equipment no longer needed for microgeneration shall be removed as soon as reasonably practicable. **REASON** : To ensure that adequate provision is made for the generation of energy from renewable energy resources in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011.

7 No lighting or illumination of any part of the site shall be installed or operated unless and until details of such measures shall have been submitted to and approved in writing by the local planning authority and such works, and use of that lighting and/or illumination, shall be carried out and operated only in full accordance with those approved details. **REASON:** To ensure that any lighting is designed so as not to detrimentally affect the amenities of the occupiers of nearby properties in accordance with Policies DP2, DP3 & DP9 of the Warwick District Local Plan 1996-2011.

8 The development hereby permitted shall be carried out in strict accordance with the details of surface and foul water drainage works that have been submitted to and approved in writing by the local planning authority. **REASON:** To ensure that adequate drainage facilities are available for the satisfactory and proper development of the site in accordance with Policy DP11 of the Warwick District Local Plan 1996-2011.

9 No part of the development hereby permitted shall be commenced until a detailed badger survey, including timetabled mitigation measures where appropriate, has been carried out by a suitably qualified badger consultant and has been submitted to and approved in writing to the local planning authority. Any approved mitigation measures shall be implemented in accordance with the approved timetable. **REASON:** To safeguard the presence and population of a protected species in line with UK and European Law, the National Planning Policy Framework and Policy DAP3 of the Warwick District Local Plan 1996-2011.

10 The development hereby permitted shall either:
a.) Be timetabled and carried out to avoid the bird breeding season (March to September inclusive) to prevent possible disturbance to nesting birds.
b.) Not commence until a qualified ecologist has been appointed by the applicant to inspect the vegetation to be cleared on site for evidence of nesting birds immediately prior to works. If evidence of nesting birds is found works may not proceed in that area until outside of the nesting bird season (March to September inclusive) or until after the young have fledged, as advised by ecologist.
Birds can nest in many places including buildings, trees, shrubs, dense ivy, and bramble/rose scrub. Nesting birds are protected under the 1981 Wildlife and Countryside Act. **REASON:** To safeguard the presence and population of a bird species in line with the National Planning Policy Framework and Policy DP3 of the Warwick District Local Plan 1996-2011.

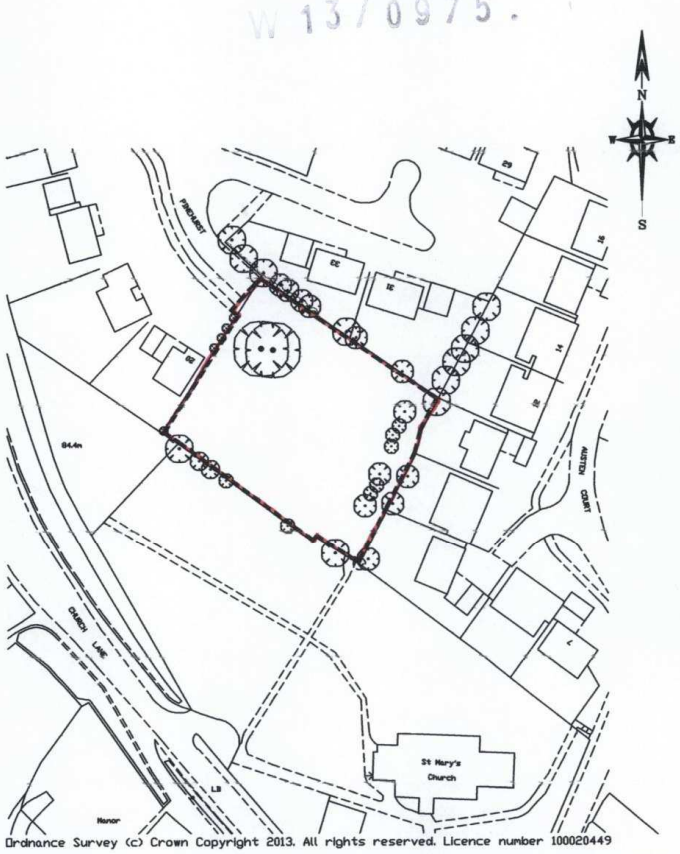
11 No development or other operations (including demolition, site clearance or other preparatory works) shall be commenced until adequate steps, which shall have been previously approved in writing by the local planning authority, have been taken to safeguard against damage or injury during construction works (in accordance with Clause 7 of British Standard BS5837- 2012 Trees in Relation to Design, Demolition & Construction) to all tree(s) on the site, or those tree(s) whose root structure may extend within the site. In particular no excavations, site works, trenches or channels shall be cut or pipes or services laid, no fires shall be lit within 10 metres of the nearest point of the canopy of any protected tree(s); no equipment, machinery or structure shall be attached to or supported by a protected tree(s); no mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area,or any other works be carried out in such a way as to cause damage or injury to the tree(s) by interference with their root structure and that no soil or waste shall be deposited on the land in such a position as to be likely to cause damage or injury to the tree(s).

REASON: To protect those trees which are of significant amenity value to the area and which would provide an enhanced standard of appearance to the development in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011.

12 The areas indicated on the approved drawings for vehicular manoeuvring space and parking shall at all times be kept free of obstruction and be available for those purposes. **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 DP6 & DP8 of the Warwick District Local Plan 1996-2011.

13 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) the first floor window(s) to be formed in the north facing elevation of the dwellinghouse occupying Plot 1 hereby permitted shall only be glazed or re-glazed with obscure glass and shall be non-opening. **REASON:** In the interests of the amenities of the occupiers of nearby properties in accordance with Policies DP1 & DP2 of the Warwick District Local Plan 1996-2011.

W 13/0975.



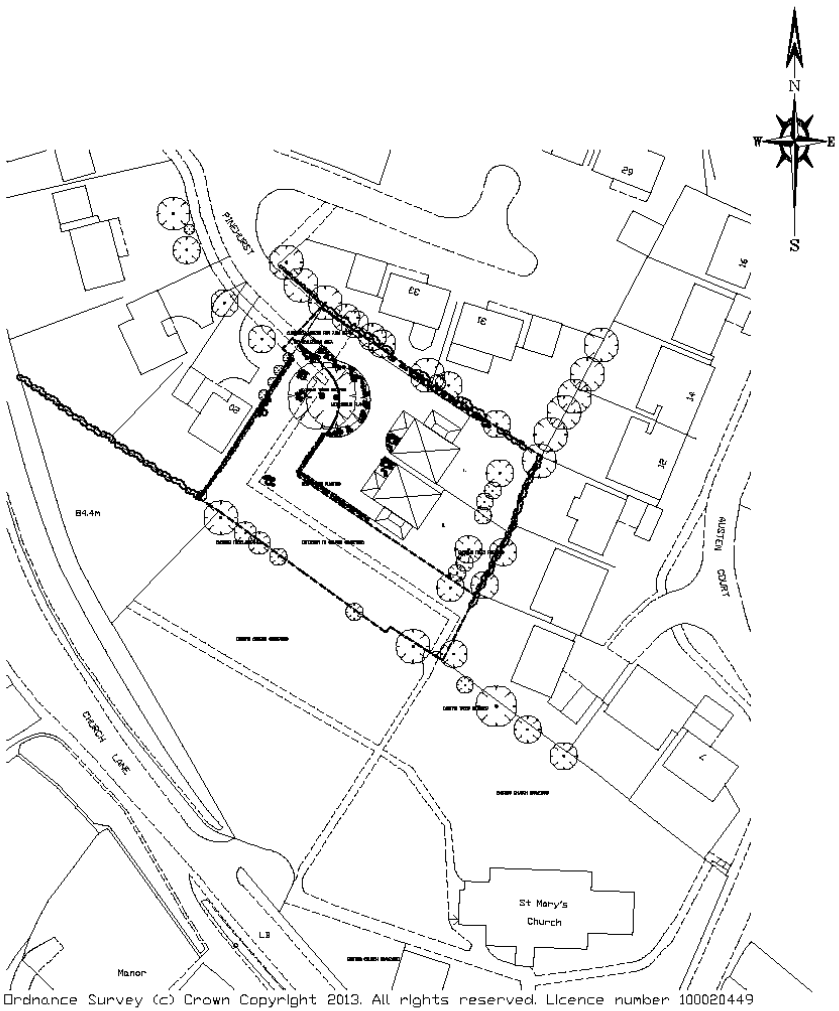
WDC PLANNING
Ref
Officer
28 AUG 2013
SCANNED
CO CR FD MA

CONTRACT	LAND OFF PINEHURST CUBBINGTON
TITLE	LOCATION PLAN

BROWN MATTHEWS
ARCHITECTS
Chartered Architects · Historic Building Consultants
Highfield House Leamington Spa
Highfield Terrace 01926 336820

COPYRIGHT RESERVED

Scale	1/1250 (at A4)	Date	2013
Drawn	BRB	No.	1392/100La



NOTES
COPYRIGHT RESERVED
Do not to be scaled
All dimensions & levels to be checked on site by the Contractor

THIS DRAWING HAS BEEN PREPARED FOR PLANNING PURPOSES ONLY AND WILL REQUIRE ADJUSTMENT FOR BUILDING REGULATION AND CONSTRUCTION PURPOSES

REV B PLANNING CHANGES 13.08.13

Rev	Notes	Date

BROWN MATTHEWS
ARCHITECTS
Chartered Architects · Historic Building Consultants

CONTRACT

SITE AT CUBBINGTON CHURCH
PINEHURST CUBBINGTON
DRAWING

PROPOSED SITE LAYOUT

Scale: 1/500
Date: 2013 Drawn:
Drawing number: 1392/028 Revision:

PROPOSED GRAVEYARD
STREET SCENE
PROPOSED HOUSES