

Planning Committee: 22 April 2020

Item Number: 2

Application No: [W 20 / 0333](#)

Town/Parish Council: Whitnash

Case Officer:

Helena Obremski

01926 456531 Helena.Obremski@warwickdc.gov.uk

Registration Date: 02/03/20

Expiry Date: 27/04/20

**Woodside Farm, Harbury Lane, Bishops Tachbrook, Leamington Spa,
CV33 9QA**

Variation of condition 2 (plan numbers) of permission W/17/1612 to allow for amendments to the siting of the plots, design alterations to elevations of dwellings, amendment to house type (plot 8) and inclusion of car ports. FOR
Trio Square 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 the conditions listed in the report.

DETAILS OF THE DEVELOPMENT

The scheme remains the same as extant permission W/17/1612 and seeks only to vary condition 2 (the plan numbers) to allow for the following amendments to the approved plans:

- amendments to the siting of the plots;
- design alterations to elevations of dwellings;
- amendment to one of the house types (plot 8); and,
- inclusion of car ports to plots 1, 4, 5, 6, 7 and 8.

It is therefore these elements only which are considered below. The principle of the development cannot be revisited. The applicant requested that the landscaping elements of the scheme were also considered as part of this proposal, but however withdrew this request during the course of the application as this forms part of the discharge of condition application. Only the changes detailed above are therefore considered as part of this application.

During the course of the application, the dwellings have been resited to ensure that adequate internal distance separation requirements are met, and to ensure that the proposed dwellings are no closer to Grove Cottage than previously approved. The car port serving Plot 5 has also been moved further away from the boundary hedge to ensure adequate protection of established vegetation.

RELEVANT PLANNING HISTORY

W/13/1207 - Outline planning permission granted for an urban extension comprising up to 280 new homes, public open space, landscaping, new access and highways and associated and ancillary development (north of application site).

W/14/1054 - Reserved matters approved for the layout, scale and appearance of 46 dwellinghouses and associated landscaping under Phase 1 of the Woodside Farm development granted under outline planning permission W/13/1207 (north of application site).

W/15/0305 - Reserved matters application approved for the erection of 234 units (Phase 2) associated with the outline planning consent for up to 280 units, public open space, landscaping, new access and highways and associated and ancillary development (north application site).

W/17/0330 - Erection of 9 dwellings with associated garages with improvement works to existing access - Withdrawn.

W/17/1612 - Planning permission granted for the erection of 8no. detached dwellings with associated garages and improved access road.

THE SITE AND ITS LOCATION

The application site is positioned to the north of Harbury Lane. An application was approved for 234 dwellings to the north of the site which is under construction and permission has been secured for 720 dwellings to the south west of the site, where construction has also commenced. There are therefore multiple residential properties next to the northern boundary of the application site and one residential property, Grove Cottage, positioned to the south of the site. The application site is accessed from a private road which provides access to the site and two residential properties which face towards Harbury Lane. The site is considered to represent brownfield land, which currently benefits from a large area of hardstanding, grassy areas and various small portacabins and vehicles. There are established trees and hedgerows to the edges of the site.

RELEVANT POLICIES

- National Planning Policy Framework
- The Current Local Plan
- H1 - Directing New Housing
- BE1 - Layout and Design
- BE3 - Amenity
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- NE5 - Protection of Natural Resources
- CC2 - Planning for Renewable Energy and Low Carbon Generation
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- HS4 - Improvements to Open Space, Sport and Recreation Facilities
- FW2 - Sustainable Urban Drainage
- FW3 - Water Conservation
- Guidance Documents
- Residential Design Guide (Supplementary Planning Document- May 2018)

- Distance Separation (Supplementary Planning Guidance)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Open Space (Supplementary Planning Document - April 2019)
- Parking Standards (Supplementary Planning Document)
- Neighbourhood Plan
- Air Quality & Planning Supplementary Planning Document (January 2019)
- Whitnash Neighbourhood Plan

SUMMARY OF REPRESENTATIONS

Whitnash Town Council: No objection.

Public Responses: 1 Neutral: requests condition for provision of a landscaping scheme is carried forward to this application. Queries whether the landscaping plan will require details of boundary hedges, trees and fencing as this information is not provided. The wildlife corridor adjacent to Mallory Grange should be retained. Site boundary fencing is not shown on the plans, adequate screening should be provided.

5 Objections: existing trees must be protected to create adequate screening between the proposed development and Grove Cottage to maintain privacy; the proposed dwellings appear to be closer to Grove Cottage than previously agreed.

ASSESSMENT

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

- Impact on the character of the area
- Impact on neighbouring residential amenity and living conditions of the future occupiers
- Parking
- Ecological impact and impact on trees
- Other matters

Impact on the character of the area

The National Planning Policy Framework (NPPF) places significant weight on ensuring good design which is a key aspect of sustainable development and should positively contribute towards making places better for people. The NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving character, the quality of an area and the way it functions. Furthermore, Warwick District Council's Local Plan 2011 - 2029 policy BE1 reinforces the importance of good design stipulated by the NPPF as it requires all development to respect surrounding buildings in terms of scale, height, form and massing. The Local Plan calls for development to be constructed using appropriate materials and seeks to ensure that the appearance of the development and its relationship with the surrounding built and natural environment does not detrimentally impact the character of the local area. The Residential Design Guide sets out steps which must be followed in order to achieve good design in terms of the impact on the local area; the importance of respecting existing important features; respecting the surrounding buildings and using the right materials.

Whitnash Neighbourhood Development Plan (WNDP) Policy W4 states new development should be of a scale, mass and built form which responds to the characteristics of the site and its surroundings, care should be taken to ensure that building(s) height, scale, and form, including the roofline, do not disrupt the visual amenities of the street scene and impact on any significant wider landscape views. Proposals should not feature designs specific to a generic "scheme" and should take account of the locally distinctive character of the area in which they are to be sited. Policy W4 also calls for the use of appropriate materials.

The proposed amendments include changes to the design of the dwellings and inclusion of car ports to some of the plots. The site is nestled amongst a variety of styles of residential properties, including new-build dwellings to the north of the site. There are no specific locally distinctive characteristics which are identified within the nearby area. Furthermore, the site is also set back well from the main highway and not readily visible from public vantage points. The wider area benefits from two storey dwellings, some of which have front dormer windows and render. There are some properties with pitched roof gable features and detached garages. The proposed house types are similar to those which are located to the north of the site in terms of the pitch roof detailing and facing materials.

The dwellings have been designed with architectural details such as brick header course at the verges, brick corbels, soldier courses above the windows, canopy porches and front facing gable features. These all add visual interest and provide a high quality development, which is respectful of the neighbouring residential developments. Sample materials will still be secured by condition to ensure that the proposal successfully blends in with the surrounding development.

The proposed car ports have been positioned so that they would not substantially impact on the character of the site or wider area. These are considered to be acceptable design features which do not detract from the quality of development. As the car ports remain open sided, this retains the sense of openness and sense of spacious plots which Officers sought to retain through removal of the garages under the previous application. A condition will be added to ensure that these cannot be infilled and are retained as parking spaces.

The proposed design amendments are considered to represent an appropriate form of development, which would not detract from the character of the area and are not considered to disrupt or harm landscape views. The proposal is considered to be in accordance with Local Plan policy BE1 and WNDP policy W4.

Impact on neighbouring residential amenity and living conditions for the future occupiers

Warwick District Local Plan policy BE3 requires all development to have an acceptable impact on the amenity of nearby users or residents and to provide acceptable standards of amenity for future users or occupiers of the development. There is a responsibility for development not to cause undue disturbance or intrusion for nearby users in the form of loss of privacy, loss of daylight, or create visual intrusion.

Members of the public have raised concerns regarding the loss of existing trees along the southern boundary to create adequate screening between the proposed development and Grove Cottage, in order to maintain privacy. Members of the public also query whether the proposed dwellings are closer to Grove Cottage than previously agreed.

As originally submitted the proposed dwellings were sited slightly closer to Grove Cottage than previously approved, therefore the agent was asked to relocate the dwellings back to their original position as approved, which has been accommodated. The dwellings remain two storey and there would be no additional overlooking as a result of the changes.

Concern was raised regarding the car port serving plot 5 and the need for pruning in order to make space for this structure. The agent has therefore moved the car port further back into the site to reduce the need for pruning. The Tree Officer has also confirmed that the level of pruning needed is unlikely to harm the existing hedgerow, thus maintaining the screening. As amended, it is not considered that the car port serving plot 5 would result in a loss of screening and therefore privacy to neighbouring properties.

It is therefore considered that the proposed amendments would not have a detrimental impact on residential amenity in comparison to the previously approved plans.

The proposed layout was amended in accordance with Officer recommendations to confirm that the internal distance separation requirements were met, which ensures adequate living conditions for the future occupiers of the development.

The proposal is therefore considered to be in accordance with Local Plan policy BE3.

Parking

The proposed changes would not result in an increased demand for parking spaces. However, as there has been an update to the Council's Vehicle Parking Standards since the previous approval. The requirement for 4 bedroom properties is now 3 parking spaces, rather than 2. Technically, this generates the need for additional parking for plots 1, 4, 6 and 8, which would each require 3 parking spaces, where currently 2 are provided. However, a material consideration is the extant permission which could lawfully still be implemented and is a genuine fallback position.

For this reason, as the proposal does not increase the number of proposed bedrooms, nor does it reduce the parking provision for the dwellings, owing to the fallback position, the proposed development is considered to provide acceptable parking arrangements.

Ecological impact and impact on trees

There are no ecological issues identified in association with the proposed amendments.

Concern has been raised regarding the impact of the development on existing trees and vegetation, particularly the proposed location of the car port serving plot 5 and the impact which this would have on root protection areas, and the impact of tree pruning.

It should be noted that there are no affected trees in the area of the car port to the rear of plot 5, only a large Leylandii hedge which could potentially be affected by the works. However, the car port has been moved forward by 750mm which has reduced any trimming that may be required in this area or impact upon the roots. Therefore this smaller area is now shown as no-dig construction zone on the informal planting plan which has been submitted to highlight the impact on existing vegetation. The Tree Officer has confirmed that he has no concerns regarding the impact on the hedgerow.

It is therefore considered that the proposed amendments would not have a harmful impact on ecology or trees, and is considered to be in accordance with Local Plan policy NE2.

Other Matters

Comments from members of the public have raised concerns regarding the submitted landscaping scheme. However, although a landscaping scheme was submitted, this would be a matter to be considered as part of a discharge of condition application. This would include details relating to boundary treatments, such as fencing, which was queried by a member of the public.

Since approval of the previous permission, changes in national planning policy dictate that the Council can only require an open space contribution for schemes of 11 dwellings or more. As the proposal is for 8 dwellings, the condition for an open space contribution will not be carried forwards.

Conclusion

The proposed amendments are considered to have an acceptable impact on the character of the area and would not have a harmful impact on neighbouring amenity or trees. The proposed variation of condition 2 is therefore recommended for approval.

CONDITIONS

- 1 The development hereby permitted shall begin not later than three years from 1st December 2017 (the date of the original 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 drawings 19-19-103 P1 (House Type 1 Floor Plans), 19-19-104 P1 (House Type 1 Elevations), 19-19-109 P1 (House Type 3 Floor Plans) and 19-19-110 P1 (House Type 3 Elevations) submitted on 2nd March 2020, drawings 19-19-105 P1 (House Type 2 Floor Plans), 19-19-106 P1 (House

Type 2 Elevations), 19-19-107 P1 (House Type 4 Floor Plans) and 19-19-108 P1 (House Type 4 Elevations) submitted on 26th March 2020, and drawing 19-19-112 P4 submitted on 16th April 2020 and specification contained therein. **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 (including any works of demolition) shall proceed only in strict accordance with a construction method statement which has been submitted to and approved in writing by the local planning authority. The approved statement shall be strictly adhered to throughout the construction period and shall provide for: the parking of vehicles of site operatives and visitors; a vehicle routing plan; the loading and unloading of plant and materials; wheel washing facilities and other measures to ensure that any vehicle, plant or equipment leaving the application site does not carry mud or deposit other materials onto the public highway; details of lighting to be used; measures to control the emission of dust and dirt during construction; and a scheme for recycling / disposing of waste resulting from demolition and construction works. **REASON:** In the interests of highway safety and the amenities of the occupiers of nearby properties, the free flow of traffic and the visual amenities of the locality in accordance with Policies BE3, TR1, TR4 and NE5 of the Warwick District Local Plan 2011-2029.
- 4 No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles, the approved FRA, *Harbury Lane, Whitnash Drainage Strategy_Waterco Consultants_ October 2017* and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority in consultation with the LLFA. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. **REASON:** To prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; and to ensure the future maintenance of the sustainable drainage structures, in accordance with Policies BE1 and FW2 of the Warwick District Local Plan 2011-2029.
- 5 No development shall commence until a Protected Species Contingency Plan has been submitted to and approved in writing by the planning authority. The plan shall include:

 - a) Further bat survey of the Ash Tree with Ivy, to include appropriate activity surveys in accordance with BCT Bat Surveys – Good Practice Guidelines, has been carried out and if appropriate a detailed mitigation plan including a schedule of works and timings has been submitted to and approved in writing by the District Planning Authority. Any approved mitigation plan shall thereafter be implemented in full.

b) A detailed updated badger survey has been carried out by a suitably qualified badger consultant and has been submitted to and approved in writing by the District Planning Authority. Any approved mitigation plan shall thereafter be implemented in full.

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 NE2 of the Warwick District Local Plan 2011-2029.

Note: The outcomes of the surveys are likely to have implications for the design and/or layout of the development.

- 6 The development hereby permitted shall not commence until a Construction and Environmental Management Plan has been submitted to and approved in writing by the District Planning Authority. In discharging this condition the LPA expect to see details concerning pre-commencement checks for protected and notable species with subsequent mitigation as deemed appropriate. In addition appropriate working practices and safeguards for other wildlife dependent of further survey work, that are to be employed whilst works are taking place on site. The agreed Construction and Environmental Management Plan shall thereafter be implemented in full. **REASON:** To ensure that protected species are not harmed by the development in accordance with the National Planning Policy Framework (NPPF), ODPM Circular 06/2005 and Policy NE2 of the Warwick District Local Plan 2011 - 2026.
- 7 The development hereby permitted shall not commence until a detailed Landscape and Ecological Management Plan has been submitted to and approved in writing by the District Planning Authority. The plan should include details of planting and maintenance of all new planting. Details of species used and sourcing of plants should be included. The plan should also include details of habitat enhancement/creation measures and management, such as native species planting, woodland enhancement, provision of habitat for protected species. Such approved measures shall thereafter be implemented in full. **REASON:** To ensure a net biodiversity gain in accordance with NPPF and in accordance with Policy NE2 of the Warwick District Local Plan 2011 - 2026.
- 8 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 District 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: 2005, a Guide for Trees in relation to construction. Nothing shall be stored or placed in those areas fenced in accordance with this condition and nor shall the grounds levels be altered or any excavation take place without the prior consent in writing of the District 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:** In order to protect and preserve existing trees within the site

which are of amenity value in accordance with Policies BE1 and NE1, and for the protection of protected species in accordance with Policy NE2 of the Warwick District Local Plan 2011-2029.

- 9 No development shall take place until a detailed lighting scheme has been submitted and agreed between the applicant and the local planning authority. In discharging this condition the District Planning Authority expects lighting to be restricted around the boundary edges, particularly along the woodland boundary, along hedgerows, and around known bat roosts and badgers setts, and to be kept to a minimum at night across the whole site in order to minimise impact on emerging and foraging bats and other nocturnal wildlife. **REASON:** To ensure that protected species are not harmed by the development in accordance with National Planning Policy Framework (NPPF) and Policy NE2 of the Warwick District Local Plan 2011 - 2026.
- 10 The development hereby permitted shall only be undertaken in strict accordance with a scheme of site investigation of the nature and extent of contamination within the application site that has been undertaken in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any development begins. If any contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The site shall not be occupied until remediation measures have been carried out in full accordance with such approved details and a soil validation report has been submitted to and approved in writing by the local planning authority. **REASON:** To safeguard health, safety and the environment in accordance with Policies BE3 and NE5 of the Warwick District Local Plan 2011-2029.
- 11 No development shall be carried out above slab level unless and until samples of the external facing materials to be used have been submitted to and approved in writing by the local planning authority. The development shall only be carried out in accordance with the approved details. **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.
- 12 The access shall not be used until visibility splays have been provided to the vehicular access to the site passing through the limits of the site fronting the public highway with an 'x' distance of 2.4 metres and 'y' distances of 160 metres to the south-east and 70 metres to the north-west, measured to the near edge of the public highway carriageway, in accordance with drawing no. 18443-03 Rev. B. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway. **REASON:** In the interests of vehicular

and pedestrian safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.

- 13 The development hereby permitted shall not be occupied until a scheme which satisfies the requirements set out in the Council's adopted Air Quality and Planning Supplementary Planning Document (January 2019) has been submitted to and approved in writing by the Local Planning Authority and implemented in full accordance with the approved details. The approved scheme shall be retained and maintained as such at all times thereafter. **REASON:** To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan.
- 14 The development shall not be occupied until the existing footway along Harbury Lane has been extended to the application site access, in general accordance with drawing no. 18443-03 Rev. B submitted on 13th November 2019, and constructed to the specification of the Highway Authority. **REASON:** In the interests of vehicular and pedestrian safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.
- 15 No dwelling hereby permitted shall be occupied unless and until the car parking provision for that dwelling has been constructed or laid out, and made available for use by the occupants to the dwelling. Thereafter those spaces and the car ports shall be retained for parking purposes at all times and not altered without prior consent from the Local Planning Authority. **REASON:** To ensure the satisfactory provision of off-street vehicle parking facilities in accordance with the local planning authority's standards and in the interests of highway safety and providing an appropriate form of development which respect the semi-rural nature of the site in accordance with Policies BE1 and TR3 of the Warwick District Local Plan 2011-2029.
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