

**Planning Committee:** 16 August 2023

**Item Number:** 7

**Application No:** [W 23 / 0523](#)

**Town/Parish Council:** Leek Wootton  
**Case Officer:** George Whitehouse  
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**Registration Date:** 06/04/23

**Expiry Date:** 01/06/23

**Cherry Apple Cottage, Warwick Road, Leek Wootton, Warwick, CV35 7RB**  
Erection of 1no. Four Bedroom Dwelling House and Associated External Works.  
FOR Ward Burges Ltd

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This application is being presented to Committee due to an objection from the Parish Council having been received.

### **RECOMMENDATION**

It is recommended that Planning Committee grant planning permission subject to the conditions listed for the reasons set out in this report.

### **DETAILS OF THE DEVELOPMENT**

The application seeks planning permission for the erection of one 4-bedroom dwelling. The proposal is for a detached, two storey dwelling with frontage parking.

### **THE SITE AND ITS LOCATION**

The application relates to part of the amenity area serving Rock Cottages a semi detached dwelling to the south west of the site which faces Warwick Road. The application site is located within a growth village boundary. There are residential properties indirectly opposite the application site to the east at a much lowered height and a dwelling, Quarry Lodge to the south of the site, which is on a higher ground level to the site. The proposed dwelling is set back from the road frontage.

The application site sits within the Leek Wootton Conservation area. There are a variety of attractive dwellings of different types, design and material palette within the immediate surrounding area.

### **PLANNING HISTORY**

None relevant.

### **RELEVANT POLICIES**

- National Planning Policy Framework

Warwick District Local Plan 2011-2029

- H1 - Directing New Housing
- BE1 - Layout and Design
- BE3 - Amenity
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- TR1 - Access and Choice
- TR3 - Parking
- CC2 - Planning for Renewable Energy and Low Carbon Generation
- NE5 - Protection of Natural Resources
- NE4 - Landscape

#### Leek Wootton and Guy's Cliffe Neighbourhood Plan (2018-2029)

- LW3 - Protecting and enhancing built heritage
- LW7 - Infill Housing Development in Leek Wootton Village

#### Guidance Documents

- The 45 Degree Guideline (Supplementary Planning Guidance)
- Distance Separation (Supplementary Planning Guidance)
- 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**

**Guys Cliffe and Leek Wootton Parish Council:** Objection based on harm to the Conservation Area, and harm to the amenity of neighbouring occupiers.

**Conservation Officer:** No objection

**WCC Ecology:** Objection: recommends bat survey is carried out and requires evidence of biodiversity net gain.

**WCC Highways:** No objection subject to condition

**WCC Archaeology:** No objection subject to a condition securing Archaeological Work.

**Tree Officer:** No objection subject to a condition securing the tree protection measures in the submitted Arboricultural report.

**Public Response:** 3 public objections based on loss of amenity and the design of the building.,

### **ASSESSMENT**

## Principle of use

Section 5 (Delivering a Sufficient Supply of Homes), Paragraph 59 of the NPPF confirms the Government's objective of significantly boosting the supply of homes. Paragraph 60 states that strategic policies need to determine the minimum number of homes needed and should be informed by local housing need assessments. Paragraph 61 of the NPPF emphasises that within the context, the size, type and tenure of housing needed for difference groups in the community.

Paragraph 78 of the National Planning Policy Framework indicates that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.

Warwick Local Plan Policy H1 states that new housing in rural areas will only be permitted in Growth and Limited Infill Villages as shown on the Proposal Maps. Leek Wootton is allocated as a Growth Village as outlined within Policy H1. Any proposals for small developments within the defined settlement boundary would be permissible in principle as the Growth Village provides a range of services and facilities and are most suitable for housing growth in accordance with the range of sustainability indicators.

The site has not been identified within Policy H1 (Allocated Sites in Growth Village) of the Local Plan and would therefore be considered as a windfall site as defined by Paragraph 68 of the NPPF and Policy DS7 (Meeting the Housing Requirement) of Warwick DC Local Plan. Policy DS7 sets out the Council's approach to identifying land for housing to achieve the housing requirement of a minimum of 17,139 new homes during the plan period. An allowance for windfall sites coming forward between April 2015 and March 2029 is 1,010 new homes.

Consequently, the windfall site lies within Growth Village envelope of Leek Wootton and the principle of residential development in this location is considered acceptable in principle.

## Design, Layout and Effect on the Conservation Area

Considerable importance and weight should be given to the duties set out in the Planning (Listed Buildings and Conservation Areas) Act 1990, when making decisions that affect listed buildings and conservation areas respectively. These duties affect the weight to be given to the factors involved.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, "In the exercise, with respect to any buildings or other land in a conservation area [of any planning functions]...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."

Paragraph 199 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.

Policy HE1 of the Warwick District Local Plan 2011-2029 states that development will not be permitted if it would lead to substantial harm to or total loss of the significance of a designated heritage asset, unless it is demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss.

Chapter 12 of the 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. Paragraph 130 of 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, Policy BE1 of the Local Plan 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 Leek Wootton and Guy's Cliffe Neighbourhood Development Plan (LWGC Neighbourhood Plan) Objective 2 Conservation states that any future development will need to conserve and enhance the historical assets of the community. It goes on to state that amongst other things that this will be done through ensuring that the new development is designed to respond positively to the setting of the Conservation Area and any listed buildings or other built heritage assets.

The Leek Wootton and Guy's Cliffe Neighbourhood Development Plan (LWGC Neighbourhood Plan) Policy LW3 states that 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.

The site falls within the Leek Wootton Conservation Area. The proposal would result in the demolition of a single-storey garage to the side of the existing dwellinghouse. There are substantial trees and other established vegetation to the Warwick Road frontage and side and rear perimeter boundaries, which provides a pleasant setting to these properties along Warwick Road and overall Conservation Area.

None of these buildings are above 150m<sup>3</sup> and therefore do not require consent to be demolished. Given this it is not considered to be necessary to make an assessment of the impact of the loss of the garage on the Conservation Area.

The proposed layout plan shows that the proposed detached three-bedroom dwellinghouse would be positioned at the centre of the site with associated car parking/ front garden and private amenity area. The plot size together with the siting of the proposed dwellinghouse would be comparable with the properties in the immediate surrounding area. The elevation plans show that the proposed dwellinghouse would be designed in a cottage style and would respect the

vernacular architectural style of the existing and adjoining terraced cottages. The supporting statement confirms that the proposed dwelling would use traditional clay tiled roofs, soft red brickwork and painted timber windows. The scale and mass of the proposed development successfully acknowledges the scales of its surroundings. The plans have been amended to ensure the walls of the proposed dwelling would maintain a 1m gap to the boundaries with Rock Cottages and Quarry Lodge.

The Council's Conservation Officer has been consulted and has raised no objection to the proposed development. Due to its set back position from Warwick Road and extensive trees and vegetation, the development would have a limited impact on views of the site from public vantage points. The dwelling is set back in order to respect the character of the terraced block. The proposed dwelling is also to be setback slightly from the front elevation of the existing adjacent dwellinghouse. Trees and vegetation along Warwick Road are retained as they make a positive contribution to the Conservation Area which can be secured by a landscaping condition.

It is considered the proposals would be an improvement to the street scene over and above the existing arrangement. In addition when viewing the immediate street scene the proposed dwelling results in an attractive symmetry with Rock Cottages and the newly erected dwelling to the north of Rock Cottages.

The Council's Tree Officer raises no objection.

It is considered that the proposed development is in accordance with the NPPF, Policies BE1, HE1 and HE2 of the Warwick District Local Plan and Policy LW3 of Leek Wootton and Guy's Cliffe Neighbourhood Development Plan (LWGC Neighbourhood Plan).

#### Impact on residential amenity

Policy BE3 of the Warwick District Local Plan and the Residential Design Guide SPD seek to ensure that the amenities of nearby residential properties are not harmed by development proposals.

The proposed development would be situated to the side of No.3 Rock Cottages and set back from the public highway (Warwick Road) with extensive trees and vegetation. The proposed development would be set a sufficient distance away and would comply with the 45 Degree Guideline from all habitable windows serving the adjoining property, No. 3 Rock Cottages.

There is a breach of the 45 degree line measured from the 1/4 point of the front windows of Quarry Lodge however the breach occurs at a distance of over 8 meters and will therefore not result in unacceptable harm to the amenity of this dwelling in accordance with the adopted Residential Design Guide.

There is also a breach of that guideline from the front first floor window in the flat roof two storey side extension of Quarry Lodge, however this window is obscure glazed and is not considered to serve a habitable room.

There is a further breach from the ground floor window which serves a dining room in this extension from the 1/4 point. The SPG acknowledges that individual site circumstances will be taken into account and the application of the guideline will not necessarily be the overriding consideration.

Whilst the proposals would impact this dining room it is not considered this breach results in unacceptable loss of amenity to Quarry Lodge. The breach occurs at a distance of 5 meters and the application site is on a lower ground level compared with the neighbouring dwelling. There is tall soft boundary treatment on the side of Quarry Lodge which as existing results in sufficient overshadowing of the dining room. There are well maintained Leylandii trees alongside the extension of Quarry Lodge however directly impacting the dining room there is a large tree which has been allowed to grow to such a degree that it overshadows the dining room window.

Therefore due to the existing boundary treatment and the siting of the proposals on lower ground, there would not be an unacceptable harmful effect on the living conditions of Quarry Lodge in respect of outlook, light and overshadowing.

The proposal would result in the reduction of some of the private outdoor amenity area currently associated with No. 1 Rock Cottage, it is considered that the resultant amenity space for existing and proposed dwellings would be of a sufficient size to allow the occupants to continue to enjoy their private amenity area, there is no requirement for this to be finished in a particular surface i.e. grass, as suggested by one objector. The proposed private amenity area for the both the existing and the proposed dwelling would exceed the minimum standards as laid out within the Council's Residential Design Guide SPD.

The rear to side distance separation is met to 1 Quarry Fields which sits behind the application site at an angle and the relationship is primarily rear to side. No unacceptable overlooking to the private most parts of the rear garden would be possible due to the changes in levels and the relationship between the two properties. The rear to side minimum distance separation as stipulated in the Residential Design Guide is met.

Consequently, the proposed development would provide satisfactory living conditions for future occupiers and protect amenity of existing occupiers within the immediate vicinity of the site and comply with paragraph 127 of the NPPF and BE3 of Warwick DC Local Plan.

### 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.

Three spaces are required for the proposed dwelling. There is sufficient on site parking to accommodate the new dwelling and the parking requirements of the existing dwelling. The access remains unaltered. WCC highways raise no objection subject to a condition securing the laying out of the parking area.

It is considered that the proposal will not give rise to issues of highway safety subject to the condition suggested by WCC highways and therefore accords with Policies TR1 and TR3 and the Parking Standards SPD.

### Ecology

Policy NE2 of the Local Plan seeks to protect designated areas and species of national and local importance for biodiversity and geodiversity.

The County Ecologist has been consulted and raises an objection to the proposal on the basis that the works could impact bats which may be present in the outbuildings on the existing site. None of these buildings are above 150m<sup>3</sup> and therefore do not require consent to be demolished. Given this it is not considered to be necessary to carry out a pre-determination bat survey.

In addition to this bats are protected by law and there is therefore a pre-existing duty of care. A bat note will be added to the approval in order to advise the developer of their responsibilities with regards to protected species.

### Biodiversity

Policy NE3 of the Local Plan states that new development will only be permitted where it protects, enhances and/or restores habitat biodiversity.

The County Ecologist has noted that the proposal is likely to result in a loss in net biodiversity and so to comply with the NPPF, a condition has been recommended to ensure there will be no biodiversity net loss.

The condition will ensure compliance with local Plan Policy NE3.

### Archaeology

Local Plan Policy HE4 states that development will not be permitted that results in substantial harm to Scheduled Monuments or other archaeological remains of national importance, and their settings unless in wholly exceptional circumstances.

The Archaeologist at Warwickshire County Council has been consulted and, given the likelihood for archaeological deposit, has suggested a condition to secure the implementation of a programme of archaeological work in accordance with a written scheme of investigation. The applicant has agreed to the imposition of the condition and the proposal is therefore considered to comply with policy HE4 of the Local Plan.

## Sustainability, Water Efficiency & Low Emissions

Conditions will be added to ensure compliance with Policies CC1, FW3, NE5 and the Air Quality SPD.

## Waste

Waste and recycling storage can be accommodated within the site boundaries and out of sight of the public highway to the rear of the property.

## **SUMMARY/CONCLUSION**

In the opinion of the Local Planning Authority, the proposed dwelling is acceptable in principle and of an acceptable standard of design which would not cause unacceptable harm to the surrounding streetscene. The proposal will not result in an unacceptable adverse impact on the amenity of neighbouring uses by reason of overbearing effect, loss of light or privacy. There is also an acceptable impact on the amenity of future occupiers. The proposal is therefore considered to comply with the aforementioned and is recommended for approval subject to conditions.

## **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, approved drawings 22.016-08D, 22.016-07B, submitted on 01/06/2023 and specification contained therein and approved drawing 22.016-03K submitted on 28/07/2023 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 Notwithstanding details contained within the approved documents, prior to commencement of development (within its relevant phase), a Sustainability Statement including an energy hierarchy scheme for that phase and a programme of delivery of all proposed measures shall be submitted to and approved in writing by the Local Planning Authority. The document shall include;
  - a) How the development will reduce carbon emissions and utilise renewable energy;
  - b) Measures to reduce the need for energy through energy efficiency methods using layout, building orientation, construction techniques and materials and natural ventilation methods to mitigate against rising temperatures;
  - c) How proposals will de-carbonise major development;



- d) Details of the building envelope (including U/R values and air tightness);
- e) How the proposed materials respond in terms of embodied carbon;
- f) Consideration of how the potential for energy from decentralised, low carbon and renewable energy sources, including community-led initiatives can be maximised;
- g) How the development optimises the use of multi-functional green infrastructure (including water features, green roofs and planting) for urban cooling, local flood risk management and to provide access to outdoor space for shading,

For the avoidance of doubt, the scheme must accord with any relevant Development Plan Document and Supplementary Planning Document relating to sustainability which has been adopted by the Council at the time the scheme is submitted.

No dwelling/ building shall be first occupied until the works within the approved scheme have been completed 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 in accordance with Policies CC1 and CC3 of the Warwick District Local Plan (2011-2029) and National Design Guidance (2019).

4 No development shall take place until:

- a) a Written Scheme of Investigation (WSI) for a programme of archaeological evaluative work has been submitted to and approved in writing by the Local Planning Authority.
- b) the programme of archaeological evaluative fieldwork and associated post-excavation analysis and report production detailed within the approved WSI has been undertaken. A report detailing the results of this fieldwork, and confirmation of the arrangements for the deposition of the archaeological archive, has been submitted to the planning authority.
- c) An Archaeological Mitigation Strategy document (including a Written Scheme of Investigation for any archaeological fieldwork proposed) has been submitted to and approved in writing by the Local Planning Authority. This should detail a strategy to mitigate the archaeological impact of the proposed development and should be informed by the results of the archaeological evaluation.

The development, and any archaeological fieldwork post-excavation analysis, publication of results and archive deposition detailed in the Mitigation Strategy document, shall be undertaken in accordance with the approved Mitigation Strategy document.

**Reason:** In order to ensure any remains of archaeological importance, which help to increase our understanding of the Districts historical development are recorded, preserved and protected were applicable, before development commences in accordance with Policy HE4 of the Warwick District Local Plan 2011-2029.

- 5 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.
- 6 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.
- 7 The dwelling hereby permitted shall not 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 and / or visitors to the dwelling and thereafter those spaces shall be retained for parking purposes at all times. **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 the satisfactory development of the site in accordance with Policies BE1 and TR3 of the Warwick District Local Plan 2011-2029.
- 8 The development hereby permitted shall not be occupied unless and until:
- (a) details of biodiversity enhancements to achieve a net gain in biodiversity have been submitted to and approved in writing by the local planning authority; and
- (b) the biodiversity enhancement measures approved under (a) have been completed in strict accordance with the approved details, with the exception of any planting, which must be completed within the first planting season following first occupation.

The biodiversity enhancement measures shall thereafter be retained and maintained in strict accordance with the approved details in perpetuity.

**Reason:** To ensure net gains in biodiversity, in accordance with the requirements of the NPPF.

- 9 Prior to the occupation of the dwelling hereby permitted, one 16amp (minimum) electric vehicle recharging point shall be installed in accordance with details first submitted to and approved in writing by the Local Planning Authority (LPA). Once the electric vehicle recharging point(s) has been installed, the following verification details shall be submitted to and approved in writing by the LPA: (1). Plan(s)/ photograph(s) showing the location of the electric vehicle recharging point(s); (2). A technical data sheet for the electric vehicle recharging point infrastructure; and (3). Confirmation of the charging speed in kWh. Thereafter the electric vehicle recharging point(s) shall be retained in accordance with the approved details and shall not be removed or altered in any way (unless being upgraded). **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.
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