

Extended Delegated Decisions Meeting: 07 August 2020

Application No: [W 20 / 0388](#)

Town/Parish Council: Rowington
Case Officer: Lucy Hammond
01926 456534 lucy.hammond@warwickdc.gov.uk

Registration Date: 09/03/20
Expiry Date: 04/05/20

**Land Adjacent Kingswood Farm, Old Warwick Road, Lapworth, Solihull,
B94 6LX**

Erection of one detached dwelling and garage together with associated parking and landscaping. FOR Mr & Mrs Guest

This application is being presented to the Extended Delegated Decisions Meeting due to the number of objections and an objection from the Parish Council having been received.

RECOMMENDATION

That planning permission be approved subject to the planning conditions listed at the end of this report together with advisory notes in respect of ecological and highways matters.

DETAILS OF THE DEVELOPMENT

Planning permission is sought for the erection of a two storey detached dwelling with a detached double garage with study in the loft, to the rear. The proposals include landscaping, vehicle access to the rear (south) via the new housing development and a pedestrian access to the front (north) onto Old Warwick Road.

Through the course of the application, the plans have been amended in response to officer comments and by way of a summary these revisions include:

- a reduction in the footprint of the proposed dwelling (by approximately 20%);
- a change in the plan form of the dwelling from 'H-shape' to 'L-shape';
- amendments to elevational treatments, particularly to the elevation facing Kingswood Farm which is now simplified and more modest in scale;
- reduction in the amount of glazing, in favour of more traditional fenestration;
- reduction in the amount of hard landscaping;
- amendments to boundary treatments, in particular the removal of the proposed 1.8m high brick wall along the canal-side boundary and its replacement with more appropriate rural edge post and rail; and
- amendments to soft landscaping together with additional tree and hedge planting now proposed.

THE SITE AND ITS LOCATION

The application site lies adjacent to an existing residential property known as Kingswood Farm, a Grade II listed farmhouse, on the southern side of the Old Warwick Road. It mostly consists of grassland with paddock area and contains a small timber stables building and shed. A small area of the site also presently forms part of the garden area to Kingswood Farm which is within the same ownership.

The site is within the village boundary identified on the Policy Map (29) for Kingswood, which is one of the District's Growth Villages, identified in Table 3 of Policy H1 for the purposes of directing new housing (this is covered in more detail in the principle of development section of this report).

The site lies outside of the West Midlands Green Belt and it is also worth noting that the site lies adjacent to, but outside of, allocated housing site H30 which is the smaller of the two adjoining allocations (H29 + H30) on which planning permission has already been approved for 38 dwellings across both sites and where development is already underway in accordance with this permission.

The site is within the Canal Conservation Area; there are some trees within the site which would need to be removed to facilitate the development but a number of trees which will also be retained along with boundary hedgerows and other landscaping which is already in situ (and can be further supplemented).

The canal towpath and Grand Union Canal adjoins the east/south east sides of the site which is otherwise surrounded by established residential development, with the new A C Lloyd development being constructed to the rear (south west).

The Old Warwick Road in the immediate vicinity of the application site, is characterised by a linear row of two storey dwellings of mixed architectural styles, arranged across a staggered building line; some of older traditional timber framed style, while others are much more recently constructed incorporating the use of more modern bricks as well as infill render panels which are evident in the street scene.

PLANNING HISTORY

There are records of planning applications relevant to the adjacent Kingswood Farm within the last 10 years however these are not directly relevant to the application site. There are no planning records relevant to the site the subject of this current planning application.

RELEVANT POLICIES

- National Planning Policy Framework
- Warwick District Local Plan 2011-2029
- DS5 - Presumption in Favour of Sustainable Development
- H0 - Housing
- H1 - Directing New Housing
- SC0 - Sustainable Communities
- BE1 - Layout and Design
- BE3 - Amenity
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)

- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- CC1 - Planning for Climate Change Adaptation
- FW1 - Development in Areas at Risk of Flooding
- FW3 - Water Conservation
- HE1 - Protection of Statutory Heritage Assets
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- NE3 - Biodiversity
- NE4 - Landscape
- NE5 - Protection of Natural Resources
- NE7 - Use of Waterways
- Guidance Documents
- Residential Design Guide (Supplementary Planning Document- May 2018)
- Parking Standards (Supplementary Planning Document)
- Air Quality & Planning Supplementary Planning Document (January 2019)

SUMMARY OF REPRESENTATIONS

Rowington Parish Council: Objection for the following reasons:

- the impact of the development of the curtilage of the Grade II listed building
- the curtilage of Kingswood Farm has been substantially reduced thus eroding the setting and context of the listed building
- the size and style of the proposed dwelling is not in keeping with the local character or property typology
- the biodiversity loss as highlighted by WCC Ecology
- the impact of this development on the Canal Conservation Area

Canal & River Trust: No objections to the principle of development; recommendations made in respect of the canal-side boundary treatment

Tree Officer: No objection subject to condition

WCC Ecology: No objection subject to conditions and advisory notes

WCC Landscape: Comments regarding the removal of trees along the road frontage boundary and the proposed canal-side boundary treatment

WCC Highways: No objection

Public Response: 9 letters received, objecting on the following grounds:

- impact on the setting of the listed building
- impact on the Canal Conservation Area
- loss of hedgerow
- the proposed pedestrian access is not safe
- vehicle access, via the A C Lloyd development, will add further traffic to an already dangerous access off the Old Warwick Road which is fast
- the proposed building is out of character and not in keeping with the street scene
- the proposal is over intensive for the site
- local infrastructure is already under pressure
- overlooking towards properties on the other side of Old Warwick Road
- loss of trees

- increase in noise

1 neutral letter received making comments in respect of where construction traffic may come from (i.e. through the A C Lloyd development or Old Warwick Road).

ASSESSMENT

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

- The principle of development;
- The impact on the character and appearance of the area;
- The impact on the significance of relevant heritage assets;
- The impact on the living conditions of neighbouring dwellings;
- The provision of an appropriate living environment for future occupants of the proposed development;
- Car parking and highway safety;
- Landscaping and impact on TPO trees; and
- Ecological impact.

Principle of development

Policy H1 of the Warwick District Local Plan 2011-2029 relates to the direction of new housing within the District and sets out where new housing development will be permitted. H1(c) sets out one such circumstance will be within the boundaries of Growth Villages and Limited Infill Villages as identified within the policy and as shown on the Policies Map.

The policy also stipulates that housing development on garden land, in urban and rural areas, will not be permitted unless the development reinforces or harmonises with, the established character of the street and/or locality and respects surrounding buildings in terms of scale, height, form and massing.

Table 3 within Policy H1 sets out the Village Hierarchy and lists the Growth Villages and Limited Infill Villages. Kingswood, where the application site is located, is one of the former and the site is within the identified village envelope as identified on the Policies Map (29).

The principle of new housing development in this location is therefore acceptable, subject to the secondary assessment of the policy provisions being considered acceptable also; i.e. development of garden land reinforcing and harmonising with the established character of the street/locality and respecting the surrounding buildings in terms of scale, height, form and massing. That said, I note that only a small part of the overall site is on garden land while the remainder of the site is in fact paddock land.

Since the site is no longer within the West Midlands Green Belt, there is no need to consider whether or not the development would constitute appropriate or inappropriate development in the Green Belt.

Overall, I am satisfied that the principle of development is acceptable in accordance with Policy H1(c) subject to an assessment being made of the other relevant material planning considerations which are set out below.

Impact on the character and appearance of the area

Policy BE1 of the Warwick District Local Plan 2011-2029 requires new development to positively contribute to the character and quality of its environment through good layout and design. A number of ways through which development proposals can demonstrate they can achieve this would be for them to:

- Harmonise with, or enhance, the existing settlement in terms of physical form, patterns of movement and land use;
- Relate well to local topography and landscape features;
- Reinforce or enhance the established urban character of street, squares and other spaces;
- Reflect, respect and reinforce local architectural and historical distinctiveness;
- Enhance and incorporate importance existing features into the development.
- Respect surrounding buildings in terms of scale, height, form and massing;
- Adopt appropriate materials and details;

This is supported by the Council's Residential Design Guide (2018) which contains further design principles that are as relevant for new dwellings as they are for householder extensions insofar as advice regarding architectural detailing, finishes, materials etc is concerned.

The proposed dwelling is two storeys with a ridge height of 8m. The road level slopes upwards and the land is therefore elevated above the neighbouring property, Kingswood Farm, which has a ridge height of approximately 7.5m. However, there is a separation of 29m between the two buildings which would comprise the garden of mostly the new dwelling which is to be retained as heavily vegetated as it is at present, with additional tree planting. I therefore do not consider the increase of half a metre in height, even with the elevated land levels, to be detrimental to the street scene.

The proposed dwelling was subject to pre-application discussions prior to the formal submission of any planning application and during the course of the application, the plans have been further revised in response to officer comments. Notwithstanding the original submission which illustrated a much wider dwelling (18.5m) fronting the Old Warwick Road, the revised proposals now illustrate a more modest two storey property of some 14.6m width addressing the road frontage. The dwelling would have a simple façade, with a porch canopy and gablettes over the first floor windows, creating the impression of a one and a half storey dwelling with rooms partly in the roof space given the alignment of the windows with the eaves height.

On the canal-side, the south-east elevation has been simplified in terms of its design and fenestration; large areas of glazing have been replaced with more traditional casement windows at both ground and first floor while one central full

height glazed aperture now represents the feature window on this elevation which, in my opinion, is not visually harmful on this elevation which looks onto the canal and not immediately onto other properties.

On the elevation looking towards the neighbouring listed building the fenestration is altogether simpler as are the proposed materials which are entirely facing brick, in the same way as the front elevation. A simple open framed porch structure is proposed on this side, similar to the front, giving almost a dual aspect feel to the dwelling; given that vehicular access is proposed from the rear this is a logical addition given its proximity to the proposed car parking area on this side of the house.

The dwelling is an 'L-shape' plan form with a rear projection of some 12.4m, though this rear depth would largely not be visible from the road because it would be obscured by the width of the front range which is wider and presents the simpler, and more traditional dwelling façade which I consider to be wholly in keeping with the street scene.

The street scene is mixed in any case, comprising a mix of detached, semis and terraced properties at this point in the village. I note there is also a mix of red brick, some render, traditional timber framed buildings and painted brick. To that end, I do not consider the proposed dwelling, which, on the north east side to the Old Warwick Road frontage would be facing brickwork and plain clay roof tile, would be out of keeping with the surrounding area.

The proposed detached garage would be largely obscured by the dwelling. Those parts which would be visible from the road, i.e. any glimpsed views of its north east facing elevation, would be set back from the road by over 32m. This elevation would be the gable end of the garage building which would be timber clad with an area of glazing towards the upper half. I consider this to be visually acceptable.

I have considered the overall impact of landscaping separately in the relevant section of this report but for the purposes of the overall design and visual impact suffice it to say that I am satisfied with the removal of the 1.8m high brick wall from the plans along the canal-side boundary and its replacement with a 1.5m high timber post and rail fence, which I consider is much more appropriate to this rural landscape setting and edge of village location.

Overall, I consider the amended plans have addressed any previous concerns that were held in respect of the scale, mass and bulk of the proposed dwelling and the revised proposal now illustrates a suitably sized dwelling in terms of footprint as well as scale and height, which relates well to its surroundings, and which would not result in any visual harm to the general character of the area or sider street scene. Accordingly, I am satisfied that the development accords with Policy BE1 of the Local Plan and the Residential Design Guide.

Impact on the significance of the relevant heritage assets

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 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, "In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses." 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...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."

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.

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.

This site is situated in 'Length 1: Rowington' of the Canal Conservation Area adjacent to Bridge No 65. The conservation area appraisal document makes reference to the nearby Navigation Inn, Grade II listed Kingswood Farmhouse (adjacent NW) and the junction bridge. This bridge borders the application site and is noted as 'being a good example of the sinuous brickwork form that avoided snagging tow ropes and is a key element of The Functional Tradition celebrated by the work of Eric de Mare and JM Richards for the Architectural Press in the 1950s, that awoke interest in the significance of canal design and construction. Defined as 'that style of design which, though dominated by functional considerations, is remarkable for the wide range and subtlety of its aesthetic effects.' The area surrounding the application site therefore contributes positively towards the overall character and appearance of the canal conservation area.

No objection in principle was raised to the development from the outset, however, there were concerns about the impacts on the significance of the aforementioned heritage assets arising from the scale of the proposed development by reason of its enlarged footprint, excessive hardstanding, boundary treatments and landscaping in general. To that end, amended plans have sought to address these specific heritage concerns and accordingly, the footprint of the dwelling has been reduced by approximately 20%, consequently, the areas of hardstanding within the site have been reduced, the boundary treatment along the canal towpath has been changed entirely and the amount of soft landscaping has been increased where possible.

In light of the revised drawings showing a more appropriate scale of development, there are now no objections from a heritage point of view; the amended proposals

are considered to represent a good balance between contemporary design and traditional characteristics of the area. Similarly, the proposed boundary treatment is now considered an appropriate addition to the canal side, reflecting rural characteristics. In the event that planning permission were to be forthcoming, a condition requiring samples of all facing materials to be submitted for approval would be appropriate to impose.

Overall, I am satisfied that the development, as amended, will not result in any harm to the character or appearance of the Canal Conservation Area, nor will it harm the setting of the Grade II listed farmhouse. As such, Policy HE1 is complied with.

In making this assessment, I have had regard to the weight that should be given to the desirability of preserving the special interest and setting of the heritage assets.

Impact on the living conditions of neighbouring dwellings

Policy BE3 states that development will not be permitted that has an unacceptable adverse impact on the amenity of nearby uses and residents. This is supported by the Council's Residential Design Guide (2018) which provides further information in this respect, through, for example, the provision of minimum separation distances and guidance on the 45° guideline for example, to protect against overlooking and potentially overbearing impacts.

In the case of the proposed development, the nearest neighbouring property would be Plot 36 of the A C Lloyd development to the rear, which I note is within the land edged blue on the submitted site location plan and therefore in the same ownership as the application site and Kingswood Farm. This property shares a side to rear relationship with the proposed dwelling and accordingly only requires a 12m separation. The actual separation between the two would be 23m and I am therefore satisfied there would be no harmful overlooking, loss of light or overbearing impacts as a result of the proposal.

The adjacent listed building, Kingswood Farm, would be 29m away from the new dwelling, as measured from the nearest point. On the other side (to the south east) 1 & 2 Grafton Fields are the two nearest properties, though these are separated by the canal and are some 60m from the nearest edge of the new dwelling.

Properties on the opposite side of Old Warwick Road are between 21m and 23m away (front to front relationship) and the minimum separation distance required where properties share such a relationship across a main road will usually be accepted at a reduced distance of 15m in recognition of the fact that privacy at the fronts of dwellings will, by its nature, be diminished further than at the rear where private gardens are typically located. In this case, the main road runs through the centre of the village and cars will be travelling frequently past windows, along with pedestrian and cyclist movements, thus resulting in there being less of a need for the full 22m distance separation between the fronts of dwellings in this kind of location. In any event, I note that the distance broadly satisfies this requirement and accordingly I am satisfied there would be no

opportunity for harmful overlooking from the proposed dwelling as a result of its placement in the proposed location.

Overall, I consider the proposal is acceptable with regard to its impact on existing residential amenity and would not result in any harmful impacts by reason of loss of light, loss of privacy or loss of outlook to existing neighbouring properties. Accordingly, I consider that the development accords with Policy BE3 and the Residential Design Guide.

The provision an of appropriate living environment for future occupants of the proposed development

Policy BE3 states that development will not be permitted that does not provide acceptable standards of amenity for future users and occupiers of the development. This is supported by the Council's Residential Design Guide (2018) which provides further information in this respect, through, for example, the provision of minimum separation distances and minimum standards for outdoor private amenity space.

The separation distances set out in the preceding paragraph demonstrate that the dwelling is very well spaced from its nearest neighbours, such that it would not be detrimental in terms of loss of amenity. For the same reasons, I therefore consider the amenity afforded to its future occupiers would be acceptable insofar as privacy and outlook are concerned.

The dwelling proposed would provide five bedrooms. 4+ bedroom houses are required to provide a minimum garden size of 60m² as set out in the Residential Design Guide. The proposed site plan shows that the new dwelling would sit within a very substantial plot; its garden, excluding the landscaped 'buffer' between it and the listed building, would still exceed 1,000m², thus far exceeding the minimum size requirements.

Overall I am satisfied that the levels of amenity afforded for future occupiers are more than satisfactory having regard to the relevant policies and supplementary guidance and as such the development complies with Policy BE3 and the Residential Design Guide.

Highway safety, access and car parking

Policy TR1 requires development to provide safe, suitable and attractive access routes, expecting them to demonstrate (inter alia) they are not detrimental to highway safety.

The vehicle access for the new dwelling would be taken via the new A C Lloyd development to the rear (south west) of the site. The vehicle access into this development is taken off the Old Warwick Road approximately 60m further along from the application site, to the north west and would enter the new development, permitted under W/17/1724, turn back on itself towards the application site and enter the new development at the south western boundary, past Plot 36, the nearest neighbouring property to the proposed development.

On entering the site, three parking spaces are proposed against the north west boundary and a detached double garage is proposed opposite (to the south east side of the access). From there, a path leads to the side porch into the dwelling.

A pedestrian access is proposed on the front of the dwelling, which would utilise the same position as the existing five bar gate which opens onto Old Warwick Road. The new gate would be set back into the site a little under two metres from the carriageway edge.

The adopted Parking Standards SPD requires 4+ bed dwellings to have 3 off-road parking spaces. The proposed site plan illustrates that these would be provided within the site and in addition to the 3 spaces, there is a detached double garage opposite, adjacent to which a fourth space is proposed specifically targeted as an electric vehicle charging point. In total, the parking proposed exceeds the parking requirements set out in the SPD and I consider this is acceptable.

The County Highways Authority has raised no objection to the proposal. No new vehicular access is proposed onto Old Warwick Road and the use of the existing access serving the 38-unit development at the rear would not be intensified through the addition of one new dwelling to the point that it would be detrimental to highway safety.

Some local concerns have been expressed about the proposed pedestrian gate onto Old Warwick Road and the lack of a footpath, potentially rendering the pedestrian access unsafe. However, the new gate, which would replace an existing five bar gate which already exists into the site in the same position, is approximately 35m from the canal-bridge, to the south east. Old Warwick Road, at this point, is subject to a 30mph speed limit and there is a footpath directly opposite the site which is continual in both directions for the full length of Old Warwick Road, leading as far as the Navigation Inn public house to the south east side.

Perhaps more importantly, it is worth noting, that if the pedestrian access were used by future occupiers of the new dwelling, the footpath on the opposite side of the road would only need to be used for a very short distance before being able to cross back over onto the south side of the road again, where, in front of Kingswood Farm, there is a footway provision, albeit grassed over, however this connects into a hard surfaced footway shortly thereafter that continues for the rest of the length of Old Warwick Road until beyond the rail bridge, some 300 metres west of the application site. In this respect, the Highway Authority has recommended a condition requiring a crossing point (final wording to be determined prior to the date of the EDD meeting and updated accordingly) and confirmed that as long as this is provided, and visibility maximised by cutting back the hedge, then there will be no issues for the limited amount of use it will generate. Moreover, it will certainly be no different to Kingswood Farm next door.

Overall, I am satisfied, on balance, that the access arrangements for both vehicles and pedestrians are satisfactory and would not compromise highway safety or be detrimental to the safety of motorists, pedestrians, cyclists or any other road users. Moreover, in the absence of an objection from the Highway

Authority, I am satisfied that the development accords with Policies TR1 and TR3.

Impact on trees and landscaping matters

Policy NE4 requires new development to positively contribute to landscape character. Certain ways through which this can be achieved will be for development proposals to demonstrate that they (inter alia):

- considering its landscape context, including local distinctiveness;
- relate well to local topography and built form and enhance key landscape features, ensuring their long term management and maintenance;
- identify likely visual impacts on the local landscape and its immediate setting and undertake appropriate landscaping to reduce those impacts;
- conserve, enhance or restore important landscape features;
- avoid detrimental effects on features which make a significant contribution to the character, history and setting of an asset, settlement, or area;
- address the importance of habitat biodiversity features

There are a number of trees within the site and around the perimeter of the site, together with boundary hedgerows along the roadside boundary to Old Warwick Road, the canal-side boundary and the partial boundary to Kingswood Farm. The roadside boundary hedge is to be retained but some of the trees along this frontage are to be removed. A handful of trees from within the site are proposed for removal to facilitate the development; according to the submitted tree survey all but two (which are Category B) are Category C or U trees and have, on average, between 10 and 20 years estimated remaining contribution.

The Tree Officer has been consulted on the proposals and confirmed that the arboricultural survey prepared by BB Trees in March 2019 met its brief well; it was very thorough and gave comprehensive notes for each individual tree that had been assessed. It was further noted that the report was neutral and uncritical, however, it was also noted that the tree losses shown on the tree retention, protection and removal plan appear to exceed the arboriculturist's recommendations. To that end, an arboricultural method statement will be required that carefully analyses how the proposed development can proceed without causing irrevocable harm to the trees which are to be retained and the areas of land where new trees and shrubs are to be planted. The tree protection plan should unequivocally establish the alignment of the protective barrier fencing by showing offsets from fixed points. I therefore propose to attach such a condition to any forthcoming planning permission.

The site plan has also been revised during the course of the application, not only to reflect changes to the dwelling itself, but also changes to the hard and soft landscaping. The extent of hard surfacing within the curtilage has been reduced so that it no longer dominates the plot and the amount of proposed soft landscaping has been increased thereby supplementing the existing boundary hedgerows and trees which are being retained. The area between the new dwelling and the adjacent listed building is an important landscape buffer which would preserve the setting of the listed building by keeping this area open in nature and verdant in character, i.e. no built form encroaching on what has historically been garden land associated with the listed building.

It is important to note that all areas of existing hedgerow in this part of the site which naturally create delineation between the two properties are to be retained; to that end, the north west corner of the application site spears, on plan, to be 'divided' from the rest of the garden area for the new dwelling by reason of the positioning of the lines of hedging and other vegetation which both exist and would be further supplemented through new planting. In my opinion, I consider this further enhances this part of the site and enriches this landscaped buffer between the two dwellings where there is a natural division between the two curtilages in any case.

On the south east side of the new dwelling the lawned area would be planted with some new trees in addition to the existing trees to be retained. Along the canal-side boundary of the site, there are existing hedges to the canal towpath which would be reinforced with additional planting and a proposed 1.5m high post and rail stock wire fence. This is an appropriate rural edge boundary treatment which still enables and encourages landscaping to grow through.

Subject to the aforementioned condition, I am satisfied that the development is acceptable in respect of its impact on the landscape, both within its immediate context and on the wider surrounding landscape setting. Accordingly, I consider the development accords with Policy NE4.

Ecological impact

A BIA calculation was undertaken by the applicants and submitted with the application at the request of the County Council Ecologist. This was reviewed by the County Council who made some adjustments to it since the proposed habitats would be buildings and garden and this resulted in a biodiversity loss of 0.36 units. In seeking to address this, the County Council advised the difficulty in trying to ensure habitat creation and long term management in a private garden, therefore, the recommendation was for a financial contribution to be secured via a legal agreement.

In having regard to the recommendations of the County Council Ecology team and the justification for them, it is my opinion that the suggested approach of a financial contribution of any sum, least of all one in excess of £20k+, would be neither proportionate to the scale of development which only proposes a single dwelling, nor would it be fairly and reasonably related in scale and kind to the development, which are among the tests set out in paragraph 56 of the NPPF that planning obligations need to meet. Furthermore, financial contributions would not normally be sought on any development proposals of less than ten dwellings.

I am however mindful that there is a biodiversity loss that needs to be addressed. As an alternative means of mitigation therefore, I propose to condition a requirement for an on or off-site scheme of mitigation and it would be for the applicant to submit a scheme to the Local Planning Authority for written approval prior to the commencement of development, which will need to be formally discharged in consultation with the County Ecologist. I have liaised with the County Council regarding this approach and this has been agreed; some further advice has been provided which can take the form of an advisory note on any forthcoming decision notice and this in turn may help inform the applicant

on how to prepare any subsequent discharge of conditions submission in this respect.

The County Council has also recommended other conditions regarding the submission of a CEMP and an advisory note in respect of lighting. Overall I am satisfied that the matter of biodiversity loss can be adequately mitigated through the imposition of conditions and advisory notes and accordingly the development will not result in any harmful biodiversity loss nor will there be any loss to protected species. The development accords with Policies NE2 and NE3.

Other matters

Drainage and flood risk

It is proposed that the development will connect to the drainage system permitted for the residential development to the south of the application site (W/17/1724). Any connections into the mains would be subject to separate negotiations between the applicant and Severn Trent Water in their role as statutory undertakers. Overall, I am satisfied that the application is acceptable in relation to drainage and flood risk matters and accordingly Local Plan Policies FW1 and FW2 are complied with.

Low emissions / Air quality matters

The scheme includes the provision of three electric vehicle charging points; two are situated within the garage and one externally on the side of the proposed garage. The proposals therefore satisfy the type one mitigation measures outlined within the Air Quality SPD.

Waste management

With the replacement gate at the site's frontage being set further in from the carriageway edge, this would create an area in which to accommodate the bin storage space for the requisite number of bins to be stored and presented, kerbside on bin collection day. A timber shed is also proposed to the other side of the dwelling which is annotated on the site plan to accommodate the bins and this would provide ease of access along the pedestrian path to the front gate to wheel bins to the gate. I consider the development is acceptable in this respect.

SUMMARY/CONCLUSION

The principle of development is acceptable having regard to Policy H1(c) and the site's location in a Growth Village, outside the West Midlands Green Belt. The proposals were initially subject to pre-application discussions and during the course of this application, the plans have been further amended to respond to officer concerns about the scale of the proposed dwelling in terms of the footprint, scale, mass and bulk, extent of hardstanding and general landscaping proposals.

The revised plans now illustrate a reduced footprint and propose a two storey detached dwelling, which, from the Old Warwick Road frontage, proposes a

simple and visually in keeping dwelling that is not dissimilar in style and appearance to other dwellings in the street scene.

From a heritage point of view, the revised plans have resolved any conservation concerns that were previously held regarding the overall scale and potential impacts this may have had on the Canal Conservation Area and setting of the adjacent Grade II listed building. The amended proposals now present a more appropriate scale of development which represent a good balance between contemporary design and traditional characteristics of the area.

The amenity for both existing and proposed occupiers of surrounding neighbouring properties and the new dwelling is more than adequate having regard to the standards set out in the SPD.

There would be no detriment to highway safety, having regard to the safety of both vehicles and pedestrians and there is no objection from the Highway Authority. The impact on trees and landscaping is acceptable, as confirmed by the Tree Officer as is the impact on ecology, which is confirmed by the County Council Ecologist and can be adequately mitigated through conditions and notes.

All other matters are deemed acceptable and for these reasons I recommend that planning permission be approved, subject to suitable 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 and approved drawings 3783-11L, 3783-21L, 3783-25E, 3783-26F and 3783-30G and specification contained therein, submitted on 2 July 2020 and 3783-20 Rev.Q and 02 Rev.D and specification contained therein, submitted on 8 July 2020. **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 hereby permitted (including any works of demolition) shall not commence unless and until a Construction Management Plan (CMP) has been submitted to and approved in writing by the local planning authority. The CMP shall provide for: the parking of vehicles of site operatives and visitors; the loading and unloading of plant and materials; the storage of plant and materials used in constructing the development; the erection and maintenance of a security hoarding including decorative displays and facilities for public viewing where appropriate; 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; 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. A model CMP can be found on the Council's website (https://www.warwickdc.gov.uk/downloads/file/5811/construction_management_plan) or by searching 'Construction Management Plan'. The development hereby permitted shall only proceed in strict accordance with the approved CMP. **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 and NE5 of the Warwick District Local Plan 2011-2029.

4 No part of the development hereby permitted (including demolition, site clearance or other preparatory works) shall commence until an Arboricultural Method Statement has been submitted to and approved in writing by the Local Planning Authority, detailing the tree and ground protection measures in accordance with BS 5837:2012 Trees in relation to design, demolition and construction – Recommendations. The measures set out within the Method Statement must seek to prevent damage or injury to trees or tree roots for the duration of the development, and such approved measures must be fully implemented before any development commences. During the development, the following shall not take place without the prior approval in writing by the Local Planning Authority:

- no excavations, trenches or channels shall be cut or pipes or services laid within the root protection area of any tree,
- no vehicle movement shall be allowed over the root protection area of any tree,
- no equipment, machinery or structure shall be stored within a tree's root protection area,
- no equipment, machinery or structure shall be attached to or supported by a tree,
- no mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a tree that seepage or displacement could cause contamination within their root protection area,
- no other work shall be carried out in such a way as to cause damage or injury to a tree by interference with its root structure,
- no soil or waste shall be deposited on the land in such a position as to be likely to cause damage or injury to a tree
- no fires shall be lit within 10 metres of the nearest point of the canopy of any tree

REASON: In order to protect and preserve existing trees within the site which are of amenity value and which would provide an enhanced standard of appearance to the development in accordance with Policies BE1 and NE4 of the Warwick District Local Plan 2011-2029.

5 No part of the development, including site clearance works, shall commence until a scheme of mitigation to ensure there is no net loss in biodiversity across the site has been submitted to and approved in writing by the Local Planning Authority in consultation with the County Council Ecologist. The agreed scheme shall thereafter be implemented in full. **REASON:** To ensure that there is no net loss of biodiversity in

accordance with Policy NE3 of the Warwick District Local Plan 2011-2029.

- 6 No development above slab level shall take place unless and until a hard and soft landscaping scheme has 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, 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 for direct run-off of 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 development 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 the same size and species as that originally planted. 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 BE1, BE3 and NE4 of the Warwick District Local Plan 2011-2029.
- 7 The existing tree(s) and shrub(s) indicated on the approved plans to be retained shall not be cut down, grubbed out, topped, lopped or uprooted . Any tree(s) or shrub(s) removed, dying, or being severely damaged or diseased or becoming, in the opinion of the local planning authority, seriously damaged or defective, within five years from the substantial completion of development shall be replaced, [as soon as practicable/ within the next planting season] with tree(s) and shrub(s) of the same size and species as that originally planted . All 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 (excluding hard surfaces). **REASON:** To protect those landscape features which are of significant amenity value and which ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1 and NE1 of the Warwick District Local Plan 2011-2029.
- 8 No part of the development hereby permitted, including site clearance works, shall commence until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. In discharging this condition the LPA expect to see details concerning pre-commencement checks for protected species and appropriate working practices and safeguards for wildlife, trees and hedgerows and the adjacent canal that are to be employed whilst works

are taking place on site. The agreed Construction Environmental Management Plan shall thereafter be implemented in full. **REASON:** To ensure that protected species are not harmed by the development in accordance with Policy NE2 of the Warwick District Local Plan 2011-2029.

- 9 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.
- 10 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.
- 11 The development hereby permitted shall not be occupied unless and until the external refuse storage areas for the development have been constructed or laid out, and made available for use by the occupants of the development and thereafter those areas shall be kept free of obstruction and be available at all times for the storage of refuse associated with the development. **REASON:** To ensure the satisfactory provision of refuse storage facilities in the interests of amenity and the satisfactory development of the site in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029.
- 12 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

- 13 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 adequate off-street car parking and servicing facilities in the interests of both highway safety and visual amenity in accordance with Policies BE1, BE3 and TR3 of the Warwick District Local Plan 2011-2029.
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