

Planning Committee: 29 January 2019

Item Number: **8**

Application No: [W 18 / 1996](#)

Town/Parish Council: Radford Semele
Case Officer: Helena Obremski

Registration Date: 19/11/18

Expiry Date: 14/01/19

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Land at The Valley, Radford Semele

Erection of 2no. dwellings (resubmission of application ref: W/17/2352) FOR Mr Aghdasi-Sisan

This application is being presented to Committee as more than 5 letters of support have been received and it is recommended for refusal.

RECOMMENDATION

Planning Committee is recommended to refuse planning permission for the reasons listed at the end of this report.

DETAILS OF THE DEVELOPMENT

The application seeks full planning permission for the erection of two detached, two storey, three bedroom dwellings. The dwellings would be staggered, with driveway parking in front of each property. The proposed access would be shared with the access to the existing property, Tinkers Close. The dwellings would have plain concrete tile roofs, brick elevations and would have uPVC windows and doors.

This is a resubmission of the previously refused scheme ref: W/17/2352 which seeks to overcome the reasons for refusal. The dwellings have been repositioned and re-designed to be smaller in scale. Additional supporting information in reference to ecology and flooding have been submitted as part of this application. There has also been an amendment to reduce the number of bedrooms in each dwelling from 4 to 3 bedrooms.

THE SITE AND ITS LOCATION

The application relates to a parcel of land positioned to the north east of The Valley, a single track road leading to open fields and a residential property known as "Tinker's Close". The application site is located within the open countryside and is located outside of the Radford Semele village envelope. There are some other residential properties along The Valley, with open countryside opposite and behind the site. The site is currently overgrown, with a variety of shrubs and trees.

RELEVANT PLANNING HISTORY

Application Site:

W/91/1041 - erection of four detached dwellings - withdrawn

W/17/2352 - erection of 2no. dwellings - refused for the following reasons:

1. Policy H1 of the Warwick District Local Plan 2011-2029 directs new housing to previously developed land within specified Limited Growth villages where a specific local need has been identified. The application site is not within one of the identified Limited growth villages and no evidence of local need has been submitted with the application. The development is therefore considered to be contrary to the aforementioned policy.
2. Policy BE1 of the Warwick District Local Plan 2011-2029 states that development will only be permitted which positively contributes to the character and quality of the environment through good layout and design. New development will be expected to harmonise with or enhance the existing settlement, and relate well to local topography and landscape features. The proposed development is considered to provide an incongruous and out of keeping form of development which would be harmful to the existing street scene. The three storey impression created by the proposed development is at odds with the established character of the wider area and front facing gable provides an alien feature within the street scene. The proposal would represent backland development which does not harmonise with the existing settlement and also represents overdevelopment of the site. The loss of the open nature of the site would also be harmful to the rural character of the area and would create a more suburban, built up frontage. The development is thereby considered to be contrary to the aforementioned policy.
3. Policy BE3 of the Warwick District Local Plan 2011-2029 states (inter alia) that development will not be permitted which has an unacceptable adverse impact on the amenity of nearby uses and residents and/or does not provide acceptable standards of amenity for future users/occupiers of the development. Furthermore, the District Council has also adopted Supplementary Planning Guidance on minimum distance separation between properties which aims to prevent any unreasonable effect on the neighbouring properties or future occupiers by reason of loss of privacy, outlook or sunlight, and by creating an unneighbourly and overbearing effect. Plot 1 is considered to provide a lack of adequate outlook and light to habitable rooms serving the property owing to substandard distance separation. This is considered to provide substandard living conditions for the occupiers of the property. The proposal also fails to provide adequate outside amenity space for the future occupiers of both dwellings which is considered to be constrained, cramped and oppressive. The proposal is thereby considered to be contrary to the aforementioned policy and guidance.
4. Policy TR3 of the Warwick District Local Plan 2011-2029 states (inter alia) that development will only be permitted that makes provision for car parking that does not result in on-street parking detrimental to highway safety. Policy TR1 of the Local Plan states that development will only be permitted that provides safe, suitable and attractive access routes for pedestrians, cyclists, public transport users, emergency vehicles, delivery vehicles, refuse vehicles and other users of motor vehicles, as appropriate. Inadequate proposals are made in the application for the provision of car parking facilities within the

curtilage of the premises and vehicles would, therefore, be likely to park on the public highway causing danger and inconvenience to other road users. Furthermore, the development would increase vehicular movement along a highway which does not allow two vehicles to pass each other, which could cause additional danger to highway safety. The proposed access would not allow two vehicles to pass each other, which could result in vehicles waiting within the limits of the highway, where they would not be able to pass each other, which could cause danger to highway safety. Also, the proposed parking arrangement would block vehicles when using the proposed access, providing inadequate access arrangements for the site. Finally, it has not been demonstrated that the highway serving the site and the proposed access have the capacity to accommodate emergency, delivery or refuse vehicles. The development is thereby considered to be contrary to the aforementioned policies.

5. Paragraph 103 of the NPPF requires that applications in Flood Zone 1 under a hectare, where proposed development or change of use to a more vulnerable class may be subject to other sources of flooding (footnote 5), should be accompanied by a Flood Risk Assessment reviewing the potential flood risks to the development from all sources. Warwick District Local Plan 2011 - 2029 policy FW1 states that new development must be resilient to surface water, fluvial and pluvial flooding. A Flood Risk Assessment is vital if the local planning authority is to make informed planning decisions. In the absence of a Flood Risk Assessment, the flood risks resulting from the proposed development are unknown. No Flood Risk Assessment has been provided by the applicant as part of the application. Therefore, the proposed development is considered to be contrary to the aforementioned policies.
6. Paragraph 99 of Circular 06/2005 *Biodiversity and Geological Conservation – Statutory Obligations and their impact within the Planning System* advises that it is essential that the presence or otherwise of protected species, and the extent to which they might be affected by the proposed development, is established *before* planning permission is granted, otherwise all relevant material considerations will not have been addressed on making the decision. Circular 06/2005 advises that the need to ensure that ecological surveys are carried out should only be left to conditions in exceptional circumstances. No such circumstances exist in this case.
7. Policy HS4 of the Warwick District Local Plan 2011 - 2029 states that contributions from residential developments will be sought to provide, improve and maintain appropriate open space, sport or recreational facilities to meet local needs. The Council have also adopted a Supplementary Planning Document entitled Open Space together with associated guidance on developer contributions for commuted payments for off-site provision and enhancement of public open space where it is not provided on site. The Open Space team have requested a contribution of £5,052 towards identified improvements to local open spaces. No unilateral undertaking has been put forward to secure such a contribution and therefore, in the opinion of the Local Planning Authority, the proposals do not make adequate provision for open space. The proposals would therefore be contrary to the aforementioned policies.

Adjacent site (North West - Land Adjacent to Leigh Foss):

W/97/0561 - erection of a dwelling - withdrawn

W/97/0565 - siting of a caravan - withdrawn

W/00/1315 - erection of a dwelling - withdrawn

W/01/0133 - erection of a dwelling and detached garage - refused

W/02/0548 - erection of 2 dwellings - withdrawn

W/07/0618 - erection of 6 affordable dwellings - withdrawn

W/08/0756 - erection of 3 pairs of semi-detached dwellings - refused

Adjacent site (north/north east):

W/78/0815 - residential development of the site - refused and dismissed at appeal.

W/16/1489 - outline planning permission for 40 dwellings - refused.

W/17/0514 - outline planning permission for 20 dwellings - refused

RELEVANT POLICIES

- National Planning Policy Framework
- The Current Local Plan
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- CC2 - Planning for Renewable Energy and Low Carbon Generation (Warwick District Local Plan 2011-2029)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
- H1 - Directing New Housing (Warwick District Local Plan 2011-2029)
- FW1 - Development in Areas at Risk of Flooding (Warwick District Local Plan 2011-2029)
- FW3 - Water Conservation (Warwick District Local Plan 2011-2029)
- HS4 - Improvements to Open Space, Sport and Recreation Facilities (Warwick District Local Plan 2011-2029)
- DS18 - Green Belt (Warwick District Local Plan 2011-2029)
- Guidance Documents
- Open Space (Supplementary Planning Document - June 2009)
- Parking Standards (Supplementary Planning Document)
- Residential Design Guide (Supplementary Planning Document- May 2018)
- LES - Low Emission Strategy Guidance for Developers (April 2014)

SUMMARY OF REPRESENTATIONS

Radford Semele Parish Council: Objection, the site lies outside of the village envelope and would be contrary to Local Plan Policies DS11 and H1. Proposed housing for Radford Semele was taken out of the recently adopted Local Plan by the Inspector; the proposed development would constitute the unacceptable consolidation of the existing ribbon of development fronting The Valley which would be of significant detriment to the rural setting of the village and the openness of this locality, thereby unacceptably eroding its countryside character; there have been no material change in circumstances since the previous refusal; harmful impact on protected species.

Councillor Doody: Objection, there have been no changes in material circumstances since the previous refusals; the site is not located within the village envelope; the Valley floods on a regular basis and houses would add to the flooding.

WCC Highways Authority: No objection, subject to conditions.

WCC Local Lead Flood Authority: Objection, insufficient information has been provided. Comments awaited on additional information received.

WCC Landscape: Objection, new planting is limited and restricted to the perimeter of the site with a small amount of planting through the central zone. There is a reliance on the boundary hedges to adjoining properties with little attempt to help screen these new buildings. Recommends that a tree report is submitted, whether it is necessary to widen the lane to allow two vehicles to pass each other and to provide details on the existing vegetation.

WCC Ecology: No objection, subject to conditions.

Private Sector Housing: No objection.

Waste Management: No objection.

Public Response:

9 objections have been received on the following grounds:

- there have been no material changes since the previous refusals;
- the site is outside of the infill village boundary;
- flooding concerns - the sequential test should have been applied;
- vehicle access along a single track lane and increase in traffic would pose danger to pedestrian and highway safety;
- refuse and emergency vehicles cannot turn;
- the proposal is not in keeping with the area;
- the housing is not required;
- impact on protected species;
- the construction works will cause disruption;
- priority should be given to brownfield or acceptable infill development rather than open green space

9 comments of support:

- the development fits in line with the character of the buildings in the village and would elevate the value of the location in general;
- the development will not sacrifice green areas around the plot;
- the design and layout of the proposed dwelling is in accordance with Local Plan policies;
- the development is in accordance with the NPPF to ensure the provision of high quality homes;
- the proposals include parking areas, so the development will not increase on street parking;
- there will be no detrimental impact on neighbouring residential amenity;
- the development will not increase flood risk;
- there will be economic benefits created.

ASSESSMENT

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

- Principle of the Development
- The Impact on the Character and Appearance of the Area
- The impact on the living conditions of nearby dwellings and living conditions for the future occupiers of the site
- Car Parking and Highway Safety
- Drainage and Flood Risk
- Ecological Impact
- Open Space
- Waste
- Other Matters

Principle of the Development

Local Plan Policy H1 states that new housing in rural areas will be permitted in Growth and Limited Infill Villages as shown on the proposal maps. Whilst Radford Semele is identified as a Growth Village, the application site is outside of the village envelope boundary, and is located within the open countryside.

As the proposed development meets none of the exceptions to the provision of rural housing set out in Local Plan Policy H1, the proposal is considered to be unacceptable in principle.

The applicant has made reference to pre-application advice provided where the principle of housing was deemed to be acceptable as the site was within the growth village envelope. However, this was prior to the formal adoption of the current Local Plan and based on a proposal map which was in draft form only. Under the adopted Local Plan, the village envelope does not include the application site. The Radford Semele village boundary was initially to follow the same line as the previous Local Plan which included Leigh Fosse and Tinkers Close (which would have included the application site). However, as a result of public consultation it was decided that the site should not be included. It is made clear to anyone seeking pre-application advice that it is always offered informally and on the basis that it will not prejudice the Council's decision in the event of a formal application being submitted. This is particularly pertinent where there has been a material change in circumstances, i.e. the adoption of a Local Plan where the site is no longer within the village envelope.

It should be noted that there have been various attempts to obtain planning permission for new housing on the adjoining sites which have been refused and dismissed at appeal, which were also refused for being located outside of the village envelope and not within allocated housing sites. There have also been various public objections and an objection from the Parish Council in reference to the principle of the development, stating that there is no local need for the proposed dwellings.

The proposal is therefore considered to be unacceptable in principle and fails to accord with Local Plan Policy H1.

The impact on the Character and Appearance 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, Local Plan 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 development and its relationship with the surrounding built and natural environment does not detrimentally impact the character of the local area. Finally, the Residential Design Guide SPD 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.

There have been objections from members of the public on grounds that the development would be out of keeping with the wider area. There have also been letters of support which state that the development would be in keeping with the character of the area and would enhance the village.

In the consideration of the previous application, Officers had concerns that the proposed essentially three story, overly-large and dominant dwellings would appear out of keeping in the context of the modest existing development within the street scene. The dwellings in this application have been amended to more modest two storey dwellings which are considered to be more in keeping in terms of design or scale with the existing street scene. In addition, the dwellings would now sit next to each other, rather than being positioned one behind the other (which was previously considered to represent backland development).

Notwithstanding the fact that the design and scale of the proposed dwellings is more in keeping with the development in the area than previously proposed, it is considered that the proposal will still result in harm to the character and appearance of the area. The application site is located outside of the village envelope. As the highway turns the corner into The Valley, the housing gradually becomes more sporadic, leading to a single dwelling positioned away from the main highway. This part of The Valley has a rural character, with open countryside to the rear and opposite the site, with gaps either side of the application site. At the end of The Valley, the existing properties are well spaced, and have little impact on the rural character of this part of the open countryside. The application site is considered to represent an important element in retaining the rural appearance of the locality. This open nature and character of the undeveloped site is considered to make a positive contribution to the rural character of the area. Developing the land would erode the open nature of the wider area and result in harm to the rural character of this part of The Valley. It would provide a more continuous row of built form than the existing arrangement and result in a more suburban appearance to this frontage, which would detract from, and be harmful to the rural character of the area.

In conclusion, whilst the amendments to the design and layout of the site are considered to be an improvement from the previously refused scheme, the loss of the open nature of the site would remain harmful to the rural character of the area and create a more suburban, built up frontage. The development is therefore considered to be contrary to the NPPF and Local Plan policy BE1.

The impact on the living conditions of nearby dwellings and living conditions for the future occupiers of the site

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 to ensure that development does not cause material harm to the living conditions of neighbouring occupiers by reason of loss of privacy, daylight, or outlook. The Residential Design Guide SPD provides a framework for Policy BE3, which stipulates the minimum requirements for distance separation between properties and that extensions should not breach a 45 degree line taken from a window of nearest front or rear facing habitable room of a neighbouring property.

Impact on living conditions of nearby dwellings

Leigh Foss is positioned to the north west of the application site and is a bungalow which is set back from the main highway. The proposed dwellings would be 45 metres away from this neighbour at the closest point and there would be no conflict with the Council's adopted 45 degree guidance as a result of the proposed development. There are no proposed first floor windows which would cause overlooking or loss of privacy facing towards this neighbour's property.

Tinker's Close is positioned to the east of the application site. There may be a conflict with the Council's adopted 45 degree guidance from the front facing windows towards the proposed dwellings; however, as this would be over 20 metres from the neighbour, the impact is not considered to be sufficient as to warrant a reason for refusal of the application. As the proposed dwellings would not be positioned directly in front of this neighbour's property, the Council's distance separation guidance does not apply in this instance.

It is concluded that the proposed development would not result in material harm to neighbouring residential amenity.

Living conditions for the future occupiers

Previously, because the dwellings were stepped one behind the other, the amenity provided for the future occupiers of the dwellings was considered to be substandard by virtue of a lack of outlook, privacy and light. The development was also considered to provide inadequate private amenity areas for the dwellings.

As the dwellings are now proposed to be positioned side by side to one other, there are no concerns regarding the distance separation between them. A concern was raised that a conflict with the Council's 45 degree guidance was

created as a result of the layout of the dwellings, however, one of the properties has been repositioned and this conflict no longer exists.

The proposed dwellings are provided with private amenity areas to the rear of each property. The larger of the two gardens measures 80sqm, however, the smaller measures 46sqm. The minimum size required by the adopted Residential Design Guide SPD for a 3 bedroom property is 50sqm. Therefore, whilst the smaller garden is slightly below the required standard, this slight under-provision of garden space in itself is not considered to result in inadequate living conditions for the future occupiers of the dwelling.

The development is therefore considered to provide adequate living conditions for the future occupiers of the dwellings and the proposed development is considered to be in accordance with adopted Local Plan policy BE3 and the Council's adopted Residential Design Guide SPD.

Car Parking and Highway Safety

There have been a number of objections from members of the public and from the Parish Council that the vehicular access along a single track lane and increase in traffic would pose danger to pedestrian and highway safety, and they have concerns that refuse and emergency vehicles cannot turn around. Supporters of the development consider that the proposals include parking areas, so the development will not increase on street parking.

The Highway Authority note that they were consulted on the previous planning application for the erection of two dwellings at the above site. The response of the Highway Authority to the previous application was one of objection, due to concerns with the proposed access arrangements, the carriageway width, and the dimensions of the proposed garages. Following the submission of the consultation response, discussions between the applicant and the Highway Authority have taken place to address the concerns raised by the Highway Authority. Following the submission of further information and several revised iterations of the proposed site layout, the Highway Authority consider the development proposals to be acceptable.

The proposed drawings illustrate that The Valley will be widened within the vicinity of the application site, to enable two vehicles to pass each other along the carriageway and within the vehicular access. Sufficient parking has been proposed and the width available for vehicles to manoeuvre into/out of the car parking spaces is also considered to be acceptable. The Highways Authority consider that it is unlikely that the development proposals will have a detrimental impact on highway safety, or have a detrimental impact on the operation or capacity of the local highway network. They have no objection on that basis.

The proposal has been amended to reduce the number of bedrooms from 4 to 3 in each dwelling, and therefore the development will provide adequate parking for each property in accordance with the Council's adopted Vehicle Parking Standards SPD. The development is considered to be in accordance with Local Plan Policies TR1 and TR3.

Drainage and Flood Risk

The application site lies within Flood Zone 1, however, there have been a substantial number of objections from members of the public and the Parish Council who express concern about the increased risk of flooding. They state that The Valley is prone to flash flooding (providing photographic evidence to highlight this). Therefore, Officers consulted the WCC Local Lead Flood Authority (LLFA) for further guidance (as was carried out with the previous submission).

Previously, the Local Lead Flood Authority objected to the proposed development because of a lack of a flood risk assessment. This has been provided as part of the current application, however, the LLFA still require additional details in order to assess the application. The applicant has submitted additional information and Officers await a response from the LLFA on these details. Councillors will be updated prior to the committee meeting.

A member of the public queries whether a sequential test has been carried out in reference to locating the proposed development in an area which is prone to flooding. Paragraph 158 of the NPPF states that the aim of the sequential test is to steer new development to areas with the lowest risk of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. In this instance, as the site is located in Flood Zone 1, it would not be reasonable to apply the sequential test.

Ecological Impact

The Parish Council and members of the public have raised concerns regarding the impact which the proposed development would have on protected species.

WCC Ecology objected to the previous application and requested that a Preliminary Ecological Appraisal was carried out prior to determination of the application. This has been provided as part of this submission which has been assessed by WCC Ecology. They recommend that a condition is attached which requires the provision of a Construction Environmental Management Plan to ensure that protected species are not harmed by the development. They also recommend a condition to secure the provision of an ecological and landscaping plan to ensure a biodiversity gain in accordance with the NPPF, and a condition to secure the provision of a lighting scheme.

If the application were being approved, these conditions are considered to be reasonable and could be attached. The development is therefore considered to be in accordance with the NPPF and Local Plan Policy NE2.

Open Space

Previously, one of the refusal reasons related to a lack of provision of an open space contribution or a legal agreement to secure the contribution. However, since the refusal of the previous application, the Council now only requires an open space contribution for development of 11 dwellings or more. Therefore, no open space contribution is required for this proposal.

Waste

Adequate waste storage can be accommodated within the site boundaries and Waste Management has no objection to the proposed development.

As with the previous application, a number of public comments have indicated that there are no refuse and recycling facilities along The Valley, presumably because the refuse vehicle is unable to safely access these properties. However, the Highways Authority has raised no concerns regarding this matter from a highway safety point of view (whereas previously they had concerns regarding this matter). Also, it should be taken into account that there are already existing residential properties along The Valley which produce waste and that Tinkers Close is further along The Valley. On balance, owing to a lack of concern expressed by the Highways Authority and the fact that there are existing residential properties along the same section of road, it is not considered that it would be reasonable to refuse the application based purely on the waste collection arrangements.

Other Matters

Conditions to ensure compliance with Policy FW3 (water efficiency) and Policy NE5 and the Council's Low Emissions Strategy (electric charging points) could be added in the event that planning permission was being granted.

There have been objections from members of the public in relation to the disruption that the development will cause during the construction phase. However, this would only be a temporary period and is unlikely to significantly impact neighbouring residential amenity to an extent which would warrant reason for refusal of the application.

Supporters of the proposals consider that the development will not sacrifice green areas around the plot, the development is in accordance with the NPPF to ensure the provision of high quality homes and that there will be economic benefits created. Whilst these conclusions are acknowledged, as the Council is able to demonstrate a 6.2 year housing land supply and the economic benefits created are likely to be small, these benefits are not considered to outweigh the harm caused which is identified above.

CONCLUSION

The proposed development is not considered to be in a location identified by Local Plan Policy H1 as suitable for housing and is not acceptable in principle. The proposed development is also considered to be harmful to the rural character and appearance of the area and contrary to Local Plan Policy BE1. The development is therefore recommended for refusal.

REFUSAL REASONS

- 1 Policy H1 of the Warwick District Local Plan 2011-2029 sets out a settlement hierarchy for the location of new housing to encourage sustainable patterns of development. Under Policy H1 housing sites

have been identified and allocated. In the open countryside, Policy H1 directs new housing to sites adjacent to the boundary of an urban area or to any of the identified 'Growth Villages' or other named villages suitable for limited infill.

The application site is not within any of the above sites and no evidence of local need has been submitted with the application.

The development is therefore considered to constitute an unsustainable form of development contrary to the aforementioned policy.

- 2 Policy BE1 of the Warwick District Local Plan 2011-2029 states that development will only be permitted which positively contributes to the character and quality of the environment through good layout and design. New development will be expected to harmonise with or enhance the existing settlement, and relate well to local topography and landscape features.

The application site is considered to make a positive contribution to the open and rural character and appearance of the area.

In the opinion of the Local Planning Authority, the proposed development would provide a more continuous row of built form than the existing arrangement and would result in a more suburban appearance to this frontage, which would detract from, and be harmful to the rural character of the area through the loss of the open nature of the site.

The development is thereby considered to be contrary to the aforementioned policy.
