

Planning Committee: 05 December 2017

Item Number: **12**

Application No: [W 17 / 1639](#)

Registration Date: 18/09/17

Town/Parish Council: Beausale, Haseley, Honiley & Wroxall **Expiry Date:** 13/11/17
Case Officer: Lucy Hammond
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The Bungalow, Honiley Road, Beausale, Kenilworth, CV35 7NX
Demolition of existing bungalow and construction of 2no. detached dormer bungalows. Formation of one new access to the highway. FOR Forte Projects Ltd

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

RECOMMENDATION

That planning permission be granted subject to the conditions and notes listed at the end of this report.

DETAILS OF THE DEVELOPMENT

Planning permission is sought for the demolition of the existing bungalow within the application site and the erection in its place of two detached one and a half storey dwellings, designed as mirror images of one another. A new access off Honiley Road is proposed to serve one of the dwellings while the existing access would be retained to serve the other. Throughout the course of the application amended plans have been received which seek a revision to the design of the properties; the key differences relate to a reduction in the overall ridge height, the reduction in the overall scale through the introduction of hips to previous gables and the introduction of dormer windows, similar to other one and a half storey properties in the street scene.

THE SITE AND ITS LOCATION

The site lies within the village boundary of Beausale which is a Limited Infill Village within the West Midlands Green Belt. Access is taken off Honiley Road and leads into the site which is presently occupied by a single dwelling. The property is a detached bungalow, positioned towards the southern boundary of the site with space to the northern boundary. An additional strip of land to the northern boundary within the applicant's ownership, but not part of the residential curtilage of The Bungalow, is included within the application site edged red. Original hedgerows delineated the boundaries on all sides which have since been removed and construction fencing/hoarding now delineates the front boundary partially obscuring views into the site.

Honiley Road has sporadic development along it, with the nearest neighbours being Orchard Bungalow to the south and Briardene to the north. Both these properties are bungalows, however, Crossways which sits next door but one to

the south is a one and a half storey property and turning the corner to the south into Heath Terrace are rows of two storey properties. Although not yet built, planning permission has recently been granted for the construction of a single dwelling, which would be a dormer bungalow, in the land to the north of the application site, between The Bungalow and Briardene. The street scene is therefore mixed with a variety of building styles and heights. Directly opposite the site lie open fields, with one dwelling, The Oaklands, sitting in isolation.

PLANNING HISTORY

None

RELEVANT POLICIES

- National Planning Policy Framework

The Current Local Plan

- DS18 - Green Belt (Warwick District Local Plan 2011-2029)
- H0 - Housing (Warwick District Local Plan 2011-2029)
- H1 - Directing New Housing (Warwick District Local Plan 2011-2029)
- H11 - Limited Village Infill Housing Development in the Green Belt (Warwick District Local Plan 2011-2029)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- HS4 - Improvements to Open Space, Sport and Recreation Facilities (Warwick District Local Plan 2011-2029)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029)
- NE4 - Landscape (Warwick District Local Plan 2011-2029)

Guidance Documents

- Open Space (Supplementary Planning Document - June 2009)
- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- Vehicle Parking Standards (Supplementary Planning Document)

SUMMARY OF REPRESENTATIONS

Beausale, Haseley, Honiley & Wroxall Parish Council : Objection for the following reasons:

- inappropriate development in the Green Belt
- overdevelopment of the plot
- proposed dwellings are tall and imposing, detrimental to the street scene and character of the village
- such development would set a precedent for other infill development in gaps along frontages
- concerned at the loss of the hedgerow
- replacement hedging should be secured

Councillor Gallagher: Objection for the following reasons:

- overdevelopment in the Green Belt
- against the neighbourhood plan
- removal of hedges before the end of bird nesting season

WCC Highways: No objection subject to conditions

Green Space team: No objection subject to condition

WCC Ecology: No objection subject to conditions

Public Response: 1 letter of objection received raising the following concerns:

- overdevelopment of the plot
- inadequate separation distances between the buildings and side boundaries of the plot

Other non-material planning considerations raised, including matters related to land ownership, rights of access and works to hedgerows.

ASSESSMENT

Principle of development

The principle of development is twofold. Consideration needs to be given not only to the provision of new residential development in this area but also to whether or not the development represents an appropriate form of development in the Green Belt.

The principle of new dwellings in this location

Policy H1 of the Local Plan relates to the direction of new housing, stating in which circumstances housing development will be permitted. Of relevance to this particular application is bullet point (c) of the policy which states that housing will be permitted in the boundaries of Growth Villages and Limited Infill Villages, as identified in the policy and as shown on the Policies Map.

Beausale is listed as one of the Limited Infill Villages in the table setting out the Village Hierarchy. The Policies Map for Beausale identifies the application site as being within the Infill Village Boundary and is therefore suitable, in principle, to be developed.

The explanatory text to the policy states that in the case of Limited Infill Villages lying within the Green Belt (of which Beausale is one) the type and scale of development will be more restricted and includes, for example, limited infill development.

Whether the proposal constitutes appropriate development in the Green Belt

Policy DS18 of the Local Plan states that the Council will apply national planning policy to proposals within the Green Belt. The NPPF, at paragraph 89, lists the exceptions to inappropriate development in the Green Belt. One such exception is limited infilling in villages.

Policy H11 relates specifically to Limited Village Infill housing development in the Green Belt stating that it will be permitted where the site is located within a Limited Infill Village and the following criteria are satisfied:

- a) The development is for no more than two dwellings;
- b) The development comprises the infilling of a small gap fronting the public highway between an otherwise largely uninterrupted built up frontage, which is visible as part of the street scene; and
- c) The site does not form an important part of the integrity of the village, the loss of which would have a harmful impact upon the local character and distinctiveness of the area.

The proposal involves the demolition of the existing single property within the site and the construction of two dwellings which would infill the gap fronting the public highway that sits between the existing linear development that sits to the north and south sides of the site. This satisfies the first two bullet points above. With respect to (c) the application site comprises the residential curtilage of The Bungalow together with a narrow strip of land to its northern side boundary that is within the same ownership of the applicant but sits outside the residential curtilage of the host dwelling. Similarly it does not serve any other useful purpose nor is it associated with any neighbouring agricultural use. It is therefore considered that the site does not form an important part of the integrity of the village and its loss is not considered to have a harmful impact on the local character and distinctiveness of the area.

Conclusions on the principle of development

The application site is within the village boundary of Beausale which is classified as one of the District's Limited Infill Villages. The principle of new residential development in such a location is acceptable in accordance with Policy H1 of the Local Plan. Additionally, the proposal to construct two properties constitutes an appropriate form of development in the Green Belt, in accordance with Policies H11 and DS18 of the Local Plan as well as paragraph 89 of the NPPF.

Overall, the principle of development is considered to be acceptable subject to an assessment being made of the other relevant planning considerations which are set out below.

Visual impact / character of area (including impact on the Green Belt)

Policy BE1 of the Local Plan states that new development will be permitted where it positively contributes to the character and quality of its environment through good layout and design. Development proposals will be expected to demonstrate that they (inter alia) harmonise with the existing settlement in terms of physical form, patterns of movement and land use, relate well to local topography and landscape features, reflect, respect and reinforce local architectural distinctiveness and respect surrounding buildings in terms of scale, height, form and massing. There are a number of other criteria listed within the policy which new development is expected to be able to demonstrate however for the purposes of assessing this application, the aforementioned principles are the most relevant.

The dwellings proposed would be one and a half storeys incorporating dormers and a small forward projecting gable to incorporate the garage at ground floor and a home office/games room above. The plan depth is 11m but compared to Orchard Bungalow which sits adjacent to the south side, whose plan depth is 17m (including a front projection) this is comparable. The resulting plot widths following sub-division of the site to create two dwellings would be broadly comparable to the widths of Orchard Bungalow nextdoor and The Oaklands opposite.

The new dwellings would be set back from the road edge by approximately 23m which is comparable to the set back of Orchard Bungalow and the new dwelling permitted next to Briardene (to the north). The new dwellings would be set behind the forward most part of Orchard Bungalow but the building line would run more or less continually from Orchard Bungalow up to Briardene. Crossways to the south is much closer to the road and is positioned within the plot at an oblique angle. Due to the character of development and the varying plot sizes and shapes in the vicinity it is considered that the pair of dwellings proposed would be visually in keeping with the overall scale and layout of development which surrounds the site.

With regard to the street scene, the new dwellings would appear within the site as a mirrored pair with the gable element aligned in the centre of the site thus minimising any additional bulk from the outer edges of the site. The dwellings would measure 7m to the ridge which is comparable with the existing property to the south side and also the same as the ridge height of the new dwelling recently approved on the north side of the site. A double hipped roof is proposed to further reduce the perception of bulk and massing and the roof above the gable to the front has also been hipped to reflect the overall design of the building and additionally keep bulk within the roof to a minimum. The eaves height would be 3.2 which is typical for a one and a half storey building and dormers have been introduced to the front and rear elevations to break up the massing of the roof and give an appropriate finish to the appearance of these buildings as one and a half storey properties, akin to the visual appearance of others in the vicinity.

Overall, a pair of dwellings of the proposed form, scale and appearance within this site is considered to be visually in keeping with the general character and appearance of the surrounding area and the development is not considered to result in demonstrable harm to the visual amenities of the locality or the appearance of the immediate street scene. Moreover, features such as dormers and chimneys together with the proposed brick detailing to the eaves, would reflect existing characteristics found on other buildings in the area and as such, the development is considered to be acceptable in this regard, in accordance with Policy BE1.

Impact on neighbouring / residential amenity

Due to the nature of the buildings as one and a half storey with dormer windows to front and rear, there are no side facing windows proposed in any upper floors that could look directly towards neighbouring properties. Side facing windows are kept to a minimum at ground floor level and having regard to the fact that

2m high boundary treatments (fences, walls etc) could be erected under permitted development (i.e. without planning permission) it is not considered that the orientation of the new dwellings or the position of windows could lead to any harmful levels of overlooking into neighbouring amenity.

The position of the new dwellings is such that there is no opportunity for the 45° line to be breached as taken from the rear facing windows of Orchard Bungalow to the south. While permission has been approved for a new dwelling to the north, this may never be implemented, however based on a worst case scenario in the event that permission were built out, the position of the new dwellings is such that there would be no harmful effects to that property either, in respect of overbearing or overshadowing impacts.

There are no residential properties to the immediate rear or front that would require minimum separation distances to be satisfied and therefore the development is considered acceptable in this regard. Accordingly the development is considered to comply with Policy BE3 of the Local Plan.

Access and parking / Highway safety

The site is currently served by an existing access; one additional access is proposed as part of the application so that each of the dwellings is served by its own access. Within each plot there would be space for vehicle turning and a minimum of two car parking spaces for each dwelling. The County Highways Authority originally raised objection to the application on the basis that it had not been satisfactorily demonstrated that the necessary visibility splays could be achieved. Since then, additional and revised information has been submitted by the applicant to show that the required visibility can be achieved in both directions and that the access point shall measure 3m in width (the minimum required to serve a single dwelling).

Accordingly the objection from the County Highways Authority has been withdrawn and conditions have been recommended in the event permission is forthcoming. It is not considered that the development would be detrimental in any way to highway safety and accordingly the proposals are considered to comply with Policies TR1 and TR3 of the Local Plan.

Other matters

Open Space

Policy HS4 seeks contributions from developments to provide, improve and maintain appropriate open space, sport or recreational facilities to meet local needs. The proposed development would not make any on-site provision for open space and accordingly, having been assessed by the Open Space team, a contribution of £1,684 would be required which would be put toward the development objectives of the Parish Council relating specifically to green space provision.

Where the recommendation is made for a contribution to go towards the development objectives of the Parish Council it is necessary to ascertain from the Parish Council what the contribution could be used towards (in the absence

of the Green Space team knowing what the needs of the Parish are). At the time of writing this report it is not known from the Parish Council what this contribution could be put towards and by the time the application is brought before committee such information should have been received. In the event it is not and/or the Parish Council are unable to identify any particular project towards which this contribution could be put it would be unreasonable to impose this condition. This matter will be updated accordingly via the updates sheet to Committee.

Subject to the above being satisfied, the proposal is considered to accord with HS4 and is acceptable in this regard.

Ecology

There are no objections raised to the development subject to the imposition of a number of recommended conditions and precautionary notes in the event permission is forthcoming for the development. Overall it is considered that the development would be acceptable in respect of its impact on protected species and any other features of ecological importance and therefore the development is in accordance with Policy NE2.

Removal of hedges

Concerns have been raised by the Ward Councillor and the Parish Council that hedges have been taken out prior to the submission of the planning application. Where a boundary hedge enclosing a domestic property is concerned, consent is not required from the Local Planning Authority for its removal and to that end, the applicant (or another party) can remove part or all of the hedgerow that previously delineated the boundary of the site. If, in the process of removing it, there are/were any possible implications to protected species and/or nesting birds, for example, if the hedge were taken out during the wrong season, this is covered under separate legislation that governs protected species and from a planning point of view the Local Planning Authority has no control over its removal.

In this case, while it is understood that the removal of the hedges has caused concern to local residents, the Local Planning Authority cannot enforce against its removal but can require details of replacement planting where it is appropriate to do so. For a development of this scale and nature a landscaping condition would normally be imposed and this can include details of replacement planting together with details of any proposed boundary treatments to ensure that the site remains acceptable in visual terms and to ensure that the development is appropriately landscaped.

While officers understand it may be regrettable to have lost part of the hedge that was previously part of the site, the applicant is entitled to remove it and accordingly, its removal prior to the submission of this application is not a material planning consideration that could justify a refusal of permission.

SUMMARY/CONCLUSION

The principle of development is considered acceptable having regard to both the provision of new residential development in this location and the Green Belt

where Policy H11 confirms that the proposal for two dwelling represents an appropriate form of development in the Green Belt. The proposed dwellings would not result in demonstrable harm to the character of the local area or the appearance of the street scene and there would be no resulting harm caused to the amenity of nearby neighbouring properties. There are no objections from the County Highways Authority and the development proposes suitable access and parking arrangements such that there would be no detriment to highway safety. Any ecological concerns can be adequately mitigated through appropriate conditions.

Overall, the development is considered to accord with the relevant provisions of the Development Plan and for these reasons it is recommended that planning permission be granted.

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 submitted on 29 September 2017, approved drawing 3103-08 'Proposed Visibility Splays' submitted on 25 October 2017 and approved drawings 3103-05, 3103-06, 3103-07 and 3103-08 'Streetscene of 2 Dwellings' specification contained therein, submitted on 6 November 2017. **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 Other than site clearance and preparation works no works shall commence on the construction of the development hereby permitted until samples of the external facing materials to be used have been submitted to and approved in writing by the local planning authority. Development shall 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.
- 4 The development hereby permitted shall only be undertaken in strict accordance with details of both hard and soft landscaping works which have been submitted to and approved in writing by the Local Planning Authority. Details of soft landscaping shall include any replacement planting proposed within the site and/or around the perimeter of the site. Details of hard landscaping works shall include boundary treatments, including full details of any proposed boundary walls, railings and/or gates to be erected, specifying the colour of any railings and gates; footpaths; and hard surfacing, which shall be made of porous materials or provision shall be made to direct run-off water from the hard surface to a permeable or porous area. The hard landscaping

works shall be completed in full accordance with the approved details within three months of the first occupation of the 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 similar size and species, unless the local planning authority gives written consent to any variation. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations. **REASON:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1 and NE4 of the Warwick District Local Plan 2011-2031.

- 5 No part of the development hereby permitted shall be commenced (including demolition, site clearance or other preparatory works) and nor shall any equipment, machinery or materials be brought onto the site until a scheme for the protection of all existing trees and hedges to be retained on site has been submitted to and approved in writing by the District Planning Authority and has been put in place. The scheme must include details of the erection of stout protective fencing and be in accordance with British Standard BS5837:2012, Trees in Relation to design, demolition and construction. Nothing shall be stored or placed in those areas fenced in accordance with this condition and nor shall the ground levels be altered or any excavation take place without the prior consent in writing of the District Planning Authority. The approved scheme shall be kept in place until all parts of the development have been completed and all equipment, machinery and surplus materials have been removed. **REASON:** To protect trees and other features on site during construction in accordance with Policies BE1 and NE4 of the Warwick District Local Plan 2011-2031.
- 6 No part of the development hereby permitted, including site clearance, shall be commenced until until a combined ecological and landscaping scheme has been submitted to and agreed in writing by the Local Planning Authority (in conjunction with WCC Ecological Services). The scheme must include all aspects of landscaping including details of native tree/wildflower planting and installation of bird and bat boxes. The agreed scheme shall thereafter be fully implemented before and during development of the site as appropriate. **REASON:** To ensure a net biodiversity gain in accordance with Policies NE3 and NE4 of the Warwick District Local Plan 2011-2031.
- 7 Unless the Local Planning Authority certifies that suitable alternative provision has been made for the provision or improvement of open space within the catchment area of the application site in accordance with Policy HS4 of the Warwick District Local Plan 2011-2029:

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

(ii) the dwellings hereby permitted shall not be occupied until the scheme so approved has been implemented in strict accordance with the approved details.

REASON: To ensure the necessary infrastructure and facilities are provided in accordance with Policy HS4 of the Warwick District Plan 2011-2029.

- 8 The development hereby permitted shall be undertaken in the presence of a qualified bat worker appointed by the applicant to check all suitable features in the roof of the buildings to be demolished and to check all trees to be removed for bats and nesting birds immediately prior to works commencing. All roofing material is to be subsequently removed carefully by hand. Appropriate precautions must be taken in case bats are found, such as the erection of at least one bat box on a suitable tree or building. Should evidence of bats be found during this operation, then work must cease immediately while Natural England and WCC Ecological Services are consulted for further advice. If nesting birds are found the works cannot commence until the young have fledged. Any subsequent recommendations or remedial works will be implemented within the timescales agreed between the bat worker and the Local Authority Ecologist/Natural England. Notwithstanding any requirement for remedial work or otherwise, the qualified bat worker's report shall be submitted to the local planning authority within 1 month following completion of the supervised works to summarise the findings.

REASON: To ensure that protected species are not harmed by the development in accordance with Policy NE2 of the Warwick District Local Plan 2011-2031.

- 9 The development shall not be occupied until visibility splays have been provided to the vehicular accesses to the site passing through the limits of the site fronting the public highway with an 'x' distance of 2.4 metres and 'y' distances of 120 metres to the near edge of the public highway carriageway, in accordance with drawing no. 3103-08. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway. **REASON:** In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2031.
- 10 The development shall not be occupied until the accesses to the site have been positioned and laid out in accordance with drawing no. 3103-08. **REASON:** In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2031.
- 11 The accesses to the site for vehicles shall not be used in connection with

the development until they have been surfaced with a bound material for a minimum distance of 7.5 metres as measured from the near edge of the public highway carriageway. **REASON:** In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2031.

- 12 The accesses to the site for vehicles shall not be used unless public highway verge crossings have been laid out and constructed in accordance with the standard specification of the Highway Authority. **REASON:** In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2031.
- 13 The development hereby permitted shall not be occupied until a scheme which satisfies the requirements set out in the Council's adopted Low Emission Strategy Guidance for Developers (April 2014) has been submitted to and approved in writing by the Local Planning Authority and implemented in full accordance with the approved details. The approved scheme shall be retained and maintained as such at all times thereafter. **REASON:** To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan.
- 14 The dwelling(s) hereby permitted must meet a water efficiency standard of 110 litres per person per day, including five litres per person per day for external water usage. **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
