

**Application No:** [W 15 / 1575](#)

**Town/Parish Council:** Whitnash  
**Case Officer:** Jo Hogarth

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**Registration Date:** 28/09/15

**Expiry Date:** 23/11/15

**16 Whitnash Road, Whitnash, Leamington Spa, CV31 2HN**

Proposed new dwelling on land adjacent 16 Whitnash Road, Leamington Spa FOR  
Mr Williams

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

**RECOMMENDATION**

The Members of the planning Committee are recommended to GRANT planning permission, subject to conditions listed.

**DETAILS OF THE DEVELOPMENT**

The application seeks to construct a new three bedroom detached property together with new access onto Home Farm Crescent and off street parking for 2 vehicles.

**THE SITE AND ITS LOCATION**

The proposed site relates to the side garden area serving number 16 Whitnash Road. The host property is situated on the corner of Whitnash Road and Home Farm Crescent, with the side garden onto Home Farm Crescent. It is in a predominantly residential area with a local shopping centre approximately 50 metres away to the east.

**PLANNING HISTORY**

There have been no recent planning applications for this site.

**RELEVANT POLICIES**

- National Planning Policy Framework

The Current Local Plan

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)

- SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)

#### The Emerging Local Plan

- BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- NE3 - Biodiversity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

#### Guidance Documents

- The 45 Degree Guideline (Supplementary Planning Guidance)
- Open Space (Supplementary Planning Document - June 2009)
- Vehicle Parking Standards (Supplementary Planning Document)
- Sustainable Buildings (Supplementary Planning Document - December 2008)

### **SUMMARY OF REPRESENTATIONS**

**Whitnash Town Council:** Object on grounds that the development is not in keeping with the streetscene, is over development of the site and driveway is too close to the bend; unneighbourly.

**WCC Highways:** No objection.

**WCC Ecology:** no objection subject to a condition relating to nesting birds and notes on hedgehogs, reptiles and amphibians.

**WCC Archaeology:** No objection, recommend condition on the submission of a written scheme of investigation and programme of archaeological evaluation works.

**Public response:** 4 letters of objection have been received on grounds that the proposed new house would result in overlooking and loss of privacy; in front of the building line and out of place; more cars and congestion which will put pressure on schools. Noise and disturbance.

### **ASSESSMENT**

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

- The principle of development
- The impact on neighbours
- The impact on the streetscene
- Highways and parking
- Open space contributions
- Renewables
- Ecological issues

- Health and Wellbeing

## **The Principle of the Development**

The proposal would be contrary to Local Plan Policy UAP1 because residential gardens are not considered to be previously developed land. However, the Council is unable to demonstrate a 5 year supply of housing land. Therefore, given that Policy UAP1 is a policy for the supply of housing, paragraph 49 of the NPPF dictates that it should be considered out of date and consequently the test in paragraph 14 of the NPPF should be applied, i.e. whether any adverse impacts of granting permission would "significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. Therefore, given the pressing need for housing within the District, garden plots such as this are considered to be suitable for development, provided the proposals do not cause unacceptable harm to the living conditions of neighbouring dwellings or the character and appearance of the area and provided that suitable provision can be made for parking. These matters are considered in the following sections.

## **The impact on neighbours**

Number 16 Whitnash Road and number 93 Home Farm Crescent do not have any side facing windows onto the site and none are proposed in the new dwelling. The first floor rear facing windows are to serve a bathroom and ensuite and are shown on the submitted drawings to be obscure glazed. It is considered that these could also be conditioned to ensure that they are obscure glazed at all times.

The design of the new dwelling is such that it would not breach the Council's adopted Supplementary Planning Guidance on the 45 degree line from either number 16 Whitnash Road or 93 Home Farm Crescent.

## **The impact on the streetscene**

The design of the property incorporates a 'cat slide' roof, set below the ridgeline of the main bulk of the property. It is set forward of both the side elevation of number 16 Whitnash Road and the front elevation of number 93 Home Farm Crescent. This is to allow for rear amenity space. The property would have a relatively long front garden, comparable with other properties in Home Farm Crescent and a driveway for the parking of two vehicles. The design also incorporates an integral garage. It is considered that as there is a mix of house types and designs within the immediate vicinity that the design would be acceptable and would fit within the streetscene.

A similar proposal for a dwelling was granted around the corner, in the rear of number 6 Whitnash Road (ref: W/09/0550) with access onto Golf Lane. This has been built. These two applications are comparable in terms of amenity space and vehicular access and therefore must be a material consideration. The proposal is thereby considered to meet the objectives of Policy DP1 in the Local Plan.

## **Highways and Parking**

In accordance with the Council's adopted Supplementary Planning Document on Vehicle Parking Standards, provision has been made within the site curtilage for

two off street parking spaces and would thereby accord with the objectives of Policy DP8 in the Local Plan

### **Open space contributions**

It is considered that a condition could be attached to any approval in respect of public open space contributions which, for a three bed property would equate to £628.00 x 3 = £1,884.00.

### **Renewables**

As part of the submission, it is proposed to install 6 no solar panel to the rear facing roof slope in order to provide 10% of the predicted energy requirement of the new dwelling. It is considered appropriate to attach a condition requiring this scheme to be implemented.

### **Ecological issues**

There are no ecological issues other than the recommended advice and condition received from the County Ecologist.

### **Health and wellbeing**

There are no significant implications to health and wellbeing as a result of this application.

### **SUMMARY/CONCLUSION**

The application is considered to adhere to the aforementioned Local Plan Policies and would not result in unacceptable harm to the visual character of the streetscene and would not result in a development which would cause such significant adverse harm to nearby residents such that a refusal of permission could be sustained.

### **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 drawing number 01, and specification contained therein, submitted on 28 September 2015. **REASON :** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.
- 3 Samples of the external facing materials to be used for the construction of the development hereby permitted, shall be submitted to and approved by the District Planning Authority before any constructional works are commenced. Development shall be carried out in strict

accordance with the approved details. **REASON:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011.

- 4 No development shall take place until:
  - a) a Written Scheme of Investigation (WSI) for a programme of archaeological evaluative work shall be submitted to and approved in writing by the LPA.
  - b) the programme of archaeological evaluative work and associated post-excavation analysis, report production and archive deposition detailed within the approved WSI is to be undertaken. A report detailing the results of this fieldwork is to be submitted to the planning authority.

Prior to any development works (with the exception of any groundworks associated with the archaeological evaluation detailed above) taking place a Written Scheme of Investigation for a programme of archaeological fieldwork shall be submitted to and approved in writing by the Local Planning Authority. **REASON:** To ensure that no archaeological features are destroyed and to enable a record of findings to be made, in accordance with Policy DP4 in the Warwick District Local Plan 1996-2011.
- 5 The development hereby permitted shall either:
  - a.) Be timetabled and carried out to avoid the bird breeding season (March to September inclusive) to prevent possible disturbance to nesting birds.
  - b.) Not commence until a qualified ecologist has been appointed by the applicant to inspect the vegetation to be cleared on site for evidence of nesting birds immediately prior to works. If evidence of nesting birds is found works may not proceed in that area until outside of the nesting bird season (March to September inclusive) or until after the young have fledged, as advised by ecologist. Birds can nest in many places including buildings, trees, shrubs, dense ivy, and bramble/rose scrub. Nesting birds are protected under the 1981 Wildlife and Countryside Act. **REASON:** To ensure that protected species are not harmed by the development in accordance with the requirements of Policy DAP3 in the Warwick District Local Plan 1996-2011.
- 6 The driveway and parking spaces shall be laid out and made available prior to the first occupation of the development hereby permitted and shall be kept for such purposes at all times thereafter. **REASON:** To ensure that there are adequate off street parking provision is made for the development hereby permitted, in accordance with Policy DP8 in the Local Plan and the Council's adopted Supplementary Planning Document on Vehicle Parking Standards.
- 7 The development hereby permitted shall not be first occupied unless and until the renewable energy/fabric first scheme submitted as part of the application has been wholly implemented in strict accordance with the approved details. The works within this scheme shall be retained at all times thereafter and shall be maintained strictly in accordance with

manufacturers specifications. **REASON:** To ensure that adequate provision is made for the generation of energy from renewable energy resources or to achieve carbon savings in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011.

- 8 The existing hedge(s) indicated on the approved plans to be retained shall not be cut down, grubbed out or otherwise removed or topped or lopped without the written consent of the local planning authority. Any hedge(s) removed without consent or dying, or being severely damaged or diseased or becomes, in the opinion of the local planning authority, seriously damaged or defective, within five years from the substantial completion of development shall be replaced within the next planting season with hedging, tree(s) and/or shrub(s) of such size and species details of which must be submitted to and approved by the local planning authority. 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 (excluding hard surfaces). **REASON:** To protect that hedging which is of significant amenity value to the area in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011.
- 9 The treatment of the driveway hereby permitted shall be constructed of porous materials, or where a non-porous surface treatment is proposed, the provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwellinghouse. **REASON:** To reduce surface water run-off and to ensure that the development does not increase the risk of flooding elsewhere, in accordance with Policy DP11 of the Warwick District Local Plan.
- 10 The access to the site shall not be constructed in such a manner as to reduce the effective capacity of any drain or ditch within the limits of the public highway. **REASON:** In the interests of highway safety and to satisfy Policy DP6 in the Warwick District Local Plan 1996-2011.
- 11 The access to the site for vehicles shall not be used unless a public highway footway crossing has been laid out and constructed in accordance with the standard specification of the Highway Authority. **REASON:** In the interests of highway safety and to satisfy Policy DP6 in the Warwick District Local Plan 1996-2011.
- 12 Prior to the occupation of the development hereby permitted, the two first floor windows in the rear elevation shall be permanently glazed with obscured glass to a degree sufficient to conceal or hide the features of all physical objects from view and shall be non-opening unless the parts of the window that can be opened are more than 1.7 metres above the floor of the room in which the window is installed. The obscured glazed windows shall be retained and maintained in that condition at all times. **REASON :** To protect the privacy of users and occupiers of nearby properties and to satisfy the requirements of Policy DP2 of the Warwick District Local Plan 1996-2011.

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