

Town/Parish Council: Burton Green

Case Officer: Debbie Prince

01926 456529 debbie.prince@warwickdc.gov.uk

Land at 3 Hodgetts Lane, Burton Green, Kenilworth, CV8 1PH

Applications for Certificates of Appropriate Alternative Development.

LAND COMPENSATION ACT 1961, SECTION 17 AS SUBSTITUTED BY SECTION 63
OF THE PLANNING AND COMPENSATION ACT 1991

1. The demolition of the existing dwelling and the erection of a pair of semi-detached dwellings.
2. The demolition of the existing dwelling and its replacement with two detached properties.

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These applications have been made by Mr and Mrs Cook, the owners of 3 Hodgetts Lane, a property which is being compulsorily purchased by HS2 Ltd.

RECOMMENDATION

Planning Committee are recommended to certify that planning permission would be granted subject to conditions in respect of the proposals the subject of this report.

BACKGROUND

The proposals the subject of this report arise from legislation which has been enacted to facilitate the delivery of the HS2 proposal and in particular are designed to assist homeowners in realising an appropriate financial return upon the compulsory purchase of a property by in this case HS2 Limited.

A Certificate of Alternative Appropriate Development does not comprise a planning permission and does not permit development to be undertaken. Rather, it is intended to identify development which is considered to be acceptable and likely to obtain planning permission (were an application to be made) in order to assist in the valuation (for the purpose of compulsory purchase) of the property in question.

An application for a certificate can only be made by persons owning the land or property in question or the Authority making the compulsory purchase, in this case HS2. Where a Certificate is granted, it relates to the principle of a proposal only and for that reason the legislation does not require applicants to submit detailed plans.

Similarly, there is no requirement for the Local Planning Authority to undertake any of the usual consultation or publicity and the proposal should

be considered under “normal” circumstances (i.e. without considering the HS2 proposal) taking into account the relevant material considerations.

THE SITE AND ITS LOCATION

The application property is a large detached 1960’s, 3 bedroomed bungalow with an attached garage, set within a sizeable plot on the west side of Hodgetts Lane in the village of Burton Green.

The village currently lies within the Green Belt however the emerging Local Plan proposes its removal. Hodgetts Lane has a diverse street scene, comprising of both one and two storey properties of various ages and designs.

The property is being Compulsorily Purchased by HS2 Ltd for the construction of the high speed railway line.

RELEVANT PLANNING HISTORY

N/A

RELEVANT POLICIES

- The 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)
- DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)
- RAP2 - Extensions to Dwellings (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DAP3 - Protecting Nature Conservation and Geology (Warwick District Local Plan 1996 - 2011)
- RAP3 – Replacement Dwellings (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)
- DS19 - Green Belt (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- H14 - Extensions to Dwellings in the Open Countryside (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- CC3 - Buildings Standards Requirements (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

- NE3 - Biodiversity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- H13- Replacement Dwellings in the Open Countryside (Warwick District Local Plan 2011-2029 – Publication Draft)

Guidance Documents

- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- The 45 Degree Guideline (Supplementary Planning Guidance)

SUMMARY OF REPRESENTATIONS

N/A

ASSESSMENT

Proposal 1.

1. The demolition of the existing bungalow and the erection of a pair of semi-detached dwellings.

The Principle of the Development

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

- Green Belt policy and the impact on the openness and rural character of the Green Belt
- Impact on the character and appearance of the area
- Impact on the living conditions of nearby dwellings
- Highways and Parking
- Energy Efficiency.

The Impact within the Green Belt

The National Planning Policy Framework (NPPF) states that the construction of new buildings is inappropriate development in the Green Belt, unless it is development falling within one of the various categories listed as exceptions.

The replacement of a building is identified as an exception within the NPPF para.89, which would support the demolition and replacement of the existing bungalow. This is subject to the new building not being *materially larger* than the one it replaces. A Certificate of Appropriate Alternative Development (CAAD) has already been issued for the replacement of the bungalow with one, two storey dwelling recognising that whilst the proposal is for a two storey building to replace the existing single storey bungalow, there could be a corresponding reduction in footprint to compensate for the increased height. Local Plan Policy RAP3 'Replacement Dwellings' sets out further criteria for replacement dwellings and there is an accepted increase allowance of 30% for additions to an *original*

dwelling house (which reflects LP Policy RAP2). Provided that the first proposed dwelling was not materially larger than the existing building as discussed above, it is considered the proposal would have no greater impact on the Green Belt and would not comprise inappropriate development. This can be secured by condition.

Limited infilling in villages comprises a further exception to inappropriate development in the Green Belt. The application site falls within the Burton Green Village infill boundary, as defined on the emerging Local Plans Proposals Map. The application site is between built form and the second proposed dwelling house will sit within the general pattern of development fronting the highway. Whilst there is no definition of 'limited infill' within the framework the insertion of one new unit and one replacement unit is considered to meet this definition.

The proposal for a further dwelling within the site would therefore fall within the category of 'limited infilling in villages' in the NPPF. Consequently it is concluded that the proposal would not be inappropriate development in the Green Belt. There is therefore no need to consider whether there are other considerations amounting to very special circumstances.

This element of the scheme is therefore considered to be acceptable in principle.

Siting and design

There is capacity for the proposed dwellings to be generally well sited within the existing pattern of development, fronting the highway with adequate gaps retained between the dwelling houses and the side boundaries to neighbouring plots.

The Impact on the Character and Appearance of the Area

The street scene is made up of both single and two storey properties. Therefore it is considered that there would be no adverse impact on the street scene if the replacement dwellings were to be two storey.

The Impact on Living Conditions of Nearby Dwellings

The application property shares its northern boundary with 5 Hodgetts Lane, which is one of a pair of two storey semi-detached houses. On the southern boundary lies 1 Hodgetts Lane, which is a detached bungalow. 3 Hodgetts lane lies slightly forward of both properties, nevertheless it is considered that subject to conditions regarding the positioning and treatment of any new windows or rooflights, there would not be any unacceptable overlooking or adverse impact on the privacy of adjoining neighbours.

Parking

It is considered, the plot is of adequate size to provide for off road parking in accordance with the Council's current parking standards together with two dwellings and adequate amenity space.

Energy Efficiency

The proposal gives rise to an important opportunity to replace a 40 year old building with a much more energy efficient dwelling. The new property would need to be built in accordance with the Councils' sustainable building requirements as prescribed in policy DP13 and this is covered by condition.

Health and Wellbeing

N/A

Conditions

It is considered that should a planning application be submitted in respect of this proposal, that planning conditions would be imposed in respect of:-

1. The timescale for the commencement of development.
2. The provision of further details of the design and layout, etc. of the proposal including details of materials where appropriate.
3. Appropriate ecological survey work and remedial measures..
4. The provision of an appropriate level of renewable energy/CO2 emissions.
5. The removal of permitted development rights relating to extensions and outbuildings.

Proposal 2: The demolition of the existing bungalow and its replacement with two detached properties.

The Principle of the Development

The main issues relevant to the consideration of this proposal are the same as for the proposal set out above.

The Impact within the Green Belt

It is considered that the combination of the replacement of the bungalow with a 2 storey detached dwelling and the provision of an additional detached dwelling as limited infilling would not comprise inappropriate development within the Green Belt and in that respect would therefore be acceptable in principle.

Siting and design

The proposed dwellings would be capable of being generally well sited within the existing pattern of development, fronting the highway with adequate gaps retained between the dwelling houses and the side boundaries to neighbouring plots.

The Impact on the Character and Appearance of the Area

It is considered that a scheme could be brought forward which would not adversely impact within the street scene.

The Impact on Living Conditions of Nearby Dwellings

The application property shares boundaries with two other residential properties. The dwellings would need to be designed to have minimum impact on these neighbours amenity, which can be a condition of the approval.

Parking and Highway Safety

It is considered, the plot is of adequate size to provide for off road parking in accordance with the Council's current parking standards together with two dwellings and adequate amenity space.

Energy Efficiency

The proposal gives rise to an important opportunity to replace a 40 year old building with a much more energy efficient dwelling. The new property would need to be built in accordance with the Councils' sustainable building requirements as prescribed in policy DP13 and this is covered by condition.

Health and Wellbeing

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1. The timescale for the commencement of development.
2. The provision of further details of the design and layout, etc. of the proposal including details of materials where appropriate.
3. Appropriate ecological survey work and remedial measures..
4. The provision of an appropriate level of renewable energy/CO2 emissions.
5. The removal of permitted development rights relating to extensions and outbuildings.

Conclusion

It is considered that were planning applications submitted for the 2 proposals the subject of this report, schemes could be brought forward which would be acceptable in planning terms and in respect of which planning permission would therefore be granted. Planning Committee are therefore recommended to agree to the issue of the Certificates.

