

Planning Committee: 09 September 2024

Item Number: 8

Application No: [W 24 / 0480](#)

Town/Parish Council: Burton Green

Registration Date: 09/04/24

Case Officer: Rebecca Compton

Expiry Date: 04/06/24

01926 456544 rebecca.compton@warwickdc.gov.uk

Land fronting Red Lane, Burton Green, Kenilworth, CV8 1PB

Erection of 1no. dwelling and associated garage FOR Mr and Mrs Davies

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

RECOMMENDATION

Planning Committee is recommended to grant planning permission, subject to the conditions listed at the end of this report.

DETAILS OF THE DEVELOPMENT

This application seeks planning permission for a two-storey detached dwelling and garage, together with associated access and landscaping.

THE SITE AND ITS LOCATION

The application site is located close to the eastern edge of Burton Green, accessed off Red Lane. The site is washed over by Green Belt and sits outside the Growth Village Envelope.

PLANNING HISTORY

W/20/2161 - Erection of single dwelling and associated garage - allowed at appeal.

RELEVANT POLICIES

- National Planning Policy Framework
- [Warwick District Local Plan 2011-2029](#)
- DS18 - Green Belt
- BE1 - Layout and Design
- BE3 - Amenity
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- NE3 - Biodiversity
- NE4 - Landscape
- NE5 - Protection of Natural Resources
- TR1 - Access and Choice
- TR3 - Parking
- CC1 - Planning for Climate Change Adaptation
- FW3 - Water Conservation
- [Net Zero Carbon Development Plan Document](#)

- NZC1 - Achieving Net Zero Carbon Development
- NZC2(A) – Making Buildings Energy Efficient
- NZC2(B) - Zero or Low Carbon Energy Sources and Zero Carbon Ready Technology
- NZC2(C) - Carbon Offsetting
- Guidance Documents
- Parking Standards (Supplementary Planning Document- June 2018)
- Residential Design Guide (Supplementary Planning Document- May 2018)
- Air Quality & Planning Supplementary Planning Document (January 2019)
- Burton Green Neighbourhood Plan (2018-2029)

SUMMARY OF REPRESENTATIONS

Burton Green Parish Council: Object on the basis of the site being in the Green Belt and outside of the Growth Village envelope.

Sustainability Consultants - Bioregional: No objection to revised Energy Statement.

ASSESSMENT

Principle

The principle of a dwelling in this location has been established under planning permission ref: W/20/2161 which was granted at appeal. The current application is a re-submission of the same scheme, and no changes are proposed to the approved design. Planning permission ref: W/20/2161 remains extant; however, the applicant wishes to extend the time period for commencement which can only be achieved through a fresh planning permission.

Design and impact on the street scene

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, Warwick District Council's Local Plan 2011 - 2029 Policy BE1 seeks for development to be constructed using appropriate materials and seeks to ensure that the appearance of the development and its relationship with the surrounding built and natural environment does not detrimentally impact the character of the local area.

The application site is located in a semi-rural location and the street scene is characterised by large, detached dwellings of varying design. The proposed dwelling is two storey and is of a comparable scale to dwellings in the immediate area. The proposal has adopted a modern design which is considered acceptable owing to the varying style of dwellings in the immediate area. The dwelling has been located centrally within the plot and retains the existing building line with the adjacent dwellings at Two Oaks and Bahia House. Overall, the siting, scale and

design of the dwelling is considered acceptable and would not have a negative impact on the street scene.

The development therefore complies with Local Plan Policy BE1.

Impact on amenity

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 requirement for development not to cause undue disturbance or intrusion for nearby users in the form of loss of privacy, loss of daylight, or create visual intrusion. 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° line taken from a window of nearest front or rear facing habitable room of a neighbouring property.

Neighbouring properties

The proposed dwelling would not breach the Council's adopted 45° line when taken from the nearest habitable rooms serving the neighbouring properties. The proposal would therefore not have a negative impact on the immediate neighbours in terms of loss of light and outlook.

Future occupiers

All habitable rooms would benefit from sufficient levels of light and outlook. As a 4 bedroomed dwelling, the Council's adopted Residential Design Guide SPD requires 60 sqm of private amenity space and the proposal provides in excess of 60sqm of private amenity space and therefore complies with the standard.

The proposal would have an acceptable impact on the amenity of neighbouring properties and would provide acceptable living conditions for the future occupiers of the dwelling.

Access and parking

The proposal includes a new access onto Red Lane which has previously obtained planning approval under planning permission ref: W/20/2161 and remains extant. All previous conditions relating to visibility splays and location of access gates will be carried forward.

Sufficient off-street parking in accordance with the Parking Standards SPD is provided.

Ecology

The applicant has submitted a Biodiversity Metric to demonstrate there would be no net loss of biodiversity. Due to the date of submission this application is not required to achieved mandatory net gains.

The applicant has submitted a Tree Survey which recommends tree protection measures, and a condition is proposed to secure this.

Planning for Climate Change Adaptation

As required by the Council's Net Zero Carbon Development Plan Document (DPD) an Energy Statement has been submitted to show compliance with Policies NZC1, NZC2(A), NZC2(B), NZC2(C). It should be noted that Policies NZC3 and NZC4 are not applicable to this application.

Following initial consultation with the Council's Net Zero Consultants, Bioregional, the Energy Statement has been amended. Bioregional have been re-consulted and are satisfied with the submitted information, however they suggested that further information is requested in order to be fully compliant with the aforementioned policies. The applicant has submitted an addendum to the Energy Statement which now addresses the points raised by Bioregional. Therefore, Officers are satisfied that the development is now compliant with all relevant Net Zero Carbon Policies set out in the Council's DPD.

Therefore, the proposals are considered compliant with the relevant policies on the Net Zero Carbon DPD.

Low Emissions

The proposal will result in additional vehicular movements and therefore there is a requirement for the provision of an electric charging point in accordance with the Council's adopted Air Quality SPD. The proposed plans indicate that an electric charging point will be provided. A condition requiring the installation and details of the charging point will be added to secure this.

Water Efficiency

A condition to ensure compliance with Policy FW3 will be added to any approval granted.

Waste

Waste and recycling storage are able to be accommodated within the site boundaries.

Conclusion

This application is a re-submission of an extant permission for a new dwelling and garage, the design is unchanged compared to the extant scheme. There have been no material planning considerations since the previous permission that would lead officers to a different decision in this case. This application is therefore recommended for approval.

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(s) 453.01, 453.02, 453.03, 453.04, 453.05, and specification contained therein, submitted on 09th April 2024. **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 No development or other operations (including demolition, site clearance or other preparatory works) shall commence unless the tree protection measures identified in the Tree Survey Report for Land at Red Lane, Burton Green, Kenilworth, CV8 1PB by Cotswold Wildlife Surveys 3865-CWS-02, dated 7 December 2020, have been put into place in full accordance with the approved details and thereafter shall remain in place for the full duration of any such construction work. In addition no excavations, site works, trenches or channels shall be cut or pipes or services laid, and no fires shall be lit within 10 metres of the nearest point of the canopy of any protected tree(s); no equipment, machinery or structure shall be attached to or supported by a protected tree(s); no mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area such that seepage or displacement could cause them to enter a root protection area or any other works carried out in such a way as to cause damage or injury to the tree(s) by interference with their root structure; and, that no soil or waste shall be deposited on the land in such a position as to be likely to cause damage or injury to the tree(s). **Reason:** In order to protect and preserve existing trees within the site which are of amenity value in accordance with Policies BE1 and NE1 of the Warwick District Local Plan 2011-2029.
- 4 The development hereby permitted shall only commence in line with the approved Construction & Environment Management Plan produced by Cotswold Wildlife Surveys, dated June 2024. The agreed Construction and Environmental Management Plan shall thereafter be implemented in full. **Reason:** To ensure that protected species are not harmed by the development, in accordance with the National Planning Policy Framework (NPPF), ODPM Circular 06/2005 and Policies NE2 and NE3 of the Warwick District Local Plan 2011-2029.
- 5 No development shall commence until the road traffic sign sited roadside of the application site and as indicated on Drawing 453.01, has been re-sited in accordance with details submitted to and approved by the

Highway Authority. **Reason:** In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.

- 6 The access to the site for vehicles shall not be used unless a public highway verge 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 the free flow of traffic in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.
- 7 The development hereby permitted shall only be carried out in strict accordance with the drainage details as shown on drawing number: 453.05. **Reason:** To ensure that adequate drainage facilities are available for the satisfactory and proper development of the site in accordance with Policies BE1 and FW2 of the Warwick District Local Plan 2011-2029.
- 8 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.
- 9 Prior to the occupation of the dwelling(s) hereby permitted, one 16amp (minimum) electric vehicle recharging point (per dwelling) shall be installed in accordance with details first submitted to and approved in writing by the Local Planning Authority (LPA). Once the electric vehicle recharging point(s) has been installed, the following verification details shall be submitted to and approved in writing by the LPA: (1). Plan(s)/ photograph(s) showing the location of the electric vehicle recharging point(s); (2). A technical data sheet for the electric vehicle recharging point infrastructure; and (3). Confirmation of the charging speed in kWh. Thereafter the electric vehicle recharging point(s) shall be retained in accordance with the approved details and shall not be removed or altered in any way (unless being upgraded). **Reason:** To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan and the Air Quality and Planning Supplementary Planning Document.
- 10 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.

- 11 The development hereby permitted shall not be occupied until visibility splays have been provided to the vehicle access site with an "x" distance of 2.4meters and a "y" distance of 120 meters to the near edge of the public carriage highway. No structure or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6 meters 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 2011-2029.
- 12 The development hereby permitted shall not be occupied until a detailed Landscape and Ecological Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan should include details of planting and maintenance of all new planting. Details of species used and sourcing of plants should be included. The plan should also include details of habitat enhancement/creation measures and management, such as native species planting, wildflower grassland creation, woodland and hedgerow creation/enhancement, and provision of habitat for protected and notable species (including location, number and type of bat and bird boxes, location of log piles). Such approved measures shall thereafter be implemented as an integral part of the development in full and be maintained in accordance with the approved plan for the duration of the development. **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.
- 13 The development hereby permitted shall not be occupied 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.

14 No external lighting shall be provided on the site until details of all external light fittings and external light columns have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. **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 BE3 of the Warwick District Local Plan 2011-2029.

15 The development hereby permitted shall be carried out in strict accordance with the details set out in Energy Statement submitted to the Local Planning Authority. **REASON:** To satisfy the requirements Policies CC1, CC3 and FW3 of the Warwick District Local Plan (2011-2029) and Policies NZC1, NZC2 (A, B and C) of the Warwick District Net Zero Carbon Development Plan Document (DPD).
