

Planning Committee: 29 January 2019

Item Number: **6**

Application No: [W 18 / 1733](#)

Town/Parish Council: Stoneleigh
Case Officer: Angela Brockett
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Registration Date: 21/09/18
Expiry Date: 16/11/18

Sowe View, Coventry Road, Stoneleigh, Coventry, CV8 3BZ
Erection of 2 bedroom bungalow, detached garage and widening of existing drive
by 3 kerb stones FOR Mr M Innocent

This application is being presented to Planning Committee as it is recommended that planning permission be refused and more than 5 letters of support have been received. Councillor Wright has also requested that the application be determined by Planning Committee.

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

The proposal seeks planning permission for the erection of a two bedroomed, detached bungalow. The development proposes to widen the existing access to the site and includes the removal of some trees which as annotated on the site plan. The proposal also includes the erection of a single storey detached garage to the south of the site.

In the Planning Statement, the agent states that the development is of an acceptable design and would blend with the neighbouring property which was granted planning permission in 2010. The agent states that the building will be a simple single storey structure. The external walls would have brick plinth base, with timber cladding above, oak effect window frames and half-hipped roof at either end, with rear facing balcony.

The application includes a Flood Risk Assessment, Preliminary Ecology Report, Personal Statement, Sustainability Statement, Design and Access statement, Arboricultural Report, Air Quality Mitigation Statement and an SAP Report.

THE SITE AND ITS LOCATION

The application site forms part of a large gap between a row of cottages to the south and a new dwelling to the north. The application site is informally known as "The Orchard", positioned on the east side of Coventry Road, with the River Sowe to the rear of the site and located at the entrance to Stoneleigh Village on the approach from Coventry. The application site is located within the Green Belt

and the Stoneleigh Conservation Area. The site is sloping, with land levels decreasing towards the rear of the site nearest the river. The site currently benefits from a well-established hedge to the front of the site forming the boundary treatment, with various trees within the site boundary. The majority of the site is formed of grassland. The Planning Statement informs that the site has been previously used as a garden or allotment plot. The site benefits from an existing access nearest to the south of the site, with a small single storey garage/store building. The applicants have right of access over the driveway which is owned by the neighbouring property to access the site.

PLANNING HISTORY

W/17/1278 – Erection of a single-storey two bedroom house on the existing plot, with a freestanding single garage, with the erection of a balcony to the eastern elevation and the laying of a permeable gravel circulation and parking spaces and access route into the building – Refused and appeal dismissed.

W/15/1906 - Widening of existing access and erection of a garage – Refused and appeal dismissed.

RELEVANT POLICIES

- National Planning Policy Framework
- The Current Local Plan
- DS1 - Supporting Prosperity (Warwick District Local Plan 2011-2029)
- DS4 - Spatial Strategy (Warwick District Local Plan 2011-2029)
- DS5 - Presumption in Favour of Sustainable Development (Warwick District Local Plan 2011-2029)
- DS18 - Green Belt (Warwick District Local Plan 2011-2029)
- DS19 - Review of the Local Plan (Warwick District Local Plan 2011-2029)
- PC0 - Prosperous Communities (Warwick District Local Plan 2011-2029)
- H1 - Directing New Housing (Warwick District Local Plan 2011-2029)
- SC0 - Sustainable Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- 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)
- TR4 - Safeguarding for Transport Infrastructure (Warwick Local Plan - 2011-2029)
- FW2 - Sustainable Urban Drainage (Warwick District Local Plan 2011-2029)
- FW3 - Water Conservation (Warwick District Local Plan 2011-2029)
- FW4 - Water Supply (Warwick District Local Plan 2011-2029)
- NE1 - Green Infrastructure (Warwick District Local Plan 2011-2029)
- NE3 - Biodiversity (Warwick District Local Plan 2011-2029)
- NE4 - Landscape (Warwick District Local Plan 2011-2029)
- NE5 - Protection of Natural Resources (Warwick District Local Plan 2011-2029)
- H15 - Custom and Self-Build Housing Provision (Warwick Local Plan - 2011-2029)
- HE4 - Archaeology (Warwick District Local Plan 2011-2029)
- Guidance Documents

- Residential Design Guide (Supplementary Planning Document- May 2018)
- Parking Standards (Supplementary Planning Document)
- LES - Low Emission Strategy Guidance for Developers (April 2014)

SUMMARY OF REPRESENTATIONS

Stoneleigh & Ashow Parish Council - Supports the application

Warwickshire County Council Archaeology - The proposed development lies within an area of significant archaeological potential within the probable extent of the medieval settlement at Stoneleigh. There is a potential for the proposed development to disturb archaeological deposits including structural remains associated with the medieval and/or post medieval occupation of this area. Do not wish to object to the principle but consider that some archaeological work should be required if permission is forthcoming. Would envisage this work taking a phased approach, the first element of which would include trial trenching in advance of any development to be on the site. Recommend conditions requiring a written scheme of investigation and a mitigation strategy for the archaeological impact of the proposed development.

WCC Local Lead Flood Authority - The FRA does not evidence the flood zone classification of the site. The LFFA has concerns regarding any exceedance/overland flow routes cascading over the proposed retaining wall adjacent to the road and flowing towards the property. Require further clarification on the finished floor level of the property and demonstration that there is space available for a soakaway outside Flood Zone 3 and that an alternative outfall is available should infiltration not be viable or an outfall location for a high level overflow if a rainwater harvesting system is proposed for re-use of surface water. Outline who would be responsible for the maintenance of any drainage features of the proposed development. Recommend the creation of an evacuation plan due to the close proximity to the main river.

Warwickshire County Council Highways - Object. The development proposal includes the widening of the existing vehicular access to serve the proposed dwelling. The existing vehicular access has a dropped kerb approximately 3.8m wide, is surfaced with a loose stone/ gravel material and has a relatively steep gradient into the site. There was evidence of loose stone/ gravel deposited on the public highway footway and carriageway, which is likely to have occurred when vehicles enter/egress from the vehicular access.

Additional vehicular movements generated as a result of the development proposals could increase the amount of loose stone/ gravel deposited onto the public highway. The Highway Authority also has concerns with the gradient of the existing vehicular access. The Highway Authority requires the gradient for a vehicular access to not exceed a gradient of 1 in 20 for a minimum distance of 7.5m, as measured from the near edge of the public highway.

At the location of the existing vehicular access, Coventry Road (B4113) is subject to a 40mph speed limit, which increases to 50mph approximately 230m north of the vehicular access. For a 40mph speed limit, the Highway Authority requires visibility splays of 120m to be provided in both directions of the vehicular access measured to the nearside edge of the carriageway, when

measured 2.4m back from the edge of the carriageway. Whilst carrying out a site visit, it was evident that the required level of visibility splays cannot currently be achieved at the vehicular access. Visibility splays of approximately 45m could be achieved to the right (north) of the vehicular access, and visibility splays of approximately 20m could be achieved to the left (south). Forward visibility splays of vehicles waiting to turn right into the vehicular access are also below standard, as only approximately 70m can be achieved.

The Highway Authority considers the existing vehicular access to be below standard and the development proposals will intensify the use of the below standard access, potentially to the detriment of public highway safety.

Warwickshire County Council Ecology - The ecology report appears to have been carried out in accordance with appropriate methodology. Trees within the site do not have potential to support roosting bats and the measures outlined in the Tree Protection Plan are appropriate and these should be protected..

The River Sowe is identified as a Local Wildlife Site (pLWS). Recommended measures to protect the river from pollution are addressed in the Construction and Environmental Management Plan as well as the protection for nesting birds, amphibians, reptiles, badgers and hedgehogs.

Any lighting within the site should be designed to minimise disturbance to nocturnal animals especially to the east of the site. Recommend a condition requiring a lighting scheme to be submitted. Recommend a condition requiring bat boxes to achieve biodiversity gain.

Consultant Tree Officer - The application is supported by a comprehensive arboricultural report including impact and tree protection plan. Raises no objections to the proposed development provided that the control measures described and illustrated in the arboricultural report are fully implemented in a timely fashion and properly maintained and monitored throughout the duration of the development.

Environmental Health Officer - The proposed development will be located on land where contamination is suspected. The land is situated south of a former commercial garage/ petrol filling station. There is the potential for contaminants to have migrated off site on to the proposed development land. Recommend a pre-commencement condition requiring a desk top study to identify previous site uses and potential contaminants and if necessary a site investigation and method statement to be submitted prior to works commencing on site. Finished floor levels should be set a minimum of 150mm above surrounding ground levels. A plan is required to demonstrate that space is available for a soakaway outside of Fluvial Flood Zone 3 and an alternative outfall is available. Alternatively demonstrate an outfall location for a high level overflow if rainwater harvesting system is proposed for re- use of surface water. An evacuation plan is recommended due to the proximity to Main River Flood Zone 3. The relevant information should be submitted prior to determination.

Ward Member (Councillor Wright) - Requests that the application is called in to Planning Committee due to its complex nature. Absent the various elements and in particular the past approval with regards to the neighbouring property. It

is fair and just that the application should be considered in a fair and balanced way which if the committee sees appropriate a site visit to fully understand the impact of the development.

Public Response - 1 objection has been received on the following grounds:

- The land is still Green Belt and should be protected and there are no very special circumstances
- There is no need to build on the Green Belt as there are many houses struggling to sell in the village.

14 letters of support have been received on the following grounds:

- Development has limited impact on the Green Belt as there are properties on either side, Coventry Road to the front and the River Sowe to the rear.
- Single storey development would allow the applicant to manage her disability as bungalows are in short supply.
- Seems like acceptable infill.
- Openness of Green Belt will not be affected.
- Design is in keeping with the area.
- Green technologies will be employed.
- Will benefit the village community.
- Will enhance the site and be hardly seen.
- Will create a small footprint and will not impact on the village or the environment.
- If village is to survive it needs a wide range of properties.
- Will not cause traffic problems.
- Will reduce the scarce supply of bungalows.
- Applicant has listened to the views of local people.
- Much local support for the application.
- If application is refused it will revert to being a rubbish tip again.
- The community needs strengthening. We have lost the village shop, post office and filling station and the remaining community facilities (Church and Village Club) are struggling to survive.
- Need more residents who can take a stake in this community.
- The land under application is an isolated site between existing properties and provides no benefit to the community
- No ecological features have been identified.
- Stoneleigh has a wide variety of housing and the site lies between a new very modern build and old terrace cottages.
- The highways authority is concerned about the vehicular access. The existing access to the adjacent properties is not easy, a lower speed limit should be introduced to benefit residents.

It would be inconsistent of the Planning Committee not to approve this application following the construction of a very large modern property on the adjacent old filling station site.

ASSESSMENT

Principle of development

A similar proposal for a single storey dwelling on the same site under application ref: W/17/1278 was recently refused and subsequently dismissed at appeal. The reasons cited by the Inspector for dismissing the appeal were that the development would be inappropriate development in the Green Belt as it would comprise new buildings which would not satisfy any of the listed exceptions in the NPPF and that there were no very special circumstances which outweighed the harm by reason of inappropriateness and harm to openness.

Since this decision was issued, the new NPPF was published in July 2018. However, the criteria for assessing development in the Green Belt has not changed and remains the same as that set out in the NPPF 2012. The application proposal is for a detached dwelling outside of the development limits of the village on a large parcel of grassland which does not fall within the definition of previously developed land. The NPPF states that development should be regarded as inappropriate in the Green Belt unless it meets one of the exceptions. This type of development is not included in the list of exceptions outlined in paragraph 145 of the NPPF 2018 or in the list of other forms of development that are considered appropriate in the Green Belt in paragraph 146 of the NPPF 2018. This is reiterated in Policy DS18 of the Warwick District Local Plan (2011 – 2029).

Paragraph 143 of the NPPF 2018 still considers inappropriate development to be harmful and should not be approved except in very special circumstances.

The NPPF sets out how inappropriate development should be dealt with and that very special circumstances need to be demonstrated in order to justify inappropriate development in the Green Belt. Very special circumstances will not exist unless the potential harm to the green belt is clearly outweighed by other considerations

The applicant has put forward a statement which cites other development which has been approved for residential development in the Green Belt. Each case must be assessed on its merits and no two applications are identical. The former garage and petrol filling station referred to on the site to the north was a previously developed site which fell under one of the exceptions listed in paragraph 145 of the NPPF and is therefore not comparable to the application site which is a Greenfield site. The application at 28 Birmingham Road was for an extension to an existing property and unlike the application proposal, is also one of the exceptions listed in paragraph 145 of the NPPF 2018 and therefore acceptable in principle.

The applicant also states that they will be able to grow their own food. However, this can already be carried out on the land at the applicant's convenience without the need to build and certainly does not constitute very special circumstances to allow the erection of a dwelling in the Green Belt.

The applicant has also confirmed that a single storey dwelling is required because of his wife's disabilities. The Inspector considered this personal circumstance in his determination of the previous appeal but was not persuaded

that there were no other suitable plots or accommodation available to meet the personal needs of the applicant.

No very special circumstances that are unique to this proposal have been put forward in this case that could not be quite easily repeated time and again elsewhere across the Green Belt.

Notwithstanding the Green Belt policy objections, Policy H1 of the Warwick District Local Plan (2011 – 2029) is also relevant as this sets out a settlement hierarchy and seeks to ensure that the direction of growth for new housing is within the urban areas and within the boundaries of Growth Villages and Limited Infill Villages in the interests of sustainable development. In the open countryside new housing will only be granted where the site is adjacent to the boundary of the urban area or growth village and there is an identified housing need to which the proposed development can contribute. The proposal must be for a small scale development that will not have a negative impact on the character of the settlement and the capacity of infrastructure and services within the settlement and is within a reasonable safe walking distance of services (such as school and shop) or is within a reasonable safe walking distance of a public transport interchange providing access by public transport to services.

Even if the site did lie within the boundaries of the village, the size of the plot means that the proposed development would not meet the definition of infill, defined in the Warwick District Local Plan (2011 – 2029) as the filling in a small gap within an otherwise built up frontage. The Inspector also agreed that the proposal would not constitute limited infilling. In addition, no evidence of housing need has been put forward to justify the development and the dwelling is not required for a rural worker.

It is considered that there have been no changes in the policy context or the circumstances of the site that would alter the decision of the previous application and appeal decision in terms of the principle of development. The development is therefore considered to be inappropriate development in the Green Belt and the proposal would also result in an unsustainable form of development. It is therefore concluded that the principle of development is contrary to policies H1, H15, BE1 (k) and DS18 of the Warwick District Local Plan (2011 – 2029) and the NPPF.

Impact on the character and appearance of the area

The site lies within the Stoneleigh Conservation Area and forms part of its setting. Policy BE1 D and section 16 of the NPPF seek to ensure that new development does not harm the significance of heritage assets unless this can be outweighed by public benefits. Policy BE1 of the Warwick District Local Plan (2011 – 2029) seeks, among other things, to ensure development respects the existing character and landscape features of area.

The design of the proposed development is not materially different to that proposed under planning application ref: W/17/1278. This application was also initially refused on design grounds but the Officer's recommendation that the scheme be refused on design grounds was withdrawn during the appeal process and consequently the Council did not defend this reason for refusal.

The Inspector considered that the design of the dwelling under application ref: W/17/1278 was appropriate and would not harm the Conservation Area. The design was considered by the Inspector to be simple with a brick, timber and clay tile finish that would fit in with its context and that the character and appearance of Stoneleigh Conservation Area would be preserved.

With regard to the impact of a dwelling on this site on the character of the area, the Inspector did not consider that building on this site was appropriate as it would lead to encroachment into the open countryside. Even though the site may have previously been a garden or allotment, due to its landscaped character and undeveloped appearance the scheme would be contrary to one of the purposes of the Green Belt which is to safeguard the countryside from encroachment. Sporadic development exists along Stoneleigh Road as it peters out into open countryside beyond the built development of the village which is a traditional characteristic of most villages which are surrounded by countryside. The site provides a large gap which contributes to the gaps between this sporadic development pattern. The proposed development would detrimentally alter this pattern by developing a site that is currently open with very little development. As the Inspector states in his appeal decision:

"Notwithstanding the limited height of the proposed buildings, the scheme would introduce significant built development onto a site which currently has very little.....The introduction of significant structures on this largely undeveloped site would harm the Green Belt's openness." (Paragraph 11).

The proposed development would therefore be contrary to Policies BE1 in particular criteria (a), (c) and (d).

The impact on the living conditions of nearby dwellings

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 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 degree line taken from a window of nearest front or rear facing habitable room of a neighbouring property.

Owing to the large plot size, it is considered that there would be no material harm to the living conditions of the occupiers of either neighbour which would warrant reason for refusal of the application as there would be no conflict with the Council's adopted 45 degree guidance and there would be no distance separation concerns.

There are windows proposed to the first floor to the side elevations. As there is no first floor proposed to the property, there is no change in overlooking or loss of privacy to the neighbouring residential properties.

The proposed development is therefore considered to comply with the NPPF, adopted Local Plan Policy BE3 and the Residential Design Guide SPD.

Car parking and highway safety

Policies TR1 and TR3 of the Warwick District Local Plan (2011-2029) require that all development has a satisfactory means of access and adequate car parking.

The proposed development is to be served off a widened version of the existing access. The Highways Authority have objected to the proposed development as they consider that the required visibility splay cannot be achieved from the existing access. Whilst Officers refused the previous application under W/17/1278 on highway safety grounds, the Inspector did uphold this part of the refusal as he considered that adequate visibility could be achieved in either direction by cutting back the hedgerow without the need for its removal along the frontage and that additional traffic from a single dwelling would not cause a highway danger. The site is large enough to accommodate a number of car parking spaces to satisfy the Council's Car Parking Standards SPD. There have been no changes in circumstances since the appeal decision and therefore it is considered that it would be unreasonable to refuse planning permission on grounds of harm to highway safety given the Inspector's findings on this matter. The proposal is therefore considered to accord with the NPPF and Policies TR1 and TR3 of the Warwick Local Plan (2011 - 2029).

Drainage and flood risk

No information has been provided in reference to sustainable drainage within the site boundaries, however, this matter could be secured by condition. It is noted that whilst the application site is near to the River Sowe, none of the proposed development is located within a Flood Zone. The Local Lead Flood Authority was consulted and has requested further clarification on certain aspects of the proposal. However, the Inspector presiding over the previous appeal did not dismiss the previous appeal on flooding grounds and it is therefore considered that the points raised by the LLFA can be dealt with by way of condition.

Ecology and biodiversity

An Arboricultural Report has been provided and the Council's Tree Consultant is satisfied that this is a comprehensive assessment and raises no objections providing that the control measures are carried out and implemented as described and illustrated in the report. This could be secured by condition.

In addition an Ecology Report has also been submitted which the County Ecologist has confirmed is satisfactory. No evidence of protected species was found on the site and no further survey work is required. Subject to conditions recommended by the County Ecologist, the proposed development satisfies Policy NE3 of the Warwick District Local Plan (2011-2029).

Archaeological Impact

WCC Archaeology has commented on the application. They note that the proposed development lies within an area of significant archaeological potential,

within the probable extent of the medieval settlement at Stoneleigh (Warwickshire Historic Environment Record MWA 9531). There is a potential for the proposed development to disturb archaeological deposits, including structural remains, associated with the medieval and/or post-medieval occupation of this area. WCC Archaeology therefore recommend a condition requiring a scheme of investigation, a programme of archaeological evaluative work and a Archaeological Mitigation Strategy, which would have been considered reasonable if the scheme had been acceptable. Subject to the recommended condition, the proposed development would satisfy Policy HE4 of the Warwick District Local Plan (2011-2029).

Contaminated Land

The application site may have the potential for contamination due to the location of the former commercial garage/petrol filling station which is to the north of the application site. This site has been redeveloped for residential use. The Council's Environmental Health Officer has recommended conditions to safeguard the future occupiers and workers from the possibility of contaminants being present due to contaminants migrating from this site.

Subject to these conditions being imposed on any planning permission being granted, the development would comply with paragraph 180 e) and f) of the NPPF 2018 in terms of preventing development being put at unacceptable risk from soil or water pollution and mitigating contaminated land.

Conclusion

Whilst the development would not cause a highway danger or a detrimental impact on ecology, biodiversity, residential amenities or the Conservation Area, it would be constitute inappropriate development in the Green Belt and an unsustainable form of development. There have been no changes in circumstances or policy context since the previous appeal decision and no further justification for the development has been put forward that would demonstrate very special circumstances. The proposal would therefore be contrary to the NPPF and the Warwick District Local Plan 2011-2029.

REFUSAL REASONS

- 1 The application site lies within the Green Belt and outside of the development boundaries of Stoneleigh village. As the proposed development is for a single dwelling on a large area of grassland in the open countryside it is considered to be inappropriate development in the Green Belt and does not meet any of the exceptions listed in paragraph 145 or 146 of the NPPF.

Inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. It is considered that no very special circumstances have been demonstrated to justify this inappropriate development and as such the proposal is harmful by definition and by reason of harm to openness .The proposal would be contrary to Policy DS18 of the Warwick District Local Plan (2011 - 2019) and section 13 of the NPPF.

- 2 Policy H1 of the Warwick District Local Plan (2011 – 2029) seeks to ensure that the direction of growth for new housing is within the urban areas and within the boundaries of Growth Villages and Limited Infill Villages. In the open countryside new housing will only be granted where the site is adjacent to the boundary of the urban area or growth village and there is an identified housing need to which the proposed development can contribute. The proposal must be for a small scale development that will not have a negative impact on the character of the settlement. The proposed development is not located within a Growth or Limited Infill Boundary Village and no evidence of housing need has been put forward to justify the development and the dwelling is not required for a rural worker. In addition the proposed development would have a detrimental impact on the openness of the area. The principle of development is therefore contrary to policies H1, H15 and BE1 (k) of the Warwick District Local Plan (2011 – 2029).
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