

Planning Committee: 19 August 2014

Item Number: 19

Application No: W 14 / 0923

Town/Parish Council: Ashow

Registration Date: 16/06/14

Case Officer: Robert Mason

Expiry Date: 11/08/14

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The Paddock, Ashow Road, Ashow, Kenilworth, CV8 2LE

Erection of a dwelling house FOR Mr Nigel Beck

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

RECOMMENDATION

Planning Committee are recommended to grant planning permission subject to conditions.

DETAILS OF THE DEVELOPMENT

The proposal is for the erection of a dwellinghouse following demolition of the existing stable building on the site. The design consists of a main 1.5 storey block with projecting front and rear gables, gable windows, wooden conservatory and a lower attached double garage to the eastern side with dormers in the roof above. A new access point would be created in the centre of the northern frontage of the site on to the lane and the existing access to the stables would be removed.

Following the previous refusal of planning permission, the proposed new dwelling has been redesigned rather than amendments made to the previous scheme. In particular, the design has been revised from a historical pastiche similar in style to that often used by volume housebuilders to an individual design in the vernacular and rural style including the reduction of the massing of the building particularly on the front elevation. In terms of the mass and scale of the revised proposal, the length of the front elevation has been reduced from a maximum of 24.3m to 20.5m. Whilst the width has been reduced from 13.7m to 6.5m, the new design re-orientates the building such that two arms of some 19.8m and 12.3m in length have also been introduced.

In terms of the detailed design, following discussions with officers the revised building now also includes brick arch lintel details over some windows; smaller windows at first floor level and an increased step down in the roof

THE SITE AND ITS LOCATION

The application site consists of a 0.63 acre (0.26 hectare) paddock with several small trees within it, and is elevated above Ashow Road behind a steep bank with the field hedge on top, surrounded by residential properties and near the edge of the village. The site has an existing gated access which rises steeply from the road. On the eastern side lie two substantial detached houses, whilst on the western side are smaller cottages. There is a narrow access leading from Ashow Main Street to the site, but the applicant does not have an interest in this land. The site is within the Ashow Conservation Area, and the village is washed over by Green Belt.

The application site is located on the approach road to the village, and forms part of the setting of the village. Surrounding land levels drop towards the village approaching from the east, and the narrow country lane is characterised by traditional field hedges. These hedges and the narrow width of the road create an enclosed rural approach to the village, with there being only glimpses of other dwellings through the entrances in the front boundary hedges.

PLANNING HISTORY

W/08/1387 - Erection of timber stables -Granted

W13/1225 - Erection of dwelling - Refused on 21/11/13 by reason of it's scale, massing, form and design in an elevated position on the approach to the village which would be out of character with the surrounding area and the absence of sufficient visibility splays and resultant harm to highway safety.

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)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- DAP8 - Protection of Conservation Areas (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)
- HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR1 - Access and Choice (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

Guidance

- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- Distance Separation (Supplementary Planning Guidance)
- National Planning Policy Framework

SUMMARY OF REPRESENTATIONS

Stoneleigh and Ashow Parish Council: Object by reason of the design which should be similar to other dwellings nearby; the impact within the Conservation Area and drainage issues which could be worsened. Should permission be granted, the removal of permitted development rights is requested.

Public Response: 3 objections received, the key issues raised being summarised as:-

- Too dominant relative to nearby houses.
- Design not appropriate.
- Smaller affordable houses are needed in the area.
- Existing surface water problems nearby which could be worsened by this development.
- If approved, permitted development rights should be removed.

2 letters of support have also been received.

Archaeologist - No comment

Highway Officer - No objection subject to conditions

Conservation Officer - The amendments to the proposed design are acceptable subject to conditions regarding slab levels; the provision of landscaping including in front of the house; the positioning of any gates set back from the road and large scale detailed drawings.

ASSESSMENT

Principle

The principle of this small scale residential development was considered to be acceptable at the time that the previous application was considered and therefore did not comprise a reason for the refusal of that planning permission.

Since that time, there remains a shortfall in the supply of housing land in the District, with the Council being unable to demonstrate a 5 year supply. Therefore this proposal must be considered in accordance with the National Planning Policy Framework such that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF as a whole.

In relation to National Green Belt policy, the development is considered to comprise limited infilling within the terms of paragraph 89 of the NPPF and is therefore considered to be acceptable in that respect. It should also be noted that emerging new local plan policies propose to support such limited infilling within Limited Infill villages such as Ashow.

It is therefore considered that the principle of a new dwelling on the application site continues to be acceptable in principle.

The Previous Reasons for Refusal

The previous reasons for refusal concerned the following issues:

1. The Design and its impact on the Conservation Area

The application site is located on a narrow country lane into the village characterised by traditional field hedges with only glimpses of other dwellings through the entrances. It is also within the Conservation Area and forms part of the setting of the village with the contours of the land dropping eastwards towards the settlement.

It is considered that the revised scheme the subject of this application provides an appropriate design solution which by reason of the revised design and orientation of the proposed building along with the reduction and redesign of its massing will result in a development which is appropriate within its sensitive wider setting and which overcomes the previous objections to the scheme on that ground. When combined with conditions proposed to control the level at which the building is constructed within the site; the appropriate landscaping of the site and the removal of permitted development rights, it is considered that the development will sit appropriately within the contours of the site and the wider landscape.

2. Access

The Highway Authority have made the following comments:

'The Highway Authority note that an application in this location has previously been objected to by the Highway Authority. It is noted that visibility splays of 2.4m x 215m cannot be achieved in both directions, however the Highway Authority consider vehicles approaching the location of the proposed new access on Ashow Road are travelling at speeds less than 40mph. Therefore the Highway Authority are satisfied that visibility splays of 2.4m x 59m are acceptable at this location. The Highway Authority note that the carriageway is only single track and therefore it is unlikely that vehicles will be overtaking. In this instance the Highway Authority are able to take the 59m to the centre line of the carriageway, rather than the normal near edge of the carriageway.

From the plans submitted the Highway Authority consider the proposed access shown on drawing number: 13914cv-01 to be acceptable and the required visibility splays are achievable.

Therefore the Highway Authority's response to your consultation in regard to the above application which was received by the Council on 14/07/14 is one of NO OBJECTION, subject to conditions.'

Accordingly, it is considered that the visibility splays are satisfactory and that there is sufficient space for vehicles to turn within the site, and therefore the application complies with the Adopted Local Plan Policies D6 and D8.

Impact on neighbouring amenity

Although this aspect was not a reason for refusal, the impact on neighbour's amenity is nevertheless a material consideration. It is considered that the proposed separation distances in terms of privacy and daylighting are now achieved since the west facing dormers would now be approximately 25 metres from the neighbour's property, and therefore there is no objection on the grounds of Adopted Local Plan Policy D2.

Other matters

Satisfactory drainage proposals can be secured by attaching a planning condition, as could the provision of renewable energy. Although it is understood that there are existing surface water drainage problems in the vicinity, it is considered that the impact of a single dwelling would not be so crucial as to warrant the approval of full drainage details prior to the determination of the application.

A contribution towards the improvement of public open space is not justified in this rural location, and comments were received from the Green Space Team Leader in regard to the previous application confirming this point. A contribution towards Affordable Housing is also not necessary because the lower threshold for this requirement is 3 dwellings.

Comments from the Ecologist on the previous application required conditions to be attached regarding Tree Protection Measures and undertaking a Badger Survey prior to the commencement of development on site and various notes. The Archaeologist has no comments.

In terms of health and wellbeing, it is not considered that the development will result in any significant impacts.

SUMMARY/CONCLUSION

It is considered that the proposed design, impact on the wider Conservation Area, the proposed visibility splays, car parking and turning arrangements, the impact on neighbours and other matters such as drainage, renewable energy and ecology are satisfactory subject to attaching suitable conditions, and therefore the application complies with the NPPF and existing and emerging Local Plan policies.

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 drawings Drwg1 revision A and Drwg2 revision A and specification contained therein, received on 6/8/14. **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 The development shall be carried out only in full accordance with sample details of the external finishes which have been submitted to and approved in writing by the local planning authority. **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 DP1 of the Warwick District Local Plan 1996-2011.
- 4 No part of the development hereby permitted shall be commenced 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 Adopted Local Plan Policy D3.

- 5 The development hereby permitted shall be carried out in strict accordance with the details of surface and foul water drainage works that have been submitted to and approved in writing by the local planning authority. **REASON:** To ensure that adequate drainage facilities are available for the satisfactory and proper development of the site in accordance with Policy DP11 of the Warwick District Local Plan 1996-2011.
- 6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no further development shall take place within the curtilage of the dwellinghouse hereby permitted including additional windows without the prior written approval of the local planning authority. **REASON:** That having regard to the design, layout and general nature of the proposed development it is important to ensure that no further development is carried out which would detract from the setting of the Conservation Area or affect the amenity of adjacent properties. Therefore, no additional development is to be carried out without the permission of the local planning authority in accordance with Policies D1, D2 and DA8 of the Warwick District Local Plan 1996-2011.
- 7 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 landscaping works shall include boundary treatment, including full details of the replacement hedgerow and verge, additional planting in front of the proposed dwelling, trees along the northern boundary and gates to be erected on the driveway. Any hard surfacing 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 proposed dwelling 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 DP1, DP2 and DP3 of the Warwick District Local Plan 1996-2011.

- 8 The development shall not be commenced until an access for vehicles has been provided to the site not less than 3 metres in width for a distance of 7.5 metres, as measured from the near edge of the public highway carriageway. **Reason:** To safeguard highway safety matters in accordance with Adopted Local Plan Policy D6.
- 9 The access to the site for vehicles shall not be used in connection with the development until it has been surfaced with a suitable bound material for a distance of 7.5 metres as measured from the near edge of the public highway carriageway. **Reason:** To safeguard highway safety matters in accordance with Adopted Local Plan Policy D6.
- 10 The development shall not be commenced until visibility splays have been provided to the vehicular access 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 59 metres measured to the centre line of the public highway carriageway in both directions. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.9 metres above the level of the public highway carriageway. **Reason:** To safeguard highway safety matters in accordance with Adopted Local Plan Policy D6.
- 12 The development hereby permitted shall not be commenced unless and until a scheme showing how 10% of the predicted energy requirement of this development will be produced on or near to the site, from renewable energy resources, has been submitted to and approved in writing by the District Planning Authority. The development shall not be first occupied until all the works within this scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturers specifications.

Microgeneration equipment no longer needed for microgeneration shall be removed as soon as reasonably practicable. **REASON :** To ensure that adequate provision is made for the generation of energy from renewable energy resources in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011.

- 13 The site to be surveyed for the presence of badgers **immediately before any development takes place**. If evidence of badgers *is* found at this time, a full badger survey should then be carried out by a badger expert. The results of any badger survey, and recommendations made relating to this to be kept confidential, and taken into account during development design and implementation. N.B. If evidence of badgers is found, Natural England should be consulted, as badgers and their setts are protected under the 1992 Badger's Act. **Reason:** To ensure appropriate measures are taken in relation to protected species in accordance with Adopted Local Plan Policy D3.
- 14 Prior to the commencement of development on site, the applicant shall submit to the local planning authority details of the proposed slab levels for the proposed dwelling in relation to the existing and proposed ground levels. The excavated material shall be used to create bunds on either side of the proposed access, and the proposed dwelling shall be sited on original ground and not on filled material so that it sits down into the contours. **Reason:** In order to minimise the visual impact of the proposed dwelling on the surrounding conservation area in accordance with Adopted Local Plan Policy DA8.
- 15 The existing hedge adjoining Ashow Road indicated on the approved plans to be retained shall not be cut down, grubbed out or otherwise removed or topped or lopped so that the height of the hedge falls below 2 metres at any point 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.
- 16 No development shall be carried out on the site which is the subject of this permission, until large scale details of the conservatory, doors, windows, dormer windows (including a section showing the window reveal, heads and cill details), eaves, verges and metal rainwater goods

at a scale of 1:5 (including details of materials) have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. **REASON** : To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011. (CA).



