

Planning Committee: 09 September 2024

Item Number: 5

Application No: [W 23 / 1738](#)

Town/Parish Council: Burton Green

Registration Date: 04/12/23

Case Officer: Rebecca Compton

Expiry Date: 29/01/24

01926 456544 rebecca.compton@warwickdc.gov.uk

Land at Red Lane, Burton Green, Kenilworth

Erection of 1no. dwelling and associated garage and new vehicular access FOR
Hancock Town Planning

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

Planning permission is sought for a new two storey, five bedrooomed dwelling with garage and new vehicular access.

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 of the Growth Village Envelope.

PLANNING HISTORY

The application site has no relevant planning history, however, the following planning history relating to the neighbouring site (Land Fronting Red Lane, Burton Green, Kenilworth, CV8 1PB) is considered relevant:

W/20/2161 - Erection of single dwelling and associated garage. Refused 22.06.2021 - Allowed at appeal 18.11.2021.

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 that the application site is within the Green Belt and outside of the Growth Village Envelope.

WCC Highways - No objection

Tree Officer - No objection

Environmental Health – No objection

Waste Management – No objection

Landscape – No objection

WCC Ecology – Objection due to loss of woodland habitat.

Sustainability Consultant - Bioregional - No objection.

Public Response - 4 objections received on the following grounds:

- Green Belt impact
- Contrary to Neighbourhood Plan
- Outside Village envelope
- No identified local housing need
- Highway Safety
- Loss of wildlife habitat
- Loss of trees and landscape.

ASSESSMENT

Principle of development

The Inspector in the recent appeal decision at the Warwickshire Police Headquarters site concluded that Warwick District Council could only demonstrate a 4.01-year housing land supply.

Therefore, as the local authority is unable to demonstrate a five-year supply of housing land, all of its policies for delivering housing are deemed out of date. The NPPF states that in such cases planning applications should instead be decided based on the presumption in favour of sustainable development and the "*tilted balance*". The NPPF states that when determining planning applications, development proposals that accord with an up-to-date Development Plan should be approved without delay. In addition, where the policies which are most important for determining the application are out-of-date, planning permission should be granted unless the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Therefore, as the authority is unable to demonstrate a five-year supply of housing land, Paragraph 11 of the NPPF is engaged, whereby planning applications should be decided based on the presumption in favour of sustainable development and planning permission should be granted unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

The application site is situated outside of the Growth Village boundary, however the appeal decision for application ref: W/20/2161 allowed a new dwelling on Red Lane is considered relevant to the assessment. The appeal site was located immediately south of the site subject of the current application which is actually positioned closer to the settlement boundary than the appeal site was. The Inspector determined that whilst the appeal site was situated outside of the settlement boundary, the built development to the south of the settlement boundary did not appear separate to the village and in visual terms appeared as a continuation of the settlement. In assessing the application site, Officers are mindful that the development would be situated closer to the existing settlement and on the same side of Red Lane as the appeal site was, and therefore the Inspector's assessment that the development would visually appear as part of the existing village settlement would also apply in this case.

Considering the appeal decision and the fact that the Council has an undersupply of housing which the application site would contribute to, officers are of the view that the principle of housing on this site would be acceptable.

Whether the proposal constitutes appropriate development in the Green Belt and, if not, whether there are any very special circumstances which would outweigh the harm by reason of inappropriateness and any other harm identified.

As the site lies within the West Midlands Green Belt, the proposal must be assessed against Policy DS18 of the Local Plan. The policy states that development must be in accordance with the National Planning Policy Framework (NPPF) Green Belt provisions. Paragraph 145 states that any new buildings in the Green Belt are inappropriate unless one of the exceptions contained in that paragraph are met. The proposal does not meet any of these exceptions and therefore represents inappropriate development within the Green Belt.

Paragraph 152 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 153 goes on to state that, when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. "Very special circumstances" will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

In the allowed appeal for the dwelling at the neighbouring site (ref: W/20/2161) the Inspector considered that the development would be considered as 'limited infilling in a village' for the purposes of the NPPF Paragraph 154 e) and would infill a small gap in an otherwise uninterrupted built-up frontage. Officers are also of the view that the proposed development, which is positioned immediately north of the appeal site, and positioned closer to the existing settlement than the appeal site would also constitute limited infilling and is therefore appropriate development in the Green Belt.

The development is considered to constitute appropriate development in the Green Belt.

Impact on the character and appearance of the area and the rural landscape

Policy BE1 of the Warwick District Local Plan states that new development should positively contribute to the character and quality of its environment. The policy requires the provision of high-quality layout and design in all developments that relates well to the character of the area. Policy NE4 sets out provisions relating to landscape impact (including guarding against coalescence between existing settlements).

Policy BG2 of the Burton Green Neighbourhood Development Plan states that development proposals should take into account the importance of existing trees, woodland and hedgerows and seek to protect them.

Policy BG7 of the Burton Green Neighbourhood Development Plan states that new development should respect the local character and the surrounding natural environment.

Whilst WCC Landscape have raised no objection to the proposal, they do note the importance of the existing vegetation in contributing to the rural landscape and the Green Belt. The previous area of woodland has been substantially cleared prior to the submission of this planning application, this is outside of planning control

and does not require planning permission. Officers note that the applicant seeks to replace the lost area of woodland to the north of the site and so will retain a large area of woodland which contributes positively to the area. The development also retains a large number of trees to the frontage which also contribute positively to the street scene.

The existing properties along Red Lane consist of large, detached dwellings that are set back from the highway and externally are of varying styles and scale and the proposed dwelling is considered of an acceptable design in this context. The proposed dwelling is of a comparable size to the existing properties on Red Lane and retains a considerable set back from the highway which conforms with the general pattern of development along Red Lane.

Subject to securing the proposed measures to replace the woodland, the proposal is considered to accord with Policy NE4 of the WDLP and Policies BG2 and BG7 of the Burton Green Neighbourhood Development Plan.

Impact on the living conditions of neighbouring dwellings and provision of a satisfactory living environment for the proposed dwelling

Policy BE3 of the Warwick District Local Plan states that new development will not be permitted which has an unacceptable adverse impact on the amenity of nearby uses and residents.

Given the size of the site and the relationship with neighbouring properties, the development would not have a harmful impact on the amenity of neighbouring properties with regard to light, outlook and privacy.

The floor plans demonstrate the future occupiers would benefit from acceptable levels of light and outlook. The rear garden would exceed the Council's minimum standards for private amenity space. As such the proposals could provide a satisfactory living environment for future occupiers of the proposed dwelling.

As such, it is deemed to accord with Local Plan Policy BE3.

Access and Parking

Policy TR1 of the Warwick District Local Plan requires all developments to provide safe, suitable and attractive access routes for all users that are not detrimental to highway safety. Policy TR3 requires all development proposals to make adequate provision for parking for all users of a site in accordance with the relevant parking standards.

As a five-bedroom dwelling the development is required to provide 3 parking spaces according to the adopted Parking Standards SPD. The site has ample driveway parking for 3 cars and accords with the requirements of the SPD.

The Highways Authority were consulted on the application and raised no objection, subject to conditions relating to visibility splays, verge crossing, turning area and restriction on gates.

The development is considered acceptable having regard to Policies TR1 and TR3.

Ecology

Policy NE3 of the Warwick District Local Plan states that development proposals will be expected to protect, enhance and/or restore habitat biodiversity and where this is not possible, mitigation or compensatory measures should be identified accordingly.

WCC Ecology have objected to the scheme as the site would involve the loss of woodland habitat. Whilst this objection is understood, the woodland has been cleared prior to the submission of the application for a new dwelling and the clearance of the woodland is outside of planning control and does not require planning permission. Officers therefore are unable to refuse planning permission on the grounds of the loss of woodland. The applicant has accounted for the loss of the woodland in their Biodiversity Metric and propose to replace the lost area of woodland to the area north of the site and this has been accompanied by a Management Plan to demonstrate that this is achievable. Furthermore, a Preliminary Ecological Assessment has been undertaken which demonstrates that there would be no detrimental impacts to protected species.

Subject to securing the biodiversity enhancements, it is considered the proposal complies with Local Plan Policies NE2 and NE3.

Refuse

Officers note that adequate waste storage is provided within the proposed boundaries of the new dwelling.

Low Emissions Strategy

Warwick District Council has adopted an Air Quality and Planning Supplementary Planning Document (AQ SPD) (2019) to tackle the cumulative air quality impacts of new development in the district. The AQ SPD establishes the principle of Warwick District as an emission reduction area and requires developers to use reasonable endeavours to minimise emissions and, where necessary, offset the impact of development on the environment. The guidance sets out a range of locally specific measures to be used to minimise and/or offset the emissions from new development. The proposed development would be classified as a minor scheme under the AQ SPD and therefore Type 1 mitigation measures will be necessary. The provision of electric vehicle charging points for the new dwelling could be secured by condition.

The development is therefore considered to be in accordance with Local Plan Policy NE5.

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 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 addresses the above issues 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.

Water Efficiency

Further information has been submitted to demonstrate compliance with Local Plan Policy FW3 which Officers consider to be satisfactory.

Conclusion

Officers are satisfied the proposal for a new dwelling is acceptable in principle, would be of an acceptable design that is in keeping with the street scene and would not present harmful impacts to the amenity of neighbouring properties, highway safety or biodiversity. As such the application is 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) 453.04, 475.03B, 475.01D, 475.02B, and specification contained therein, submitted on 04th December 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 The development hereby permitted shall not be occupied unless and until the submitted biodiversity enhancements have been completed in strict accordance with the approved details, with the exception of any planting, which must be completed within the first planting season following first occupation.

The biodiversity enhancement measures shall thereafter be retained and maintained in strict accordance with the approved details in perpetuity.

Reason: To ensure net gains in biodiversity, in accordance with the requirements of the NPPF.

- 4 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 on 11th June 2024. **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).
- 5 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.
- 6 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.
- 7 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.
- 8 The development shall not be occupied until visibility splays have been provided to the vehicle access to the site with an 'x' distance of 2.4 metres and 'y' distances of 79 metres to the near edge of the public highway carriageway. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6 metres 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.

- 9 Any gates erected at the entrance to the site for vehicles shall not be hung so as to open to within 5.5 metres of the near edge 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.
- 10 The development shall not be occupied unless and until a turning area has been provided within the site so as to enable vehicle types to leave and re-enter the public highway in a forward gear. **Reason:** In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.
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