

**Planning Committee:** 03 March 2020

**Item Number: 11**

**Application No:** [W 19 / 2128](#)

**Town/Parish Council:** Bubbenhall

**Case Officer:** Rebecca Compton

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**Registration Date:** 05/12/19

**Expiry Date:** 30/01/20

**Intwood, Leamington Road, Bubbenhall, Coventry, CV8 3BP**

Erection of a replacement dwelling FOR Mr. Jim White

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This application is being presented to Committee due to an objection from Baginton and Bubbenhall Parish Council having been received.

**RECOMMENDATION**

Committee are recommended to grant planning permission.

**PLANNING HISTORY**

None relevant.

**KEY ISSUES**

**The Site and its Location**

The site is located off Leamington Road, Bubbenhall and is washed over by Green Belt. The site consists of a two storey detached property and outbuildings and benefits from a large driveway to the front of the property.

**Details of the Development**

The application is seeking permission for the replacement of the existing dwelling in the same position as the existing dwelling and will retain the driveway parking and access off Leamington Road.

**RELEVANT POLICIES**

- National Planning Policy Framework

The Current Local Plan

- BE1 - Layout and Design
- BE3 - Amenity
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- DS18 - Green Belt
- H13 - Replacement Dwellings in the Open Countryside

- FW3 - Water Conservation
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)

#### Guidance Documents

- Residential Design Guide (Supplementary Planning Document- May 2018)
- Parking Standards (Supplementary Planning Document)

#### Neighbourhood Plan

- Baginton & Bubbenhall Neighbourhood Plan 2018-2029

### **SUMMARY OF REPRESENTATIONS**

**Bubbenhall Parish Council:** Raised no objection to the proposal initially but have raised concerns regarding the loss of trees to the frontage.

**WCC Ecology:** Raised no objection subject to a condition requiring additional bat surveys and mitigation method statement and informative notes relating to amphibians, reptiles and nesting birds. Also recommended tree protection measures during construction.

**WCC Highways:** No objection.

**Public response:** One letter of objection has been received from the neighbouring property with concerns regarding loss of trees, noise from the air source heat pumps and loss of privacy.

### **ASSESSMENT**

#### *Principle of development*

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 development must be in accordance with the National Planning Policy Framework (NPPF) Green Belt provisions. Paragraph 145 states that replacement dwellings are appropriate development within the Green Belt where the new building is in the same use and not materially larger than the one it replaces.

The new dwelling has been calculated as being 5% larger in terms of volume than the one it is replacing which is considered to be an acceptable level that is not materially larger. Whilst there would be an increase in total floor area, the existing built development is spread across the site with a number of single storey extensions. The proposal seeks to consolidate all the floor area into one two storey dwelling and so the footprint of the building will be greatly reduced. It is also noted that the height of the new dwelling will be lower than the existing and the eaves height of the new dwelling will be lower than the existing. Taking all these matters into consideration, it is considered that the increase in volume

of 5% would not result in a building that is materially larger in this particular case. As such the replacement dwelling is considered to be appropriate development in the Green Belt and in accordance with Policy DS18 and the NPPF.

### *Impact on the openness of the Green Belt*

Whilst the replacement dwelling is considered to be appropriate development within the Green Belt, an assessment of the impact on the openness of the Green Belt is also required.

The replacement dwelling has been sited on a similar footprint to the existing building with the main differences being the replacement is more compact and has more development at two storey whereas the existing dwelling has a sprawled footprint with a number of single storey extensions spreading across the site. The replacement has incorporated these in the dwelling so it is a more traditional shape and has a lower ridge and eaves height compared to the existing building. Although the design has more floor area at two storey compared to the existing property, that is not considered to have an adverse impact on the openness of the Green Belt.

### **Impact on adjacent properties and amenity of future occupiers**

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

The nearest neighbouring property is at Daleholme which sits immediately adjacent to the application site to the south, there are other properties located to the north and east of the site however they are situated over 100m from the proposed dwelling and so will not be impacted by the development in terms of amenity. The proposed dwelling will not breach the Council's adopted 45° line when taken from the nearest windows at both first and ground floor serving Daleholme. There are no first floor side facing windows in the new dwelling and so the proposal will not result in any overlooking opportunities into the neighbouring property.

A concern has been raised by the immediate neighbouring property regarding potential overlooking from their property into the new dwelling, this concern is noted however given that the replacement dwelling will be situated in the same position as the existing dwelling, the location is considered acceptable and would present no further privacy issues than what currently exists.

The new dwelling benefits from a large rear garden that exceeds the Council's adopted standard of 60sqm of private amenity space for a 4 bedroomed property. The new dwelling will also provide an acceptable level of light and outlook to all habitable rooms.

The proposal is overall considered to be acceptable in terms of neighbouring amenity and that of the future occupiers of the dwellings in accordance with Policy BE3.

### **Access and Parking**

Policy TR1 of the Warwick District Local Plan requires all developments 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.

The scheme proposes to retain the existing access off Leamington Road and the current driveway parking to the front and side of the building that can easily accommodate 3 off road parking spaces as required by the adopted Parking Standards. County Highways were consulted on the application and raised no objection to the proposal.

Based on the above officers are satisfied the proposal will not have an adverse impact on highway safety and provides adequate parking having regard to Policy TR1 and TR3.

### **Trees**

The Parish Council have objected to the proposal due to the loss of two trees to the front of the site that were removed following the submission of the planning application and prior to the determination of the application. Whilst this concern is understood, as the trees did not form part of the proposal for the new dwelling and were not protected trees, the removal of the trees did not require planning permission and so there has been no breach of planning control.

An objection has also been received from a neighbouring property regarding the loss of trees.

### **Neighbourhood Plan**

The proposal is considered to comply with policy BUB1 of the Baginton and Bubbenhall Neighbourhood Development Plan 2018-2029.

### **Other Matters**

#### Ecology

The County Ecologist has recommended that conditions be attached relating to demolition works on site being carried out in the presence of an ecologist together with other additional surveys and protection measures. Given these recommendations and the rural nature of the site I consider that these are reasonable requests and will ensure the suggested conditions are attached.

The County Ecologist also recommended tree protection measures for the trees to be retained, following their response the trees have been removed as stated earlier and so this condition is not considered appropriate.

On the basis of the above, I consider that protected species will not be adversely affected by the proposal subject to the suggested conditions.

#### Air source heat pump

A concern has been raised by the neighbouring property regarding potential noise from the air source heat exchanger unit that is proposed, the elevations plan shows the location of the unit on the northern side of the new dwelling and so is positioned at the furthest point away from the nearest neighbouring property. The air source heat pump has been suitably located to limit any noise and disturbance to the neighbouring property however a condition limiting the noise from this unit is considered appropriate.

#### Water Efficiency

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

### **Conclusion**

The proposed replacement dwelling is considered appropriate development in the Green Belt both in terms of its size and the impact on openness, the new dwelling would have an acceptable level of impact to the amenity of the neighbouring properties and the future occupiers and provides adequate parking in accordance with the adopted standards.

### **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) 5241/11, 5241/13, 5241/14, and specification contained therein, submitted on 05th December 2019. **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 (including demolition) shall commence unless and until a survey for the presence of bats has been carried out by a suitably qualified surveyor, and has been submitted to and approved in writing by the local planning authority. Should the presence of bats be found then no demolition shall take place until full details of measures for bat migration and conservation have been submitted to and approved by the local planning authority. These measures should include: a) inspection of existing buildings on site not more than 28 days/one calendar month prior to their demolition to determine presence or absence of roosting or hibernating bats; b) no building containing bats shall be demolished until bats have been safely excluded using measures as have been previously submitted to and approved in writing by the local planning authority; c) provision of a new bat roost/hibernacula constructed to a design and in a location previously approved in writing by the local planning authority; d) provision of new bat roost/hibernacula within new construction; e) provision of an area of buffer/habitat around the new bat roost/hibernacula, details of the buffer to be submitted to and approved in writing by the local planning authority; f) retention of hedgerows identified as being important for foraging bats within the development site, details of the location of hedges to be submitted to and approved in writing by the local planning authority; g) provision for the management in perpetuity of the buffer habitat, hedgerows used for foraging and the new bat roost/hibernacula. The works shall be implemented in strict accordance with the approved details and timing of works. **REASON:** To safeguard the presence and population of a protected species in line with UK and European Law, the National Planning Policy Framework and Policy NE2 of the Warwick District Local Plan 2011-2029.
- 4 Noise arising from the air source heat pump hereby permitted, when measured one metre from the facade of any noise sensitive premises, shall not exceed the background noise level by more than 3dB (A) measured as LAeq (5 minutes). If the noise in question involves sounds containing a distinguishable, discrete, continuous tone (whine, screech, hiss, hum etc.) or if there are discrete impulses (bangs, clicks, clatters, thumps etc.) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level. **REASON:** To protect the amenities of the occupiers of nearby properties in the locality in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.
- 5 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

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