

**Planning Committee:** 19 June 2018

**Item Number:** **14**

**Application No:** [W/18/0771](#)

**Town/Parish Council:** Norton Lindsey  
**Case Officer:** John Wilbraham

**Registration Date:** 24/04/18

**Expiry Date:** 19/06/18

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**The Clangers, 28 Snitterfield Lane, Norton Lindsey, Warwick, CV35 8JJ**

Demolition of existing dwelling house and erection of replacement dwelling house FOR Mr. Neil Edwards

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This application is being presented to Planning Committee as it is recommended for approval and an objection from the Parish Council has 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**

The application seeks planning permission for the replacement and re-siting of an existing dwelling within the garden area of the main dwelling. The proposed dwelling would be single storey to match the property it would be replacing and would utilise the existing access.

**THE SITE AND ITS LOCATION**

The application site is located in open countryside, approximately 300m south of the built edge of Norton Lindsey and is washed over by Green Belt. The site comprises a large detached residential property, accessed via a private drive off Snitterfield Road, and within the site there are attached buildings, partly in use for home office purposes and historically, a self-contained annex for a family member.

Part of the building, as illustrated on the submitted site location plan, has been used, according to the applicant's submission, for a number of years as a separate dwelling, i.e. not ancillary to the main dwelling and it is this part of the building which benefits from a lawful development certificate for use as a separate dwelling.

**PLANNING HISTORY**

<b>Application number</b>	<b>Description of development</b>	<b>Decision</b>
W/18/0132	Demolition of dwelling no. 2 and erection of replacement to the south and alterations to dwelling no. 1	Withdrawn

W/17/2032	Certificate of existing lawful development for existing residential unit.	Approved
W/17/0520	Proposed demolition of part of existing dwelling. Construction of one new detached dwelling to the south; together with formation of separate access to serve new dwelling. Partial demolition of existing B1 office/workshop and construction of first floor extension above existing workshop.	Withdrawn
W/16/1492	We are requesting a lawful development certificate be granted to formally recognise that the building bounded in blue (Drawing marked NSE2 in the Statutory Declaration) be recognised as a separate dwelling.	Withdrawn
W/15/1517	Relocation of existing residence on plot: "The Clangers" (New build) Relocation and development of existing stables area: "The Stables" (New build) Development of existing office into existing residence: "The Offices" (Existing build)	Withdrawn
W/13/1032	Application for a Lawful Development Certificate for existing use of former agricultural buildings as independent office (Use Class B1a) physically and functionally separate from the residential use at Clangers, 28 Snitterfield.	Approved
W/13/1028	Application for a Certificate of Lawful Existing Use for use of former agricultural land adjacent to the dwelling as residential garden use associated with the dwelling at 28 Snitterfield Lane	Approved

### **RELEVANT POLICIES**

- National Planning Policy Framework
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- DS18 - Green Belt (Warwick District Local Plan 2011-2029)
- CC1 - Planning for Climate Change Adaptation (Warwick District Local Plan 2011-2029)
- TR1 - Access and Choice (Warwick District Local Plan 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- H13 - Replacement Dwellings in the Open Countryside (Warwick District Local Plan 2011-2029)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029)
- NE4 - Landscape (Warwick District Local Plan 2011-2029)
- FW3 - Water Conservation (Warwick District Local Plan 2011-2029)
- Guidance Documents

- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Vehicle Parking Standards (Supplementary Planning Document)

## **SUMMARY OF REPRESENTATIONS**

**Norton Lindsey Parish Council:** Object on grounds of overdevelopment in the Green Belt. If permission is granted then the existing building should be demolished prior to work commencing on the new one.

**WCC Ecology:** No objection subject to suggested conditions for updated surveys and informative notes being attached

**WCC Highways:** No objection

## **ASSESSMENT**

### Principle of development

Policy H13 of the Local Plan states that the one for one replacement of an existing dwelling in a rural area is acceptable where the existing dwelling is structurally unsound or is of poor architectural design and does not add to the rural character of the area. The policy also states that the replacement dwelling must not be materially larger than the existing dwelling and not have a greater impact on the character and openness of the area.

As the site lies within the West Midlands Green Belt, the proposal must also be assessed against Policy DS18 that states development must be in accordance with the NPPF Green Belt provisions. Paragraph 89 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 existing dwelling is of poor architectural merit and does not add to the rural character of the landscape. In this respect, Officers are satisfied that the proposal to replace the building accords with the requirements of Policy H13.

In assessing the proposal for the replacement dwelling, the standard assessment for determining whether a building is materially larger is an assessment of the floorspace of the existing and proposed buildings.

The existing dwelling on the site is single storey and has an existing gross floorspace of 179m<sup>2</sup>. The proposed replacement dwelling is single storey and has an overall floor space of 195m<sup>2</sup>. Therefore, in floorspace terms, the proposed dwelling is 9% larger than the existing property which is considered not to be materially larger and therefore the proposal constitutes appropriate development in the Green Belt in accordance with Para 89 of the NPPF.

Officers are satisfied that the development is acceptable in principle subject to a condition requiring the removal of the existing dwelling prior to the occupation of the proposed dwelling and an assessment of the site specific matters below.

### Impact on openness of the Green Belt

The overall footprint of the dwelling has increased by 9% above the existing dwelling and there would also be an increase in height of the main ridge by 1m to 5.3m. This will have a slightly greater impact on the openness of the Green Belt than the existing dwelling but due to the design of the roofs, which are all hipped in, the actual visual impact is considered to be minimised. The increase in height comes from a structural requirement to ensure the roof is weather proof. The present building has a much lower pitch which results in leaks and damage to the roof and dwelling.

Whilst the site is currently three connected buildings, the removal of the second dwelling and its re-siting actually opens up a gap in the built form which is considered beneficial to the openness of the Green Belt. It is also worth noting that this whole site is read as a complete unit in the context of the environment given how it is boxed in by the evergreen boundary. As such the relocation of the dwelling is not considered to have an adverse impact on the openness of the Green Belt given that it is still within the confines of the whole site.

The proposal is therefore not considered to represent a development that is harmful to the openness of the Green Belt.

#### Impact on character of surrounding area

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.

The site is well screened from the surrounding area by virtue of the tall mature evergreen hedge that runs around its perimeter meaning the proposed dwelling could only be seen when standing within the site. The design of the replacement dwelling mirrors that of the existing dwellings on the site in style, massing and design. There is a mix of brick and cream coloured render on the larger dwelling on the site whilst the property being replaced is predominately brick.

The new dwelling is intended to be off-white render with grey aluminium windows and roof tiles to match the existing properties. Given the limited views of the site I do not consider that these materials would be incongruous in this location. It is proposed to condition samples of the materials and subject to this it is considered that the proposal will not be harmful to the character of the area having regard to Policy BE1.

#### Impact on adjacent properties

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 only nearby property is the primary residence of the applicant which the dwelling to be replaced is currently attached to. The new position of the replacement dwelling is located to the south of the site approximately 26m away from the neighbouring property. Given that the buildings are single storey there is no separation distances specified in the Residential Design Guide. There is a

requirement for 22m between two storey dwellings and given that the current distance is in excess of that it is considered that there will be no material harm by reason of outlook or loss of privacy between the dwellings having regard to 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 existing access arrangements will not be affected by the proposal and the use will not be intensified as it will still serve the two dwellings. The drive way will be extended through where the replacement dwelling is presently sited, down to its new position in the southern end of the site. The Highways Authority have raised no objection to the proposal and it is considered that the proposal will not give rise to issues of highway safety and therefore accords with Policy TR1 and TR3.

#### Trees and Hedgerows

The site is bounded by large mature Leylandii which are not intended to be removed to accommodate the new development. However, given the role they play in the character of the site I consider it is reasonable to attach a condition requiring a tree protection scheme is submitted to ensure they will not be adversely affected. It is also proposed to condition details of the hard and soft landscaping to ensure the replacement dwelling assimilates well within the site. This has the added benefit of addressing some of the concerns raised by the ecologist. Subject to these conditions, it is considered that the proposal will not have an adverse impact on any trees at the site having regard to Policy NE4.

#### Ecology

The application was accompanied by a bat survey that was carried out two years previously. This has been assessed by the County Ecologist who is satisfied with it but has recommended that a new survey is carried out prior to works commencing together with additional pre-start checks for other species. It is considered that this is reasonable given the rural nature of the site and the presence of protected species on the site and accords with Policy NE3.

#### Water Efficiency

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

### **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) 'Proposed Site Plan', 'Residence 2: Floor Plan', 'Residence 2: Front Elevation', 'Residence 2: Rear Elevation', 'Residence 2:LHS Elevation' and 'Residence 2: RHS Elevation', and specification contained therein, submitted on 4th June 2018. **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 Other than site clearance and preparation works no works shall commence on the construction of the development hereby permitted until samples of the external facing materials to be used have been submitted to and approved in writing by the local planning authority. Development shall 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.
- 4 No part of the development hereby permitted shall be commenced until a detailed badger survey, including timetabled mitigation measures where appropriate, has been carried out by a suitably qualified badger consultant and has been submitted to and approved in writing by the local planning authority. Any approved mitigation measures shall be implemented in accordance with the approved timetable. **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.
- 5 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:** 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.
- 6 No works to commence on site, including site clearance, until a combined ecological and landscaping scheme has been submitted and agreed between the applicant and the local planning authority (with

advice from WCC Ecological Services). The scheme must include all aspects of landscaping including details of native tree planting, wild flower meadow creation, bird and bat boxes. The agreed scheme to be fully implemented before/during development of the site as appropriate. **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.

- 7 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
  
- 8 Before the first occupation of any part of the replacement dwelling hereby permitted the existing dwelling, denoted as 'Residence 2' on the submitted drawings, shall be demolished in its entirety with all materials removed from the site. **REASON:** To accord with national and local Green Belt policy and ensure the proposal accords with Policy H1 of the Warwick District Local Plan 2011-2029. The scheme is for a replacement dwelling which is acceptable under this policy, whereas a new dwelling in the rural countryside would fail to comply with the criteria set out within this policy as it would not be for affordable housing, within a limited growth village or a conversion of a rural building.
  
- 9 The development hereby permitted (including demolition) shall not commence until further bat survey of the site, to include appropriate activity surveys in accordance with BCT Bat Surveys for Professional Ecologists– Good Practice Guidelines, has been carried out and a detailed mitigation plan including a schedule of works and timings has been submitted to and approved in writing by the District Planning Authority. Such approved mitigation plan shall thereafter be implemented in full. **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.

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