Planning Committee: 03 March 2015 Item Number: 13

**Application No:** W 14 / 1569

**Registration Date:** 08/01/15

**Town/Parish Council:** Barford **Expiry Date:** 05/03/15

Case Officer: Liam D'Onofrio

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Mallards Reach, Barford Road, Barford, Warwick, CV35 8BZ

Erection of 1no. dwelling and elevational alterations to existing house FOR Ms

Samrai

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This application is being presented to Committee due to the number of objections having been received.

#### **RECOMMENDATION**

Planning Committee are recommended to GRANT planning permission.

## **DETAILS OF THE DEVELOPMENT**

Planning permission is sought for the erection of a new five bedroom dwellinghouse, which will have an L-shape configuration measuring 19.2 metres long by 24 metres deep. The dwelling will be two-storey and will have an eaves height of 4.5 metres and a ridge height of 9.5 metres, combined with lower 1.5 storey and single storey elements. The garden of the existing property 'Mallards Reach' will be sub-divided into two and alterations are proposed to the existing property including the removal of a bay window and dormer to the side elevation, with replacement obscure glazing and the removal of a chimney to the front elevation, replacing it with a new window. These alterations aim to protect amenity and facilitate space for the new dwellinghouse. A separate vehicular access is proposed to Barford Hill with off-street parking for several vehicles.

The application is accompanied by a Flood Risk Assessment, Energy Statement, Ecological Appraisal, Planning and Heritage Statement and Tree Report.

The Design and Access Statement states that the layout of the site has been carefully designed in accordance with the distance separation guidance and 45-degree rules published by WDC and the new building does not overlook or have an overbearing impact upon the surrounding properties. The stepped roof-lines follow natural ground levels and create an interesting roofscape. The inclusion of gables and dormer windows reciprocate the adjacent property.

#### THE SITE AND ITS LOCATION

The application site relates to 'Mallards Reach' a large dwellinghouse set within large grounds. The property is on the end of a run of development characterised by several large detached properties set within large grounds on the northwest side of the highway. The rear gardens of six properties located on Ryland Road back onto the southwest boundary of the site, formed by a line of mature trees. These garden boundaries also form the village envelope edge, which the application site sits outside but adjacent to. The River Avon is located to the northwest, however the existing dwellinghouse sits on higher ground outside of the flood plane within Flood Zone 1. Tree Preservation Orders protect mature trees to the property's Barford Road frontage and southwest boundary. The site is within open countryside and the Barford Conservation Area.

#### PLANNING HISTORY

Various; the most recent/relevant: W/07/1786 - Replacement dwelling and double garage: Granted 10/01/08 (not implemented)

#### **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)
- DP13 Renewable Energy Developments (Warwick District Local Plan 1996 -2011)
- DP4 Archaeology (Warwick District Local Plan 1996 2011)
- DP6 Access (Warwick District Local Plan 1996 2011)
- DP8 Parking (Warwick District Local Plan 1996 2011)
- DP3 Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 2011)
- DAP8 Protection of Conservation Areas (Warwick District Local Plan 1996 -2011)
- DAP9 Unlisted Buildings in 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)
- DS2 Providing the Homes the District Needs (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

- DS5 Presumption in Favour of Sustainable Development (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- H0 Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
- H1 Directing New Housing (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)
- HE6 Archaeology (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
- HS1 Healthy, Safe and Inclusive Communities (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
- TR4 Parking (Warwick District Local Plan 2011-2029 Publication Draft April 2014)

## **Guidance Documents**

- Distance Separation (Supplementary Planning Guidance)
- Open Space (Supplementary Planning Document June 2009)
- Vehicle Parking Standards (Supplementary Planning Document)
- Residential Design Guide (Supplementary Planning Guidance April 2008)
- The 45 Degree Guideline (Supplementary Planning Guidance)

### **SUMMARY OF REPRESENTATIONS**

**Barford, Sherbourne & Wasperton Joint Parish Council**: No objection although the JPC has marked concerns about the retention of trees (there are 26 trees on the site enjoying the protection of TPOs but in the past this had not prevented the felling of a mature, healthy tree thus protected), and about the safety of adding another access to a dwelling along that stretch of main road.

**Community Protection:** No objection

WCC Highways: No objection

**WCC Ecology:** Comments to be updated at Committee.

**WCC Rural Development Officer:** Support. The effect on landscape character is minimal, but entrance drive details should be agreed to ensure the scale and materials maintain the existing character of the road scape. The development abuts the village edge and does not propose new development in open countryside, the sub-divided plots will still be 0.5Ha each, which may still be regarded as large properties in their own grounds. The property is not overlooked by a Public Right of Way.

**Environment Agency:** No objection. Although part of the site is shown to lie within our indicative flood zones, the proposed development is located outside the

floodplain and a significant distance from the river therefore we consider this proposal to be of low risk.

## **Public Response:**

One neutral comment stating no objection, subject to tree protection/highway precautions. Note that site is outside village envelope.

One response regarding covenants, not material to the consideration of this application.

Seven objections raising the following concerns:

- Policy RAP1 is most relevant.
- The site is outside the village envelope where new market housing is unacceptable.
- Site is within the Barford Conservation Area, WDC advice notes the maintenance of these single dwellings is paramount to the character of this part of the CA.
- Mature Blue Cedar tree previously removed to make way for the proposed development.
- No requirement for additional large houses in Barford.
- Dwelling does not reinforce/harmonise with streetscene or respect surrounding buildings in terms of scale and height.
- Dwelling will be squeezed in, halving the plot.
- Overlooking/loss or privacy/ obscure glazing should be fitted to the SW elevation facing Ryland Road.
- Existing property has had to be modified.
- There are 26 TPOs on the site, the tree report notes that a small group of trees and an individual tree will be affected.
- Road safety concerns.

#### **ASSESSMENT**

The main issues relevant to the consideration of this application are as follows:

- The Principle of the Development;
- Design and impact on the character and appearance of the area;
- The impact on the living conditions of nearby dwellings;
- Highway safety;
- Drainage and flood risk;
- Renewable energy:
- Landscaping/ ecological impact;
- Health and wellbeing.

## The Principle of the Development

The site is within the rural area where Local Plan Policy RAP1 applies, which only permits new residential development on previously developed land, within limited growth villages, including Barford, to meet specific local need. However, the

National Planning Policy Framework (NPPF) 2012 states (para.49) that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites against their housing requirement. In terms of the most recent evidence of housing need, the Council cannot demonstrate a five year supply. Accordingly, only limited weight can be afforded to Policy RAP1, and in these circumstances the NPPF requires applications to be considered in the context of the presumption in favour of sustainable development. The site is located in a sustainable location, adjoining the village envelope and the new dwellinghouse is therefore considered to be acceptable in principle, complying with this aspect of the NPPF.

There are, however, non-housing supply saved policies in the Local Plan, DP1 and DAP8, which can be afforded greater weight than Policy RAP1. The NPPF paragraph 53 also states that local planning authorities should resist inappropriate development within residential gardens. These matters are considered in greater detail below.

#### Design and impact on the character and appearance of the area

The proposed dwellinghouse will sit within the existing pattern of development fronting the highway. The garage element will be set forward of the existing property Mallards Reach by some 7.5 metres, however, at its closest point the new dwellinghouse will still be set back a generous 22 metres from the highway behind mature landscaping and will appear unobtrusive within the streetscene. It is noted that the new property will still sit further back from the highway than the adjoining property No.18 Ryland Road.

The run of detached properties fronting Barford Hill, North East of Ryland Road, all have similar plot widths, however there is otherwise no particular uniformity or rhythm to the development with a mix of house types set at different distances to the highway. It is noted that these dwellings occupy the former Barford Hill House and grounds, which was demolished and split into the several large plots that exist today. The Barford Conservation Area document notes that the maintenance of these as single dwellinghouses is paramount to the character of this part of the conservation area and that further infill should be strictly limited.

In this instance the sub-division of Mallards Reach will still retain two generous plots of some 0.5 hectares, each a significant highway frontage of 35 metres for the retained property and 25 metres for the proposed property. The gap of 4.5 metres between the existing and proposed dwellings is ample (similar to the gaps between properties on Ryland Road), albeit significantly less than the large open spaces between existing houses within this run. Nevertheless this property forms an end to this run of development and adjoins the still very spacious, but higher density Ryland Road. Given the level of screening to the frontages, which will be maintained, (the new access being located between existing mature trees), there is not considered to be any significant impact upon the visual amenity of the streetscene or the character and setting of the conservation area.

The proposed dwelling house is considered to provide a sympathetic design solution, which is characterised by steep gables, forming inter-connecting elements at various heights, which appropriately break up the form and mass of the building. Chimneys will flank each end wall, which are considered to be desirable architectural features. Materials can be conditioned to ensure appropriate colours that will assimilate into the landscape.

The Tree Report notes that in total a combination of one individual tree and one small group of trees are to be removed through the development process, which are C category specimens. The additional planned landscaping and tree planting for the site will mitigate for this loss of trees to ensure enhancement and continuity of tree cover. In order to ensure damage does not occur to the retained boundary trees a 'no-dig' three-dimensional system will be installed for the final access driveway from the highway. This is due to the incursions into the root protection areas (RPAs) of the trees of less that 20%. The final specification for this will be prepared as part of a detail arboricultural method statement which can be secured by condition. The overall future growth, shading and apprehension from the trees on the site has been considered as well as the impact of the trees on the open space to avoid future conflicts.

The development is not therefore considered to create a contrived or inappropriate development and will preserve the setting of the conservation area in accordance with NPPF paragraph 53 and Local Plan Policies DP1 'Layout and Design' and DAP8 'Protection of Conservation Areas'.

# The impact on the living conditions of nearby dwellings

There will not be any significant impact upon the amenities of the occupiers of Mallards Reach, which will be physically altered to remove habitable side-facing windows, as necessary, to better accommodate the proposed dwellinghouse. The sub-division retains ample amenity space for the occupiers of both the existing and proposed dwellinghouses.

Overlooking concerns raised by adjoining neighbours on Ryland Road are noted, however, the proposed dwelling's gable end in the South West elevation closest to these neighbouring properties (which has no first floor windows) will be set 28 metres away, greatly exceeding the 12 metres specified in the Council's SPD. First floor windows facing the South West boundary will be 30 metres away from properties on Ryland Road, greatly exceeding the 20 metre window-to-window separation distance within the Council's SPG. There are also mature trees located to this boundary, which will break up the form of the dwelling. The scheme is not therefore considered to result in any significant loss of light, outlook, privacy or general amenity to the occupiers of surrounding dwellings.

## **Highway Safety**

The Highway Authority initially objected to the scheme as the necessary visibility splays were not achieved from the proposed access. A slight relocation of the

access has allowed this visibility splay to be met and the Highway Authority have raised no objection to the amended plan, subject to conditions to ensure visibility splays are maintained and the new access is surfaced in a bound material. In terms of parking the site provides ample spaces, with room to turn and exit in a forward gear.

## **Drainage and Flood Risk**

Community Protection note that the site lies within Flood Zone 1 and as safe dry access is achievable no objection is raised. It is noted that any additional surface water run off from new development will increase flow into the River Avon and the scheme should include sustainable urban drainage, water butts, permeable hardstanding etc. to ensure surface water run off is not increased. This can be controlled by condition.

# **Renewable Energy**

The Energy Statement identifies the most appropriate renewable technology systems for the property to be solar photovoltaics and an air source heat pump to meet the Council's requirement of meeting 10% of the predicted energy requirements for the dwelling to be produced from renewable energy resources. This scheme (including noise attenuation for the heat pump) can be successfully controlled through condition.

# **Ecological/landscape Impact**

The Ecology comments will be reported to members at Committee.

# **Health and Wellbeing**

N/A

#### SUMMARY/CONCLUSION

In the opinion of the Local Planning Authority, the development is acceptable in principle and provides and an appropriate design solution in terms of scale, height, form and massing and does not adversely affect the setting of the conservation area, the amenity of nearby residents or highway safety. The proposal is therefore considered to comply with the policies listed.

#### **CONDITIONS**

- 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).
- The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and

approved drawing(s) 0502-A; SK01 C; 0303; 0500A; 0501-B and specification contained therein, submitted on 27/10/14. **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 hereby permitted shall not be commenced unless and until a scheme showing how either a). at least 10% of the predicted energy requirement of the development will be produced on or near to the site from renewable energy resources, or b), a scheme showing how at least 10% of the energy demand of the development and its CO<sup>2</sup> emissions would be reduced through the initial construction methods and materials has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until all the works within the approved scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications. **REASON**: To ensure that adequate provision is made for the generation of energy from renewable energy resources or to achieve carbon savings in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011.
- The development shall be carried out only in full accordance with sample details of the facing and roofing materials which shall 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.
- 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 Local 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 Local 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 and mature landscaping within the site which are of amenity value in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011.

- 6 The development shall not be occupied 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 43 metres to the right and 120 metres to the left 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. The access to the site for vehicles shall not be used in connection with the development until it has been surfaced with a bound material for a distance of 7.5 metres as measured from the near edge of the public highway carriageway and measures not less then 3 metres wide. **REASON:** To ensure that a satisfactory access is provided in the interests of the free flow of traffic and highway safety in accordance with Policies DP6 & DP8 of the Warwick District Local Plan 1996-2011.
- If an air source heat pump is chosen as the method to comply with the requirement for renewable energy, noise arising from the air source heat pump(s) 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 Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011.
- The development hereby permitted shall only be undertaken in strict accordance with drainage details, incorporating a Sustainable Drainage System (SUDS) and responding to the hydrological conditions (soil permeability, watercourses etc) within the application site, including a long term management and maintenance plan, which have been submitted to and approved in writing by the local planning authority. The approved systems shall thereafter be retained and shall be managed and maintained in strict accordance with the approved details unless alternative drainage methods have been approved in writing by the local planning authority. **REASON:** To ensure that a satisfactory means of drainage is provided such as to minimise flooding and which Promotes and maintains the good stewardship of the natural and built environment in accordance with Policies DP11 & DP3 of the Warwick District Local Plan 1996-2011.
- 9 The development shall not be occupied unless and until the car parking and manoeuvring areas indicated on the approved drawings have been provided and thereafter those areas shall be kept marked out and

available for such use at all times. **REASON:** To ensure that a satisfactory provision of off-street car parking and turning facilities are maintained at all times in the interests of the free flow of traffic and highway safety in accordance with Policies DP6 & DP8 of the Warwick District Local Plan 1996-2011.

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