

Planning Committee: 04 December 2019

Item Number: 11

Application No: [W 19 / 1772](#)

Town/Parish Council: Radford Semele
Case Officer: Helena Obremski

Registration Date: 15/10/19
Expiry Date: 10/12/19

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Land at The Valley, Radford Semele, Leamington Spa, CV31 1UZ

Erection of a dormer bungalow, with provision of access, parking and associated drainage infrastructure FOR Mr Arjang Aghdasi-Sisan

This application is being presented to Committee as more than 5 letters of support have been received and it is recommended for refusal.

RECOMMENDATION

Planning Committee is recommended to refuse planning permission for the reasons listed at the end of this report.

DETAILS OF THE DEVELOPMENT

The application seeks full planning permission for the erection of one detached dormer bungalow. The dwelling would be set back into the site, allowing the shared access to the property to the south. The bungalow would have red brick walls, a grey tiled roof and uPVC doors and windows.

The application seeks to overcome the reasons for refusal identified under application ref: W/17/2352 and in relation to withdrawn application ref: W/18/1996. Contrary to previous submissions, the applicant now proposes that the dwelling would be a self-build property for themselves or their family.

The application has been amended to reduce the height of the bungalow and reduce the size of one of the proposed front facing dormer windows. The agent has also provided further justification relating to the principle of the development.

THE SITE AND ITS LOCATION

The application relates to a parcel of land positioned to the north east of The Valley, a single track road leading to open fields and a residential property known as "Tinker's Close". The application site is located within the open countryside and is located outside of the Radford Semele village envelope. There are some other residential properties along The Valley, with open countryside opposite and behind the site. The site is currently overgrown, with a variety of shrubs and trees.

RELEVANT PLANNING HISTORY

Application Site:

W/18/1996 - Erection of 2no. dwellings (resubmission of application ref: W/17/2352) - Withdrawn.

W/17/2352 - Erection of 2no. dwellings - refused for the following reasons:

- 1. Policy H1 of the Warwick District Local Plan 2011-2029 directs new housing to previously developed land within specified Limited Growth villages where a specific local need has been identified. The application site is not within one of the identified Limited growth villages and no evidence of local need has been submitted with the application. The development is therefore considered to be contrary to the aforementioned policy.*
- 2. Policy BE1 of the Warwick District Local Plan 2011-2029 states that development will only be permitted which positively contributes to the character and quality of the environment through good layout and design. New development will be expected to harmonise with or enhance the existing settlement, and relate well to local topography and landscape features. The proposed development is considered to provide an incongruous and out of keeping form of development which would be harmful to the existing street scene. The three storey impression created by the proposed development is at odds with the established character of the wider area and front facing gable provides an alien feature within the street scene. The proposal would represent backland development which does not harmonise with the existing settlement and also represents overdevelopment of the site. The loss of the open nature of the site would also be harmful to the rural character of the area and would create a more suburban, built up frontage. The development is thereby considered to be contrary to the aforementioned policy.*
- 3. Policy BE3 of the Warwick District Local Plan 2011-2029 states (inter alia) that development will not be permitted which has an unacceptable adverse impact on the amenity of nearby uses and residents and/or does not provide acceptable standards of amenity for future users/occupiers of the development. Furthermore, the District Council has also adopted Supplementary Planning Guidance on minimum distance separation between properties which aims to prevent any unreasonable effect on the neighbouring properties or future occupiers by reason of loss of privacy, outlook or sunlight, and by creating an unneighbourly and overbearing effect. Plot 1 is considered to provide a lack of adequate outlook and light to habitable rooms serving the property owing to substandard distance separation. This is considered to provide substandard living conditions for the occupiers of the property. The proposal also fails to provide adequate outside amenity space for the future occupiers of both dwellings which is considered to be constrained, cramped and oppressive. The proposal is thereby considered to be contrary to the aforementioned policy and guidance.*
- 4. Policy TR3 of the Warwick District Local Plan 2011-2029 states (inter alia) that development will only be permitted that makes provision for car parking that does not result in on-street parking detrimental to highway safety. Policy TR1 of the Local Plan states that development will only be permitted that provides safe, suitable and attractive access routes for pedestrians, cyclists, public transport users, emergency vehicles, delivery vehicles, refuse vehicles and other users of motor vehicles, as appropriate. Inadequate proposals are*

made in the application for the provision of car parking facilities within the curtilage of the premises and vehicles would, therefore, be likely to park on the public highway causing danger and inconvenience to other road users. Furthermore, the development would increase vehicular movement along a highway which does not allow two vehicles to pass each other, which could cause additional danger to highway safety. The proposed access would not allow two vehicles to pass each other, which could result in vehicles waiting within the limits of the highway, where they would not be able to pass each other, which could cause danger to highway safety. Also, the proposed parking arrangement would block vehicles when using the proposed access, providing inadequate access arrangements for the site. Finally, it has not been demonstrated that the highway serving the site and the proposed access have the capacity to accommodate emergency, delivery or refuse vehicles. The development is thereby considered to be contrary to the aforementioned policies.

- 5. Paragraph 103 of the NPPF requires that applications in Flood Zone 1 under a hectare, where proposed development or change of use to a more vulnerable class may be subject to other sources of flooding (footnote 5), should be accompanied by a Flood Risk Assessment reviewing the potential flood risks to the development from all sources. Warwick District Local Plan 2011 - 2029 policy FW1 states that new development must be resilient to surface water, fluvial and pluvial flooding. A Flood Risk Assessment is vital if the local planning authority is to make informed planning decisions. In the absence of a Flood Risk Assessment, the flood risks resulting from the proposed development are unknown. No Flood Risk Assessment has been provided by the applicant as part of the application. Therefore, the proposed development is considered to be contrary to the aforementioned policies.*
- 6. Paragraph 99 of Circular 06/2005 Biodiversity and Geological Conservation – Statutory Obligations and their impact within the Planning System advises that it is essential that the presence or otherwise of protected species, and the extent to which they might be affected by the proposed development, is established before planning permission is granted, otherwise all relevant material considerations will not have been addressed on making the decision. Circular 06/2005 advises that the need to ensure that ecological surveys are carried out should only be left to conditions in exceptional circumstances. No such circumstances exist in this case.*
- 7. Policy HS4 of the Warwick District Local Plan 2011 - 2029 states that contributions from residential developments will be sought to provide, improve and maintain appropriate open space, sport or recreational facilities to meet local needs. The Council have also adopted a Supplementary Planning Document entitled Open Space together with associated guidance on developer contributions for commuted payments for off-site provision and enhancement of public open space where it is not provided on site. The Open Space team have requested a contribution of £5,052 towards identified improvements to local open spaces. No unilateral undertaking has been put forward to secure such a contribution and therefore, in the opinion of the Local Planning Authority, the proposals do not make adequate provision for open space. The proposals would therefore be contrary to the aforementioned policies.*

W/91/1041 - Erection of four detached dwellings - Withdrawn.

Adjacent site (north west - Land Adjacent to Leigh Foss):

W/97/0561 - Erection of a dwelling - Withdrawn.

W/97/0565 - Siting of a caravan - Withdrawn.

W/00/1315 - Erection of a dwelling - Withdrawn.

W/01/0133 - Erection of a dwelling and detached garage - Refused.

W/02/0548 - Erection of 2 dwellings - Withdrawn.

W/07/0618 - Erection of 6 affordable dwellings - Withdrawn.

W/08/0756 - Erection of 3 pairs of semi-detached dwellings - Refused.

Adjacent site (north/north east):

W/78/0815 - Residential development of the site - Refused and dismissed at appeal.

W/16/1489 - Outline planning permission for 40 dwellings - Refused.

W/17/0514 - Outline planning permission for 20 dwellings - Refused.

RELEVANT POLICIES

- National Planning Policy Framework
- The Current Local Plan
- SC0 - Sustainable Communities (Warwick District Local Plan 2011-2029)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- CC2 - Planning for Renewable Energy and Low Carbon Generation (Warwick District Local Plan 2011-2029)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
- H1 - Directing New Housing (Warwick District Local Plan 2011-2029)
- FW1 - Development in Areas at Risk of Flooding (Warwick District Local Plan 2011-2029)
- FW3 - Water Conservation (Warwick District Local Plan 2011-2029)
- H15 - Custom and Self-Build Housing Provision (Warwick Local Plan - 2011-2029)
- Guidance Documents
- Parking Standards (Supplementary Planning Document)
- Residential Design Guide (Supplementary Planning Document- May 2018)
- Air Quality & Planning Supplementary Planning Document (January 2019)

SUMMARY OF REPRESENTATIONS

Radford Semele Parish Council: Objection, the site lies outside of the village envelope and the proposed development would represent the unacceptable consolidation of the existing ribbon of development fronting The Valley which would be detrimental to the rural setting and openness of the village. Proposed housing for Radford Semele was taken out of the recently adopted Local Plan by the Inspector. The development is contrary to Local Plan Policy H1. The site is an area of high to medium landscape sensitivity. Highways improvements to gain access to the site are likely to adversely affect the rural character of The Valley. The proposal would have a detrimental impact on protected species.

Councillor Sabin: Objection, there is no need for additional housing in Radford Semele. Inadequate access and lack of refuse collection. Query regarding the actual economic contribution which the dwelling would make to the local economy.

Councillor Leigh-Hunt: Objection, there is already large population growth within the village. The site is not within the village boundary and there is no identified housing need. There would be little continuing economic benefit to the village in view of the limited services there following construction of the dwelling. The applicant has no connection to the village or nearby area. Inadequate access and lack of refuse collection. The area is subject to frequent flooding, leaving the site inaccessible.

WCC Ecology: No objection, subject to conditions.

WCC Local Lead Flood Authority (LLFA): Objection, the location of the rainwater harvesting tank could cause issues in relation to maintenance and access, and it is likely that the tank would be required next to the dwelling to provide connection for the reuse of water.

WCC Highways: No objection, subject to condition.

Waste Management: No objection.

WCC Landscape: Objection, the application site as existing helps to retain the rural appearance of the area. Developing the site would create a more continuous row of built form than the existing arrangement and provide a more suburban appearance to this frontage, which would detract from and be harmful to the rural character of the area. Widening the lane may affect the group of hawthorn, sycamore and ash to the south. These trees and scrub form part of a group that define the approach to the Public Right of Way. Concern that the underground water tank could harm root protection area of vegetation to the south of the lane.

Public Response:

15 Objections received on the following grounds:

- the site is outside of the village boundary and should not be developed;
- development priority should be given to brownfield development;
- Radford Semele has already received more than the original allocation of housing and there is no need for additional housing;

- impact of construction works on neighbouring residents;
- inadequate access for refuse and emergency vehicles;
- impact on existing flooding with no means of escape;
- there is no waste collection along Tinkers Close;
- impact on wildlife and trees;
- suggestion for Lewis Road vehicle navigation and road improvements;
- contrary to the neighbour support letters, there has been no fly tipping on the site;
- there is already plenty of choice for buyers within the nearby area.

7 Support responses received on the following grounds:

- the proposed development is in keeping with the existing character of the area;
 - the proposal would save the Council money in terms of fly tipping and moving off people illegally occupying the land;
 - the site is an infill plot which is suitable for self-build development;
 - there would be benefits such as: income from rates, contribution to housing delivery, eliminating risk of fly tipping, eliminating risk of trespassing and unauthorized residency;
 - the proposal would help meet the need of a family and add to the community;
 - there is a high demand for self-build plots and need for additional housing;
 - there would be no impact on on-street parking;
- the existing new residential development is too expensive.

ASSESSMENT

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

- Principle of the Development - *New Housing and Self-build and Custom Housing*
- The Impact on the Character and Appearance of the Area
- The impact on the living conditions of nearby dwellings and living conditions for the future occupiers of the site
- Car Parking and Highway Safety
- Drainage and Flood Risk
- Ecological Impact
- Open Space
- Waste
- Other Matters

Principle of the Development

Location of New Housing

Local Plan Policy H1 states that new housing in rural areas will be permitted in Growth and Limited Infill Villages as shown on the proposal maps. Whilst Radford Semele is identified as a Growth Village, the application site is outside of the village envelope boundary, and is located within the open countryside.

Officers consider that the proposed development meets none of the exceptions to the provision of rural housing set out in Local Plan Policy H1, and therefore the development is considered to be unacceptable in principle.

However, the applicant proposes that there is an identified housing need to which the proposed development can contribute. This is one of a number of criteria which need to be met in order to allow new development within the open countryside. However, there have been various attempts to obtain planning permission for new housing on the adjoining sites which have been refused and dismissed at appeal, which were also refused for being located outside of the village envelope, and not within allocated housing sites. There have also been various public objections, an objection from the Parish Council and Local Councillors in reference to the principle of the development, stating that there is no local need for the proposed dwellings. There has been no local assessment of need provided in support of the application.

Furthermore, notwithstanding whether there is a local need for the development, the proposal must meet all of the criteria for new housing in the open countryside set out by point 'd' of Policy H1. Officers do not consider that the site is located adjacent to the boundary of the urban area or a growth village. This point is also acknowledged by the agent in the planning statement. Therefore, this confirms that the development is not acceptable in principle.

The planning statement also states that the Council does not have a 5 year housing land supply, suggesting that it is much lower than this. The applicant maintains that the evidence provided alongside the housing trajectory is insufficient to meet the requirements of the NPPF and relevant Housing Supply and Delivery Planning Policy Guidance. In Annex 2 of the NPPF it states that;

- sites which do not involve major development and have planning permission, and all sites with detailed planning permission should be considered deliverable until permission expires, unless there is clear evidence that homes will not be delivered within 5 years (for example because they are no longer viable, there is no longer a demand for the type of units or sites have long term phasing plans).
- a) where a site has outline planning permission for major development, has been allocated in a development plan, has a grant of permission in principle, or is identified on a brownfield register, it should only be considered deliverable where there is clear evidence that housing completions will begin on site within 5 years

The applicant suggests that there is insufficient evidence to satisfy point b) of the above and therefore the current 5 year land supply position is false. Para. 20 of the PPG gives several options of evidence that might be used to demonstrate that there is a 'reasonable prospect' of development, but the text is clear that this list is not exclusive and therefore other evidence may reasonably be provided. It should be noted that one of the forms of evidence that is included is "likely buildout rates based on sites with similar characteristics" and so the provision of written evidence from developers is not considered a de facto requirement of all evidence types.

The Council has developed a proactive approach to both site delivery and monitoring of development. In view of the scale of development allocated in the current Local Plan for Warwick District, the Council has appointed three full-time Site Delivery Officers, each responsible for a different geographic areas of the district. These are experienced officers who liaise on a very regular basis with all major landowners and developers and support an Officer and Members Project Board for each area. This work is augmented by quarterly monitoring of all major sites.

Through these means, officers engage on a continuous basis with developers to understand their likely delivery rates on each individual site falling within the categories outlined in b) above, and these conclusions are detailed in the spreadsheet published alongside the trajectory. It is therefore considered that the Council has met the test of providing suitable evidence to demonstrate that there is a reasonable prospect of development and therefore that it meets the 5 Year Housing Land Supply Test.

It should also be noted that if the Council accepted that it did not have a 5 year housing land supply, which it does not, this would not render the development being acceptable. Whilst Local Plan Policy H1 would have less weight, and paragraph 11 of the NPPF would be triggered, this does not mean to say that the Council would allow development for housing in an unsustainable location. Paragraph 11 of the NPPF allows for the presumption in favour of *sustainable* development and if there was an under delivery of housing, this would be directed as identified by Local Plan Policy H1 to sites adjacent to the urban areas and to the growth villages, which are sustainable locations. The agent's contention that the Council does not have a 5 year housing land supply is therefore immaterial.

Supporters of the scheme suggest that the site is an infill plot which is suitable for self-build development. However, the site is not included within a limited infill boundary and so does not meet the Council's definition of limited infilling.

The proposal is therefore considered to be unacceptable in principle and fails to accord with Local Plan Policy H1.

Self-build and Custom Housing

Local Plan Policy H15 states that proposals for such development are encouraged and will be approved in suitable, sustainable locations, including: sites to the south of Coventry, major strategic housing sites, brownfield sites in built up area, growth villages and appropriate locations in infill villages, subject to compliance with all other relevant policy requirements. The proposal is not located within any of the suitable or sustainable locations listed above. Moreover, as clarified above, the development does not conform with Local Plan Policy H1. Therefore, it cannot be agreed as suggested by the applicant, that the development is in accordance with Local Plan Policy H15.

In drafting the 2018 Self-Build Progress Report, the Council took the view that although any development permission had the capacity to contain self-build or custom plots (and therefore met the 'suitable' test set out in para 6c of the Housing and Planning Act), it would be more likely for plots to come forward on smaller sites. As such the number of dwellings granted on sites of 10 or under

were calculated as permissions that could come forward as plots for self-build or custom housebuilding, and that the demand articulated in the Self-build Register had been met in Base Periods 1 and 2, with a small amount of demand (18 plots) not met from Base Period 3 and therefore rolled into Base Period 4.

The applicant also suggests that the proposal would be for a self-build dwelling for their own needs, or that of their younger generation. It is noted that a Local Councillor states that the applicant has no connection to the village or nearby area. The agent initially suggested that because there was an undersupply of 18 self-build plots last year, according to the Council's Custom and Self Build Progress Report 2018, that there is a need for self-build plots. However, the Council's response was that it has three years in which to demonstrate that sufficient suitable permissions have been granted to meet a Base Period's demand. Therefore, it is not considered that the undersupply of self-plots last year means that there is a local need for such housing in this location, or that this provides justification for granting the application.

Subsequently, the agent has provided an additional supporting statement which criticises the Council's approach towards the Custom and Self-Build Register and associated delivery. The agent queries the constitutional authority for imposing a local needs test to the register and whether the test is being applied retrospectively to existing individuals on the register. The agent provides further information in relation to when they consider that the Base Period starts and finishes, suggesting that 30th October 2019 is the end of the period in which the sites from Base Period 1 should be delivered by, and therefore that the Council should give the delivery of this self-build dwelling significant weight to ensure that the required target is met.

The agent states that only sites granted after 30th October 2016 should be counted towards the Council's custom and self-build housing delivery. The Council's report however draws on permissions from 1st August 2015 and 30th October 2016, which the agent contends should not be included. The agent goes on to state that a truer picture of delivery of self-build can be established by considering how many CIL Self-Build exemptions have been approved, albeit CIL was only introduced in December 2017. The Council can confirm that 15 self-build exemptions have been granted. The agent contends that based on this information, there would be a shortfall of 84 plots which must be met as soon as possible to make good the failure to meet the statutory duty, and noting that demand for Base Period 2 is already adding further pressure in the form of 111 plots.

Officers have sought advice from the Policy team regarding the above matter on the base periods and conclude that an error has been made in the Progress Report. They are preparing an addendum to the 2018 Report to adjust the presentation of the data. Notwithstanding any minor changes that may be made of the further analysis, then the table of delivery will be amended to;

	Demand	Supply	Outstanding BP1 (due by BP4)	Outstanding BP2 (due by BP5)	Outstanding BP3 (due by BP6)
BP1	97	-	97	-	-

BP2	111	145	-	111	-
BP3	95	77	-	34	95

Given the above table, Officers still consider that it can be demonstrated that there is sufficient delivery of self-build plots that meet the test in the Act for the demand that has arisen and must be met by the time of the application (i.e. that which arises in Base Period 1). The Council remain confident that subsequent Base Periods will be met also.

The agent further states that taking the approach of counting permissions on small sites of less than 10 dwellings towards meeting demand for Base Period 1 is not acceptable, referring to an appeal decision (APP/G2435/W/18/3214451) where an Inspector found that the decision of North West Leicestershire District Council to count sites for single dwellings as custom and self-build housing was not acceptable. However, Officers consider that the Inspector has misinterpreted the legislation. As set out in the Housing and Planning Act (2016) there is a duty on Local Authorities to give suitable permissions for enough serviced plots of land for self-build and custom housebuilding to meet the volume of demand in the relevant Base Period of the Register. Section 10 para 6c of the Housing and Planning Act (2016) sets out the definition of suitable as "permission in respect of development that could include self-build and custom housebuilding". It is therefore clear that the test is whether it is possible that the permission could include self-build or custom plots, and not whether it will. The Inspector states that "the Council is required by the provisions in Section 2A of the Self-Build and Custom Housebuilding Act 2015 (as amended) to grant planning permission for enough serviced plots of land to meet the demand for self-build and custom housebuilding in the District which arises in each base period" but does not take into account the Housing and Planning Act (2016) that unambiguously requires permissions that could rather than will provide plots. The National Planning Policy Guidance referenced in the Appeal Decision reiterates the requirement for suitable permissions to be granted, with the definition of suitable necessarily the one provided in the Housing and Planning Act. Given the substantial delivery of suitable plots that can be demonstrated in the initial Base Periods the Council does not anticipate that this will result in Base Period 1's demand being unmet.

The applicant's Planning Statement itself confirms that the proposed development does not conform with Local Plan Policy H1. The Statement suggests that although the site is not adjacent to the growth village boundary, that the dwelling would not be isolated and that there would be no environmental, social or economic harm as a result of the development. The applicant suggests that in order to deliver the demands of the Custom and Self-Build Register, locations outside of settlements will need to be considered. However, Officers do not agree with this approach. The Local Plan sets out a clear indication where self-build and custom housing should be delivered and although Officers recognise there was an undersupply last year, the Council still has time in which to deliver the required level of self-build housing in accordance with the requirements of the relevant legislation. This does therefore not present a justified reason to depart from the requirements of the Local Plan in reference to policies H1 and H15.

The impact on the Character and Appearance of the Area

The National Planning Policy Framework (NPPF) places significant weight on ensuring good design which is a key aspect of sustainable development and should positively contribute towards making places better for people. The NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving character, the quality of an area and the way it functions. Furthermore, Local Plan Policy BE1 reinforces the importance of good design stipulated by the NPPF as it requires all development to respect surrounding buildings in terms of scale, height, form and massing. The Local Plan calls for development to be constructed using appropriate materials and seeks to ensure that the appearance of development and its relationship with the surrounding built and natural environment does not detrimentally impact the character of the local area. Finally, the Residential Design Guide SPD sets out steps which must be followed in order to achieve good design in terms of the impact on the local area; the importance of respecting existing important features; respecting the surrounding buildings and using the right materials.

There have been objections from members of the public on grounds that the development would be out of keeping with the wider area. The Parish Council consider that the development would represent the unacceptable consolidation of the existing ribbon of development fronting The Valley which would be detrimental to the rural setting and openness of the village. They also consider that highway improvements to gain access to the site are likely to adversely affect the rural character of The Valley.

There have also been letters of support which state that the development would be in keeping with the character of the area and would enhance the village.

Under previous applications for residential use of the site, it was considered that the proposal would result in harm to the character and appearance of the area. The application site is located outside of the village envelope. As the highway turns the corner into The Valley, the housing gradually becomes more sporadic, leading to a single dwelling positioned away from the main highway. This part of The Valley has a rural character, with open countryside to the rear and opposite the site, with gaps either side of the application site. At the end of The Valley, the existing properties are well spaced, and have little impact on the rural character of this part of the open countryside. The application site is considered to represent an important element in retaining the rural appearance of the locality. This open nature and character of the undeveloped site is considered to make a positive contribution to the rural character of the area. Developing the land would erode the open nature of the wider area and result in harm to the rural character of this part of The Valley. It would provide a more continuous row of built form than the existing arrangement and result in a more suburban appearance to this frontage, which would detract from, and be harmful to the rural character of the area.

The agent contends that the reduction from two properties to one dwelling in comparison to the previous scheme means that the development has a reduced impact on the landscape, stating that the proposal vastly reduces the intervention with The Valley in terms of parking and turning, allowing existing

vegetation to be retained. However, the proposed dwelling fills the width of the plot, creating an entirely built up frontage along the length of the site. It is therefore concluded that the development would lead to a more suburban character. Whilst it is noted that vegetation can be retained and even increased, this does not mitigate the harm which the development would cause to the character of the area.

The agent refers to the Third Edition of the Guidelines for Landscape and Visual Impact Assessment (GLVIA3), stating that the site is not out of the ordinary in terms of its landscape quality (condition), scenic quality, rarity, representativeness, conservation interest, recreation value, perceptual aspects and associations, and thus is not a valued landscape which requires protection in accordance with the NPPF. However, as noted by the WCC Landscape Officer, while the guidelines the agent refers to covers a range of factors that can help in the identification of valued landscapes, the list is not intended to be fully comprehensive and other factors may be considered important in specific areas.

These conclusions are supported by WCC Landscape, who have objected to the proposal, stating that currently the application site helps to retain the rural appearance of the area. They consider that developing the site would create a more continuous row of built form than the existing arrangement and provide a more suburban appearance to this frontage, which would detract from and be harmful to the rural character of the area.

The application site falls within the Dunsmore Plateau Fringe local landscape type. The Warwickshire Landscapes Guidelines SPG for Dunsmore references the importance of retaining, and where necessary restoring, a fringe of smaller fields and trees around the edge of the settlement. This guideline is applicable to the smaller pockets of farmland on the southern edge of this settlement. The proximity of the built development to the field boundary is reflected in the break now shown in the proposed hedgerow along the south eastern boundary to accommodate the chimney within the gable end. There is also a lack of any screen planting along the northern boundary with the adjacent dwelling.

Whilst the proposed height has been reduced slightly in an attempt to make the property appear as a bungalow rather than a two storey dwelling, this still does not lead to an acceptable form of development for the reasons identified above.

In conclusion, the loss of the open nature of the site would be harmful to the rural character of the area and create a more suburban, built up frontage. The development is therefore considered to be contrary to the NPPF and Local Plan Policy BE1 and the Warwickshire Landscape Guidelines SPG.

The impact on the living conditions of nearby dwellings and living conditions for the future occupiers of the site

Warwick District Local Plan Policy BE3 requires all development to have an acceptable impact on the amenity of nearby users or residents and to provide acceptable standards of amenity for future users or occupiers of the development. There is a responsibility to ensure that development does not cause material harm to the living conditions of neighbouring occupiers by reason of loss of privacy, daylight, or outlook. The Residential Design Guide SPD provides a framework for Policy BE3, which stipulates the minimum

requirements for distance separation between properties and that extensions should not breach a 45 degree line taken from a window of nearest front or rear facing habitable room of a neighbouring property.

Impact on living conditions of nearby dwellings

Leigh Foss is positioned to the north west of the application site and is a bungalow which is set back from the main highway. The proposed dwelling would be at least 45 metres away from this neighbour at the closest point and there would be no conflict with the Council's adopted 45 degree guidance as a result of the proposed development. There are no proposed first floor windows which would cause overlooking or loss of privacy facing towards this neighbour's property.

Tinker's Close is positioned to the east of the application site. There may be a conflict with the Council's adopted 45 degree guidance from the front facing windows towards the proposed dwelling, however, as this would be over 20 metres from the neighbour, the impact is not considered to be sufficient as to warrant a reason for refusal of the application. As the proposed dwelling would not be positioned directly in front of this neighbour's property, the Council's distance separation guidance does not apply in this instance.

It is concluded that the proposed development would not result in material harm to neighbouring residential amenity.

Living conditions for the future occupiers

The proposed dwelling would provide adequate light, privacy and outlook to all habitable rooms. The proposed dwellings would also meet the Council's minimum size requirements in terms of the private amenity space provided.

The proposal is overall considered to be acceptable in terms of amenity in accordance with Local Plan Policy BE3 and the SPD.

Car Parking and Highway Safety

There have been a number of objections from members of the public, Local Councillors and from the Parish Council that the proposed vehicular access along a single track lane and associated increase in traffic would pose a danger to pedestrian and highway safety, and they have concerns that refuse and emergency vehicles cannot turn around or access the site. Supporters of the development consider that the proposal include parking areas, so the development will not increase on street parking.

The Highway Authority note that they were consulted on the previous planning application for the erection of two dwellings at the above site. They had no objection to this proposal on highway safety grounds and noted that the proposed drawings illustrated that The Valley will be widened within the vicinity of the application site, to enable two vehicles to pass each other along the carriageway and within the vehicular access. Sufficient parking has been proposed and the width available for vehicles to manoeuvre into/out of the car parking spaces is also considered to be acceptable. The Highways Authority

consider that it is unlikely that the development proposals will have a detrimental impact on highway safety, or have a detrimental impact on the operation or capacity of the local highway network.

The proposed development would be for one dwelling, with lower traffic generation. The Highways Authority therefore have no objection to the proposed development, subject to a condition requiring that the parking and turning areas for the dwelling are provided prior to occupation.

A member of the public suggests that a Lewis Road vehicle navigation system and road improvements would be beneficial to Radford Semele in terms of aiding traffic congestion. However, it would not be appropriate to address wider highway congestion issues under this planning application.

The development is considered to be in accordance with Local Plan Policies TR1 and TR3.

Drainage and Flood Risk

The application site lies within Flood Zone 1, however, there have been a significant number of objections from members of the public and the Parish Council who express concern about the increased risk of flooding. They state that The Valley is prone to flash flooding (providing extensive photographs to evidence this). Therefore, Officers consulted the WCC Local Lead Flood Authority (LLFA) for further guidance (as was carried out with the previous submissions).

A Flood Risk Assessment has been provided as part of the application, however, the LLFA raised concern regarding the proposed location of the tank and associated issues with maintenance and access. The tank has been relocated and the agent has provided additional information which states that the tank is proposed in order to provide attenuation of peak flows. The agent states that this would result in a betterment on the currently unattenuated/ uncontrolled surface water flows from the site to the watercourse along The Valley. The agent agrees to the inclusion of a condition for a management plan for safe access and egress from the site.

These details have been sent to WCC LLFA for consideration and Councillors will be updated on this matter prior to the meeting.

Ecological Impact

The Parish Council and members of the public have raised concerns regarding the impact which the proposed development would have on protected species.

A Preliminary Ecological Appraisal was provided as part of this submission which has been assessed by WCC Ecology. They recommend that a condition is attached which requires the provision of a Construction Environmental Management Plan to ensure that protected species are not harmed by the development. They also recommend a condition to secure the provision of an ecological and landscaping plan to ensure a biodiversity gain in accordance with the NPPF, and a condition to secure the provision of a lighting scheme.

If the application were being approved, these conditions are considered to be reasonable and could be attached. The development is therefore considered to be in accordance with the NPPF and Local Plan Policy NE2.

Waste

Adequate waste storage can be accommodated within the site boundaries and Waste Management have no objection to the proposed development.

As with the previous applications, a number of public comments have indicated that there are no refuse and recycling facilities along The Valley, presumably because the refuse vehicle is unable to safely access these properties. However, the Highways Authority have raised no concerns regarding this matter from a highway safety point of view (whereas previously they had concerns regarding this matter). Also, it should be taken into account that there are already existing residential properties along The Valley which produce waste and that Tinkers Close is further along The Valley. On balance, owing to a lack of concern expressed by the Highways Authority and the fact that there are existing residential properties along the same section of road, it is not considered that it would be reasonable to refuse the application based purely on the waste collection arrangements.

Other Matters

Conditions to ensure compliance with Policy FW3 (water efficiency) and Policy NE5 and the Council's Low Emissions Strategy (electric charging points) would be added in the event that planning permission was being recommended for approval.

There have been objections from members of the public in relation to the disruption that the development will cause during the construction phase. However, this would only be a temporary period and is unlikely to significantly impact neighbouring residential amenity to an extent which would warrant reason for refusal of the application.

Supporters of the proposals consider that the development would save the Council money in terms of: income from rates, contribution to housing delivery, eliminating risk of fly tipping, eliminating risk of trespassing and unauthorized residency.

Objectors to the development state that contrary to the neighbour support letters, there has been no fly tipping on the site.

The applicant proposes that there will be a number of benefits to the scheme, including the delivery of a range of sustainability objectives. However, owing to the small nature of the benefits associated with the construction of just one dwelling and fact that the Council can demonstrate a 6.37 housing land supply these benefits are not considered to outweigh the harm caused which is identified above.

WCC Fire and Rescue are expected prior to the committee meeting and Councillors will be updated on this matter.

CONCLUSION

The proposed development is not considered to be in a location identified by Local Plan Policy H1 as suitable for housing and is not acceptable in principle. The proposed development is also considered to be harmful to the rural character and appearance of the area and contrary to Local Plan Policy BE1. The development is therefore recommended for refusal.

REFUSAL REASONS

- 1 Policy H1 of the Warwick District Local Plan 2011-2029 sets out a settlement hierarchy for the location of new housing to encourage sustainable patterns of development. Under Policy H1 housing sites have been identified and allocated. In the open countryside, Policy H1 directs new housing to sites adjacent to the boundary of an urban area or to any of the identified 'Growth Villages' or other named villages suitable for limited infill.

The application site is not within any of the above sites and no evidence of local need has been submitted with the application.

The development is therefore considered to constitute an unsustainable form of development contrary to the aforementioned policy.

- 2 Policy BE1 of the Warwick District Local Plan 2011-2029 states that development will only be permitted which positively contributes to the character and quality of the environment through good layout and design. New development will be expected to harmonise with or enhance the existing settlement, and relate well to local topography and landscape features. The Council has also adopted The Warwickshire Landscape Guidelines as Supplementary Planning Guidance (SPG)

The application site is considered to make a positive contribution to the open and rural character and appearance of the area.

In the opinion of the Local Planning Authority, the proposed development would provide a more continuous row of built form than the existing arrangement and would result in a more suburban appearance to this frontage, which would detract from, and be harmful to the rural character of the area through the loss of the open nature of the site.

The development is thereby considered to be contrary to the aforementioned policy and SPG.
