

**Application No:** [W 17 / 1278](#)

**Town/Parish Council:** Stoneleigh

**Case Officer:** Helena Obremski

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**Registration Date:** 11/07/17

**Expiry Date:** 05/09/17

**The Orchard, Coventry Road, Stoneleigh, CV8 3BZ**

Proposed erection of a single-storey two bedroom house on the existing plot, with a freestanding single garage, with the erection of a balcony to the eastern elevation and the laying of a permeable gravel circulation and parking spaces and access route into the building. FOR Mr & Mrs Innocent

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This application is being presented to Committee as there have been more than 5 letters of support for the application and it is recommended for refusal. Councillor Redford has also requested that the application be called before Planning Committee if Officers are minded to refuse the application.

**RECOMMENDATION**

Planning Committee are recommended to refuse planning permission for the reasons stated in the report.

**DETAILS OF THE DEVELOPMENT**

The proposal seeks planning permission for the erection of a two bedroomed, two storey detached dwelling. The development proposes to use an existing access to the site and includes the removal of some trees which are annotated on the site plan. The proposal also includes the erection of a single storey detached garage to the south of the site.

In the Planning Statement, the agent claims that the development is of an acceptable design which blends with the neighbouring property which was granted planning permission in 2010. The agent states that the building will be a simple single storey structure. The external walls would have brick plinth base, with timber cladding above, oak effect window frames and half-hipped roof at either end, with rear facing balcony.

The agent has provided a SAP report and also details that the dwelling will have very high thermal insulation levels. A preliminary ecological appraisal, flood risk assessment and arboricultural implication assessment were also provided.

**THE SITE AND ITS LOCATION**

The application site is informally known as "The Orchard", positioned to the east of Coventry Road, with the River Sowe to the rear of the site and located at the entrance to Stoneleigh Village on the approach from Coventry. The application

site is located within the Green Belt and Conservation Area. The site is sloping, with land levels decrease towards the rear of the site nearest the river. The site currently benefits from a well-established hedge to the front of the site forming the boundary treatment, with various trees within the site boundary. The majority of the site is formed of grassland. The Planning Statement informs that the site has been previously used as a garden or allotment plot. The site benefits from an existing access nearest to the south of the site, with a small single storey garage/store building. The applicants have right of access over the driveway which is owned by the neighbouring property to access the site.

## **PLANNING HISTORY**

W/15/1906 - application refused and dismissed at appeal for the widening of the access and erection of a garage.

## **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)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- RAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
- SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)
- DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
- DP4 - Archaeology (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)
- CC2 - Planning for Renewable Energy and Low Carbon Generation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

- TR1 - Access and Choice (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- H1 - Directing New Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
- H11 - Limited Village Infill Housing Development in the Green Belt (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HS4 - Improvements to Open Space, Sport and Recreation Facilities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HE1 - Protection of Statutory Heritage Assets (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HE6 - Archaeology (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

#### Guidance Documents

- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Open Space (Supplementary Planning Document - June 2009)
- Vehicle Parking Standards (Supplementary Planning Document)
- Residential Design Guide (Supplementary Planning Guidance - April 2008)

### **SUMMARY OF REPRESENTATIONS**

**Stoneleigh and Ashow Parish Council:** Unable to make comments as one of the Councillors declared an interest.

#### **Stoneleigh and Cubbington Ward Councillor (Councillor Redford):**

Supports application, owing to the position of the site between two dwellings, the development cannot encourage urban sprawl which the Green Belt seeks to protect against. The development of the site due to sensitive design does not affect the openness of the Green Belt and the applicants have worked with the site to minimise impact: there is also an existing vehicle access point. It is not a speculative development as the applicant does not own a home of their own and this house will be for their use. Should this site not be given planning consent, it would become a vulnerable site for illegal gypsy and traveller encampments. Requests that the application is considered by the Planning Committee if Officers are minded to refuse the application.

**Stoneleigh and Cubbington Ward Councillor (Councillor Jack):** Supports application, the development would turn scrub land which is very untended to a well-cared for property which would be in keeping with the surroundings.

**WCC Archaeology:** No objection, subject to condition.

**WCC Highways:** Objection, the proposed access provides inadequate visibility splays which could lead a cause for concern regarding highway safety.

**Health and Community Protection - Environmental Sustainability Section:** No objection, subject to condition.

**Local Lead Flood Authority:** No objection.

**Tree Officer:** No objection, subject to condition.

**Public Responses: 1 Objection:** the land should be retained for recreational purposes; there is a significant amount of wildlife and their habitat needs to be protected; the character of the area should be protected.

**16 letters of Support:** it would have no impact on nearby residential amenity; the design is in keeping with the newly constructed property next to the site; the proposed dwelling has been designed to have little or no impact on the surroundings; the applicants deserve support; the development would be well screened; the proposed dwelling is in keeping with the area; there will be no social impacts; the dwelling would be sustainable; the dwelling could help to calm traffic; the dwelling would provide a more visually enclosed entry to the village; the development represents infilling; the existing site needs improvement; the development would stop travellers from using the site; the development would have no harm on the Green Belt.

## **ASSESSMENT**

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

- Principle of the Development
- The impact on the Character of the Area and Conservation Area
- Archaeological Impact
- The impact on the living conditions of nearby dwellings
- Car Parking and Highway Safety
- Drainage and Flood Risk
- Sustainability
- Ecological Impact and Trees
- Open Space
- Waste
- Health and Wellbeing
- Other Matters

### **Principle of the Development**

The relevant Local Plan Policy in relation to residential development is RAP1 - 'Directing New Housing'. The proposals would be contrary to Policy RAP1 as the site is not located within a Limited Growth Village boundary as identified within the policy. Emerging Local Plan policy H1 supports this and states that new housing will be permitted in Growth Villages and Limited Infill Villages as shown on the proposal maps. Stoneleigh is not identified in the emerging Local Plan as a Growth Village, but is however identified as a Limited Infill Village which is explored in more detail below.

The proposed development would provide a small contribution towards the Council's housing supply. However, as the Council is able to demonstrate a 5 year housing land supply, paragraph 14 of the NPPF would not be engaged.

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

### *Limited infilling*

The National Planning Policy Framework (NPPF) states that the essential characteristics of Green Belt are openness and permanence. It sets out that inappropriate development within the Green Belt is harmful by definition. Exceptions to inappropriate development in the Green Belt are listed and includes the limited infilling in villages and limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

Policy H11 of the emerging Warwick District Local Plan 2011-2029 allows housing in Limited Infill Villages in the Green Belt. The policy defines limited infilling as acceptable as long as the development comprises of the infilling of a small gap fronting the public highway between an otherwise largely uninterrupted built up frontage, which is visible as part of the street scene, and as long as the site does not form an important part of the integrity of the village, the loss of which would have a harmful impact upon the local character and distinctiveness of the area. The agent contends that the development represents limited infilling and letters from members of the public also support this view.

Firstly and most importantly, the site does *not* lie within a limited infill boundary as identified on the proposal map. Secondly, the site is not considered to represent a "small gap" between a largely uninterrupted built up frontage - the application site is a large plot, positioned at the end of the village. Stoneleigh has a readable built up frontage throughout most of the village. However, the built form all but stops on the approach to the application site, apart from the recently constructed dwelling to the north of the site. It should also be noted that the recently constructed dwelling is positioned some 24 metres from the application site itself, highlighting the large gap in the existing built form. The application site is also not read as a small gap within the built up frontage as there is an established long hedgerow which runs along the front boundary of the site. The application site forms an important part of the village, as the development becomes sporadic when leaving the village, creating a soft and open impression.

Therefore, the Council considers that the proposed development would not represent limited infilling as it does not lie within a limited infill boundary in accordance with emerging Local Plan policy H11.

### *Very special circumstances*

The agent proposes that the recent granting of the dwelling to the north of the site (W/10/1661) which was granted by Planning Committee contrary to Officer recommendation provides a relevant example where local support was important in gaining permission. It is also noted that the development was granted on the

grounds that it would be an improvement to the redundant petrol station which was in a state of disrepair and provided additional housing. 15 letters from members of the public and a Personal Statement from the applicants have been received in support of the application. The reasons for support from members of the public are as follows: it would have no impact on nearby residential amenity; the design is in keeping with the newly constructed property next to the site; the proposed dwelling has been designed to have little or no impact on the surroundings; the applicants deserve support; the development would be well screened; the proposed dwelling is in keeping with the area; there will be no social impacts; the dwelling would be sustainable; the dwelling could help to calm traffic; the dwelling would provide a more visually enclosed entry to the village; the development represents infilling; the existing site needs improvement; the development would stop travellers from using the site. None of these reasons in isolation would represent very special circumstances which would outweigh the harm caused to the Green Belt as a result of the proposed development.

In the Planning Statement, the agent contends that washing land over in Green Belt can be a blunt instrument and there are often sites within the Green Belt, where the surrounding use has changed or where other circumstances have brought about a possible reconsideration of use, which the agent claims is the case with the application site. The agent also states that as the hedgerow will be retained and house positioned behind it, with the maximum height being 3 metres above this screen, that the visual impact of the development is reduced. It is also noted that the dwelling will sit 1 - 1.2 metres below the level of the footpath owing to the site levels. The Planning Statement also gives details on other recent refusals for new residential properties within the Green Belt and how this proposal would be an improvement on these examples.

The applicants have provided a Personal Statement which details their reasons for the application. They state that the fact that the development is a specific, rather than speculative development should be considered as special circumstances as they intend to build the property to live in themselves. They have also received support from members of the local community. The Statement confirms that the applicant's wife has Multiple Sclerosis and that the house would be required in order to meet their needs. The applicants are prepared to plant new vegetation to replace that which will be lost and have designed the property to minimise the impact on the Green Belt.

Officers are sympathetic to the applicant's personal circumstances, however, it would be possible to obtain accommodation elsewhere within the village which could provide suitable accommodation. Whilst members of the public and local Councillors are of the view that the development would not have any harmful impacts on the openness of the Green Belt, or the surrounding area, Officers do not share this view. The decision by Planning Committee to approve the recently constructed dwelling to the north of the site is acknowledged. However, under application W/10/1661 Planning Committee considered that the development would vastly improve the site, and replace a incongruous and harmful building which had fallen into disrepair. There have been comments from members of the public that the site would be improved as a result of the proposed development,

however, the site is currently well maintained, with various trees and shrubs which are commonly found in rural locations. The hedgerow to the front boundary is reasonably large, but is not considered to be harmful to the street scene or Conservation Area, again being a common feature found within the Green Belt. There is also concern that the site could be occupied by travellers. However, Officers see no reason that this would be the case if properly secured, which is possible. Furthermore, this argument could be applied to every plot of land in this district.

Therefore, it is considered that the proposed development would constitute inappropriate development in the Green Belt and that there are no very special circumstances presented which outweigh this harm. The development is considered to be contrary to the NPPF and adopted Local Plan policy H11.

#### The impact on the Character of the Area and Conservation 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, Warwick District Council's Local Plan 1996 - 2011 policy DP1 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 the appropriate materials and seeks to ensure that the appearance of the development and its relationship with the surrounding built and natural environment does not detrimentally impact the character of the local area. The Residential Design Guide 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 importance features; respecting the surrounding buildings and using the right materials.

Warwick District Local Plan policy DAP8 requires development to preserve or enhance the special architectural and historic interest and appearance of Conservation Areas. It goes on to state that development should respect the setting of Conservation Areas and should not impact on important views or groups of buildings from inside and outside of the boundary.

Section 72 of the Planning (Listed Buildings and Conservation Areas) 1990 imposes a duty when exercising planning functions to pay special attention to the desirability of preserving or enhancing the character of a Conservation Area.

Paragraph 132 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 134 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage assets, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Stoneleigh has a very strong palette of materials and architectural styles. The village is predominantly made up of deep red brick, timber-framing with red brick infill, and with some of the more prominent buildings including the church and alms-houses constructed with deep sandstone. There is also a relatively unifying architectural aesthetic, aside from the alms-houses which are a combination of Tudor and neo- Tudor, the main structures are a simple vernacular style with pitched roofs and gable ends. The new dwelling constructed to the north of the site has a traditional gable roof, with brick walls and some timber cladding.

A modern design within the Conservation Area can be acceptable under some circumstances as a juxtaposition to a traditional context if the design is sensitively considered. However, the proposed design of the dwelling is considered to be at odds with the prevailing character within the street scene and Conservation Area. The timber cladding is considered to be a sharp contrast with the traditional brick properties found within the main part of Stoneleigh Village and the roofline is considered to be too dominant in scale and over complex in terms of the depth, lines and hips. Whilst the new dwelling to the north of the application site has some timber cladding, this is a feature, rather than dominating the whole building as in this case. The neighbouring property also benefits from more traditional features such as pitched roof, gable ends and casement windows which with arched reveals, giving an overall more sensitive and suitable design for the village.

The shape and architecture of the proposed dwelling is at odds with the architectural precedent within the village, creating an incongruous and out of keeping form of development which would be harmful to both the street scene and the Conservation Area. The proposed design is not considered to respond well to the existing context and does not enhance or protect the existing prevailing features found within the Conservation Area. The Conservation Officer has objected to the proposed development and suggested that a more simple design, with brick elevations and gabled tiled roof, which is reduced in scale would be more appropriate and Officers agree with this suggestion. It is understood that the architect is exploring alternative designs, however, no amended plans have been received to date, nor have these been encouraged by Officers due to the principle being unacceptable.

It is considered that there are no public benefits which would outweigh the harm caused to the Conservation Area as a result of the proposed development. Therefore, the proposed development is considered to conflict with the NPPF, adopted Local Plan policies DP1 and DAP8.

#### Archaeological Impact

WCC Archaeology have commented on the application. They note that The proposed development lies within an area of significant archaeological potential, within the probable extent of the medieval settlement at Stoneleigh (Warwickshire Historic Environment Record MWA 9531). There is a potential for the proposed development to disturb archaeological deposits, including structural remains, associated with the medieval and/or post-medieval occupation of this area. WCC Archaeology therefore recommend a condition requiring a scheme of

investigation, a programme of archaeological evaluative work and a Archaeological Mitigation Strategy, which would have been considered reasonable if the scheme had been acceptable.

#### The impact on the living conditions of nearby dwellings

Warwick District Local Plan policy DP2 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 for development not to cause undue disturbance or intrusion for nearby users in the form of loss of privacy, loss of daylight, or create visual intrusion. The Residential Design Guide provides a framework for policy DP2, 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.

Owing to the large plot size, it is considered that there would be no material harm to the living conditions of the occupiers of either neighbour which would warrant reason for refusal of the application as there would be no conflict with the Council's adopted 45 degree guidance and there would be no distance separation concerns.

There are windows proposed to the first floor to the side elevations. As there is no first floor proposed to the property, there is no change of overlooking or loss of privacy to the neighbouring residential properties. However, the occupant of the site, if minded to, could retro-fit a first floor within the property without the need for planning permission once constructed. The occupants then may have the opportunity to overlook the neighbours to either side of the site. Therefore, if planning permission were granted, Officers would recommend that the first floor side facing windows are conditioned to be permanently obscure glazed and non-opening unless above 1.7 metres above the floor level to protect neighbouring residential amenity.

The proposed development is therefore considered to comply with the NPPF, adopted Local Plan policy DP2 and the Residential Design Guide.

#### Car Parking and Highway Safety

WCC Highways have objected to the proposed development. They do not consider that the required visibility splays can be achieved from the existing access. Whilst it is acknowledged that there is an existing access to the site, there is a concern shared by Officers that the intensification of the use of the site brought about by the erection of a dwelling could lead to potential highway and pedestrian safety issues which would warrant reason for refusal of the application.

Adequate space for two cars and cycle storage can be accommodated within the site boundaries in accordance with the Council's adopted Vehicle Parking Standards guidance.

The development is considered to be contrary to the NPPF and adopted Local Plan policy DP6.

#### Drainage and Flood Risk

No information has been provided in reference to sustainable drainage within the site boundaries, however, this matter could be secured by condition. It is noted that whilst the application site is near to the River Sowe, none of the proposed development is located within a Flood Zone. The Local Lead Flood Agency was consulted as a matter of precaution and have no objection to the proposed development. They have recommended that the Environment Agency is consulted and Officers await their response.

#### Sustainability

Due to the scale of the proposed development it is considered that a requirement to provide 10% of the predicted energy requirement of the development through renewables or a 10% reduction in CO<sup>2</sup> production through a fabric first approach would be appropriate. The agent has provided a SAP report which shows that the Council's sustainability requirements could be achieved through fabric first methods towards construction. A condition could be imposed to secure these details.

#### Ecological Impact and Trees

A Preliminary Ecological Appraisal has been provided, however, WCC Ecology are yet to have commented on the application. Planning Committee will be updated prior to the meeting with the response received.

The agent has also submitted a arboricultural implication assessment which has been assessed by the Council's Tree Officer. The Tree Officer has been consulted on the proposal and has no objection to the removal of some of the trees, which are mainly fruit trees. The hedgerow to the front of the site will be retained. The Tree Officer recommends a condition to ensure that the works are carried out in accordance with the recommendations in the report which is considered to be acceptable.

#### Open Space

The Council's Open Space department have been consulted, however, Officers have not received a response from them yet. Councillors will be updated regarding this matter before the committee meeting.

#### Waste

Adequate waste storage can be accommodated within the site boundaries.

#### Health and Wellbeing

There are no health and wellbeing benefits identified.

## Other Matters

Environmental Health Officers have commented on the proposal and note that the application site lies next to a former petrol station where the new dwelling to the north of the site has been constructed. However, conditions relating to remediation of the neighbouring former petrol site appear not to have been fully discharged. No verification report has been submitted to Environmental Health for approval in relation to this matter at this point. The Orchard is within the blue line boundary of the potentially contaminated land which runs along the river from north of the Mill House, around the petrol station and to the south of Sowe View. Environmental Health Officers consider that there is potential for pollution of controlled waters (the River Sowe) and exposure of future residents of this site to ground gases or contact with contaminated soils arising from contamination of this site or pollutants crossing the boundary from the petrol station site. They therefore recommend that conditions are added to protect the health of construction workers, future occupiers and to protect the river. These conditions are considered to be acceptable.

## **CONCLUSION**

Paragraph 89 of the NPPF states that Local Planning Authorities should regard the construction of new buildings as inappropriate development in the Green Belt. The application site is washed over by Green Belt and the proposed development of one dwelling does not meet any of the exceptions listed under paragraph 89 of the NPPF. The development is considered to be incongruous and harmful to the street scene and Conservation Area by virtue of inappropriate design which would be at odds with the prevailing architectural character of the area. The development is therefore considered to be contrary to adopted Local Plan policy DP1 and DAP8. Furthermore, the development provides inadequate access arrangements which could be harmful to vehicular and pedestrian safety which is contrary to adopted Local Plan policy DP6. Therefore, it is recommended that the proposed development should be refused.

## **REFUSAL REASONS**

- 1 Paragraph 89 of the NPPF states that Local Planning Authorities should regard the construction of new buildings as inappropriate development in the Green Belt. The application site is washed over by Green Belt and the proposed development of one dwelling does not meet any of the exceptions listed under paragraph 89 of the NPPF. No very special circumstances have been presented which outweigh the harm by reason of inappropriateness and harm to openness.
- 2 Policy DP1 of the Warwick District Local Plan 1996-2011 states that development will only be permitted which positively contributes to the character and quality of the environment through good layout and design. Policy DP1 requires all development to respect surrounding buildings in terms of scale, height, form and massing, and use appropriate materials to ensure that it does not detract from the character of the local area. Furthermore, Policy DAP 8 of the Warwick

District Local Plan 1996-2011 requires development to preserve or enhance the special architectural and historic interest of the District's Conservation Areas.

The shape and architecture of the proposed dwelling is at odds with the architectural precedent within the village, creating an incongruous and out of keeping form of development which would be harmful to both the street scene and the Conservation Area. The timber cladding is considered to be a sharp contrast with the traditional brick properties found within the main part of Stoneleigh Village and the roofline is considered to be too dominant in scale and over complex in terms of the depth, lines and hips.

The development is thereby considered to be contrary to the aforementioned policies.

- 3 Policy DP6 of the Warwick District Local Plan 1996-2011 states that development will only be permitted which provides safe, convenient and attractive access routes for pedestrians, cyclists and other motor vehicles. Development must demonstrate that they do not cause harm to highway safety.

The existing access provided inadequate visibility splays. The intensification of the use of the site and access brought about by the erection of a dwelling could lead to potential highway and pedestrian safety issues which would warrant reason for refusal of the application.

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

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