

(7) Application No: PAP/2016/0491

Mallard Lodge Site, Marsh Lane, Water Orton, B46 1NS

Removal of existing B2 and office buildings, storage and car parking. Erection of new industrial building with associated offices, landscaping including car parking and goods delivery area. Amended scheme to approval of PAP/2013/0211, for

Flexdart Limited

Introduction

This application is referred to the Board for determination for two reasons. Firstly, it comprises the erection of a new building, albeit a replacement, of such size to warrant it being a “departure” from the Development Plan being in the Green Belt. It is thus a case, should the Council consider supporting the proposal, which would need referral to the Secretary of State for him to decide whether it is a proposal that he should decide following a Public Inquiry. Secondly, it will require consideration of an existing Section 106 Agreement.

The Site

Mallard Lodge is located immediately to the west of the Lakeside Industrial Estate – occupied by Beaver Metals – on the north side of Marsh Lane and to the immediate east of the fishing lake also on this side of the Lane. The M42 Motorway and M6 Toll roads form the eastern boundary to the estate and there is rough agricultural land to the south of the Lane beyond which is the Birmingham/Derby railway line. Water Orton is approximately 800 metres to the west. To the north is the River Tame – some 60 metres distant, beyond which is agricultural land.

There is a group of residential properties immediately to the south of the site fronting the Lane together with others to the rear and older original industrial buildings at the far eastern end. Members will probably know this site better as the Beaver Metals extraction works. The new buildings were approved over ten years ago as part of a major redevelopment scheme.

The application site itself is located between the lake and this estate. The southern half comprises a former dwelling house known as Mallard Lodge, now used as offices, together with a collection of buildings used for car repairs and workshops. The garage use has been at the site since the 1940s. The application site, whilst in the same ownership as the lake and the estate, is separate from the estate with its own vehicular access from Marsh Lane having two access points with no internal connections or links with the neighbouring estate.

The ground levels are the same as the estate and the land to the south. The Motorway infrastructure to the east is raised over Marsh Lane and along the estate’s eastern boundary. The railway line is in partial cutting.

The estate is largely devoid of any trees or hedgerows, whereas the frontage to Mallard Lodge has tree and hedgerow cover. There is a significant hedgerow along the northern boundary of Marsh Lane running from the site into Water Orton.

The general layout of the site and surrounding area is at Appendix A.

The Proposal

All of the buildings in the southern half of the application site are proposed to be demolished and a new general industrial building (Use Class B2) constructed to the front of the site along Marsh Lane with associated offices attached along the elevation located next to Marsh Lane. One vehicular access onto Marsh lane would be retained with the site "opened up" so as to link internally with the adjoining estate. The frontage along Marsh Lane would be used for car parking with landscaping. HGV access would be via the adjoining Beaver Metal estate. Cars and lighter vehicles would use the remaining single access to the application site.

The area of existing buildings on the application site to be demolished is 770 square metres and the footprint of the proposed would be approximately 2100 square metres with an internal height of 9 metres and an external height of 12 metres to the highest part of the building. The offices situated along the Marsh Lane elevation would measure some 7.6 metres to the highest part of the building.

The overall proposed layout is at Appendix B and the elevations proposed are at Appendix C.

The application is accompanied by the following documents:

- An Ecological Assessment concludes that the site is broadly in the same condition as during the previous survey in 2012. The main features with any ecological interest are the garden of Mallard Lodge and the bankside habitat adjacent to the car repair workshop. As such the assessment recommends that wherever possible native trees and shrubs should be retained and protected and all tree and shrub works should be timed to avoid the bird breeding season.
- An Arboricultural Impact Statement states that the initial survey, carried out in 2012, included records of 21 individual trees and 10 groups. Five individuals and three groups have since been removed. This re-survey includes records of 16 individual trees and 7 groups. This comprises of: 1 no. A category retention value tree, 5no. B category, 12no. C category and 5no. U category. This application considers all trees located on or within influencing distance of the proposed development area. As a direct and indirect consequence of the development proposal there will be an overall loss of 10no. individual trees, 2no. groups and partial loss of 1 no. group. This includes 1 no. group of B category; 6no. individuals and 1 no. group (partial loss) of C category; and 4no. individuals and 1 no. group of U category. The Statement concludes that the trees to be lost are of low to moderate quality and as such should not be considered a constraint to the development proposals. The majority of tree loss is internal to the site.
- A Geo-environmental and Geo-technical report has been completed. This concludes that it is unlikely from an environmental point of view that there are likely to be any significant barriers to development. Ground gas percolation and the removal of contamination in the form of metals from part of the site will need to be addressed. Further investigation work is necessary.
- A Flood Risk Assessment has been undertaken. The site is located in Flood Zone 3a but protected by formal flood defences designed to a 1 in 100 year standard of protection. The site currently has received flood warnings from the Environment Agency. As the proposal is for industrial and office development,

the location is suitable providing the appropriate tests are passed. The report concludes that they are subject to mitigation measures. These include higher finished floor levels no lower than 76.02 m AOD which is the equivalent to the 100-year with climate change (30%) water level during breach of the River Tame's flood defences plus 50 mm freeboard. Other measures include internal infrastructure precautions and warning systems. Surface water will be discharged to a rainwater retention pond before being discharged into the lake.

- A Transport Assessment is provided. This concludes that the development would increase traffic flows by 5% in peak hours which is not considered to be adverse and the closure of one of the existing access points will be a benefit.
- A Design and Access Statement describes the site and how the proposals have been designed.

Background

This site has a lengthy planning history. Abbreviated, the whole of the site of the lake was the subject of sand and gravel extraction in the 1950s. The restoration works resulted in the lake being formed. The estate site was first granted planning permission in 1951 for the "reclamation of non-ferrous metals" and there have been a whole series of permissions for additional buildings and plant in association with that use since then. Permission was also granted for the dredging of the on-site lagoons which had been used in the settling process. Redevelopment schemes to improve the on-site processes as legislation affecting operations on the site and responding to market trends, led to planning permissions for new buildings and revised layouts. These have resulted in the current appearance of the site. As part of the most recent permission, a Section 106 Agreement was signed to retain the lake as a recreational fishing lake and for nature conservation purposes.

Mallard Lodge itself was originally a petrol filling station and garage workshop. The dwelling and the associated buildings have over time been used for a variety of industrial uses, mainly connected with the motor and auto concerns. Permission was granted for the use of the house for offices as early as 1990. There is an Established Use Certificate for the site for B2 Industrial uses.

Planning permission was granted in 2013 under ref: PAP/2013/0211 for the erection of a general industrial building (Use Class B2) to be constructed at the rear of the site. Part of the lake to the north of the site was to be in-filled to allow for the construction of this building. One vehicular access onto Marsh Lane would be retained. The building approved had the same footprint as the one being proposed under this current application being 2100 square metres. However, the height of the industrial building as approved involved a taller section of building of 12 metres in height and a smaller section of building of 9 metres in height. The height to the office wing is some 7.6 metres. This current proposal involves the whole of the building to be erected to a height of 12 metres with the office wing remaining at a height of 7.6 metres.

Development Plan

The Core Strategy 2014 – NW2 (Settlement Hierarchy); NW3 (Green Belt), NW9 (Employment), NW10 (Development Considerations), NW12 (Quality of Development, NW13 (Natural Environment), NW16 (Green Infrastructure) and NW17 (Economic Regeneration)

Saved Policies of the North Warwickshire Local Plan 2006 – ENV4 (Trees and Hedgerows); ENV6 (Land Resources), ENV7 (Development of Existing Employment Land Outside of Development Boundaries), ENV12 (Urban Design), ENV13 (Building Design), ENV14 (Access Design) and TPT6 (Vehicle Parking)

Other Material Planning Considerations

The National Planning Policy Framework 2012 – (the “NPPF”)

Consultations

Warwickshire Museum – Having undertaken a detailed assessment for this application, it is considered unlikely that the proposal will have a significant archaeological impact.

Environmental Health Officer - No objections.

Warwickshire County Council as Highways Authority – No objections subject to conditions.

Environment Agency – Awaiting comments

Warwickshire County Council as Local Lead Flood Authority – Awaiting comments

Representations

Coleshill and District Civic Society – It expresses surprise that the earlier scheme granted permission in 2013 has not been implemented. The revised scheme is similar in design and will have the effect of tidying up the premises generally. As such the Civic Society has no objections to the proposal.

Two letters of objection have been received concerned about the new building being closer to their houses than the earlier approval and the loss of trees from this boundary.

Observations

The site lies within the Green Belt as outlined on the Proposals Map for North Warwickshire. Policy NW3 in North Warwickshire’s Core Strategy relates to development in the Green Belt and should be read in conjunction with the National Planning Policy Framework. The principle of development within the Green Belt is deemed to be inappropriate because the proposal is for the construction of new buildings. However there are exceptions to this and these are defined in the National Planning Policy Framework.

a) Appropriate or Inappropriate Development

The redevelopment of previously developed land with the construction of new buildings falls within the list of exceptions in paragraph 89 of the National Planning Policy Framework, being the:

“limited infilling or the partial or complete redevelopment of previously developed land (brownfield land), 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.”

This land is brownfield land and the proposal does involve the redevelopment of the site in association with the adjoining brownfield land, and thus there is a case here for treating the new building as satisfying this exception. In this case though, the new building would lead to a loss of openness due to its size and location. Even if the demolition of the existing structures is taken into account, there would still be a material increase in building floor space and volume. The proposed development is therefore not appropriate development in the Green Belt and thus the presumption of refusal remains.

b) Whether there are any very special circumstances to outweigh the harm to the Green Belt from inappropriate development

As a consequence of the development is classed as inappropriate development. In this case, by fact and degree, the new building would lead to a loss of openness because of its size. Even if the demolition of the existing structures is taken into account there would still be a material increase in building floor space and volume. The proposed development is therefore not appropriate development in the Green Belt and thus the presumption of refusal remains.

As a consequence, the National Planning Policy Framework requires the applicant to forward planning considerations which he considers are of sufficient weight to be classed as the “very special circumstances” required to override the presumption of refusal.

Of substantial weight here is the planning approval in 2013 which is still valid. This permission (ref: PAP/2013/0211) approved the erection of a general industrial building (Use Class B2) at the rear of the site. The building approved had the same footprint as the one being proposed under this current application being 2100 square metres. However, the height of the industrial building as approved involved a taller section of building of 12 metres in height and a smaller section of building of 9 metres in height. The height to the office wing was some 7.6 metres. This current proposal involves the whole of the building to be erected to a height of 12 metres apart from the office wing which remains at a height of 7.6 metres.

Of significant weight here is also the fact that the following a referral to the Secretary of State under Article 9 of the 2009 Town and Country Planning (Consultation) Direction, the 2013 planning proposal was not called-in by the Secretary of State and so permission was granted.

It is considered that the harm from the proposal to the openness of the Green Belt is moderate. Firstly the proposal involves the demolition of other buildings on the site. Secondly, the amended scheme is to demolish the buildings on the Mallard Lodge Site and erect the new building where these buildings stood. This will allow the new building to form part of the collection of existing buildings located along this part of Marsh Lane. This amended scheme compares more favourably than the 2013 planning permission as that new building would require part of the lake to be in-filled resulting in a loss of aquatic habitat. Finally the setting of the wider site is well below the level of the elevated section of the motorway junction to the east and the River Tame flood bank to the north so that its setting is contained to the immediate area.

As part of the 2013 permission, the applicant put forward a business case based on the needs of the existing business, in that it has to have close operational links to the established business to the east. The new building would enable the existing business, Britannia Heatex, who occupy the existing industrial units adjacent to the boundary, to expand. There are also close operational links with the other businesses here. During the determination of the 2013 permission the applicant's case was given significant weight. The business here was deemed to be more than of local significance and is one that is expanding to meet increased demand. In order to meet this demand the business has to enhance and introduce new plant and equipment, and thus there is a need for a bespoke building. Additionally it has close linkages with the adjoining site. There are thus economic as well as sustainability benefits arising from retaining proximity. There is also the prospect of an additional 60 job opportunities. As a consequence this development accords with the objectives of the National Planning Policy Framework in "building a strong, competitive economy" as well as "encouraging the use of renewable resources" and "re-using land that has been previously developed."

Given the conclusion above that the likely impact on the openness of the Green Belt would be moderate coupled with a similar scheme being approved in 2013 which was not "called-in" by the Secretary of State, it is concluded that the applicant's case is of sufficient weight to amount to the very special circumstances necessary to support the proposal.

It is now necessary to see if there are any other matters of such weight that would result in a re-consideration of this initial conclusion.

c) Whether there are any other material considerations which render the site unsuitable for Industrial Development

The Highway Authority has raised no objection to the amended scheme. It confirms that there is a requirement for 23 car parking spaces and 6 cycle parking spaces. The proposal includes 42 car parking spaces including 3 disabled parking spaces and mention of 6 covered cycle spaces along with shower and changing facilities. However, the plans submitted do not show the location of these cycle spaces. As such this requirement along with further details of a Construction Management Plan and road layout should be included as planning conditions on any consent granted.

Policy NW10 (12) requires development proposals to protect the quality and hydrology of ground or surface water sources so as to reduce the risk of pollution and flooding on site or elsewhere. The application is accompanied by an updated flood risk assessment. The updated report puts forward a finished floor level of 76.02 which is the design flood level plus climate change. The ground levels between the building and the adjacent site are to be raised above the general site levels to provide a higher means of access/egress. The occupiers would need a flood risk management strategy to include flood warnings. Although the comments of the Environment Agency are yet to be received, of relevance here is the fact that the Agency confirmed that they had no objections to the 2013 proposal. For this consultation they confirmed that they were satisfied that there would be no greater risk of flooding as a consequence of this development because of the on-site measures proposed as part of the proposal.

All storm water from the site will be collected in an attenuation system with filter swales, ponds and a controlling swale before discharging into the lake. Warwickshire County Council as Local Lead Flood Authority has been consulted on this element of the proposal and their comments are awaited.

The 2013 consent involved the loss of some 7% of the total water area. This current proposal no longer requires the loss of any of the lake. The Ecological Report submitted concludes that the retention of the lake and the introduction of the attenuation system and swales will have a positive predicted impact on biodiversity.

Policy NW10 (9) requires that development proposals should avoid and address unacceptable impacts upon neighbouring amenities through overlooking, overshadowing, noise, light, fumes or other pollution. Two residents opposite the site have objected to the amended scheme. The existing access immediately outside of their properties will be re-located. There will also be signage in place to direct the HGV traffic through the adjoining site so as to enter this site through the side boundary. The building has been reoriented compared with the previous approval so that the goods entrance and turning area for HGVs faces the access from the adjacent industrial site. The building has been positioned so that the office element is located near to Marsh Lane. The height of the office wing is 8 metres being two storey in height. The distance between the office wing and the nearest dwelling house is some 46 metres. In view of the position of the building it will not be located directly opposite these residential dwellings. The rainwater sediment fore-bay and rainwater retention pond are proposed to be located opposite these dwellings and the existing access opposite these dwellings stopped up with the area landscaped. Currently these properties look onto the existing vehicular access with buildings in front of them. This amended scheme, although seeking to approve the building closer to the residential properties along Marsh Lane as compared to the 2013 scheme, has been designed to minimise any adverse impacts on these residents.

Indeed, the Council's Environmental Health Officer has offered no objections to this proposal. As stated above the office wing will face southwards towards Marsh Lane and not the delivery or service areas which face eastwards towards the existing Metal Extraction Works. It is thus concluded that through the above measures the scheme has been designed to minimise any adverse impacts on the amenity of the occupiers of the residents along Marsh Lane. In fact it is probably a better arrangement.

In terms of the Section 106 Agreement signed under the 2013 consent, this will continue whereby the lake continues to be used for no other purpose than for recreation or nature conservation purposes and that the owner covenants that he shall not carry out development on the adjoining land pursuant to any planning permission previously granted, which will include the 2013 permission.

On balance, it is not considered that the issues raised above have sufficient weight to warrant a refusal for this scheme. As such given the conclusions reached on the likely impact on the openness of the Green Belt being moderate coupled with a similar scheme being approved in 2013 which was not "called-in" by the Secretary of State, it is concluded that the applicant's case is of sufficient weight to amount to the very special circumstances necessary to support the proposal.

Recommendation

That the Council is minded to grant planning permission for the reasons set out in this report subject to the following conditions; to there being no objections from the Environment Agency or the Local Lead Flood Authority that cannot be dealt with by conditions and to consequential amendments to the existing Section 106 Agreement, subject to the matter first be referred to the Secretary of State under Article 9 of the

2009 Town and Country Planning (Consultation) Direction. If the case is not called-in by the Secretary of State then the development be **GRANTED** planning permission.

Conditions

1. Standard Three year condition
2. Standard Plan Numbers Condition

Overall Controlling Conditions

3. The finished floor levels of the building hereby approved shall be set at least 76.02 metres above Ordnance Datum.

REASON

In the interests of reducing the risk of flooding.

Pre-commencement Conditions

4. No development shall commence on site, including the demolition of any of the existing buildings until such time as a remediation strategy to deal with the risks associated with contamination of the site has first been submitted to and approved in writing by the local planning authority. This shall include the following components:
 - a) A preliminary risk assessment which identifies all previous uses; potential contaminants associated with those uses, a conceptual model of the site indicating sources, pathways and receptors, and potentially unacceptable risks arising from contamination at the site.

REASON

In the interests of reducing the risk of pollution.

5. No development shall commence on site other than the demolition of the existing buildings until such time as full details of all of the ground surfacing materials to be installed and the building's facing and roofing materials have first been submitted to and approved in writing by the local planning authority.

REASON

In the interests of the visual amenities of the area.

6. No development shall commence on site other than the demolition of the existing buildings until such time as a full landscaping scheme has first been submitted to and approved in writing by the local planning authority. Only the approved scheme shall then be implemented on site.

REASON

In the interests of the visual amenities of the area.

7. No construction will be undertaken until a Construction Management Plan which should contain details to prevent mud and debris on the highway, a construction phasing plan and HGV routing plan is submitted and approved in writing by the Planning Authority.

REASON

In the interests of highway safety.

8. Prior to the occupation of the development, details of a scheme of cycle and motorcycle parking, amended disabled spaces and a pedestrian path into the site to serve the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the cycle and motorcycle parking spaces, disabled parking spaces and pedestrian path have been laid out in accordance with the approved details and made available for use and retained as such thereafter.

REASON

In the interests of highway safety.

9. The development hereby permitted shall not be occupied until suitable informal signage directing HGV's to the alternative access have been erected in accordance with details to be agreed in writing by the Local Planning Authority in consultation with the Highway Authority.

REASON

In the interests of highway safety.

10. The development shall not be occupied until the existing vehicular access to the site has been remodelled so as to provide an access of not less than 5.0 metres as measured from the near edge of the public highway carriageway.

REASON

In the interests of highway safety.

11. The existing access to the site for vehicles shall not be used in connection with the development hereby permitted until it has been surfaced with a bound macadam material for a distance of 15 metres as measured from the near edge of the public highway carriageway in accordance with details to be approved in writing by the Local Planning Authority in consultation with the Highway Authority.

REASON

In the interests of highway safety.

12. The access to the site for vehicles shall not be used until it has been reconstructed with 6 metre radius turnouts on each side.

REASON

In the interests of highway safety.

13. The development shall not be occupied until all parts of the existing access within the public highway not included in the permitted means of access has been closed and the kerb, footway and verge has been reinstated in accordance with the standard specification of the Highway Authority.

REASON

In the interests of highway safety.

14. The development shall not be occupied until visibility splays have been provided to the vehicular access to the site with an 'x' distance of 2.4 metres and 'y' distances of 160 metres 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 0.9 metres above the level of the public highway carriageway.

REASON

In the interests of highway safety.

15. Gates erected at the entrance to the site shall not be hung so as to open over the public highway.

REASON

In the interests of highway safety.

Notes

1. The granting of planning permission does not give the applicant/developer consent to carry out works on the Public Highway (verge, footway or carriageway). To gain consent from the Highway Authority, not less than 28 days' notice shall be given to the County Highways Area Team – Tel -01926 412515, before any work is carried out, this shall include for materials and skips which are stored within the highway extents. A charge will be made for the carrying out of inspections and the issue of permits.
2. In accordance with Traffic Management Act 2004 it is necessary for all works in the Highway to be noticed and carried out in accordance with the requirements of the New Roads and Streetworks Act 1991 and all relevant Codes of Practice. Before commencing any Highway works the applicant must familiarise themselves with the notice requirements, failure to do so could lead to prosecution. Applications should be made to the Street Works Manager, Budrooke Depot, Old Budbrooke Road, Warwick, CV35 7DP. For works lasting ten days or less, ten days' notice will be required. For works lasting longer than 10 days, three months' notice will be required.
3. Before any improvement works required by this planning permission are commenced to the existing highway, the developer shall enter into an Agreement under the Highways Act 1980 with the Highway Authority (Warwickshire County Council).

4. In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner through pre-application discussions, seeking to resolve planning objections and issues and promptly determining the application. As such it is considered that the Council has implemented the requirement set out in paragraphs 186 and 187 of the National Planning Policy Framework.

BACKGROUND PAPERS

Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

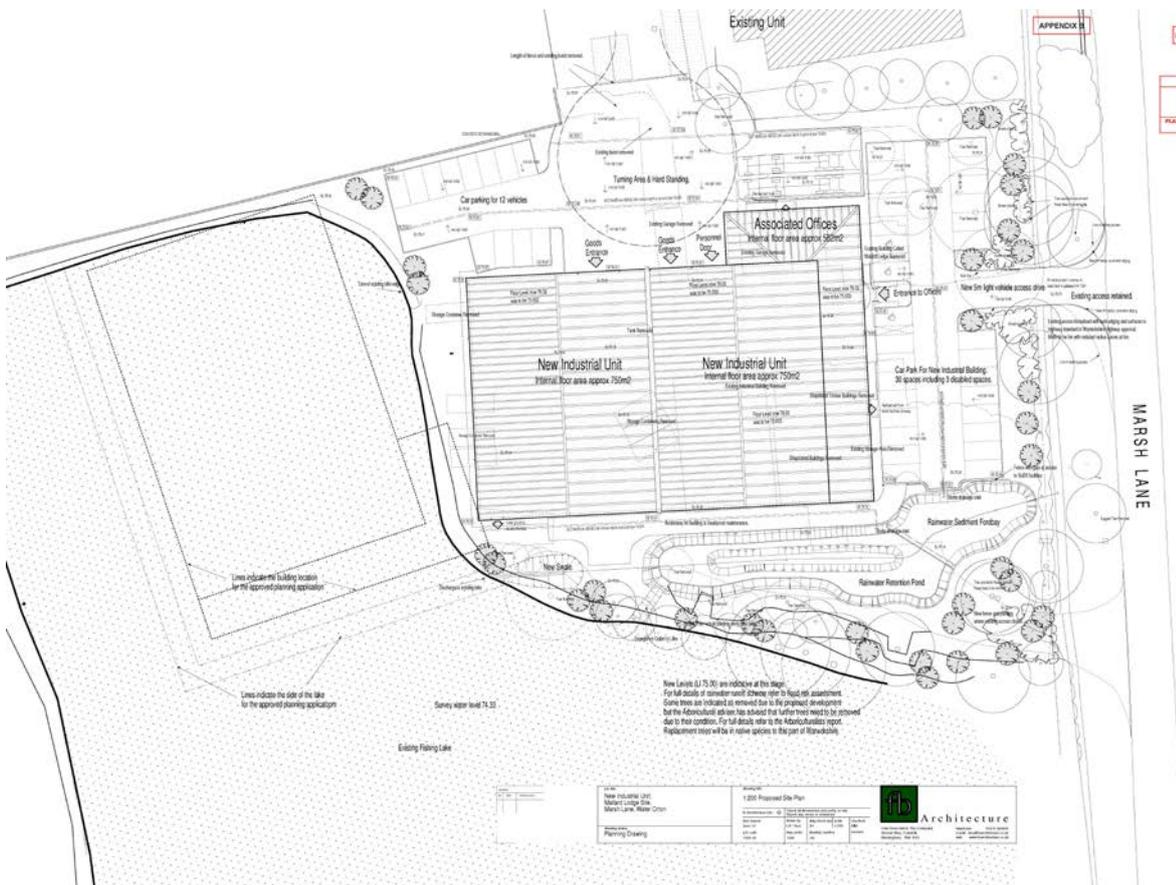
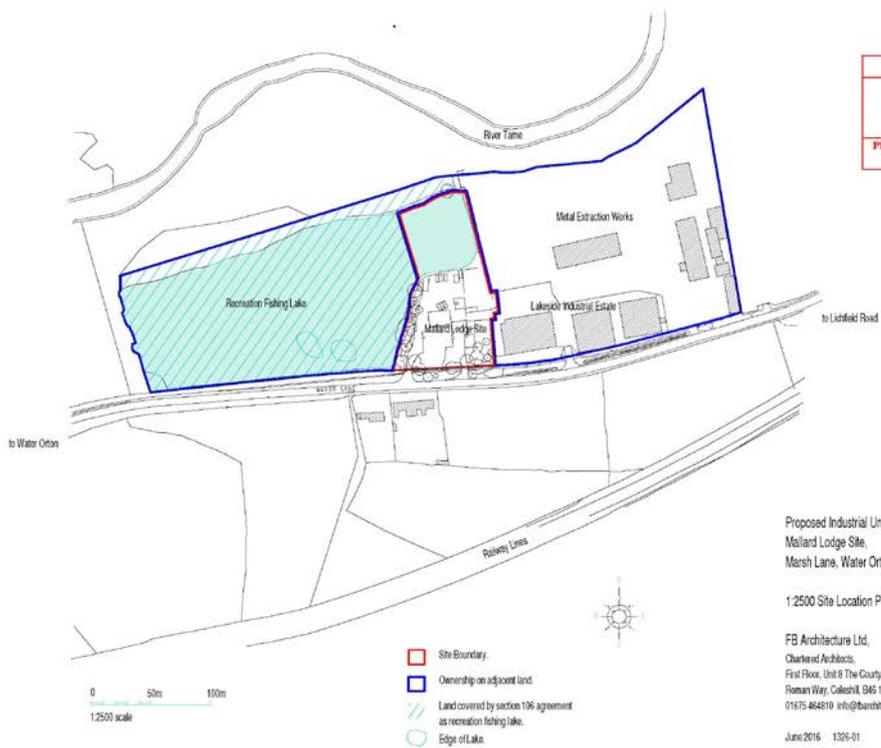
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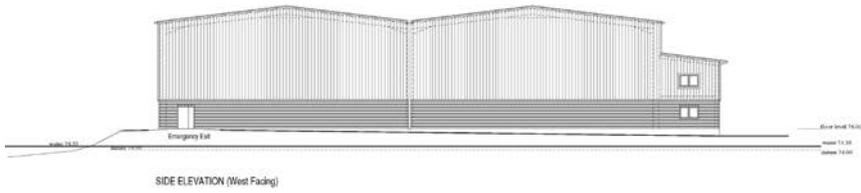
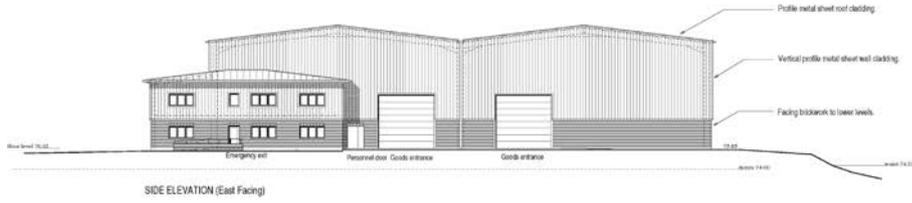
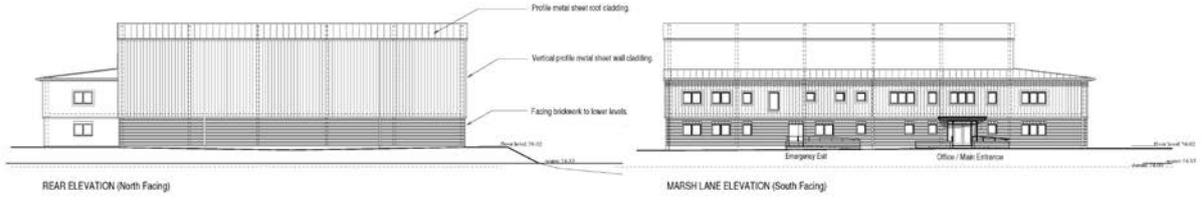
Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	22/8/16
2	Press Notice	Herald	8/9/16
3	Owner 2 Marsh Lane	Objection	19/9/16
4	Owner 1 rose Cottage	Objection	15/9/16
5	Highways Authority	Consultation	28/9/16
6	Coleshill and Civic Society	Consultation	3/10/16
7	WCC Museum	Consultation	8/9/16

Note: This list of background papers excludes published documents which may be referred to in the report, such as The Development Plan and Planning Policy Guidance Notes.

A background paper will include any item which the Planning Officer has relied upon in preparing the report and formulating his recommendation. This may include correspondence, reports and documents such as Environmental Impact Assessments or Traffic Impact Assessments.

NORTH WAVERHAMBOURNE
BOROUGH COUNCIL
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22/08/2016
PLANNING & DEVELOPMENT
DIVISION





SOUTH WALES COUNTY
 RECEIVED
 22/08/2016
 PLANNING & DEVELOPMENT
 DIVISION

Planning Drawing
 New Industrial Unit,
 Marsh Cottage Site,
 Marsh Lane, Water Orton
 1:200 Proposed Elevations

fb Architecture
 The Floor 1004
 The Cornhill, Cardiff City Centre
 Cardiff, CF10 1JF

(8) Application No: PAP/2016/0521

52, New Street, Baddesley Ensor, CV9 2DN

Outline application for 1 no: 3 bedroom detached house with garage and 1 no: 4 bedroom detached house with garage, for

Mr James Gilbert

Introduction

The application is reported to Board as the applicant's wife is an employee of North Warwickshire Borough Council. Members may recall that it was also involved in a previous case on this site a few months ago when Members visited the site.

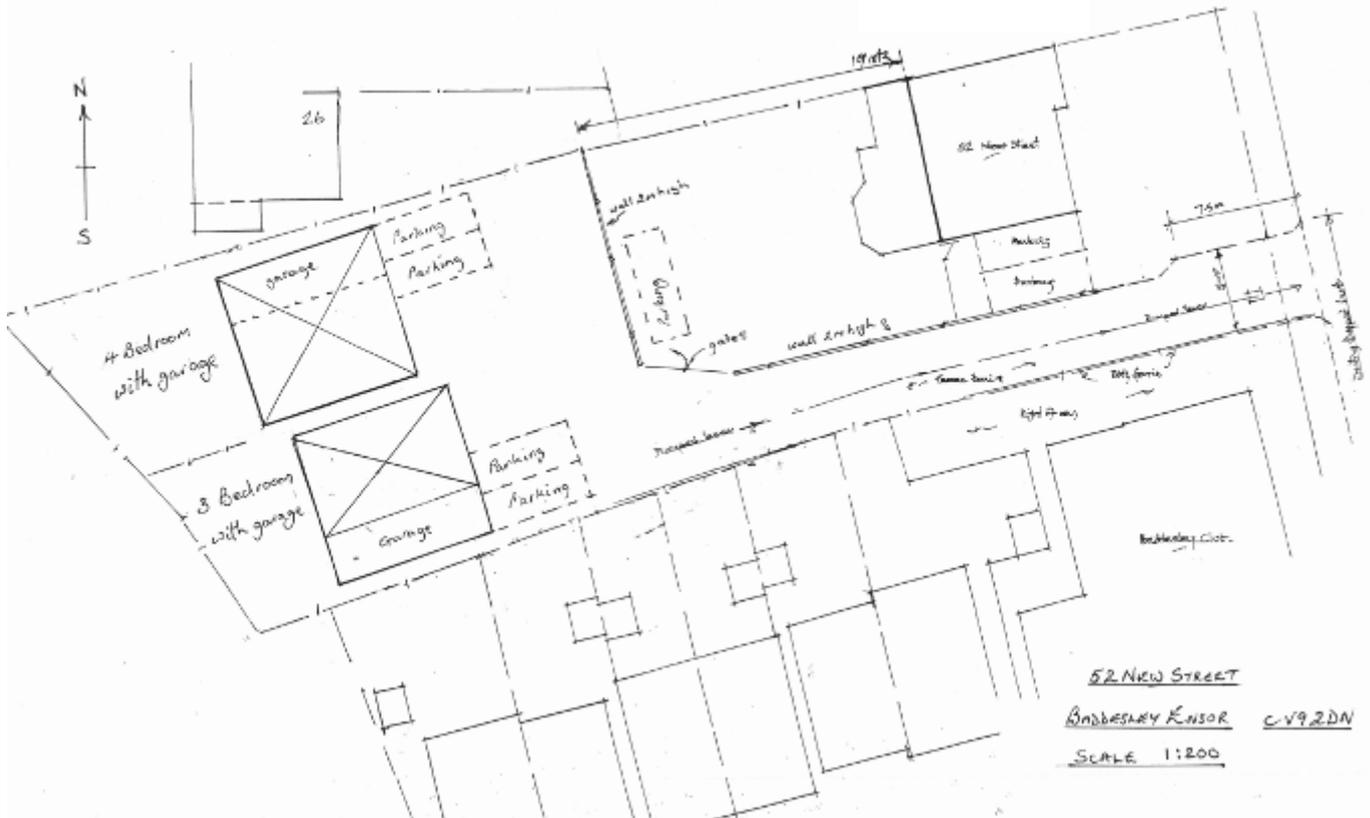
The Site

The site lies within the development boundary of Baddesley Ensor. The site earmarked for development is a rear garden behind the existing detached dwelling at 52 New Street which is located on the frontage of the site. The site is adjacent to the recent development of the bowling-green (Bowling Green Close) which has been developed with houses and a small block of flats. The application site does have a gradual sloping gradient with land higher in the east and sloping down towards the west of the site. The former bowling green is also on higher land by around 1 metre. The site is virtually level with the neighbours at Bakers Croft. Site levels and landscaping would be required at reserved matters stage. The location of the application site is available at Appendix A. The aerial view of the site and immediate surroundings is illustrated below:



The Proposal

This is an outline application for one 3 bedroom detached house with a garage and one 4 bedroom detached house with a garage. Provision is made for a drive way and two additional parking spaces per dwelling. The dwellings would be two-storey and would benefit from rear gardens. The proposed layout of the site for the purposes of illustration only is below:



Background

The site gained outline permission back in 2007 for three – three storey homes. The previous approved scheme was not implemented and has expired. Subsequently an application for three dormer bungalows with parking and garden space was submitted in 2015 but was refused in February 2016 and dismissed at appeal in August 2016. A copy of the appeal decision is available at Appendix B.

The Inspector's findings were concerned with the amenity of the future occupiers of the development rather than any design or highway concerns and there was not found to be an amenity impact on neighbouring properties by the development presented on this earlier application.

The proposal is therefore for an outline proposal and the application is to be re-considered in its revised format, offering only two detached dwellings more in character with the urban grain of development alongside No. 26 Bakers Croft. The proposed layout therefore overcomes the Inspector's findings in that the future occupiers of the development would now have a good standard of amenity presented by the proposed scheme.

The other main issues presented with this application are the effects on neighbour's amenity, the character of the area and highways safety.

Development Plan

The Core Strategy 2014 - NW1 (Sustainable Development); NW2 (Settlement Hierarchy), NW5 (Split of Housing Numbers), NW6 (Affordable Housing Provision), NW10 (Development Considerations) and NW12 (Quality of Development)

Saved Policies of the North Warwickshire Local Plan 2006 - ENV12(Urban Design), ENV13 (Building Design), ENV14 (Access Design) and TPT6 (Vehicle Parking)

Other Relevant Material Considerations

The National Planning Policy Framework 2012 - (the "NPPF")

Consultations

Warwickshire County Council as Highway Authority – No objection subject to conditions.

Environmental Health Officer – No comments

Western Power – No objection

Representations

The following is a summary of representation received from neighbours:

- **Privacy** – Neighbours still have an issue with privacy from 3 and 4 bedroom houses. The amount of land Mr Gilbert has to build on is minimal for detached houses with garages being on top of each other, invading people's privacy from all angles. Not only affecting Bowling Green Close but also taking into account the residents that live on New Street, Bakers Croft and Park Road. Location of houses will also cause privacy issues with a direct line of site to the rear bedrooms of the houses on New Street and overlooking into the rear gardens.
- **Amenity** - Debris that the building site will produce will not only affect back gardens, but it will cause harm to children's health by dust when playing in the garden. Young children are always out in the gardens surrounding the application site. The noise level from the building site will disturb the calm environment. It will affect shift patterns workers of days and nights from disturbed sleep.
- **Flooding** - This occurred around June last year, adding another two properties adds to the water drainage system which could cause us a lot of problems when the bad weather occurs, we still experience issues on lying water around the garden areas. It will also put extra demand on water supply and sewerage that are present in the street. We already see issues with water pressure and surface sewerage in heavy rain. There are also foul drainage issues on the existing Bowling Close development as the filter pump is not big enough to hold ten dwellings. Severn Trent are always here cleaning out the drains
- **Parking** - New Street is already overcrowded with parking and access difficulties. The addition of 3 and 4 bedroom houses will increase the ever increasing problems on the street with parking and traffic. The infrastructure that could not cope with the last plans refused by appeal is still the same. The entrance to the

site is still the same, parking issues remain the same. The loading and unloading of lorries has not changed, New Street is a busy road including a bus route, cars are parked on both sides of the road all day, how are buses and lorries going to get passed each other safely, allowing for pedestrians and children on their way to and from school.

- **Other matters** - The only thing that has changed is the amount of empty houses available in the village. I don't understand the need for more 3 bedroom houses when the new houses on Chapel Mews are standing empty. Potentially we will have months of major upheaval for the houses to stand empty.

Observations

The main consideration here is whether the proposal for the development of this parcel of land is acceptable in principle and whether there would be any adverse impact on the residential amenities and surroundings hereabouts.

a) Principle

The site lies wholly within the development boundary as defined by the Development Plan. Moreover Policy NW5 of the Core Strategy identifies a hierarchy of settlements and directs most new development to those with the greatest number of services. The settlement is a Category 3A settlement, a Local Service Centre outside of the Green Belt, of a good size with facilities including public houses, convenience shops/stores and a bus service. The proposal is therefore sustainable development carrying a presumption of approval.

The site is of an acceptable capacity to support two new units of accommodation in the form of two storey dwellings and associated parking and amenity space for each dwelling. It is considered that the principle of the development can be supported and the site is capable of providing two dwellings on the land available at the rear of 52 New Street.

Affordable housing is no longer required on site or an off- site contribution in lieu as the scheme is below the threshold for provision of affordable housing. The proposal is therefore for two market dwellings.

Though the density of the development is below the target of 30 dwellings per hectare, the constraints placed on the site by the position of neighbouring dwellings dictate that 30 dwellings per hectare could not realistically be achieved without causing loss of amenity. The previous refused scheme, which was dismissed by appeal, was for three dormer bungalows which resulted on a constrained site and would have impacted upon the amenity of future occupiers. The previous refused layout scheme is at Appendix C.

The general grain of development now proposed for two dwellings and the nearby plot ratios at Bowling Green Close show that it is possible to allow for two homes with a reasonable density in the large rear garden of 52 New Street. Indeed the Inspector's findings considered that the size of the rear garden at No. 52 New Street "appears at odds with the surrounding area" and that "Bowling Green Close provides a comparable context for the development of the current site". Therefore the provision of two houses would not be considered harmful to the general grain of development or density surrounding the application site.

b) Detailed Considerations – Design, Scale and Location

The land is contained by existing established boundary fencing, a hedgerow and landscaping which abuts the party boundaries to the immediate neighbouring dwellings. The arrangement at the site and immediate surrounding is illustrated in the photographs at Appendix D. The immediate neighbouring dwellings are also full height houses and therefore the provision of two, two storey dwellings would respect this scale. The appearance of the dwellings in terms of detailed design considerations would be assessed under an application for reserved matters, but the site layout demonstrates that there is capacity for two dwellings with reasonable gardens.

The topography of the site also slopes away to the west and the houses would be on lower ground compared with Bowling Green Close.

Neighbours have raised objection to the minimal amount of land available in the rear of 52 New Street to provide two dwellings. However the site is considered to have adequate capacity when considering the density of Bowling Green Close. It is considered that the proposal for a sympathetically designed built form would not be considered to be out of character with the surrounding properties and existing densities. There is a mixture of styles and types of dwellings in Baddesley Ensor.

Indeed the Planning Inspector identified that “there are a wide variety of building styles, sizes and built form within Baddesley Ensor. No particular style of building dominates, in terms of scale then the prevailing character is of two storey dwellings”. In this case it would be acceptable to provide two, two storey dwellings, the siting of which would be in line with No. 26 Bakers Croft and at a right angle to Bowling Green Close which would not be unduly out of place or intrusive. It is possible that with reserved matters, new dwellings can harmonise with their immediate setting and wider surroundings.

c) Highways

Neighbours have raised concerns with regards to traffic and parking for the development. However the Highway Authority has not objected to the scheme for two dwellings and there is sufficient capacity for parking spaces and turning area for vehicles. The existing access will be used for vehicles to enter onto New Street and a driveway provided into the site. In terms of access for emergency vehicles then this is possible with the turning area available within the site and in terms of refuse collection then a bin store can be provided near the access to the site. The Inspector did not raise a concern relating to highways in the appeal decision, even though that was for three houses and given that representations were submitted on this issue. It is considered that the proposal is improved from that refusal in that there would be less traffic entering the site with only two dwellings. The development would not displace existing on-street parking. There would be sufficient parking capacity provided in the site.

d) Landscape and Ecology

The scheme presents an opportunity to enhance and retain greenery and perimeter landscaping within the site in order to help screen the development. Currently there is vegetation cover to the boundaries and the site is laid with grass. The retention of existing boundary hedgerows and supplementary landscaping will result in no significant overall harm to ecological interests. A landscaping scheme would be required by

condition. The revised layout of the development will provide an improved opportunity for landscaping.

e) Amenity

There are neighbouring properties surrounding the application site. Neighbours at New Street and Bowling Green Close have objected to the development on amenity grounds. The impact on the immediate neighbours will therefore be considered in turn:

26 Bakers Croft:

This neighbouring dwelling is the nearest to the proposed development, though the re-design to the layout will mean the proposed dwellings sit alongside No. 26 Bakers Croft. This neighbour would have no direct views of the development from their front or rear habitable windows as the proposal does not affect the 45-degree line rule.

Though this neighbouring property does have a side window in its gable serving a loft room, this would overlook the roof arrangement to the proposed new build. However it is considered that the new build would have a sympathetic roof design to negate any loss of light to this neighbour's side gable window.

There would be no privacy impact on this neighbour and although the orientation of new dwelling would have front windows facing back towards New Street, there would be limited overlooking towards the rear garden of 26 Bakers Croft, any overlooking would have oblique views. A single storey garage is the nearest element to this neighbouring property and so first floor windows are likely to be further away, in any case all first floor windows have an element of overlooking towards neighbouring gardens, as is the case with the existing relationship with houses overlooking the rear garden to No. 52 New Street.

This neighbour at 26 Bakers Croft has not raised an objection to the re-siting of the development but would express their concerns with drainage that can be fully assessed at reserved matters stage.

Bowling Green Close

The siting of the new builds would be to the rear of 5 and partially to the rear of No. 6 Bowling Green Close. The separation distance from the rear elevation and windows to these properties is approximately 13 metres to the flank wall of a two-storey side elevation. The nearest element to these neighbours would be a single height garage that would be partially visible from beyond the existing party boundary fence.

Therefore the separation distances are considered to be sufficient in order that no loss of light would be experienced to these neighbouring properties given that the new buildings would be directly north of the rear elevations and gardens of these properties and so no loss of light would occur from this orientation.

The site levels are lower on the application site compared with Bowling Green Close thus the impact of the development would not be as dominant from the outlook of neighbours at Bowling Green Close. Detailed design considerations relating to the new dwelling would avoid side windows in the new builds looking back towards neighbouring properties. The roof design would also be assessed under detailed design

considerations in order there is no adverse outlook experienced from Nos. 5 and 6 Bowling Green Close.

In terms of the effects on privacy then front windows to the new building would look towards the host property and with oblique views towards the dwellings at Bowling Green Close. Oblique separation distances are approximately 16 – 18 metres increasing to 22 metres towards Nos 7, 8, and 9 Bowling Green Close respectively. Overlooking towards rear gardens occurs with the existing relationship between properties, though this can be mitigated by existing and proposed landscaping at the application site and the impact on overlooking is not directly toward rear garden spaces at Bowling Green Close.

Currently the neighbours at Bowling Green Close direct overlook the private garden space of 52 New Street which has resulted in the loss of privacy to the current occupier, given that the houses on Bowling Green Close are elevated compared with the site levels at No. 52 New Street then the impact of amenity would not be concerning from the proposed siting of the new builds.

The neighbours at Bowling Green Close have mentioned noise and fumes from vehicles using the access drive to the development, as the drive would be at the rear of the party fence. It is considered that an acoustic barrier fence could be incorporated along the boundary with supplementary landscaping that would reduce noise from vehicles using the proposed development. In any case the development is small in scale and so the maximum number of vehicles serving it would be a maximum of 4 (2-per dwelling).

In so far as noise and disturbance is concerned then the construction phase is a short term occurrence and is not on going and thus it would not be considered to cause an adverse impact when it is limited to a short time. A dust management plan can be considered by condition and restricted working hours can be applied.

Park Road:

The re-design of the layout applies long separation distance to the residents at the rear of the site along Park Road. The separation distances are sufficient at over 30 metres from the rear elevation of these neighbouring dwellings. As the site lies east of these neighbouring dwellings, then the impact from loss of light is not considered to be adverse from these separation distances. A landscaping plan can assist in screening the development from neighbours at the rear of the application site.

New Street:

The siting of the new buildings does not face towards the houses on New Street. However the separation distance are long at approximately 31 metres to rear windows and 16 metres towards gardens, the angle of separation distances are oblique, as the application site is on lower ground to the west then the impact of the new buildings would not cause a light or privacy issues to these neighbouring occupiers.

The amenity of the future occupiers of the proposed development also has to be assessed. This was raised as a concern under the previous scheme resulting in the dismissal of the appeal by the Inspector, where the previous design was considerably overlooked by all neighbouring properties. The proposal provides an improved layout with greater amenity for the future occupiers with little or no adverse impact on existing occupiers surrounding the site when considering separation distances, orientation and

site levels. The proposal would not be considered to cause an amenity reduction towards neighbouring windows and gardens beyond the reduction the present surrounding development is causing for the present occupiers of No. 52 New Street. All rear windows have an element of overlooking though detailed design considerations can incorporate obscure glazing where required in the new development.

It is considered that the proposed dwellings can be accommodated without creating any conditions detrimental to the amenity of occupiers of existing dwellings or occupiers of the proposed dwelling. Each dwelling would have adequate private amenity space and the appearance of which would be assessed under an application for reserved matters.

f) Other matters

Drainage concerns have been raised in respect of the development as neighbours have experienced flooding issues in the past. The site is not located in a flood plain and therefore flooding is likely to be caused by surface water issues. The new buildings would be designed with soakaways, though these are required to be reserved by condition, as the siting of the soakaways should not be in proximity to 26 Bakers Croft, as this neighbour still expresses concern with the proximity of soakaways to their property.

Surface water can also be directed to the soakaways and with the provision of a driveway the surface materials can be reserved by condition. The foul will be pumped back towards to mains located in the highway. Drainage details should be further explored at reserved matters stage.

Conclusion

It is considered that given the re-siting of the scheme in proximity to neighbours and the outcome of the appeal decision, which had only raised adverse impact on the future occupier's amenity, then there would be no sustained objection to the siting of two, two storey dwellings in the location proposed. It is considered that other policy and material considerations also carry weight that can lead to support of this application, with detailed matters being reserved. The application may be supported subject to conditions.

RECOMMENDATION

That planning permission be **GRANTED** subject to the following conditions:

1. This permission is granted under the provisions of Article 3(1) of the Town and Country Planning (General Development Procedure) Order 1995 on an outline approval, and the further approval of the Local Planning Authority shall be required with respect to the undermentioned matters hereby reserved before any development is commenced:-
 - i) Appearance
 - ii) Scale
 - iii) Landscaping

REASON

To comply with Section 92 of the Town and Country Planning Act 1990.

2. In the case of the reserved matters specified above, application for approval, accompanied by all detailed drawings and particulars, must be made to the Local Planning Authority not later than the expiration of three years beginning with the date of this permission.

REASON

To comply with Section 92 of the Town and Country Planning Act 1990.

3. The development to which this permission relates must be begun not later than the expiration two years from the final approval of all reserved matters.

REASON

To comply with Section 92 of the Town and Country Planning Act 1990.

4. The development hereby approved shall not be carried out otherwise than in accordance with the revised 1:200 Block Plan and the 1:1250 site plan received by the Local Planning Authority on 5 September 2016.

REASON

To ensure that the development is carried out strictly in accordance with the approved plans.

5. No development whatsoever within Class A, B, C, E and F of Part 1, of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 shall commence on site without details first having been submitted to and approved by the Local Planning Authority, in writing.

REASON

In the interests of the amenities of the area.

6. No development shall take place on site until details of acoustically treated fencing along the boundaries of the application site have been submitted to an approved in writing by the Local Planning Authority. The approved details shall be completed before the permitted dwelling is first occupied.

REASON

In the interests of protecting the amenity of the occupiers of the development.

7. No development shall be commenced before details of all facing materials and including facing bricks and roofing tiles and surfacing materials to be used have been submitted to and approved by the Local Planning Authority in writing. The approved materials shall then be used.

REASON

In the interests of the amenities of the area.

8. This consent is for the erection of two dwelling only, the height of which shall not exceed 7.5 metres to the ridgeline.

REASON

In the interests of the amenities of the area.

9. The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented before the development is first brought into use.

REASON

To ensure the development is provided with a satisfactory means of drainage as well as to reduce the risk of pollution.

10. All planting, seeding or turfing comprised in the approved details of landscaping (required by condition 1) shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which, within a period of 5 years from the date of planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

REASON

In the interests of the amenities of the area.

11. No development shall commence until details of site levels of the land and sections have been submitted to and approved in writing by the Local Planning Authority.

REASON

In the interests of the amenities of the area and to ensure the proposed development respect the existing site levels.

12. No development shall commence on site until details of a scheme for the storage (prior to disposal) of refuse, crates and packing cases has been submitted to and approved in writing by the Local Planning Authority. The development shall take not commence until the approved scheme has been fully implemented.

REASON

In the interests of the amenities of the area.

13. No development shall commence until a dust management plan is submitted to and approved in writing by the Local Planning Authority.

REASON

In the interests of the amenities of the area.

14. The development shall not be occupied until the existing vehicular access to the site has been widened/remodelled so as to provide an access of not less than 5 metres in width, for a minimum distance of 7.5 metres as measured from the near edge of the public highway carriageway. The access shall not be located within 0.5 metres of the telegraph pole.

REASON

In the interests of highway safety.

15. The access to the site for vehicles shall not be used unless the existing public highway footway crossing has been widened, laid out and constructed in accordance with the standard specification of the Highway Authority.

REASON

In the interests of highway safety.

16. 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 minimum distance of 7.5 metres as measured from the near edge of the public highway carriageway.

REASON

In the interests of highway safety.

17. The gradient of the access for vehicles to the site shall not be steeper than 1 in 20 for a minimum distance of 7.5 metres, as measured from the near edge of the public highway carriageway.

REASON

In the interests of highway safety.

18. 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 metres and 'y' distances of 25 metres 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.

REASON

In the interests of highway safety.

Notes

1. Condition numbers 14 - 18 require works to be carried out within the limits of the public highway. Before commencing such works the applicant/developer must serve at least 28 days' notice under the provisions of Section 184 of the Highways Act 1980 on the Highway Authority's Area Team. This process will inform the applicant of the procedures and requirements necessary to carry out works within the Highway and, when agreed, give consent for such works to be carried out under the provisions of S184. In addition, it should be noted that the costs incurred by the County Council in the undertaking of its duties in relation to the construction of the works will be recoverable from the applicant/developer. The Area Team may be contacted by telephone: (01926) 412515.
2. In accordance with Traffic Management Act 2004 it is necessary for all works in the Highway to be noticed and carried out in accordance with the requirements of the New Roads and Streetworks Act 1991 and all relevant Codes of Practice. Before commencing any Highway works the applicant / developer must familiarise themselves with the notice requirements, failure to do so could lead to prosecution. Application should be made to the Street Works Manager, Budbrooke Depot, Old Budbrooke Road, Warwick, CV35 7DP. For works lasting ten days or less, ten days' notice will be required. For works lasting longer than 10 days, three months' notice will be required.
3. You are recommended to seek independent advice on the provisions of the Party Wall etc., Act 1996, which is separate from planning or building regulation controls, and concerns giving notice of your proposals to a neighbour in relation to party walls, boundary walls and excavations near neighbouring buildings. An explanatory booklet entitled "The Party Wall etc., Act 1996" is available from Her Majesty's Stationary Office (HMSO), Bull Street, Birmingham, during normal opening hours or can be downloaded from the ODPM web site - www.odpm.gov.uk.
4. The submitted plans indicate that the proposed works come very close to, or abut neighbouring property. This permission does not convey any legal or civil right to undertake works that affect land or premises outside of the applicant's control. Care should be taken upon commencement and during the course of building operations to ensure that no part of the development, including the foundations, eaves and roof overhang will encroach on, under or over adjoining land without the consent of the adjoining land owner. This planning permission does not authorise the carrying out of any works on neighbouring land, or access onto it, without the consent of the owners of that land. You would be advised to contact them prior to the commencement of work.
5. The developer is reminded that the Control of Pollution Act 1974 restricts the carrying out of construction activities that are likely to cause nuisance or disturbance to others to be limited to the hours of 08:00 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays, with no working of this type permitted on Sundays or Bank Holidays. The Control of Pollution Act 1974 is enforced by Environmental Health.

6. In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner through pre-application discussions, seeking to resolve planning objections and issues raised under previous application. As such it is considered that the Council has implemented the requirement set out in paragraphs 186 and 187 of the National Planning Policy Framework.

BACKGROUND PAPERS

Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Planning Application No: PAP/2016/0521

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	5.9.16
2	Western Power		15.9.16
3	Miss Sweet		16.9.16
4	Mr Payne		19.9.16
5	Mr Marsh		26.9.16
6	WCC Highways		29.9.16
7	NWBC EHO		6.10.16

Note: This list of background papers excludes published documents which may be referred to in the report, such as The Development Plan and Planning Policy Guidance Notes.

A background paper will include any item which the Planning Officer has relied upon in preparing the report and formulating his recommendation. This may include correspondence, reports and documents such as Environmental Impact Assessments or Traffic Impact Assessments.

Appeal Decision

Site visit made on 18 July 2016

by Graeme Robbie BA(Hons) BPI MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 11 August 2016

Appeal Ref: APP/R3705/W/16/3148380

52 New Street, Baddesley Ensor, Atherstone, Warwickshire CV9 2DN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr J Gilbert against the decision of North Warwickshire Borough Council.
 - The application Ref PAP/2015/0369, dated 1 May 2015, was refused by notice dated 9 February 2016.
 - The development proposed is described as *3no 3 bed detached houses*.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The application was submitted as an outline application but with approval being sought for all matters of detail. It is clear that the application was subject to a number of revisions and amendments during its consideration and prior to its determination by the Council. Successive revisions are set out in sufficient detail to be reflective of the scope of the application as originally submitted, and have informed my decision accordingly.
3. Notwithstanding the description of the development set out above, which is taken from the application form, it is clear from the plans, accompanying details and subsequent correspondence that the proposal comprises 3no 2 bed detached houses. I am satisfied that the Council dealt with the proposal on this basis and so shall I.
4. I have also adopted the address set out on the appeal form, rather than that set out on the application form, as I consider it to be usefully more accurate and complete.

Main Issues

5. The main issues are the effect of the proposal on:-
 - The living conditions of future occupiers of the proposed dwellings, with particular reference to privacy, outlook and outdoor amenity space;
 - The character and appearance of the surrounding area; and
 - Highway safety.
-

Reasons

Living Conditions

6. The three detached dwellings would be set with the flank walls of each broadly parallel to the existing rear garden boundary of 52 New Street. This would result in them being set at an angle to the site boundary with 26 Bakers Croft to the north. Consequently certain parts of each dwelling would be closer to the adjoining property at No 26 than other parts, and the depth of the rear garden areas would also vary accordingly.
7. Although not directly facing the rear elevation of No 26, the rear elevation of plot 3, and the main outlook from that property, would be angled broadly towards No 26 across a relatively short distance. Whilst there is presently a close-boarded timber fence running along this boundary with occasional shrubs, the proposed site layout indicates only a new fence along this length of boundary. That fence may prevent direct overlooking between ground floor windows of the opposing dwellings, but it would not address inter-visibility between the rear-facing ground and first floor windows of plot 3, and the rear-facing first floor windows of No 26.
8. There would, therefore, be views from the rear of No 26, across a very limited distance, towards and across the rear of plot 3. Due to the restricted proportions of the outdoor amenity space, this inter-visibility would be across such a short distance that would, I find, have an oppressive impact upon the living conditions of future occupiers of plot 3. Whilst obscurely glazed and non-opening rear-facing roof windows on plot 3 would alleviate some direct overlooking at first floor level, this sense of being overlooked would be experienced not just from within the ground floor living areas at the rear of that unit, but also from within what little outdoor amenity space would be created.
9. Furthermore, due to the orientation of the proposed buildings with the boundary with No 26, the main outlook from the living room of each of the three dwellings would be directly towards that same close-boarded fence. Although the outlook beyond that fence would, in the case of plot 1, be relatively open along the length of Bakers Croft, plot two would look directly out on to the gable elevation of No 26, and plot 3 obliquely across the rear of the same dwelling. The result would be an oppressive and overbearing outlook that would be harmful to the living conditions of future occupiers of plots 2 and 3.
10. I have not been directed towards any standards setting out minimum space requirements for outdoor amenity areas, and I accept that the aspirations of future occupiers might be such that not everyone wants, expects or is able to cope with larger amenity areas. However, whilst the proportions of the rear gardens would vary in overall depth, they would be severely limited in places, with enclosing and oppressive surroundings in the case of plot 2 and, additionally, would also experience overlooking and a lack of privacy in the case of plot 3.
11. Therefore, for the reasons set out above, the proposal would result in unacceptable impacts upon the living conditions of future occupiers of the proposed dwellings in terms of outlook, privacy and the provision of limited

outdoor amenity space. The proposal would therefore be in conflict with policy NW10(9) of the North Warwickshire Local Plan Core Strategy (the Core Strategy) which states, amongst other matters, that development should meet the needs of residents without compromising the ability of future generations to enjoy the same quality of life that the present generation aspires to.

12. There is a greater distance between the rear elevations of dwellings on Bowling Green Close and the front-facing public face of the proposed dwellings. Combined with lower ground levels within the site and greater scope for intervening landscaping, the potential for harmful overlooking would be reduced and less significant. Although not decisive in itself, this factor lends weight to my overall conclusion that the siting and layout of the proposed dwellings, and their relationship with adjacent dwellings, would have a harmful effect on living conditions of future occupiers of the dwellings.

Character and Appearance

13. I observed during my visit to the site that there are a wide variety of building styles, sizes and built-form within Baddesley Ensor. Although no particular style of building dominates, in terms of scale the prevailing character is of two storey buildings. Even then, however, these vary significantly, from the relatively modest proportions of existing dwellings at 52 New Street, 26 Bakers Croft and the newer dwellings within Bowling Green Close to the much larger and more prominent Social Club building, adjacent to the site entrance.
14. The site is located to the rear of No 52, and is not widely visible from public vantage points on either New Road or Bakers Croft. The proposed dormer bungalows would not therefore have a prominent presence within the streetscene, and would be of an appropriate scale for a site such as the appeal site to avoid harm to the character of the area. Nor would the presence of dwellings in this "land-locked" location at the rears of properties on New Road, Bakers Croft, Bowling Green Close and Park Road fail to respond to the character or appearance of the surrounding area. Indeed, the extent of the existing rear garden at No 52 appears somewhat at odds with the surrounding area, whilst the adjacent, and relatively recent, Bowling Green Close provides a comparable context for the development of the current site.
15. For these reasons, I am unable to identify any harm to the character or appearance of the surrounding area that would arise from the proposed development. There would not, therefore, be any conflict with Core Strategy policy NW12. However, whilst that may be so, and would weigh modestly in favour of the proposal, it is not sufficient to outweigh the harm I have identified above in terms of the effect of the proposal on the living conditions of future occupiers of the proposed dwellings.

Highway Safety

16. Both main parties agree that there was no formal objection on highways grounds to the proposal, or that the proposal would not provide sufficient parking and manoeuvring space either within the site, or that could otherwise be secured by appropriately worded condition. I note too, that there were no objections to the proposal in terms of access for emergency vehicles.
17. I was able to observe during my visit to the site, which was carried out in the middle of the day, that there appeared to be strong demand for on-street

parking opposite the site entrance, evidenced by the number of vehicles parked along that stretch of the road. However, such arrangements appeared not to be out of the ordinary along the length of New Street where parking was often present on both sides of the road.

18. However, I have not been presented with any evidence to substantiate the contention that the proposal would result in additional on-street parking on New Street. Although there were vehicles parked on New Street opposite the appeal site entrance, visibility from the junction in both directions appeared to be generally good, no doubt aided by the nearby bus-stop road markings and parking restrictions in front of the social club building.
19. Whilst I am mindful of the concerns expressed by neighbours in this respect, I must also have regard to the absence of objection to the proposal on highways grounds. It has not been demonstrated that the proposal would fail to provide for proper vehicular access, sufficient parking or for the manoeuvring of vehicles, whilst conditions could secure the submission of details relating to refuse storage arrangements. There would not, therefore, be any conflict with Core Strategy policy NW10(6) in this respect. However, whilst this weighs modestly in favour of the proposal, it is not sufficient to outweigh the harm identified above in respect of living conditions.

Other Matters

20. Policy NW6 of the Core Strategy requires residential schemes of between 1 and 4 units to make provision for 20% affordable housing on-site provision, or a financial contribution towards provision in lieu of on-site provision. Although the Council initially considered the proposal on the basis of a contribution in line with the Core Strategy (for which a draft planning obligation pursuant to section 106 of the Town and Country Planning Act 1990 (as amended) was submitted), a recent Court of Appeal judgement¹, together with updated paragraphs of the Planning Practice Guidance², reiterate that contributions for affordable housing and tariff-style planning obligations should not be sought from small scale and self-build development.
21. Consequently, whilst the provision of an affordable housing contribution would be a benefit of the scheme, the Council have confirmed that it would not be necessary to seek such provision when considered against national planning policy. As I have identified harm in relation to living conditions this matter is not a determinative factor in this case and I have not considered it further.
22. There is already a driveway access alongside No 52, leading into the main body of the appeal site. The ground level within the appeal site is lower than that within neighbouring properties on Bowling Green Close and there is an existing timber fence between the site and the rear garden areas of those properties. Further, I have no reason to believe that the level of activity associated with three dwellings of the scale and nature proposed would be excessive or out of the ordinary. Therefore, whilst details of the means of boundary enclosure and planting to mitigate any additional noise and disturbance could be secured by via condition this has not been a determinative factor in this instance.

¹ Secretary of State for Communities and Local Government v West Berkshire District Council and Reading Borough Council C1/2015/2559; [2016] EWCA Civ 441.

² paragraphs 013-017, 019-023 and 031 of the Planning Practice Guidance

Conclusion

23. For the reasons set out, and having considered all other matters raised, I therefore conclude that the appeal should be dismissed.

Graeme Robbie

INSPECTOR

Appendix C



Appendix D



Access to the site off New Street as existing and to be improved to serve the development



Neighbouring club and views of development from the application site along Bowling Green Close



Long distance views (taken from 26 Bakers Croft) towards development site and Bowling Green Close and the club in the background.



View of rear garden towards rear party boundary to Park Road



View of 26 Bakers Croft and landscaping along boundary



View back towards host dwelling at 52 New Street from development site

(9) Application No: PAP/2016/0557

29, Lawnsdale Close, Coleshill, B46 1BS

Erection of two storey dwelling and ancillary site works, for

Mr Paul Jarvis

Introduction

The application is brought before the Board because of its earlier involvement in the site.

The Site

The site lies within the Coleshill development boundary and is currently a fenced garden area to 29 Lawnsdale Close. This is the southern (end) property in a row of five similar houses fronting the end of the cul-de-sac here. The site slopes down as looking from the rear of the site towards the bottom of Lawnsdale Close and the A446 beyond. There is residential property opposite the site.

The Proposal

The proposed is for one new dwelling house attached to the side of number 29, thus in effect extending the row to six units. The rear garden area will contain a small amenity space with a side boundary fence. The proposed dwelling is 8 metres long and 4.3 metres wide and would be 7 metres high to the roof ridge, just lower than that of number 29. The dwelling would be set off the side road by 0.75 metres and also set back slightly from the front and rear of the number 29.

The facing materials would match those of the main dwelling and no on-site parking spaces are proposed.

The relevant plans can be viewed in Appendix 1 and photographs of the site can be viewed in Appendix 2.

Background

In 2015, planning permission was refused by the Board. The decision was appealed. The only reason for refusal was that:

“The proposal is not considered to be in keeping with the character of this residential estate resulting in a cramped development with a particularly adverse impact upon parking here with no on-site provision. As a consequence the development does not accord with policies NW10 and NW12 of the North Warwickshire Local Plan 2014”.

In the appeal decision the following was set out in response by the Inspector to the reason for refusal (paragraph 8 of Appendix 3):

‘I conclude that the proposed development would not harm the character and appearance of the host terrace or the surrounding area. It would, therefore, meet the relevant requirements of Policy NW12 of the CS which seeks to

ensure that new developments demonstrate a high quality of sustainable design that positively improve the individual settlement's character and appearance. These policy requirements align with the National Planning Policy Framework (the Framework)'.

The appeal however was dismissed solely on the ground of there being no off-site affordable housing contribution.

Members will be aware that since this decision, Government advice and guidance has changed such that no contributions should be sought on sites proposing ten units or less.

Development Plan

North Warwickshire Core Strategy 2014 – NW1 (Sustainable Development); NW2 (Settlement Hierarchy), NW4 (Housing Development), NW5 (Split of Housing Numbers), NW6 (Affordable Housing Provision), NW10 (Development Considerations), NW11 (Renewable Energy and Energy Efficiency) and NW12 (Quality of Development)

Saved Policies of the North Warwickshire Local Plan 2006 - ENV6 (Land Resources); ENV12 (Urban Design), ENV13 (Building Design), ENV14 (Access Design) and TPT6 (Vehicle Parking).

Other Relevant Material Considerations

National Planning Policy Framework 2012

National Planning Policy Guidance 2014

Supplementary Planning Guidance: - The Council's SPG – A Guide for the Design of Householder Developments – Adopted September 2003

Consultations

Environmental Health Officer – No objection subject to conditions.

Representations

Coleshill Town Council – The Council objects because of the loss of residential amenity from elimination of a greened corner to the close. There is also a highway concern due to egress from an end of road plot with poor visibility splays and inadequate parking provision.

A letter of objection has been received referring to:

- Highway issues – particularly car parking
- The design and layout
- The impact on the character of the neighbourhood

Observations

The proposal for an additional dwelling in Coleshill fully accords with the Core Strategy. The starting position is thus that the application can be supported in principle. The

issues here therefore revolve around the detailed matters raised by the representation and the recent appeal decision.

The dwelling is within an existing established residential area. The separation distance from the front of number 24 to the side of the proposed dwelling is approximately 18.5 metres. It is considered that this distance is acceptable given number 24 would face onto the side elevation. The side landing window can be conditioned to be obscurely glazed. There would be a degree of overlooking to number 29 however there is already overlooking over these rear gardens and this would not be materially different.

When considering amenity, the appeal decision sets out in Appendix 3, that:

“The proposed dwelling would maintain adequate separation distance to No 24 on the opposite side of Lawnsdale Close to avoid impact upon the outlook from that property, whilst the facing window in the side elevation of the proposed dwelling could be obscure glazed by condition to ensure no loss of privacy. There would also be no adverse effect upon the living conditions of occupiers of other surrounding properties or the living environment for future occupiers of the proposed dwelling. This is noting that the absence of any projection beyond the established front and rear build lines of No 29 would prevent any harmful impact to the properties in the adjacent terraced row in all respects.”

The future occupiers have also to be considered and whilst the garden area would be small it would not be materially different to the existing properties.

The Highway Authority had no objection on the refused application which was determined by the Planning and Development board in 2015. In the future, the applicant could apply for a dropped kerb without the need to submit a planning application given the status of the road.

The proposed dwelling would be on land presently part of the garden to number 29. It is certainly relevant to consider whether this would so significantly alter the character of the area to warrant refusal. It is considered that it would not for the following reasons. Firstly the built form just continues and extends the existing form – a row or terrace of houses. Secondly the dwelling is very similar in appearance to its neighbours and thirdly it is designed such that it is slightly smaller than the existing houses such that it subservient and not dominant in the street scene. Moreover the site is not in a Conservation Area.

The Planning Inspector in the appeal decision considered the character of the area, with following comment:

“I have found that the proposal would not have a harmful effect on the character and appearance of the host terrace and surrounding area”.

The appeal decision refused the application on a failure to make an affordable housing contribution. However since, the decision further Government advice following a legal challenge has set out that affordable housing contributions are not required on proposals for less than ten dwellings. Therefore the reason for refusal is not a material planning consideration and no weight is given to it.

Recommendation

That the application be **GRANTED** planning permission subject to the following conditions:

1. The development to which this permission relates must be begun not later than the expiration of three years from the date of this permission.

REASON

To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and to prevent an accumulation of unimplemented planning permissions.

2. The development hereby approved shall not be carried out otherwise than in accordance with the plan numbered 01 B received by the Local Planning Authority on 28 September 2016²⁰¹⁵, and to the site location plan received by the Local Planning Authority on 27 September 2016.

REASON

To ensure that the development is carried out strictly in accordance with the approved plans.

3. No development shall be commenced before details of all facing materials including facing bricks and roofing tiles to be used have been submitted to and approved by the Local Planning Authority in writing. The approved materials shall then be used.

REASON

In the interests of the amenities of the area.

4. No development whatsoever within Class A, B and C of Part 1, of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 shall not commence on site.

REASON

In the interests of the amenities of the area.

5. No additional opening shall be made other than shown on the plan hereby approved, nor any approved opening altered or modified in any manner.

REASON

To protect the privacy of the occupiers of adjoining properties.

6. The first floor north western facing landing window shall be permanently glazed with obscured glass which shall provide a minimum degree of obscurity equivalent to privacy level 4 or higher and shall be maintained in that condition at all times. For the avoidance of doubt privacy levels are those identified in the Pilkington Glass product range. The obscurity required shall be achieved only through the use of obscure glass within the window structure and not by the use of film applied to clear glass.

REASON

To protect the privacy of the adjoining property and to prevent overlooking.

7. Before the occupation of the development, a landscaping scheme shall be submitted to the Local Planning Authority for approval.

REASON

In the interests of the amenities of the area.

8. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which, within a period of 5 years from the date of planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

REASON

In the interests of the amenities of the area.

9. No development shall commence until details have been provided and approved in writing with regards to the following:

- acoustically treated glazing and ventilation which should be incorporated into the bedroom of the proposed development due to its' proximity to the A446 and the associated traffic noise.
- solid board acoustic fence to garden boundaries on the north east and north west facing boundaries.

REASON

To ensure that acceptable noise levels within the dwellings and the curtilages of the dwellings are not exceeded in the interests of residential amenity

10. No work relating to the construction of the development hereby approved, including works of demolition or preparation prior to operations, or internal fitting out, shall take place before the hours of 0700 nor after 1800 Monday to Friday, before the hours of 0800 nor after 1300 Saturdays nor on Sundays or recognised public holidays.

REASON

To protect the amenities of the occupiers of nearby properties during the construction period.

Notes

1. The submitted plans indicate that the proposed works come very close to, or abut neighbouring property. This permission does not convey any legal or civil right to undertake works that affect land or premises outside of the applicant's control. Care should be taken upon commencement and during the course of building operations to ensure that no part of the development, including the foundations, eaves and roof overhang will encroach on, under or over adjoining land without the consent of the adjoining land owner. This planning permission does not authorise the carrying out of any works on neighbouring land, or access onto it, without the consent of the owners of that land. You would be advised to contact them prior to the commencement of work.
2. You are recommended to seek independent advice on the provisions of the Party Wall etc. Act 1996, which is separate from planning or building regulation controls, and concerns giving notice of your proposals to a neighbour in relation to party walls, boundary walls and excavations near neighbouring buildings. An explanatory booklet can be downloaded at www.communities.gov.uk/publications/planningandbuilding/partywall.
3. In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner through pre-application discussions, seeking to resolve planning objections and issues and suggesting amendments to improve the quality of the proposal. As such it is considered that the Council has implemented the requirement set out in paragraphs 186 and 187 of the National Planning Policy Framework.
4. Section 163 of the Highways Act 1980 requires that water will not be permitted to fall from the roof or any other part of premises adjoining the public highway upon persons using the highway, or surface water to flow – so far as is reasonably practicable – from premises onto or over the highway footway. The developer should, therefore, take all steps as may be reasonable to prevent water so falling or flowing.
5. Pursuant to Section 149 and 151 of the Highways Act 1980, the applicant/developer must take all necessary action to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's/developer's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.

BACKGROUND PAPERS

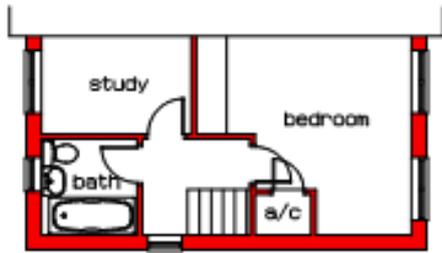
Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

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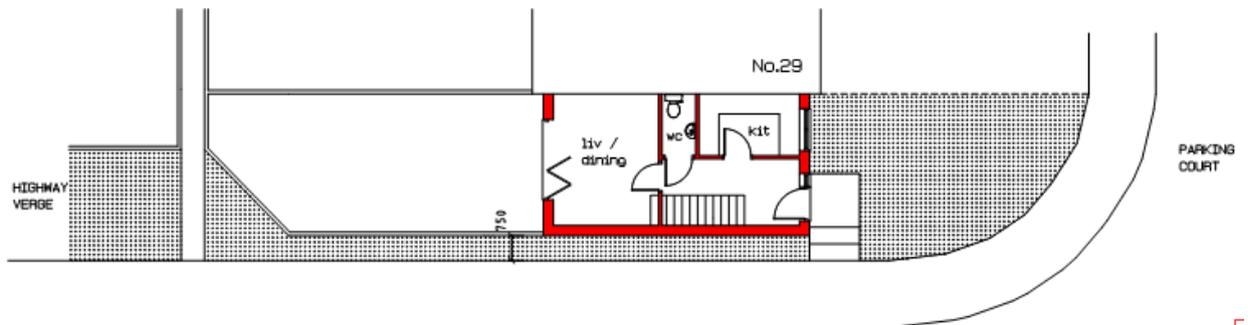
Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	27/09/2016
2	Coleshill Town Council	Consultation response	06/10/2016
3	NWBC Environmental Health (ground)	Consultation response	11/10/2016
4	NWBC Environmental Health (Noise)	Consultation response	12/10/2016
5	Agent	Email to case officer	28/09/2016
6	Agent	Email to case officer	28/09/2016
7	Case officer	Email to agent	28/09/2016
8	Councillor Simpson	Email to Head of Development Control	21/10/2016
9	T Welby	Objection	22/10/2016

Note: This list of background papers excludes published documents which may be referred to in the report, such as The Development Plan and Planning Policy Guidance Notes.

A background paper will include any item which the Planning Officer has relied upon in preparing the report and formulating his recommendation. This may include correspondence, reports and documents such as Environmental Impact Assessments or Traffic Impact Assessments.



FIRST FLOOR PLAN



LAWNSDALE CLOSE

GROUND FLOOR PLAN

SITE LAYOUT



REAR ELEVATION



SIDE ELEVATION



FRONT ELEVATION

Appendix 2







Appeal Decision

Site visit made on 2 February 2016

by Gareth Wildgoose BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 9 March 2016

Appeal Ref: APP/R3705/W/15/3137107

29 Lawnsdale Close, Coleshill, B46 1BS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr P Jarvis against the decision of North Warwickshire Borough Council.
- The application Ref PAP/2015/0296, dated 8 May 2015, was refused by notice dated 14 July 2015.
- The development proposed is described as construction of two storey attached dwelling and ancillary site works.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues of this appeal are:
 - the effect on the character and appearance of the host terrace and the surrounding area;
 - the effect on highway and pedestrian safety, with particular regard to car parking arrangements, and;
 - whether the proposed development should make provision for affordable housing.

Reasons

Character and Appearance

3. The appeal site is located within the development boundary of Coleshill which is identified in Policy NW2 of the North Warwickshire Local Plan Core Strategy (CS), adopted October 2014, as a Green Belt Market Town where housing (including affordable housing) is permitted. The local area is a residential estate characterised by a mix of terraced and semi-detached houses.
4. The appeal proposal comprises a two storey attached dwelling within the existing fenced side garden area of No 29, an end terraced house within an existing row of five in an established residential cul-de-sac.
5. The proposed dwelling would be approximately three quarters of the width of No 29 and the other dwellings within the terraced row, with a matching side gable roof, together with a set back from

the main build lines and a lower ridge height. As a consequence, it would appear as a relatively small addition when viewed in the context of the larger terraced houses and in keeping with the terraced dwellings opposite which are characterised by stepped frontages and varied ridge heights. The proposed dwelling would therefore appear subservient in terms of its scale, design and height relative to the host property and the surrounding terraced rows.

6. The proposed development would be located in a conspicuous corner position within the street scene. This is due to the existing terraced row, within which No 29 is located, being set at a higher land level than the turning head of the cul-de-sac which it faces and the alignment of Lawnsdale Close wrapping around the side of the appeal site. However, the integration of the development within the street scene would be assisted by the upward sloping topography towards the rear of the appeal site and the landscaping immediately beyond, which would ensure that the proposed dwelling would not be viewed against the established front build lines of Nos. 1, 3 and 5. As a consequence, the appeal proposal would not be an unduly prominent, cramped or dominant addition to the existing street scene given its subservient appearance, together with the inclusion of a set in from the side boundary and use of matching materials. In addition, more distant views from Stonebridge Road (A446) are at an oblique angle and the new dwelling would be well screened by a narrow landscaping strip.
7. In reaching the above findings, I have taken into account the Council's view that the terraced rows in the residential estate are characterised by open space at the side. However, during my visit to the site I observed the land to the side of No 29 is already enclosed by substantial boundary fencing and there is a significant diversity of side space within the surrounding area, including the existing two storey side extension at No 1 Duncombe Green which adjoins the highway. There would therefore be no material loss of openness as a result of the appeal proposal.
8. I conclude that the proposed development would not harm the character and appearance of the host terrace or the surrounding area. It would, therefore, meet the relevant requirements of Policy NW12 of the CS which seeks to ensure that new developments demonstrate a high quality of sustainable design that positively improve the individual settlement's character and appearance. These policy requirements align with the National Planning Policy Framework (the Framework).

Highway and Pedestrian Safety

9. The appeal site is located toward the end of the Lawnsdale Close cul-de-sac, an unclassified road with a pedestrian footway present to the front and side of No 29. Off street parking is not an original feature of the existing terraced row or those immediately surrounding, although there is an unallocated parking area opposite to Nos. 31 - 35, which also serves Nos. 39 - 53. In the wider area, there is an off street garage compound located to the rear of Nos. 2 - 8 and additional unallocated parking bays within Duncombe Green.
10. The appeal proposal includes no off street parking. When visiting the site and surrounding area in the late afternoon, I observed significant on street parking in the local area, although a number of parking bays were available. I recognise that this provided only a snap shot of local highway conditions during a period outside of hours when on street parking demand is generally at its heaviest, i.e. the early mornings and late evenings. In this respect, I am also aware of residents' concerns relating to the effect of inconsiderate on street parking on access to properties and for emergency vehicles. However, there are no existing waiting restrictions on Lawnsdale Close to prevent on street parking and I note that the Highway Authority offered no objection to reliance upon on street parking to serve the development given the existing parking arrangements and an absence of reported accidents. Based on the evidence before me, I have no reason to take a different view and therefore consider that the additional parking requirements associated with a single dwelling could be satisfactorily accommodated on street within the surrounding area.
11. The proposed dwelling would be no closer to Lawnsdale Close and its associated pedestrian footway than the substantial boundary treatment which currently encloses the side garden of No 29. The existing sight lines for vehicular and pedestrian movements around the corner and within

the cul-de- sac would therefore be unaffected by the appeal proposal.

12. I conclude that the proposed development would not cause harm to highway and pedestrian safety. The proposal therefore would accord with the relevant requirements of Policy NW10 of the CS which seeks to ensure new development has sufficient car parking. This policy requirement aligns with the National Planning Policy Framework (the Framework).

Affordable Housing

13. Policy NW6 of the CS indicates that in schemes of 1 to 14 dwellings, 20% affordable housing provision is required via on site provision or a financial contribution towards the provision of affordable housing elsewhere in the District. Details of how financial contributions will be calculated are provided by a methodology within the Council's Affordable Housing Viability Report. The appellant has not offered a financial contribution or provided any evidence that it is not viable to meet the policy targets.
14. The supporting text to Policy NW6 of the CS identifies a significant demand for affordable housing. The aim of this policy, through the delivery of affordable housing on all new residential developments, is to therefore address this demand. The proposed contribution would therefore satisfy the 3 tests in Regulation 122 of the Community Infrastructure Levy Regulations 2010, as it would be necessary to make the development acceptable in planning terms, directly related to the development; and fairly and reasonably related in scale and kind to the development
15. On the 28 November 2014, a Written Ministerial Statement (WMS) was published which set out national policy on Section 106 obligations, including setting a threshold beneath which affordable housing contributions should not be sought. As the development fell under this threshold at the time of the Council's decision, a contribution towards affordable housing was not necessary to make the development acceptable in planning terms.
16. However, following the High Court's judgement in *R (on the application of West Berkshire District Council and Reading Borough Council) v SSCLG* [2015] EWHC 2222 (Admin) on 31 July 2015, the policies in the WMS must not be treated as a material consideration in development management. Consequently, Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990 apply, requiring that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
17. In September 2015 the Department for Communities and Local Government was granted permission to appeal the 31 July 2015 judgement. However, at the time of writing, the judgement and declaration order stands. As such, I must make my decision based on the Court's Order and evidence before me, which is that there is a development plan policy requirement for the provision of affordable housing.
18. I conclude, therefore, that the proposal should make provision for affordable housing through a financial contribution. In the absence of a contribution or evidence that the development would not be viable if such a contribution were provided, the proposal is unacceptable and conflicts with Policy NW6 of the CS.

Other Matters

19. The proposed dwelling would maintain adequate separation distance to No 24 on the opposite side of Lawnsdale Close to avoid impact upon the outlook from that property, whilst the facing window in the side elevation of the proposed dwelling could be obscure glazed by condition to ensure no loss of privacy. There would also be no adverse effect upon the living conditions of occupiers of other surrounding properties or the living environment for future occupiers of the proposed dwelling. This is noting that the absence of any projection beyond the established front and rear build lines of No 29 would prevent any harmful impact to the properties in the adjacent terraced row in all respects.

20. The provision of one dwelling would have very little effect on the overall supply of housing in North Warwickshire and housing choice. The appeal site is also sustainably located, close to local services, facilities and public transport. However, these matters individually or in combination do not outweigh the harm that has been identified.

21. The costs regime is an entirely separate matter and so the comments about the scope for an application have no bearing on my decision.

Conclusions

22. Although I have found that the proposal would not have a harmful effect on the character and appearance of the host terrace and surrounding area or highway and pedestrian safety, the failure to make an affordable housing contribution is decisive.

23. For the reasons given above and taking all other matters into consideration, I conclude that this appeal should be dismissed.

Gareth Widgoose

INSPECTOR