

Planning Committee Report	
Planning Ref:	OUT/2020/2762
Site:	260a Hawkes Mill Lane
Ward:	Bablake
Proposal:	Demolition of existing buildings and erection of four dwellings (Outline application with access, scale and layout to be considered)
Case Officer:	Emma Spandley

SUMMARY

The application seeks permission to redevelop a former piggery site, with four detached dwellings.

BACKGROUND

The application has been submitted in outline form with only the means of access, layout and scale to be considered. All other matters relating to appearance and landscaping are reserved for later consideration.

OUT/2018/2653, granted the approval of the demolition of the 13 existing agricultural buildings to be replaced with two dwellings, with an access from Hawkes Mill Lane. The scheme proposed two houses with a footprint of 140 sq. m each, equivalent to a total a 280 sq. m; eaves at 5.7m and the ridge height at 9.7m. The layout of the dwellings was to be approximately aligned with Hogs End Farm.

Subsequent applications have been submitted to replace the existing dilapidated buildings on the site with four houses and refused. (OUT/2019/1375).

The most recent approval OUT/2020/0577, approved the siting of three houses on the site. The three houses had a footprint of 90 sq.m making a total footprint of 270 sq.m. The height of the ridge was reduced from 9.6m to 8.8m but the eaves were increased from 5.7m to 6.2m.

KEY FACTS

Reason for report to committee:	Over eight letters of support.
Current use of site:	Former Piggery (Agricultural) with one commercial building (sui generis).
Proposed use of site:	Erection of four detached dwellings.

RECOMMENDATION

Planning committee are recommended to refuse planning permission for the following reason.

REASON FOR DECISION

The proposed development would be contrary to Policies DS3, GB1 and DE1 of the Coventry Local Plan 2016, the Supplementary Design Guidance *Design Guidelines for Development in Coventry's Ancient Arden* and the aims and objectives of the National Planning Policy Framework and the principles of good design and well-designed places as set out within the National Design Guide.

1. The application site lies within the Green Belt where strict policies of restraint apply.

The development of the site for four houses will cause serious harm to the Green Belt because

it: -

- i) is inappropriate;
- ii) diminishes openness;
- iii) conflicts with the purpose of including land in the Green Belt by encroaching upon the countryside, extending urban sprawl, and is harmful to the maintenance of its character; whilst failing to contribute to the achievement of any of the objectives for the use of land in the Green Belt. No very special circumstances have been put forward to justify the proposal in order to outweigh the harm which would be caused by the proposal. In consequence the application is contrary to Policy GB1 of the Coventry Local Plan 2016 and the aims and guidance contained within the National Planning Policy Framework and is not justified by any other material considerations.

2. The siting of the proposed dwellings will result in garden depths woefully below the prevailing character of rear garden depths in excess of 25m, contrary to the established layout and character of the locality and wider area and consequently resulting in an overdevelopment by intensification of the site due to the siting and layout of the proposed dwellings, contrary to Policy DE1 of the Coventry Local Plan 2016, SPG Design Guidelines for Development in Coventry's Ancient Arden and guidance contained within the National Planning Policy Framework.

BACKGROUND

APPLICATION PROPOSAL

The proposal is to demolish all of the existing buildings on site and erect four detached dwellings. Two of the houses would be located to the east of the access road and two to the west. The two pairs of dwellings would be separated by around a 2m gap. The houses would each have a footprint of approx. 9m x 7.5m, making a total floor area of 252 sq.m.

SITE DESCRIPTION

The application site is located within the Green Belt, accessed via a private farm track which is located between 260 and 262 Hawkes Mill Lane. 260 and 262 Hawkes Mill Lane are single storey dwellings. The site currently accommodates a range of agricultural buildings which are screened from the wider public area by dense tree and shrub planting, to the point that one is not aware of the site when traversing Hawkes Mill Lane.

PLANNING HISTORY

There have been a number of historic planning applications on this site; the following are the most recent/relevant:

Application Number	Description of Development	Decision and Date
OUT/2018/2693	Outline application for erection of two dwellings (access, layout and scale submitted)	Approved
OUT/2019/1375	Demolition of existing buildings and erection of four dwellings (Outline application with access, scale, layout and appearance to be considered)	Refused 7 th August 2019 Appeal dismissed
OUT/2020/0577	Demolition of existing buildings and erection of three dwellings (Outline application with access, scale and layout to be considered)	Approved 15 th July 2020

POLICY

National Policy Guidance

National Planning Policy Framework (NPPF). The new NPPF published on 24 July 2018 sets out the Government's planning policies for England and how these are expected to be applied. It sets out the Government's requirements for the planning system only to the extent that is relevant, proportionate and necessary to do so. The new NPPF increases the focus on achieving high quality design and states that it is "fundamental to what the planning and development process should achieve".

The National Planning Practice Guidance (NPPG) 2014, this adds further context to the NPPF and it is intended that the two documents are read together.

Local Policy Guidance

The current local policy is provided within the Coventry Local Plan 2016, which was adopted by Coventry City Council on 6th December 2017. Relevant policy relating to this application is:

Policy DS1: Overall Development Needs
Policy DS3: Sustainable Development Policy
Policy H1: Housing Land Requirements
Policy H2: Housing Allocations
Policy H3: Provision of New Housing
Policy GB1: Green Belt and Local Green Space
Policy GE1 Green Infrastructure
Policy GE3: Biodiversity, Geological, Landscape and Archaeological Conservation
Policy GE4: Tree Protection
Policy DE1 Ensuring High Quality Design
Policy AC2: Road Network
Policy AC3: Demand Management
Policy AC4: Walking and Cycling
Policy EM1: Planning for Climate Change Adaptation
Policy EM2: Building Standards
Policy EM5 Sustainable Drainage Systems (SuDS)

Supplementary Planning Guidance/ Documents (SPG/ SPD):

SPG Design Guidelines for New Residential Development
SPD Delivering a More Sustainable City
SPG Design Guidelines for Development in Coventry's Ancient Arden

CONSULTATION

No Objections received from:

- Archaeology
- Conservation
- Highways

No objections subject to conditions/contributions have been received from:

- Ecology – Biodiversity mitigation
- Environmental Protection – contaminated land survey prior to commencement

Objections have been received from:

- Urban Design

Immediate neighbours and local councillors have been notified on 19th November 2020.

12 letters of objection have been received, raising the following material planning considerations:

- a) Loss of Green Belt;
- b) Impact on the character and appearance of the area;
- c) Agricultural buildings should not be allowed to go into disrepair in order to allow new houses;
- d) Over development;
- e) Overlooking to neighbouring properties;
- f) Loss of light to neighbouring properties' gardens through the planting of trees;
- g) Waste collection and access for bin lorries;
- h) Highway Safety and access issues.

8 letters of support have been received, raising the following material planning considerations:

i) Reuse of a redundant site which is an eyesore.

Any further comments received will be reported within late representations.

APPRAISAL

The main issues in determining this application are: -

- Whether the principle of the removal of the existing agricultural buildings is acceptable and whether the proposal would constitute inappropriate development;
- the impact upon the character of the area;
- the impact upon neighbouring amenity,
- highway considerations,
- ecology, and
- contaminated land,

Principle of development

Principle of Residential

The principle of the development is governed by the policies contained within the National Planning Policy Framework (NPPF).

The NPPF states that the essential characteristics of Green Belt are openness and permanence. The NPPF states, inappropriate development in the Green Belt is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. (Para 143.) Paragraph 144 states when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Paragraph 145 in the NPPF states that there are exceptions to inappropriate development in the Green Belt which includes the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces, bullet point (d).

The site was part of Hogs End farm and therefore the buildings are former agricultural buildings, submission was submitted which established that one of the buildings was not agricultural but in a commercial use.

Therefore, the principle of the demolition of the existing agricultural buildings to be replaced with four houses (Use Class C3) fails on paragraph 145 bullet point (d) as the replacement buildings are not in the same use as the buildings they are replacing.

The Planning Statement states that one of the buildings has been used as a sculptor's workshop and therefore is not former agricultural building, which means it is excluded from the definition. However, this point is immaterial in the consideration of bullet point (d), as the building is proposed to be replaced with a house (Use Class C3) not another commercial building. Consequently, the proposal would not meet the exception noted at bullet point (d) paragraph 145 of the Framework.

The Planning Statement contested that the building that is not in agricultural use should be considered to be brownfield land. An appeal decision was submitted in support of the application, which stated the redevelopment of the site should be considered as a whole and not piecemeal.

The appeal decision relates to a site of some 1.82ha and comprised a substantial complex of buildings many with agricultural origins. The entire site had been used for mix purposes for many years, uses which included livery stables (2 buildings), a builders/scaffolding yard (1 building and land); external storage of building materials and other items 3 additional parcels of land; a further 2 buildings as stables and included the existing farmhouse and existing converted stables on the site.

This therefore related to at least 5 buildings and a number of parcels of land in and around the buildings currently used for open storage. In comparison to the application site which only relates to 0.29 ha of land and 1 building being used for a non-agricultural use; the use of which has not been established whether it is lawful or not; with no other commercial uses on the site.

To quote the appeal decision, submitted as part of the planning statement, at paragraph 10 states *'The Lee Valley judgement states that "While...the flexibility in the NPPF for previously developed land may not require every part of the application site to have been previously developed land, the presence of some previously developed land within an application site does not make the whole site previously developed land either"*

The appeal decision further states, at paragraph 11, *"It is therefore not the case that the presence of a single non-agricultural building means that the entire site has the status of previously developed land"*.

Therefore, taking all of the above into account it is concluded that the site is not considered previously developed land as set out within bullet point (g) as defined by annex 2 of the NPPF, is not for replacement buildings in the same use and fails on bullet point (d) and therefore does not fall within any of the exception contained within paragraph 145 of the NPPF. Nor would the proposal fall within any of the other exceptions at paragraph 146 of the Framework.

The dilapidated agricultural buildings were mainly to the west of the existing track with the substantial building in commercial use was to the east of the track.

Application OUT/2018/2693 was approved, is an extant permission and therefore is a material consideration and approved two large detached dwellings, one on either side of the existing track. The houses had a floor area of 140 sq.m each with an eave's height of 5.7m and a ridge height of 9.6m. The total floor area for the two houses is 280 sq.m.

Additionally, another application was submitted OUT/2020/0577 and approved three dwellings on the site, two located to the east of the access track and one located to the west. These houses had a floor area of 93 sq.m each with an eaves height of 6.2m and a ridge height of 8.8m. The total floor area for the two houses is 280 sq.m.

As the above permissions are extant, which means the applicant can implement them if they choose to, it is a material consideration in the assessment of this current application.

Therefore, the principle of the demolition of the existing buildings on site and their replacement with at least three houses, has already been agreed and established.

Openness of the Green Belt and Character of the Area.

The application site is located to the rear of the properties fronting onto Hawkes Mill Lane, is accessed via a private single track and is heavily screened from any public vantage points by dense tree and shrub planting.

The existing buildings on the site are low profile, single storey units and are agricultural in both appearance and former function, they are also in a poor state of repair and the majority cannot be converted in their own right. The buildings are required to be demolished from the site as they are falling down. Consequently, the majority of the buildings on the site are not of substantial construction.

However, notwithstanding the above, two large houses have been approved and three smaller properties have also been approved with a floor area of 280 sq.m.

The provision of three dwellings and the associated domestic paraphernalia would result in a form of development that when viewed from the surrounding area would be seen as a low-density form of residential development. Whilst some farmhouses are set back and sometimes behind existing linear development, the new buildings in their form would still be considered out of character with the rural setting of the site and would result in a degree of harm to the openness of the Green belt.

Notwithstanding the above the principle of four houses in this location will have an adverse impact on the rural setting and the local landscape character. The site lies within a field pattern of medium – large scale mixed farmland on gently rolling topography, Ancient Arden, behind the curtilage to the settlement.

The provisions of two and three houses will form a transition between the built-up area of Hawkes Mill Lane and the rolling fields beyond. The provision of four houses, whilst similar in overall footprint, will add a suburban character to the area by their siting. Together with the associated domestic paraphernalia associated with residential uses, will harm the openness of the Green Belt and is therefore considered to be inappropriate development by definition and contrary to the aforementioned paragraphs of the NPPF.

Impact on visual amenity

Policy DE1 of the Local Plan seeks to ensure high quality design and development proposals must respect and enhance their surroundings and positively contribute towards the local identity and character of an area.

The National Planning Policy Framework, paragraph 127 states that “Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

The NPPF further states (at paragraph 130) "Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development. Local planning authorities should also seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used)."

The adopted SPG titled '*Design Guide for New Residential Development*' states to help achieve window to window separation distances a minimum garden depth of 10m is required to achieve basic levels of design and layout.

However, paragraph 4.1.5 states: -

"The size of garden required will also be influenced by the need to maintain the character of an area regarding the overall density of existing development. In an area where gardens tend to be large, this existing character should be respected."

The irregular landscape pattern, reflected in the shape of fields and the network of narrow winding lanes, is the essential structural element of Ancient Arden. Maintaining this pattern is the key to conserving the ancient landscape character. Though now fragmented, this creates visual unity where it survives and contributes to Ancient Arden's distinct sense of place.

Despite some suburban ribbon development, the historic farmland and highway patterns are for the most part still intact, as a result the area retains a strong rural character and local identity.

The site falls within the Ancient Arden Landscape, supplementary planning guidance titled *Design Guidelines for Development in Coventry's Ancient Arden* were drawn up to define the character of the locality and outline the type of design that would be appropriate for any new development emphasising the link between landscape and the buildings within it.

Consideration has been given to the extant permissions mentioned above, when considering the layout, it was important to consider the local context. The Local grain is primarily characterised by properties situated in substantial garden space and it is advisable that the proposals follow this format which they currently do not in their entirety.

Plot one has a garden depth of 19m, Plot 2 of only 6.8m, Plot three 15m and Plot four 29m.

The surrounding residential developments have plot depths as shown below.

No	Address	Garden Depth
248	Hawkes Mill Lane	32m
250	Hawkes Mill Lane	32m
252	Hawkes Mill Lane	32m
256	Hawkes Mill Lane	25m
258	Hawkes Mill Lane	37m
260	Hawkes Mill Lane	32m
262	Hawkes Mill Lane	69m
264	Hawkes Mill Lane	57m
Hogs End Farm	Hawkes Mill Lane	32m

In an area where gardens tend to be large this character should be respected and retained throughout new developments in the locality. Whereas arguably the current layout indicates this aspect has only been met with Plots one and four.

Therefore, to further accommodate these points a recommendation is made that three units would be more suitably accommodated on the site rather than four to ensure the substantial landscape garden amenity character is retained through the site. Plots one and four are already substantial plots and are deemed in keeping with the surrounding context, but to further accommodate this character trait a reconfiguration of plots two and three into a single plot is recommended and as subsequently approved under OUT/2020/0577.

Impact on residential amenity

The properties within Hawkes Mill Lane are set over 30m away from the boundary with the edge of the site. 260 Hawkes Mill Lane is set 31m to the edge of the access track, with Plot four being set another 17m from the edge of the boundary, making a total separation distance of 46m. Plot one is set 8m from the edge of the boundary with No.264 Hawkes Mill Lane set 57m away from the edge of the boundary, making a total of 65m separation distance.

The comments are noted with regards the potential for overlooking and loss of light, however, the minimum separation distance that the properties have to meet to be considered acceptable is 20m between the front / backs of one property to the front/back of another property. If a property is side on with a blank gable the separation to be achieved is only 12m.

Given the significant separation distances between the proposed houses and the existing properties, the proposed dwellings are not considered to have a detrimental impact in terms of overlooking, loss of privacy and loss of light in accordance with Policy DE1 of the Coventry Local Plan 2016 and accords with the general principles of the SPG Design Guidance for New Residential Development.

Highway considerations

Policy AC1 'Accessible Transport Network' states that development proposals which are expected to generate additional trips on the transport network should: a) Integrate with existing transport networks including roads, public transport and walking and cycling routes to promote access by a choice of transport modes. b) Consider the transport and accessibility needs of everyone living, working or visiting the city. c) Support the delivery of new and improved high-quality local transport networks which are closely integrated into the built form. d) Actively support the provision and integration of emerging and future intelligent mobility infrastructure.

Policy AC3 of the Local Plan acknowledges that the provision of car parking can influence occurrences of inappropriate on-street parking which can block access routes for emergency, refuse and delivery vehicles, block footways preventing access for pedestrians, reduce visibility at junctions and impact negatively on the street scene. Proposals for the provision of car parking associated with new development will be assessed on the basis of parking standards set out in Appendix 5. The car parking standards also include requirements for the provision of electric car charging and cycle parking infrastructure.

The proposed dwellings will have the required amount of off-road parking spaces which is two Per dwelling.

The comments are noted with regards to the suitability of the access and whilst the access road to the site does not meet ideal design standards, there are no issues with the required visibility splay onto Hawkes Mill Lane and the area is such that there is space for a vehicle to wait safely should there be another car using the access road to exit the site. Given the extant usage of the proposed site the Highway Authority considers that there won't be any significant variation in the possible trip generation if the development were to go ahead and has raised no objection on highway safety grounds.

Contaminated land

Policy EM6 seeks to ensure that redevelopment of previously developed land does not have a negative impact on water quality, either directly through pollution of surface or ground water or indirectly through the treatment of wastewater by whatever means.

Due to historical use as agricultural buildings there is some potential for contamination to exist. Such contamination may present a risk to site workers, end users and the wider environment.

A site investigation is required prior to commencement to ascertain whether there are any risks to human health and the environment. This could be controlled via a suitably worded condition, but as the aforementioned paragraphs have assessed, the application is not acceptable, with regards to layout and impact on the Green Belt.

Air quality

Policy EM7 states that major development schemes should promote a shift to the use of sustainable low emission transport to minimise the impact of vehicle emissions on air quality.

Ecology

Policy GE3 of the Local Plan states that Sites of Special Scientific Interest (SSSIs), Local Nature Reserves (LNRs), Ancient Woodlands, Local Wildlife and Geological Sites will be protected and enhanced.

The site is approx. 100m from Mill Farm Meadow LWS, though the development should not have any direct adverse impact. There are a number of records for notable species from the area including amphibians and hedgehogs and bats will be present. The nearest great crested newt record is within 500m but separated by Hawkes Mill Lane. A large pond (created approx. 15 years ago) is situated in the adjacent property.

Much of the site consists of disused building and hardstanding, overgrown by ruderal vegetation, but includes areas of grassland.

A previous application included a Preliminary Ecological Appraisal (Martin Ecology, September 2018). The report focused on bats and did not consider other ecological issues. No bats were found on the site, which is accepted. The report made a number of recommendations for safeguarding existing features and some enhancements. This application includes an update from Martin Ecology (email, 22/04/20) which states that the previous findings are still valid.

Landscape matters are reserved. However, any development would lead to a loss of existing biodiversity and be contrary to local policy GE3 and national policy. This could be addressed on site by landscaping which;

- o Includes all of the recommendations within the 2018 PEA
- o Includes native trees and hedgerow planting
- o Design to encourage wildlife, including hedgehogs

o CEMP which addresses the possibility of reptiles and amphibians (including legally protected species) being found on site, as well as birds and bats.

These items could be dealt with by way of a suitable worded planning condition but as the aforementioned paragraphs have assessed, the application is not acceptable, with regards to layout and is contrary for those reasons outlined above.

Equality implications

Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-

(1) A public authority must, in the exercise of its functions, have due regard to the need to:

eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;

advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Officers have taken this into account and given due regard to this statutory duty, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this application.

There are no known equality implications arising directly from this development.

Conclusion

The proposed development would be contrary to Policies DS3, GB1 and DE1 of the Coventry Local Plan 2016, the Supplementary Design Guidance *Design Guidelines for Development in Coventry's Ancient Arden and the* aims and objectives of the National Planning Policy Framework and the principles of good design and well-designed places as set out within the National Design Guide.

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