

Planning Committee: 13 September 2016

Item Number: 11

Application No: [W 16 / 1099](#)

Town/Parish Council: Lapworth

Registration Date: 23/06/16

Case Officer: Jo Hogarth

Expiry Date: 18/08/16

01926 456534 jo.hogarth@warwickdc.gov.uk

**Land adjacent Fir Tree Cottage, 147 Chassetts Wood Road, Lapworth,
Solihull, B94 6EN**

Erection of two dwellings (Resubmission of W/15/1890 - amended house design)
FOR HCD Developments Ltd

This application is being presented to Committee due to an objection from the Parish Council having been received.

RECOMMENDATION

Planning Committee are recommended to grant planning permission.

DETAILS OF THE DEVELOPMENT

The proposal is for the erection of two detached dwellings with associated garaging together with a new access situated on a side garden serving a property known as Fir Tree Cottage. Plot one would measure 8.5 metres in height and would have a frontage of 14 metres (excluding the double garage) whereas plot two would measure 8.3 metres in height with a frontage of 13.2 metres (excluding the double garage). This is a resubmission of W/15/1890 for an amended house design.

THE SITE AND ITS LOCATION

The site is located within the designated Green Belt within a relatively built up area along Chassetts Wood Road. It is bounded by a hedgerow to the front with the railway line running along the rear of the site. This part of Chassetts Wood Road has been identified in the emerging Local Plan as an infill village.

PLANNING HISTORY

In 2015, (ref: W/15/1089) planning permission was granted for the erection of two dwellings on the same site, together with a new access and detached garaging. This was granted with conditions on 11 January 2016.

RELEVANT POLICIES

- National Planning Policy Framework

The Current Local Plan

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DAP3 - Protecting Nature Conservation and Geology (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- RAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)

The Emerging Local Plan

- BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- H11 - Limited Village Infill Housing Development in the Green Belt (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR1 - Access and Choice (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

Guidance Documents

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

SUMMARY OF REPRESENTATIONS

Lapworth Parish Council: Objection on the basis of overdevelopment of a site, concern regarding the visibility splay particularly as the plot is substantially below the level of the road with a significant drop to the proposed houses.

Councillor Sue Gallagher: Objects as this is overdevelopment on a dangerous road.

WCC Landscape Team: Object to the layout; however trees should have a buffer zone and a landscaping scheme should be submitted.

WCC Ecology: No objection subject to notes and condition of a badger survey to be carried out prior to works being carried out.

Public response: 2 letters of objection have been received on the grounds that the access is dangerous, loss of vegetation which supports the hedgerow and the houses are larger than the previous approval. 1 letter has been received which

neither supports or objects to the proposal but merely requests that construction traffic does not park on Chessetts Wood Road.

ASSESSMENT

The issues considered during the assessment of the extant 2015 planning permission, which remains capable of being implemented were:

- the principle of development;
- the Green Belt;
- the impact on the character and appearance of the area;
- the impact on the living conditions of nearby dwellings;
- car parking and highway safety;
- drainage and flooding
- ecological impact of the proposals;
- renewable energy

It is considered that the principle has been established for the erection of two dwellings on this plot of land. The approved access under planning permission W/15/1890 is to be utilised in this current proposal and therefore there is no objection from a highway safety point of view. The drainage and flooding; ecological and renewable energy considerations remain unchanged as per the original grant of planning permission.

The key differences between this proposal and the previous one is that the garages are now integral to the dwelling rather than being detached and the position and design of the dwellings have altered.

It is therefore considered that the key issues in relation to this current application are::

- The Green Belt
- The impact on the character and appearance of the area
- The impact on the living conditions of nearby dwellings

The Green Belt

Planning permission has already been granted for 2 dwellings on this site as limited infilling within a village in the Green Belt.

Whilst the design and layout of the proposed dwellings is proposed to be altered by way of this submission, the development remains appropriate within the Green Belt such that there is no change to acceptability of the principle of the development arising from this proposal.

The impact on the Character and Appearance of the Area

The design of the dwellings would be largely similar in style and height, and whilst the footprint of the dwellings would be marginally larger (approximately an additional 17m² for plot one and 15m² for plot two), it is considered that the

revised design of the dwellings would not have an adverse impact on the character or visual appearance of the streetscene such that a refusal of permission could be sustained on these grounds. The application is thereby considered to meet the objectives of Policy DP1 in the Local Plan

The impact on the living conditions of nearby dwellings

The siting of the new dwellings has slightly altered from the previous application in so far as they are to be situated more centrally within the plot. The first floor window in plot one relates to a bathroom along the north elevation and a wardrobe window along the south. First floor windows in plot two would serve a landing, bathroom and secondary bedroom in the north elevation (facing the side of plot one) and there would be a blank first floor along the south elevation, facing onto Fir Tree Cottage.

It is considered that these windows would not result in such adverse harm to neighbouring amenity through overlooking or loss of privacy as to warrant refusal of permission. It is considered that this proposed scheme would not increase any potential harm to neighbours than the approved development. The application is thereby considered to meet the objectives of Policy DP2 in the Local Plan.

Other matters

It is considered that the conditions imposed on the previous grant of planning permission continue to apply to this proposal and the recommendation is therefore subject to the imposition of those conditions.

SUMMARY/CONCLUSION

The application is considered to be acceptable and would thereby accord with the requirements set out in the aforementioned Local Plan Policies.

CONDITIONS

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing numbers 01(cad9); 02(cad9) and 03(cad9) and specification contained therein, submitted on 16 June 2016 **REASON :** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.
- 3 The development hereby permitted shall be carried out in strict accordance with details of surface and foul water drainage works showing the location of yard gullies, manholes soakaways, and pipes

including shape, material, pipe falls in relation to the proposed building. The plans shall have been submitted to and approved in writing by the local planning authority. **REASON:** To ensure that adequate drainage facilities are available for the satisfactory and proper development of the site in accordance with Policy DP11 of the Warwick District Local Plan 1996-2011.

- 4 No part of the development hereby permitted shall be commenced until a detailed method statement, including timetabled mitigation measures where appropriate, has been carried out by a suitably qualified consultant to cover reptiles, amphibians and hedgehogs has been submitted to and approved in writing to the local planning authority. Any approved mitigation measures shall be implemented in accordance with the approved timetable. **REASON:** To safeguard the presence and population of a protected species in line with UK and European Law, the National Planning Policy Framework and Policy DAP3 of the Warwick District Local Plan 1996-2011.
- 5 The development shall be carried out only in full accordance with sample details of the facing and roofing materials which shall have been submitted to and approved in writing by the local planning authority. **REASON:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy DP1 of the Warwick District Local Plan 1996-2011.
- 6 The development hereby permitted shall not be commenced unless and until a scheme showing how either a). at least 10% of the predicted energy requirement of the development will be produced on or near to the site from renewable energy resources, or b). a scheme showing how at least 10% of the energy demand of the development and its CO² emissions would be reduced through the initial construction methods and materials has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until all the works within the approved scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications. **REASON:** To ensure that adequate provision is made for the generation of energy from renewable energy resources or to achieve carbon savings in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011.
- 7 The existing embankment together with the vegetation growing on the embankment (namely an ancient hazel hedgerow) located on the shared boundary with No.135 Chessets Wood Road to be retained shall not be cut down, grubbed out, topped, lopped or uprooted without the written consent of the local planning authority. Any tree(s) or shrub(s) removed without such consent or dying, or being severely damaged or diseased or becomes, in the opinion of the local planning authority, seriously damaged or defective, within five years from the substantial

completion of development shall be replaced, as soon as practicable with tree(s) and shrub(s) of such size and species details of which must be submitted to and approved by the local planning authority. All tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations (excluding hard surfaces).

REASON: To protect those landscape features which are of significant amenity value and structural value and which ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies DP1 and DP3 of the Warwick District Local Plan 1996-2011.

- 8 Access for vehicles to the site from the public highway, Chessetts Wood Road shall not be made other than at the position identified on the approved drawing number 17291-01, dated July 2015 at a position whereby the visibility splay requirements stated in condition 11 will be satisfied. **REASON:** In the interests of highway safety in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011.
- 9 The development shall not be commenced until visibility splays have been provided to the vehicular access to the site passing through the limits of the site fronting the public highway with an 'x' distance of 2.4 metres and 'y' distances of 76.0 metres in a north westerly direction and 55.0 m in a south easterly direction 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 in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011.
- 10 Before the access is first used a turning facility within the site enabling vehicles to enter and leave in a forward gear, shall be provided in accordance with the approved drawings. At all times thereafter the turning facility shall be kept free of obstruction and available for its intended use, and nothing in the visibility splay shall exceed 600mm in height, unless otherwise agreed in writing by the local planning authority. **REASON:** In the interests of highway safety in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011.
- 11 The gradient of the access for vehicles to the site shall not be steeper than 1 in 15 at any point as measured from the near edge of the public highway carriageway. **REASON:** In the interests of highway safety in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011.
- 12 The development hereby permitted shall not commence until details of all external light fittings and external light columns have been submitted to and approved by the Local Planning Authority. The development shall not be carried out otherwise than in full accordance

with such approved details. The Local Planning Authority expects lighting to be restricted on the south west edge of the proposed decking area and to be kept to a minimum at night across the whole site in order to minimise impact on emerging and foraging bats. This could be achieved in the following ways: low pressure sodium lamps or low-brightness LEDs should be used in preference to high pressure sodium or mercury lamps, or high-brightness LEDs; the brightness of lights should be as low as legally possible; lighting in the blue spectrum should be avoided; lighting should be timed to provide some dark periods; connections to areas important for foraging should contain unlit stretches. **REASON:** To ensure that the visual amenities of the open countryside and the wildlife site are preserved in accordance with Policies DP2 & DA3 of the Warwick District Local Plan 1996-2011.
