

Planning Committee: 13 September 2016

Item Number: **7**

Application No: W 16 / 0837

Town/Parish Council: Lapworth

Registration Date: 13/05/16

Case Officer:

Liam D'Onofrio

Expiry Date: 08/07/16

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**Aylesbury Cottage, 156-158 Aylesbury Road, Hockley Heath, Solihull,
B94 6PP**

Erection of a detached dwelling FOR Mr Alister Eden

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, subject to conditions.

DETAILS OF THE DEVELOPMENT

Planning permission is sought for the erection of a new three bedroom dwellinghouse.

The supporting statement indicates that the dwelling has been designed so that the main habitable rooms and master bedroom face south and have maximum glazing to reduce the need for artificial lighting. There is scope to install solar panels on the southwest roof elevation and the thermal envelope of the building will achieve an uplift of 10% better than the current requirements.

THE SITE AND ITS LOCATION

The application site currently forms the side garden to a dwellinghouse located within a linear run of development on the southern side of Aylesbury Road. The site is located within Green Belt and is just outside the village of Hockley Heath and its services, which falls within Solihull MBC's area.

PLANNING HISTORY

None relevant

RELEVANT POLICIES

- National Planning Policy Framework
- The Current Local Plan

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
- DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- DAP3 - Protecting Nature Conservation and Geology (Warwick District Local Plan 1996 - 2011)
- SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)

The Emerging Local Plan

- 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)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

Guidance Documents

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

SUMMARY OF REPRESENTATIONS

Lapworth Parish Council Object on grounds of inappropriate development in the Green Belt, overdevelopment of the site and not in keeping with the street scene.

WCC Landscape: Objection.

WCC Ecology: Pre-determinative ecological survey requested.

WCC Highways: No objection, subject to conditions.

Public Response: One objection has been received from a local resident raising the following concerns:

- This land is Green Belt designated and as such it should have no unnecessary new buildings;

- A building in the position proposed would constitute ribbon development;
- Granting permission would set a precedent which over time may have the effect of joining the main Hockley Heath buildings in a ribbon development manner.

ASSESSMENT

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

- Principle;
- Siting and design;
- Impact upon the living conditions of nearby dwellings;
- Car parking and highway safety;
- Health and wellbeing;
- Ecology/ Landscaping;
- Drainage and flood risk;
- Renewable energy.

The Principle of the Development

The site is within Green Belt where the current Local Plan Policy in relation to residential development is RAP1 - 'Directing New Housing'. The National Planning Policy Framework (NPPF) 2012 states (para. 49) that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites against their housing requirement. The Council's current position is that it cannot demonstrate a five year supply of deliverable housing sites against the housing requirement and Policy RAP1 is to be considered out-of-date.

NPPF paragraph 14 explains that, where relevant policies are out of date, planning permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole. The National Planning Policy Framework (NPPF) states that the construction of new buildings is inappropriate development in the Green Belt unless it is development falling within one of the various categories listed as exceptions. One such category is limited infilling in villages.

There is no definition of 'limited infill' within the framework, however the emerging Local Plan Policy H11 - 'Limited Village Infill Housing Development in the Green Belt' sets criteria that limiting infill should be restricted to two dwellings, infilling a small gap fronting the public highway between an otherwise largely uninterrupted built up frontage, which is visible as part of the streetscene and subject to the site not forming an important part of the integrity of the village. The LPA recognise that the emerging Local Plan is unadopted and has limited weight, however it is considered that Policy H11 is consistent with the intentions of the NPPF.

The application site falls within a linear run of residential development within Lapworth Parish, which extends out from the village of Hockley Heath, which falls

within the Metropolitan Borough of Solihull. The application site is between built form and the proposed dwellinghouses will sit within the general pattern of development fronting the highway. The proposal is therefore considered to be a suitable infill plot.

The site is not within a village envelope and falls just outside of the built up area of Hockley Heath. The decision is therefore finely balanced and a pragmatic approach has been taken to the NPPF wording 'limited infilling in villages'. In this case the site is located within a very sustainable location with good access to public transport (a local bus to Dorridge Station/Solihull is located outside the site and the Stratford on Avon to Birmingham bus is located a short walk away on the Stratford Road A3400). Hockley Heath also has a local shop, post office, several pubs and other facilities. A future occupier would not therefore be car dependent. It is considered that the dwelling would not therefore create an 'isolated home' within the countryside and will relate well to an existing settlement, in terms of Paragraph 55 of the NPPF.

The proposed development is therefore considered to be sustainable and falls within the category of 'limited infilling in villages' set out under NPPF Paragraph 89. Consequently it is concluded the proposal would not be inappropriate development in the Green Belt. There is therefore no need to consider whether there are other considerations amounting to very special circumstances.

The scheme is therefore considered to be acceptable in principle.

Siting and design

The proposed dwellinghouse will be well sited within the existing pattern of development, fronting the highway. Adequate gaps are considered to be retained between the dwellinghouse and the side boundaries.

The design is considered to be sympathetic and the bulk and mass of the proposed dwellinghouse largely reflects that of the adjoining properties, one and a half storey rising to two-storey commensurate to adjoining properties. The proposed dwellinghouse is therefore considered to provide an acceptable scale and design and will not harm the visual amenity of the streetscene. The proposal is therefore considered to accord with Policy DP1 of the adopted Local Plan.

The impact on the living conditions of nearby dwellings

The proposed dwellinghouse will sit within the existing run of development and will not breach the 45-degree sightline measured from the front/rear windows of neighbouring properties in compliance with the Council's Residential Design Guide SPG. The first floor side-facing window relates to an en-suite and can therefore be restricted to obscure glaze.

The proposed dwellinghouse is not therefore considered to result in any material loss of light, outlook, privacy or amenity to the occupiers of surrounding properties.

In terms of the amenities of the future occupiers of the proposed properties, the development is considered to create a good residential environment. The subdivided plot will also retain adequate space for the existing dwelling. The proposal is therefore considered to accord with Policy DP2 of the adopted Local Plan.

Car Parking and Highway Safety

The Highway Authority have assessed the scheme and note that at the access, Aylesbury Road (B4101) is subject to a 40mph speed limit requiring visibility splays of 120 metres in both directions, when measured 2.4 metres back from the edge of the carriageway. Full visibility can be achieved to the right (east) however, visibility to the left (west) is partially obstructed by the overgrown hedgerow/verge at the extent of the visibility. If the sections of hedgerow/verge within the public highway are cut back/removed, it appears that the required visibility splay can be achieved. It would therefore be within the Highway Authority's Area Team's control to carry out the removal/cutting back of the hedgerow/verge works. The Highway Authority have raised no objection, subject to conditions.

Health and Wellbeing

No health and wellbeing issues are considered to be raised by this application.

Landscaping

The Warwickshire County Council Landscaping Team have objected to the scheme, raising the following concerns:

The site lies within the Arden Landscape Area where individual properties are set in very large plots interspersed by significant vegetated areas. These vegetated areas make an important contribution to the open rural character of the locality. Although the applicant appears to have recently cleared the site, it nevertheless still comprises an important green open space.

Development on this site would harm the character of this stretch of the Aylesbury Road by removing an important green open space within the Green Belt and by extending the pattern of ribbon development in the direction of Hockley Heath.

Again this is a finely balanced decision and whilst the removal of soft landscaping is unfortunate, there is no control over its removal. As the site comprises a side garden of an existing property which may be generally characterised as including a range of domestic paraphernalia rather than a small paddock or field that was open in character, it is considered that the landscape concerns do not attract weight in the determination of this proposal that is sufficient to justify a refusal.

Ecology

An Ecological survey report has been submitted in accordance with the County Ecologist's recommendations as a result of which the ecologist has no objections to the proposal subject to appropriate conditions and notes.

Drainage and Flood Risk

The site is within Flood Zone 1 and no flood risk issues are raised.

CO²/ Renewables

A planning condition is suggested to secure either 10% of the predicted energy requirement of the development from renewable energy resources, or 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.

SUMMARY/CONCLUSION

In the opinion of the Local Planning Authority, the development is acceptable in principle and respects surrounding buildings in terms of scale, height, form and massing and does not adversely affect the amenity of nearby residents or highway safety. The proposal is therefore considered to comply with the policies listed.

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(s) 01, 03 and specification contained therein, submitted on 06/05/16. **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 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.
- 4 No part of the development hereby permitted shall be commenced and nor shall any equipment, machinery or materials be brought onto the

site until a scheme for the protection of all existing trees and hedges to be retained on site has been submitted to and approved in writing by the Local Planning Authority and has been put in place. The scheme must include details of the erection of stout protective fencing and be in accordance with British Standard BS5837:2012, Trees in Relation to design, demolition and construction. Nothing shall be stored or placed in those areas fenced in accordance with this condition and nor shall the ground levels be altered or any excavation take place without the prior consent in writing of the Local Planning Authority. The approved scheme shall be kept in place until all parts of the development have been completed and all equipment, machinery and surplus materials have been removed. **Reason:** To protect trees and other features during site construction in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011.

- 5 The development hereby permitted shall be carried out in strict accordance with details of surface water drainage works that shall have been submitted to and approved in writing by the local planning authority. Details shall include sustainable urban drainage methods to avoid localised flooding from the highway onto the lower application site. **REASON:** To ensure that a satisfactory means of drainage is provided such as to minimise flooding in accordance with Policies DP11 & DP3 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 If an air source heat pump is chosen as the method to comply with the requirement for renewable energy, noise arising from the air source heat pump(s) permitted, when measured one metre from the facade of any noise sensitive premises, shall not exceed the background noise level by more than 3dB (A) measured as LAeq (5 minutes). If the noise in question involves sounds containing a distinguishable, discrete, continuous tone (whine, screech, hiss, hum etc.) or if there are discrete impulses (bangs, clicks, clatters, thumps etc.) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level. **REASON:** To protect the amenities of the occupiers of nearby

properties in the locality in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011.

- 8 The development shall not be occupied unless and until the existing vehicular access to the site has been widened/remodelled so as to provide an access of not less than 3 metres for a minimum distance of 7.5 metres, as measured from the near edge of the public highway carriageway and surfaced with a bound material and 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 120 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:** To ensure that a satisfactory visibility splays in the interests of highway safety in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011.
- 9 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that order with or without modification) the first floor ensuite window(s) to be formed in the side facing elevation hereby permitted shall only be glazed or re-glazed with obscure glass and any opening part of any window shall be at least 1.7m above the floor of any room in which the window is installed. **REASON:** In the interests of the amenities of the occupiers of nearby properties in accordance with Policies DP1 & DP2 of the Warwick District Local Plan 1996-2011.
- 10 The existing tree(s) and shrub(s) indicated on the approved plans 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 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.
- 11 The development hereby permitted shall only be undertaken in strict accordance with an ecological and landscape scheme which has been submitted to and approved in writing by the local planning authority. That scheme shall include full details of all proposed landscaping and

associated ecological works including details of any proposed native tree and other planting, installation of bird and bat boxes and/or creation of wild flower areas. All planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation of the development hereby approved and all other works shall be completed in full accordance with the approved details within three months of the first occupation of that development. Any tree(s) or shrub(s) which within a period of five years from the completion of the development die, are removed or become in the opinion of the local planning authority seriously damaged, defective or diseased, shall be replaced in the next planting season with another similar tree or shrub of similar size and species, unless the local planning authority gives written consent to any variation. All hedging, 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. **REASON:** To ensure that an appropriate level of ecological interest is retained within the site and the satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with the National Planning Policy Framework and Policies DP1, DP2 and DP3 of the Warwick District Local Plan 1996-2011.
