

Planning Committee: 16 September 2014

Item Number: 7

Application No: W 12 / 1018

Town/Parish Council: Lapworth

Case Officer:

Penny Butler

01926 456544 penny.butler@warwickdc.gov.uk

Registration Date: 25/07/14

Expiry Date: 19/09/14

**Land west of junction between Mill Lane and Old Warwick Road, Lapworth,
Solihull, B94 6JY**

Erection of 8 dwellings following partial demolition of one existing building. FOR Mr
Vincent

This application is being presented to Committee due to an objection from the Parish Council having been received. The application has been on hold whilst archaeological investigations have been carried out.

RECOMMENDATION

Planning Committee are recommended to GRANT planning permission for the development subject to the receipt of a satisfactory Section 106 Agreement and subject to the conditions listed. Should a satisfactory Section 106 Agreement not have been received by 19 September 2014, Planning Committee are recommended to delegate authority to the Head of Development Services to refuse planning permission on the grounds that the proposals make inadequate provision in respect of the issues the subject of that agreement.

DETAILS OF THE DEVELOPMENT

Following negotiation the scheme has been revised. The original proposal was for 10 dwellings with 16 parking spaces. Visibility splays from the main access have been improved and a turning head provided for the spaces accessed off Mill Lane. The canal boundary fence has also been revised from close boarded along its entire length, to walling and post and rail fencing. Plot 1 has also been revised to increase the distance between the rear of the house and the canal boundary.

The proposal is for the erection of 8 dwellings and garages with 18 parking spaces (including 5 garages and 3 spaces for the retained offices in The Old Bakehouse). The existing buildings will be retained apart from a single storey element to The Bakehouse which will be demolished. The proposed dwellings are all two storey and includes the following: Two semi-detached houses fronting Mill Lane with two parking spaces at the side and a turning area; A single dwelling attached to the side wall of the existing shop on Old Warwick Road; A terrace of five dwellings fronting Old Warwick Road with a varied elevational treatment giving the appearance of separate but attached dwellings. A new vehicular access is provided from Old

Warwick Road leading to shared parking and garages. Three two bedroomed houses are proposed for affordable housing.

THE SITE AND ITS LOCATION

The application site is a triangular parcel of land fronting Old Warwick Road and backing onto the canal, with an eastern frontage onto Mill Lane. Buildings on the site currently comprise a two storey building with hipped roof containing a ground floor retail unit with frontages onto both roads with a flat above, and an adjoining two storey extension, 'The Old Bakehouse', used as offices with consent for partial use as a pilates studio fronting Mill Lane. At the rear of the building is a residential garden, and overgrown land. There is an existing shared parking area off Mill Lane and 6 on street parking spaces available within lay bys on both road frontages. The boundary to Old Warwick Road consists of 1.8m fencing and overgrown roadside hedging, whilst to the canal is the same. There are residential properties on the opposite side of the canal and on Mill Lane. The opposite corner plot on Mill Lane has recently been redeveloped as a block of two storey buildings. The land is within the Green Belt, on the western edge of Kingswood village, and the western most part of the site is outside the village envelope in the current Local Plan, but the buildings and most of the rear garden is within the envelope and therefore covered by Policy RAP1. In the draft Local Plan the entire site is within the Growth Village Envelope (Policy H10) and is an allocated housing site (Policy DS11).

PLANNING HISTORY

In 1999 planning permission was refused for the erection of a dwelling on the land since it was outside the envelope of the Limited Infill village and was therefore inappropriate development which would have harmed the character of the village. It was also refused due to the loss of roadside hedge required to provide adequate visibility, which would also have harmed the character of the area (W99/0778).

In 2000, retrospective planning permission was granted for the change of use of The Old Bakehouse to office use and use of land for staff parking (W00/0401).

In 2011 permission was granted for the change of use of the ground floor offices to a pilates studio (W11/1111).

RELEVANT POLICIES

- National Planning Policy Framework

The Current Local Plan

- RAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
- SC1 - Securing a Greater Choice of Housing (Warwick District Local Plan 1996 - 2011)
- SC11 - Affordable Housing (Warwick District Local Plan 1996 - 2011)

- SC12 - Sustainable Transport Improvements (Warwick District Local Plan 1996 - 2011)
- SC13 - Open Space and Recreation Improvements (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)
- DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- DP14 - Crime Prevention (Warwick District Local Plan 1996 - 2011)
- DP15 - Accessibility and Inclusion (Warwick District Local Plan 1996 - 2011)
- DP4 - Archaeology (Warwick District Local Plan 1996 - 2011)
- DP5 - Density (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenities (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)

The Emerging Local Plan

- Policies: DS2, DS3, DS5, DS6, DS7, DS10, DS11, HO, H1, H2, H4, SC0, BE1, BE2, BE3, TR1, TR2, TR3, TR4, HS1, HS4, HS5, HS6, HS7, CC1, CC2, CC3, FW2, FW3, FW4, HE6, NE2, NE3, NE4, NE5, W1, DM1.

Guidance Documents

- The 45 Degree Guideline (Supplementary Planning Guidance)
- Distance Separation (Supplementary Planning Guidance)
- 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)
- Affordable Housing (Supplementary Planning Document - January 2008)

SUMMARY OF REPRESENTATIONS

Lapworth Parish Council : (14/08/14) Raise objection on the following grounds:

- A significant new junction is proposed onto the Old Warwick Road within 10m of the heavily used Mill Lane junction. This is one of the most dangerous junctions in Lapworth owing to lack of visibility.
- Visibility splays on the site plan are misleading as they ignore three aspects of the traffic situation:
 1. The curve in the road to the west creates a blind spot, that would be exacerbated by the proposed building line on the edge of the road and any parking on the road in front of the development.

2. The splay to the east ignores the vehicles parked for most of the day at the lay-bys both sides of the Mill Lane junction. If the splay incorporated the parking there would be no visibility along the road to the east.
3. The interaction between cars exiting the development and Mill Lane appears to have been ignored, along with the vehicles parked in the lay-by between the two junctions, obstructing visibility from both junctions.
 - The entrance drive to plots 7 & 8 is directly on the slope leading to the blind hump-backed canal bridge. If cars park in the turning space in their drive, cars will reverse out onto Mill Lane to the detriment of highway safety.
 - There is no comment from WCC Highways on the inevitable disruption and danger caused by construction traffic.
 - The proposed number of houses should be reduced to 6, by the removal of plots 7 and 8 creating more parking and a less dangerous access.
 - If granted, the Parish Council request an open space contribution towards the provision of new space in the village.

Public response: One objection from The Mill House on the following grounds:

- Increased traffic at dangerous junction
- New access close to dangerous junction
- Buildings too close to road
- Insufficient parking, and risk cars will park on the highway outside the houses
- Cars reversing into Mill Lane will be close to the blind bridge over the canal

WCC Sustainable Communities: Request a contribution towards libraries of £1,216.

Inland Waterways Association: No objection to the housing scheme. Originally concerned about the canal boundary. The amended scheme provides post and rail fencing which is an improvement to the close boarding originally proposed. The boundary wall should ideally be broken up to relieve the expanse with a relief pattern or contrasting blue brick patterning, for the benefit of residents and the canal/tow-path users.

Canal & River Trust: No objection subject to conditions requiring details of the appearance, materials and finishes of boundary treatments to the canal and details of surface water disposal. Informative notes are also requested.

Natural England: The LPA should consider whether protected species will be affected by the development.

Warwickshire Police: No objection. The architect has confirmed they intend to attain 'Secured By Design' accreditation for this development.

Severn Trent Water: No objection subject to a condition requiring details of surface and foul water disposal.

Cultural Services (Open Space): The Parish Council should be asked to comment on whether they wish to request an open space contribution. WDC does own the

Brome Hall Lane picnic site but this is mainly for visitors to the area, not local residents so it may be difficult to justify a contribution.

Contract Services: The developer needs to agree the storage and collection of refuse and recycling.

Housing Strategy & Development: 3.2 dwellings should be provided on site to meet the 40% requirement. The provision of 3 houses on site with a commuted sum for 0.2 dwellings is acceptable. 2x 2-bedroomed houses for social rent and 1x 2-bedroomed house for shared ownership are required, which can be provided in two clusters. The houses would be made available in accordance with the Homechoice scheme and would be transferred to a registered provider/housing association.

WCC Archaeology: Comments awaited and will be reported in the late items report.

WCC Ecology: The submitted Extended Phase 1 Habitat Survey is sufficient and the site is of low ecological value. A condition is required for bat and bird boxes, along with a nesting bird note.

WCC Highways: No objections to amended plans subject to conditions for visibility splays and bound materials to accesses.

WCC Rights of Way: No objection.

ASSESSMENT

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

- The Impact on Local Services and Infrastructure
- The impact on the Character and Appearance of the Area
- The Impact on Landscape
- The impact on the living conditions of nearby dwellings
- Car Parking and Highway Safety
- Drainage and Flood Risk
- Renewable Energy
- Ecological Impact
- Health and Wellbeing
- Other Matters

The Principle of the Development

Five Year Housing Supply

The site is within the Green Belt adjoining the edge of the village, where the relevant Local Plan Policy in relation to residential development is RAP1 - 'Directing New Housing'. The proposals would be contrary to Policy RAP1. However, 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. Whilst the Council can demonstrate a five year supply against the requirements of the revoked Regional Spatial Strategy 2008, these requirements do not reflect the most up-to-date evidence in terms of objectively assessed housing need. In terms of the most recent evidence of housing need, the Council cannot demonstrate a five year supply.

Policy RAP1 is clearly out of date and in these circumstances the NPPF requires applications to be considered in the context of the presumption in favour of sustainable development. That means granting planning permission unless either:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or
- specific policies in the NPPF indicate development should be restricted.

As the site is within the Green Belt it is subject to the more stringent tests under paragraph 87 of the NPPF, which states that inappropriate development is by definition harmful to the Green Belt, and should not be approved except in very special circumstances. This is a specific policy in the NPPF that indicates development should be restricted, therefore, this policy carries more weight than the test required under paragraph 14 and provides the decision making context. The development is considered to comprise limited infilling within the terms of paragraph 89 of the NPPF and is therefore considered to be acceptable in that respect. This is also a brownfield site containing other buildings and gardens, is not an open area of land that is viewed as part of the surrounding countryside, and is contained by the canal boundary. The site is allocated for development within the draft Local Plan and therefore represents the Council's preference for development within the village that would prevent the need for less suitable sites from being developed.

The scheme will contribute towards helping the Council meet its five year requirement and granting permission for this site would increase the supply of land for housing. This carries significant weight in the assessment of this application. While the Council has no control over whether a site will be delivered, it is nevertheless reasonable to assume that a site with planning permission would be deliverable with a realistic prospect that development on this site would be achievable within a five year period.

The Current Policy Position

The current Local Plan covered the period 1996-2011 and therefore makes no provision for future housing needs. This forms the Development Plan, which decisions should be made in accordance with, unless material considerations indicate otherwise. The NPPF is a material consideration, as are other policies under preparation such as the Draft Local Plan.

This site is allocated for residential development in the draft Local Plan and the proposals accord with draft Policy DS11. Some weight is attached to the draft Local Plan due to its early stage in the planning process and this represents the Council's current preference for development based on the most up to date evidence base.

The Joint Strategic Housing Market Assessment (2013) established the Objectively Assessed Housing Need in the Housing Market Area which includes Warwick District. The need for Warwick District is for 12,860 homes or 720 homes per annum between 2011 and 2013. The interim level of growth previously adopted was 12,300, based on previous available evidence including the 2012 Strategic Housing Market Assessment (SHMA). However, the Inspector considering Coventry's Core Strategy requested that Coventry City Council withdraw their Core Strategy in order to work with other councils in the sub-region in preparing a joint SHMA.

The Draft Local Plan contains justification for the development of land within/ adjoining settlements, as it will not be possible to provide sufficient land for the new housing growth within the existing urban area, so it will be necessary to allocate new development on green field and Green Belt sites.

Prematurity

The scale of the development does not raise issues of prematurity in relation to the progress of the publication of the Draft Local Plan, due to its size. The development of the application site would not prevent any other development sites identified in the Draft Local Plan from coming forward and it is not dependant on, nor incompatible with, any other development sites which have been or are being considered. On this basis the development of the application site would not prejudice the outcomes of the preparation of the Local Plan and it could not therefore be demonstrated that permission should be refused on the grounds of prematurity.

Assessment of the proposed housing provision

Policy SC11 requires rural housing schemes of 3 or more dwellings to make 40% of them affordable. The 2010 Lapworth Housing Needs Survey identified a local need for 4x 2-bed rented houses and 1x 2-bed house in shared ownership. The amended scheme provides 3 2-bedroomed units, two for rent and one for rent or shared ownership, which would meet identified housing need in Lapworth. Three of the proposed 8 dwellings would be affordable, which is 38% of the total, therefore, the Housing Officer requests a commuted sum for 0.2 of a dwelling. The siting of the affordable housing is acceptable in two areas.

The Impact on Local Services and Infrastructure

The relevant consultees have requested the provision of three affordable dwellings and a commuted sum for 0.2 dwellings, and the provision of a commuted sum for the provision of off site public open space (£16,698), and libraries (£1,216), which

can be required as part of a S106 legal agreement. This will ensure the impact of the development on these local services and infrastructure is addressed.

The impact on the Character and Appearance of the Area

The principle of infilling this plot of land with buildings is considered acceptable as the scale and design of the proposals are in keeping with the adjoining village. The built up area of the village will be extended beyond its current edge in accordance with the allocation in the draft Plan, and this in itself is not considered harmful since the extension is relatively limited and contained, and would not lead to further pressure for extension. The loss of the roadside hedge is considered acceptable in these circumstances, as it would enable sustainable and affordable housing development for which there is unmet demand in the District.

The design of the dwellings incorporates traditional detailing evident on the retained buildings within the application site such as timber framing, barge boards, roof finials, visible rafter ends, window heads, cills and dentil courses. The scale of the buildings are appropriate since the retained corner building will remain the tallest part of the frontage, thereby reinforcing the existing character of the street and the dominance of the corner building. The varied roof line to Old Warwick Road breaks up the expanse of the frontage, and will not appear discordant in the setting. The proximity of the dwellings to the highway will be the same as the existing buildings. The development would harmonise with its surroundings and enhance the existing character of the street scene.

The boundary to the canal has been improved so brick walling is now only proposed along the side garden of one house, with the remainder provided in post and rail, ensuring views through the site from the canal to the development, thereby improving its setting and design. The front boundaries to Old Warwick Road and Mill Lane will consist of low brick walls in front of the houses, with a 1.7m high wall to the front of the side garden to Plot 1 in the western corner. Given that this site will be viewed as forming the new edge of the village, this is seen as an acceptable form of boundary treatment, as it would be of better quality appearance than a fence. For these reasons the development is considered to comply with Policy DP1.

The Impact on Landscape

The development will not have a major impact on the landscape since the site is visually contained by the canal and road boundaries.

The impact on the living conditions of nearby dwellings

There would be no major impact on nearby residential dwellings.

Car Parking and Highway Safety

The parking provision for the proposed dwellings has been increased to comply with the Parking Standards SPD. 3 parking spaces are also provided for The Old

Bakehouse, with 3 spaces being retained on their own frontage giving them 6 in total, which is what was required in association with their 2011 permission. The comments of the Parish Council are noted, but the Highway Authority has carefully considered the proposed layout and are satisfied that it would not cause harm to highway safety. On this basis, the amended layout is considered acceptable, and subject to the recommended conditions.

Drainage and Flood Risk

It is proposed to dispose of surface water via soakaways but the detailed design of these has not been carried out, therefore a condition is required for submission of these details. This would ensure compliance with Policy DP11. The Canal and River Trust request a condition requiring details of surface water disposal in order to minimise the risk of flooding which is reasonable. They also request advisory notes but these are not considered essential since they relate to potential proposals not included within this application.

Renewable Energy

The application sets out a commitment towards providing sustainable energy but does not specify which technologies have been selected. A condition is therefore required for satisfactory details to be submitted, which would ensure compliance with the relevant policies and the Sustainable Buildings SPD.

Ecological and Archaeological Impact

The applicant was required to carry out a pre-determinative archaeological investigation due to the potential of the site which is located within a probable Iron Age hill fort, but this did not find significant features. The recommendations of WCC Archaeology will be provided in the late items report, and any further conditions they recommend would be added to a permission.

An extended phase 1 habitat survey was also required since the site is adjacent to a proposed Local Wildlife Site, which is satisfactory and has established that the site is of low ecological value. Conditions are required for bat and bird boxes in order to achieve a gain in biodiversity.

Health and Wellbeing

There would be no adverse impact on health and wellbeing. The provision of new homes for residents is likely to provide a positive contribution to health and wellbeing.

SUMMARY/CONCLUSION

The proposal would not have an adverse impact on the visual amenity of the rural area or character of the village, would not cause harm to highway safety, and

would make appropriate provision for affordable housing. The development should therefore be approved.

CONDITIONS

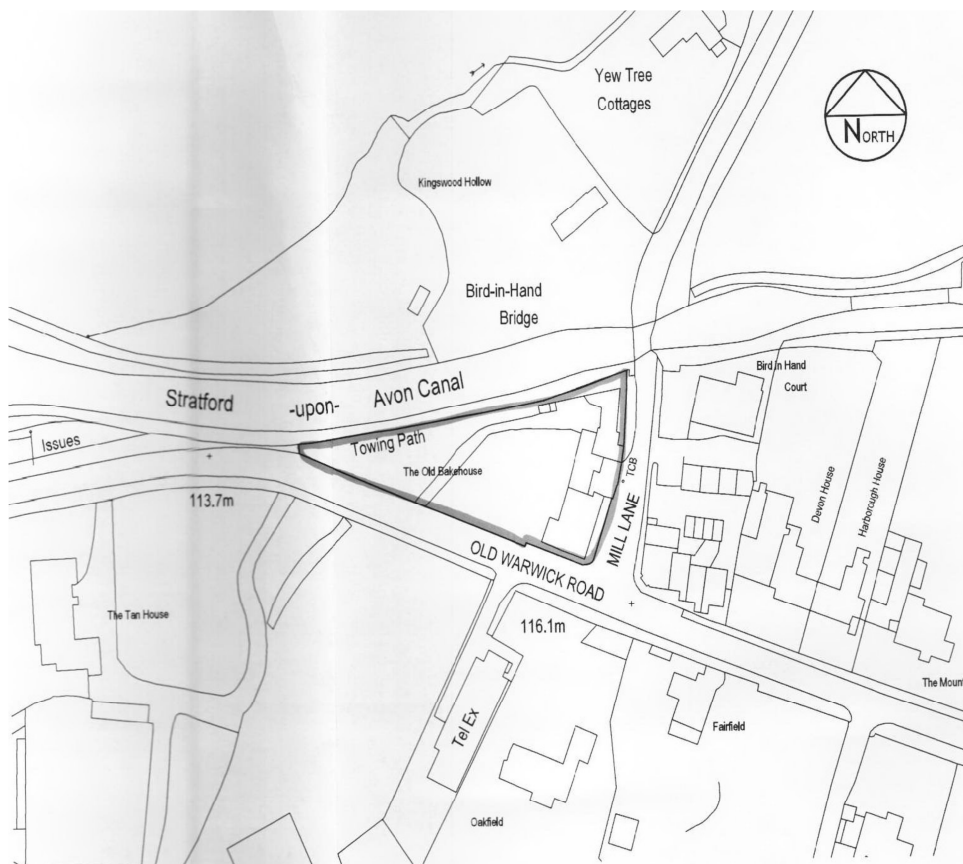
- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the application form, site location plan and approved drawing(s) (01, 03A, 04A, 05A, 06A submitted on 17 December 2012. 02C submitted on 24 January 2013), and specification contained therein. **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 Prior to commencement of the development hereby approved, details of a porous surface treatment for the drive or where a non-porous surface treatment is proposed, details of the provision to be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwellinghouse, shall have been submitted to and approved by the District Planning Authority. The drive shall be constructed and surfaced, in full accordance with the approved details. **REASON :** To reduce surface water run-off and to ensure that the development does not increase the risk of flooding elsewhere, in accordance with Policy DP11 of the Warwick District Local Plan.
- 4 No part of the development hereby permitted shall be commenced until a scheme for the provision of suitable bat boxes and bird boxes (the latter being suitable for use by house sparrow, starling or swift), to be erected on trees/buildings within the site as appropriate, has been submitted to and approved in writing by the District Planning Authority. The scheme to include details of box type, location and timing of works. Thereafter, the boxes shall be installed and maintained in perpetuity. **REASON:** In accordance with National Planning Policy Framework and ODPM Circular 06/2005 and Policies DP3 and DAP3 of the Warwick District Local Plan.
- 5 No development shall be carried out on the site which is the subject of this permission, until large scale details of boundary walls and fences (including materials and finishes) fronting the canal 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. **REASON** : To ensure an appropriate standard of design and appearance adjoining the canal, and to satisfy Policy DP1 of the Warwick District Local Plan 1996-2011.

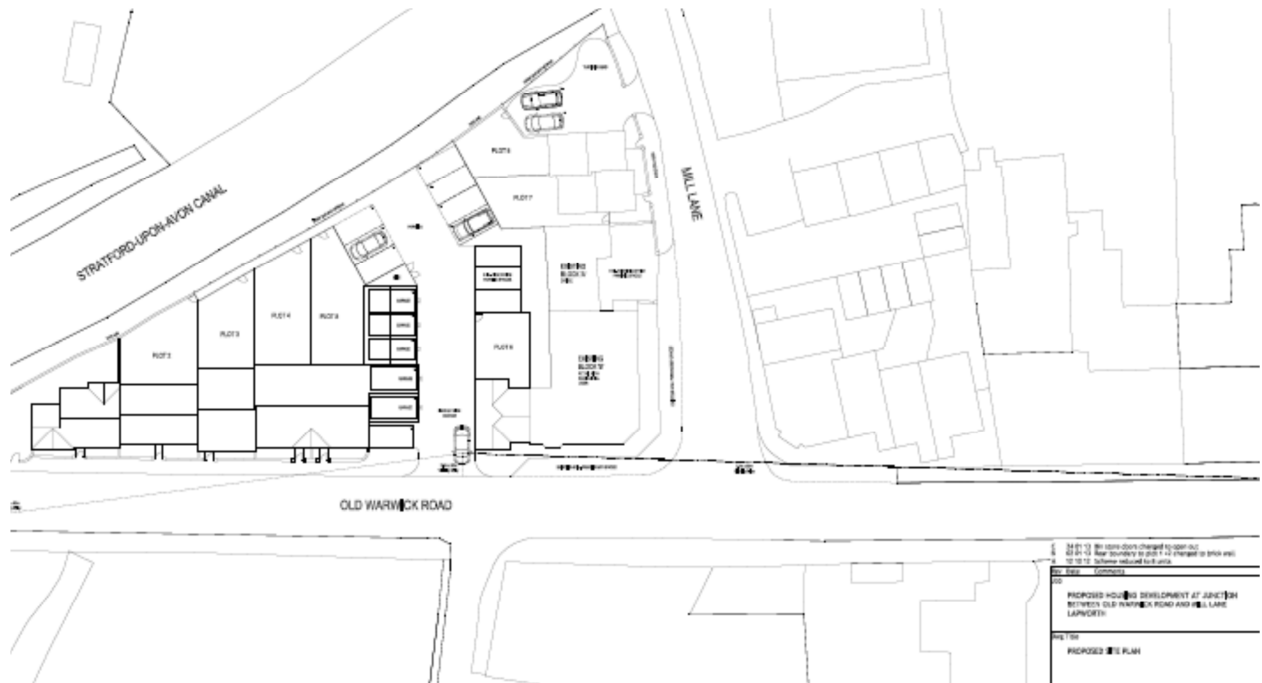
- 6 Samples of all external facing materials to be used for the construction of the development hereby permitted, shall be submitted to and approved by the District Planning Authority before any construction works are commenced. Development shall be carried out in accordance with the approved details. **REASON** : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011.
- 7 The development hereby permitted shall not be commenced unless and until a scheme showing how 10% of the predicted energy requirement of this development will be produced on or near to the site, from renewable energy resources, has been submitted to and approved in writing by the District Planning Authority. The development shall not be first occupied until all the works within this scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturers specifications. Microgeneration equipment no longer needed for microgeneration shall be removed as soon as reasonably practicable. **REASON** : To ensure that adequate provision is made for the generation of energy from renewable energy resources in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011.
- 8 The dwellings hereby approved shall not be occupied unless and until the car parking and manoeuvring areas indicated on the approved drawings have been provided and thereafter those areas shall be kept marked out and available for such use at all times unless otherwise agreed in writing by the local planning authority. **REASON:** To ensure that a satisfactory provision of off-street car parking and turning facilities are maintained at all times in the interests of the free flow of traffic and highway safety in accordance with Policies DP6 & DP8 of the Warwick District Local Plan 1996-2011.
- 9 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking and re-enacting that Order with or without modification), the garaging shown on the plans hereby approved shall be retained and kept available for such purposes and shall not be altered either internally or externally without the prior consent of the District Planning Authority. **REASON** : To ensure that there are adequate parking facilities to serve the development, in accordance with the requirements of Policy DP8 of the Warwick District Local Plan 1996-2011.
- 10 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 2.4 metres and 'y' distances of 90 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, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011.

- 11 The 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 material for a distance of 7.5 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, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011.



SITE LOCATION PLAN 1:1250



1:1000 Scale - External as Built		
DATE: 10/10/13		
PROPOSED HOUSING DEVELOPMENT AT JUNCTION BETWEEN OLD WARWICK ROAD AND MILL LANE, LAPWORTH		
PLOTS 1 - 8		
PROPOSED REAR ELEVATIONS PLOTS 1-8		
LAPWORTH ARCHITECTS		
1:1000 Scale - External as Built		
1:1000 Scale	10/10/13	10/10/13
1260	04	A



10-12-2020 Update without GLB and		
10-12-2020 Update		
PROPOSED HOUSING DEVELOPMENT AT JUNCTION BETWEEN CLE THORNTON ROAD AND MILL LANE, LAPWORTH		
PLOT 7 & 8		
PROPOSED PLOTS 7-10 PLANS AND ELEVATIONS		
LAPWORTH ARCHITECTS		
LAPWORTH ARCHITECTS LTD 10-12-2020 Update without GLB and 10-12-2020 Update		
DATE	DATE	DATE
10-12-2020	10-12-2020	10-12-2020
1260	05	A