

Application No: [W 15 / 0839](#)

Town/Parish Council: Baddesley Clinton
Case Officer: Liam D'Onofrio

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Registration Date: 27/05/15

Expiry Date: 22/07/15

**Land Adjacent Greenacre, Rising Lane, Baddesley Clinton, Solihull, B93
ODA**

Erection of one detached dwellinghouse. FOR Kingswood Homes (West Midlands)
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, subject to
conditions.

DETAILS OF THE DEVELOPMENT

Planning permission is sought for the erection of a five bedroomed detached
dwellinghouse. The property will measure 18.8 metres wide with deep projecting
front and rear gables. The dwellinghouse will be 8.1 metres high with the garage
element subordinate to the main ridge by 700mm. The existing garden of the
property known as 'Greenacre' will be sub-divided to accommodate the new
dwellinghouse.

The application is accompanied by a Supporting Statement, a Tree Survey and
Transport Statement.

The Supporting Statement notes that the NPPF 2012 states that new housing in
Green Belt is not inappropriate development when it constitutes limited infilling
in a village. The emerging Local Plan outlines a proposed infill village boundary
for Baddesley Clinton, which the application site lies within. The development
and its design respect and reflect the character of the area, which consists of
large detached dwellings within substantial plots. The proposed dwelling will
maintain the building line which would make it sit comfortably within the existing
streetscene.

THE SITE AND ITS LOCATION

The application site relates to the southern (side) garden of Greenacre, which is
located on the eastern side of Rising Lane within the village of Baddesley Clinton.
The site is within Green Belt.

PLANNING HISTORY

W/01/0647 Erection of 17 two and three bedroom dwellinghouses: Refused December 2001.

W/02/0799 Erection of two houses, garaging and access: Refused July 2002 - Appeal: Dismissed March 2003.

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)

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)

SUMMARY OF REPRESENTATIONS

Baddesley Clinton Parish Council: Objection for the following reasons:

- Reference is made to Lapworth being sustainable in the Supporting Statement. Baddesley Clinton is over 1.5 miles away and distinct from Lapworth.
- Baddesley Clinton is not a sustainable community with no shops, employment opportunities, an irregular bus service and no schools and is more akin to a hamlet than a village.
- Loss of green approach, distinction and separation between Baddesley Clinton and Chadwick End.
- Likely that more trees would be cut down to allow more light to the proposed property, significantly altering the landscape and harming the Green Belt/character of the village.

- Dangerous access point.

WCC Highways: No objection, subject to conditions.

WCC Ecology: No objection, subject to protected species and tree protection conditions.

WDC Environmental Services: No objection

Public response:

One objection from the adjoining neighbour at 'The Oaks' raising the following concerns:

- The scheme would cause significant flooding problems.
- The Oaks has a right to drain onto the site granted by a conveyance.
- The Oaks is on a lower land level than the road and surface water run-off on occasion overwhelms the property.
- The development would be detrimental to the neighbouring property.
- Many reasons for the previous refusals for development on site remain relevant today.

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 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.

The application site falls within the Baddesley Clinton Village infill boundary, as defined on the emerging Local Plans Proposals Map (No.28). The application site is between built form and the proposed dwellinghouse will sit within the general pattern of development fronting the highway. Whilst there is no definition of 'limited infill' within the framework it is considered that the insertion of one new unit between existing properties would be considered as limited infilling, which reflects Appeal decision taken across the country on this subject. Appeal decisions across England have also determined that limited infilling can also include residential garden land.

The proposal would therefore fall within the category of 'limited infilling in villages' set 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.

It is noted that the Parish Council argue that Baddesley Clinton is an unsustainable location, however the site has been identified as appropriate for village infilling within the emerging Local Plan. The scheme would comply with Policy H11 of the emerging Local Plan, although only limited weight can currently be given to this unadapted policy.

It is considered that the property would not be an 'isolated home' within the countryside as it would relate to an existing settlement. Paragraph 55 of the NPPF notes that where there are groups of smaller settlements, development in one village may support services in a village nearby.

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 bulk and mass of the proposed dwellinghouse largely reflects that of the two adjoining properties and the ridge height will be no higher. In design is contemporary in nature but provides a sympathetic solution with a range of gables, a vertical emphasis to fenestration and a stepped ridgeline. No chimney is provided, however this is consistent with properties on this side of the highway.

The proposed property is therefore considered to provide an acceptable scale and design and will not harm the visual amenity of the streetscene.

The impact on the living conditions of nearby dwellings

The proposed dwellinghouse will sit largely commensurate with adjoining properties 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 property to the south 'The Oaks' is well screened by existing mature boundary landscaping and there are no windows in the southern (side) elevation of the proposed dwellinghouse facing this neighbouring property.

The property to the north 'Greenacre' has a glazed lean-to and side-facing windows, however these will be set some 8 metres from the proposed dwellinghouse and are secondary, with each room they serve also having large

glazed windows to the front and rear elevations. There are two first floor side-facing windows in the north elevation facing Greenacre, however these serve non-habitable en suites and will be obscure glazed, avoiding any overlooking issues.

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

Car Parking and Highway Safety

The Highway Authority have raised no objection to the proposed scheme. The Highway Authority note that the application site is accessed from Rising Lane, a residential street with a speed limit of 30mph. In the vicinity of the site Rising Lane has a footway only on the opposite side of the road to the proposed access. Observations suggest that on-street car parking is predominantly on the footway side of the carriageway, which is likely to lead to vehicles approaching on the 'wrong' side of the road from the south. The Highway Authority therefore consider it important that adequate visibility can be achieved. It appears from the proposed block plan that the visibility splay can be achieved and a condition has therefore been suggested to secure the provision of appropriate splays.

The site will provide adequate off-street parking with room for vehicles to turn and exit in a forward gear.

Health and Wellbeing

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

Ecology and landscaping

Conifers will be removed to form the new access and the Country Ecologist has raised no objection to the scheme, subject to several conditions. These include the supervision of ground works/vegetation clearance by a qualified Ecologist (to check for protected species) and a scheme for tree protection measures to protected retained trees during construction.

Drainage and Flood Risk

The neighbours comments regarding 'The Oaks' right to drain across the application site within a covenant is a civil matter between neighbours.

The neighbour has raised concerns regarding inadequate highway drainage but this is an existing situation and it is noted that the neighbour is already in dialogue with Warwickshire County Council who maintain the highway.

There is a slight fall from the highway into the site and surface water is therefore likely to run off back towards the new house rather than onto the highway. The Council's Health & Community Protection Team have suggested a condition to secure a drainage plan with permeable hardstanding, appropriate drainage

adjacent to the property and soakaways sufficient to avoid any localised flooding issues.

Renewable Energy

In terms of renewable technology the applicant has indicated that they will be providing solar panels, in addition to the successfully secured through the standard planning condition.

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) 450, 150A, 260 and specification contained therein, submitted on 26 May 2015. **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 District 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 until visibility splays have been provided to the vehicular access to the site with an 'x' distance of 2.4 metres and 'y' distances of 43 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 The development hereby permitted (including site clearance) shall not commence unless and until two weeks' notice in writing of the start of works has been given to a licensed great crested newt ecologist appointed by the applicant to supervise all ground work elements of the development within the site. The Ecologist's report shall be submitted to the Local Planning Authority within one month of its completion.

Reason: To ensure that protected species are not harmed by the development in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011 and NPPF.

- 10 The development hereby permitted shall either:
- a.) Be timetabled and carried out to avoid the bird breeding season (March to September inclusive) to prevent possible disturbance to nesting birds.
 - b.) Not commence until a qualified ecologist has been appointed by the applicant to inspect the vegetation to be cleared on site for evidence of nesting birds immediately prior to works. If evidence of nesting birds is found works may not proceed in that area until outside of the nesting bird season (March to September inclusive) or until after the young have fledged, as advised by ecologist. Birds can nest in many places including buildings, trees, shrubs, dense ivy, and bramble/rose scrub. Nesting birds are protected under the 1981 Wildlife and Countryside Act.
- Reason:** To ensure that protected species are not harmed by the development in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011 and NPPF.
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