

Application No: W 11 / 0467

Town/Parish Council: Lapworth

Case Officer:

Penny Butler

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Registration Date: 31/05/11

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Corner of Mill Lane and Old Warwick Road, Lapworth, Solihull, B94 6JX

Demolition of existing shop, chiropody office and apartment over. Erection of new shop, chiropody office, apartment over plus 3 No. 2 bed houses and 1 No. 3 bed houses with ancillary parking FOR Mr I Potterton

This application was previously presented to Committee on 6 September 2010 due to an objection from the Parish Council having been received. Work had since commenced on the required legal agreement but the applicant now wishes the scheme to be amended on grounds of the financial viability of the scheme. The amended proposal reduces the number of proposed affordable dwellings to two out of the five proposed, rather than the three which were previously approved by Committee. The report which follows is the same as that presented previously aside from the paragraph concerning the provision of housing within the village.

SUMMARY OF REPRESENTATIONS

Lapworth Parish Council: Objection on the grounds of

- overdevelopment
- insufficient parking
- concern that overflow parking in Mill Lane will restrict vision and cause hazards

Also question why the healthy tree discussed in the arboricultural report and seen in the photographs was removed.

The Parish Council would also welcome any open space contribution being spent on improvements to the car park and picnic area at Brome Hall Lane and the toilets there.

Public response: One objection received from Devon House, Old Warwick Rd on proximity and size. The building is too near their boundary, and until recently a large ash tree would have prevented such a build but it was removed without informing neighbours. Four dwellings would also increase traffic.

One objection received from Fairfield, Old Warwick Rd. For the number of houses to be built in such a small area the extra traffic that will be created into Mill Lane or onto Old Warwick Rd will be excessive and make the junction potentially dangerous.

British Waterways: No objections.

WCC Highways: (Comments on original plans) Object. Six parking spaces are provided when a maximum of ten are required, therefore insufficient parking is provided and the proposal represents over intensification of the site. They acknowledge there is parking available at the junction however vehicles parked at the junction block visibility for vehicles emerging from Mill Lane. On street parking on Old Warwick Road is not currently prevalent and the proposal will increase the possibility of on-street parking. Emerging vehicles from Mill Lane would have to pull out to gain visibility and there is an increased chance that vehicles overtaking parked cars on-street may come into conflict with emerging vehicles. Furthermore as on street parking is not currently prevalent on this section of Old Warwick Road, a sudden introduction of parked cars on the highway may be detrimental to highway safety. The applicant should look to provide sufficient parking on site to ensure that the application will not increase on street parking in the vicinity of the site.

WCC Ecology: No further bat survey work is required but a precautionary note is recommended, along with a bird note.

WCC Archaeology: Recommend a condition requiring a programme of archaeological works.

Housing Development Officer: A Lapworth Parish housing needs survey was completed in February 2010, and identified the need for the provision of new affordable housing of 4 x 2 bedroom houses for rent and 1 x 2 bedroom house for shared ownership. The survey also identified the need for the provision of 1 x 3 bedroom house for outright sale.

Of the new dwellings proposed on the site the applicant is now proposing that 2 x 2 bedroom houses will be affordable with 1 x 2 bedroom and 1 x 3 bedroom house for outright sale.

Whilst the affordable housing remains compliant with policies SC11 (40% of provision) and RAP 4 (meets identified need) the provision of 2 dwellings for outright sale does not meet the identified need. The Housing Needs Survey February 2010 only identifies the need for 1 x 3 bedroom house for outright sale.

The units will be transferred to and managed by a registered provider approved by Warwick District Council and the affordable housing units will be allocated through Warwick District Homechoice. The affordable housing will also be subject to the Rural Local Lettings Policy. All matters will be contained within a Section 106 agreement.

Waste Officer: Adequate bin storage must be provided for the dwellings, separate to the shop. The collection point should be at the edge of the car park area.

Cultural Services (Greenspace Development Manager): Require an off site contribution for the Brome Hall Lane picnic site.

RELEVANT POLICIES

- SC11 - Affordable Housing (Warwick District Local Plan 1996 - 2011)
- RAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)

- RAP4 - Providing Rural Affordable Housing (Warwick District Local Plan 1996 - 2011)
- 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)
- DP4 - Archaeology (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- DP5 - Density (Warwick District Local Plan 1996 - 2011)
- SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)
- Planning Policy Guidance 2 : Green Belts
- RAP11 - Rural Shops and Services (Warwick District Local Plan 1996 - 2011)
- DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)

PLANNING HISTORY

Extensions to the butchers shop were approved in 1975 and 1980. Consent was also given the change the use of the first floor flat to a home catering business in 1981, and to change from a butchers shop to estate agents in 1997.

KEY ISSUES

The Site and its Location

The application building is L shaped with its main two storey frontage facing Old Warwick Road, in Lapworth village (Kingswood) in the Green Belt. The rear part in single storey and fronts Mill Lane. In the ground floor corner unit is an electrical retail business, in the smaller ground floor unit fronting Old Warwick Road is a chiropody clinic, and there is a flat above. To the side of the building is a small garden whilst at the rear is a shared parking area with access off Mill Lane. There are on road parking spaces within a lay by on Old Warwick Road, which are similar to those outside the tile shop on the opposite corner. To the rear of the site is a modern block of flats whose flat roof garages adjoin the rear of the site. The adjoining neighbour on Old Warwick Road, Devon House, is a substantial semi-detached house with large outbuilding adjoining the side boundary.

Details of the Development

It is proposed to demolish the existing building and replace it with a two storey L shaped building which will extend closer to Devon House on Old Warwick Road. This will include a replacement retail unit on the corner, with an adjoining replacement office fronting Mill Lane, and replacement 2-bed flat above. Adjoining on the Mill Lane frontage will be a new 2-bed house, whilst on the Old Warwick Road frontage will be two new 2-bed houses and one new 3-bed house. Rear gardens for the dwellings will be provided along with nine car parking spaces.

The building is a traditional design with Warwickshire Red brick walls, clay tiled roof, gable finials, casement windows and false timber framing, with an angled corner gable feature and shop windows onto both road frontages.

Assessment

The main issues are:

- Provision of housing within the village
- Impact on neighbouring amenity
- Visual impact
- Parking

Provision of housing within the village

The site is within the village which itself is within the Green Belt where PPG2 applies. This allows limited infilling within existing villages and limited affordable housing for local community needs. Local Plan Policy RAP1 permits residential development within the Limited Growth Village of Lapworth (Kingswood) on previously developed land, where any market housing meets a specified local need identified by the community in an appraisal or assessment, or affordable housing in accordance with Policy RAP4. Policy RAP4 also requires developments to be small in scale, of appropriate design and located within an existing settlement. It also limits detailed consents to 2 years in order to ensure that specific current local needs are addressed. Policy SC11 requires rural housing schemes of 3 or more dwellings to make 40% of them affordable.

This scheme comprises the demolition of existing buildings and the comprehensive redevelopment of the whole site, therefore the proposal is classed as being on previously developed land. The 2010 Lapworth Housing Needs Survey identified a local need for 4x 2-bed rented houses, 1x 2-bed house in shared ownership, and 1x 3-bed house for open market sale.

The original scheme considered by Committee provided 60% affordable housing, which was one unit more than the requirement for 40% of the total. The amended scheme provides 1x 3-bed and 1x 2-bed houses for open market sale, and 2x 2-bed affordable houses. The remaining shop, office and replacement 2-bed flat above the shop will be offered at market value, as replacements for the existing uses. 40% of the dwellings will therefore be affordable, and the proposal meets half of the identified housing needs of the village. The affordable housing element remains compliant with policies RAP4 and SC11 since 40% of the units proposed will be affordable, whilst the 3-bed market house will meet an identified local need and therefore comply with policy RAP1. The units will be transferred to and managed by a registered provider approved by Warwick District Council and the affordable housing units will be allocated through Warwick District Homechoice. The affordable housing will also be subject to the Rural Local Lettings Policy. All matters will be contained within a Section 106 agreement. However, the additional 2-bed market house would not meet a need identified by the local survey and would therefore be contrary to policy RAP1 and PPG2.

The material considerations must be weighed against the conflict with policy RAP1 and PPG2, and it must be considered whether very special circumstances exist to outweigh the inappropriate development proposed. The benefit to the community of providing two affordable units and one market house which meet an identified local need weighs significantly in favour of the development, as is the housing need within the wider District. An alternative to the proposed scheme would be to omit the house which is contrary to policy, but this would not be making best use of the site and could be considered contrary to policy

DP5 due to a reduced density of development. The omission of one dwelling would reduce the size of the proposed building which, as considered below, is considered acceptable in terms of its visual impact. The applicant has provided financial information which demonstrates that the original scheme would not be financially viable, due to the costs of demolition and rebuilding and the limited offer that can be made by the registered provider. The applicant says that the site would remain undeveloped if the scheme remains unviable as they will not sell the site. It is also unlikely that the need can be provided elsewhere in the village due to the limited availability of developable sites. Taking all these circumstances into account, I consider that the overall benefits of the scheme will outweigh the conflict with policy RAP1 and PPG2 and that very special circumstances have been demonstrated.

The replacement of the existing shop, chiropractors office and flat within the village would not strictly accord with PPG2 Green Belts, since the replacement of existing buildings is inappropriate development. However, given that the site is within the centre of the village and there would be no harm the openness of the Green Belt, I consider the very special circumstances which justify the inappropriate development to be that the scheme would enable the provision of affordable and local need housing identified in the Housing Needs Survey.

Impact on neighbouring amenity

Opposite the site on Mill Lane is a further retail unit with flat above, which has a facing first floor window. Amended plans have been received which omit a facing three light wide window originally proposed at first floor level in the proposed house, and replace it with an end gable window. One facing first floor bedroom window will remain, which is smaller at two lights wide, and not directly opposite. This cannot be relocated due to the configuration of the building, but it is considered to have an acceptable impact. The distance separation between the two windows is about 13m, which is much less than the recommended 22m, but since the public road separates the two buildings this is considered reasonable, as public overlooking from the road itself already inhibits privacy.

Neighbours to the rear of the site are flats within Bird In Hand Court. These would not be seriously affected due to a distance separation of 24m.

The neighbour on Old Warwick Road, Devon House, has raised objection to the proximity of the development to their boundary, and size. The proposed building would extend to within 1.2m of their side boundary at the front, which would widen to 2.2m at the rear, by effectively building on the side garden of the existing flat. Devon House has a vehicular access leading to a large garage built onto the shared boundary which is set back substantially from the road and the proposed building. Their side boundary is made up of conifer hedging and a brick wall with trellis on top. This outbuilding has a front facing first floor window close to the boundary which would be 10m away from the rear corner of the nearest house. There are also two small side facing ground floor windows either side of a chimney, serving a living room which has its principal source of light at the rear, and for this reason I consider the impact to be reasonable. There is a further side facing kitchen window in direct line of the side boundary but this is partly obscured by the rear projecting doors to the lounge and a tree.

Visual impact

The existing building adds character to this part of the village, with its Edwardian timber detailing, decorative chimneys, hipped clay tiled roof with dormer

projections and traditional shop frontage. There is a requirement in the Local Plan (Policy RAP2) for dwellings to be retained where they contribute to the character of the locality, but since this is a mixed use scheme it would not apply. In any case, the replacement building does incorporate some of these local features so the resulting design will not be out of character with nearby buildings. The scale of the proposal is similar to the existing building, whilst its siting on the back of the highway is consistent with the existing building line. The new angled corner feature will be similar to the angled corner of the shop opposite, whilst the gable on the Old Warwick Road frontage will continue to reflect the fact that this is the principal street frontage, and the quieter Mill Lane frontage will be fronted by roof slope. The infilling of the gap adjacent to Devon House will not appear detrimental to the street scene since at least a 1m buffer would be provided to the side boundary.

Parking

The number of parking spaces within the development has been increased from six to nine following an initial objection from Highway Authority. According to the Council's Vehicle Parking Standards, the total requirement for the development would be 10 spaces. The Highway Authority were initially concerned that any increased need for on street parking would encourage use of the public parking bays adjoining Old Warwick Road. These bays are currently available and regularly used, as are the similar bays outside the shop opposite. I consider the provision of nine spaces to be adequate, given that the parking standards are maximum ones. The development would increase traffic to the site, but this would not be to the detriment of highway safety.

A large tree at the front of the site on Old Warwick Road was removed prior to the application being submitted, and whilst regrettable, did not require consent. Bin storage is provided with the rear gardens.

The applicant has provided a sustainability statement detailing how they intend to provide 10% renewable energy via 8 solar thermal collectors (17sq.m) on the front roof slopes facing Old Warwick Road and the rear of the unit fronting Mill Lane.

The Parish Council would like any open space contribution which can be secured through policy SC13 to be spent on the Brome Hall Lane picnic site, and this is proposed to be included within the Section 106 agreement.

RECOMMENDATION

GRANT, upon completing of a Section 106 agreement to secure the provision of 2 affordable housing units and their transfer to a registered provider approved by WDC, and an open spaces contribution of £5652, and subject to the condition listed below.

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of two years from the date of this permission. **REASON** : To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The development hereby permitted shall be carried out strictly in

accordance with the details shown on the approved drawing(s) (5003;1 received on 1 September 2011. 5003;4 & 5003;5 received on 8 August 2011. LAP/2000 within Renewable Energy report by Hillman Design Ltd), and specification contained therein, unless first agreed otherwise in writing by the District Planning Authority. **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 No development shall take place until the applicant has secured the implementation of a written programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the District Planning Authority. **REASON** : To ensure any items of archaeological interest are adequately investigated, recorded and if necessary, protected, in order to satisfy the requirements of Policy DP4 of the Warwick District Local Plan 1996-2011.
- 4 Prior to commencement of the development hereby approved, details of a porous surface treatment for the parking and turning area 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 site, shall have been submitted to and approved by the District Planning Authority. The parking and turning area 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.
- 5 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 constructional 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.
- 6 No development shall be carried out on the site which is the subject of this permission, until satisfactory details of boundary treatment have been submitted to and approved by the District Planning Authority and the development shall not be carried out otherwise than in full accordance with such approved details. **REASON** : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.
- 7 The car park hereby permitted shall be constructed, surfaced, laid out and available for use prior to the first occupation of the development hereby permitted, in full accordance with the approved plan, and shall be kept available for the parking of vehicles at all times hereafter. **REASON** : To ensure that adequate parking facilities are available, in accordance with the requirements of Policy DP8 of the Warwick District Local Plan 1996 - 2011.

- 8 The development hereby permitted shall not be first occupied unless and until the renewable energy scheme submitted as part of the application (ref. Renewable Energy report by Hillman Design Ltd) has been wholly implemented in strict accordance with the approved details. The works within this scheme shall be retained at all times thereafter and shall be maintained strictly in accordance with manufacturers specifications. **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.
- 9 The shop hereby permitted shall be only used for purposes within the A1 Use Classes Order 2010 and for no other purpose without the prior consent of the District Planning Authority. **REASON**: To protect the use of the unit in accordance with Local Plan Policy RAP11, which seeks to retain existing rural shops and services which meet local needs.
- 10 The chiropody office hereby permitted shall be only used for purposes within the D1 Use Classes Order 2010 and for no other purpose without the prior consent of the District Planning Authority. **REASON**: To protect the use of the unit in accordance with Local Plan Policy SC8, which seeks to protect existing community facilities which meet local needs.
- 11 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), no development shall be carried out which comes within Classes A or E of Part 1 of Schedule 2 of this Order, without the prior permission of the District Planning Authority. **REASON** : The gardens of the dwellings are of a restricted size and configuration and is in close proximity to other dwellings. It is considered appropriate therefore to retain control over future development to ensure that the residential amenity of this locality is protected in accordance with the provisions of District-Wide Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.

INFORMATIVES

For the purposes of Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, the following reason(s) for the Council's decision are summarised below:

In the opinion of the District Planning Authority, the development does not prejudice the openness and rural character of this green belt area and is considered to comply with the policies listed.
