

Planning Committee: 23 May 2017

Item Number: 7

Application No: [W 16 / 2080](#)

Town/Parish Council: Lapworth

Case Officer:

Lucy Hammond

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Registration Date: 11/11/16

Expiry Date: 06/01/17

Fairfield, Old Warwick Road, Lapworth, Solihull, B94 6JZ

Erection of detached dwelling FOR Mr D Back

This application is being presented to Committee due to the number of objections received.

RECOMMENDATION

Planning Committee is recommended to grant planning permission for this development, subject to the conditions listed at the end of this report.

DETAILS OF THE DEVELOPMENT

Planning permission is sought for the erection of a single dwelling along a private access road that comes off Old Warwick Road to the north of the site. The proposed dwelling would be a two storey detached building arranged in a 'T-shape' plan form and would provide four bedroom accommodation. A brick and tile construction is proposed.

THE SITE AND ITS LOCATION

The application site lies in Lapworth which is in the West Midlands Green Belt. 'Fairfield', the host dwelling, fronts Old Warwick Road, the main road to the north and this property sits within a very large plot that forms the corner of Old Warwick Road and a private access drive to the east side that serves a small number of properties to the east and south. Access for the new dwelling would be taken from the private access road to the east rather than from Old Warwick Road which would have to come through Fairfield's property.

Part of Fairfield's rear garden is already subdivided by a timber fence; this is not a recent subdivision since aerial photography dating back to 2009 confirms its presence across the site. The site is relatively overgrown at the present time and bounded on all sides by post and wire/timber fencing with an existing five bar gate in the approximate position of the proposed new access into the site. There are some trees and other vegetation within the site and around perimeter boundaries. No other constraints or landscape designations are applicable to the site.

PLANNING HISTORY

While there is some history associated with the host dwelling known as 'Fairfield' there is no direct or relevant history related to the rear section of its garden which is where the new dwelling is proposed.

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)
- DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)
- RAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)

The Emerging Local Plan

- H1 - Directing New Housing (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)
- 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)
- TR1 - Access and Choice (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

Guidance Documents

- Distance Separation (Supplementary Planning Guidance)
- Vehicle Parking Standards (Supplementary Planning Document)
- Sustainable Buildings (Supplementary Planning Document - December 2008)

SUMMARY OF REPRESENTATIONS

Lapworth Parish Council: Objection - concerns relating to access arrangements but advised would withdraw objection if the Highway Authority removed their objection.

WCC Highways: No objection following receipt of additional information; conditions are recommended

WCC Ecology: No objections in principle to the development; conditions and note are recommended

WCC Landscape: Objection originally raised due to lack of tree survey, which was subsequently submitted.

Inland Waterways: No objections

Environment Agency: No objections

Public Response:

A total of 13 letters of objection from 5 individual neighbouring residents have been received on the following grounds:-

- concerns related to access and highway safety
- increased flood risk within the site
- harm to the character of the rural area
- concern regarding drainage within the site
- harm to neighbouring amenity

Other non-material considerations were also raised.

ASSESSMENT

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

- Principle of development
- Impact on character and appearance of the area
- Impact on neighbouring amenity
- Parking and highway safety

The principle of development

Saved Policy RAP1 of the Warwick District Local Plan 1996-2011 relates to the direction of new housing and states that residential development will only be permitted in specified circumstances which are listed at a) to e) within the policy. The proposed development does not fall within any of those circumstances. However, as the Council does not currently have a 5 year housing land supply, policy RAP1 is considered to be out of date. Emerging Local Plan policy H1 states that housing development will be permitted in a number of specified circumstances, one of which is where the site is within a Limited Infill Village as identified within the policy and on the Policies Map. This policy is yet to be formally adopted as part of the Development Plan, and while it is at an advanced stage, it has been subject to modification by the Local Plan Inspector. As such, the policy is afforded ONLY a moderate degree of weight within the decision making process.

Lapworth is classified as a Limited Infill Village and accordingly, the principle of development is considered to be acceptable. Moreover, in accordance with

paragraph 14 of the NPPF, where the development plan is absent, silent, or relevant policies are out of date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Point 2 of Policy H1 is noted which states that the development of garden land will not be permitted unless the development reinforces, or harmonises with, the established character of the street and/or locality and respects surrounding buildings in terms of scale, height, form and massing. This particular point is considered further in the following section of this report.

The site is also located within the West Midlands Green Belt so the principle of development is twofold. Notwithstanding the above, the NPPF, at paragraph 89 sets out particular forms of development that will not be considered inappropriate development in the Green Belt. One such example relates to limited infilling in villages. This is supported in emerging Policy H11, also afforded moderate weight, which relates to limited village infill housing development in the Green Belt. This policy states that such development will be permitted where the site is located within a Limited Infill Village and the following criteria are satisfied:-

1. the development is for no more than two dwellings,
2. the development comprises the infilling of a small gap fronting the public highway between an otherwise largely uninterrupted built up frontage, which is visible as part of the street scene, and
3. the site does not form an important part of the integrity of the village, the loss of which would have a harmful impact upon the local character and distinctiveness of the area.

In considering the above, it is officers' opinion that all three criteria are satisfied by the proposed development which therefore amounts to an appropriate form of development within the Green Belt.

Overall, the provision of a new single dwelling in this location is considered to be acceptable in principle subject to an assessment being made of the other relevant material planning considerations, which are considered below.

The impact on the character and appearance of the area

The private access road to the east of the application site serves six residential properties; three of these sit opposite the application site while the remaining three are arranged in an irregular row to the south of the application site. Building plots vary in size and while the overall massing of the properties to the south are broadly similar, the individual architectural form and detailing of each property differs. There is therefore no one prevailing feature that characterises the immediate surroundings. The proposed dwelling would be two storey and would have a 'T-shape' plan form. Its overall scale and mass would be broadly comparable with other neighbouring buildings and it would sit proportionately within its curtilage in the same way as Fairfield and the properties located opposite. The property would effectively be arranged in two sections, connected in the middle by a flat roof structure that would be largely glazed. The two pitched roofs on each two storey section would have the same ridge height (7.9m) which is not, in officers' opinion, overbearing or out of keeping with the surrounding built form. The connecting glazed section would have a reduced

height of 5m thus breaking up the visual massing of the building, especially as viewed from the side which would be the primary elevation that would address the private road. The walls are proposed in facing brick but large openings in the side and rear elevations would be full height glazing, again, assisting with breaking up the massing of these elevations.

Overall, the proposed dwelling is considered to be proportionately designed within its plot and the scale and mass would generally reflect the character of the surrounding properties accessed off the same private road. The proposed materials are typical of the surrounding buildings and overall, officers consider that the proposed dwelling would be visually appropriate to and sympathetic with the surrounding character of the area. It is therefore not considered that there would be any resulting visual harm to the amenities of the area. The proposals are therefore considered to comply with saved policy DP1 of the Local Plan and emerging policy H1(2) of the New Local Plan.

The impact on neighbouring amenity

Due to the position of the proposed dwelling and its oblique relationship it would share with the closest neighbouring properties it is not considered there would be any harmful impacts resulting from the development by reason of loss of light, outlook or privacy. The nearest properties surrounding the new dwelling (Fairfield, Clover Lodge and Shaftsbury House) are located 59m, 20m and 30m away respectively as measured from the nearest corner points between buildings so the required separation distances are more than exceeded. The proposed development is therefore considered to comply with saved policy DP2 of the Local Plan.

Access and parking / highway safety

No new access points are proposed from Old Warwick Road. Access for the new dwelling would instead be taken off the private road through an existing gated access that is present on site. Within the site there would be space provided for the turning of vehicles in front of the property thus enabling vehicles to leave the site in a forward gear and there would be adequate space within the site to park a number of cars. Originally the Highway Authority raised objection to the application based on the use of the existing private road which would be intensified by the development to a point considered potentially unacceptable. There was also some concern regarding the visibility splays. However, subsequent discussion has taken place between the applicant and the Highways Officer directly and this has confirmed that the existing dwelling (Fairfield) is to be served by a new access directly onto Old Warwick Road, thus retaining the same number of vehicle movements along the private road with no further intensification. Additional information was also provided demonstrating that the required visibility splays can be achieved at the access. Given therefore there would be no additional vehicle movements and the Highway Authority is now satisfied regarding the visibility, there is no longer any objection to the proposals in this regard. Accordingly, it is considered there would be no detriment to highway safety and the proposals are considered to comply with saved Policy DP6 of the Local Plan and emerging Policy TR1 of the New Local Plan.

Other Matters

Renewable energy

For this type of development proposal, and having regard to the content of the submitted Sustainable Buildings Statement, it would be appropriate to impose the standard condition relating to renewable energies to any forthcoming permission in order to satisfy Policy DP13 and the associated SPD.

Open space

Policy SC13 seeks contributions from residential (and commercial) developments to provide, improve and maintain appropriate open space, sport or recreational facilities to meet local needs. The proposed development would not make any on-site provision for open space and accordingly, having been assessed by the Open Space team, a financial contribution would be required which would be put toward the development objectives of local open spaces or toward the development of nearby destination parks as identified by the Open Space team. I therefore consider the proposal accords with SC13 and is acceptable in this regard.

Ecology

Throughout the course of the application additional information has been submitted as requested, including a tree survey in relation to the trees within the site. The County Ecologist raised one particular point in relation to a Lime tree that had the potential to support roosting bats, which was marked for removal, however, the arboricultural consultant has since confirmed that while the tree in question (T22) was recommended for removal, this was only advisory and since it could offer some ecological value, it could be retained throughout construction as it is located well away from the proposed development. It is therefore considered the development is acceptable in this regard and complies with policy DP3 of the Local Plan.

Drainage

Some concerns have been noted by neighbouring residents in relation to drainage and surface water flooding across the site. The Environment Agency was consulted about this development and raised no objections. In terms of foul drainage this would normally be a matter dealt with through the Building Regulations process in the event permission is forthcoming for the development. Officers are satisfied that the development would be acceptable in this regard.

SUMMARY/CONCLUSION

The principle of development is considered acceptable having regard to both the policies relating to the provision of rural housing and to the relevant Green Belt policy in the NPPF that cites this type of limited infill development as 'appropriate'. The proposed dwelling is considered to be in keeping and sympathetic in terms of its scale and massing and accordingly not considered to cause any visual harm to the character of the surrounding area. There would be

no harm caused to the amenity of existing residential properties around the site and there is no detriment considered to be caused to highway safety in term of the proposed access arrangements. It is considered that there would be no material harm resulting from this proposed development, which is considered to represent a sustainable form of development overall. For these reasons it is recommended that planning permission be granted subject to the following conditions and notes.

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 drawings 080 rev.06, 081 rev.08, 082 rev.05, 083 rev.04 and 084 rev.04 and specification contained therein, submitted on 26 January 2017. **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 Other than site clearance and preparation works no works shall commence on the construction of the development hereby permitted until samples of the external facing materials to be used have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details. **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 The development hereby permitted (including ground clearance works) shall not commence until a protected species method statement for great crested newts, reptiles, badger, nesting birds and hedgehog has been submitted to and approved in writing by the Local Planning Authority. Such approved measures shall thereafter be implemented in full. **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.
- 5 No works shall commence on site, including site clearance, until a combined ecological and landscaping scheme has been submitted and agreed between the applicant and the local planning authority (with advice from WCC Ecological Services). The scheme must include all aspects of landscaping including details of native planting and installation of bird and bat boxes. The agreed scheme shall be fully implemented before/during development of the site as appropriate.

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.

6 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 District 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 on site during construction in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011.

7 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.

8 Unless the Local Planning Authority certifies that suitable alternative provision has been made for the provision or improvement of open space within the catchment area of the application site in accordance with Policy SC13 of the Warwick District Local Plan 1996-2011:

(i) no development shall commence unless or until a scheme for such provision or improvement (identifying the size/extent, location and specification of the space and works) has been submitted to and approved in writing by the Local Planning Authority; and

(ii) the dwellings hereby permitted shall not be occupied until the scheme so approved has been implemented.

REASON: To ensure the necessary infrastructure and facilities are

provided in accordance with Policy SC13 of the Warwick District Plan 1996 – 2011.

- 9 The development hereby permitted shall not be occupied unless and until the existing access to Fairfield from the private access road has been closed and an alternative access provided to the satisfaction of the Local Planning Authority in consultation with the County Highways Authority. **REASON:** In the interests of highway safety in accordance with policy DP6 of the Warwick District Local Plan 1996-2011.

- 10 The development shall not be occupied until visibility splays have been provided to the vehicle access to Warwick Road with an 'x' distance of **2.4** metres and 'y' distances of **70** 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 policy DP6 of the Warwick District Local Plan 1996-2011.