Planning Committee: 15 September 2021 **Item Number: 7**

Application No: W 21 / 1150

Registration Date: 15/07/21
Town/Parish Council: Lapworth **Expiry Date:** 09/09/21
Case Officer: Jonathan Gentry
01926 456541 jonathan.gentry@warwickdc.gov.uk

Ingon, Old Warwick Road, Lapworth, Solihull, B94 6LN
Formation of dropped kerb to provide vehicular access FOR Mr. Gillott

---

This application is being presented to Planning Committee due to an objection from the Parish Council having been received.

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

Formation of dropped kerb to provide vehicular access.

THE SITE AND ITS LOCATION

The application property is a two-storey semi-detached dwelling located on the south side of Old Warwick Road, Lapworth. The site is washed over by Green Belt. There is no off-street parking to the front of the property at present, although this property and those neighbouring do benefit from a rear access road. Property frontages to this run of dwellings are characterised by enclosed gardens with grass highway verge beyond. While most properties have retained front gardens, a number of properties to both the east and west have constructed driveway accesses.

RELEVANT PLANNING HISTORY

W/18/0215 - Lombardy, Old Warwick Road, Lapworth - Formation of dropped kerb to provide new vehicular access - Refused. Subsequently allowed on appeal.

RELEVANT POLICIES

- National Planning Policy Framework
- Warwick District Local Plan 2011-2029
- BE1 - Layout and Design
- BE3 - Amenity
- TR1 - Access and Choice
- NE4 - Landscape
- Guidance Documents
- Residential Design Guide (Supplementary Planning Document- May 2018)

SUMMARY OF REPRESENTATIONS

Lapworth Parish Council - Members object to the scheme, citing setting a harmful precedent in terms of loss of amenity of grass verge and impact on the street scene.

WCC Highways - Raise no objection on the basis of precedent set by neighbouring site and relevant appeal decision.

WCC Landscape - Object to the scheme on the basis that it will erode character of the street scene.

WCC Ecology - Recommend advisory notes in relation to nesting birds and hedgehogs attached to any grant of consent. Also suggest consideration of root protection areas. Encourage incorporation of biodiversity offsetting measures.

Public Response - One neighbour objection comment received raising concern regarding the creation of the access on a busy road, opposite shops and garage. The objection also highlights the loss of grass amenity land to the area, noting the properties along this stretch of road benefit from a rear access.

ASSESSMENT

Highway Safety

Local Plan Policy TR1 states that development will only be permitted that provides safe, suitable and attractive access routes for pedestrians and other road users.

Warwickshire County Council as the Highways Authority have provided a detailed consultation response to the proposed development. They note that the proposed scheme would result in the creation of a second access to the application site, contrary to Transport and Roads for Developments: The Warwickshire Guide 2001, of which Paragraph 5.16.6 states '*No more than one access should be provided for any dwelling.'* The Highways Authority also acknowledge that the proposed access would be deficient in turning facilities which would normally be required from this classification of road.

However, they are mindful that a very similar scheme for a dropped kerb access and driveway at a nearby property 'Lombardy' (located three dwellings to the east) was allowed at appeal in 2018. In making this decision, the appointed Inspector outlined that '*two adjacent dwellings and numerous others within the vicinity of the appeal dwelling already have dropped kerbs and vehicular accesses serving hard standings on which it would be difficult or impossible to turn a car... It is concluded on the main issue that the proposed vehicular access would have no materially detrimental effect on highway safety and in consequence there would be no conflict with Policy TR1 of the Warwick District Local Plan 2011- 2029, adopted 2017, which expects development proposals to demonstrate that they are not detrimental to highway safety".*

While the Highway Authority's response highlights that the Inspector did not acknowledge an existing access to the rear of this neighbour, they have ultimately

raised no objection to the proposal, with consideration to the matters raised and appeal decision precedent at Lombardy.

The proposed driveway construction is therefore considered to appropriately accord with Local Plan Policy TR1, subject to the imposition of a recommended compliance condition requiring the access is not used until such point that a public highway verge crossing has been constructed in accordance with the relevant standard specification.

Design and impact on character and appearance of street scene

Local Plan Policy BE1 states that development will be permitted where it harmonises with and improves the character of the surrounding area. The adopted Residential Design Guide SPD also sets out design principles which development proposals are expected to comply with.

Lapworth Parish Council, Warwick County Council Landscape Team and one public consultation representation have raised objection to the proposed driveway on the basis of its visual impact, stating that the hardstanding area will erode the character of the street scene. Officers acknowledge that the access, will result in the loss of some frontage verge landscaping and natural features. However, it is also noted that a number of neighbouring dwellings along this run of semi-detached properties have completed driveway conversions of very similar design and scale. The principle of accesses in this location being considered acceptable has therefore been established and in the context of these sites, including neighbouring 'Lombardy', the proposed development is not considered to result in material harm to the character of the streetscene or wider setting of the site. The proposed development is therefore considered acceptable in design terms. It is also noted that the formation of the main driveway area may be constructed without planning permission in any case.

Impact on neighbours

By virtue of its nature as an engineering works that would not result in the creation of additional building bulk or mass to the site, the proposed development is not considered to result in harm to the amenity of neighbouring sites by way of loss of outlook, light or privacy.

The proposed development is therefore considered to accord as necessary with WDC Local Plan Policy BE3.

Ecological Impact

The consultee Ecologist at Warwickshire County Council has commented on the scheme, recommending that advisory notes in relation to nesting birds and hedgehogs are attached to any grant of consent. Imposition of the recommended advisory text is considered a reasonable and proportionate measure to ensure the applicant is aware of their responsibilities in relation to protection of the identified species. The ecologist has suggested the use of root protection areas where necessary. In the context of this development no such protection is considered necessary. Similarly, while biodiversity offsetting measures have been

encouraged, these are not considered reasonably necessary in relation to the scale of proposed development.

The proposed access is therefore considered to accord with Local Plan Policy NE2.

Conclusion

The scheme is considered acceptable, having regard to the character of the street scene, neighbouring amenity, highways impacts and ecology. Members are therefore recommended to grant planning permission, subject to conditions.

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 submitted on the 7th May 2021, and drawing 'KCB946LN' submitted on the 15th July 2021, and specification contained therein. **REASON**: For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.

3 The access to the site for vehicles shall not be used unless a public highway verge crossing has been laid out and constructed in accordance with the standard specification of the Highway Authority. **Reason:** To ensure an appropriate standard of development and finish in accordance with Warwick District Local Plan Policy TR1.