

Application No: W 11 / 1248

Town/Parish Council: Kenilworth
Case Officer: Rob Young

Registration Date: 14/02/12
Expiry Date: 10/04/12

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57 Common Lane, Kenilworth, CV8 2EQ

Demolition of existing dwelling and erection of 2 no. two storey detached houses and 1 no. dormer bungalow (outline application including details of access) FOR Mrs Barlow

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

SUMMARY OF REPRESENTATIONS

Town Council: Object. Members consider the proposal to be gross overdevelopment of the site. Vehicular access on this busy and narrow road is already awkward at this point; the proposal would exacerbate the situation so Members request that WCC undertake a full traffic survey.

Public response: 3 neighbours have objected to the proposals on the following grounds:

- detrimental to highway safety;
- the proposals would intensify the use of the existing access close to the nearby bridge and bend in the road;
- possible drainage problems for neighbouring dwellings;
- increased parking on grass verges;
- an application for one additional unit was refused some time ago;
- overdevelopment; and
- the garages would be in front of the established building line in Common Lane.

Severn Trent Water: No objection, subject to a condition to require drainage details.

WCC Highways: The Highway Authority acknowledges the objection raised by Kenilworth Town Council. An interrogation of our accident database shows that there have been no recorded injury accidents associated with the site. In addition the applicant is able to achieve visibility splays as outlined in the Department for Transport's guidance document 'Manual for Streets' (guidance which in this instance is considered relevant). The Highway Authority's response to your consultation is one of **NO OBJECTION**, subject to conditions.

WCC Ecology: The site has no nature conservation designation but Kenilworth Common LNR is very close by, whilst there is a tree lined railway immediately to the west. The Warwickshire Biological Records Centre holds records of a number of bat species in close association with Kenilworth Common, confirming its suitability for foraging and commuting bats. There are also numerous reptile records from Kenilworth Common.

The Bat Survey undertaken by Martin Ecology was carried out to an appropriate standard, although owing to the time of year the survey work comprises of an initial inspection of the building, both internally and externally.

Externally, the roof of the main house was found to be in good condition, although a number of broken and slipped roof tiles were present. These were considered to offer suitable access points for bats to possible roost locations, although they could not be closely inspected. Internally, the underside of the roof void was lined and no evidence of bat activity was found to suggest that bats had made use of the roof void in the past. The adjacent garage was also inspected, but the absence of suitable access points for bats would indicate that bats are unlikely to be present in this particular building.

As the proposed works will lead to the demolition of the existing dwelling and a number of suitable access points for bats have been identified (which could not be fully inspected during the course of the initial assessment), Ecological Services would recommend a suitably cautious approach is adopted. Therefore, in accordance with the recommendations of the bat survey report, further bat activity surveys should be undertaken so as to confirm whether or not bats are using the dwelling as a roost. Should any evidence of bats be found, as the likelihood of bats being encountered is essentially restricted to crevice dwelling species, it is envisaged that any replacement roosts or appropriate mitigation could be incorporated into the proposed scheme. Therefore, should Warwick DC be minded to grant planning approval, this further survey work can be secured by way of **condition**.

It is also recommended that informative **notes** on reptiles and breeding birds are attached.

WDC Environmental Health: No objection.

WDC Green Infrastructure Manager: No objection.

RELEVANT POLICIES

- 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)
- UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
- SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Vehicle Parking Standards (Supplementary Planning Document)
- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Distance Separation (Supplementary Planning Guidance)
- Open Space (Supplementary Planning Document - June 2009)

PLANNING HISTORY

In 1975 planning permission was refused for "Erection of two detached dwellings" (Ref. W75/1164).

In 1979 planning permission was refused for "Erection of detached bungalow and garage at rear" (Ref. W79/0279).

In 1998 planning permission was refused for "Erection of a new 2 bedroomed detached dwelling" (Ref. W98/0456).

KEY ISSUES

The Site and its Location

The application relates to a bungalow situated on the north-eastern side of Common Lane, within a predominantly residential part of Kenilworth. The site adjoins further dwellings to the south-east and north-east. The adjacent dwelling at No. 59 Common Lane is set back some way from the road and is situated alongside the rear garden of the application property. The rear elevations of the adjacent dwellings at Nos. 1a and 1b Highland Road face the application site.

The Leamington to Coventry railway line runs below an embankment to the north-west of the site. The railway line and embankment are situated within the Green Belt, with the Green Belt boundary running along the north-western boundary of the application site. There are a number of trees on the site. Kenilworth Common Local Nature Reserve is situated on the opposite side of Common Lane.

Details of the Development

This is an outline application for the demolition of the existing bungalow and the erection of 2 no. two storey detached dwellings and 1 no. detached dormer bungalow. The application includes details of the means of access, number of dwellings and scale parameters, with all other details reserved for future consideration. The 3 dwellings would share the existing vehicular access off Common Lane. The scale parameters indicate that the ridge height of the two storey dwellings will be 8.2m while the ridge height of the dormer bungalow will be 6.2m.

The following amendments have been made to the application:

- plot 3 changed from a two storey house to a dormer bungalow; and
- the garages that were proposed to the front of the dwellings have been omitted.

Assessment

As this is an outline application with the detailed design and layout reserved for future consideration as part of a reserved matters application, the assessment of the application can only consider the principle of development and the limited details that have been submitted. This will have a bearing on the consideration of some of the key issues listed below, with some of the issues having more relevance to the consideration of a subsequent reserved matters application.

Bearing this in mind, the main issues relevant to the consideration of this application are as follows:

- the principle of permitting the construction of additional dwellings on this site;
- the impact on the living conditions of neighbouring dwellings;
- highway safety;
- the impact on the character and appearance of the area; and
- the impact on trees and ecology.

The principle of permitting the construction of additional dwellings on this site

Local Plan Policy UAP1 states that residential development will only be permitted on previously developed land within the urban areas of the District. The only part of the application site that is previously developed land is the footprint of the existing bungalow, since residential gardens are not now classed as previously developed land. The proposed dwellings would be largely situated within the footprint of the existing bungalow, although plots 2 and 3 would extend partly outside of the footprint and consequently the proposals would not strictly be in accordance with Policy UAP1. Nevertheless, the cumulative footprint of the proposed dwellings would be the same size as that of the existing bungalow. The indicative layout shows the proposed dwellings extending outside of the existing footprint because gaps have been incorporated between the proposed dwellings in order to break up the massing of the development and because Plot 3 has been stepped forward to provide a greater separation distance from the adjacent dwelling to the rear. It is considered that this will allow a more appropriate development than a scheme that adheres rigidly to the position and shape of the existing footprint in order to meet Policy UAP1 to the letter. Therefore, the construction of 2 additional dwellings on this site would be acceptable in principle because the proposals would not prejudice the objectives of Policy UAP1.

Impact on the living conditions of neighbouring dwellings

As amended, the proposals would have an acceptable impact on neighbouring dwellings. Plot 3 would be closest to the neighbouring dwellings and this has been changed to a dormer bungalow with only front dormer windows to ensure compliance with the Council's Distance Separation Standards in relation to the neighbouring dwelling at No. 59 Common Lane to the rear. The separation distance is 17m and this is sufficient to ensure that there would not be unacceptable overlooking, loss of light or loss of outlook resulting from the construction of a bungalow on this plot, particularly in view of the fact that the bungalow would not directly face No. 59. The distance from the side of Plot 3 to the rear of the adjacent dwellings in Highland Road is over 22m and this is far enough to ensure that the proposals would not cause undue loss of light, loss of outlook or loss of privacy for those dwellings.

Highway safety and car parking

The concerns that have been raised by the Town Council and neighbours about highway safety are noted. However, there has been no objection from the

Highway Authority. Suitable visibility splays are achieved and therefore the proposals are considered to be acceptable from a highway safety point of view.

The indicative layout plan shows that there is space to provide each of the proposed dwellings with 2 parking spaces. This would meet the requirements of the Council's Parking Standards.

Impact on the character and appearance of the area

This part of Common Lane contains a mixture of detached houses and bungalows on varying plot sizes. In this context, it is not considered that 2 detached houses and a detached bungalow would appear out of place on the application site.

Impact on trees and ecology

A tree survey has been submitted with the application and this concludes that there is no arboricultural justification for refusing outline planning permission. The Council's Green Infrastructure Manager has accepted the conclusions of this report and therefore it is considered that the proposals would have an acceptable impact on trees.

A bat survey has been carried out and this concludes that the roofspace of the existing dwelling is suitable for use by bats, although no evidence of bat activity was found during the limited inspection that was carried out. The County Ecologist has accepted the results of the survey and has recommended a condition to require further bat surveys to be undertaken to confirm whether or not bats are using the dwelling as a roost. Therefore, subject to this condition, the proposals would not be harmful to bats.

Other matters

The applicant has agreed in principle to pay a contribution of £6,908 towards the provision or enhancement of public open space. This would meet the requirements of Local Plan Policy SC13 and the Open Space Supplementary Planning Document. A condition is recommended to deal with this matter.

No renewable energy details have been provided because this is an outline application. A condition is recommended to deal with this issue.

The concerns that have been raised about the development using the existing public sewers that run across neighbouring dwellings are noted. However, there has been no objection from Severn Trent and therefore it is considered that the proposals would be acceptable from a drainage point of view.

Three previous applications for new dwellings on the application site have been refused (two in the 1970s and one in the 1990s). Each of these proposals has been examined and it is considered that the reasons for refusal would not apply in the current case. In each of those cases the existing bungalow was to be retained and the additional dwelling or dwellings were to be added to the side or rear. This resulted in concerns about undesirable backland development, a restricted size of plot and/or failure to comply with the Council's standards in terms of the impact on neighbours. The current proposals have overcome these concerns by proposing to demolish the existing bungalow and redevelop the whole site, which enables the proposals to meet the Council's standards and to provide an adequate size of plot for each dwelling.

It is noted that concerns have been raised about overdevelopment. However, the proposals are not considered to represent an overdevelopment of the site because the development meets the Council's standards and can achieve an appropriate layout that is in keeping with the character and appearance of the area.

CONDITIONS

- 1 This permission is granted under the provisions of Article 4(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2010 as amended, on an outline application and the further approval of the District Planning Authority shall be required to the undermentioned matters hereby reserved before any development is commenced:-
 - (a) appearance
 - (b) landscaping
 - (c) layout
 - (d) scale

REASON : To comply with Section 92 of the Town and Country Planning Act 1990 as amended.
- 2 In the case of the reserved matters specified above, application for approval, accompanied by all detailed drawings and particulars, must be made to the District Planning Authority not later than the expiration of three years beginning with the date of this permission. **REASON**: To comply with Section 92 of the Town and Country Planning Act 1990.
- 3 The development to which this permission relates must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved. **REASON** : To comply with Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 4 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) OPP/1a, and specification contained therein, submitted on 6 October 2011, 7 October 2011, 1 February 2012 & 10 April 2012, as amended by any reserved matters approval, 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.
- 5 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. **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.

- 6 The dwellings hereby permitted shall not be occupied unless and until:
(a) a scheme and appropriate details have been submitted and approved in writing by the local planning authority to provide for the provision of and / or improvement of and / or maintenance of public open space within the catchment area of the site, in accordance with Policy SC13 of the Warwick District Local Plan 1996 - 2011; and
(b) the facilities approved under (a) have been implemented in accordance with the approved details, unless otherwise agreed in writing by the District Planning Authority. **REASON:** To ensure the necessary infrastructure and facilities are provided in accordance with Policy SC13 of the Warwick District Plan 1996 - 2011.
- 7 No work of any kind shall be begun on the site until tree protection measures have been implemented in strict accordance with details that shall have been submitted to and approved in writing by the District Planning Authority. In particular, no work shall be begun until protective fence(s) around the trees identified as being retained on the approved plans, have been erected and the fencing has been confirmed in writing to be acceptable by the District Planning Authority. Within the approved fenced area(s) there shall be no scaffolding, no stockpiling of any materials or soil, no machinery or other equipment parked or operated, no traffic over the root system, no changes to the soil level, no site huts, no fires lit and no excavation of trenches for drains, service runs or for any other reason. **REASON :** To protect and enhance the amenities of the area, and to satisfy the requirements of Policies DP1 and DP3 of the Warwick District Local Plan 1996-2011.
- 8 The development hereby permitted (including demolition) shall not commence until a further bat survey of the site (to include appropriate activity surveys in accordance with BCT Bat Surveys – Good Practice Guidelines) has been carried out and a detailed mitigation plan including a schedule of works and timings has been submitted to and approved in writing by the District Planning Authority. Such approved mitigation plan shall thereafter be implemented in full. **REASON:** To ensure the protection of bats and compliance with Policy DP3 of the Warwick District Local Plan 1996-2011.
- 9 Details of the means of disposal of storm water and foul sewage from the development shall be submitted to and approved by the District Planning Authority before the development hereby permitted is commenced and the development shall not be carried out other than in strict accordance with such approved details. **REASON :** To ensure satisfactory provision is made for the disposal of storm water and foul sewage and to satisfy Policies DP9 and DP11 of the Warwick District Local Plan 1996-2011.
- 10 No demolition or construction works shall commence unless and until an access for vehicles has been provided to the site not less than 5 metres in width for a distance of 7.5 metres, as measured from the near edge 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 No demolition or construction works shall commence unless and 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** : In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011.
- 12 No demolition or construction works shall commence unless and until a turning area has been provided within the site so as to enable the largest vehicle anticipated on site to leave and re-enter the public highway in a forward gear. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011.
- 13 No demolition or construction works shall commence unless and until space has been provided within the site for the parking/loading/unloading of vehicles in accordance with details to be approved in writing by the Local Planning Authority. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011.
- 14 The access to the site for vehicles shall not be used unless a public highway footway/verge crossing has been laid out and constructed in accordance with the standard specification of 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.
- 15 Gates/doors provided at the entrance to the site shall not be hung so as to open to within 5 metres of the near edge 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.
- 16 The vehicular access for the development hereby permitted shall not be constructed in such a manner as to reduce the effective capacity of any highway drain or ditch. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011.
- 17 The access to the site for vehicles shall not be used in connection with the development until it has been surfaced with a suitable bound material for a distance of at least 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.
- 18 All existing trees shown to be retained on approved drawing no. OPP/1a shall be retained in accordance with BS 5837:2005 and shall not be

felled, lopped, topped or pruned without the previous written consent of the District Planning Authority. Any trees removed without consent, or dying or being severely damaged or becoming seriously diseased within five years of planting, shall be replaced with trees of such size and species as may be agreed with the District Planning Authority.

REASON : To protect and enhance the amenities of the area, and to satisfy the requirements of Policies DP1 and DP3 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 would have an acceptable impact on the character and appearance of the area and would not adversely affect the amenity of nearby residents. The proposal would also have an acceptable impact on trees and would be acceptable in terms of highway safety. The proposal is therefore considered to comply with the policies listed.
