

**Planning Committee:** 14 October 2014

**Item Number:** 5

**Application No:** W 14 / 0811

**Town/Parish Council:** Kenilworth

**Case Officer:** Emma Spandley

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**Registration Date:** 28/07/14

**Expiry Date:** 22/09/14

**Rear of The Old Vicarage, 36 High Street, Kenilworth, CV8 1LZ**

Erection of a detached dwelling and the removal of 4no. Cypress Lawson trees. FOR  
Ms Karen Ward

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

**RECOMMENDATION**

Planning Committee are recommended to GRANT planning permission, subject to conditions.

**DETAILS OF THE DEVELOPMENT**

The application proposes to demolish the existing double garage to the rear of No.36 High Street and erect a detached dwelling with the removal of 4no. Cypress Lawson trees.

**THE SITE AND ITS LOCATION**

The application site is to the rear of No.36 High Street. The rear garden currently benefits from a double garage which is accessed via Elmbank Road. The main dwelling is a Grade II Listed Building and the whole site is within the Conservation Area.

Elmbank is a modern housing estate constructed in the late 1960's. No.9 Elmbank is located to the west of the site, with No.7 Elmbank located to the east of the site.

**PLANNING HISTORY**

In 1969 outline planning permission was granted for a detached dwelling, garage, service road from Elmbank (7425)

In 1970 the garages were approved (ref: 8196).

In 1985 outline planning permission was granted for a dwelling.

## **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)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- DP4 - Archaeology (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DAP4 - Protection of Listed Buildings (Warwick District Local Plan 1996 - 2011)
- SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
- DAP9 - Unlisted Buildings in Conservation Areas (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)
- DS2 - Providing the Homes the District Needs (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS5 - Presumption in Favour of Sustainable Development (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- H0 - Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
- H1 - Directing New Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
- HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HE6 - Archaeology (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HS1 - Healthy, Safe and Inclusive Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- Guidance Documents
- Distance Separation (Supplementary Planning Guidance)
- Open Space (Supplementary Planning Document - June 2009)
- Vehicle Parking Standards (Supplementary Planning Document)
- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- The 45 Degree Guideline (Supplementary Planning Guidance)

## **SUMMARY OF REPRESENTATIONS**

**Kenilworth Town Council** - Do not object to the principal of the new dwelling; require that there is adequate parking provision for the existing house.

**WCC Archaeology** - No objections, subject to condition

**WCC Highways** - No objection - The existing access located to the rear of 36 High Street, shall be used to serve the parking area for the proposed dwelling. Although the access is currently below standard, the access is existing with no reported accidents associated to it and the proposed development will not intensify the use of the access.

**WCC Ecology** - Will be updated at the Planning Committee Meeting

**Public Response** - 6 letters of objection have been received on grounds of parking and highway safety, overlooking, adverse impact on streetscene, loss of light, loss of privacy, out of keeping with the area, loss of trees, harm to conservation area,

## **ASSESSMENT**

The main issues in the consideration of this application are:-

- The principle of the development;
- The impact on the character and appearance of the area;
- The impact on the amenity of neighbouring properties and whether the proposed development will provide adequate living conditions for future occupiers;
- Highway safety and parking;
- Ecology;
- Renewable energy;
- Open space;
- Drainage
- Health & wellbeing

### **Principle Development**

Policy UAP1 of the Warwick District Local Plan 1996-2011 states that residential development will be permitted on previously development land within the confines of the urban areas subject to compliance with other policies.

The application site relates to land to within the curtilage of No.36 High Street, which does not fall within the definition of previously developed land contained in the NPPF. However, only limited weight can be attached to this policy because the Council does not have a five year supply of deliverable housing sites. In such circumstances paragraph 49 of the NPPF is relevant such that Policy UAP1 cannot be regarded as being up to date and the principle of the development is considered to be acceptable, subject to the compatibility with other national and local policies.

### The impact on the character and appearance of the Conservation area

Policy DAP8 of the Warwick District Local Plan 1996-2011 requires development to preserve or enhance the special architectural and historic interest of the District's Conservation Areas.

The proposed dwelling, whilst being at the end of the rear garden of No.36 High Street, is proposed to be located fronting onto Elmbank, thereby retaining a presence in the street scene.

The objections regarding the design of the proposed dwelling and the impact on the Conservation Area are noted. However, there are a number of different style of properties within the immediate area, most notably, the 1960's two storey dwellings. No.7 is a different style with a projecting gable to the front elevation and a cat slide roof over the porch. Nos. 6 - 10 Elmbank which are located beyond a bend in the road to the east of the proposed site are dual pitched roofs left to right with a cat slide roof over the porch with a dormer window. The proposed house will have a low eaves level with dormer windows to the front and rear. It is considered that the proposed dwelling is of an acceptable design and scale which will sit comfortably in the streetscene within this part of the Conservation Area and will not harm the setting or integrity of the Listed Building.

As part of the proposal 4no. Cypress Lawson trees are to be removed. The Tree Preservation Officer has raised no objections to the loss of these trees, which are not worthy of a Tree Preservation Order. A TPO Ash tree is to be retained, together with a group of TPO trees within the garden of No.36 High Street. An Arboricultural Method Statement has been submitted, which outlines the methods which will be employed during construction to protect the TPO trees. The Tree Preservation Officer is satisfied with the contents of the report and the recommendations can be secured by condition.

### The impact on the amenity of neighbouring properties and whether the proposed development will provide adequate living conditions for future occupiers

Policy DP2 of the Warwick District Local Plan 1996-2011 states that development will not be permitted which has an unacceptable adverse impact on the amenity of nearby uses and residents.

The Residential Design Guide SPG (April 2008) provides a design framework for Policies DP1 & DP2 and includes the Distance Separation SPG. The design guide states that development cannot breach a 45 degree line taken from the centre point of the nearest habitable room of a neighbouring property at ground floor; from the quarter point at first floor, nor should an extension restrict the outlook or amenity of a neighbouring property.

The 45 degree sightline will not be breached taken from either neighbouring property. No.9 Elmbank is set further back into the plot and No.7 has an angled

relationship to the proposed dwelling which means that it faces onto the proposed dwelling.

In terms of the impact on No.7 Elmbank (The Vicarage), the Separation Distance SPG states that a distance of 12 metres is required between the blank gable of one property and habitable windows to another. As stated above, No.7 Elmbank faces onto the proposed dwelling and the front window is located 12 metres from the blank end gable of the proposed dwelling and therefore the proposal is in accordance with the SPG.

The proposal is therefore considered to have an acceptable impact on neighbouring properties and provide adequate living conditions for future occupiers.

#### Highway safety and parking

Policy DP6 of the Warwick District Local Plan 1996 - 2011 states development will only be permitted which provides safe and convenient access and where it can be demonstrated that development does not cause harm to highway safety. Policy DP8 states that development will only be permitted which does not result in on-street parking detrimental to highway safety. In addition, the Vehicle Parking Standards SPD sets out the required off street parking for new houses. For a two bedroomed property two off street car parking spaces are required; therefore two car parking spaces are required for the existing property and two car parking spaces are required for the proposed dwelling.

An amended plan has been submitted which shows the main property that the owners of No.36 High Street also own an area of land on the opposite side of the road which benefits from 2 off road car parking spaces. These spaces will be retained for the main house. The proposed house shows 2 car parking spaces to the front garden area. The Highways Authority have stated that whilst the access proposed for the new dwelling is below standard, the access is existing with no reported accidents associated with it and the proposed development will not intensify the use of the access and therefore have raised no objections to the proposed dwelling

#### Ecology

Policy DP3 of the Warwick District Local Plan 1996-2011 states that development will only be permitted which protects and positively contributes to the character and quality of its natural and historic environment. Ecology comments will be updated before the planning committee meeting.

#### Renewable energy

Policy DP12 states new development will be required to be energy efficient, whilst DP13 states all development will be required to show how 10% of the predicted energy consumption of the property has been generated by renewables. Further

guidance is set out within the Sustainable Buildings Statement SPD. A Sustainable Buildings Statement has been submitted with the application, indicating that the new dwelling will accommodate air source heat pumps; however no details have been submitted. Further details will need to be secured by condition.

#### Open space

No public open space is provided as part of the proposal. It will therefore be necessary for a contribution to be made in accordance with Policy SC13 to provide, improve and maintain appropriate open space to meet local needs.

The Open Space SPD sets out the monetary requirement for residential developments. One new two bedroomed house would attract a contribution of £1256. This can be dealt with by a suitably worded condition.

#### Drainage

The application form indicates that the existing hard surface will provide the hardstanding for the off street parking to the front of the property. As a result, there is no new hardstanding required.

#### Health & wellbeing

N/A

### **SUMMARY/CONCLUSION**

The application proposes the erection of a detached dwelling on the site of a double garage. The proposed design of the property is considered to be acceptable within the area due to the existing styles of properties within the immediate vicinity. The distance separation guidelines are met in respect of impact on neighbouring properties and the proposal is considered to be in accordance with the aforementioned policies.

### **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 amended site location plan dated 18th August 2014; approved drawing no. 2/36 & 3/36 dated 23rd May 2014, and The Arboricultural Method Statement produced by Arbortrack Systems Ltd dated 17th July 2014, including appendix A tree protection plan drawing dated July 2014 and specification contained therein. **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 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 manufacturer's specifications. Microgeneration equipment no longer needed for microgeneration shall be removed as soon as reasonably practicable.  
**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.

- 4 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.

- 5 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.

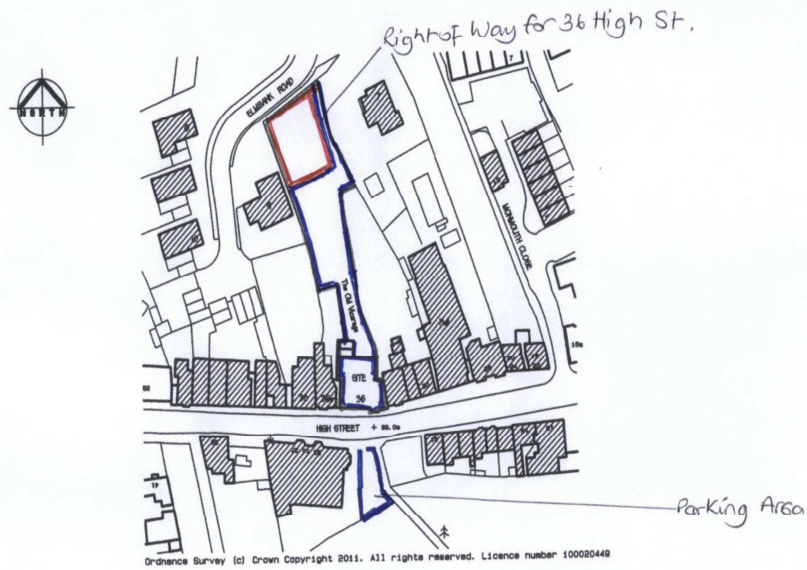
- 6 No development shall be carried out on the site which is the subject of this permission, until large scale details of doors, windows (including a section showing the window reveal, heads and cill details), eaves, verges and rainwater goods at a scale of 1:5 (including details of materials) have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise

than in full accordance with such approved details. **REASON:** To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011.

- 7 No development or other operations (including demolition, site clearance or other preparatory works) shall commence unless and until the tree protection measures identified in the approved application documentation have been put into place in full accordance with the approved details and thereafter shall remain in place during any such construction work. In addition no excavations, site works, trenches or channels shall be cut or pipes or services laid, no fires shall be lit within 10 metres of the nearest point of the canopy of any protected tree(s); no equipment, machinery or structure shall be attached to or supported by a protected tree(s); no mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area or any other works carried out in such a way as to cause damage or injury to the tree(s) by interference with their root structure and that no soil or waste shall be deposited on the land in such a position as to be likely to cause damage or injury to the tree(s). **REASON:** In order to protect and preserve existing trees within the site which are of amenity value in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011.
- 8 The development hereby permitted shall not be occupied unless and until the area of land shown on the approved plans to provide the parking area for 36 High Street has been provided and made available for that use and thereafter this facility shall remain available for this purpose. **REASON:** To ensure that a satisfactory provision of off-street car parking is maintained at all times in the interests of the free flow of traffic and highway safety in accordance with Policies DP6 & DP8 of the Warwick District Local Plan 1996-2011.



Amended Location Plan.  
Application W/14/0811



PROPOSED DETACHED HOUSE REAR OF 'THE OLD VICARAGE' 36 HIGH STREET KENILWORTH

FOR Ms K WARD

Scale 1:1250

Date ~~May 2014~~ drawing no. 4/36

AMMENDED

AUGUST 2014

