

Planning Committee: 12 September 2017

Item Number: 8

Application No: [W 17 / 1094](#)

Town/Parish Council: Kenilworth

Case Officer: Lucy Hammond

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Registration Date: 07/06/17

Expiry Date: 06/09/17

135 Warwick Road, (including rear builders yard), Kenilworth, CV8 1HY

Construction of 9 apartments; 3 dwellings and 3 garages: variation of condition 1 of planning permission W15/0620 to allow changes to the design of the houses and apartments, the bin store location, garages and the parking layout. FOR Trengarren Ltd.

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

RECOMMENDATION

That planning permission be granted, subject to the conditions and notes listed at the end of this report.

DETAILS OF THE DEVELOPMENT

Permission is sought to vary condition 1 of previously approved planning application ref. W/15/0620. This original decision approved the reserved matters pursuant to the original outline permission (W/11/1618) which permitted the construction of 9no. apartments, 3no. dwellings and 3no. garages following the demolition of the existing buildings on the site and condition 1 related to the approved plans associated with that decision.

The variations now sought do not alter the nature of the development, which would still be for the erection of 9no. apartments, 3no. dwellings and 3no. garages. Some minor amendments are sought to the design and elevational treatments of the apartments and dwellings, i.e. position, number and design of windows and rooflights as well as the previous terrace of three properties being split into a pair of semi-detached and a detached dwelling, together with the bin store location and the parking layout.

Further to the recent refusal of similar proposals, which related to the access into the site and the impacts to vehicle and pedestrian safety from the revised access arrangements proposed at that time, this scheme proposes no changes to the access arrangements approved in 2015. The submitted plans with this application accordingly illustrate the proposed changes to the buildings, bin store and parking layouts but illustrate the originally approved access arrangements.

THE SITE AND ITS LOCATION

The application site was previously home to a builders' storage yard, located to the east of Warwick Road. The site is situated to the rear of residential properties in Warwick Road, Clarendon Road, Grafton Close and Clarkes Avenue.

The builders' yard is surrounded by residential properties consisting of primarily two storey dwellings with three storey flats on Grafton Close. There are bungalows to the south-east of the site on Clarke's Avenue.

Within the builders' yard there were vacant buildings that have since been demolished. Site clearance has been undertaken along with some ground works covered by the approved permission.

PLANNING HISTORY

W/16/1788 - Variation of condition 1 on planning permission W15/0620 to allow changes to the design of the houses and apartments, the access road to the private drive, the bin store location and the parking layout – Refused 26.05.2017 for a single reason related to the impacts of the development on highway safety, and in particular pedestrian safety.

W/15/0620 - Submission of all reserved matters pursuant to the original outline (W/11/1618) for 9no. apartments, 3no. dwellings and 3no. garages - Approved 16.09.2015

W/11/1618 - Outline application for the erection of 9no. apartments, 3no. dwellings and 3no. garages - Approved 04.07.2012

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)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (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)
- 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)

Guidance Documents

- Vehicle Parking Standards (Supplementary Planning Document)
- Residential Design Guide (Supplementary Planning Guidance - April 2008)

SUMMARY OF REPRESENTATIONS

Kenilworth Town Council: Initial objection withdrawn; no outstanding objections

WCC Highways: No objections; no conditions or notes recommended

Public Response: 8 letters of objection received raising the following concerns:-

- the development does not enhance the adjacent conservation area
- Block C dwellings will result in a loss of privacy
- Block C dwellings will block light to neighbouring gardens and windows
- concern about potential overlooking

Other non-material considerations were raised such as:-

- Rights of access over the access road
- Rights of access to the rear of individual properties and how this will be impacted during construction
- Some building works have already commenced on site
- References to the contents of deeds and covenants

Other objections were received citing vehicle and pedestrian safety as the primary reason for objecting. These concerns relate to the access arrangements into the site but for the avoidance of doubt, the access does not form part of this application which seeks to retain it as per the details of the originally approved plans. While access, highway and pedestrian safety are planning considerations, they are not material to this particular application because there are no material changes proposed to the access that has already been approved under an earlier permission.

ASSESSMENT

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

- impact on character of area
- impact on neighbouring amenity
- parking
- access and highway safety

The Principle of the Development

This is an application to vary a condition attached to the previous permission for the redevelopment of the site. Condition 1, which stipulates the approved drawings in accordance with which the development should be constructed, is to be varied to reflect the revised drawings which illustrate the changes now sought. In deciding such an application the Local Planning Authority must only consider the specific amendments being sought, i.e. the proposed design and

elevation changes to the approved apartments and dwellings, the alternative bin store location and revised parking layout. The principle of development cannot be re-considered as this remains acceptable as per the original approved permission.

The previously approved permission is extant and since there is no requirement to re-assess the principle of development it is therefore intended to address the key issues of visual impacts and impact on neighbouring amenity together with highway safety and parking and any other relevant matters in this report.

Impact on character of area

The most notable change to the approved scheme relates to the three dwellings. These were previously proposed as a row of three terraces whereas now, the proposal is to create a pair of semi-detached properties and a detached unit on the end which has a single storey extension on the side. Each of the units has been re-designed to incorporate a single storey rear extension, thus increasing the amount of useable ground floor living space, whilst retaining as much of the original appearance on the front elevations as the approved scheme. The overall elevational treatment of the front of the dwellings would be the same as before; incorporating a sense of symmetry between the porch canopies, dormer windows and fenestration in general, which overall, is simple in form and detailing. It is not considered the addition of the side extension to Plot 10 or the rear extensions to all three units would result in any material visual harm to the overall development or the wider character of the area.

With regard to the apartment blocks, it is mostly fenestration alterations which are sought through this application. For Block B (Plots 5-9) the main change would be on the rear elevation, where it is proposed to remove all the dormers, replace them with rooflights and add two additional casements on the first floor of the reduced height section. This has the overall effect of simplifying the rear elevation which is considered a benefit. The other elevations would remain broadly the same as approved, with the addition of one new ground floor window on the side elevation, again, improving the symmetry and overall appearance of the building.

Block A (Plots 1-4) contains no proposed changes and would continue to look the same as previously approved.

Overall, it is considered, given the location of the development site and its limited public views, that the proposed design changes would not result in any adverse harm to the overall character and appearance of the development, nor would there be any harm to the wider character of the surrounding area. The overall design and layout of the development is considered acceptable and accordingly it is considered to comply with policy DP1 of the Local Plan.

Impact on neighbouring amenity

The overall positions of the buildings within the site are broadly the same as approved so it is not considered there would be any additional or greater harm to the amenity of neighbouring properties by reason of overbearing or overshadowing than has already been permitted.

In terms of overlooking, the insertion of some new windows has been noted, however, it is not considered these would facilitate any increased levels of overlooking than the permitted scheme, especially since the additional windows in the rear of Block B would be obscured almost entirely by the presence of the boundary wall which stands at a height of over 4m.

In terms of impact on existing residential properties in the surrounding locality, it is not considered that the development, as proposed through this variation would lead to any additional or harmful impacts by reason of overbearing, overshadowing or overlooking and the proposals are therefore considered acceptable in this regard, The development therefore complies with policy DP2 of the Local Plan.

Parking

This has not changed from the previous submission but for the avoidance of doubt, a total of 23 car parking spaces are proposed within the development. Based on the number of bedrooms each unit proposes, the adopted vehicle parking standards require a total of 24 spaces. The 23 proposed do not include the two additional spaces that the double-width car port would provide. Including these would mean there is a total of 25 spaces for the development, which, on balance, is considered to be acceptable. In making this assessment, regard has been had to the fact that the approved scheme, for the same number and type of units, provided only 20 spaces, together with a triple-width car port. The scheme, as revised now proposes two additional spaces and it is not considered there would be any detriment to highway safety through insufficient parking provision.

Access and highway safety

The key difference between this S.73 application and the last one, previously refused by the planning committee in May of this year, relates to the access. Unlike the previous submission which sought changes to the approved access, no changes are now sought to the access into the site, which is left as per the approved 2015 permission. The previous reason for refusal has therefore been addressed since in this submission since the access will remain in accordance with the original permission.

It is noted that vehicle and pedestrian safety still remains a concern among local residents and the majority of the comments received in response to this application relate to the access arrangements. However, officers consider that whilst access and highway safety is a material planning consideration, it is not material to the consideration of this particular application since no changes are proposed to the access, which would be left in accordance with the original permission which is extant. Access is therefore not a matter for consideration under this current S.73 submission, which relates only to the design and external appearance of the approved buildings, together with the layout of the bin store and parking arrangements within the site. With this in mind, the Town Council has withdrawn its initial objection to the application.

Other Matters

There are no other material changes in policy since the original decision that would lead me to reach a different conclusion on any of the key issues in the report attached to W/15/0620.

Issuing any permission under Section 73 of the Act is tantamount to issuing a new permission for the entire development. As a consequence, any decision notice must replicate all previous conditions which are still relevant. Given the reserved matters nature of the previous submission, there was only one pre-commencement condition attached to the original permission, relating to the submission of material samples, which has not already been discharged and it is therefore appropriate that this condition is carried forward to any forthcoming permission. Other conditions required compliance with submitted details and prohibited the subsequent development of the buildings under permitted development by taking away permitted development rights. It is considered appropriate to carry forward all such conditions to any new permission issued under this revised reference number.

It is not considered there are any other new material considerations since the original permission which are relevant to this decision.

SUMMARY/CONCLUSION

The original planning permission was granted under an outline application reference W/11/1618 and the reserved matters pursuant to this outline were subsequently approved under application reference W/15/0620. The policies and material considerations that are relevant to the reserved matters decision are set out in its associated officer report.

The variation of condition 1 to allow some revisions to the design of some of the proposed buildings, together with revisions to the parking layout and bin store location would not result in any detriment to highway safety, the visual amenity of the site and surroundings or the amenity of residential properties surrounding the site. Furthermore, there are no material changes in planning policy that would lead officers to a different conclusion to that which was reached previously through the assessment and determination of the previous application. It is therefore considered that the development remains in accordance with the relevant provisions of the Development Plan.

CONDITIONS

- 1 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings T373-001 Rev D, T373-002 Rev A and T373-004, and specification contained therein, submitted on 7 June 2017 and T373-003 Rev C and specification contained therein, submitted on 18 August 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.

- 2 The development hereby permitted shall be carried out strictly in accordance with the details of materials as approved on 30 November 2016 in pursuance of condition 2 of W/15/0620. **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.
- 3 The development hereby permitted shall not be occupied unless and until an access for vehicles has been provided to the site in accordance with the details shown on submitted plan number T373-001 Rev C. **REASON:** In the interests of vehicular and pedestrian safety in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011.
- 4 The development hereby permitted shall not be occupied unless and until space has been provided within the site for the parking and turning of vehicles in accordance with submitted plan number T373-001 Rev C. **REASON:** In the interests of vehicular and pedestrian safety in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011.
- 5 The development hereby permitted within Blocks A & B shall not be occupied unless and until the bin storage area has been laid out and provided in accordance with submitted drawing T373-001 Rev C. Thereafter the bin store shall remain available for use at all times unless otherwise agreed in writing by the local planning authority. **REASON:** In the interests of the amenities of the future occupants of the residential accommodation in accordance with Policy DP1 of the Warwick District Local Plan 1996-2011.
- 6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no roof extension or addition shall be erected or constructed to, any of the dwellings hereby approved within Block C as identified on the proposed site plan. **REASON:** That due to the restricted nature of the application site and its relationship with adjoining properties it is considered important to ensure that no additional development is carried out without the permission of the local planning authority in accordance with Policies DP1 & DP2 of the Warwick District Local Plan 1996-2011.
- 7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that order with or without modification) the window(s) to be formed at first floor level in the north-west & south-east facing elevations of Block C and in the east facing elevation of Block B hereby permitted shall only be glazed or re-glazed with obscure glass and any opening part of any window shall be at least 1.7m above the floor of any room in which the window is installed. **REASON:** In the interests of the amenities of the occupiers of nearby properties in accordance with

Policies DP1 & DP2 of the Warwick District Local Plan 1996-2011.

- 8 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that order with or without modification) no windows or openings, including dormer windows (apart from any shown on the approved drawings) shall be formed to any of the dwellings hereby approved and if any additional windows are subsequently approved they shall only be glazed or re-glazed in accordance with such approved details and any opening part of any window shall be at least 1.7m above the floor of any room in which the window is installed. **REASON:** In the interests of the amenities of the occupiers of nearby properties in accordance with Policies DP1 & DP2 of the Warwick District Local Plan 1996-2011.
- 9 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that order with or without modification) no windows or openings (apart from any shown on the approved drawings) shall be formed at first or second floor level in the south facing elevation of Blocks A & B or at first floor level in the north-west and south-east facing elevations of Block C hereby approved and if any additional windows are subsequently approved they shall only be glazed or re-glazed in accordance with such approved details and any opening part of any window shall be at least 1.7m above the floor of any room in which the window is installed. **REASON:** To ensure the amenities of adjoining properties are not detrimentally affected through overlooking or loss of privacy in accordance with Policy DP2 of the Warwick District Local Plan 1996-2011.
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