

**Planning Committee:** 21 September 2005

**Item Number:** 06

**Application No:** W 05 / 1073

**Registration Date:** 29/06/05

**Town/Parish Council:** Kenilworth

**Expiry Date:** 24/08/05

**Case Officer:** Debbie Prince

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**29 Windy Arbour, Kenilworth, CV8 2AT**

Erection of 2 bungalows & garages at rear of 29 Windy Arbour, Kenilworth  
FOR Mr I Simmons

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

This application was deferred at Planning Committee on the 23rd August 2005, to enable a site visit to take place on 17th September 2005. The report which follows is generally that which was presented previously with updated comments regarding support from adjoining neighbours.

**SUMMARY OF REPRESENTATIONS**

**Kenilworth Town Council:** recommends refusal on the following grounds:-

- The development is inappropriate backland development in an area which has known land drainage problems .
- Members consider that the application could set a precedent for future development, thus altering the character of the area.
- The proximity of the proposal to the existing boundaries has the potential to cause a loss of amenity.
- It was noted that several trees had already been removed from the site and this Council asks that a TPO be placed on the remaining tree on the boundary with Moseley Road.

The length of the access driveway also causes concern.

**Neighbours:** Twenty four letters have been received from neighbours objecting to the proposal on the grounds of :-

- The proposal would exacerbate land drainage problems.
- This is unnecessary backland development as there is no need for any more new dwellings.
- If permitted this could set a precedent for similar development.
- Increased traffic flow and parking problems on Windy Arbour
- Trees have already been felled on site.
- The proposed dwellings could turn into two storey dwellings by moving in to the roof space.
- The development will be detrimental to the amenity and character of the area.

Three letters have been received from adjoining neighbours supporting the scheme for the following reasons:-

- The low rise bungalows and the existing screening will cause little visual impact to the surrounding properties both now and in the future.
- An end to the uncertainty for this land is welcome as it is considered that it will be developed at some time in the future.
- The proposal is modest and sympathetic.

Two letters have been received from the same person commenting on the need for a revised plan as the boundaries are wrong and other procedural matters.

**WCC Highways:** have no objections subject to conditions

**Environmental Health:** has no comment on this application.

**WCC Ecology:** has no objection subject to a condition relating to the protection of any retained trees and Bird Notes.

**Jeremy Wright MP:** is concerned generally about this type of backland development and its potential effect on the character of the residential parts of Kenilworth.

**The Kenilworth Society:** objects to the proposal on the grounds of:-

- Land drainage problems
- Would set a precedent
- The driveway is extremely long, and its entrance/egress is close to the junction of Windy Arbour and Thornby Avenue.

Several trees have been removed from the site and there is a potential threat to the surviving large tree on the boundary with Moseley Road.

### **RELEVANT POLICIES**

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 First Deposit Version)

DP2 - Amenity (Warwick District Local Plan 1996 - 2011 First Deposit Version)

(DW) H5 - Infilling within the Towns (Warwick District Local Plan 1995)

### **PLANNING HISTORY**

There have been no previous applications on this site. No 29A which is the nearest residential property to the application site was built under permission granted on appeal in 1992.

### **KEY ISSUES**

#### **The Site and its Location**

The application site is located on the west side of Windy Arbour at the rear of numbers 25 to 29. The site forms part of the large rear garden of number 29

and adjoins the gardens of 29A and 23 Windy Arbour and properties in Moseley Road and Thornby Avenue.

### **Details of the Development**

The proposal is to erect two, three bedroom bungalows at the rear of 29 Windy Arbour. The properties would have their own garden/amenity space and a vehicular access road from the public highway which would run down the side of 29 Windy Arbour, together with parking spaces, bin store and turning area.

### **Assessment**

The site for the new bungalows measures a minimum of 52 metres by 32 metres and the scheme has provided for adequate amenity/ garden space for all three properties including the existing house. The access drive is long, but the applicant has demonstrated that he can meet the requirements of the Highway Authority in terms of visibility splays and width of access and therefore there are no objections to the scheme on highway safety or access grounds.

The proposed bungalows are low profile, with very shallow pitched roofs and no accommodation is proposed in the roof space. I consider that this is an appropriate design for such a location. Furthermore, as the applicant intends to retain many of the boundary trees and the proposal also meets the Council's own distance separation requirements and 45 degree guidelines there would be no significant loss of privacy or other adverse effect on neighbouring properties. Most of the adjoining neighbours either support the scheme or have made no comment. Taking into account the current advice given in PPG3 for new residential development, I am satisfied that the proposal would not harm the character of the area or that it would represent inappropriate overdevelopment of the site.

A lot of concern has been raised about drainage problems in the area and the fact that development of this site could exacerbate the situation. The applicant now proposes to include a sustainable grey water system at these properties where collected rainfall is fed back into a secondary plumbing system for toilet flushing and garden watering etc. Nevertheless, although a condition can be added asking for further details of the drainage system, the reported problems of land drainage are not a reason to refuse planning permission.

### **REASON FOR RECOMMENDATION**

The proposal is considered to comply with the policies listed above.

### **RECOMMENDATION**

GRANT subject to the following conditions :

- 1 The development hereby permitted must be begun not later than the expiration of five years from the date of this permission. **REASON** : To comply with Section 91 of the Town and Country Planning Act 1990.
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing(s) 4481/02,4481/01A, and specification contained therein, submitted on 29th June 2005 and 6th July 2005 respectively 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 Local Plan Policy ENV3.
- 3 A landscaping scheme, incorporating existing trees and shrubs to be retained and new tree and shrub planting for the whole of those parts of the site not to be covered by buildings shall be submitted to and approved by the District Planning Authority before the development hereby permitted is commenced. Such approved scheme shall be completed, in all respects, not later than the first planting season following the completion of the development hereby permitted, and any trees removed, dying, being severely damaged or becoming seriously diseased within five years of planting, shall be replaced by trees of similar size and species to those originally required to be planted. Existing trees which are shown as being retained shall be dealt with in accordance with BS 5837:1991. In particular, before any materials are brought on the site or any demolition or development commenced, stout protective fencing should be erected to enclose the perimeter of the branch spread of each tree or shrub to be retained, together with the branch spread of any tree growing on adjoining land which overhangs the site. Such fencing shall be satisfactorily maintained until all development has been completed. **REASON** : To protect and enhance the amenities of the area, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan.
- 4 Samples of all external facing materials to be used for the construction of the development hereby permitted, shall be submitted to and approved by the District Planning Authority before any constructional works are commenced. Development shall be carried out in accordance with the approved details. **REASON** : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan.
- 5 The vehicular access to the site shall not be used until visibility splays have been provided to the public highway carriageway with an 'x' distance of 2.4 metres and 'y' distances of 70.0 metres. No structure, erection, trees or shrubs exceeding 1.0 metres in height above the adjoining highway carriageway shall be placed, allowed to grow or be maintained within the visibility splays so defined. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy ENV3 of the Warwick District Local Plan.
- 6 The vehicular access road shall not be less than 5.0 metres in width for the

first 7.5 metres from the public highway carriage way. **REASON:** In the interests of highway safety in accordance with the requirements of Policy ENV3 of the Warwick District Local Plan.

- 7 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.

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