

Planning Committee: 27 March 2018

Item Number: **17**

Application No: [W 18 / 0272](#)

Town/Parish Council: Kenilworth

Case Officer:

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Registration Date: 02/02/18

Expiry Date: 30/03/18

5 Inchbrook Road, Kenilworth, CV8 2EW

Application for approval of reserved matters (appearance of the buildings, landscaping of the site, layout, scale of the buildings) following Outline permission W/16/0775 (erection of three dwellings). FOR Able Construction

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

RECOMMENDATION

Planning Committee are recommended to grant planning permission, subject to the conditions listed in the report.

DETAILS OF THE DEVELOPMENT

Planning permission is sought for the approval of reserved matters in relation to the appearance and scale of the buildings, and the landscaping and layout of the site, following outline permission W/16/0775, which was for the erection of three dwellings.

THE SITE AND ITS LOCATION

The application site is located to the north east of Inchbrook Road which is positioned at the end of a small cul-de-sac. The northern limit of the application site lies within Flood Zones 2 and 3, however, no development is proposed within this area. There is an existing two storey detached dwelling on the site which would be demolished as part of the proposal.

PLANNING HISTORY

W/05/1172 - application refused and dismissed at appeal for the erection of four detached dwellings, following demolition of No. 7 Inchbrook Road.

W/09/1299 - application approved for the erection of a replacement garage for no.7 in alternative position, and addition of a two storey rear extension to no.7. Creation of new access road and erection of two detached dwellings and two double garages with living accommodation over to rear of 5 and 7 Inchbrook Road.

Only one of these dwellings has been built to the rear of 7 Inchbrook Road.

W/15/1008 - application approved for Certificate of Lawfulness for the proposed demolition of attached garage, provision of a hard surface, and erection of a detached outbuilding.

W/16/0696 - application refused for the creation of hard standing to rear of number 5 to enable access to extant building plot to the rear.

W/16/0775 - application approved for outline planning permission for the demolition of number 5 Inchbrook Road and the construction of 3 new dwellings, with access, all other matters reserved.

RELEVANT POLICIES

- National Planning Policy Framework
- The Current Local Plan
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- CC2 - Planning for Renewable Energy and Low Carbon Generation (Warwick District Local Plan 2011-2029)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
- FW1 - Development in Areas at Risk of Flooding (Warwick District Local Plan 2011-2029)
- FW2 - Sustainable Urban Drainage (Warwick District Local Plan 2011-2029)
- H1 - Directing New Housing (Warwick District Local Plan 2011-2029)
- HS4 - Improvements to Open Space, Sport and Recreation Facilities (Warwick District Local Plan 2011-2029)
- Guidance Documents
- Open Space (Supplementary Planning Document - June 2009)
- Vehicle Parking Standards (Supplementary Planning Document)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Distance Separation (Supplementary Planning Guidance)
- Residential Design Guide (Supplementary Planning Guidance - April 2008)

SUMMARY OF REPRESENTATIONS

Kenilworth Town Council: Objection, the proposal does not harmonise with the established character of the street scene; no flood risk assessment has taken place; lack of car turning area for one of the properties; need for protection of verge trees.

WCC Ecology: No objection, an ecological and landscaping scheme is expected and should be submitted prior to determination of the application.

WCC Highways: Objection, the vehicular access is inadequate and there is no turning area for one of the dwellings.

WCC Local Lead Flood Authority: Objection, insufficient information has been submitted to demonstrate how the site will be drained.

Open Space: No objection, subject to the provision of £6,736 towards the improvement of local open spaces.

Public Responses: 9 Objections: not in keeping with the street scene; cramped, overdevelopment of the site; impact on neighbouring residential amenity; lack of car turning area; concern expressed regarding parking of vehicles on grassy area opposite to the application site; lack of details in reference to flooding and impact of wider development; concern regarding flood and sewage; adverse impact on wildlife; details regarding the trees are inaccurate and trees should be retained; flood plain not drawn accurately on the plans; there should be electrical charging points provided.

Assessment

As this is an application for the approval of reserved matters, it is not possible to reconsider the principle of development. This was considered in the assessment of the outline planning application and was found to be acceptable. Consideration of the current application can only consider issues related to the detailed appearance and scale of the buildings, and the landscaping and layout of the site.

In view of the above, the main issues relevant to the consideration of this application are as follows:

- Impact on the character and appearance of the area
- Impact on the living conditions of nearby dwellings and living conditions for the future occupiers
- Car parking and highway safety
- Flooding
- Ecological impact and trees
- Other Matters

Impact on the character and appearance of the area

The National Planning Policy Framework (NPPF) places significant weight on ensuring good design which is a key aspect of sustainable development and should positively contribute towards making places better for people. The NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving character, the quality of an area and the way it functions. Furthermore, Local Plan policy BE1 reinforces the importance of good design stipulated by the NPPF as it requires all development to respect surrounding buildings in terms of scale, height, form and massing. The Local Plan calls for development to be constructed using appropriate materials and seeks to ensure that the appearance of the development and its relationship with the surrounding built and natural environment does not detrimentally impact the character of the local area. Finally, the Residential Design Guide sets out steps which must be followed in order to achieve good design in terms of the impact on the local area; the importance of respecting existing important features; respecting the surrounding buildings and using the right materials.

width for the access road in accordance with Highways Officer recommendations. Furthermore, a dedicated turning area has been provided, There has been an objection from the Town Council and members of the public in relation to the design of the proposed development. The Town Council considers that the proposal does not harmonise with the established character of the street scene, and members of the public consider that the development is not in keeping with the street scene, and would be cramped and represent overdevelopment.

Outline permission has already been granted for three dwellings on this site, which has been equally split between the three dwellings, therefore the proposal is not considered to be cramped or represent overdevelopment of the site. The loss of the existing dwelling is not considered to be harmful to the street scene.

Initially, Officers had concerns regarding the design of one of the dwellings, which had mock Tudor panels, would appear out of keeping within the street scene, and the agent removed these design details from dwelling. The dwellings are each two stories, and have gable frontages, which would not appear out of keeping within the mixed street scene.

The dwellings would be positioned lower than the neighbouring two storey dwelling and would be no higher than the existing bungalow to the side of the site owing to the levels of the site. This would lead to the dwellings being positioned appropriately within the context, and would not dominate the street scene. A condition will be imposed for the provision of sample materials to ensure a high quality of design.

The simple nature of the two storey dwellings sit appropriately within this varied street scene. It is considered that the design of the dwellings is acceptable and would not be harmful to the character and appearance of the area. The development is therefore considered to be in accordance with Local Plan policy BE1 and the Residential Design Guide.

Impact on the living conditions of nearby dwellings and living conditions for the future occupiers

Warwick District Local Plan policy BE3 requires all development to have an acceptable impact on the amenity of nearby users or residents and to provide acceptable standards of amenity for future users or occupiers of the development. There is a responsibility for development not to cause undue disturbance or intrusion for nearby users in the form of loss of privacy, loss of daylight, or create visual intrusion. The Residential Design Guide provides a framework for policy DP2, which stipulates the minimum requirements for distance separation between properties and that extensions should not breach a 45 degree line taken from the window of the nearest front or rear facing habitable room of a neighbouring property.

Impact on neighbouring amenity

There has been concern raised by members of the public that the development would have a detrimental impact on the neighbouring properties via a loss of privacy.

69 Highland Road is positioned to the west of the application site. There would be no conflict with the Council's adopted 45 degree guidance as a result of the proposed development from the ground or first floor windows of the property. There is no distance separation required between the side to side elevations of residential properties. The proposed first floor side facing window will be conditioned to be permanently obscure glazed and non-opening unless above 1.7 metres in height to protect privacy. Therefore, it is not considered that the proposed development would have a detrimental impact on neighbouring residential amenity to the occupiers of 69 Highland Road which would warrant a reason for refusal of the application.

7 Inchbrook Road is positioned to the south of the application site and would be separated from the proposed dwellings by the access road. This neighbour has a first floor side facing window and two ground floor side facing windows, however, these would be at least 19 metres from any of the proposed dwellings. There would be a conflict with the Council's adopted 45 degree guidance, however, the conflict would be over 20 metres away from this neighbour's window and it is not considered that the impact would be so great as to warrant a reason for refusal of the application.

1 Highland Road is positioned to the east of the application site. There would be a conflict with the Council's adopted 45 degree guidance, however, this would be over 13 metres from this neighbour's property. The proposed first floor side facing window will be conditioned to be permanently obscure glazed and non-opening unless above 1.7 metres in height to protect privacy. Therefore it is not considered that the impact on this neighbour's amenity would be so great as to warrant a reason for refusal of the application.

Proposed living conditions for the future occupiers

Each proposed dwelling would have a generous rear amenity space and all of the proposed habitable rooms are considered to have adequate outlook, privacy and light.

Initially, Officers had concerns that some of the habitable rooms provided inadequate outlook as there was a conflict with the Council's adopted 45 degree guidance created between the proposed dwellings. The agent has amended the scheme to overcome the conflicts at the rear of the site. There would be a small conflict with the Council's 45 degree guidance at the front of the properties, however, owing to the open nature of the front of the site, the wide front windows, the fact that there is an additional side facing window which has a very open outlook and the minor nature of the conflict, under these specific circumstances, the conflict is not considered to be so severe which would warrant reason for refusal of the application.

To ensure that there would be no perception of overlooking from the proposed first floor side facing windows between the proposed dwellings, they will be conditioned to be permanently obscure glazed and non-opening unless above 1.7 metres in height.

The development is therefore not considered to have a detrimental impact on neighbouring residential amenity, and provides adequate living conditions for the

future occupiers of the dwellings. The development is therefore considered to be in accordance with Local Plan policy BE3.

Car parking and highway safety

Concern has been expressed by members of the public and the Town Council in reference to one of the properties which did not benefit from a turning area, which means that cars would have to reverse along the access road and leave the site in a reverse gear, which could impact highway safety. WCC Highways have also objected on this basis and have concerns regarding the width of the proposed access road.

However, an amended drawing has been provided, which shows the required so that cars could leave the site in a forward gear, addressing WCC Highways concerns. WCC Highways have been consulted regarding the amended drawing and Officers await their response. Planning Committee will be updated with these details prior to the committee meeting.

The development would provide adequate parking for each dwelling in accordance with the Council's adopted Vehicle Parking Standards guidance, and secure cycle storage within the rear garden areas could be accommodated. The development is therefore considered to be in accordance with Local Plan policies TR1 and TR3.

Flooding

The application site lies partly within Flood Zones 2 and 3. There have been concerns raised by members of the public and the Town Council that no flood risk assessment has taken place, and about the potential impact of the development on local drainage. It is stated by members of the public that the flood plain is not drawn accurately on the plans.

WCC Local Lead Flood Authority did object to the proposed development, based on a lack of information to demonstrate how the site will be drained. However, the agent has confirmed that Officers at WCC Local Lead Flood Authority would be satisfied to address flood risk and drainage at the point at which the condition requiring these details is discharged from the outlook application. Therefore, if WCC Local Lead Flood Authority confirm this in writing, Officers have no objection to these matters being dealt with under the discharge of condition application.

The Environment Agency have been consulted, but have not responded to the application. However, Officers have checked the position of the flood zones drawn on the map in comparison to the Flood Maps on the Environment Agency website, and they appear to be correct. It should be noted that none of the proposed development would be located within the flood zones.

Ecological impact and trees

A member of the public has raised concerns regarding the detrimental impact of the development on local wildlife.

WCC Ecology have commented on the application and note that an ecological and landscaping scheme is expected, and request that it is submitted prior to determination of the application. However, these details have been conditioned as part of the outlook submission and would need to be provided prior to commencement of works on site. WCC Ecology wish to see details of native tree and wild flower planting, and the location and type of bat and bird boxes to be installed. This information is not considered necessary at this stage for the determination of the application and could be submitted at a later stage without harm to protected species.

Members of the public and the Town Council have stated that they wish to see adequate protection of street trees and the grassy area opposite to the application site. Concern is expressed regarding parking of vehicles on this area.

The trees opposite to the application site and the grassy area are Council owned. None of the trees benefit from protected status, however, if vehicles parked on this area, they would be doing so illegally, and this would be a matter for the police. Adequate space within the site boundaries should be available for the storage of materials and vehicles, so it is likely that any vehicles associated with the construction of the development could be accommodated on site. Furthermore, WCC Highways have not requested a construction management plan. No further information in reference to this matter is therefore required.

Other Matters

The Open Space department have commented on the application and request a contribution of £6,736 towards the improvement of local open spaces. However, as a condition was not imposed to the outline application for this contribution, it is not possible to require these funds under this reserved matters application.

A member of the public has stated that electrical charging points should be provided as part of the proposal. However, as this was not required under the outline proposal, it is not possible to require these details under this reserved matters application.

Conclusion

The proposed details in reference to the appearance and scale of the buildings, and the landscaping and layout of the site are considered to be acceptable and would not have a detrimental impact on the street scene. Furthermore, the details would not have a detrimental impact on neighbouring residential amenity, and provide adequate living conditions for the future occupants of the property. The details are not considered to have a detrimental impact on ecology and provide adequate parking and access arrangements. Therefore, the proposal should be approved.

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 5205/03A, 5205/04B, 5205/05A, 5205/07A, 5205/08A, submitted on 2nd March 2018, and drawing 5208/o2B

submitted on 7th March 2018 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.

- 2 Other than site clearance and preparation works no works shall commence on the construction of the development hereby permitted until samples of the external facing materials to be used have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details. **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 BE1 of the Warwick District Local Plan 2011-2029.
- 3 Prior to the occupation of the development hereby permitted, the first floor side facing windows in the east and west elevations of each plot shall be permanently glazed with obscured glass to a degree sufficient to conceal or hide the features of all physical objects from view and shall be non-opening unless the parts of the window that can be opened are more than 1.7 metres above the floor of the room in which the window is installed. The obscured glazed window(s) shall be retained and maintained in that condition at all times. **REASON:** To protect the privacy of users and occupiers of nearby properties and to satisfy the requirements of Policy BE3 of the Warwick District Local Plan 2011-2029.
- 4 The dwellings shall not be occupied unless and until the car parking and manoeuvring areas indicated on the approved drawing 5205/02B submitted on 7th March 2018 have been provided and thereafter those areas shall be kept marked out and available for such use at all times. **REASON:** To ensure that a satisfactory provision of off-street car parking and turning facilities are maintained at all times in the interests of the free flow of traffic and highway safety in accordance with Policies TR1 and TR3 of the Warwick District Local Plan 2011-2029.
