

Application No: [W 17 / 1552](#)

Town/Parish Council: Kenilworth

Registration Date: 06/11/17

Case Officer: Lucy Hammond

Expiry Date: 05/02/18

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Land On The North Side Of, Common Lane (Crackley Triangle), Kenilworth

Application for approval of reserved matters (details of appearance, landscaping, layout and scale) pursuant to condition 1 of planning permission ref: W/14/1340 for the erection of 93 dwellings. FOR Bloor Homes Western

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 APPROVE these reserved matters.

DETAILS OF THE DEVELOPMENT

This is an application for the approval of reserved matters under outline planning permission no. W14/1340 for the erection of 93 dwellings. The reserved matters for which approval is sought are details of appearance, landscaping, layout and scale. The outline planning permission has already approved details of access.

The proposed layout shows a single access road creating a loop around the site, with the dwellings fronting onto either side of this. There are also one or two private drives and parking courts leading off this access road. The proposed dwellings are a mixture of 2 and 2.5 storeys in height. The dwellings are to be constructed of predominantly brick and tile, with a small number of rendered units.

Vehicular access to the site is from Common Lane, as approved at outline stage. The proposed layout also includes a footpath link through to the adjacent cycleway towards the north-western corner of the site.

THE SITE AND ITS LOCATION

The site adjoins the north-eastern side of Kenilworth and forms a triangular piece of land between the railway cutting to the east and Kenilworth Greenway to the west. The Greenway is a linear country park, permissive bridleway, and Sustrans route 52. The southern corner of the site adjoins Common Lane.

On the opposite side of the railway are dwellings on Highland Road, and on the opposite side of the Greenway are dwellings on Woodland Road. The application site adjoins the residential curtilage of one dwelling on Redthorne Grove where there are

TPO oak and horse chestnut trees close to the site boundary. There are two further TPO oak trees towards the north-eastern corner of the site.

The entire site is within Flood Zone 1. The site slopes in a north easterly direction from the south, from 92m AOD to 79m AOD towards the Canley Brook. The site is within the Feldon Parklands local landscape character area. The safeguarding route of HS2 lies 320m to the north-east of the site.

The site forms part of a housing allocation in the local plan and is largely outside of the Green Belt. The exception is a parcel of land in the north-east corner of the site where the attenuation pond is proposed. All of the housing plots and roads are outside of the Green Belt.

PLANNING HISTORY

W/14/1340 - Erection of up to 93 dwellings together with open space, drainage infrastructure and access from Common Lane (outline application including details of access) (Resubmission of W/14/0618) – Approved 23.12.2014

A subsequent application to vary the renewables condition on the above outline consent was granted in 2016 (Ref. W/16/1724).

Another application to vary the condition relating to the mix of market housing was granted in 2017 (Ref. W16/1542).

RELEVANT POLICIES

- National Planning Policy Framework
- The Current Local Plan
- DS5 - Presumption in Favour of Sustainable Development (Warwick District Local Plan 2011-2029)
- DS11 - Allocated Housing Sites (Warwick District Local Plan 2011-2029)
- H0 - Housing (Warwick District Local Plan 2011-2029)
- H1 - Directing New Housing (Warwick District Local Plan 2011-2029)
- H2 - Affordable Housing (Warwick District Local Plan 2011-2029)
- H4 - Securing a Mix of Housing (Warwick District Local Plan 2011-2029)
- H10 - Bringing forward Allocated Sites in the Growth Villages (Warwick District Local Plan 2011-2029)
- SC0 - Sustainable Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
- TR2 - Traffic generation (Warwick Local Plan - 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- HS1 - Healthy, Safe and Inclusive Communities (Warwick District Local Plan 2011-2029)
- HS4 - Improvements to Open Space, Sport and Recreation Facilities (Warwick District Local Plan 2011-2029)
- CC1 - Planning for Climate Change Adaptation (Warwick District Local Plan 2011-2029)

- FW2 - Sustainable Urban Drainage (Warwick District Local Plan 2011-2029)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029)
- NE3 - Biodiversity (Warwick District Local Plan 2011-2029)
- NE4 - Landscape (Warwick District Local Plan 2011-2029)
- NE5 - Protection of Natural Resources (Warwick District Local Plan 2011-2029)
- DM1 - Infrastructure Contributions (Warwick District Local Plan 2011-2029)
- Guidance Documents
- Affordable Housing (Supplementary Planning Document - January 2008)
- Vehicle Parking Standards (Supplementary Planning Document)
- Open Space (Supplementary Planning Document - June 2009)
- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- Distance Separation (Supplementary Planning Guidance)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Warwickshire Landscape Guidelines SPG
- Garden Towns, Villages and Suburbs - A prospectus for Warwick District Council (Consultation document - May 2012)

SUMMARY OF REPRESENTATIONS

Kenilworth Town Council: Object on the following grounds:

- there are no electric vehicle charging points;
- there is no suitable energy provision;
- there is no clear plan for sustainable drainage;
- there is concern regarding the future maintenance of the green space;
- the affordable housing is not pepper-potted; and
- proposed three storey buildings on the edge of the Green Belt prevents a soft edge to the development.

Stoneleigh and Ashow Parish Council (adjoining parish): No objection.

Public response: Objections have been received from 7 local residents, raising the following concerns:

- concerns about the cumulative impact on the gap between Kenilworth and Coventry;
- detrimental to highway safety;
- concerns about the access being on a dangerous and tight bend, between two bridges, with heavy traffic;
- the site access is inadequate;
- vehicular access should be provided from Coventry Road;
- concerns about traffic on surrounding roads;
- insufficient parking;
- recent felling of trees in the nature reserve area alongside the development;
- concerns about access to the attenuation pond for maintenance purposes;
- lack of drainage details;
- increased risk of flooding to the Canley Brook and Finham Brook;
- the noise barrier indicated in the outline planning application has not been shown; and

- the affordable housing has been located in the areas where the noise report has indicated that mechanical rather than natural ventilation will be required to manage noise levels;

Natural England: No comment.

Warwickshire Police: No comment.

WCC Rights of Way: No objection.

WCC Archaeology: No comment.

WCC Flood Risk Management: No objection.

WCC Highways: No objection, following the receipt of amended plans.

WCC Landscaping: No objection, following the receipt of amended plans.

WCC Ecology: Raise concerns about the landscaping proposals. Also raise concerns relating to the Landscape and Ecological Management Plan that has been submitted to discharge the relevant condition on the outline planning permission.

WDC Housing Strategy: No objection.

WDC Waste Management: No objection.

WDC Green Space: Raise queries about the proposed open space provision.

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. The outline planning permission also approved the vehicular access to the site and therefore this too is not a matter that can be considered in the assessment of this application for the approval of reserved matters. Consideration of the current application can only consider issues related to the detailed layout and design of the development.

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

- impact on the living conditions of nearby dwellings;
- provision of a satisfactory living environment for future occupants of the proposed dwellings;
- impact on the character and appearance of the area;
- impact on trees and hedgerows;
- car parking and highway safety;
- ecological impact of the proposals;
- affordable housing; and
- the mix of market housing.

Impact on the living conditions of nearby dwellings

The closest relationship with existing dwellings is with the adjacent dwelling at No. 5 Redthorne Grove, at the north-western corner of the site. The proposed dwellings in that corner of the site are almost side-on to the boundary, with the separation distance from the rear of No. 5 being 25m, well in excess of the 12m minimum specified in the Council's Distance Separation Guidelines.

The proposed dwellings would be separated from the existing dwellings in Woodland Road, Common Lane and Highland Road by the Greenway and the railway line. The separation distances here are well in excess of the minimums required by the Council's Distance Separation Guidelines and therefore the proposals would have no significant impact on those properties in terms of loss of light, loss of outlook or loss of privacy.

For the above reasons, it is considered that the proposed layout would not cause unacceptable harm to the living conditions of neighbouring dwellings.

Provision of a satisfactory living environment for future occupants of the proposed dwellings

With some minor exceptions, the rear-to-rear and front/rear-to-side separation distances between dwellings within the proposed layout would accord with the Council's Distance Separation Guidelines. The exceptions are considered to be acceptable because they relate to rear-to-side relationships where the affected rear rooms have an alternative source of light and outlook in the side elevation (e.g. plots 15, 78 and 83).

Some of the front-to-front distances would be less than the minimum 22m distance specified in the Guidelines, but this is considered to be appropriate in the interests of good design and where this relationship is across a public road. The provision of a minimum 22m distance at the rear (private) side of the dwellings is considered to give a reasonable degree of privacy and combined with the reduced distance at the front this would secure an appropriate balance between privacy and creating a well-designed street scene where the dwellings are not set too far back from the street.

Turning to the issue of noise impacting on future occupiers of the development, the key potential sources of noise are the railway line and road traffic. The comments of Environmental Health are awaited on this issue and will be included in the addendum report to Committee. However, this matter is dealt with by a condition on the outline planning permission which requires the submission of a scheme detailing arrangements to protect residents of the development from excessive noise. A scheme has been submitted under this condition and is under consideration as a separate discharge of conditions application.

Subject to the satisfactory resolution of the noise issue, it is considered that the proposed layout would create a satisfactory living environment for future occupiers of the development.

Impact on the character and appearance of the area

The proposals incorporate some of the key principles of the Council's Garden Towns, Villages and Suburbs Prospectus. This includes the use of perimeter blocks and the provision of tree planting to the frontages. The layout includes frontage development onto all of the roads within the site and onto the main area of public open space.

There are some aspects of the layout that do not accord with the Garden Towns, Villages and Suburbs Prospectus. This includes the absence of a green verge along the main access road and the fact that parts of the layout have substantial unrelieved areas of hard surfacing to the frontages of dwellings as a result of there being extensive runs of frontage parking. Discussions are ongoing with the applicant on these matters and an update will be provided in the addendum report to Committee.

The landscaping details have been amended to address concerns that had been raised by WCC Landscape. These changes have included the provision of a 5m landscape buffer zone incorporating tree planting along the northern boundary, tree planting around the attenuation pond, and tree planting within the rear gardens of the dwellings backing on to the railway line. WCC Landscape have raised no objection to the amended landscaping details.

Turning to the design of the buildings, these are predominantly two storey, with an element of 2.5 storey dwellings. There would be a variety of detached, semi-detached and terraced dwellings. The design of the dwellings is considered to be appropriate for this location and in keeping with existing development in the locality.

For the above reasons, subject to the resolution of the issues relating to the Garden Towns, Villages and Suburbs Prospectus, it has been concluded that the proposals would be in keeping with the character and appearance of the area.

Impact on trees / hedgerows

The outline planning permission allowed for the removal of a number of trees and hedgerows from the site and identified which trees and hedgerows are to be retained. The proposed layout and landscaping details are in accordance with these previously approved tree retention / removal details. The layout has been designed around the retained trees and hedgerows and provides adequate clearance to ensure that no undue harm is caused to these trees / hedgerows.

Car parking and highway safety

The layout has been amended to address concerns that had been raised by the Highway Authority. As a result, the proposals are now considered to be acceptable from a highway safety point of view.

Objectors have raised concerns about the proposed access and off-site highway impacts. However, the access and off-site highway impacts were considered in the assessment of the outline planning application and cannot be reconsidered as part of this reserved matters application.

Turning to the issue of car parking, this is provided in accordance with the Council's standards. A condition is recommended to require covered cycle parking for the proposed flats.

Ecological impact of the proposals

WCC Ecology raised a number of concerns about the initial landscaping proposals, as well as concerns about the Landscape and Ecological Management Plan that was submitted to discharge the relevant condition on the outline planning permission. Discussions are ongoing between the applicant and WCC Ecology on these issues. An update on this matter will be provided in the addendum report to Committee.

Affordable housing

Discussions are ongoing with the applicant regarding the spread and location of the affordable housing units. An update on this issue will be provided in the addendum report to Committee.

The Council's Housing Strategy team have raised no objection to the proposals.

Mix of market housing

The mix of market housing comprises 11% 2 bedroom, 29% 3 bedroom and 61% 4+ bedroom (NB. this adds up to 101% due to rounding). This is in accordance with the mix that was approved in the amended outline application (due to viability issues). Therefore the mix is considered to be appropriate.

Other matters

The Council's Green Space team have raised queries about the proposed open space provision. A response is awaited from the applicant in relation to these queries and an update on this matter will be provided in the addendum report to Committee.

There has been no objection from WDC Waste Management. Therefore it has been concluded that the proposals make adequate provision for the storage and collection of refuse and recycling. A condition is recommended to require the submitted of details of the bin stores for the proposed flats.

The Town Council and other objectors have raised concerns about a number of other issues, including Green Belt, drainage, flood risk, electric vehicle charging points, renewable energy provision and maintenance of the green space. However, these issues relate to the principle of development and were all considered in the assessment of the outline application. It is not possible to reconsider these issues in the assessment of this application for the approval of reserved matters. It should also be noted that many of these issues are addressed by conditions on the outline planning permission and by the associated Section 106 agreement.

SUMMARY / CONCLUSION

Subject to the resolution of the various outstanding matters highlighted above, the proposals would have an acceptable impact on the living conditions of nearby dwellings and would provide a satisfactory living environment for future occupants of the proposed dwellings. Furthermore, subject to these outstanding matters the proposals would have an acceptable impact on the character and appearance of the area and on trees, hedgerows and ecology. Finally the proposals are considered to be

acceptable in terms of car parking and highway safety. Therefore it is recommended that this application for the approval of reserved matters is 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 drawing(s), 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 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 BE1 of the Warwick District Local Plan 2011-2029.
 - 3 None of the dwellings hereby permitted shall be occupied unless and until the car parking and manoeuvring areas indicated on the approved drawings for that dwelling have been provided and thereafter those areas shall be kept marked out and available for such use at all times. **REASON:** To ensure adequate off-street car parking and servicing facilities in the interests of both highway safety and visual amenity in accordance with Policies BE1, BE3 & TR3 of the Warwick District Local Plan 2011-2029.
 - 4 None of the flats hereby permitted shall be occupied unless bin and cycle stores have been constructed in strict accordance with details that shall have been submitted to and approved in writing by the local planning authority. The bin and cycle stores shall be retained and kept available for the storage of refuse and recycling and for the parking of cycles at all times thereafter. **REASON:** To protect the amenities of occupiers of the site and the character and appearance of the locality and to ensure that sufficient cycle parking is available, in accordance with Policies BE1, BE3 & TR3 of the Warwick District Local Plan 1996-2011.
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