Planning Committee: 21 July 2021 **Item Number: 6**

Application No: W 20 / 2089

Registration Date: 16/12/20
Town/Parish Council: Kenilworth **Expiry Date:** 10/02/21
Case Officer: Lucy Hammond
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Land On East Side Of, Warwick Road, Kenilworth, CV8 1FE
Provision of 4 additional dwellings on existing development site (reserved matters approval for 125 under W/19/0784) through the substitution of 3no. 5-bed dwellings with 7no. 3-bed dwellings within the existing site layout. FOR Bovis Homes Ltd

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This application is being reported to Planning Committee because it is recommended that planning permission be granted subject to the completion of a legal agreement.

RECOMMENDATION

That, subject to the completion of a Section 106 Agreement, planning permission be granted subject to the conditions listed at the end of this report.

DETAILS OF THE DEVELOPMENT

This is a full planning application for the erection of 4 dwellings within an existing scheme granted planning permission on allocation H41 in Kenilworth

The overall site area is 5.83 hectares.

The original (reserved matters) proposal granted under application W/19/0784 was for 125 dwellings and consisted of 75 open market dwellings and 50 affordable dwellings. The dwellings ranged in size from 1 bedroom to 5 bedroom dwellings and consisted predominantly of two storey dwellings, with the use of some bungalows through a mix of detached and semi-detached buildings across the development. Materials incorporated a mixture of brick and render finishes, though the predominant use throughout is red and multi-red brick. The scheme included improvements to the existing vehicular access from Warwick Road with no other vehicle access into the site and proposals to create footpath links within the development to improve pedestrian and cycle connectivity where possible to the rest of the town.

Following a review of the housing market, the applicants, Bovis Homes are seeking to omit some of the larger, 5 bedroom dwellings on the site and replace them with smaller 3 bed units to meet the demands of the housing market for smaller units.

The proposal results in a net gain of 4 dwellings. The scheme will result in an overall development with the following housing mix;

Private Units on Approved Scheme –W/19/0784

Size of Unit	No. Of Units	Total Bedrooms	Percentage
1 Bed	2	2	2.66%
2 Bed	19	38	25.33%
3 Bed	32	96	42.66%
4 Bed	3	12	4%
5 Bed	19	95	25.33%
Total	75	243	

Private Units on Proposed Scheme – W/20/2089

1 Bed	2	2	2.66%
2 Bed	19	38	25.33%
3 Bed	39	117	49.36%
4 Bed	3	12	4%
5 Bed	16	80	20.25%
Total	79	249	

There would also be a proportionate increase in the affordable housing provision.

THE SITE AND ITS LOCATION

The application site is located to the south of Kenilworth, east of the Warwick Road and adjacent to the Kenilworth Cricket Club. The site in its entirety (around which the red line application site boundary is drawn) measures 5.83ha in area and comprises agricultural land which is generally bounded by mature field boundary hedgerows and trees. The northern site boundary is bounded by the private gardens of the properties in Swift Close (accessed off Newey Drive). The Kenilworth Cricket Club lies adjacent to part of the western site boundary, enclosed to the south by a timber post and rail fence and to the east by hedgerows interspersed with some trees and gaps. The rest of the western site boundary is bounded by the Warwick Road. The railway line follows the eastern site boundary, the other side of which is Bullimore Wood. The southern boundary of the site is defined by an existing mature mixed tree and hedgerow line.

The site comprises allocated site H41 in the Local Plan and has been removed from the Green Belt following the adoption of the Warwick District Local Plan 2011-2029. There is a Grade II listed farmhouse opposite the site, approximately in line with the position of the proposed new access into the development off Warwick Road.

PLANNING HISTORY

W/17/2150 - Outline application with all matters reserved except for access for the erection of up to 125 dwellings together with vehicular/pedestrian access from Warwick Road; green infrastructure including a play area, other open space and landscaping; sustainable drainage; and other related infrastructure - Approved 26.09.2018

[The above was subject to a S.106 Agreement which set out a number of obligations and financial contributions that were required as part of the approved scheme.]

W/19/0784 - Reserved Matters application pursuant to condition 1 of planning permission W/17/2150 for details of appearance, landscaping, layout and scale of 125 dwellings - Approved 07.11.2019

W/19/0322 - Full planning application for residential development of 7 dwellings, including vehicular access, pedestrian and cycle links, public open space, car parking, landscaping, drainage & associated works - Approved 31.10.2019

[The above was subject to a Supplemental Deed to ensure that in the event this permission was implemented ahead of the RM approval, it would still be subject to all the same obligations secured as part of the outline permission. As it happens, with the passage of time and the way in which the two 2019 applications were determined it is the RM permission, in its entirety, which has been implemented and the earlier full application for 7 units has effectively become redundant.]

RELEVANT POLICIES

- National Planning Policy Framework
- Kenilworth Neighbourhood Plan (2017-2019)
- KP6A - Land East of Warwick Road - Housing
- KP9 - Cycle Routes
- KP11 - Footpaths
- KP12 - Parking Standards
- KP13 - General Design Principles
- KP15 - Environmental Standards of New Buildings
- KP18 - Green Infrastructure
- KP19 - Local green space
- KP20 - Street trees
- KP21 - Flooding
- Warwick District Local Plan 2011-2029
- DS2 - Providing the Homes the District Needs
- DS3 - Supporting Sustainable Communities
- DS5 - Presumption in Favour of Sustainable Development
- DS6 - Level of Housing Growth
- DS7 - Meeting the Housing Requirement
- DS11 - Allocated Housing Sites
- DS15 - Comprehensive Development of Strategic Sites
- PC0 - Prosperous Communities
- H0 - Housing
- H1 - Directing New Housing
- H2 - Affordable Housing
- H4 - Securing a Mix or Housing
- SC0 - Sustainable Communities
- BE1 - Layout and Design
- BE3 - Amenity

- TR1 - Access and Choice
- TR2 - Traffic generation
- TR3 - Parking
- HS1 - Healthy, Safe and Inclusive Communities
- HS4 - Improvements to Open Space, Sport and Recreation Facilities
- HS6 - Creating Healthy Communities
- HS7 - Crime Prevention
- CC1 - Planning for Climate Change Adaptation
- FW1 - Development in Areas at Risk of Flooding
- FW2 - Sustainable Urban Drainage
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- NE3 - Biodiversity
- NE4 - Landscape
- NE5 - Protection of Natural Resources
- DM1 - Infrastructure Contributions
- Guidance Documents
- Residential Design Guide (Supplementary Planning Document- May 2018)
- Open Space (Supplementary Planning Document - April 2019)
- Parking Standards (Supplementary Planning Document - June 2018)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Distance Separation (Supplementary Planning Guidance)
- Air Quality & Planning Supplementary Planning Document (January 2019)

SUMMARY OF REPRESENTATIONS

Kenilworth Town Council: No objection but made the following comments:
- the proposal further raises the housing density
- this may change the proportion of affordable housing
- it may adversely affect traffic flows
- the proposal fails to consider any true housing mix, specifically including bungalows
- regard should be given to Local Plan Policy SC0 and KNP Policy KP15 in relation to matters regarding the environmental impact of the development

WCC Highways: No objection; additional S.106 contribution request

WCC Infrastructure Team: No objection; additional S.106 contribution request (education - primary and secondary; sustainable travel/welcome information and road safety initiatives)

Open Space Team: No objection in principle but further S.106 request will be necessary; final figure will be reported via the committee updates

WCC Ecology: No objection subject to conditions

LLFA: No objection subject to condition

Sport England: No objection and no comments to make or conditions to recommend in the event permission is forthcoming

Waste Management: No objection

Public Response: 3 letters of support received (from the same third party; Kenilworth Cricket Club) confirming that there are no reasons to object to the application, despite being the closest neighbour likely to be affected by the proposals. KCC fully supports the application.

ASSESSMENT

Principle of Development

The adopted Local Plan is the most up to date evidence base for the allocation of new housing land and this site forms part of the strategic expansion of Kenilworth as defined within Policy H1.

The application site is identified within the Warwick District Local Plan 2011-2029 as a site suitable for new housing development within the Urban Area Boundary of Kenilworth. The land is defined as housing allocations H41, which identified a total of 100 dwellings across the site. The earlier scheme brought forward (which was approved) had a total of 125 dwellings, exceeding the overall allocation by 25 units or 25%.

This scheme would increase the overall numbers on the site to 129 when considered alongside the earlier permission.

The explanatory text to DS11 states that the site was assessed against a number of criteria and an estimated figure for the number of dwellings for each site is identified. That explanatory text also sets out that at the detailed planning application stage that figure may vary. Paragraph 248 of the Inspectors report into the Local Plan stated that "*there are no fundamental constraints to development and detailed issues including the need to provide a buffer along the boundary with the railway line and to take account of the presence of the cricket ground could be satisfactorily addressed through specific proposals*."

With this in mind therefore, the Inspector goes on to say, at paragraph 249, that the Council's estimate of 100 dwellings on the site is "reasonable", however, it may be that a suitable detailed scheme could come forward with more dwellings. Policy DS11 (as modified) would allow for such flexibility.

Given the approved scheme which is 25% over the allocation in the Local Plan and in view of the fact this proposal, as varied, seeks a net increase of four additional dwellings, officers note that when considering any additional numbers above the allocation, regard should be had to Strategic Policies DS2 and DS3 of the Warwick District Local Plan, which seek to support the provision of homes that are required within the District as identified within the Objectively Assessed Housing Need. These policies also require development schemes to provide an appropriate level of affordable housing and a mix of new homes of all tenures.

The above policies are based upon the Government objective of significantly boosting housing supply. Furthermore, Policy DS6 identifies a minimum of 16,776 new dwellings during the local plan period of 2011 to 2029. Current rates of new development require the provision of 1,098 dwellings per year for the remaining Local Plan period until 2029.

Policy DS7 sets out the methodology for the provision of new housing over the plan period. The figures set out that the plan period has a significant number of site completions, extant permissions, existing commitments and new dwellings proposed through the sites that are allocated within the plan.

The proposals seek permission for the construction of an additional 4 dwellings through the substitution of 3no. 5-bed dwellings with 7no. 3-bed dwellings in one particular area of the development originally approved as part of the 125 dwelling scheme. The additional dwellings are wholly contained within the existing plot boundaries where the 5-bed dwellings were previously approved, so the associated open space and green infrastructure remains unaffected.

In accordance with the provisions of Policy DS11 and having regard to the fact this is one of the District's allocated sites for housing, officers consider that the site is capable of delivering a high quality scheme notwithstanding the proposed increase in numbers. This conclusion has been drawn having regard to the above and taking into account the comments of the Inspector in his final report.

Other benefits are capable of accruing as a result of the increased number of dwellings proposed relative to those estimated at the time of the allocation. Within the context of the Government objective to significantly boost housing supply, the provision of additional dwellings in a sustainable manner within a high-quality development is considered to be a positive outcome. Further, there are opportunities to secure any additional financial contributions and obligations as deemed necessary and proportionate to the increase in dwelling numbers which would be secured through a S.106 Agreement attached to this standalone full planning application.

The number of dwellings proposed relative to the allocation

This application proposes 129 dwellings which equates to a 29% increase over the estimated number for the allocation in the Local Plan.

The layout positively demonstrates that even with the additional numbers, a high-quality development within a landscaped setting can be achieved that would provide desirable living environments in which future occupiers will live.

By providing additional dwellings on this site, the requirement to find additional small-scale sites to provide new housing is removed. In addition, by providing additional dwellings on this key allocation, the proportionate amount of appropriate infrastructure contributions will be secured thus resulting in a further benefit to the District over and above the approved scheme.

The overall housing mix is to provide between 1 bed and 5 bed properties which reflects the policy requirements of Policy H4 and is applicable to Kenilworth as well as responding to the wider District's needs, though it is noted the purpose of this S.73 application is to reduce the number of 5-bed units and increase the number of 3-bed units to reflect market demand.

<u>Housing Mix</u>

The latest figures on Housing Mix are set out in the 2018 Provision of a Mix of Housing document. The figures set out a market mix as follows;

House Type	Suggested Mix	Actual Mix	Difference
1 Bed	5-10%	2.7%	-2.3%
2 Bed	25-30%	25.3%	+/-0%
3 Bed	40-45%	49.4%	+4.4%
4+ Bed	20-25%	24.3%	+/-0%

The affordable mix has not been set out here since it remains unchanged from the approved scheme. However, as the number of market units is increasing by 4, Policy H2 (Affordable Housing) requires a proportionate increase in the number of affordable units. Therefore, to ensure this is captured appropriately, this will be secured in the Section 106 Agreement.

The market mix is considered acceptable as the thresholds are generally in line with the proposal.

Officers are satisfied that the proposed development is in accordance with the Warwick District Local Plan 2011-2029.

Impact on visual amenity and the character of surrounding area

Section 12 of 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.

Policy BE1 of the Local Plan 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.

Policy KP13 of the Kenilworth NDP requires development proposals to achieve a standard of design that is appropriate to the local area and demonstrates regard for a number of design principles which are listed within the policy. More specifically, Policy KP6A relates to this particular site, though arguably, officers acknowledge this was perhaps more pertinent in the assessment of the original reserved matters application for the wider site and associated design and layout considerations.

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.

The overall form of development will remain largely unchanged insofar as the green spaces within the site will be retained as per the existing approval. The experience of the area is of a green and pleasant development. Officers are satisfied that this form of development is an appropriate treatment for the parcel of land.

The site will retain the areas of open space to the centre and the south west corner of the site, together with the additional landscaping proposed around the perimeter of the site, particularly along the south and the eastern boundaries and where the site adjoins the neighbouring cricket club.

Overall, the revisions to create the smaller units in lieu of the larger detached dwellings retain the character of the site that has been well designed to reflect the character of the setting. While the proposal would increase the overall density of the development by virtue of creating an additional 4 dwellings within the site area, this would be negligible in the wider context of the overall scheme and in any event, officers are satisfied that the character reflects the surrounding building densities of Kenilworth.

Officers are satisfied that the revised scheme maintains a development that is considered high quality within a well landscaped setting that has been sensitively designed to reflect the character of the wider area.

Impact on neighbouring / residential amenity

Amenity of existing neighbours

Policy BE3 of the Warwick District Local Plan states that new development will not be permitted that has an unacceptable adverse impact on the amenity of nearby uses and residents.

The four additional proposed dwellings are set away from the boundaries of the site and are therefore not near any existing neighbouring properties.

Amenity of future occupiers

Policy BE3 of the Warwick District Local Plan states that new development will not be permitted that does not provide acceptable standards of amenity for future occupiers of a development.

All of the properties within the site have been provided with separation distances that meet or exceed the required standards. Officers are satisfied that the relationship between the proposed properties is acceptable in accordance with the Residential Design Guide. Overall, having regard to the relevant guidance, the proposals are compliant and the development is acceptable in this regard.

All dwellings have a private garden that is of an appropriate size in accordance with the required standards set out in the residential design guide. Some of the properties also benefit from further space to the frontage to enhance the setting for the occupiers.

Throughout the site there are high levels of open green space that further enhance the setting for future occupiers with areas of formal and informal space to enhance the overall landscape of the scheme.

Overall, having regard to the above, the development is considered to provide appropriate living environments for future occupants, which is further enhanced by the extent of the public open spaces proposed as part of the development.

Highway Safety

Policy TR1 of the Warwick District Local Plan requires all developments to provide safe, suitable and attractive access routes for all users that are not detrimental to highway safety. Policy TR3 requires all development proposals to make adequate provision for parking for all users of a site in accordance with the relevant parking standards.

The County Highways Officer has assessed the proposal and based upon the work carried out within the earlier scheme's transport assessments etc is satisfied that the addition of 4 extra units of accommodation on the site would not have a demonstrable impact on highway safety.

All of the new plots are provided with the appropriate standard of parking based upon the guidance within the adopted Parking Standards SPD.

Officers are therefore satisfied that the scheme is acceptable having regard to Policies TR1 and TR3 of the Local Plan.

Impact on Ecology/Protected Species

Policy NE3 of the Warwick District Local Plan states that development proposals will be expected to protect, enhance and/or restore habitat biodiversity and where this is not possible, mitigation or compensatory measures should be identified accordingly.

The earlier applications were submitted with the necessary ecological surveys which were assessed by the County Ecologist who recommended conditions to secure works appropriate to the protection of existing landscape features and potential impact on protected species.

For this application, the proposed variation involves the 7no. 3-bed houses being constructed on the approximate footprints of the previously approved 3no. 5-bed houses with no additional land take. Though there would be an additional impact to biodiversity through the loss of additional planting and associated garden space, this would be minor, though it is recommended that all opportunities are maximised to provide additional suitable planting to offset the impact.

It is noted that any previously approved CEMP and LEMP documents approved as part of the outline permission would need to be updated accordingly to reflect any changes to the layout and to that end it is recommended that a condition requiring the submission of an addendum to both the CEMP and the LEMP reflecting the revisions to the layout is imposed on any forthcoming permission.

On this basis and in light of the County Ecologist's comments, subject to the required conditions, officers are satisfied that the proposal is acceptable having regard to Policy NE3 of the Local Plan.

Other Matters

Open Space

The areas of open space around the site equate to approximately 1.48 hectares of land which equates to approximately 25.4% of the overall site area. The on-site public open space is retained at this level and is considered acceptable.

The Open Space Officer has indicated that the increase in the number of dwellings however would generate an additional request for a S.106 contribution and while final clarification is awaited from the applicant to enable the final response from the Open Space Officer in this regard it is anticipated that this will be reported to Members via the committee updates.

Overall, officers are satisfied that the development is acceptable having regard to Policy HS4 of the Local Plan.

Drainage

The Lead Local Flood Authority, having initially sought some clarification, has raised no objection to the proposed variation subject to a condition that requires some further details which can be secured by condition and which can be satisfactorily conditioned prior to the laying of any hard surfaces within the application site. Accordingly, officers are satisfied there are no concerns in relation to surfaces water or other drainage issues and the proposal is acceptable having regard to Policy FW1 of the Local Plan.

Impact on local services

The proposed development increases the previously approved 125 dwellings to 129. The proposal has been assessed with regards to the potential additional demand for local services and where identified by Consultees, contributions towards community facilities are required in addition to those already secured.

It is considered that the contributions are necessary to make the development acceptable in planning terms, are directly related to the development, and are fairly and reasonably related in scale and kind to the development (as required by Regulation 122).

The necessary contributions identified would be secured through an appropriate Section 106 Legal Agreement. At the time of writing, the following requests have been received;

- £33,652 towards highway infrastructure and improvements
- £16,098 towards primary education to support the expansion of St John's Primary School
- £19,403 towards secondary education to support the expansion and relocation of Kenilworth School

- £50 per dwelling to support road safety initiatives
- £10 per dwelling towards sustainable travel / welcome information
- appropriate provision towards affordable housing

Final figures relating to open space as well as indoor and outdoor sports facilities will be reported via the committee updates.

Matters regarding the adoption of open space and SUDS have been adequately dealt with as part of the earlier permission for the site and remain unaffected by this proposal.

Conclusion

The development forms part of an earlier permission for allocated site H41 for the construction of 125 dwellings together with the necessary infrastructure and associated works, including the provision of open spaces and SUD's. The scheme is considered to be acceptable in principle in accordance with Local Plan Policy DS11.

The proposal will result in an overall increase of units by 4 giving a total of 129 units.

Officers are satisfied that the proposals would continue to provide high levels of amenity for neighbouring dwellings whilst also providing positive and suitable living conditions for future occupants in a well-designed and landscaped setting.

Officers are satisfied that the site layout demonstrates that the land is capable of being developed for this number of dwellings without causing material harm to the general character of the surrounding area.

Appropriate contributions to offset the potential impact on infrastructure can be secured through an appropriate Section 106 agreement and detailed matters can be secured by condition.

Overall, the development is considered to accord with all relevant provisions of the Development Plan and for these reasons, it is therefore recommended that planning permission be granted.

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 site location plan and approved drawings VIS-1000-002, VIS-1000-003, KENI-BOV-06I1-XX-DR-A-1002, KENI-BOV-09F0-XX-DR-A-1003, KENI-BOV-08I0-XX-DR-A-1006, KENI-BOV-07F1-XX-DR-A-1009 and GARAGES – PLANNING DRAWING and specification contained therein, submitted on 16

December 2020 and approved drawing VIS-1000-001 and specification contained therein, submitted on 23 June 2021. **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.

3 All external facing materials for the development hereby permitted shall be of the same type, texture and colour as those specified within the application documents. **Reason:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy BE1 of the Warwick District Local Plan 2011-2029.

4 The development hereby permitted shall not be occupied unless and until a soft landscaping scheme to reflect any revisions to the layout has been submitted to and approved in writing by the Local Planning Authority. All planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of the same size and species as that originally planted. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 - Transplanting Root-balled Trees and BS4428 - Code of Practice for General Landscape Operations. **Reason:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1, BE3 and NE4 of the Warwick District Local Plan 2011-2029.

5 The development hereby permitted, including site clearance work, shall not commence until an addendum to the Construction and Environmental Management Plan, to reflect any revisions to the layout, has been submitted to and approved in writing by the Local Planning Authority. In discharging this condition, the LPA expect to see details concerning pre-commencement checks for protected species and appropriate working practices and safeguards for wildlife that are to be employed whilst works are taking place on site. The agreed Construction and Environmental Management Plan shall thereafter be implemented in full. **Reason:** To ensure that protected species are not harmed by the development, in accordance with the National Planning Policy Framework (NPPF), ODPM Circular 06/2005 and Policies NE2 and NE3 of the Warwick District Local Plan 2011-2029.

6 The development hereby permitted shall not commence until an addendum to the Landscape and Ecological Management Plan, to reflect any revisions to the layout, has been submitted to and approved in writing by the Local Planning Authority. The plan should include details of planting and maintenance of all new planting. Details of species used and sourcing of plants should be included. The plan should also include details of habitat enhancement/creation measures and management, such as native species planting, wildflower grassland creation, woodland

and hedgerow creation/enhancement, and provision of habitat for protected and notable species (including location, number and type of bat and bird boxes, location of log piles). Such approved measures shall thereafter be implemented in full. **Reason:** To ensure a net biodiversity gain in accordance with NPPF and Policy NE3 of the Warwick District Local Plan 2011-2029.

7 No hard surfaces of the development hereby permitted shall be installed unless and until details of surface water treatment proposals to include:

- Confirmation of the changes in impermeable area(s) as a result of the substitution of plot types; and
- An assessment of any impact on the wider surface water drainage design

have been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority.

Reason: To prevent the increased risk of flooding due to changes to the impermeable catchment to the wider system having regard to Policy FW1 of the Warwick District Local Plan 2011-2029.