

<b>Planning Committee Report</b>	
<b>Planning Ref:</b>	OUT/2015/3601
<b>Site:</b>	Land to the rear of 42-68 Wyken Way
<b>Ward:</b>	Wyken
<b>Applicant:</b>	Mr T and J Singh and Jarnail
<b>Proposal:</b>	Demolition of 58 Wyken Way and erection of 5 houses (outline with access and layout submitted)
<b>Case Officer:</b>	Nigel Smith

### **SUMMARY**

The application proposes to demolish 58 Wyken Way and erect 5 detached dwellings on the land to the rear of 42-68 Wyken Way. The application is in outline form with details of access and layout submitted for approval.

### **KEY FACTS**

<b>Reason for report to committee:</b>	Representations from more than 5 properties
<b>Current use of site:</b>	Vacant
<b>Access:</b>	From Wyken Way

### **RECOMMENDATION**

Planning committee are recommended to grant planning permission subject to conditions

### **REASON FOR DECISION**

- The proposal would not harm the character of the area
- The proposal will not adversely impact upon highway safety
- The proposal will not adversely impact upon the amenity of neighbours
- The proposal accords with Policies H9, H12, BE2, AM22, OS4, EM5, GE8, GE14, GE15, of the Coventry Development Plan 2001, together with the aims of the NPPF.

## BACKGROUND

### **APPLICATION PROPOSAL**

Demolition of 58 Wyken Way and erection of 5 detached dwellings on the land to the rear of 42-68 Wyken Way. The houses would be served by a 6m wide shared surface access between 56 and 60 Wyken Way, which reduces to 4m at the entrance to the site itself. The houses would be arranged with two backing onto the scout hut to the east, two facing south and one filling the rectangular section to the south west of the site.

Details of appearance, scale and landscaping have not been submitted and are therefore not for consideration at this stage.

### **SITE DESCRIPTION**

The site comprises 58 Wyken Way and an irregular shaped plot of land to the rear of 42-68 Wyken Way and to the north of Stubbs Grove. It is overgrown and there are two trees to the south of the site adjacent to the rear garden boundaries of houses on Stubbs Grove. The site is accessed from an existing vehicular access between 56 and 58 Wyken Way, which are end terraced dwellings. The entrance provides access to the rear gardens / garages of houses fronting Wyken Way, as well as to a scout hut located to the east of the application site.

### **PLANNING HISTORY**

There have been a number of historic planning applications on this site; the following are the most recent/relevant:

<b>Application Number</b>	<b>Description of Development</b>	<b>Decision and Date</b>
OUT/2014/3628	Demolition of 58 Wyken Way and erection of 10 houses (outline with access and layout submitted)	Withdrawn (2015)
42980/A	Erection of two detached bungalows	Refused (1998) due to use of substandard access; creation of precedent; and impact upon neighbouring amenity via loss of privacy, visual intrusion and increased noise
C/42980	Erection of four dwellings	Dismissed on appeal (1990) due to unsatisfactory access and impact upon privacy of 56 and 58 Wyken Way

## **POLICY**

### **National Policy Guidance**

National Planning Policy Framework (NPPF). The NPPF published in March 2012 sets out the Government's planning policies for England and how these are expected to be applied. It sets out the Government's requirements for the planning system only to the

extent that is relevant, proportionate and necessary to do so. The NPPF promotes sustainable development and good design is recognised as a key aspect of this.

The National Planning Practice Guidance (NPPG) 2014, this adds further context to the NPPF and it is intended that the two documents are read together.

### **Local Policy Guidance**

The current local policy is provided within the Coventry Development Plan 2001 (CDP) relevant policy relating to this application is:

- OS4 – Creating a more sustainable city
- H9 – Windfall housing
- H12 – Design and density of housing
- EM5 – Pollution prevention
- BE2 – Urban design principles
- BE21 – Safety and security
- AM9 – Pedestrians in new development
- AM22 – Road safety
- GE8 – Urban green space
- GE14 – Protection of landscape features
- GE15 – Designing new development to accommodate wildlife

### ***Emerging Policy Guidance***

The Draft Local Plan 2016 to 2031 has been submitted to the Inspectorate, examination hearings and consultation on modifications has concluded and the Inspectors report is currently awaited. Whilst the policies do not hold significant weight at this time, they will gain weight as the local plan continues through the process. Policies within the draft local plan that are relevant include:

- DS3 – Sustainable development
- H3 – Provision of new housing
- H9 – Residential density
- GE2 – Green space
- GE3 – Biodiversity, geological, landscape and archaeological conservation
- DE1 – Ensuring high quality design
- AC1 – Accessible transport network
- AC3 – Demand management
- AC4 – Walking and cycling

### **Supplementary Planning Guidance/ Documents (SPG/ SPD):**

- SPG Design Guidelines for New Residential Development
- SPD Delivering a more sustainable city

### **CONSULTATION**

No Objections subject to conditions received from:

- Ecology
- Highways (CCC)
- Drainage (CCC)

No objections have been received from:

## West Midlands Fire Service

Immediate neighbours and local councillors have been notified; a site notice was posted.

10 letters of objection have been received, raising the following material planning considerations:

- a) Loss of privacy to surrounding houses
- b) Loss of security to neighbours as easier access to back if gates to access removed
- c) Increased demand for parking on road
- d) Increased traffic on road
- e) Increased noise
- f) Loss of light to neighbours
- g) Light pollution from houses to rear
- h) Danger to children who play at the rear of houses
- i) The access to the site is too narrow
- j) Disruption during construction
- k) Impact on existing drains/sewers
- l) The development would not result in satisfactory living environment for future residents
- m) Development would be out of character with area
- n) Loss of green space
- o) Harm to wildlife

Within the letters received the following non material planning considerations were raised, these cannot be given due consideration in the planning process:

- p) Devaluation of houses
- q) Blockage of private access during construction
- r) Land ownership concerns

Any further comments received will be reported within late representations.

### **APPRAISAL**

The main issues in determining this application are principle of development, design, impact upon neighbouring amenity and highway considerations.

#### **Principle of development**

Policy H9 states that windfall housing will be permitted subject to: compatibility with nearby uses; the provision of an attractive residential environment; convenient pedestrian access to local facilities; and being well served by public transport.

In this case, residential use would be compatible with surrounding houses and the site is located in a sustainable location within walking distance of Ball Hill Major District Centre (1.3km) and closer to bus services. With regard to the residential environment, the site would be approached through a new wider access and would be a quiet location with relatively large plot sizes. Therefore the proposal complies with Policy H9.

The development varies from those refused previously (42980/A and C/42980) as it involves the removal of 58 Wyken Way and the provision of a new improved access. It

is considered that this improves the amenity for future occupiers compared to these earlier unacceptable schemes.

Policy GE8 seeks to prevent loss of urban green space with value for amenity, recreation and outdoor sport, unless local urban green space would be enhanced by the development or compensatory measures.

The site is not accessible for formal recreation or outdoor sport and is not considered to be valuable from an amenity point of view, given its lack of visibility from public vantage points. Therefore the proposal complies with Policy GE8.

### **Design**

Policy BE2 encourages high quality design and H12 seeks a high standard of design for new housing in the City. The density should represent the most efficient use of sites consistent with the principles of good design and creation of a sufficient range of high quality residential environments.

The proposal is what is commonly referred to as 'backland' development. This is because it is located behind buildings which face a highway. Often this type of development is not acceptable as it results in harm to the character of an area. However, in this case the area is made up of development fronting roads (ie. Wyken Way, Alfall Road and Dennis Road with narrow cul-de-sacs forming incursions (ie. Stubbs Grove and Geoffrey Close) to fill in the space behind the frontage dwellings. There is also a scout hall located adjacent to the site behind houses on Wyken Way. Therefore the erection of houses on this site, accessed by a 6m wide road, would not be contrary to the character of the wider area.

The layout of the site is logical with houses arranged to fill the space with roughly evenly sized plots. The houses to the east would face the shared driveway and there would be the opportunity for some attractive soft landscaping within the site and along the side of the 6m wide road from Wyken Way.

The density of development would be markedly lower than surrounding housing (the proposed density is only 24 dwellings per hectare) but as this is located to the rear of existing housing it is not considered appropriate to have an excessively dense scheme.

The demolition of 58 Wyken Way would have an impact upon the appearance of the existing terrace, which is of interwar design typical of the area. However, subject to a condition requiring details of treatment of the party wall and submission of details of a new boundary wall / enclosure between 58 and 60 it is considered that the slight unbalancing of the long terrace would not result in significant visual harm.

### **Impact on neighbouring amenity**

The proposed layout would allow for over 25m between the rear of new houses and the rear of existing houses on Wyken Way. The plot nearest Wyken Way could be designed so as not to have clear glazed 1<sup>st</sup> floor windows in its northern side elevation. The SPG seeks a distance of 20m.

None of the new houses would face the rear of houses on Littlefield and they would be located over 20m from the rear elevations of these houses. This is well in excess of the 12m guidance in the SPG.

The nearest house to Stubbs Grove would have its side elevation facing the rear of No.26. However, this could be designed so that any development higher than single storey would be at least 12m away from the affected neighbour with no clear glazed facing windows.

Furthermore, the house immediately to the west when entering the site could be designed so as its main windows face north (towards Wyken Way) and east (towards the proposed new houses to the east of the access road). This would actually be a better design than the main windows facing south towards Stubbs Grove as there would be a more animated elevation to the route into the site.

Therefore the proposal would not give rise to unacceptable overlooking or visual intrusion.

### **Highway considerations**

Policy AM22 seeks to ensure highway safety in new developments.

The proposal would create a 6m wide shared surface access to the development from Wyken Way. This would be served by a footway crossing which would not extend in front of Nos.56 or 60 Wyken Way or interfere with their driveways. The access would be wide enough to allow two vehicles to pass as well as pedestrians, and highways raise no objections. On a positive note, the alteration will improve the existing access to existing garages at the rear of dwellings.

Where the shared accessway meets the development site the access narrows to a width of only 4m, which is offset partly to the rear of No.56 Wyken Way. This is due to land ownership constraints. Whilst not ideal, the access is wide enough to allow a vehicle through. As this narrow access occurs a substantial distance away from the public highway, and the access road would remain private, there would be no impact upon highway safety.

Each new dwelling would have space for at least two vehicles and others could no doubt fit within the site adjacent to the new dwellings. Therefore the proposal should not increase demand for on street parking.

The fire service have been consulted on the application and they raise no objections. Refuse vehicles would not enter the private road, therefore residents would have to present bins close to Wyken Way. A condition is recommended to show a refuse collection area to the side of the new access road.

### **Other considerations**

A preliminary ecological assessment has been undertaken on the site and states that the site is of low ecological value and that no further surveys are recommended. The report recommends some measures to prevent harm to amphibians during construction and the inclusion of bat and bird boxes in the development. Ecology recommend that a condition is imposed to require a method statement to be submitted to prevent harm to

protected species during construction. Another is recommended to ensure that the bat and bird boxes recommended in the ecological appraisal are installed.

There are currently security gates protecting the shared access from unauthorised visitors. These were paid for by the residents themselves. Many residents understandably object to their removal. Therefore a condition is proposed to install replacement gates once the new access is created. This could be across the entire access or could be two gates to either side to prevent access to the east and west behind existing properties.

Finally, a condition is proposed to ensure the gable end of 60 Wyken Way is treated in accordance with details to be submitted and approved in writing, once 58 is demolished. This is in the interests of the amenity of the area.

### **Conclusion**

The principle of development is acceptable and would not result in significant adverse impact upon highway safety, residential amenity or the character of the area.

### **CONDITIONS/REASON**

1. Details of the appearance of the buildings, landscaping of the site (including details of hard surfacing materials and boundary treatments) and the scale of buildings (hereinafter called 'the reserved matters') shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out in full accordance with these reserved matters as approved.

**Reason:** *To comply with Article 3(1) of the Town and Country Planning (General Development Procedure) Order 1995.*

2. Application for approval of the reserved matters shall be made to the local planning authority not later than three years of the date of this permission.

**Reason:** *To comply with Section 92 of the Town and Country Planning Act 1990 (as amended).*

3. The development to which this permission relates shall begin within three years of the date of permission or within two years of the final approval of the reserved matters, whichever is the later.

**Reason:** *To comply with Section 92 of the Town and Country Planning Act 1990 (as amended).*

4. The reserved matters to be submitted in accordance with Condition 1 shall include details of all earthworks, mounding and the finished floor levels of all buildings, together with details of existing and proposed site levels on the application site and the relationship with adjacent land and buildings, and the development shall be carried out in strict accordance with these approved details

**Reason:** *To ensure sufficient information is submitted to demonstrate a satisfactory*

*relationship between the proposed development and adjacent land and buildings in the interests of amenity in accordance with Policy BE2 of the Coventry Development Plan 2001.*

5. Prior to the commencement of development, a method statement for the protection of reptiles, amphibians and nestign birds during construction shall be submitted to and approved in writing by the local planning authority. Thereafter the deelopment shall proceed in accordance with the approved details.

**Reason:** *To safeguard the presence and population of a protected species in line with UK and European Law, The Conservation of Habitats and Species Regulations 2010 and Policy GE15 of the Coventry Development Plan 2001.*

6. Prior to the occupation of any of the dwellings hereby approved, two bat boxes and three bird boxes shall be installed on the proposed dwellings and in existing trees in accordance with the recommendation of the submitted Preliminary Ecological Appraisal dated October 2016

**Reason:** *To safeguard the presence and population of a protected species in line with UK and European Law, The Conservation of Habitats and Species Regulations 2010 and Policy GE15 of the Coventry Development Plan 2001.*

7. Any landscaping (other than the planting of trees and shrubs) including boundary treatment, paving and footpaths referred to in condition one shall be completed in all respects, with the exception of tree(s) and shrub(s) planting, within the first planting season following the first occupation of the dwellings and the tree(s) and shrub(s) shall be planted within six months of that first occupation. Any tree(s) or shrub(s) removed, dying, or becoming in the opinion of the local planning authority seriously damaged, defective or diseased within five years from the substantial completion of the scheme shall be replaced within the next planting season by tree(s) or shrub(s) of similar size and species to those originally required to be planted. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS 8545:2014 Trees: from nursery to independence in the landscape - Recommendations 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 GE9, BE2 & BE20 of the Coventry Development Plan 2001.*

8. Before any development commences on site the following shall be submitted to and approved in writing by the local planning authority and any approved mitigation or protection measures shall be put into place prior to and remain in place during any construction work:
  - a] a dimensioned tree protection plan (to include protection measures during and after construction and any construction exclusion zones) (in accordance with 5.5/ Table B.1 of British Standard BS5837 : 2012 - Trees in relation to design, demolition and construction - Recommendations) which shall also include any proposal for pruning or other preventative works.



**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 GE9, BE2 & BE20 of the Coventry Development Plan 2001.*

9. The development (including any works of demolition) shall proceed only in strict accordance with a construction method statement which has been submitted to and approved in writing by the local planning authority. The approved statement shall be strictly adhered to throughout the construction period and shall provide for: the parking of vehicles of site operatives and visitors; the loading and unloading of plant and materials; the storage of plant and materials used in constructing the development; the erection and maintenance of a security hoarding; wheel washing facilities and other measures to ensure that any vehicle, plant or equipment leaving the application site does not carry mud or deposit other materials onto the public highway; measures to control the emission of dust and dirt during construction; and a scheme for recycling / disposing of waste resulting from demolition and construction works.

**Reason:** *In the interests of highway safety and the amenities of the occupiers of nearby properties, the free flow of traffic and the visual amenities of the locality in accordance with Policies AM1, EM5 and BE2 of the Coventry Development Plan 2001.*

10. Prior to occupation of any of the dwellings hereby approved, an electric vehicle charging point shall be provided at that dwelling

**Reason:** *To minimise the impact of the development upon air quality, in accordance with Policy EM2 of the Coventry Development Plan 2001.*

11. Prior to demolition of 58 Wyken Way, details of the proposed treatment of the party wall between Nos.58 and 60 Wyken Way shall be submitted to and approved in writing by the local planning authority. The exposed gable wall shall be treated within 3 months of the demolition of No.58 in full 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 area in accordance with Policy BE2 of the Coventry Development Plan 2001.*

12. Prior to the removal of the existing security gates located on the vehicular accessway from Wyken Way, details of the location and design of replacement gates, to prevent access to the rear of existing houses, shall be submitted to and approved in writing by the local planning authority. The replacement gate/s shall be installed on site prior to the occupation of any of the hereby approved houses.

**Reason:** *In the interests of safety and security for residents, in accordance with Policy BE21 of the Coventry Development Plan 2001.*

13. The houses hereby approved shall not be occupied unless and until the 6m wide shared surface access from Wyken Way and the car parking and manoeuvring areas indicated on the approved drawings 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 AM19 & AM22 of the Coventry Development Plan 2001.*

[Location Plan](#)

[WW41 Proposed Plan](#)