

<b>Planning Committee Report</b>	
<b>Planning Ref:</b>	FUL/2018/3439
<b>Site:</b>	23 Innis Road
<b>Ward:</b>	Earlsdon
<b>Proposal:</b>	Demolition of the existing house and the erection of a replacement dwelling
<b>Case Officer:</b>	Emma Spandley

## **SUMMARY**

The application seeks planning permission for the demolition of the existing house and erection of a replacement dwelling. The scheme proposes a one-for-one replacement house on the site.

## **BACKGROUND**

The application site is located within the Canley Gardens area, which is not a Conservation Area. Canley Gardens does have a Supplementary Planning Guidance (SPG) attached to it which controls development within the area.

## **KEY FACTS**

<b>Reason for report to committee:</b>	Over 5 objections, together with a petition supported by Ward Councillor, Councillor Taylor, against the officer recommendation
<b>Current use of site:</b>	Single house and large rear garden
<b>Proposed use of site:</b>	Single house and large rear garden

## **RECOMMENDATION**

Planning committee are recommended to grant planning permission subject to conditions listed within the report.

## **REASON FOR DECISION**

- a) The proposal is acceptable in principle.
- b) The proposal will not adversely impact upon highway safety.
- c) The proposal will not adversely impact upon the amenity of neighbours.
- d) The proposal accords with Policies: DS3, H3, H5, DE1, AC3, GE3 & GE4 of the Coventry Local Plan 2016, together with the aims of the NPPF.

## BACKGROUND

### **APPLICATION PROPOSAL**

The application is for the demolition of the existing house and the erection of a replacement dwelling.

The proposed dwelling will front onto Innis Road and will be located adjacent to No.31 Innis Road.

The proposed house, as amended, will be two storeys in height with a ridge height similar to that of No.31 Innis Road. The property will be constructed from a range of materials including stone and render.

The design of the house is modern with large sections of glazing. The proposal also includes a single storey garage to the eastern side of the plot.

### **SITE DESCRIPTION**

The site is a large plot in the Canley Gardens area of the City. Canley Gardens was developed as plot development after World War I and is typified by a mixture of individually designed bungalows and houses set within substantial but irregular shaped landscaped plots. The houses are served by narrow 'country lane' style roads with no markings or footways and bounded by hedgerows.

No.23 was developed in the latter half of the 20<sup>th</sup> century and is a two storey dwelling with pale facing brick and plain detailing. It is set close to Innis Road, with a long garden to the south. To the west are 31 and 33 Innis Road, with 33 being a bungalow built in the garden of 31. To the east is a two storey dwelling set well back from Innis Road and a large detached garage close to the common boundary.

### **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/2018/0448	Demolition of existing dwelling and erection of a replacement dwelling (outline with access and layout submitted)	Refused 17 <sup>th</sup> May 2018

## **POLICY**

### **National Policy Guidance**

National Planning Policy Framework (NPPF). The new NPPF published on 24 July 2018 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 new NPPF increases the focus on achieving high quality design and states that it is "fundamental to what the planning and development process should achieve".

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 Local Plan 2016, which was adopted by Coventry City Council on 6<sup>th</sup> December 2017. Relevant policy relating to this application is:

- Policy DS3: Sustainable Development Policy;
- Policy H3: Provision of New Housing;
- Policy H5: Existing Housing Stock;
- Policy DE1: Ensuring High Quality Design;
- Policy AC3: Demand Management;
- Policy GE3: Biodiversity, Geological, Landscape and Archaeological Conservation;
- Policy GE4: Tree Protection.

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

SPG Design Guidelines for New Residential Development  
SPG 'Extending Your Home'  
SPG Canley Gardens Control Plan

## **CONSULTATION**

No Objections received from:

- e) Highways

No objections subject to conditions have been received from:

- f) Drainage
- g) Ecology

Immediate neighbours and local Ward Councillors (Earlsdon Ward) have been notified;

All 3 Ward Councillors have objected to the application.

A petition containing 87 signatures has been presented by Councillor Taylor, objecting to the application on the following basis:-

- a) Scale of proposed building in relation to the one it is replacing
- b) Loss of privacy and light to other properties
- c) Tree removal
- d) Fails to respond to its local context
- e) The length of construction time and disruption it will cause to the existing residents.

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

- a) Does not fit in with the adjacent buildings and harms the character of the area;
- b) Overlooking and loss of privacy;
- c) Breaches the 45 degree sightline;
- d) Balconies will cause overlooking and loss of privacy;
- e) Negative impact on the amenity of the area;
- f) Light pollution due to the expanse of glazing;
- g) Loss of privacy due to the expanse of glazing;
- h) Uses all the land with no regard for trees and hedgerows;
- i) Drainage is inadequate and only supports low density of development; the size of the proposed building will put pressure on the existing systems;

- j) Surface water flooding;
- k) Canley Gardens Control Plan has been ignored.

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

- l) Too many bathrooms
- m) Disruption during construction
- n) Lack of access to the rear garden from the front
- o) Access to properties within Innis Road during construction.

Any further comments received will be reported within late representations.

## **APPRAISAL**

The main issues in determining this application are principle of development, the impact upon the character of the area, the impact upon neighbouring amenity, highway considerations, flood risk, ecology and trees.

### **Principle of development**

Policy H3 states that new development must provide a high quality residential environment which assists in delivering urban regeneration or creating sustainable communities and which overall enhances the built environment. A suitable residential environment includes safe and appropriate access, adequate amenity space and parking provision and be safe from pollution.

The Canley Gardens Control Plan SPG states that the Council will generally not permit new dwellings in the area, except on a one for one replacement basis. The comments of the objectors are noted, however, there is no restriction on the size of the replacement house nor on the amount of rooms (including bathrooms) that a single property in Canley Gardens can have.

Therefore, the principle of demolishing the existing house and replacing it with a single dwelling is acceptable as it is a one-for-one replacement. The proposal would result in a high quality residential environment and would contribute to a sustainable community. Therefore the proposal complies with this aspect of Policy H3. The impact upon the built environment is discussed in more detail below.

### **Impact on visual amenity**

The National Planning Policy Framework, paragraph 127 states that "Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

The NPPF further states (at paragraph 130) "Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development. Local planning authorities should also seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used)."

The Canley Gardens area is characterised by individually designed dwellings in substantial plots. The style of dwellings is varied with some bungalows and some two storeys high. The existing dwelling is of little architectural merit and is two storeys high with single storey front and rear projections.

The proposed dwelling is of a modern design will large areas of glazing, the proposed house will sit on a similar building line to that of No.31 (immediate next door neighbour), which is slightly further back in the plot than the existing house.

Canley Gardens is characterised by individually design dwellings, therefore there is no one set design criteria to be adhered to.

Nevertheless, the dwelling is well designed and has architectural interest with two fronting gables creating an 'H' shaped floor plan. It will be finished in white render, similar to some properties located within Canley Gardens, accentuated with stone sections to break up the façade with dark grey windows.

The proposed dwelling has been reduced in height, so that it is a similar height to that of the neighbour property No.31 Innis Road, the position of the property within the plot is now, more in line with the existing dwellings, and the trees and hedging to the rear garden area will remain.

As amended, the proposed new house, will better assimilate into the area and will not appear as an incongruous feature within the street scene.

The proposal would result in a high quality residential environment. Therefore the proposal complies with Policy DE1 of the Coventry Local Plan 2016 and the relevant paragraphs of the NPPF.

### **Impact on residential amenity**

Policy H5 requires new development to be designed and positioned so it does not adversely affect the amenities of the occupiers of neighbouring properties. The Supplementary Planning Guidance 'Extending your Home' states new buildings should not breach a 45 degree sightline taken from the middle of the nearest habitable room windows taken from the neighbouring property.

As originally submitted the application proposed balconies to the rear and a larger footprint which resulted in a breach of the 45 degree sightline.

Amendments have been sought which have omitted the balconies and reduced the footprint. As amended the proposed new house will not breach a 45 degree sightline taken from the middle of the nearest habitable room windows.

The proposed house is two storey similar to that of the existing house and is positioned to the front portion of the site. The proposed new house will not have a detrimental impact on the occupiers of the neighbouring properties through increased visual intrusion, loss of light and increased loss of privacy and overlooking.

### **Highway considerations**

Policy AC3 of the Local Plan acknowledges that the provision of car parking can influence occurrences of inappropriate on-street parking which can block access routes for emergency, refuse and delivery vehicles, block footways preventing access for pedestrians, reduce visibility at junctions and impact negatively on the street scene. Proposals for the provision of car parking associated with new development will be assessed on the basis of parking standards set out in Appendix 5. The car parking standards also include requirements for the provision of electric car charging and cycle parking infrastructure.

The parking requirement for the existing and proposed house is the same and will be retained to the front of the site.

Highways raise no objection to the proposal given the fact it replaces one house with another and would have at least three off road parking spaces.

### **Flood Risk / Drainage**

This application is for the demolition of an existing dwelling and the erection of a replacement dwelling at 23 Innis Road. The Council records indicate that the site is at high risk of surface water flooding, associated with a culverted tributary of the Canley Brook, which passes through the site.

The Drainage Team have raised no objections to the proposed new dwelling subject to conditions securing a scheme for the provision of surface water drainage; a detailed strategy for SuDs and a survey of the existing culvert. Please refer to condition No.6.

### **Ecology, Biodiversity and Trees**

Policy GE3 of the Local Plan states that Sites of Special Scientific Interest (SSSIs), Local Nature Reserves (LNRs), Ancient Woodlands, Local Wildlife and Geological Sites will be protected and enhanced.

The surrounding habitat of large, mature gardens and Hearsall Common to the south is favourable for foraging bats and there are nearby historic records. A preliminary Ecological Appraisal (PEA) by Martin Ecology, dated February 2019 was submitted which concluded that further emergence survey works should be carried out during this coming bat survey season as not all parts of the roof were reachable during the scoping survey.

Subject to the granting of permission this will be controlled by condition no.3 attached to the Decision Notice.

Policy GE4 states that trees make a valuable contribution to the city's green landscape. New developments should seek to retain existing trees and other landscape features, incorporating them into a high quality design and landscape proposals where possible. Should loss be unavoidable, compensatory provision of new trees should be proposed as part of a well-designed landscape scheme.

The existing trees located to the south within the substantial rear garden are to be retained. An updated Arboricultural will be submitted and will be reported at the meeting. The report will confirm that due to the repositioning of the proposed house, to the front of the site, the trees within the rear garden area will be retained. A condition requiring their protection during construction can be attached to the Decision Notice. Please refer to condition No.8 & No.9.

#### **Other matters**

The comments are noted with regards to construction traffic and the disruption that may be caused by the development. Highways have raised no objections to the proposal. The Council are mindful that the roads within Canley Gardens have substandard visibility by today's standards. However, the Council cannot control the manner in which people drive. A Construction Management Plan has been submitted, which details how deliveries and site operatives will be coordinated to restrict the disruption during the build out, however, until a contractor is appointed the specific details cannot be confirmed. Subject to the granting of permission this will be controlled by condition no.4 attached to the Decision Notice.

#### **Equality implications**

The proposal has been reviewed and it is considered there are no known equality implications as a result of this proposal, in accordance with the Equality Act 2010.

#### **Conclusion**

The proposed development is considered to be acceptable in principle and will not result in any significant impact upon neighbour amenity, highway safety or ecology subject to relevant conditions. The reason for Coventry City Council granting planning permission is because the development is in accordance with: Policies DS3, H3, H5, DE1, AC3, GE3 & GE4 of the Coventry Local Plan 2016, together with the aims of the NPPF and the Canley Gardens Control Plan.

#### **CONDITIONS:/REASON**

1. The development hereby permitted shall begin no later than three years from the date of this permission.

**Reason:** *To comply with Section 91 of the Town and Country Planning Act 1990.*

2. The development hereby permitted shall be carried out in accordance with the following approved documents:  
Location Plan - Drawing No. 1082.012;  
Amended existing and proposed site plans, drawing no. 1082.011A;  
Amended proposed ground floor plans, drawing no. 1082.06A;  
Amended proposed first floor plans, drawing no. 1082.08A;  
Amended proposed side elevations, drawing no. 1082.09A;  
Amended Proposed front and rear elevations, drawing no.1082.08A;  
Preliminary Ecological Appraisal (PEA) by Martin Ecology, dated February 2019;  
Design and Access Statement - Reference 1082.

**Reason:** *To ensure a satisfactory standard of appearance of the development in the interests of the amenities of the locality in accordance with Policy DE1 of the Coventry Local Plan 2016.*

3. The development hereby permitted (including demolition) shall not commence until a further bat survey of the site, to include appropriate activity surveys in accordance with BCT Bat Surveys - Good Practice Guidelines, has been carried out and a detailed mitigation plan including a schedule of works and timings has been submitted to and approved in writing by the Local Planning Authority. Such approved mitigation plan shall thereafter be implemented in full.

**Reason:** *To ensure that protected species are not harmed by the development in accordance with the aims and objectives of Policy GE3 of the Coventry Local Plan 2016, and the NPPF 2012.*

4. 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 including decorative displays and facilities for public viewing where appropriate; 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, unless otherwise agreed in writing by the local planning authority.

**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 AC1, AC3, EM1 and DE1 of the Coventry Local Plan 2016.*

5. The development shall be carried out only in full accordance with details of the external facing and roofing materials which shall be submitted to and approved in writing by the local planning authority

**Reason:** *To ensure a satisfactory standard of appearance of the development in the interests of the amenities of the locality in accordance with Policy DE1 of the Coventry Local Plan 2016.*



6. The development hereby permitted shall be carried out only in strict accordance with details of a scheme for the provision of surface water drainage incorporating infiltration SuDS or attenuation techniques. There must also be consideration of features such as green roof technology for the management of surface water peak and total flows, biodiversity and water filtering, in accordance with Coventry City Council's adopted Supplementary Planning Document for 'Delivering a More Sustainable City'.
- I. A detailed strategy for the long-term maintenance of the SuDS and other surface water drainage systems on site.
  - II. Development discharge rates for the individual projects on the site to be managed to Qbar greenfield rates or 5 l/s whichever is greater. The discharge rates for brownfield sites shall be considered as greenfield in accordance with the SFRA.
  - III. Provisions must be made for the drainage of the site to ensure there are no temporary increases in flood risk, on or off site, during the construction phase
  - IV. Evidence that receiving water bodies or sewers are capable of accepting the attenuated flows specified by the Lead Local Flood Authority and that this will not exacerbate the flood risk on or off site. This will include capacity calculations and outcomes, not just the correspondence from Severn Trent Water Ltd in isolation, accepting the point discharges. Evidence of existing sub catchments within the site are needed to support the connectivity survey and confirm the acceptability of proposed point discharges to the watercourses and infrastructure sewers. This must be submitted to, and agreed by, the Local Planning Authority and Lead Local Flood Authority.
  - V. The surface water flood mapping indicates that the site is vulnerable to surface water flooding. An appropriately scaled flood risk assessment is required to establish the risk to the development, as well as the appropriate mitigation measures.
  - VI. Mapping of the 1 in 100 year surface water flood extents is required, to indicate the exceedance and conveyance flows to inform building floor level design and general ground levels, and to consider flood flow routing off site. This must be submitted to, and agreed by, the Local Planning Authority and Lead Local Flood Authority.
  - VII. The development must be considered for the implementation of permeable paving or similar permeable material for the management of total surface water flows, and water filtering in accordance with Coventry City Council's adopted Supplementary Planning Document for 'Delivering a More Sustainable City'.
  - VIII. Provisions must be made for the drainage of the site to ensure there is no discharge of surface water to the Public Highway.
  - IX. Where new or redevelopment site levels result in the severance, diversion or the reception of natural land drainage flow, the developer shall maintain existing flow routes (where there are no flood risk or safety implications) or intercept these flows and discharge these by a method approved by the Local Planning Authority

**Reason:** *To ensure that a satisfactory means of drainage is provided such as to minimise flooding and which promotes and maintains the good stewardship of the natural and built environment in accordance with Policies EM4 and HW1 and DS3 of the Coventry Local Plan 2016.*

7. The development hereby permitted shall only be undertaken in strict accordance with details of both hard and soft landscaping works which have been submitted to and approved in writing by the local planning authority. Details of hard landscaping works shall include boundary treatment, including full details of the proposed boundary walls, railings and gates to be erected, specifying the colour of the railings and gates; footpaths; and hard surfacing which shall be made of porous materials or provision shall be made to direct run-off water from the hard surface to a permeable or porous area. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of the dwellinghouse hereby permitted; and 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 similar size and species, unless the local planning authority gives written consent to any variation. 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 GB1, GE1, DE1 and HE2 of the Coventry Local Plan 2016.*

8. The existing tree(s) and shrub(s) indicated on the approved plans to be retained shall not be cut down, grubbed out, topped, lopped or uprooted without the written consent of the local planning authority. Any tree(s) or shrub(s) removed without such consent or dying, or being severely damaged or diseased or becomes, in the opinion of the local planning authority, seriously damaged or defective, within five years from the substantial completion of development shall be replaced, as soon as practicable with tree(s) and shrub(s) of such size and species details of which must be submitted to and approved by the local planning authority. All 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 (excluding hard surfaces).

**Reason:** *To protect those trees and shrubs which are of significant amenity value and which ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies DE1, HE2, HW1 and DS3 & GE3 of the Coventry Local Plan 2016.*

9. The existing hedge(s) indicated on the approved plans to be retained shall not be cut down, grubbed out or otherwise removed or topped or lopped so that the height of the hedge(s) falls below ...m at any point without the written consent of the local planning authority. Any hedge(s) removed without consent or dying, or being severely damaged or diseased or becomes, in the opinion of the local planning authority, seriously damaged or defective, within five years from the substantial completion of development shall be replaced within the next planting season with hedging, tree(s) and/or shrub(s) of such size and species details of which must be submitted to and approved by the local planning authority. 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 (excluding hard surfaces).

**Reason:** *To protect that hedging which is of significant amenity value to the area in accordance with Policies HW1 and DS3 & GE3 of the Coventry Local Plan 2016.*

10. The hard surface in relation to the off-street car parking within the curtilage of the property shall be made of permeable materials, or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the house and such provision shall be retained thereafter.

**Reason:** *To ensure that a satisfactory means of drainage is provided such as to minimise flooding and which promotes and maintains the good stewardship of the natural and built environment in accordance with Policies EM4 and HW1 and DS3 of the Coventry Local Plan 2016.*

11. The dwellinghouse shall not be occupied unless and until 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 unless otherwise agreed in writing by the local planning authority.

**Reason:** *In the interests of highway and pedestrian safety in accordance with Policies AC1 and AC3 of the Coventry Local Plan 2016.*

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that order with or without modification) no windows or openings (apart from any shown on the approved drawings) shall be formed in the west (side) facing elevation of the dwellinghouse hereby approved without the written approval of the local planning authority and if any additional windows are subsequently approved they shall only be glazed or re-glazed in accordance with such approved details and any opening part of any window shall be at least 1.7m above the floor of any room in which the window is installed.

**Reason:** *To ensure the amenities of adjoining properties are not detrimentally affected through overlooking or loss of privacy in accordance with Policy BE2 of the Coventry Development Plan 2001.*

