

Planning Committee Report	
Planning Ref:	FUL/2020/0819
Site:	Land to the rear of 9-13 Brinklow Road
Ward:	Wyken
Proposal:	Erection of detached dwelling house
Case Officer:	Anne Lynch

SUMMARY

The application proposes erection of a two-storey detached dwelling on the land to the rear of 9-13 Brinklow Road. The application is recommended for approval and has received more than 5 public representations objecting to the proposal

BACKGROUND

This is a revised application to an application for two dwellings with access from St Bartholomew's Close that was submitted in 2018 and was subsequently found to be invalid. The revised application amends the proposal to a single dwelling with access from Rannock Close.

KEY FACTS

Reason for report to committee:	Receipt of 5 or more representations
Current use of site:	Vacant and overgrown
Proposed use of site:	Residential

RECOMMENDATION

Planning committee are recommended to grant planning permission subject to conditions.

REASON FOR DECISION

- The proposal is acceptable in principle.
- The proposal will not adversely impact upon highway safety.
- The proposal will not adversely impact upon the amenity of neighbours.
- The proposal makes provision for necessary developer contributions.
- The proposal accords with Policies: AC3, DE1, HE2, H3, GE3 and GE4 of the Coventry Local Plan 2016, together with the aims of the NPPF.

BACKGROUND

APPLICATION PROPOSAL

The application proposes erection of a two storey detached dwelling to the rear of properties at 9-13 Brinklow Road. The dwelling will front Rannock Close and will have its rear elevation facing the courtyard area of development on St Bartholemews Close.

The dwelling will be a double fronted dwelling 6.5 metres deep and 8.5 metres wide. It will be 5 metres to eaves and 8 metres to ridge height. It will have four bedrooms with three at first floor and the fourth within the roof space. The roof will be gabled to both ends and will have two velux type roof lights to the rear slope to provide light to the fourth bedroom and study in the roof space.

The dwelling will be constructed from red facing bricks with plain clay roof tiles and will have cottage style timber doors and windows. It will have a side chimney breast and chimney to the southern elevation.

SITE DESCRIPTION

The site is a former industrial site to the rear of a row of cottages on the Brinklow Road. It is approximately 15 metres wide and 36 metres deep and is set back approximately 30 metres from the Brinklow Road.

The site has access from the east via a group of properties that read as a courtyard development from St Bartholomew's Close. The site has its western boundary to Rannock Close. These properties have vehicular access and garages from Rannock Close and their front doors face green space.

The site was cleared with buildings demolished a number of years ago and there is now vegetation and overgrowth.

PLANNING HISTORY

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

Application Number	Description of Development	Decision and Date
45790	Erection of two semi-detached dwellings	Refused at appeal for non-determination July 1995
45790/A	Erection of detached dwelling	Approved 13 th June 1996
45790/B	Two semi-detached dwelling houses and one dormer bungalow	Refused 18 th December 2003 Appeal dismissed
45790/C	Erection of detached dormer bungalow and detached garage	Refused 7 th February 2005
45790/D	Erection of detached dwelling	Withdrawn September 2007

45790/D	Erection of detached dwelling	Approved 26 th October 2007
FUL/2018/3326	Erection of two 2 bedroom dwellings	Invalid

POLICY

National Policy Guidance

National Planning Policy Framework (NPPF). The NPPF 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 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) adds further context to the NPPF and it is intended that the two documents are read together.

National Design Guide - Planning practice guidance for beautiful, enduring and successful places – October 2019

Local Policy Guidance

The current local policy is provided within the Coventry Local Plan 2016, which was adopted by Coventry City Council on 6th December 2017. Relevant policy relating to this application is:

Policy DS1: Overall Development Needs

Policy DS3: Sustainable Development Policy

Policy H3: Provision of New Housing

Policy H4: Securing a Mix of Housing

Policy H6: Affordable Housing

Policy H9: Residential Density

Policy GE3: Biodiversity, Geological, Landscape and Archaeological Conservation

Policy GE4: Tree Protection

Policy DE1 Ensuring High Quality Design

Policy HE2: Conservation and Heritage Assets

Policy AC1: Accessible Transport Network

Policy AC2: Road Network

Policy AC3: Demand Management

Policy AC4: Walking and Cycling

Policy EM1: Planning for Climate Change Adaptation

Policy EM2: Building Standards

Policy EM3 Renewable Energy Generation

Policy EM5 Sustainable Drainage Systems (SuDS)

Policy EM7 Air Quality

Supplementary Planning Guidance/ Documents (SPG/ SPD):

SPG Design Guidelines for New Residential Development

SPD Delivering a More Sustainable City

SPD Coventry Connected

CONSULTATION

Initial consultation was carried out in respect of the proposals for two dwellings with access from St Bartholomew's Close and again on revisions for two dwellings with access from Rannock Close. Further consultation has been carried out on the current revised scheme in respect of Highways and Environmental Protection. The comments from Conservation and Ecology relate to the proposals for two dwellings.

No Objections received from:

- Conservation

No objections subject to conditions have been received from:

- Environmental Protection
- Ecology
- Highways

Immediate and surrounding neighbours and local councillors have been notified.

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

- a) Loss of greenery.
- b) Removal of trees will mean dwelling will overlook properties on Rannock Close
- c) Impact on on-street parking and loss of existing on-street parking
- d) Rannock Close is already congested and access would be better suited from the rear.
- e) Noise and disturbance during construction
- f) Dwelling should be set back two metres into the garden area.
- g) Plans show the garden will cut off access to the garage at no. 11 Brinklow Road.

APPRAISAL

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

Principle of development

Policy H3: Provision of New Housing states that new residential development must provide a high-quality residential environment which assists in delivering urban regeneration or contributes to creating sustainable communities and which overall enhances the built environment. A suitable residential environment will be within a sustainable location and include safe and appropriate access, have adequate amenity space and parking provision and be safe from environmental pollutants such as land contamination, excessive noise and air quality issues.

The proposed development is within a sustainable location, close to public transport routes, local shops and services. The proposal will provide a high quality residential environment with safe and appropriate access and adequate amenity and parking provision. Planning permission has been refused on the site previously where the development has been over-intensive and/or had a detrimental impact on residential amenity and highway safety. However, there have been two planning applications approved for single dwellings where the proposals have been considered acceptable, including a Planning Committee Decision in 2007. The principle of development of this

site for a single residential dwelling has therefore been established and considered acceptable.

Impact on visual amenity

Policy DE1 of the Local Plan seeks to ensure high quality design and development proposals must respect and enhance their surroundings and positively contribute towards the local identity and character of an area.

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).”

Local Plan Policy HE2 reflects NPPF policy and states that development proposals involving heritage assets in general and listed buildings in particular, should acknowledge the significance of the existing building and the area by means of their siting, massing, form, scale, materials and detail.

Policy H4 of the Local Plan requires proposals for residential development to include a mix of market housing which contributes towards a balance of house types and sizes across the city.

The proposed detached dwelling has a street frontage and vehicular access from Rannock Close. The properties adjacent within Rannock Close are two-storey 1960s dwellings and there is a newer residential development of two-storey properties to the rear of the site on St Bartholomew's Close.

To the front of the site on Brinklow Road there is a terrace of three two-storey cottage style properties. There is also a group of locally listed buildings located to the east of the application site, all but one of these are two-storey though they are slightly lower than a modern two-storey dwelling.

The scheme has been revised to address issues previously raised by officers. Highways had concerns about the access from the rear of the properties and suggested it would be better from Rannock Close. However, in repositioning the parking, officers had concerns about design because the proposals for two dwellings was over-intensive and this was exacerbated by the run of parking to the frontage. It was therefore considered that only one dwelling would be acceptable on this site in line with previous approvals.

The Conservation Officer raised no concerns about the proposals for two dwellings previously but did request more information about the design of the garages to the rear where they would be viewed alongside the locally listed group of properties. These have since been removed with the provision of parking to the front. In terms of the design of the two dwellings, Conservation considered that these would be viewed alongside the later development on Rannock Close so was not considered to impact the locally listed cottages. This is still the case but the properties in Rannock Close back on to the application site so there is no defined street frontage. It was therefore considered that there would be merit in reviewing the design so that, whilst the new dwelling would read with the Rannock Close street scene, it would have characteristics of the locally listed buildings on Brinklow Road so it would sit comfortably with both street scenes. Officers consider this has been achieved with the revisions and the proposals are considered to provide a satisfactory design.

Impact on residential amenity

The dwelling will have its front elevation to properties on Rannock Close, its side elevation to properties on Brinklow Road and it will back on to properties on St Bartholomew's Close.

Neighbours in Rannock Close have raised concern about loss of privacy and overlooking. The new dwelling will have its front elevation facing the rear boundaries of properties on Rannock Close and the front of the dwelling will be approximately 14 metres to the nearest rear boundary and approximately 20 metres to the rear elevation of the dwelling itself which is in excess of the minimum distance of 20 metres between habitable room windows required by Supplementary Planning Guidance.

No 9 Brinklow Road has a single storey extension that runs the depth of the rear garden. The main outlook from this extension is from the side elevation towards their garden. The new dwelling will be set approximately 3 metres from the neighbour's rear boundary and will not infringe any 45 degree sightline to the neighbour's main windows. The neighbour has suggested that the building could move back a few metres into the rear garden but it is considered acceptable as it is and if it were to be set back it would bring it closer to the

rear of properties to the north on St Bartholomew's Close. The dwelling will be set 12 metres from the rear main elevations of the properties on Brinklow Road in accordance with SPG and there are no windows in the side elevations.

The dwelling will face a different direction to the property to the north at no. 9 St Bartholomew's Close. The proposed dwelling will be set 3 metres from the shared boundary and approximately 5.5 metres from the side elevation of no. 9. Whilst it is set forward of the neighbour's rear elevation the separation distance is sufficient so that it will not infringe any 45 degree sightline and accords with SPG.

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

The access was previously proposed to the rear of the site and representations from residents on Rannock Close request the access be relocated indicating concerns about on-street parking issues. Highways had concerns about the previous access from St Bartholomew's Close due to conflict with pedestrians as this is also a route for pedestrians through the residential development to the rear and likely to be a cut-through to the local primary school. It was therefore moved to Rannock Close to address Highway's concerns.

The revisions now propose two vehicle parking spaces to the front of the dwelling with access of Rannock Close. The number of parking spaces accords with the Council's parking standards and Highways have no objection subject to conditions for the parking to be laid out and made available and for visibility splays. Conditions are recommended accordingly.

Contaminated land

Policy EM6 seeks to ensure that redevelopment of previously developed land does not have a negative impact on water quality, either directly through pollution of surface or ground water or indirectly through the treatment of waste water by whatever means.

Environmental Protection have no objection to the proposals but given the previous industrial use of the site they recommend conditions in respect of ground contamination.

Ecology

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. Ecology recommend a preliminary ecological appraisal and a condition is recommended accordingly.

The proposals will result in the removal of 3 trees on site and other vegetation. An assessment of these trees was requested with these revised proposals and this indicates that the categories are C and U and not therefore worthy of retention. A condition is recommended for a replacement planting scheme in accordance with Policy GE4.

Other matters

A neighbour has raised concern about access to their garage which is currently accessed from St Bartholomew's Close and through the application site, within the red line area. The red line application site shows the whole of the site and ownership. There are a number of covenants on the land and planning permission does not override property rights which is essentially a private civil matter. However, the layout does not show any proposals to block this access and a condition is recommended for boundary treatment as part of the landscaping condition.

Equality Implications

Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-

(1) A public authority must, in the exercise of its functions, have due regard to the need to:

- a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Officers have taken this into account and given due regard to this statutory duty, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this application.

There are no known equality implications arising directly from this development.

Conclusion

The proposed development is considered to be acceptable in principle and will not result in any significant impact upon neighbour amenity, visual 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 AC3, DE1, HE2, H3, GE3 and GE4 of the Coventry Local Plan 2016, together with the aims of the NPPF.

SCHEDULE OF CONDITIONS

1. The development hereby permitted shall begin not later than 3 years from the date of this decision.

Reason: *To conform with Section 91 of the Town and Country Planning Act 1990 (as amended)*

2. The development hereby permitted shall be carried out in accordance with the following approved plans: Proposed Plans and Elevations, Location and Block Plan 3773-01C

Reason: *For the avoidance of doubt and in the interests of proper planning*

3. Prior to their incorporation into the development hereby permitted, sample details of all facing and roofing materials shall be submitted to and approved in writing by the Local Planning Authority. These details shall be installed only in full accordance with the approved details prior to the first occupation of the development and thereafter shall be retained and shall not be removed or altered in any way.

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 DE1 of the Coventry Local Plan 2016.*

4. Prior to the first occupation of the development hereby permitted, details of both hard and soft landscaping works, including replacement tree planting, shall be 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 type of bricks and 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 strict accordance with the approved details within three months of the first occupation of the dwelling hereby permitted; and all planting shall be carried out in accordance with the approved details within 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. 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 and provide replacement tree planting in the interests of the visual amenities of the area in accordance with Policies GE1, GE4 and DE1 of the Coventry Local Plan 2016.*

5. An investigation and risk assessment (in addition to any assessment provided with the planning application); must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site, and any report of the findings must be submitted to and approved in writing by the local planning authority. The report of the findings, to be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11', must include; (i) a survey of the extent, scale and nature of contamination; (ii) an assessment of the potential risk to; human health, property (existing or proposed) including

buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monument; (iii) an appraisal of remedial options, and proposal of the preferred option(s).

Reason: *To safeguard health, safety and the environment in accordance with Policy EM6 of the Coventry Local Plan 2016 and the aims and objectives of the NPPF.*

6. The development shall only be undertaken in accordance with a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment, which shall be submitted to and approved in writing by the local planning authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason: *To safeguard health, safety and the environment in accordance with Policy EM6 of the Coventry Local Plan 2016 and the aims and objectives of the NPPF.*

7. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out the remediation. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Reason: *To safeguard health, safety and the environment in accordance with Policy EM6 of the Coventry Local Plan 2016 and the aims and objectives of the NPPF.*

8. In the event that contamination is found at any time when carrying out the approved development, that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition no. 5 and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition no. 6, which shall be submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition no. 7.

Reason: *To safeguard health, safety and the environment in accordance with Policy EM6 of the Coventry Local Plan 2016 and the aims and objectives of the NPPF.*

9. Prior to commencement of development a survey for the presence of Japanese Knotweed shall be carried out and the details that survey shall be submitted to and approved in writing by the local planning authority. Thereafter the development shall only be carried out in accordance with the recommendations of that survey.

Reason: *To safeguard health, safety and the environment in accordance with*

Policy EM6 of the Coventry Local Plan 2016 and the aims and objectives of the NPPF.

10. The dwelling hereby permitted shall not be occupied unless and until the car parking provision for that dwelling has been constructed and / or laid out, and made available for use by the occupants and / or visitors to the dwelling and thereafter those spaces shall be retained for parking purposes at all times and shall not be removed or altered in any way.

Reason: *To ensure the satisfactory provision of off-street vehicle parking facilities in accordance with the Council's standards and in the interests of highway safety and the satisfactory development of the site in accordance with Policies AC1, AC2 and AC3 of the Coventry Local Plan 2016.*

11. Before the access hereby permitted is first used a 2 metre by 2 metre visibility splay shall be provided at the back of the footway on either side of the proposed access way in full accordance with the approved drawings. The visibility splays shall be retained thereafter with nothing in the visibility splay exceeding 600mm in height.

Reason: *In the interests of highway safety in accordance with the aims and objectives of Policies AC1 and AC2 of the Coventry Local Plan 2016.*

12. No part of the residential accommodation hereby permitted shall be occupied unless and until the external amenity space has been laid out and provided in full accordance with the details shown on the approved plans and thereafter shall remain available for use at all times.

Reason: *In the interests of the amenities of the future occupants of the residential accommodation in accordance with Policy DE1 of the Coventry Local Plan 2016.*

13. The development hereby permitted shall only be carried out in accordance with details of site levels finished floor levels which shall first be submitted to and approved in writing by the local planning authority. Thereafter the development shall be carried out 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 DE1 of the Coventry Local Plan 2016.*

14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or any statutory instrument amending, revoking and/or replacing that Order, no further development shall take place within the curtilage of any dwellinghouse hereby permitted without the prior grant of planning permission by the Local Planning Authority.

Reason: *Having regard to the design, layout and general nature of the proposed development it is important to ensure that no further development is carried out which would detract from the appearance of the area and affect the amenity of adjacent properties. Therefore, no additional development is to be carried out without the*

permission of the Local Planning Authority in accordance with Policies H3 and DE1 of the Coventry Local Plan 2016.

15. No development (including any demolition or preparatory works) shall take place unless and until a written scheme of archaeological investigation, which shall include a detailed programme of archaeological works, has been submitted to and approved in writing by the Local Planning Authority. The development shall only proceed in full accordance with these approved details

Reason: *The submission of these details prior to the commencement of development is fundamental to mitigate the effect of the works associated with the development upon any heritage assets and to ensure that information regarding these heritage assets is preserved by record for this and future generations in accordance with Policy HE2 of the Coventry Local Plan 2016*

16. No development (including any demolition or preparatory works) shall commence unless and until a preliminary ecological survey has been carried out and submitted to and approved in writing by the local planning authority. The development shall only be carried out in strict accordance with the recommendations of the survey.

Reason: *To ensure that protected species are not harmed by the development in accordance with Policy GE3 of the Coventry Local Plan 2016 and the advice contained within the NPPF 2018.*