

**Extended Delegated Decisions Meeting:** 20 August 2020

**Application No:** [W 19 / 2064](#)

**Town/Parish Council:** Kenilworth

**Case Officer:**

Rebecca Compton

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**Registration Date:** 03/01/20

**Expiry Date:** 28/02/20

**The Highfield, 4 Barrowfield Lane, Kenilworth, CV8 1EP**

Erection of no7, 2-3 bed apartments following the demolition of the existing building and associated access. FOR NiceHouse Ltd

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This application is being presented to the Head of Development Services in consultation with the Chair of Planning Committee due to the number of objections and an objection from the Town Council having been received.

**RECOMMENDATION**

To grant planning permission subject to the conditions listed at the end of the report.

**DETAILS OF THE DEVELOPMENT**

The proposal seeks to demolish the existing dwelling and erect 4 no. 3 bed apartments and 3 no. 2 bed apartments. The proposal also includes a new access off Barrowfield Lane and landscaping works.

**THE SITE AND ITS LOCATION**

Highfield is located on the edge of Kenilworth town centre and is located adjacent to the Kenilworth Conservation Area. The site is located to the northern end of Barrowfield Lane in between Highfield Close and the listed property known as The Old School House on the corner of Borrowell Lane.

**PLANNING HISTORY**

None relevant.

**RELEVANT POLICIES**

- National Planning Policy Framework
- [Warwick District Local Plan 2011-2029](#)
- BE1 - Layout and Design
- BE3 - Amenity
- HE1 - Protection of Statutory Heritage Assets
- HE2 - Protection of Conservation Areas
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)

- NE5 - Protection of Natural Resources
- NE1 - Green Infrastructure
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- NE4 - Landscape
- FW3 - Water Conservation
- Guidance Documents
- Air Quality & Planning Supplementary Planning Document (January 2019)
- Residential Design Guide (Supplementary Planning Document- May 2018)
- Parking Standards (Supplementary Planning Document)
- Kenilworth Neighbourhood Plan (2017-2019)
- KP12 - Parking Standards
- KP13 - General Design Principles
- KP15 - Environmental Standards of New Buildings

## **SUMMARY OF REPRESENTATIONS**

**Kenilworth Town Council:** Object on the following grounds:

- Impact on neighbouring amenity
- Increase in traffic
- inappropriate design and scale for this area
- Impact on the setting of the Listed Building.

**WCC Highways:** No objection subject to conditions.

**WCC Ecology:** No objection subject to conditions.

**Tree Officer:** No objection to removal of trees, Arboricultural Statement is required.

**Public response:** 25 objections have been received on the following grounds:

- Impact on neighbouring amenity
- Increase in traffic
- inappropriate design and scale for this area
- Impact on the setting of the Listed Building
- Impact on Biodiversity and protected species

## **ASSESSMENT**

### Principle of development

Local Plan policy H1 directs new housing to the urban areas, the site is located within the urban area of Kenilworth. The proposal seeks to replace an existing single dwelling with a building containing 7 apartments, given the application site is located within an urban area, the principle of the replacement of the development is acceptable.

The proposal therefore complies with Local Plan policy H1.

### Impact on Heritage Assets

Section 66(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act requires special regard to be had to the historic character of listed buildings. Section 72(1) seeks to ensure that development proposals preserve or enhance the character of the Conservation Area. Policies HE1 and HE2 of the Local Plan set similar aims. Policy BE1 of the Local Plan also requires attention to be paid to the character of the area and architectural detail. Policy HE4 is also noted in terms of protecting archaeological interest. The aims and objectives of the National Planning Policy Framework are also considered in respect of conserving the historic environment and achieving high quality design.

National policy explains that considerable weight should be given to the conservation of a designated heritage asset (para. 193) and any level of harm should require a clear and convincing justification regardless of the level of harm (p. 194). Paragraphs 195 and 196 go on to set out how applications should be assessed where it is identified that harm would be caused to a designated heritage asset.

The site is located in the setting of a grade II listed building, known as the Old School House, which dates from the early eighteenth-century. The D&A/Heritage Statement states that the proposal will improve the existing relationship between the application site and the listed building on the grounds that the built form of the development will be set further into the site away from the listed building. The site currently shares an access with the listed building, a new access is to be created and the existing is to be replaced with planting and trees which will visually create more separation between the two sites. The overall height of the proposed building is also less than the existing. Whilst the design is contemporary, substantial vegetation exists between the two plots which would assist in mitigating any detrimental impact on the setting of the listed building. Some of the detailing and materials have been chosen to compliment the listed building such as through the use of timber cladding and vertical planting and a stone plinth. The materials comprise of timber cladding, stone and red sandstone render to reflect the character of the listed building and Kenilworth, whilst remaining clearly contemporary in nature.

Concerns have been raised over the potential impacts on the setting of the listed building and the Conservation Area Forum (CAF) are concerned that the building seeks to make a statement which is not appropriate in the setting of the listed building. The applicant does not agree with this statement and has put forward that the contemporary design has adopted materials that will enable the building to sit comfortably amongst the existing vegetation and the design and layout has come about in order to protect the existing trees on site rather than seeking to make a statement. Officers consider that as the building is set further into the site away from the listed building, together with the fact that the level of

screening will be improved between the two sites and along the frontage, that the proposal would not have a detrimental impact on the setting of the listed building.

The application site does not sit within the Kenilworth Conservation Area but is located adjacent to the boundary of the Conservation Area. The development would not restrict views in and out of the Conservation Area and the development seeks to reinforce the highly vegetated character of the site which adds positively to the setting of the Conservation Area and the wider street scene.

Officers consider that the proposal would comply with Local Plan policy HE1.

### Design and impact on the street scene

BE1 (Layout and design) of the Local Plan states that new development will be permitted where it positively contributes to the character and quality of its environment through good layout and design. Development proposals will be expected to demonstrate that they harmonise with, or enhance, the existing settlement and reinforce or enhance the established urban character, whilst reflecting, respecting and reinforcing local architectural and historical distinctiveness. Proposals should also respect surrounding buildings in terms of scale, height, form and massing.

The application site is located on the edge of the town centre and on the periphery of the surrounding residential development which is situated to the south and east of the site. In the immediate context the listed building known as the Old School House is located to the north of the site, the east of the site borders residential gardens and the rear of the site runs adjacent to the road Highfield Close. Owing to the edge of town centre location the surrounding street scene is mixed with Jubilee House to the west, and a modern hotel building and an apartment building known as Mulberry Court are situated on the northern side of Smalley Place. The surrounding residential area is of a mixed character including two storey dwellings, bungalows and blocks of flats. A modern building comprising of 8 flats is located behind Jubilee House and is accessed off Barrowfield Lane. Further south along Barrowfield Lane there is a large apartment building known as Barrowfield Court. Given the mixed character of the street scene and the wider area it is considered that a contemporary design would not be detrimental to the character an appearance of the street scene.

The building as existing is situated on an elevated position to the residential properties to the south and east of the site owing to the land levels. Views of the existing building are reduced within the street scene due to a dense vegetated buffer that exists around the boundaries of the site. The existing trees and vegetation contribute positively to the street scene and the proposal seeks to

retain a dense layer of vegetation as part of the scheme. The building has been designed to cut into the landscape so whilst the accommodation is to be set over 3 floors, views of the building from within the street scene will be of a two storey building to reflect the existing form of the building. The overall height of the proposed building will be lower than the existing dwelling in order to reduce any impact on the street scene. The building is of a contemporary design however the palette of materials including red sandstone, stone and timber has been chosen to reflect the character of the wider area whilst enabling the building to blend with the high levels of vegetation. The site as existing benefits from a large area of hard standing to the front which will be reconfigured and broken up with the use of planting and landscaping.

The existing building is a large dwelling occupying a large plot, the proposal will result in a greater level of built development on the site however the site will retain a large area of green open space to the side and rear of the building. The plot sizes vary in the surrounding area and as the site will retain a large area of amenity space to the rear, it is considered that the proposal would not be detrimental to the character of the area.

#### Impact on Amenity

Warwick District Local Plan policy BE3 requires all development to have an acceptable impact on the amenity of nearby users or residents and to provide acceptable standards of amenity for future users or occupiers of the development. There is a responsibility for development not to cause undue disturbance or intrusion for nearby users in the form of loss of privacy, loss of daylight, or create visual intrusion. The Residential Design Guide SPD provides a framework for policy BE3, which stipulates the minimum requirements for distance separation between properties and that extensions should not breach a 45° line taken from a window of nearest front or rear facing habitable room of a neighbouring property.

The application site is bordered by residential gardens to the east, these properties are no.10 Highfield Close and no. 7 Borrowell Lane. The design of the building comprises of projecting wings set at angles to one another, the building is angled so no direct views will be available into the private amenity space of the adjoining residential gardens. The building is set in some 15 metres from the side

boundaries and a dense layer of vegetation will exist along the boundary with the neighbouring gardens. The design of the building also includes timber screening to the side facing windows which will provide outlook whilst reducing the perception of overlooking to the neighbours. Officers are satisfied that the distance between the proposed building and the neighbouring gardens, together with the dense level of vegetation that will provide screening, will not result in overlooking and loss of privacy to the neighbouring properties. The proposal complies with the Distance Separation Guidelines and 45 Degree Guideline.

#### Future Occupiers

The proposed development provides an acceptable level of amenity for the future occupiers of the dwelling, all habitable rooms benefit from an adequate

amount of light and outlook. The proposal will result in a total of 18 bedrooms, in accordance with the Residential Design Guide SPD the proposal is required to provide 180 square metres of private amenity space for the future occupiers. The proposal will retain large areas of green open space to the side and rear of the building which would be in excess of the required 180 square metres.

The proposal is considered to have an acceptable level of impact to the neighbouring properties and would provide acceptable living conditions for the future occupiers of the building. The proposal therefore complies with Local Plan policy BE3.

### Ecology

Policy NE3 of the Local Plan requires the protection of biodiversity as part of development proposals. The County Ecological Advisor comments that appropriate notes should be added in relation to bats, amphibians and reptiles. They also require protection measures for two badger setts that were identified at the site, this will be secured via condition.

Taking account of the comments of the Council's Ecological Advisor the proposals would not impact on protected species and subject to appropriate conditions the proposals will comply with Policy NE3 of the Local Plan.

### Parking and Highway Safety

Policies TR1 and TR3 of the Local Plan seek to ensure appropriate levels of car parking and seek to ensure that proposals do not impact on highway safety. The Parking Standards SPD is noted in terms of the amplification to the guidance. In accordance with the National Planning Policy Framework, highway safety should only be used as a reason for refusal where the impact would be severe.

The site is accessed off Barrowfield Lane and currently shares an access with the adjacent Listed Building. The proposal seeks to create a new access off Barrowfield Lane and the existing access will be replaced with planting. The Highways Authority have been consulted who have raised no objection to the scheme subject to a public footway crossing being laid out and the parking to be laid out prior to the occupation of the building, this will be secured via condition.

The proposal seeks to create 4 no. 3 bed apartments and 3 no. 2 bed apartments which would require 14 off road parking spaces in accordance with the adopted Parking Standards SPD, the proposal has demonstrated that 14 spaces will be laid out as part of the development.

Overall the proposal is considered to accord with Policies TR1 and TR3 and will not give rise to highway safety concerns.

### Impact on existing trees

The proposal seeks the removal of a number of trees that are poor quality and have a low amenity value. The proposal seeks to replace these trees with new

trees and additional planting and vegetation. The Tree Officer was satisfied that the removal of trees on site was clearly justified however requested an Arboricultural Statement be submitted to demonstrate the works would not have a harmful impact on the remaining trees. An Arboricultural Statement has been submitted and demonstrated clearly that the works would not be detrimental to the existing trees. The proposal will replace an existing area of non permeable hardstanding to the frontage with a permeable surface and root protection that will improve the situation for the existing trees to the north of the site. Protection measures for the existing trees has been put forward as part of the Arboricultural Statement and a condition requiring these measures to be put in place for the entirety of the construction phase is considered appropriate.

Officers are therefore satisfied that the proposal has addressed the concerns regarding the impact on trees and will not have a harmful impact on the protected trees.

#### Kenilworth Neighbourhood Plan

Policy KP13 of the Kenilworth Neighbourhood Plan requires that development proposals should achieve a standard of design that is appropriate to the local area. Replacement buildings should also have particular regard for the character of the existing built form.

As stated earlier, the area has a mixed character and the site is located in an edge of town centre location with a number of modern buildings in the immediate area. The proposed contemporary design is therefore considered acceptable in this context. The proposal will retain the large amounts of vegetation that currently exists on the site which contributes positively to the street scene. The building whilst contemporary in design respects the scale of development in this area and will read as a two storey building in the street scene to reflect the scale and massing of the existing dwelling on site.

Officers therefore consider the building to comply with Neighbourhood Plan Policy KP13.

#### Other matters

##### *Low Emissions*

The proposal will result in additional vehicular movements and therefore there is a requirement for the provision of electric charging points in accordance with the Council's adopted Low Emissions Strategy SPD. The agent states that two electric charging points will be provided in accordance with the adopted SPD, a condition requiring the installation and details of the charging point is considered necessary and reasonable.

### *Water Efficiency*

A condition to ensure compliance with Policy FW3 will be added to any approval granted.

### *Waste*

Waste and recycling storage are able to be accommodated within the site boundaries.

## **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 drawing(s) SR/3083/pa/300, SR/3083/pa/100, SR/3083/pa/500, SR/3083/pa/700, and specification contained therein, submitted on 06th December 2019 and 11th December 2019. **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 No development shall commence until a detailed badger sett monitoring survey, including timetabled mitigation measures where appropriate, has been carried out by a suitably qualified badger consultant and has been submitted to and approved in writing by the local planning authority. Any approved mitigation measures shall be implemented in accordance with the approved timetable. **REASON:** To safeguard the presence and population of a protected species in line with UK and European Law, the National Planning Policy Framework and Policy NE2 of the Warwick District Local Plan 2011-2029.
- 4 No development or other operations (including demolition, site clearance or other preparatory works) shall commence unless the tree protection measures identified in the Arboricultural Impact Assessment & Method Statement produced by Seed and submitted to the Local Planning Authority on 23rd March 2020 have been put into place and thereafter shall remain in place for the full duration of any such construction work. **REASON:** In order to protect and preserve existing trees within the site which are of amenity value in accordance with Policies BE1 and NE1 of the Warwick District Local Plan 2011-2029.
- 5 The development hereby permitted shall not commence until a Construction Environment Management Plan has been submitted to and approved in writing by the Local Planning Authority. This should include activity surveys of nesting birds and hedgehogs. The agreed Construction Management Plan shall thereafter be implemented in full. **REASON:** To safeguard the presence and population of a protected



species in line with UK and European Law, the National Planning Policy Framework and Policy NE2 of the Warwick District Local Plan 2011-2029.

- 6 The development hereby permitted 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. **REASON:** To ensure that a satisfactory provision of off-street car parking and turning facilities are maintained at all times in the interests of the free flow of traffic and highway safety in accordance with Policies TR1 and TR3 of the Warwick District Local Plan 2011-2029.
- 7 The access to the site for vehicles shall not be used unless a public highway footway crossing has been laid out and constructed in accordance with the standard specification of the Highway Authority. **REASON:** In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.
- 8 No development shall be carried out above slab level unless and until samples of the external facing materials to be used have been submitted to and approved in writing by the local planning authority. The development shall only be carried out in 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 locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029.
- 9 The landscaping plan shall be completed within three months of the first occupation of the development hereby permitted in full accordance with the details as shown on approved drawings 16459-VL-MCD\_L01A, 16459-VL-MCD\_L02A and specification contained therein submitted on 12th February 2020. 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.
- 10 Prior to the occupation of the dwelling(s) hereby permitted, two 16amp (minimum) electric vehicle recharging point shall be installed in accordance with details first submitted to and approved in writing by the Local Planning Authority (LPA). Once the electric vehicle recharging point(s) has been installed, the following verification details shall be

submitted to and approved in writing by the LPA: (1). Plan(s)/ photograph(s) showing the location of the electric vehicle recharging point(s); (2). A technical data sheet for the electric vehicle recharging point infrastructure; and (3). Confirmation of the charging speed in kWh. Thereafter the electric vehicle recharging point(s) shall be retained in accordance with the approved details and shall not be removed or altered in any way (unless being upgraded). **REASON:** To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan and the Air Quality and Planning Supplementary Planning Document.

- 11 The development hereby permitted shall not be occupied unless and until a scheme showing how a water efficiency standard of 110 litres per person per day based on an assumed occupancy rate of 2.4 people per household (or higher where appropriate) will be achieved has been submitted to and approved in writing by the Local Planning Authority. No dwelling/ unit shall be first occupied until the works within the approved scheme have been completed for that particular dwelling / unit in strict accordance with the approved details and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications. **REASON:** To ensure the creation of well-designed and sustainable buildings and to satisfy the requirements of Policy FW3 of the Warwick District Local Plan 2011-2029
- 12 No development shall be carried out above slab level until details of 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 have been submitted to and approved in writing by the local planning authority. The development shall be carried out in strict accordance with these approved details or any subsequently approved amendments. **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 Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
- 13 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 . Any tree(s) or shrub(s) removed, dying, or being severely damaged or diseased or becoming, 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/ within the next planting season] with tree(s) and shrub(s) of the same size and species as that originally planted . 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 landscape features 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 BE1 and NE1 of the Warwick District Local Plan 2011-2029.

- 14 The development hereby permitted shall not be occupied unless and a bin store has been constructed or laid out, and made available for use by the occupants of the development in strict accordance with details that shall have been submitted to and approved in writing by the local planning authority. Thereafter the bin store shall be kept free of obstruction and be available at all times for the storage of refuse associated with the development. **REASON:** To ensure the satisfactory provision of refuse storage facilities in the interests of amenity and the satisfactory development of the site in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029.
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