

Planning Committee: 25 May 2005

Principal Item Number: 01

Application No: W 04 / 2143

Registration Date: 02/12/2004

Town/Parish Council: Leamington Spa

Expiry Date: 27/01/2005

Case Officer: Alan Coleman

01926 456535 planning_east@warwickdc.gov.uk

Archway House & Droskyn, Kenilworth Road, Leamington Spa, CV32 5TL

Demolition of existing dwellings, erection of a detached building containing 13 apartments on 3 and 4 floors, erection of a detached one and half storey dwelling to the rear, construction of new vehicular access FOR Milcel Ltd

This application was deferred at Planning Committee on the 3 May 2005, to enable a site visit to take place on 21 May 2005. The report which follows is that which was presented previously in either the ' Committee report or the attached addendum.

SUMMARY OF REPRESENTATIONS

Town Council:" *Objection is raised for the following reasons:*

- 1. The development proposed will result in unacceptable intrusion and loss of privacy to those immediate neighbouring dwellings, by virtue of the over dominance of the apartments. In this context the application is therefore considered contrary to Policy DP1 of the Local Plan, in that it does not respect the surrounding buildings in terms of scale, height or form.*
- 2. The demolition of the existing pair of houses, which are perfectly sound units of accommodation, is considered unnecessary.*
- 3. The generation of significant numbers of additional vehicles onto the busy Kenilworth Road, in proximity to the entrance to a school, would be detrimental to highway safety.*
- 4. The proposal would result in the loss of a significant area of amenity space that presently provides natural habitat for wildlife."*

Highway Authority:

"Due to the three-lane carriageway, the right turn out of the development site bears a risk of conflict as drivers have to cross the southbound lane and the northbound right turning lane to get into the northbound inside lane. This may also create weaving movements when drivers got on the right turning lane and then are trying to get into the northbound inside lane. Visibility may be restricted due to queuing vehicles in either direction. At busy times, drivers may become impatient and take risks in the face of oncoming traffic. This may be exaggerated when drivers at the same time wait to turn in and out of the site. Drivers may be tempted to turn left out of the site instead, with the intend of turning at another location eventually, which may or may not be safer. This would also result in increased traffic movement.

Drivers in the northbound direction may approach the entrance to the site on the right turning lane. Following drivers may misread their intend to turn right into the site as an intend to turn right at the signal controlled crossroads. This could result in rear-end shunt incidents or drivers becoming impatient and attempting to undertake, again resulting in weaving movements."

Amended Plans

"In response to further discussion, the applicant has re designed the proposed vehicular access in order to provide drivers with 'left only' when entering the highway.

This modification as shown on drawing No 1099/03h is acceptable to both TMS Safety Audit Engineer and WCC Road Safety Unit.

In the circumstances there are no longer highway objections subject to the following:

Detailed engineering drawing of proposed access to be submitted for approval by the District/County Planning Authority.

The use of the site hereby permitted shall not be occupied until all parts of existing accesses to Kenilworth Road, not included in the proposed means of access, have been permanently closed and the public highway features, including the kerb line have been reinstated in accordance with details approved in writing by the District /County Planning Authority."

WCC Planning: The proposal complies with the General Development policies of the Structure Plan which direct most new residential development to towns with more than 8,000 people. Commuted sums of £23,392.00 (education), £1,208.00 (library) and £1,092.00 (public transport) will also be required in relation to the proposals to be secured by a Section 106 Agreement.

WCC (Ecology): Recommend a bat survey is undertaken to establish the location of any bat roost(s) and to identify suitable mitigation measures for their protection during and after demolition/redevelopment.

WDC (Leisure & Amenities):No objection.

Neighbours: 22 letters of objection on grounds relating to:-

- harm to highway safety from a) increase in traffic movements onto a busy main road in the vicinity of a school, particularly at peak times, and b) inadequate car parking leading to an increase in demand for roadside parking on a busy main road and surrounding streets that currently experience problems of congestion;
- harm to neighbouring residents amenities from loss of privacy through overlooking, over dominant, over bearing and intrusive visual impact, restricted sun and daylight and noise and disturbance arising from the intensification in the residential use of the site and unfettered movement of vehicles;
- inappropriate overdevelopment of site that would
 - a) harm the ecological and environmental character and appearance of the site and surrounding area by the loss of established trees, the impact on the continued health of existing trees to be retained from construction works/pressure for felling by future residents and the loss of the open and unspoilt nature of the garden land, and;
 - b) constitute unacceptable piecemeal development on a site of restricted size that would be out of character with the existing pattern of development in the locality;
- harm to the character and appearance of the street scene and setting of the adjacent conservation area by reason of the siting, size, scale, design, mass, width, depth, height and bulk of the development in itself and in relation to neighbouring properties, contrary to the principles of the Rock Townsend Report. relating to design of new development for Leamington Spa

Amended Plans - the agent for the residents of 21 Arlington Avenue has written to confirm objections on grounds of unacceptable highway danger with "bizarre" compromise no right turn arrangement, inappropriate backland development of one

dwelling which will be a precedent for opening up other gardens for development, and inappropriate design for the new building which devalues other nearby buildings in Conservation Area and is of “peculiar proportions and style”.

RELEVANT POLICIES

National Statements of Planning Policy

Planning Policy Guidance Note 1: *General Principles*

Planning Policy Guidance Note 3: *Housing*

Planning Policy Guidance Note 13: *Transport*

Warwickshire Structure Plan 1996-2011

Policy GD.1 (overriding purpose)

Policy GD.3 (overall development strategy)

Policy GD.4 (strategic constraints)

Policy GD.5 (development location priorities)

Policy ER.1 (natural and cultural environmental assts)

Policy H.1 (provision of housing land)

Policy H.3 (greenfield land for housing)

Policy T.1 (transport objectives)

Policy T.4 (the impact of development on the transport system)

Policy T.5 (influencing transport choice)

Warwick District Local Plan 1995

Policy (DW) ENV3 (Development Principles)

Policy (DW) ENV3A (Sustainable Development and Energy Conservation)

Policy (DW) H5 (Infill development)

Policy (DW) H22 (Intensification of Residential Uses)

NB. Planning Committee on 28th January 2002 resolved that policies H22 (on housing density) and T7 (car parking) were not in conformity with the Warwickshire Structure Plan.

Warwick District Local Plan 1996-2011 (First Deposit Version)

Policy DP1 (Layout and Design)

Policy DP2 (Amenity)

Policy DP3 (Natural Environment)

Policy DP5 (Density)

Policy DP6 (Access)

Policy DP7 (Traffic Generation)

Policy DP8 (Parking)

Policy UAP1 (Directing New Housing Development).

Policy SCP1 (Securing a Greater Choice of Housing)

Distance Separation (Supplementary Planning Guidance)

The 45 Degree Guideline (Supplementary Planning Guidance)

PLANNING HISTORY

Planning application W20041603 for the erection of a detached building of 12 apartments and 2 no. detached dwellings at the rear of the site was withdrawn on 26 October 2004 in light of highway safety concerns and to allow consideration of the current revised application.

In the immediate vicinity of the application site, planning permission was granted by this 'Committee at the last meeting for the conversion of the 'Peacehaven' residential care home at 12 Kenilworth Road to 4 flats and 3 maisonettes and erection of a linked detached dwelling to coach house at rear (WDC Ref: WO5/0041). An application for erection of a bungalow at the rear of the neighbouring property at 14A Kenilworth Road was refused in 1997 under application W970790, which was subsequently dismissed at appeal.

KEY ISSUES

The Site and its Location

The site comprises 2 no. detached 2-storey dwellings known as 'Archway House' and 'Droskyn' that stand on the eastern side of Kenilworth Road within a predominantly residential area adjoining the Leamington Conservation Area. The site has a total area of 0.288 ha and contains a number of mature trees and shrubs, including a Scots Pine tree which is covered by a Preservation Order. The site is adjoined by the rear gardens of neighbouring houses in Kenilworth Road and Lillington Avenue to the north and Arlington Avenue to the east. The grounds of the apartment building at Parmiter House and the gardens of 14 and 14a Kenilworth Road adjoin the site to the south. Archway House abuts the boundary with Nos. 14/14a and is separated from it by the width of the driveway serving these properties. The main entrance to No. 14 is within the side elevation which also contains a large first floor picture window serving the staircase. There is also a bathroom window at first floor in the rear elevation. 'Archway House' and 'Droskyn' are each served by individual driveway access from Kenilworth Road that also provides off-street parking.

Details of the Development

The proposals entail the demolition of the existing dwellings and replacement by a 3-storey detached building with a rear wing projecting into the site to accommodate 13 apartments on 3/4 floors, together with a detached mews dwelling at the rear of the site. Access would be maintained from the Kenilworth Road via the existing driveway opening to Archway House, which would also be altered in accordance with the recommendations of an independent Stage One Safety Audit. The driveway would extend into the site along the southern boundary, thereby setting the side elevation of the apartment building off the boundary by some 3 -3.5 metres. The boundary wall would be maintained at a height of between 2.25 and 3.3 metres for the depth of Archway House. Provision for 12 spaces to serve the flats is proposed, which would be laid out at the rear of the building. Provision for a disabled parking space is proposed at the front of the site. The mews dwelling would be served by an integral garage and a driveway parking space, which would be accessed via the parking court. The mews dwelling stands in self-contained grounds separated from the parking court by a 2m high screen wall across the width of the site either side of the

driveway opening. The Scots Pine would be retained within the grounds of the mews dwelling, together with the majority of boundary trees. However, 4 trees would be felled to accommodate the dwelling. A further 4 trees are proposed to be felled to accommodate the apartment building.

The apartment building itself would stand on broadly the same building as 'Archway House' and 'Droskyn' so that it would be set back from the highway by some 6.5 metres. It would have a width of some 20.5 metres decreasing to 10.4 metres at the rear. It would stand approximately 2 metres off the boundary with Clive House to the north and over 10 metres off the boundary with 14 Kenilworth Road to the South. The main body of the building would have a depth of some 10.5 metres, increasing overall to 29 metres. The apartment building would incorporate a corner tower feature that would stand 11.5 metres at the eaves and 13.6 metres at the ridge whilst the main body would descend in height to 10.4 - 11.4 metres at the ridge and 8 metres at the eaves. The rear wing would decrease in height from 7.5 metres to 7 metres at the ridge with a consistent eaves height of 5.6 metres.

In contrast, the mews dwelling would be "L" shaped. Across the main body it would stand some 7.5 metres at the ridge and 3.5 metres at the eaves. The garage would be contained in a projecting wing to the front elevation that would be 5.7 metres in height at the ridge and 2.5 metres in height at the eaves. The dwelling would stand between 4 - 4.5 metres off the rear boundary with the adjoining dwellings in Arlington Avenue, 2 metres off the northern boundary and over 6 metres away from the southern boundary. There would be a distance of some 31 metres between the mews dwelling and apartment building at their closest point.

Assessment

It is considered that the application raises the following issues:

1. The Principle of Development

The site is not within a Conservation Area. Thus, the demolition of the existing houses is not subject to planning control and does not require planning permission. PPG3: *Housing* states that the Government is committed to promoting more sustainable patterns of development by concentrating new housing development within urban areas, making more efficient use of land by maximising the re-use of previously developed land. The definition of previously developed land is set out in PPG3 as follows:-

"Previously-developed land is that which is or was occupied by a permanent structure (excluding agricultural or forestry buildings) and associated fixed surface infrastructure. The definition covers the curtilage of the development. The curtilage is defined as the area of land attached to a building. All of the land within the curtilage of the site will also be defined as previously developed land....."

It is therefore clear that the garden of a dwelling is classified as previously developed land. Indeed, the inclusion of gardens as residential land capable of development has been part of the land use classification system since 1975. Whilst noting the objections raised in principle to the loss of the existing dwellings and the residential redevelopment of the site, I consider such an objection could not be sustained in

principle and inasmuch as it has not been formally allocated for development in the Local Plan, it properly falls to be considered as a 'windfall site'.

2. Impact on Character and Appearance

Pertinent advice is contained in national statements of planning policy, namely Planning Policy Statement 1 and Planning Policy Guidance Note 3: *Housing*. PPS 1 encourages Local Planning Authorities to consider the land use requirements for various types of housing and then to make effective use of land within their urban areas whilst protecting open space, playing fields and green spaces. The Guidance Note makes it clear that the appearance and treatment of the spaces between and around buildings is often of comparable importance to the design of buildings themselves and that it is proper to seek to promote and reinforce local distinctiveness, particularly where development proposals may have a significant affect on the character or quality of the area within which they are proposed.

PPG 3 continues this theme. While recognizing that it is necessary to provide sufficient housing within an area and at an appropriate mix of dwellings, size, type and affordability, it states clearly that not all land defined as “previously developed land” should, therefore, be re-developed. In such circumstances, it is important for the Local Planning Authority to make a judgment bearing in mind a wide range of planning considerations which must take into account such factors as how the site relates to the surrounding area, the character of the area, policies for the protection of open space etc.

This guidance is well set out in paragraphs 54-56 of PPG 3 which identifies that the Government’s objectives to make the best use of previously developed land should not be seen in isolation. A parallel motive is the need to improve the quality and attractiveness of residential areas. In seeking to achieve these objectives Local Planning Authorities and developers are encouraged to think imaginatively about designs and layouts which make more efficient use of land. However, such proposals must be brought forward “*without compromising the quality of the environment*”.

Objections have been lodged on the grounds that the proposed development would harm the character and appearance of the area and wholly compromise the quality of the environment in a manner contrary to the motives of paragraph 54 of PPG3 in terms of its density, height/size/scale/massing and spatial relationship with the neighbouring properties.

Density - The existing density of the site equates to some 7 dwellings per hectare. The proposed scheme would have density of 47.9 dwellings per hectare. PPG3 (Housing) advises, however, that land is a finite resource and urban land can often be underused; it advises in paragraph 58 that local authorities should therefore encourage housing development which makes more efficient use of land, between 30 and 50 dwellings per hectare whilst avoiding development below 30 dwellings per hectare; no upper limit is placed on an acceptable level of density. The question of appropriate site density, however, has to take account of the aims of good design and layout and the advice in PPG3 that new housing development should not be viewed in isolation but must be informed by the wider context, having regard not just to any immediate neighbouring buildings but the townscape and landscape of the wider locality.

In this instance, I am mindful that the character of the wider locality around the site is mixed with low density detached housing adjoining and adjacent to the application site to the north, east and south with higher density development adjoining the site to the south east at Parmiter House in Arlington Avenue and the neighbouring apartment buildings at England House, Lucas House, Saunders House, Oakfield House and Norwood House in Binswood Avenue. Clearly the proposal will still result in a substantial increase in the density of the site. However, the site lies within walking distance of the town centre and is in a sustainable location where higher densities are encouraged. Indeed, given the density of the adjacent apartment buildings in Arlington and Binswood Avenue, I do not consider that this increase would, in itself or cumulatively, result in harm to the character of the area in these terms or represent inappropriate overdevelopment of the site. I am therefore of the opinion too that the proposal represents a responsible stewardship of land within a sustainable location and will make positive use of previously developed land as advocated by PPG3.

Scale/Massing/Height/Design - A design statement has been submitted in support of the proposals. This states ...

"The proposed application site is part of a previous much larger property "Sherbourne House" sited on the corner between Kenilworth Road and Lillington Avenue. This house was demolished and a number of smaller detached houses built circa 1930 to 1940's. These brick houses, including Archway House, are totally at odds with the architectural character of the original properties in Kenilworth Road.

The proposal is to create a building which will sit more happily in the character of the original street scene, combining the materials, massing and detail to form a far more appropriate architectural solution than currently exists.

The layout respects the existing surrounding properties being carefully designed to step towards the centre of the site to ensure the majority of windows face down the garden, away from the properties on either side.

The tower has been incorporated to relate in scale to the adjoining tower on number 14 Kenilworth Road. The remaining part of the apartment block is designed to incorporate a bay window and entrance details to match many of the existing Victorian houses found in Kenilworth Road.

The property to the rear has been designed to a modest 1.5 storey height within a walled courtyard to represent a coach house which might well have been found to the rear of a large house in Kenilworth Rd. The courtyard has been carefully sited around the existing pine tree to ensure its retention."

I note the objections raised by neighbours to this aspect of the proposals. Whilst the proposed building would be larger than its immediate neighbours, nevertheless I consider it would be domestic in scale and in terms of its mass and bulk similar to the more modern apartment buildings in Arlington Avenue and Binswood Avenue. In addition, the use of a 3-storey bay window and decorative features would both break up the mass of the building and reflect the style of the older buildings in the vicinity of the site. In my opinion, the design and layout of this scheme has been informed by and respects its surroundings and I consider that the proposed development would

complement both the street scene in this part of Kenilworth Road and the setting of the Conservation Area.

Landscape - I note that a number of trees on the site would be felled to accommodate the development and for reasons of sound arboricultural management due to their condition. This aspect of the proposals is supported by a report from a qualified arboriculturalist. Concerns have also been expressed by neighbouring residents regarding the impact of the development on the continued health of the remaining trees to be retained, including the TPO'd Scots Pine. However, subject to appropriate conditions regarding the protection of these trees during construction works, I consider the proposals would be acceptable in these terms and that the visual amenity and environmental character of the site would not be unduly harmed. Indeed, I note that no fundamental objection to this aspect of the proposals has been raised by either the County Council (Ecology) or District Council (Leisure & Amenities).

3. Car Parking and Highway Safety

Neighbouring residents have also expressed concerns regarding the impact of the development on highway safety arising from the level of car parking provision proposed to serve the development. It is considered that this would be insufficient and would increase demand for on-street parking on Kenilworth Road and the surrounding streets, which currently experience problems of congestion.

Provision for 13 parking spaces is made within the site to serve the proposed flats, together with 2 spaces to serve the mews dwelling. Government advice is to seek an average of 1.5 spaces per dwelling, implying that in some locations there may be a need for more parking and in others less. The proposed parking provision is below this average. However, there is a bus stop within 50 metres of the site outside 12 Kenilworth Road that provides regular services to the town centre, which is also within easy walking distance of the site, and access to services and facilities, employment areas and the railway network. Given the location of the site in a relatively sustainable location along a principal public transport route, I am satisfied that the parking provision is in line with government guidance and is not unreasonable for a site of this nature.

The initial response of the Highway Authority to the application was an objection on highway safety grounds. The scheme has now been amended to address these concerns by the introduction of a dedicated left-hand exit from the site. The Highway Authority have now confirmed no objection to the scheme, stating that in reaching their decision they have taken into account the usage of the access and traffic flows on Kenilworth Road. I am therefore of the opinion that there are insufficient grounds for raising an objection to the proposals on either highway safety or car parking grounds. The lack of objection from the Highway Authority reinforces my view on this issue.

4. Residential Amenity

In comparison with the existing density and layout of the site, the proposals would result in a significant intensification in the residential use of the site and would, in my opinion, undoubtedly have an impact on the living conditions of neighbouring

residents. However, I consider that the proposed apartment building and mews dwelling would be sufficiently distant from existing properties to ensure that the proposal would not have an unacceptable impact on the privacy, visual amenities and levels of day and sunlight enjoyed by neighbouring residents. The amount of activity within the site would also inevitably increase, particularly by reason of the introduction of car parking and driveway access adjacent to neighbouring garden areas. However, such noise would be domestic in nature and I do not consider it would be unacceptable.

Whilst I note neighbouring residents concerns regarding the potential precedent the proposed development would set for further development of a similar nature in the surrounding area, nevertheless it is a fundamental planning principle that each proposal should be considered on its own merits.

REASON FOR RECOMMENDATION

The proposal is considered to comply with the policies listed above.

RECOMMENDATION

GRANT after completion of a Section 106 agreement to cover education, library and public transport contributions, subject to the following conditions :

- 1 The development hereby permitted must be begun not later than the expiration of five 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 strictly in accordance with the details shown on the approved drawings 1099/02, 04B, 05B, 06C, 07C, 09B, 10 and 11 and specification contained therein, submitted on 2 December 2004, approved drawings 1099/07C and 09B and specification contained therein, submitted on 10 January 2005 and approved drawing 1099/03h and specification contained therein, submitted on 24 March 2005 unless first agreed otherwise in writing by the District Planning Authority. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policy (DW) ENV3 of the Warwick District Local Plan 1995.
- 3 No development shall be carried out on the site which is the subject of this permission, until large scale details of doors, windows (including a section showing the window reveal, heads and cill details), rooflights, eaves, verges and rainwater goods at a scale of 1:5 have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. **REASON** : To ensure an appropriate standard of design and appearance for the development and the setting of the adjacent the Conservation Area, and to satisfy Policy (DW) ENV8 of the Warwick District Local Plan 1995.
- 4 All window frames shall be constructed in timber, painted and not stained. **REASON** : To ensure an appropriate standard of design and appearance

for the development and the setting of the adjacent the Conservation Area, and to satisfy Policy (DW) ENV8 of the Warwick District Local Plan 1995.

- 5 Samples of all external facing and surfacing materials to be used for the construction of the development hereby permitted, shall be submitted to and approved by the District Planning Authority before any constructional works are commenced. Development shall be carried out in accordance with the approved details. **REASON** : To ensure an appropriate standard of design and appearance for the development and the setting of the adjacent the Conservation Area, and to satisfy Policy (DW) ENV8 of the Warwick District Local Plan 1995.
- 6 The roofing material for the development shall be natural slate, a sample of which has been submitted to and approved in writing by the District Planning Authority. The development shall be carried out in accordance with the approved details. **REASON** : To ensure an appropriate standard of design and appearance for the development and the setting of the adjacent the Conservation Area, and to satisfy Policy (DW) ENV8 of the Warwick District Local Plan 1995.
- 7 All rainwater goods for the development hereby permitted shall be metal and no development on site shall take place until a sample of the rainwater goods has been submitted to and approved by the District Planning Authority. **REASON** : To ensure an appropriate standard of design and appearance for the development and the setting of the adjacent the Conservation Area, and to satisfy Policy (DW) ENV8 of the Warwick District Local Plan 1995.
- 8 The development hereby permitted shall not be brought into use until all parts of existing accesses to Kenilworth Road, not included in the proposed means of access, have been permanently closed and the public highway features, including the kerb line, have been reinstated in accordance with details approved in writing by the District Planning Authority. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy (DW) ENV3 of the Warwick District Local Plan 1995.
- 9 Detailed drawings shall be submitted to and approved by the Local Planning Authority before any work is commenced to indicate the finished site and ground floor levels intended at the completion of the development in relation to the existing site levels and the levels of the adjoining land and the development shall be carried out and completed in accordance with the details so approved. **REASON** : To protect the character of the area and the amenities of adjoining occupiers in accordance with the requirements of Policy (DW) ENV3 of the Warwick District Local Plan 1995.
- 10 No development shall be carried out on the site which is the subject of this permission, until satisfactory details of boundary treatment have been submitted to and approved by the District Planning Authority and the development shall not be carried out otherwise than in full accordance with such approved details. **REASON** : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy ENV3 of

the Warwick District Local Plan.

- 11 No lighting shall be fixed to the external walls or roofs of the buildings hereby permitted, or on any open land within the application site without the written consent of the District Planning Authority. **REASON** : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy (DW) ENV3 of the Warwick District Local Plan 1995.
- 12 The car parking areas shown on the approved plans shall be constructed prior to occupation of the development and thereafter be permanently retained for parking purposes for the development hereby permitted. **REASON** : To ensure that adequate parking facilities are retained for use in connection with the development, in accordance with the requirements of Policy (DW) ENV3 of the Warwick District Local Plan 1995.
- 13 A landscaping scheme, incorporating existing trees and shrubs to be retained and new tree and shrub planting for the whole of those parts of the site not to be covered by buildings shall be submitted to and approved by the District Planning Authority before the development hereby permitted is commenced. Such approved scheme shall be completed, in all respects, not later than the first planting season following the completion of the development hereby permitted, and any trees removed, dying, being severely damaged or becoming seriously diseased within five years of planting, shall be replaced by trees of similar size and species to those originally required to be planted. Existing trees which are shown as being retained shall be dealt with in accordance with BS 5837:1991. In particular, before any materials are brought on the site or any demolition or development commenced, stout protective fencing should be erected to enclose the perimeter of the branch spread of each tree or shrub to be retained, together with the branch spread of any tree growing on adjoining land which overhangs the site. Such fencing shall be satisfactorily maintained until all development has been completed. **REASON** : To protect and enhance the amenities of the area, and to satisfy the requirements of Policy (DW) ENV3 of the Warwick District Local Plan 1995.
- 14 Before the development hereby permitted is begun details of the method for the protection of all retained trees shall be submitted to and approved in writing by the District Planning Authority. The details shall include the plans of protection zones around the trunks of all retained trees together with the protection of these zones by fencing that is a minimum of 1.2 metres high in accordance with the section 8 and figures 4 to 6 of the BS 5837 : 1991 Guide for trees in relation to construction sites'. The erection of fencing for the protection of these retained trees shall be undertaken before any equipment, machinery or materials are brought onto the site for the purposes of the development and shall be retained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made without the written consent of the District Planning Authority. **REASON** : To ensure that the retained trees are properly protected during the course of development in order to maintain

the environmental quality of the site and the surrounding area, and to satisfy Policy (DW)ENV3 of the Warwick District Local Plan 1995.

- 15 Before the development hereby permitted is begun a statement of the proposed method of implementing the construction of the development shall be submitted to and be approved, in writing, by the District Planning Authority. The details shall include the sequencing of operations, the method of construction of the driveway, forecourt parking area (including re-surfacing works and surfacing materials), access works and provision of drains, services and utilities in the vicinity of the adjacent trees to be retained within and adjacent to the site and the methods of protecting root systems of all trees to be retained within and adjacent to the site during the construction process from direct or indirect damage. Operations on the application site shall be carried out in accordance with the approved details and no part of the operations shall be amended or omitted without the prior written approval of the District Planning Authority. **REASON** : To ensure that the retained trees are properly protected during the course of development in order to maintain the environmental quality of the site and the surrounding area, and to satisfy Policy (DW)ENV3 of the Warwick District Local Plan 1995.
- 16 The existing trees shown on the approved plans to be retained shall not be wilfully damaged or destroyed, uprooted, felled, lopped or topped without the prior written consent of the District Planning Authority. Any trees removed or dying or being severely damaged or becoming seriously diseased shall be replaced with healthy trees of such size and species as may be agreed in writing by the District Planning Authority. **REASON** : To ensure that the retained trees are properly protected during the course of development in order to maintain the environmental quality of the site and the surrounding area, and to satisfy Policy (DW)ENV3 of the Warwick District Local Plan 1995.
- 17 Before any works are undertaken within the protected zones of the retained trees, including excavations, topping, lopping or pruning, 7 days written notice of the nature of this work shall be given to the District Planning Authority to enable the work to be considered with the benefit of a site visit(s) from officer(s) of the Council. The approved works shall not commence until written approval has been given by the District Planning Authority. **REASON** : To ensure that the retained trees are properly protected during the course of development in order to maintain the environmental quality of the site and surrounding area, and to satisfy Policy (DW)ENV3 of the Warwick District Local Plan 1995
- 18 Before any works for demolition are first commenced, a survey of the premises by a qualified bat surveyor shall be undertaken to demonstrate the presence, absence or usage of the premises by bats. In the event that the survey demonstrates the presence or usage of the premises by bats, a report recommending mitigation measures to ensure any bats will be protected during the demolition works shall be submitted to and approved in writing by the District Planning Authority before the demolition works are

commenced. The approved mitigation measures shall be wholly implemented strictly as approved. **REASON:** To ensure the protection of bats and compliance with Policy (DW) ENV27 of the Warwick District Local Plan 1995.

- 19 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking and re-enacting that Order with or without modification), no development shall be carried out on the proposed detached dwelling which comes within Parts 1 and 2 of Schedule 2 of this Order, without the prior permission of the District Planning Authority. **REASON :** This site of the dwelling is of a restricted size and configuration and is in close proximity to other dwellings. It is considered appropriate therefore to retain control over future development to ensure that the residential amenity of this locality is protected in accordance with the provisions of (DW) Policy ENV3 of the Warwick District Local Plan 1995.
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Planning Committee: 25 May 2005

Principal Item Number: 02

Application No: W 05 / 0329

Registration Date: 28/02/2005

Town/Parish Council: Leamington Spa

Expiry Date: 25/04/2005

Case Officer: Joanne Fitzsimons

01926 456534 planning_east@warwickdc.gov.uk

Abbacourt Hotel, 40 Kenilworth Road, Leamington Spa, CV32 6JF

Part demolition of existing hotel. Extension and conversion to form 14 no. apartments
FOR Court (Warwickshire) Limited

This application was deferred at Planning Committee on the 3 May 2005, to enable a site visit to take place on 21 May 2005. The report which follows has been updated to reflect comments in the addendum for the previous meeting.

SUMMARY OF REPRESENTATIONS

Town Council:

Comment that they have concerns regarding the access arrangements and in the interests of Highway safety suggest that access is via Woodcote Road.

English Heritage:

Do not wish to make any representations on this occasion.

The Leamington Society:

While we regret the loss of the hotel we recognise that this is a good design with adequate car parking, garden and trees.

Conservation Area Advisory Forum (CAAF):

This was welcomed as a better approach than the original complete demolition. The doors should be the same rather than a variety of styles and the lift towers would be better addressed in a different way. The Road should be adopted. Landscaping would be needed and care would be needed when tarmacing around the existing trees.

WDC Environmental Health:

No comments.

WDC Leisure & Amenities:

The location of the access is certainly an improvement on the previous scheme from a tree point of view. Protection must be provided around the redwood in the front, at a distance of not less than 5 metres from the stem. Details should be provided of the

means of breaking out the existing hard surface and the construction of the proposed parking spaces in proximity to this tree.

W.C.C Highways:

No objection subject to no more than 1 access for vehicles, which should be maintained from Woodcote Road, access width, access not be constructed so as to reduce effective capacity of any drain, highway verge, closure of existing accesses, turning area and spaces being marked out.

W.C.C Ecology:

Recommend a bat survey is carried out.

Neighbours:

8 residents from Ambassador Court object to the proposal on the following grounds: Proximity to Ambassador Court – the line of the development has increased significantly and is now nearer to Ambassador Court, almost to the boundary line and will as a result seriously interfere with both light and privacy; car parking – the number of spaces are inadequate and will result in an overspill onto Woodcote Road and possibly Kenilworth Road - the new development will cause traffic congestion; concern regarding light restriction to the apartments as there are mature tree and hedge line along the southern boundary of Ambassador Court.

1 local resident has submitted 3 letters of objection on grounds that the access from Woodcote Road would be out of keeping with the rhythm of the properties along Kenilworth Road which have accesses onto Kenilworth Road; increased use of Woodcote Road which is in a frail condition and should be resurfaced in its entirety; proposed density is very high; not on good transport link.

A further letter from a number 38 Kenilworth Road, raising objections:-

- Conservation grounds – All sites on Kenilworth Road have one or two accesses to Kenilworth Road. The hotel has had access on to Kenilworth Road with another tradesman entrance off Woodcote Road. The reduction to one access will disrupt the balance and rhythm and the proposal will look like a prison. A Horse Chestnut tree has to be felled to allow for the new access. Loss of amenity with all the undiluted traffic hovering exactly in front of our study and bedroom because of the new position of the access.
- Safety grounds – The Highway Authority has had no hesitation regarding safety in approving nearly 100 flats from Ince House to Archway & Droskyn in a stretch of Kenilworth Road that does not span half a mile. It is therefore hypocritical to advocate safety in order to divert all the traffic from and to the cul-de-sac. There has been no problem with traffic from the hotel. In practical terms there is no difference in exiting the cul-de-sac as there is using the existing access.
- Legal grounds – The cul-de-sac does not belong to highways, nor indeed to the Council to over-divert traffic and monopolise it.
- There must be conditions attached for the repair and maintenance of the road as its present condition cannot take the damage of the demolition or the construction traffic. It must be resurfaced altogether.

- The non-disturbance of the sub-terranean stream.
- Any lighting.
- The preservation of all existing outlets of drainage during construction/demolition as we have been badly flooded in the past.
- Please note that the Town Council in their comments to the first application (W04/0814) commented on the unadoptable status of Woodcote Road and considered that the status of the stream should be investigated.

1 neighbour letter raises objection on grounds of potential flooding and implications for surface water drainage as to part resurface Woodcote Road would result in a build up of water at the eastern end, increasing flood to Bell Tower Cottage, Bell Tower Mews and Killock Cottage.

2 neighbour letters raise no objection; however considers the whole of Woodcote Road should be upgraded and the bin storage would be better relocated as there is often a bad odour emanating in the summer.

RELEVANT POLICIES

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)
 DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 First Deposit Version)
 DP2 - Amenity (Warwick District Local Plan 1996 - 2011 First Deposit Version)
 UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011 First Deposit Version)
 DP5 - Density (Warwick District Local Plan 1996 - 2011 First Deposit Version)
 DP6 - Access (Warwick District Local Plan 1996 - 2011 First Deposit Version)
 SPG - Distance Separations
 (DW) ENV6 - Protection and Enhancement of Conservation Areas (Warwick District Local Plan 1995)
 (DW) ENV8 - New Development within Conservation Areas (Warwick District Local Plan 1995)
 DAP10 - Protection of Conservation Areas (Warwick District 1996 - 2011 First Deposit Version)
 DAP11 - Unlisted Buildings in Conservation Areas (Warwick District 1996 - 2011 First Deposit Version)
 (DW) ENV7 - Demolition of Non-Listed Buildings within Conservation Areas (Warwick District Local Plan 1995)
 PPS1 - Planning Sustainable Development (Government Guidance)
 PPG3 - Housing (Government Guidance)
 PPG15 - Planning and the Historic Environment (Government Guidance)
 GD1 - Overriding Purpose (Warwickshire County Structure Plan 1996-2011)
 GD3 - Overall Development Strategy (Warwickshire County Structure Plan 1996-2011)
 H1 - Provision of Housing Land (Warwickshire County Structure Plan 1996-2011)

PLANNING HISTORY

Previous planning applications relate mainly to signage and conversion of loft space for additional bedrooms to serve the hotel use. A previous application, reference W04/0814 has been lodged with the Planning Inspectorate against the Council's

failure to determine the application. A report in December 2004 was presented to Members of the Planning Committee to seek views on the proposal. The result of that meeting determined to base the Council's appeal statement on the following deemed refusal reasons:

District-Wide Policy ENV7 of the Warwick District Local Plan 1995 states that permission will not normally be granted for the demolition of non-listed buildings which contribute to the overall character or appearance of a Conservation Area. This is reflected in Policy DAP11 of the emerging Warwick District Local Plan 1996-2011 (first deposit version) which states that applications for total demolition of unlisted buildings will only be permitted where the detailed design of the replacement can demonstrate that it will bring about a genuine qualitative improvement to the Conservation Area and to the setting of adjacent buildings. These policies support Government Advice contained in PPG15 Planning and the Historic Environment which sets out criteria against which applications for demolition are tested.

The application site relates to an early nineteenth Century building in a prominent corner location on Kenilworth Road and Woodcote Road. As an early example of substantial houses of this period it is considered that it provides a positive contribution to the character and appearance of the Conservation Area by reason of its general character, with a particularly prominent doorcase with distinctive well handled detailing. In the opinion of the District Planning Authority, this building sits well alongside the rather more typical mid-nineteenth century houses in Kenilworth Road and positively adds to the character of the Conservation Area and is not considered that the applicant has successfully provided any special circumstances to override the advice contained in PPG15 or local plan policies.

Policy (DW) ENV6 of Warwick District Local Plan 1995 states that Conservation Areas in the District will be protected from development which would have a detrimental effect upon their character or appearance. In addition, Policy (DW) ENV8 requires that within Conservation Areas, development proposals will be required to achieve a high standard of design appropriate to the historic and special architectural character of the area. In the opinion of the District Planning Authority, the proposed replacement building does not contribute to the character or appearance of the Conservation Area to a sufficient extent to justify the demolition of the existing building on the site. As such the replacement building fails to meet the requirements of the aforementioned local plan policies.

KEY ISSUES

The Site and its Location

The site lies within a Conservation Area and is a non-listed building. It is located in a prominent corner location on Kenilworth Road and Woodcote Road. This part of Woodcote Road is a 'dead end' as it meets the edge of the sports ground and is unadopted. The properties further along Kenilworth Road are 'listed' as being of special architectural or historic interest. The site comprises a two storey early 20th Century building which has some of its accommodation in the roof space, lit by dormer windows and rooflights. It has two accesses into the site, one from Kenilworth Road and the other from Woodcote Road. To the rear of the hotel is Bell Tower Mews which gains access from Woodcote Road and serves three properties. There

is a large Redwood in the front, which although is not protected by a Tree Preservation Order, it is protected from being felled as it is a Conservation Area. The current hotel has 23 guest rooms and is also used for meetings, wedding receptions and other events.

Details of the Development

The proposal seeks to convert part of the hotel and re-build part to provide 14 apartments. Following negotiations with the applicant, the corner element of the building is to be retained as this is considered to be the significant portion of the building, which as a villa, adds to the rhythm of properties to this part of Kenilworth Road. The scheme proposes to close the vehicular access onto Kenilworth Road and replace this with a pedestrian access, resulting in the vehicular access for cars both entering and leaving the site from Woodcote Road. The overall size of the completed development will be larger than the footprint of the existing hotel, introducing a two and a half storey building nearer to the boundary of Ambassador Court, to the north.

The height of the new building measures 10.2 metres, whilst the original, retained element measures 10.7 metres, which allows a 0.5 metre break between the ridgelines. Currently, the building nearest to Ambassador Court is set back 7 metres from the boundary fence and it is proposed to reduce this gap to 2 metres. The proposal would provide 21 car parking spaces which equates to 1.5 spaces per unit and separate cycle stands together with refuse disposal.

Assessment

It is considered that the application raises the following issues:

Demolition of part of the hotel and the principle of the residential development within the Conservation Area.

PPG 15 'Planning and the Historic Environment' states in paragraph 4.27 that there is a general presumption in favour of the retention of buildings which make a positive contribution to the character or appearance of a conservation area and that the Secretary of State expects proposals to demolish buildings should be assessed against the same broad criteria as proposals to demolish listed buildings. This is reflected through current and emerging local plan policies. This application has sought to address the objections to the previous scheme through the retention of the main part of the hotel, and through the introduction of a new wing which reflects the character and quality of design within this part of Kenilworth Road and therefore, in my opinion makes a positive contribution to the character and appearance of the Conservation Area,

The principle of residential development in this location is acceptable in my opinion as the area is generally characterised by residential properties; the scheme also meets criteria set out in PPG3 Housing as it falls within the definition of previously developed land.

Design and density of the development

The density of the proposal equates to 64 units per hectare. PPG 3 Housing advises that land is a finite resource and urban land can often be underused; it advises in paragraph 58 that local authorities should therefore encourage housing development which makes more efficient use of land between 30 and 50 dwellings per hectare; no upper limit is placed on an acceptable level of density. The question of appropriate site density, however, has to take into account the aims of good design and layout. Paragraph 58 of PPG3 states that local authorities should seek greater intensity of development at places with good public transport accessibility such as city, town, district and local centres or around major nodes along good quality public transport corridors. I am satisfied that in this particular instance, the number of units proposed is acceptable.

The design of the development utilises the roofspace to provide accommodation at a second floor level. It is proposed to incorporate a basement which would be lit through the use of lightwells and would serve flats 1 - 4. Whilst I accept the building as proposed would be nearer to the flats within Ambassador Court, the distance separation between them would measure 19 metres, and given that there are no windows on this elevation of the proposed building, I am satisfied that there would be no unacceptable overlooking or loss of privacy into these flats or indeed future residents' of the apartments.

The proposal has been amended to address concerns received from the Council's Conservation Architect with regard to the design of doors within the new building, and to incorporate a different roof design to the lift towers which now have a pyramid roof structure. In this respect, I consider these concerns have been satisfactorily addressed.

Car Parking and Highway Safety

Residents have expressed concern regarding a possible increase in pressure for parking on Woodcote Road and possibly Kenilworth Road from future residents' of the development. The proposal seeks to provide 1.5 spaces per unit, Paragraph 62 of PPG3 Housing advises that:

"street parking spaces per dwelling are unlikely to reflect the Government's emphasis on securing sustainable residential environments. Policies which result in higher levels of off-street parking, especially in urban areas, should not be adopted."

In this respect, the site is located on Kenilworth Road which in the Local Plan is identified as a transport corridor. In my opinion, I consider the parking provision, together with cycle stands, to respect and meet the Government's targets and advice.

The Highways Authority have requested that the existing access onto Kenilworth Road is closed as the Road Research Laboratory which is part of the Highways Agency have shown that where there are more accesses there are more accidents. As such this proposal has sought to recognise this and improve highway safety through the introduction of one access to serve vehicles entering and leaving the site. The location of the access solely onto Woodcote Road directs vehicle movements

away from the existing access which is close to Woodcote Road and as a condition by the Highway Authority, this has been included in this submission and therefore moves the access to Woodcote Road , in line with their advice. As such, I am satisfied that previous highway concerns have been resolved.

Whilst I note the objections to the resurfacing of only part of Woodcote Road, this is proposed to meet the requirements of the Highway Authority in order to prevent loose material being deposited onto the main Kenilworth Road. With regards to flooding and a reduced capacity for surface drainage, the resurfacing would still allow water to drain into the drainage channel along the eastern side, as shown on the submitted drawings.

Impact on trees

Following advice received from the Council's Leisure & Amenities department, I consider it to be necessary to attach a condition to ensure that the large Redwood situated to the front of the site is protected during the construction works. Clearly I am aware that neighbours have raised concerns with regards to the potential loss of trees, however I am satisfied that further landscaping can be achieved on site.

REASON FOR RECOMMENDATION

The proposal is considered to comply with the policies listed above.

RECOMMENDATION

GRANT subject to the following conditions :

- 1 The development hereby permitted must be begun not later than the expiration of five 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 strictly in accordance with the details shown on the approved drawings and specification contained therein, unless first agreed otherwise in writing by the District Planning Authority. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Local Plan Policy ENV3.
- 3 Samples of all external facing materials to be used for the construction of the development hereby permitted, shall be submitted to and approved by the District Planning Authority before any constructional works are commenced. Development shall be carried out in accordance with the approved details. **REASON** : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan.
- 4 No development shall be carried out on the site which is the subject of this permission, until large scale details of doors, windows (including a section showing the window reveal, heads and cill details), eaves, verges, rainwater goods, bin stores cycle stores and the pedestrian access at a scale of 1:5

have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. **REASON** : To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy ENV8 of the Warwick District Local Plan.

- 5 No more than one access for vehicles shall be made or maintained to the site from the highway Woodcote Road. **REASON:** In the interests of highway safety and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan 1995.
- 6 Access for vehicles to the site shall not be made or maintained from any highway other than Woodcote Road. **REASON:** In the interests of highway safety and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan 1995.
- 7 The development hereby permitted shall not be occupied until an access for vehicles has been proved to the site not less than 5.0 metres or greater than 6.0 metres in width at any point. **REASON:** In the interests of highway safety and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan 1995.
- 8 The access to the site shall not be constructed in such a manner as to reduce effective capacity of any drain within the limits of the public highway. **REASON:** In the interests of highway safety and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan 1995.
- 9 The access to the site for vehicles shall not be used unless the highway verge crossing has been laid out and constructed in accordance with the standard specification of the Highway Authority. **REASON:** In the interests of highway safety and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan 1995.
- 10 The development hereby permitted shall not be occupied until all parts of the existing accesses within the public highway Kenilworth Road and highway Woodcote Road have been closed and the kerbline, footway and verge have been reinstated in accordance with the standard specification of the Highway Authority. **REASON:** In the interests of highway safety and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan 1995.
- 11 Prior to the commencement of the development hereby permitted, resurfacing details together with a schedule of works as to when this will take place, how far and how the balance of the road is to be treated, including details of highway drainage shall be submitted to and approved in writing by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. **REASON:** In the interests of highway safety and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan 1995.

- 12 The development hereby permitted shall not be occupied until turning areas have been provided and demarcated within the site so as to enable cars to leave and enter in a forward gear. **REASON:** In the interests of highway safety and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan 1995.
- 13 The development hereby permitted shall not be occupied until space has been laid out and demarcated within the site for the parking of cars in accordance with details submitted and approved in writing by the District Planning Authority. **REASON:** In the interests of highway safety and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan 1995.
- 14 A landscaping scheme, incorporating existing trees and shrubs to be retained and new tree and shrub planting for the whole of those parts of the site not to be covered by buildings shall be submitted to and approved by the District Planning Authority before the development hereby permitted is commenced. Such approved scheme shall be completed, in all respects, not later than the first planting season following the completion of the development hereby permitted, and any trees removed, dying, being severely damaged or becoming seriously diseased within five years of planting, shall be replaced by trees of similar size and species to those originally required to be planted. Existing trees, in particular the Redwood located at the front of the site and those which are shown as being retained shall be dealt with in accordance with BS 5837:1991. In particular, before any materials are brought on the site or any demolition or development commenced, stout protective fencing should be erected to enclose the perimeter of the branch spread of each tree or shrub to be retained, together with the branch spread of any tree growing on adjoining land which overhangs the site. Such fencing shall be satisfactorily maintained until all development has been completed. **REASON :** To protect and enhance the amenities of the area, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan.
- 15 Before any works for demolition are first commenced, a survey of the premises by a qualified bat surveyor shall be undertaken to demonstrate the presence, absence or usage of the premises by bats. In the event that the survey demonstrates the presence or usage of the premises by bats, a report recommending mitigation measures to ensure any bats will be protected during the demolition works shall be submitted to and approved in writing by the District Planning Authority before the demolition works are commenced. The approved mitigation measures shall be wholly implemented strictly as approved. **REASON:** To ensure the protection of bats and compliance with Policy ENV27 of the Warwick District Local Plan 1995.
- 16 No development shall be carried out on the site which is subject of this permission until details of any proposed external street lighting has been submitted to and approved in writing by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such details. **REASON :** To ensure that the visual amenities of the area are

protected, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan.

Planning Committee: 25 May 2005

Principal Item Number: 03

Application No: W 05 / 0331 CA

Registration Date: 28/02/2005

Town/Parish Council: Leamington Spa

Expiry Date: 25/04/2005

Case Officer: Joanne Fitzsimons

01926 456534 planning_east@warwickdc.gov.uk

40 Kenilworth Road, Leamington Spa, CV32 6JF

Part demolition of existing hotel FOR Court (Warwickshire) Ltd

This application was deferred at Planning Committee on the 3 May 2005, to enable a site visit to take place on 21 May 2005. The report which follows is that which was presented previously.

SUMMARY OF REPRESENTATIONS

Town Council: Comment that they have concerns regarding the access arrangements and in the interests of Highway safety suggest that access is via Woodcote Road.

English Heritage: Do not wish to make any representations on this occasion.

WDC Environmental Health: No comments

WCC Ecology: Recommend a bat survey.

1 neighbour letter raising objection to simply whole or part demolition without an agreeable proposal to follow its demolition as it would leave a void which would be detrimental to the Conservation Area.

RELEVANT POLICIES

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)

(DW) ENV6 - Protection and Enhancement of Conservation Areas (Warwick District Local Plan 1995)

(DW) ENV7 - Demolition of Non-Listed Buildings within Conservation Areas (Warwick District Local Plan 1995)

(DW) ENV8 - New Development within Conservation Areas (Warwick District Local Plan 1995)

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 First Deposit Version)

DP2 - Amenity (Warwick District Local Plan 1996 - 2011 First Deposit Version)

DAP10 - Protection of Conservation Areas (Warwick District 1996 - 2011 First Deposit Version)

DAP11 - Unlisted Buildings in Conservation Areas (Warwick District 1996 - 2011 First Deposit Version)

HEAD OF PLANNING & ENGINEERING

The application site relates to a corner site on Kenilworth Road and Woodcote Road, which is an unadopted road. This application has been amended following the Council's opposition to the complete demolition of the building. The site lies within the Conservation Area and as such it was considered that this building provides a

positive contribution to the character and appearance of the area. This proposal seeks to retain part of the building - the dominant corner element and rebuilt the two wings to provide 14 no. apartments.

In assessing this application, Members should be aware of the application W05/0329 which incorporates the conversion and rebuild proposal, which is also in this agenda. Following negotiations, I am satisfied that the proposal is acceptable and retains a substantial portion of the building and furthermore I consider the replacement buildings respect the character and appearance of this part of Kenilworth Road and the immediate Conservation Area.

REASON FOR RECOMMENDATION

The proposal is considered to comply with the policies listed above.

RECOMMENDATION

GRANT subject to the following conditions :

- 1 The works hereby permitted must be begun not later than the expiration of five years from the date of this consent. **REASON** : To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
 - 2 The demolition hereby permitted shall not be undertaken before a contract for the carrying out of works of redevelopment under W05/0329 has been made. **REASON** : To ensure an appropriate replacement building within the Conservation Area and to satisfy the requirements of Policy ENV8 of the Warwick District Local Plan 1995.
 - 3 Before any works for demolition are first commenced, a survey of the premises by a qualified bat surveyor shall be undertaken to demonstrate the presence, absence or usage of the premises by bats. In the event that the survey demonstrates the presence or usage of the premises by bats, a report recommending mitigation measures to ensure any bats will be protected during the demolition works shall be submitted to and approved in writing by the District Planning Authority before the demolition works are commenced. The approved mitigation measures shall be wholly implemented strictly as approved. **REASON**: To ensure the protection of bats and compliance with Policy ENV27 of the Warwick District Local Plan 1995.
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Planning Committee: 25 May 2005

Principal Item Number: 04

Application No: W 05 / 0104

Registration Date: 04/02/2005

Town/Parish Council: Warwick

Expiry Date: 01/04/2005

Case Officer: Martin Haslett

01926 456526 planning_west@warwickdc.gov.uk

61 West Street, Warwick, CV34 6AH

Conversion and extension of 4 bed terrace into 2 no. 2 bed houses and conversion of workshop into 2 bed dwelling FOR Mr G. Middlebrook

This application was deferred at Planning Committee on 3 May 2005, to enable a site visit to take place on 21 May 2005. The report which follows is that which was presented previously.

SUMMARY OF REPRESENTATIONS

comments on application as originally submitted:

Warwick Town Council: "The Town Council recommends that the application be refused and considers that in order to assess the impact of the proposed development the Planning Committee carry out a site visit.

1. The LPA requires that all development proposals should achieve a high standard of design, which harmonise with its surroundings. Policies DP1 and DP2 reflect such intention. In the opinion of the Town Council, the proposed development does not harmonise with existing development or reflect the architectural and traditional design of adjoining buildings. Additionally, the development would not be of a standard compatible with existing development, would not provide for amenity space, be inadequate for the parking needs of a development of this scale, provide inadequate access/egress and be generally detrimental to the amenity of the locality and therefore contrary to Plan policies.
2. The proposed development will by its height and proximity greatly reduce the light reaching adjoining properties and have adverse effect on neighbours' amenities.
3. The proposal relates to building within a Conservation Area and the proposed development would be wholly detrimental to both the buildings which are subject to the development and the Conservation Area as a whole, by reason of density, excessive height and size and design and therefore prejudicial to the LPA's policies regarding development in a Conservation Area.
4. The development is also considered to represent undesirable backland development which does accord with the surrounding area, with a restricted access and not in keeping with the pattern of surrounding development.
5. The development also constitutes an overdevelopment of the site and its inappropriate heights and massing represents an unacceptable form of development."

Neighbours: 15 letters (incl. one from Cllr. Holland) of objection to the original plans on grounds of:

- poor access, especially for building materials, traffic danger as vehicles access onto busy road, proposal would encourage on-street parking, lack of turning area;

- over-intensive use of property, detrimental impact on neighbours, loss of sunlight/daylight, loss of peace and quiet, loss of amenity, loss of privacy, overlooking from dormer windows, overbearing, lack of amenity for new residents, noise from new dwellings, light pollution;
- impact on listed buildings and conservation area, contrary to local plan policy, failure to harmonise;
- disturbance from building work, old wall not suitable for development,
- site visit requested.

WCC(Highways): objection, access of inadequate width, lack of parking space could encourage vehicles to back out onto the highway.

WCC(Ecology): bat survey recommended.

Warwick Society: objection, on grounds of inadequate drawings, unsatisfactory layout and design, detrimental to amenities of adjoining residents, risk highway safety, inadequate parking, detrimental to conservation area and listed buildings.

CAAF: increase in height and scale unneighbourly and disproportionate, design of barn conversion out of character, implications for Castle kitchen garden wall.

comments on amended plans:

Warwick Town Council: "The Town Council consider that the application be refused on the following grounds:-

- (i) Those highway objections put forward by the County Council regarding:
 - (a) The width of the highway access
 - (b) The inadequate provision of car parking spaces, and
 - (c) The likely request that vehicles would reverse from this development on to the public highway.
- (ii) The proposed development will not harmonise with adjoining properties and reflect the architectural and traditional design of those buildings.
- (iii) The proposed development will not be of a standard compatible with the existing development and will not provide acceptable amenity space or parking spaces for a development of the scale proposed.
- (iv) The proposal relates to buildings within a Conservation Area which are listed and the development would be wholly detrimental to both the buildings which would be subject to development and to the Conservation Area by reason of density, size and design and therefore prejudicial to the LPA's policies relating to development of listed buildings and to development in Conservation Areas.
- (v) The development constitutes an overdevelopment of the site as well as being considered undesirable backland development, with inadequate car parking and access."

Neighbours: 7 objections, previous objections are generally re-iterated, proposal still represents over-development of a restricted site, will aggravate problems of on-street parking, barn proposals out of character with existing building, traffic danger, loss of privacy,

Councillors Hodgetts and Holland have objected on grounds of overdevelopment, impact on neighbours, dangerous access, impact on listed buildings, poor amenity for future occupiers.

WCC(Highways): no objection, subject to conditions requiring no access for vehicles and reinstatement of the existing dropped kerb, etc.

RELEVANT POLICIES

(DW) ENV12 - Protection of the Setting of Listed Buildings (Warwick District Local Plan 1995)

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)

(DW) ENV6 - Protection and Enhancement of Conservation Areas (Warwick District Local Plan 1995)

The 45 Degree Guideline (Supplementary Planning Guidance)

Distance Separation (Supplementary Planning Guidance)

(DW) ENV11 - Retention of Listed Buildings (Warwick District Local Plan 1995)

(DW) ENV15 - Encouragement of full use of Listed Buildings (Warwick District Local Plan 1995)

DP6 - Access (Warwick District Local Plan 1996 - 2011 First Deposit Version)

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 First Deposit Version)

DP2 - Amenity (Warwick District Local Plan 1996 - 2011 First Deposit Version)

DAP6 - Protection of Listed Buildings (Warwick District 1996 - 2011 First Deposit Version)

DAP10 - Protection of Conservation Areas (Warwick District 1996 - 2011 First Deposit Version)

(WTC) H1General Housing Policies

PLANNING HISTORY

It appears that part of these premises were used as a butcher's shop in the past, but there is no planning history especially relevant to the current application. Existing uses are residential.

KEY ISSUES

The Site and its Location

The site consists of the residential premises fronting West Street which are listed timber-framed buildings, situated in the Warwick conservation area. There is a narrow vehicular access under the first floor of this building which gives access to the land at the rear. Here there is a large hard-surfaced area which gives access to a former commercial building, in the form of a barn, which adjoins the rear boundary of the land. At this point the barn closely adjoins newer houses at the extreme ends of both Castle Close and Stuart Close, from which they are separated by a large, old brick-built wall, approximately 3m high.

Details of the Development

It is proposed to convert the existing house into two dwellings and the barn into one dwelling. The existing house would form one house of 2 bedrooms, in the front part of the existing house and one with one bedroom in the rear part. This would be achieved within the existing structure except for a small increase in the eaves and ridge height in a short section of the rear wing.

The second part of the proposal is the conversion of the barn to the rear. Here the floor level would be lowered by up to 1m and the front of the building would be extended into the existing yard area by 1m. To accommodate this change, there would be some alterations to the roof, but this would mainly be in a position behind the existing high brick wall. In other respects the height and other external dimensions of the barn would be unchanged. The barn would form a two-bedroomed house with windows at ground floor looking out over its garden area. At first floor, apart from one existing window, light would be provided by obscure glazed rooflights, which would be positioned above eye level. Garden areas would be provided for each of the new houses from the existing hard-surfaced yard area.

As originally submitted, the proposals showed more substantial extensions which would have had a serious impact upon adjoining residents and access through the existing gateway to West Street was proposed to serve the new dwellings. The highway Authority raised objection to the access arrangements and the proposals were subject to many objections from local residents, both on highway and amenity grounds. The amended plans have removed the access and made it clear that the dwellings would be served by existing on-street parking. The scale of the building works has been reduced.

Assessment

The issues to be addressed are the principle of increased density of residential use in this part of the conservation area, the impact the proposals would have on neighbours and the highway arrangements.

The site at present consists of a large house with a large hard-surfaced yard and a barn, with previous commercial use, to the rear. The proposal would ensure the continued use and upkeep of existing listed buildings, some of which are semi-derelict at present. The visual impact on the conservation area would be limited, and the character of the conservation area would thereby be protected. Given national and structure plan policies which concentrate development proposals in existing towns, it would be difficult to argue against increased residential use of a site such as this. The factors leading to this opinion are the large size of the site and the substantial area of land/buildings to the rear which are at present unused. In these circumstances I do not consider that the use of the site for three dwellings is an unreasonable intensification of the existing use.

The second important issue is the impact that the details of the proposal would have on neighbours. The scheme as originally submitted would have had a serious impact on the neighbours due to the considerable building works to the barn at the rear and the extensions which were proposed to the rear wing of the building fronting West Street. These two elements have now been much reduced, but there are still particular issues to consider. Firstly the main building has a long wing onto the boundary with the adjoining attached house in West Street, which is completely contrary to the 45 degree code, judged by modern standards. At the end of this rear wing, it is proposed to raise the eaves by 1m with a consequent increase in the ridge height of 0.3m. Given that the existing rear wing must have a considerable impact on the neighbour and the fact that this proposal would be about half-way down their

garden, I do not consider that the small additional roof element would have a sufficiently serious impact on the neighbour as to justify a refusal of permission.

Similar considerations apply to the barn at the rear. The immediately adjoining house in Castle Close has a very short garden looking onto the old brick wall, which partially hides the barn beyond. The additions to the barn, as now proposed, are much smaller than originally proposed, the floor levels have been dropped and the small additional extension would be largely hidden by the tall brick wall which forms the boundary. Rooflights to this building would be above eye level and would be obscure glazed. Whilst it is acknowledged that there will be some impact on that dwelling, I do not consider that the effect would be so great as to warrant a refusal of permission.

The third issue is that of the highway arrangements. It is now proposed that there will be no vehicular access to the site and the dwellings would rely on existing street parking. The area is already subject to considerable parking pressure, but given its near-town-centre location and policies which encourage sustainable means of transport, I do not consider that a refusal could be justified on these grounds, although I acknowledge that the proposal would increase the competition for parking spaces in this area.

There is an accompanying application for listed building consent which is reported subsequently in Part 1 of the agenda.

REASON FOR RECOMMENDATION

The proposal is considered to comply with the policies listed above.

RECOMMENDATION

GRANT subject to the following conditions :

- 1 The development hereby permitted must be begun not later than the expiration of five 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 strictly in accordance with the details shown on the approved drawings WEST02-1B, 3B, and 4B and specification contained therein, submitted on 18 March 2005 unless first agreed otherwise in writing by the District Planning Authority. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Local Plan Policy ENV3.
- 3 All repair/construction work specified on the plans for the conversion works hereby permitted shall be carried out in reclaimed materials of the same type, texture and colour as the existing barn(s). **REASON** : To ensure that the rural character and appearance of the barn(s) is protected, in accordance with Policy C3 of the Warwick District Local Plan.

- 4 No development shall be carried out on the site which is the subject of this permission, until large scale details of doors, windows (including a section showing the window reveal, heads and cill details), rooflights, glazed area, eaves, verges and rainwater goods at a scale of 1:5 have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. **REASON** : To ensure a high standard of design and appearance for this Listed Building, and to satisfy Policy ENV11 of the Warwick District Local Plan 1995.
- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking and re-enacting that Order with or without modification), no windows or extract flues other than those expressly authorised by this permission, shall be placed at any time in any wall which forms a common boundary with a neighbouring property. **REASON** : To retain control over future development so that the residential amenity of adjoining occupiers is protected.
- 6 No development shall be carried out on the site which is the subject of this permission, until details of the results of a bat survey (carried out in accordance with a brief previously agreed in writing with the District Planning Authority) have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with all recommended mitigation measures. **REASON** : To ensure that protected species are dealt with in the correct manner.
- 7 No direct access for vehicles shall be made or maintained between the site and the A429, West Street. **REASON** : To ensure highway safety, in accordance with policy ENV 3 of the Warwick District Local Plan 1995.
- 8 The development hereby permitted shall not be occupied until the kerb and footway have been reinstated in accordance with the standard specification of the Highway Authority. **REASON** : To ensure highway safety, in accordance with policy ENV 3 of the Warwick District Local Plan 1995.
- 9 All rooflights in the development hereby permitted shall be obscure glazed and retained as such at all times thereafter. **REASON** : To protect the amenity of the occupiers of nearby properties.
- 10 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking and re-enacting that Order with or without modification), no development shall be carried out which comes within Part 1 of Schedule 2 of this Order, without the prior permission of the District Planning Authority. **REASON** : This site is of a restricted size and configuration and is in close proximity to other dwellings. It is considered appropriate therefore to retain control over future development to ensure that the residential amenity of this locality is protected in accordance with the provisions of District-Wide Policy ENV3 of the Warwick District Local Plan.

- 11 This permission authorises the conversion of the existing house and the conversion (with extensions as shown on the approved drawings) of the barn to the rear. It does not authorise any demolition other than that expressly referred to on the approved plans. **REASON** : To define the terms under which permission is granted.
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Planning Committee: 25 May 2005

Principal Item Number: 05

Application No: W 05 / 0179 LB

Registration Date: 04/02/2005

Town/Parish Council: Warwick

Expiry Date: 01/04/2005

Case Officer: Martin Haslett

01926 456526 planning_west@warwickdc.gov.uk

61 West Street, Warwick, CV34 6AH

Conversion and extension of 4 bed terrace into 2 no. 2 bed houses and conversion of workshop into 2 bed dwelling. FOR Mr G. Middlebrook

This application was deferred at Planning Committee on 3 May 2005, to enable a site visit to take place on 21 May 2005. The report which follows is that which was presented previously.

SUMMARY OF REPRESENTATIONS

comments on application as originally submitted:

Warwick Town Council: "The Town Council recommends that the application be refused and considers that in order to assess the impact of the proposed development the Planning Committee carry out a site visit.

1. The LPA requires that all development proposals should achieve a high standard of design, which harmonise with its surroundings. Policies DP1 and DP2 reflect such intention. In the opinion of the Town Council, the proposed development does not harmonise with existing development or reflect the architectural and traditional design of adjoining buildings. Additionally, the development would not be of a standard compatible with existing development, would not provide for amenity space, be inadequate for the parking needs of a development of this scale, provide inadequate access/egress and be generally detrimental to the amenity of the locality and therefore contrary to Plan policies.
2. The proposed development will by its height and proximity greatly reduce the light reaching adjoining properties and have adverse effect on neighbours' amenities.
3. The proposal relates to building within a Conservation Area and the proposed development would be wholly detrimental to both the buildings which are subject to the development and the Conservation Area as a whole, by reason of density, excessive height and size and design and therefore prejudicial to the LPA's policies regarding development in a Conservation Area.
4. The development is also considered to represent undesirable backland development which does accord with the surrounding area, with a restricted access and not in keeping with the pattern of surrounding development.
5. The development also constitutes an overdevelopment of the site and its inappropriate heights and massing represents an unacceptable form of development."

Neighbours: many neighbours have written letters referring to the planning and listed building matters together, but only those issues relating to the listed building are reported here: 15 objections to the original plans on grounds of over-intensive use of property, detrimental impact on listed buildings and conservation area, contrary to local plan policy, site visit requested.

Warwick Society: objection, on grounds of inadequate drawings, detrimental to character of conservation area and listed buildings. barn likely to be demolished due to structural difficulties, converted barn would not reflect, or reinforce, local architectural distinctiveness and would not protect conservation area or setting of adjoining listed buildings.

CAAF: increase in height and scale unneighbourly and disproportionate, design of barn conversion out of character, implications for Castle kitchen garden wall.

comments on amended plans:

Warwick Town Council: "The Town Council consider that the application be refused on the following grounds:-

(i) Those highway objections put forward by the County Council regarding:

(a) The width of the highway access

(b) The inadequate provision of car parking spaces, and

(c) The likely request that vehicles would reverse from this development on to the public highway.

(ii) The proposed development will not harmonise with adjoining properties and reflect the architectural and traditional design of those buildings.

(iii) The proposed development will not be of a standard compatible with the existing development and will not provide acceptable amenity space or parking spaces for a development of the scale proposed.

(iv) The proposal relates to buildings within a Conservation Area which are listed and the development would be wholly detrimental to both the buildings which would be subject to development and to the Conservation Area by reason of density, size and design and therefore prejudicial to the LPA's policies relating to development of listed buildings and to development in Conservation Areas.

(v) The development constitutes an overdevelopment of the site as well as being considered undesirable backland development, with inadequate car parking and access."

Neighbours: 7 objections, previous objections are generally re-iterated.

Councillors Hodgetts and Holland have objected on grounds of impact on listed buildings.

RELEVANT POLICIES

(DW) ENV12 - Protection of the Setting of Listed Buildings (Warwick District Local Plan 1995)

(DW) ENV6 - Protection and Enhancement of Conservation Areas (Warwick District Local Plan 1995)

(DW) ENV11 - Retention of Listed Buildings (Warwick District Local Plan 1995)

(DW) ENV15 - Encouragement of full use of Listed Buildings (Warwick District Local Plan 1995)

DP6 - Access (Warwick District Local Plan 1996 - 2011 First Deposit Version)

DP10 - Flooding (Warwick District Local Plan 1996 - 2011 First Deposit Version)

PLANNING HISTORY

It appears that part of these premises were used as a butcher's shop in the past, but there is no planning history especially relevant to the current application. Existing uses are residential.

KEY ISSUES

The Site and its Location

The site consists of the residential premises fronting West Street which are listed timber-framed buildings, situated in the Warwick conservation area. There is a narrow vehicular access under the first floor of this building which gives access to the land at the rear. Here there is a large hard-surfaced area which gives access to a former commercial building, in the form of a barn, which adjoins the rear boundary of the land. At this point the barn closely adjoins newer houses at the extreme ends of both Castle Close and Stuart Close, from which they are separated by a large, old brick-built wall, approximately 3m high.

Details of the Development

It is proposed to convert the existing house into two dwellings and the barn into one dwelling. The existing house would form one house of 2 bedrooms, in the front part of the existing house and one with one bedroom in the rear part. This would be achieved within the existing structure except for a small increase in the eaves and ridge height in a short section of the rear wing. Internal walls within the existing house would be retained in their current positions.

The second part of the proposal is the conversion of the barn to the rear. Here the floor level would be lowered by up to 1m and the front of the building would be extended into the existing yard area by 1m. To accommodate this change, there would be some alterations to the roof, but this would mainly be in a position behind the existing high brick wall. In other respects the height and other external dimensions of the barn would be unchanged. The barn would form a two-bedroomed house with windows at ground floor looking out over its garden area. At first floor, apart from one existing window, light would be provided by obscure glazed rooflights, which would be positioned above eye level. Garden areas would be provided for each of the new houses from the existing hard-surfaced yard area.

As originally submitted, the proposals showed more substantial extensions which would have had a serious impact upon adjoining residents and access through the existing gateway to West Street was proposed to serve the new dwellings. The highway Authority raised objection to the access arrangements and the proposals were subject to many objections from local residents, both on highway and amenity grounds. The amended plans have removed the access and made it clear that the dwellings would be served by existing on-street parking. The scale of the building works has been reduced.

Assessment

The issue to be addressed in this listed building application is the impact the proposals would have on the character and appearance of the listed building.

The listing refers to the building fronting West Street which is stated to be a 'timber framed structure behind rebuilt front wall, first floor jettied...' Although there is no

reference to the barn at the rear, this can be considered as also being listed as it is within the curtilage of the listed building.

The main building in West Street has retained its original character for the frontage portion, but the later rear wing, probably Victorian in age, has been the subject of some alterations including the fitting of new doors and windows in styles unsuited to the listed building. The barn to the rear appears to be in a reasonable structural state, but is in need of some repairs to doors and windows. Its lack of gainful use means that its integrity may be threatened in future.

The alterations to the main building respect the internal layout and integrity of the existing building and would result in little change externally. The rear wing, which has been subject to unsuitable modern alterations, would be have its roof extended and new doors and windows would be fitted. These changes would result in an improvement over the existing situation, in that the existing unsympathetic windows and doors would be removed.

So far as the barn to the rear is concerned, the proposals would mean that a new use is found for the building which would help to ensure its future maintenance. Alterations to its external appearance would be necessary, both in terms of the extension and the additional windows and doors, and these would need to be covered by condition in order to ensure that the work is done in a traditional manner and with traditional materials.

In these circumstances, I consider that the proposals would, with the imposition of conditions, improve the character and appearance of the main building and help to ensure the future maintenance of the barn. For these reasons, it is recommended that Listed Building Consent be granted.

There is an accompanying application for planning permission which is reported previously in Part 1 of the agenda.

REASON FOR RECOMMENDATION

The proposal is considered to comply with the policies listed above.

RECOMMENDATION

GRANT subject to the following conditions :

- 1 The works hereby permitted must be begun not later than the expiration of five years from the date of this consent. **REASON** : To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawings WEST02-1B, 3B, and 4B and specification contained therein, submitted on 18 March 2005 unless first agreed otherwise in writing by the District Planning Authority. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development to protect the character of the listed building.

- 3 All repair/construction work specified on the plans for the conversion works hereby permitted shall be carried out in reclaimed materials of the same type, texture and colour as the existing barn(s). **REASON** : To ensure that the rural character and appearance of the barn(s) is protected, in accordance with Policy C3 of the Warwick District Local Plan.
 - 4 No development shall be carried out on the site which is the subject of this permission, until large scale details of doors, windows (including a section showing the window reveal, heads and cill details), rooflights, glazed areas, eaves, verges and rainwater goods at a scale of 1:5 have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. **REASON** : To ensure a high standard of design and appearance for this Listed Building, and to satisfy Policy ENV11 of the Warwick District Local Plan 1995.
 - 5 This permission authorises the conversion of the existing house and the conversion (with extensions as shown on the approved drawings) of the barn to the rear. It does not authorise any demolition other than that expressly referred to on the approved plans. **REASON** : To define the terms under which permission is granted.
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Planning Committee: 25 May 2005

Principal Item Number: 06

Application No: W 04 / 2088

Registration Date: 24/11/2004

Town/Parish Council: Leamington Spa

Expiry Date: 19/01/2005

Case Officer: Alan Coleman

01926 456535 planning_east@warwickdc.gov.uk

10-12 Adelaide Road, Leamington Spa, CV31 3PW

Change of use of 10 Adelaide Road to form additional hotel accommodation for the Victoria Park Hotel (12 Adelaide Road), closure of existing driveway opening to 10 Adelaide Road, erection of new rear boundary wall to 10 Adelaide Road and erection of access ramp to front elevation of 12 Adelaide Road FOR Mr R Wan

This application was deferred at Planning Committee on the 21 May 2005, to enable a site visit to take place on 21 May 2005. The report which follows is that which was presented previously in either the ' Committee report or the attached addendum.

SUMMARY OF REPRESENTATIONS

The Town Council: *"Resolved that an objection be raised for the following reasons:-*

- 1. The application is considered detrimental to the character and appearance of the Conservation Area and as such is contrary to Policies DW ENV3 and DW ENV6 of the District Local Plan;*
- 2. The Council regrets the loss of residential accommodation in this area of the Town. It questions whether the case for additional hotel accommodation to meet the demands of visitors has been sufficiently proven;*
- 3. The development is considered to be unacceptable in terms of the adverse impact it will have on the amenity of nearby uses and residents, contrary to Policy DP2 of the emerging Local Plan, by virtue of the loss of privacy and visual intrusion. In particular, concern is expressed at the degree of light pollution that will occur from the proposed hotel use;*
- 4. Provision for access and parking within the site are considered unsatisfactory and inadequate and do not conform to Policies DP6 and DP8 of the Local Plan;*
- 5. The unauthorized removal of trees from the site should be rectified immediately with the restoration of appropriate species in the same locations as the originals."*

Comments on amended plans - raise objection on grounds set out in 1 -4 above .

CAAF: *"The introduction of an access ramp "as proposed" to the front No. 12 Adelaide Road was considered to be particularly inappropriate. It was felt that inadequate information as to the type of materials was supplied. The design was completely out of character with this attractive Victorian villa and a much more suitable form of access ramp in a traditional design could be installed. Significant concern was expressed at the removal of the boundary wall between the two gardens and the loss of the garden. It was felt that the wall should be reinstated and that ideally the property at No. 10 should remain as a single dwelling. Significant concerns were expressed at the sub division of the pair of semi-detached houses one of which remains as a single dwelling. Incorporation as part of the hotel complex was destroying the unity of the villas. Concern was expressed at the treatment of the access point and the new front wall and the formation of wider drive between the villas. It was generally felt that this approach of combining additional houses into an*

existing hotel was not one to be welcomed in the Conservation Area as it did not enhance the Conservation Area."

Highway Authority: No objection, subject to the following conditions:

1. Southern vehicular access to be permanently closed.
2. Northern vehicular access to be 5.0 metres wide.
3. All parts of the existing accesses within the public highway not included in the permitted means of access to be closed and the kerb and footway reinstated in accordance with the standard specification of the Highway Authority.

WCC (Ecology): *"It would appear that there will be little of ecological concern with the proposed development unless the conversion (sic) of the existing building will be affecting the roof space or cavities in existing garden walls. If this is likely to be the case then I would advise that a note is attached to any decision notice making the applicant aware of the possible effect on this European protected species." i.e. bats.*

WDC (Environmental Health): If planning permission is granted recommend a condition for the submission of a detailed scheme of noise insulation for approval prior to commencement of development.

WDC (Leisure & Amenities): No objection, subject to protection of pine trees at rear of site and details of surface treatment in this area.

Neighbours: 12 letters of objection on grounds relating to:

- inappropriate development of site by reason of: a) loss of family dwelling from predominantly residential area to the detriment of the character of the Conservation Area; b) unproven need/demand for proposed accommodation c) increase in size of hotel in comparison with neighbouring guest houses/hotels in vicinity of site that are all contained within original single buildings d) pressure for conversion of adjoining dwelling to further detriment of Conservation Area e) potential for future development/expansion of hotel;
- harm to character and appearance of street scene and Conservation Area by assimilation of two properties of different architectural styles and size;
- harm to the ecological and environmental character and appearance of the site and surrounding area by the loss of established trees;
- harm to neighbouring residents' amenities from: a) loss of privacy and security from overlooking caused by loss of garden trees and use of garden area by staff and guests in proximity to adjoining garden and first floor balcony b) loss of visual amenity caused by loss of garden trees and outlook onto existing hotel building c) loss of day and sunlight to neighbouring garden by siting of proposed replacement trees d) exposure to noise and disturbance from intensified use and layout of premises as an hotel in closer proximity to adjoining dwelling e) inadequate sound insulation of hall way and stairwell, and;
- harm to highway safety from a) increase in traffic movements onto a busy main road in the vicinity of a school, particularly at peak times, and b) inadequate car parking leading to an increase in demand for roadside parking on a busy main road and surrounding streets that currently experience problems of congestion.

Additional comments have also been made by the residents of 8 Adelaide Road in response to the previous 'Committee report. Whilst acknowledging that most of the issues raised in their letters of objection have been covered in the report, nevertheless it is considered that other aspects have not. These include: occupancy of the premises of up to 32 persons at any one time would be inappropriate adjacent to a family dwelling; clarification that the existing timber boundary fence between No's. 8 and 10 is owned by Mr and Mrs Dutson and has not been re-erected on the actual boundary but within the site of No.10. As such, it is considered that any permission that is granted should be subject to a condition requiring the provision of

a revised boundary on the actual delineation of the properties which should also be of increased height and length to ensure a degree of privacy is afforded, and; the need for mature replacement tree planting to adequately compensate for the trees that were felled without consent.

RELEVANT POLICIES

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)
(DW) ENV6 - Protection and Enhancement of Conservation Areas (Warwick District Local Plan 1995)

(DW) ENV8 - New Development within Conservation Areas (Warwick District Local Plan 1995)

(DW) H13 - Loss of Existing Residential Accommodation and Development within Existing Residential Areas (Warwick District Local Plan 1995)

(DW) TO4 - Change of Use to Hotels or Guest Houses (Warwick District Local Plan 1995)

(DW) TO5 - Extension of Existing Hotels and Guest Houses (Warwick District Local Plan 1995)

(DW) IMP2 - Meeting the Needs of People with Disabilities (Warwick District Local Plan 1995)

Policy (LTC) H2 (General Housing Policies)

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 First Deposit Version)

DP2 - Amenity (Warwick District Local Plan 1996 - 2011 First Deposit Version)

DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011 First Deposit Version)

DP8 - Parking (Warwick District Local Plan 1996 - 2011 First Deposit Version)

DP14 - Accessibility and Inclusion (Warwick District Local Plan 1996 - 2011 First Deposit Version)

UAP8 - Directing New Visitor Accommodation (Warwick District 1996 - 2011 First Deposit Version)

TCP1 - Protecting and Enhancing the Town Centres (Warwick District 1996 - 2011 First Deposit Version)

DAP10 - Protection of Conservation Areas (Warwick District 1996 - 2011 First Deposit Version)

DAP11 - Unlisted Buildings in Conservation Areas (Warwick District 1996 - 2011 First Deposit Version)

PLANNING HISTORY

The authorised planning use of the premises is as a dwellinghouse within the meaning of Class C3 of The Town and Country (Use Classes) Order 1987 (as amended). Planning application W04/1584 for the conversion of the premises to hotel use was withdrawn on 2004 to allow consideration of the current revised application.

KEY ISSUES

The Site and its Location

The premises comprise the existing Victoria Park Hotel that is housed in a 2/3 storey detached villa at 12 Adelaide Road and one of a pair of 3 storey semi-detached houses at No 10. The properties stand on the western side of Adelaide Road within a predominantly residential part of the Conservation Area, that also includes residential care homes at No's 6 and 14/16 Adelaide Road. Residential properties adjoin the site to the north and west at 8 Adelaide Road and dwellings in Victoria Street. The site is also currently visible across rear gardens of No's 6 and 8 from dwellings in Archery Road.

Both properties are set back from the road frontage on a common building line. Both properties differ in original design and appearance but are similar to other properties of a similar nature in Adelaide Road. The frontage of No 12 is laid out as a hard surfaced parking area with a further parking area at the rear adjoining the western boundary with residences in Victoria Street. No 12 has also been extended by the addition of a rear wing (W981416) to provide a total of 2, guest bedrooms and dining/bar facilities.

In contrast, No 10 originally had enclosed front and rear gardens that are now largely open plan as the result of the removal of dividing garden boundary walls and hedges. Trees within the original rear garden have also been felled without consent. A new lawn has been laid to the rear of No 10 with some shrub planting and a timber trellis that denotes the end of the lawn. The remaining area adjoining the Victoria Street properties is left as waste ground. A basement lightwell has also been formed to the rear of No 10 within the patio area.

Details of the Development

The proposals seek to convert No.10 to provide 8 no. additional guest bedrooms for the Victoria Park Hotel and include alterations to the site access arrangements, provision of an external access ramp to the front entrance of the hotel, enlargement of the forecourt parking area by the inclusion of the former front garden area of No. 10, reinstatement of the rear garden boundary wall of No. 10 and replacement tree planting. The basement would also be converted to provide living accommodation for staff.

The application has now been amended by the omission of car parking spaces from outside No.10 in order to reinstate the front garden area, including the boundary hedge and retention of the original access and hardstanding parking space.

Assessment

I consider the principal consideration is whether the proposal is acceptable in principle having regard to the relevant policies of the Development Plan listed above, which raise the following issues:

1. Character and Appearance

In terms of land use, the development would result in the loss of a dwelling from a predominantly residential part of the Conservation Area, albeit with staff accommodation provided in the basement. This would result in 5 of the 12 properties

on this side of Adelaide Road being in non-residential use. As such, I consider the balance of uses would remain predominantly residential.

With regard to the visual impact of the development, I am satisfied that, as amended, the proposals would re-create the visual boundaries that previously distinguished the properties from one another and would, in my opinion, maintain their character, appearance and layout within the street scene and Conservation Area. I am conscious that external alterations have already been undertaken to 10 Adelaide Road in the form of a basement access lightwell to the rear elevation and the installation of upvc windows and patio doors. However, these works are considered to constitute 'permitted development' under the terms of the Town and Country Planning (General Permitted Development) Order 1995 in relation to the current authorised planning use of the premises as a dwellinghouse.

I am also aware that the existing boundary wall and hedge between Nos 10 and 12 were removed prior to the submission of the earlier withdrawn application, together with all trees and shrubs within the rear garden without the benefit of Conservation Area Consent. The unauthorised removal of these trees is the subject of enforcement proceedings pending the outcome of this application. Whilst the damage to the ecological and environmental character of the site caused by these actions is irreversible, nevertheless the current proposals seek to reinstate the boundary wall and hedging, together with replacement tree planting. Whilst I note the comments of neighbouring residents regarding the position and impact of the trees shown on the submitted plans, nevertheless this is indicative only. Their precise siting, size and species would be subject to agreement with the District Planning Authority under the terms of an appropriate condition, should permission be granted.

Whilst I note neighbouring residents concerns regarding the potential precedent the proposed development would set for further development of a similar nature in the surrounding area, nevertheless it is a fundamental planning principle that each proposal should be considered on its own merits, as would any proposals to extend the premises.

2. Residential Amenity

In my opinion, the proposal would undoubtedly have an impact on the living conditions of neighbouring residents in the terms summarised above, particularly those at 8 Adelaide Road who would now be most exposed to activities within the site. By the very nature of the proposals, the amount of activity in and around the site would inevitably increase. However, in my opinion, such noise and activity would essentially be domestic in nature and equally unfettered to the extent that I do not consider it would be unacceptable.

3. Car Parking and Highway Safety

Neighbouring residents have also expressed concerns regarding the impact of the development on highway safety arising from the level of car parking provision proposed to serve the development. It is considered that this would be insufficient and would increase demand for on-street parking on Adelaide Road and the surrounding streets, which currently experience problems of congestion.

Provision for 16 parking spaces is made within the site to serve the development, together with the retention of a space within the frontage of 10 Adelaide Road, to serve a total of 28 no. bedrooms. There is also a public surface car park within 200 metres of the site on Adelaide Road, which is also within easy walking distance of the main town centre shopping, leisure and visitor attractions. The railway station is also within easy walking distance of the site which, in my opinion, is in a relatively sustainable location along a principal public transport route. I am therefore satisfied that the parking provision for the development is not unreasonable for a site of this nature. I am therefore of the opinion that there are insufficient grounds for raising an objection to the proposals on either highway safety or car parking grounds. The lack of objection from the Highway Authority reinforces my view on this issue.

REASON FOR RECOMMENDATION

The proposal is considered to comply with the policies listed above.

RECOMMENDATION

GRANT subject to the following conditions :

- 1 The development hereby permitted must be begun not later than the expiration of five 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 strictly in accordance with the details shown on the approved drawing A04.181-12B, and specification contained therein, submitted on 24 November 2004, approved drawing A04.181-15E, and specification contained therein, submitted on 11 April 2005 and approved drawings A04.181-06B, 08B, 22C and 23C, and specification contained therein, submitted on 22 April 2005 unless first agreed otherwise in writing by the District Planning Authority. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policy (DW) ENV3 of the Warwick District Local Plan 1995.
- 3 The premises at 10 Adelaide Road shall not be occupied for the purposes hereby approved until the boundary wall shown to be constructed at the rear of the premises has been completed in accordance with conditions 4 and 5 of this permission. **REASON** : For the avoidance of doubt and to protect the character of the Conservation Area in accordance with policy DW ENV8 of the Warwick District Local Plan.
- 4 No development shall be carried out on the site which is the subject of this permission until large scale details of height, construction, the pattern of brickwork, bonding and mortar mix of the wall to be constructed at the rear of 10 Adelaide Road have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. **REASON** : To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy (DW) ENV8 of the Warwick District Local Plan.

- 5 The boundary wall to be re-constructed at the rear of 10 Adelaide Road as part of the development hereby approved shall be carried out in reclaimed materials of the same type, texture and colour as the original wall, samples of which shall first be submitted to and approved by the District Planning Authority. The development shall not be carried out other than in accordance with such approved details. **REASON** : To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy (DW) ENV8 of the Warwick District Local Plan.
 - 6 Notwithstanding the landscaping details shown on the submitted layout plan, full details of the numbers, size, species and position of trees and hedges to be planted within the site shall be submitted to and approved by the District Planning Authority before the development hereby permitted is commenced. Such approved scheme shall be completed, in all respects, not later than the first planting season following the occupation of the premises hereby permitted, and any trees or hedges removed, dying, being severely damaged or becoming seriously diseased within five years of planting, shall be replaced by trees and hedges of similar size and species to those originally required to be planted. **REASON** : To protect and enhance the amenities of the area, and to satisfy the requirements of Policy (DW) ENV3 of the Warwick District Local Plan 1995.
 - 7 No development shall be carried out on the site which is the subject of this permission, until satisfactory details of a noise insulation scheme to minimise transmission of airborne noise between 8 and 10 Adelaide Road have been submitted to and approved by the District Planning Authority and the development shall not be carried out otherwise than in full accordance with such approved details. **REASON** : In the interests of the neighbouring residents' amenities.
 - 8 No lighting shall be fixed to the external walls or roofs of the existing or proposed hotel building hereby permitted, or on any open land within the application site without the written consent of the District Planning Authority. **REASON** : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan.
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Planning Committee: 25 May 2005

Principal Item Number: 07

Application No: W 05 / 0501

Registration Date: 30/03/2005

Town/Parish Council: Kenilworth

Expiry Date: 25/05/2005

Case Officer: Penny Butler

01926 456544 planning_west@warwickdc.gov.uk

Rear of 12, Amherst Road, Kenilworth, CV8 1HA
Erection of a detached dwelling FOR Applestone Homes Ltd

SUMMARY OF REPRESENTATIONS

Kenilworth Town Council: Have no objections to the amended plans.

WCC Ecology: No objection subject to protection of existing trees and hedgerows, bird note and planting note.

WCC Highways: Object to original scheme showing two accesses, but no objection to a single point of access as on previous schemes.

Neighbours: Twelve letters have been received objecting to the proposal on the following grounds: overdevelopment of the site, the front boundary treatment is out of character with the general street scene, setting a precedent, impact on drainage, unneighbourly, adverse impact on highway safety from the two proposed accesses, excessive construction traffic, and the size and scale of the dwelling is out of character. One neighbour has also requested that permitted development rights are removed to prevent future extension.

RELEVANT POLICIES

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)

(DW) H5 - Infilling within the Towns (Warwick District Local Plan 1995)

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 First Deposit Version)

DP2 - Amenity (Warwick District Local Plan 1996 - 2011 First Deposit Version)

UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011 First Deposit Version)

PLANNING HISTORY

In 1978 two applications were submitted for the erection of a detached house and double garage. These were refused and one dismissed on appeal on the grounds that the Kenilworth Sewage works did not have the capacity to take the extra load at the time and that the size of the plot was not characteristic of the area.

An application made in 2004 for the erection of a detached five bed dwelling was refused by Committee following a site visit on the grounds of overdevelopment by reason of mass and bulk. It was also considered out of proportion with the size of plot and would have an unneighbourly impact on number 14 by reason of its height and proximity. Another application in February 2005 for a four bed dwelling was also refused by Committee on the grounds of unacceptable overdevelopment of the site by reason of size, mass and bulk being out of proportion with the size of the plot. Its

design would also fail to harmonise with the immediate neighbourhood and not properly respect its context.

KEY ISSUES

The Site and its Location

The proposal site consists of part of the substantial rear garden of number 12 Amherst Road. This is located on a corner plot, with a long stretch of fencing on top of a low stone wall and with good conifer screening immediately behind. The site measures 18m wide by 24 m in length.

Details of the Development

This is the third resubmission of an application (W04/1850; W05/0032) for a new dwelling on this plot which has been previously refused twice by Committee. The current scheme had provided two vehicular accesses, for an 'in and out' arrangement and this is the preferred option to the applicant, however, following the Highway Authority's objection to this, a single point of access has been reinstated. The design of the dwelling has also been revised since the previous applications in an attempt to overcome the Committee's previous objections.

The new design is less imposing than the previous proposals, and still provides two storeys of accommodation and four bedrooms. A reduction in scale has been achieved by the introduction of a lowered eaves height with front dormers to the first floor, and a half hipped roof. Garaging is still provided but it is now in the form of a single storey element rather than an integral garage. It has been repositioned so that the garage is 1.6m from the side boundary with number 14 Amherst Road, thus reducing the impact on this property. The nearest two storey element of the house is now 5m from the boundary, where it was previously 2.5m away. The front and rear elevations are in line with number 14.

The front boundary treatment was originally shown to be tall brick pillars with panels of wall/fence, but through negotiation this has been removed. Only the existing low stone wall remains in front of the house, with the existing fence remaining to the side of number 12.

Assessment

The proposed dwelling is substantial, but I do not consider that it would appear unacceptably large in comparison to other neighbouring properties. The amended design further reduces the visual impact of the new building, and along with the relocation of the garage, reduces the impact on number 14. The removal of the high front wall ensures that the frontage is in character with the other open frontages on Amherst Road, and the retention of most of the existing trees will further reduce the visual impact.

The relevant Distance Separation standards are met, and along with the lower roof and repositioned garage, it is not considered that there would be a substantial detrimental impact on neighbouring amenity, to the extent that refusal is warranted. It is not considered that there are sufficient very special circumstances in this case to

justify the removal of permitted development rights, as required under Government Guidance.

Given that the Highway Authority have no objection to the proposed single point of access and visibility splays, there are insufficient grounds for refusal on highway safety grounds.

The drainage problem referred to by neighbours is not a reason to refuse planning permission.

REASON FOR RECOMMENDATION

The proposal is considered to comply with the policies listed above.

RECOMMENDATION

GRANT subject to the following conditions :

- 1 The development hereby permitted must be begun not later than the expiration of five 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 strictly in accordance with the details shown on the approved drawing(s) 10240, 10241, 10244, 10282 and specification contained therein, submitted on 30 March 2005 and 3 May 2005 (10282 only) unless first agreed otherwise in writing by the District Planning Authority. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Local Plan Policy ENV3.
- 3 A landscaping scheme, incorporating existing trees and shrubs to be retained and new tree and shrub planting for the whole of those parts of the site not to be covered by buildings shall be submitted to and approved by the District Planning Authority before the development hereby permitted is commenced. Such approved scheme shall be completed, in all respects, not later than the first planting season following the completion of the development hereby permitted, and any trees removed, dying, being severely damaged or becoming seriously diseased within five years of planting, shall be replaced by trees of similar size and species to those originally required to be planted. Existing trees which are shown as being retained shall be dealt with in accordance with BS 5837:1991. In particular, before any materials are brought on the site or any demolition or development commenced, stout protective fencing should be erected to enclose the perimeter of the branch spread of each tree or shrub to be retained, together with the branch spread of any tree growing on adjoining land which overhangs the site. Such fencing shall be satisfactorily maintained until all development has been completed. **REASON** : To protect and enhance the amenities of the area, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan.
- 4 Samples of all external facing materials to be used for the construction of

the development hereby permitted, shall be submitted to and approved by the District Planning Authority before any constructional works are commenced. Development shall be carried out in accordance with the approved details. **REASON** : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan.

Planning Committee: 25 May 2005

Principal Item Number: 08

Application No: W 03 / 1645

Registration Date: 21/10/2003

Town/Parish Council: Kenilworth

Expiry Date: 16/12/2003

Case Officer: Will Charlton

01926 456528 planning_west@warwickdc.gov.uk

Hillcrest, Coventry Road, Crackley, Kenilworth, CV8 2EE

Erection of 24 houses and flats and ancillary works after demolition of existing car sales buildings. FOR Parkridge Homes Limited

This report should be read in conjunction with another for the construction of a balancing pond (Ref: W04/1980).

SUMMARY OF REPRESENTATIONS

Kenilworth Town Council: The Town Council make the following comments :

1. The application is in area known to flood. It is most strongly recommended that the District Council entirely satisfy itself in its consultations with the Environment Agency and Severn Trent Water that the provision of storm drainage for the area, not just the development is adequate;
2. Allied to Note 1, that it is ensured that foul drainage is adequate and that the implications of the development are noted by Severn Trent Water in regard to their plans for Kenilworth;
3. That, as numbers of young and vulnerable persons will be close to the water balancing pond, a fully comprehensive range of safety measures are installed around the pond area;
4. That there is no specific reference in the material seen to social housing provision, which would be expected in a development of this size and is sorely needed in Kenilworth;
5. That the District Council consults with the County Highways Department with a view to lowering the speed limit on the A429 to 30mph, noting the need to pay special regard to both pedestrian and vehicular access to the development.

Stoneleigh & Ashow Joint Parish Council: No observations.

County Highways: Their initial response to the application was one of a 'Holding Objection' requiring the scheme to be the subject of a Safety Audit. An audit has since been submitted and appropriate amendments made to the scheme. County Highways have considered the audit and amended plans and now have 'No Objection' to the proposed development.

County Planning: The proposal complies with the general development policies of the Structure Plan. If the District is minded to recommend approval, developer contributions for education (£28,096 primary + £30,600 secondary = £58,696 total), library contributions (£2,373) and a bus user promotion pack (£1,320) are requested.

County Ecology: Request that the railway embankment be preserved and protected during and after development, through the use of fencing creating a 2-3 metre buffer

zone and that the applicants be made aware that Bats could be found in the buildings.

Warwickshire Fire & Rescue: Require a condition regarding the provision of fire hydrants.

Environment Agency: Have written a letter to the applicant's contamination specialist expressing concern with regard to the depth of current surveys and findings and the need for further testing and research. The Agency wrote in June 2004 expressing concern that the Flood Risk Assessment provided does not address all the issues previously raised. Since that then a number of discussions have taken place with the applicants and a detailed risk assessment submitted, together with amendments to the form of the scheme.

Environmental Health: No objection, subject to a condition relating to contaminated land is applied.

Neighbours: Two neighbours from Crackley Cottages have commented that the bollards and island proposed in the centre of the Coventry Road are opposite the turning into Crackley Cottages and would severely impinge upon their access. One neighbour comments that the heights of units 1-6 are out of keeping with the cottages opposite and that the pavement width in front of Crackley Cottages has been reduced.

Crackley Residents Association: It is considered that the scheme harmonises with this environmentally sensitive area adjoining the Green Belt, and makes determined efforts to address the serious issues of drainage and flooding. The Association expresses concern that the scheme may be put under threat due to the social housing requirements of the District Council, especially as the site has for a long time been a source of difficulty and misery.

A second letter from the Residents Association stated that the issue of drainage should be met before the application for the dwellings can be considered. The provision of a relocated or second splitter in the centre of the Coventry Road is raised together with the need to fence off the site from the Greenway. Members also expressed concern over the height of plots 1-6, which do match the style of 7-9, which are more in keeping with the cottages opposite.

RELEVANT POLICIES

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)

(DW) H5 - Infilling within the Towns (Warwick District Local Plan 1995)

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 First Deposit Version)

DP2 - Amenity (Warwick District Local Plan 1996 - 2011 First Deposit Version)

SC9 - Affordable Housing (Warwick District Local Plan 1996 - 2011 First Deposit Version)

UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011 First Deposit Version)

DP5 - Density (Warwick District Local Plan 1996 - 2011 First Deposit Version)

H1 - Provision of Housing Land (Warwickshire County Structure Plan 1996-2011)

H2 - Affordable Housing (Warwickshire County Structure Plan 1996-2011)
H3 - Greenfield Land for Housing (Warwickshire County Structure Plan 1996-2011)
GD3 - Overall Development Strategy (Warwickshire County Structure Plan 1996-2011)
Distance Separation (Supplementary Planning Guidance)

PLANNING HISTORY

Although the site has a long planning and enforcement history relating to the current use of the site as a car sales business, there is no relevant planning history relating to the current scheme, apart from a previous application for a flood compensation scheme submitted jointly with this application (W03/1653). This application was withdrawn and a fresh application submitted as following further detailed analysis it was concluded the original compensation plan would not work.

KEY ISSUES

The Site and its Location

The application site is situated on the north east edge of the town of Kenilworth, accessed off the Coventry Road (A429). The site is bounded by an individual house and agricultural fields to the north and an embankment from a dismantled railway line to the south, with housing beyond. The site is currently occupied by a car sales business, consisting of a number of buildings and a car retail sales forecourt, with Crackley Cottages, a row of 13 dwellings, situated on the opposite side of the Coventry Road.

Details of the Development

It is proposed to remove the car sales and erect 24 dwellings, ranging from one and two bed flats to three and four bed terraced and semi-detached houses, with one four bed detached house. Three terraces of 3 properties (9 in total) would face out of the site onto the Coventry Road, thereby replicating the form of the terrace of properties opposite. A row of three-storey dwellings and a unit consisting of flats would be located against the backdrop of the railway embankment, with a larger two-storey block of flats, appearing as an individual large house, being located in the centre of the site.

Assessment

Principle of Development

The site constitutes previously developed land and is situated within the urban boundary of Kenilworth, adjacent to the surrounding Green Belt and Special Landscape Area. The County Structure Plan, Local Plan and PPG3 (Housing) are committed to promoting more sustainable development within urban areas and making more efficient use of land by maximising the re-use of previously developed land. It is proposed to construct 24 units on the site, 9 of which would be flats, 1 being a detached dwelling and the remainder being semi detached houses. Paragraph 58 of PPG3 regarding density on sites "*encourages housing development which makes more efficient use of land (between 30 and 50 dwellings per hectare*

net)". As the proposal is for approximately 44 units per hectare, it is considered that the scheme complies with these requirements and is therefore acceptable in principle.

Contributions

As the scheme proposes the construction of 24 units, the application proposed is below the current threshold for affordable housing in the current Local Plan. In Policy SC9 of the Warwick District Local Plan 1996 - 2011 (First Deposit Version), the threshold set out in that policy is 10 dwellings and the current proposal is therefore well-within that limit. However, the weight to be attached to policy SC9 was reduced, as agreed by members at the meeting of the Planning Committee on the 14th February 2005.

The above policy situation regarding SC9 continued until 9th May 2005, when an Inspector's decision for a scheme of 24 units at Abbey End in Kenilworth, referred to above was issued. The appeal was dismissed for a number of reasons, but also has some very important comments to make with respect to affordable housing, on which members have been advised within a separate part of this agenda. The Inspectors conclusions were: *"... I consider that, based on the principles of both national guidance and regional policy, some level of affordable housing should be provided in this development. Its complete absence is unacceptable."*

In these new circumstances, and having regard to the report on affordable housing which has been separately presented to this meeting, the applicants have been approached requesting a contribution towards affordable housing. In response, the applicants have offered to meet the Councils requirements of 30%, equating to 7 units, to be provided on a shared equity basis. In the current circumstances this is considered to be an acceptable offer.

However, due to the lateness of the request for affordable housing the applicants have stated: *"You will appreciate that the request for the inclusion of affordable housing has been made extremely late in the day and after the application, and the parallel application for the surface water drainage solution, have been under consideration for many months. It is only the complexities of achieving the drainage solution which have prevented the applications being determined several months ago. Whilst I am aware of the appeal decision which has triggered the intended change in policy on the level at which affordable housing is to be sought, we have effectively had no notice of the change and we have certainly had no opportunity to look in any detail at the effect of the request on the viability of the scheme."*

In addition to the costs of the remediation of the site from pollutants resulting from its garage use, there are very considerable costs in achieving the surface water drainage solution. They include not only the works along the course of the watercourse, but also the construction of a balancing pond and the acquisition of land outside the site on which to provide it. In accordance with the advice in Circular 6/98, we would wish to have the opportunity of looking at the viability of the scheme and it is for this reason that I have expressed my client's commitment in principal, rather than to a specific number of units without qualification. It is also worth noting that the drainage solution will remedy an existing unsatisfactory situation which, without the proposed development, will remain unresolved."

As part of a legal agreement it is proposed to provide various County Council contributions, including library contributions (£2,373), bus promotion pack (£1,320) and education contributions for both primary and secondary schools (£58,696).

Amenities of the Area

The site is currently a car sales business, with the main building being set back from the road frontage, thereby allowing two rows of vehicles for sale fronting the Coventry Road and as is typical of open car sale forecourts, there are a number of light columns and advertisements facing the road, including a large freestanding totem sign. Due to the nature of the business, the sites appearance from the properties opposite and in particular from the Coventry Road and generally detracts from the street scene and this important entrance into Kenilworth. As such, the replacement of a sales forecourt with residential units is seen as an improvement to the general character of the street scene.

it is proposed to erect 3 small terraces of properties, creating a street frontage of 9 properties. The properties are set back from the road so as to enable the required access visibility splays, whilst meeting the Council's distance separation guidance from the existing properties opposite, with a minimum distance of 22m. Although the dwellings proposed are larger (eave heights of 4.8m and 5.3, ridge height of 9m) than the original cottages opposite they have been designed so as to incorporate some of the features of the existing terrace of properties opposite, whilst retaining their own character and form. The properties meet the Council's distance separation guidelines and are positioned over the northern side of a busy main road. It is considered that the properties would not cause undue overlooking, dominate the existing terrace or be out of character to such an extent as to warrant refusal.

To the rear of the terraced properties proposed facing the Coventry Road are larger 3 storey dwellings (x6), and one block of 5 apartments. These would all be located to the southern side of the proposed access road, with their rear elevations facing the existing dismantled railway embankment. The top of the embankment is approximately 5.8m above the ground level of the application site and the eave heights of the properties proposed is approximately 7.5m, with the ridge heights being approximately 11.2m. The properties proposed would therefore be set against the backdrop of the rising embankment and the trees atop, thereby limiting their impact upon the surrounding area. The nearest existing property to the south, which at the nearest point would be over 40m away is set to the other side of the railway embankment and trees and as such the impact of the proposed houses and flats would be limited.

The remaining flat units (x4) would be contained within one building, which has been designed to appear as a large individual detached property. This would be positioned within the centre of the site to the north of the internal access road. Although the footprint of the building is relatively large the building has been designed so as to be broken down into smaller elements, thereby reducing its apparent mass and bulk, with a height to eaves of 5.3m and a maximum height of 10m to ridge, with subsidiary ridge heights of 8m and 8.5m.

Although the development proposed is adjacent to open Green Belt land, it is not considered that it would adversely impact upon its character or openness, particularly as half of the northern boundary of the site is screened by a large conifer hedge to Crackley Barn and the southern boundary of the site is the higher railway embankment. It is considered that visually the site would be an improvement over the current large car sales garage. The proposed development would also have a limited impact upon Crackley Barn, which itself is situated over 45m from the well screened dividing boundary with the site.

Parking and Access

In addition to 5 of the dwellings having integral garages, a total of 41 parking spaces are proposed for the 24 units, equating to 1.9 spaces per unit. This therefore provides 2 parking spaces (or 1 space and a garage) for all of the houses and two bedroom flats, with the 2 one bedroom flats having 1 parking space each. This is in excess of guidance provided in PPG3 (Housing), PPG13 (Transport) and general Government Guidance which states an average of 1.5 spaces per unit be provided. However, it is considered that due to the developments location, adjacent to the busy Coventry Road (A429), it would be unreasonable to request a lower ratio of parking as this would lead to more on road parking within the development site, with no immediately adjacent 'overflow' parking available on the adjacent Coventry Road.

The width of the Coventry Road would be altered slightly, being widened towards the site, providing a right turning lane into the development and a left turning lane into the recent development opposite, Redthorne Grove. The line of the kerb and pavement outside Crackley Cottages would not be altered as part of this application. The access scheme and alterations to the Coventry Road have been amended since originally submitted so that the splitter bollard location in the centre of the Coventry Road is now to the north of the rear access to Crackley Cottages, thereby allowing access to the cottages from the Kenilworth direction. The original scheme showed the splitter island as opposite the access to the rear of the cottages.

Flood Compensation Works

As part of the overall development, the scheme proposes the opening up of the existing culverted watercourse, reinstating its original state. The watercourse would be opened up through its entire length, apart from a 10m length where four car parking spaces are proposed. This open channel would provide additional flood storage capacity in addition to other works proposed.

The site has been designed so as to allow some of the parking areas to be used as flood storage areas. These areas have been designed so as to be set at a lower level than the adjacent residential gardens and dwelling floor levels, and would flood approximately 200-300mm in a 1 in 100 year flood, which has a flood level of 76.7m. As the car parking and access areas are set lower than the surrounding areas, up to approximately 0.5m, retaining kerbs/walls would be required. It is considered that the details of these can be conditioned, should permission be granted.

It is considered that the flood mitigation measures proposed, as part of this application and the joint application (W04/1980) on the adjacent farm land, would provide sufficient storage capacity to compensate for the loss of available floodplain

on the site caused by the creation of the residential units. Engineering have been consulted and involved throughout the length of the application and have undertaken a substantial amount of work modelling the scheme and its consequences. It is accepted that, although parking areas would flood, adequate flood capacity is being provided and that the properties are adequately protected. A Flood Risk Assessment, in line with the requirements of PPG25 (Development and Flood Risk) has now been submitted, which justifies the development, its impact upon the flood plain and the requirement for ground and floor levels. It is considered that the scheme, as amended, now meets the requirements of PPG25 and the Environment Agency, with details also being agreed by the Council's Engineers.

Concern has been expressed regarding the long term management of the sites flood compensation works. It is considered that the long term maintenance of all the flood mitigation works, including the flood storage area be included as part of the legal agreement covering the site. Also included with the agreement should be the requirement that the flood compensation works are completed before works relating to the construction of the dwellings and roads on the proposed housing site are started.

REASON FOR RECOMMENDATION

The proposal is considered to comply with the policies listed above.

RECOMMENDATION

GRANT subject to a legal agreement regarding County Council contributions, social housing provision, the implementation and maintenance of the flood alleviation works and the following conditions :

- 1 The development hereby permitted must be begun not later than the expiration of five 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 strictly in accordance with the details shown on the approved drawings 1792-001 Rev MM, 010 Rev A, 011 Rev B, 013 Rev A, 14 Rev B, 015 Rev A, 16 Rev D, and 17 Rev B and specification contained therein, submitted on 21 October 2003, 4 March 2004, 10 March 2005 and 13 May 2005, unless first agreed otherwise in writing by the District Planning Authority. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Local Plan Policy ENV3.
- 3 The finished floor levels of the dwellings hereby approved should be set at a minimum of 400mm above the modelled 1 in 100 year flood level of 76.71 above Ordnance Datum as shown on drawing no. 1792-001 Rev MM. **REASON** : To ensure that safe dry access is available to future residents at all times and to protect the development from flooding in accordance with the requirements of Policy ENV3 of the Warwick District Local Plan.
- 4 No development shall be carried out on the site which is the subject of this permission, until full engineered cross sections through the site including

- the balancing pond, brook, plots, and the site boundaries has been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. **REASON** : To protect the character of the area and the amenities of adjoining occupiers in accordance with the requirements of Policy ENV3 of the Warwick District Local Plan.
- 5 Samples of all external facing materials to be used for the construction of the development hereby permitted, shall be submitted to and approved by the District Planning Authority before any constructional works are commenced. Development shall be carried out in accordance with the approved details. **REASON** : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan.
 - 6 No development shall be carried out on the site which is the subject of this permission, until satisfactory details of retaining walls and boundary treatment have been submitted to and approved by the District Planning Authority and the development shall not be carried out otherwise than in full accordance with such approved details. **REASON** : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan.
 - 7 A landscaping scheme for the whole of those parts of the site not to be covered by buildings shall be submitted to and approved by the District Planning Authority before the development hereby permitted is commenced. Such approved scheme shall be completed, in all respects, not later than the first planting season following the completion of the development hereby permitted, and any trees removed, dying, being severely damaged or becoming seriously diseased within five years of planting, shall be replaced by trees of similar size and species to those originally required to be planted. **REASON** : To protect and enhance the amenities of the area, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan.
 - 8 Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water should not be passed through the interceptor. **REASON** : To prevent pollution of the Water Environment in accordance with Policy ENV3 of the Warwick District Local Plan.
 - 9 No development approved by this permission shall be commenced until:
 - (a) A site investigation has been designed using information obtained from the desk top study and any diagrammatical representations (Conceptual Model), and has been submitted and approved in writing by the District Planning Authority;
 - (b) The site investigation has been undertaken in accordance with details approved and a risk assessment has been produced;
 - (c) A method statement detailing the remediation requirements using the

information obtained from the site investigation has been approved in writing by the District Planning Authority.

REASON : To ensure that the development complies with the approved details in the interests of protection of controlled waters and policy ENV3 of the Warwick District Local Plan.

- 10 If during development, contamination not previously identified is found to be present at the site, no further development (unless otherwise agreed in writing with the District Planning Authority) shall be carried out until the developer has submitted and obtained written approval from the District Planning Authority for an addendum to the method statement detailing how this unsuspected contamination shall be dealt with. **REASON :** To ensure that the development complies with the approved details in the interests of protection of controlled waters and policy ENV3 of the Warwick District Local Plan.
- 11 All remediation works detailed in the method statement shall be undertaken and a report submitted to the District Planning Authority providing verification that the works have been carried out in accordance with the approved details. **REASON:** To ensure that the development complies with the approved details in the interests of protection of controlled waters and policy ENV3 of the Warwick District Local Plan.
- 12 The development hereby permitted shall not be commenced until a scheme for the provision of adequate water supplies and fire hydrants, necessary for fire fighting purposes at the site, has been submitted to and approved in writing by the District Planning Authority. The development shall not then be occupied until the scheme has been implemented to the satisfaction of the District Planning Authority. **REASON :** In the interests of fire safety.
- 13 The vehicular access to the site shall not be used until visibility splays have been provided to the public highway carriageway with an 'x' distance of 4.5 metres and 'y' distances of 90 metres. No structure, erection, trees or shrubs exceeding 0.6 metres in height above the adjoining highway carriageway shall be placed, allowed to grow or be maintained within the visibility splays so defined. **REASON :** In the interests of highway safety, in accordance with the requirements of Policy ENV3 of the Warwick District Local Plan.
- 14 The development shall not be commenced until an access for vehicles has been provided to the site not less than 5.0 metres or greater than 5.0 metres in width at any point, as measured from the near edge of the public highway carriageway. **REASON :** In the interests of highway safety, in accordance with the requirements of Policy ENV3 of the Warwick District Local Plan.
- 15 The vehicular access to the site shall not be used in connection with the development until it has been surfaced with a bound macadam material for a distance of 10.0 metres as measured from the near edge of the public highway carriageway in accordance with details to be approved in writing by the Local Planning Authority. **REASON :** In the interests of highway safety,

in accordance with the requirements of Policy ENV3 of the Warwick District Local Plan.

- 16 The gradient of the vehicular access shall not be steeper at any point than 1 in 10 at any point. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy ENV3 of the Warwick District Local Plan.
 - 17 The development hereby permitted shall not be brought into use unless there is available vehicular turning space within the site so that vehicles are able to enter and leave the public highway in a forward gear. Such area shall thereafter be kept available for that purpose. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy ENV3 of the Warwick District Local Plan.
 - 18 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking and re-enacting that Order with or without modification), no development shall be carried out which comes within Parts 1 and 2 of Schedule 2 of this Order, without the prior permission of the District Planning Authority. **REASON** : This residential plots on the site are of a restricted size and configuration and is in close proximity to other dwellings and are situated within the floodplain of the adjacent watercourse. It is considered appropriate therefore to retain control over future development to ensure that the residential amenity of this locality is protected in accordance with the provisions of District-Wide Policy ENV3 of the Warwick District Local Plan.
 - 19 There shall be no raising of ground levels on the site as a result of this development over that shown on the approved site plan 1792-001 Rev MM and engineering cross sections. **REASON** : This site is situated within the floodplain of the adjacent watercourse. It is considered appropriate therefore to retain control over future development to ensure that the residential amenity of this locality is protected in accordance with the provisions of District-Wide Policy ENV3 of the Warwick District Local Plan.
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Planning Committee: 25 May 2005

Principal Item Number: 09

Application No: W 04 / 1980

Registration Date: 01/11/2004

Town/Parish Council: Kenilworth

Expiry Date: 27/12/2004

Case Officer: Will Charlton

01926 456528 planning_west@warwickdc.gov.uk

Land rear of Hillcrest, Coventry Road, Crackley, Kenilworth, CV8 2EE
Construction of a surface water balancing pond to serve proposed residential development at Crackley Hill FOR Parkridge Homes Limited

This report should be read in conjunction with the other for the construction of 24 dwellings (Ref: W03/1645).

SUMMARY OF REPRESENTATIONS

Kenilworth Town Council: *Members commented regarding the following:*

- 1. The application is in an area known to flood. It is most strongly recommended that the District Council entirely satisfy itself in its consultations with the Environment Agency and Severn Trent Water that the provision of storm drainage for the area, not just the development is adequate;*
- 2. Allied to Note 1, that it is ensured that foul drainage is adequate and that the implications of the development are noted by Severn Trent Water in regard to their plans for Kenilworth;*

They were very concerned that the current proposal might be inadequate to satisfy these basic and essential prerequisites and anticipated that they would be the subject to the most rigorous scrutiny by the specialist officers at the District. They also expressed disappointment that the broader drainage flooding issues in this area, including a blocked culvert, were not being tackled. They also noted that, as the balancing pond would be constructed on the farmer's adjacent land, specific conditions should be imposed to ensure that the site would be properly safeguarded, inspected and maintained.

Stoneleigh & Ashow Joint Parish Council: Comment, questioning whether there will be any ecological damage and is the design adequate to take all the water and are there any measures to take away excess water due to flooding?

County Ecology: Require a condition covering the future management of the proposal, including the opened culvert and the sustainable drainage system.

County Archaeology: No comment.

Neighbours: The adjoining resident has written expressing concern that the pond must be designed to avoid water flooding his land and therefore object until an effective safe guard is added.

RELEVANT POLICIES

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)

(DW) C8 - Special Landscape Areas (Warwick District Local Plan 1995)

(DW) ENV1 - Definition of the Green Belt (Warwick District Local Plan 1995)

PLANNING HISTORY

See committee report for W03/1645.

KEY ISSUES

The Site and its Location

The application is submitted as part of the redevelopment of the Hillcrest Garage site (W03/1645) on the A429 Coventry Road, to the north of Kenilworth. The application site is part of an agricultural field situated to the rear, north, of the garage, on the opposite side of an existing watercourse.

The watercourse flows from west to east and passes beneath the Coventry Road. The main application site, currently a car sale business containing buildings and a sales fore court, together with the adjacent Coventry Road are known to flood. As the site is to be redeveloped into residential use, flood plain will be lost as ground and property levels will be raised. Further flood compensation measures are therefore required in order to protect the proposed residential units and their occupants and not to impact on upstream or downstream landowners.

Details of the Development

The main part of the flood compensation scheme for the site is the creation of a compensatory storage area on the adjacent farm land. It is proposed to mitigate for the floodplain lost on the housing site by lowering land levels in the adjacent field immediately to the north of the site. This flood area has been designed so as to flood when a certain level is reached and would therefore mean that surrounding areas would not flood over their current level. The other part of the scheme is to open up the illegally culverted section of the watercourse through the site, this would therefore help reduce the flooding which currently occurs, as the current situation is worsened by the enclosing of the once open watercourse.

Assessment

It is considered that the proposed recontouring of the adjacent farm land would no impact upon the openness of the Greenbelt and would not adversely affect the character of the area or the amenities of the neighbouring properties, especially as the area is proposed to remain dry, but flood when required.

As part of a legal agreement, it is proposed to require the long term maintenance of all the flood mitigation works, including the flood storage area, which is the subject of this application, together with the requirement that the flood compensation works are completed before works relating to the construction of the dwellings and roads on the proposed housing site are started.

REASON FOR RECOMMENDATION

The proposal is considered to comply with the policies listed above.

RECOMMENDATION

GRANT subject to a legal agreement regarding the implementation and maintenance of the flood alleviation works and the following conditions :

- 1 The development hereby permitted must be begun not later than the expiration of five 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 strictly in accordance with the details shown on the approved drawing 1792-001 Rev MM, submitted Flood Alleviation Scheme and specification contained therein, submitted on 13 May 2005 unless first agreed otherwise in writing by the District Planning Authority. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Local Plan Policy ENV3.
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Planning Committee: 25 May 2005

Principal Item Number: 10

Application No: W 05 / 0414

Registration Date: 15/03/2005

Town/Parish Council: Kenilworth

Expiry Date: 10/05/2005

Case Officer: Martin Haslett

01926 456526 planning_west@warwickdc.gov.uk

Land rear of, 125 Warwick Road, Kenilworth, CV8 1HZ
Erection of 4 no. 2 bedroomed town houses FOR B & B Homes

SUMMARY OF REPRESENTATIONS

Kenilworth Town Council: "Members objected to this new application because they still considered it to constitute unneighbourly overdevelopment. Members also reiterated their grave concern that additional off-street car parking within the development was still needed so as to minimise the further aggravation of highway congestion. This is already adversely affected by the lack of parking at the nearby Public House and will be greatly exacerbated by ongoing housing developments. Especial reservations are held regarding the possibility of parked vehicles impeding a response by the emergency services."

neighbours: 8 letters of objection, on grounds of :

- parking; road already heavily parked, used by other adjoining uses (churches, shops, restaurants, offices), impact of newly constructed flats at end of road;
- dangerous traffic conditions in road will be exacerbated;
- design unacceptable in historic street, building too large, dormer windows out of keeping, window arches on original design no longer proposed;
- detrimental impact on adjoining pub garden;
- impact on neighbours due to loss of light, loss of privacy.

WCC(Ecology): no objection, subject to bat and bird notes.

WCC(Highways): objection, concern over likely conflict between pedestrians and emerging vehicles and that vehicles waiting on the highway whilst garage doors are opened will cause an obstruction.

EHO(Refuse Disposal): no objection, subject to bin stores.

RELEVANT POLICIES

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)

The 45 Degree Guideline (Supplementary Planning Guidance)

Distance Separation (Supplementary Planning Guidance)

DP8 - Parking (Warwick District Local Plan 1996 - 2011 First Deposit Version)

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 First Deposit Version)

DP2 - Amenity (Warwick District Local Plan 1996 - 2011 First Deposit Version)

UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011 First Deposit Version)

PLANNING HISTORY

Permission for 4 one-bedroomed houses was granted in 1997 (W97/0047) following a site visit by members. The site consisted of semi-derelict outbuildings which have now been demolished. The decision was contrary to the recommendation of officers, who considered the site to be too small to satisfactorily accommodate the development. The permission was renewed in 2002 (W02/0164) and is therefore still a valid permission. The work which has commenced on site is authorised by that grant of permission. However, it would now be difficult to build the scheme as originally approved due to changes in the Building Regulations with regard to means of escape and fire protection for staircases. The parts currently under construction are not affected by these changes.

Earlier this year application W05/0068 was submitted which showed a substantial amendment to the extant planning permission, with two-bedroomed houses proposed. To accommodate these changes, 8 dormer windows onto Clarendon Road and 4 onto the rear elevation were proposed. Additionally, first floor 'Juliet' -style balconies were proposed for the Clarendon Road elevation. These proposals were refused under delegated powers as it was considered that the design of the houses failed to harmonise with their surroundings and were unneighbourly. The current application has been submitted in an attempt to overcome these difficulties.

KEY ISSUES

The Site and its Location

The site is a small one, with a frontage to Clarendon Road of 22m and a depth of 7m. The site adjoins terraced houses on one side and the rear of 125 Warwick Road on the other. To the rear is the garden of the Earl Clarendon public house, which is a much used sitting-out area. On the opposite side of Clarendon Road there are some 3-storeyed nineteenth century houses, which have deep front gardens.

Details of the Development

It is proposed to construct 4 town houses which would each have a garage, wc and utility room on the ground floor. At first floor there would be a kitchen and lounge/dining room, with 2 bedrooms and 2 bathrooms at second floor. The footprint of the building and its height would be exactly as approved previously but and the elevation to Clarendon Road would be only slightly changed. The dormer windows are now the same as shown on the 1997 approval and in addition they would all be obscure glazed. The balconies proposed in the application of earlier this year have now also been omitted from the plans.

To the rear there would be some changes over the approved scheme, which originally had a glazed section of roof for each house which gave each house a second floor conservatory/roof garden and a two-storey height space within the house, with the bedroom constructed on a mezzanine floor to the front of the house. The arrangement now proposed is more conventional, with one bedroom to the rear, lit by two rooflights and a further bedroom to the front, utilising the dormer windows referred to earlier. As a result of these changes to the rear elevation, the overlooking of the pub garden would almost totally be eliminated, now that the second floor

conservatory previously approved has been removed from the scheme. The rear elevations are therefore considered to be an improvement over the previous approval.

Assessment

The previous grant of planning permission in 1997, which is still valid, is a material consideration in determining this application. Given that the principle of using this small site for four dwellings is thereby accepted, the issue in relation to the current application is the extent to which the proposals would have a greater impact on local residents, in visual terms, and the impact on the street scene.

As already explained, the external appearance of the building would be little changed from the current permission. The front elevation would be very similar to the current approval and the rear elevation would be an improvement over the current approval in that overlooking is much reduced. In these circumstances it would be very difficult to substantiate an argument based on the impact on the neighbours and street scene.

Several residents have noted that the road is already fully parked and that there will not be any space for additional on-street parking. They fear that the increased 'size' of the proposed dwellings (from one-bedroomed to two-bedroomed) would result in increased on-street parking, which could not be catered-for. When the flats currently being built at the other end of Clarendon Road are occupied, there may, indeed, be an increased demand for parking, but the dwellings each have one garage. With the increased focus on sustainable forms of transport, I do not consider that a refusal on these grounds could be substantiated.

The highway authority is concerned over the access to the garages and whilst recognising their concerns, I do not consider that a refusal on these matters could be substantiated, given the previous grant of permission. However, the 1997 permission specified electrically operated garage doors which would overcome the highway authority's concern about vehicles waiting on the highway whilst the doors are opened. If this requirement were to be repeated in a grant of permission in this case, the County Council's objection would be overcome, at least in part.

REASON FOR RECOMMENDATION

The proposal is considered to comply with the policies listed above.

RECOMMENDATION

GRANT subject to the following conditions :

- 1 The development hereby permitted must be begun not later than the expiration of five years from the date of this permission. **REASON** : To comply with Section 91 of the Town and Country Planning Act 1990.
- 2 Samples of all external facing materials to be used for the construction of the development hereby permitted, shall be submitted to and approved by the District Planning Authority before any constructional works are

- commenced. Development shall be carried out in accordance with the approved details. **REASON** : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan.
- 3 The windows in the rear elevation and the dormer windows on the front elevation of the houses hereby permitted shall be non-opening and obscure glazed and retained as such at all times thereafter. **REASON** : To protect the amenity of nearby properties, in accordance with policy ENV3 of the Warwick District Local Plan 1995.
 - 4 The garaging shown on the plans hereby approved shall be retained and kept available for such purposes and shall not be altered either internally or externally without the prior consent of the District Planning Authority. **REASON** : To ensure that there are adequate parking facilities to serve the development, in accordance with the requirements of Policy ENV3 of the Warwick District Local Plan.
 - 5 The garage doors/gates for the dwellings hereby approved shall be electrically operated by remote control and this type of door/gate shall be used for all subsequent replacements. The equipment shall be maintained in full working order. **REASON** : So that vehicles do not have to wait on the highway whilst the doors are opened, to the detriment of highway safety, to ensure compliance with policy ENV3 of the Warwick District Local Plan 1995.
 - 6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking and re-enacting that Order with or without modification), no development shall be carried out which comes within Parts 1 and 2 of Schedule 2 of this Order, without the prior permission of the District Planning Authority. **REASON** : This site is of a restricted size and configuration and is in close proximity to other dwellings. It is considered appropriate therefore to retain control over future development to ensure that the residential amenity of this locality is protected in accordance with the provisions of District-Wide Policy ENV3 of the Warwick District Local Plan.
 - 7 The bin stores shown on the approved drawings shall be constructed as shown and shall thereafter be retained for this use. **REASON** :To ensure facilities are provided, so that bins are not stored on the highway, in compliance with policy ENV3 of the Warwick District Local Plan 1995.
 - 8 The development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawings 598.01B, 02A, 03B, and 04A and specification contained therein, submitted on 15 March 2005 unless first agreed otherwise in writing by the District Planning Authority. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Local Plan Policy ENV3.
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Planning Committee: 25 May 2005

Principal Item Number: 11

Application No: W 05 / 0459

Registration Date: 23/03/2005

Town/Parish Council: Kenilworth

Expiry Date: 18/05/2005

Case Officer: Penny Butler

01926 456544 planning_west@warwickdc.gov.uk

56 Glasshouse Lane, Kenilworth, CV8 2AJ

Change of use from Residential (Class C3) to D1 (Places of Worship) FOR
Avondale Gospel Hall Trust

SUMMARY OF REPRESENTATIONS

Kenilworth Town Council: Object on the following grounds:

- unneighbourly, being both likely to detract from the character of the area and affect the amenity of local residents
- inappropriate change of use that is incompatible with the residential area
- contrary to policies H13, H23 and SC7; the applicant has not demonstrated a local need which cannot be met in the town centre
- likely to cause noise, traffic and parking problems, including at unsociable hours
- parking is already a problem in this area due to sporting and community events
- poor public transport, none on Sundays
- possible precedent for future applications

WCC Highways: No comments received to date.

WDC Environmental Health: Taking into account the Brethren's previous good history at their Cubbington location, there is no objection subject to conditions for the approval to be personal to the Trust, no amplified music to be used in connection with meetings, and all meetings to be held inside the house.

Neighbours: Nine letters have been received objecting on the following grounds: inappropriate use in this solely residential area, unneighbourly to nearby properties by reason of noise and disturbance, insufficient parking, increased traffic congestion and detrimental to highway safety particularly on Sundays when the nearby rugby club is in use, poor public transport, visual impact on green belt, and a building empty for long periods may become a crime target. There is also concern that attendance above that specified could increase, other D1 uses could be implemented if this group vacate, it would be difficult to resist further alterations or extensions to the building, and any permission should be temporary so that the impact can be assessed. The application is contrary to Policies H13, H13a and SC7. A sequential test has not been applied, and a local need has not been demonstrated. One letter of no objection was also received from the immediate neighbour.

RELEVANT POLICIES

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)

(DW) H23 - Relocation of Non-Conforming Uses (Warwick District Local Plan 1995)

SC7 - Supporting Community Facilities (Warwick District Local Plan 1996 - 2011 First Deposit Version)

(DW) H13 - Loss of Existing Residential Accommodation and Development within Existing Residential Areas (Warwick District Local Plan 1995)

PLANNING HISTORY

There is no history of planning applications on this site.

KEY ISSUES

The Site and its Location

The property is the last in a row of detached dwellings on the southern side of Glasshouse Lane. To the east and the rear of the property is open green belt. Approximately 250 metres to the west on Glasshouse Lane is the Rugby Club. There are no parking restrictions on Glasshouse Lane, so there is often parking on the highway or verges when the club is in use. The application property consists of a detached bungalow with side garage and rear conservatory. The existing vehicular access from Glasshouse Lane leading directly to the garage, is two cars width and 17 metres long, so there is room for six car parking spaces.

Details of the Development

It is proposed to change the use of the dwelling to a place of worship. There are no physical alterations proposed to the building. It is intended to provide additional parking in the front garden under residential permitted development rights before the change of use occurs. Places of worship come under the Use Class D1 category, which also includes day nurseries, training centres and clinics amongst other uses.

The Trust has stated that they would anticipate about six households totalling around thirty-five people, that would meet Sunday and Monday for about four hours a week. The property would only be used for Brethren's meetings and not social activities.

Assessment

The main issues are considered to be impact on neighbours, impact on highway safety and parking, and compliance with Policy SC7.

It is considered that the proposed use would not have an unneighbourly impact on nearby properties, especially as the use would be for a limited amount of hours each week. Any noise created from the meetings themselves or arrival of vehicles and/or people has not raised objection from Environmental Health, and the Trust has a good previous history at their Cubbington site. (A bungalow at 2 Windmill Hill). The location of the property at the end of a row of houses means that there is only one immediately adjacent dwelling, from which a letter of no objection has been received.

It is noted that this is a solely residential area. However, given the limited amount of disturbance that would be created, and the lack of any proposals to change the exterior of the dwelling, it would be difficult to justify a refusal on the grounds of the proposal being out of character or having a harmful impact on the green belt. Any future applications to change the building must be judged if and when they are made.

Policy SC7 of the first deposit version of the Warwick District Local Plan 1996-2011 can only be given very little weight. It requires proposals for community facilities to be located on previously developed land within town centres or close to local centres. Outside of these locations facilities which can demonstrate a local need will be permitted where the use is accessible by means other than the private car, the need is particularly local and cannot be met in the locations above, and it makes use of previously developed land.

The proposal meets the requirement of being located on previously developed land, and a local need has been demonstrated. This facility is in addition to meeting places in Leamington Spa and Cubbington, and would be for the use of local people only. The location is clearly not in the town centre, or close to a local centre, and is not particularly well served by public transport (there is none on Sundays). However, this policy can only be given limited weight due to the status of the Local Plan and, therefore, a refusal based on this policy alone would be difficult to defend at appeal. Also the size of the premises limits the number of people who could attend which suggests that the large numbers of people attending the site that would normally be associated with D1 uses would not occur, and this would go some way to justifying this less sustainable location.

Policy H13 states that the loss of residential accommodation will be resisted, and that any proposals for non-residential development will be considered with regard to the need to maintain the predominantly residential nature of the area, the impact on character and amenity, and other appropriate policies. The predominant residential nature and character of the area will be preserved, as the property will not be altered externally, and, in my opinion, the amenity of nearby properties would not be seriously harmed.

The number of parking spaces that can be provided on the site are considered adequate, while any over spill parking could be accommodated on the highway. While sympathising with the concerns of local residents regarding highway safety and lack of parking, especially when the rugby club is in use, this is an existing problem with a different site, and there is no parking problem normally in the area. Given the level of parking which can be provided on the site, it would be unreasonable to refuse permission for this proposal due to parking problems created by a site some 250 metres away.

In line with Environmental Health recommendations, conditions are suggested to prevent the use of amplified music, and to ensure all meetings are held inside the house. A condition for the approval to be made personal to this group should also be imposed, given the individual circumstances that have been demonstrated.

Given the special circumstances of this use, it is not considered that a precedent would be set. Policy H13a is not considered relevant as this refers to empty residential property.

REASON FOR RECOMMENDATION

The proposal is considered to comply with the policies listed above.

RECOMMENDATION

GRANT subject to the following conditions :

- 1 The development hereby permitted must be begun not later than the expiration of five years from the date of this permission. **REASON** : To comply with Section 91 of the Town and Country Planning Act 1990.
 - 2 The use hereby permitted shall be for a place of worship within Class D1 of the Town and Country Planning (Use Classes) Order 1987 as amended which shall be carried on only by the Avonvale Gospel Trust and on the discontinuance of their occupancy of the site the use hereby permitted shall cease. **REASON** : Since permission for the development would not normally be granted other than in the special circumstances put forward by the applicant.
 - 3 All meetings shall be held inside the house. **REASON** : To protect the amenity of the occupiers of nearby properties.
 - 4 There shall be no amplified music to be used in connection with any meetings. **REASON** : To protect the amenity of the occupiers of nearby properties.
 - 5 The garage and tarmac driveway to the property shall be retained at all times for the parking of vehicles. **REASON**: In the interests of highway safety.
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Planning Committee: 25 May 2005

Principal Item Number: 12

Application No: W 05 / 0482

Registration Date: 24/03/2005

Town/Parish Council: Kenilworth

Expiry Date: 19/05/2005

Case Officer: Will Charlton

01926 456528 planning_west@warwickdc.gov.uk

45 High Street, Kenilworth, CV8 1LY

Demolition of existing dwelling /garage and erection of new dwelling /garage
FOR Mr & Mrs Green

This report should be read in conjunction with the other for the demolition of the existing dwelling on the site (Ref: W05/0483CA).

SUMMARY OF REPRESENTATIONS

Town Council: *"Members, whilst noting that the design was modern and bold, objected to this application since they considered it to:*

- 1) Be unsympathetic to its sensitive location and disharmonious to its street setting;*
- 2) In respect of both its front and rear aspects when viewed from outside the boundary, be inappropriate to its Conservation Area status and overall setting;*
- 3) Include a flat roof which is inappropriate;*
- 4) If approved, be a precursor to further inappropriate applications in this very sensitive area;*
- 5) Inappropriate to its situation that immediately adjoins an Ancient Scheduled Monument of international historical importance;*
- 6) Given the long history to the extant property, Members would wish to be reassured that the proposal are fully compliant with any existing agreements in relation to the site.*

Members commented that if Warwick District Council were minded to approve redevelopment of the site then the approved design and materials should be such as to ensure homogeneity and tradition within the area."

English Heritage: The consultation response from English Heritage is attached as an Appendix to the Part 1 application, W05/0482.

CAAF: *"Generally the use of a contemporary building was supported and it was felt that the existing bungalow, with one exception, could be removed and replaced. Some concern was expressed about the impact of the proposed building on the Conservation Area and the views across Abbey Fields. It was felt that the white painted walls and use of timber cladding could be reconsidered. It was suggested that timber window frames rather than stark white frames would be more acceptable. It was also suggested that the long wall facing the High Street could be reconsidered in terms of its treatment to have a less stark impact."*

WCC Ecology: In view of the fact that buildings will be demolished a bat survey is requested.

WCC Archaeology: Recommend a condition requiring the implementation of a programme of archaeological work.

Neighbours: A total of 7 letters of objection have been received, 5 of which are from the properties opposite. One neighbour states that the current building may not be distinguished but is pleasantly cottage-like and it has mellowed quite nicely. The property is in a prominent position and the dwelling proposed would be visible from the road, having a higher roof line than the existing dwelling. Its design is bulkier and more obtrusive and is incompatible with neighbouring properties, not being sympathetic with its surroundings and does not contribute to the character and quality of the environment. Having a flat roof does not make the proposed building good modern architecture. The proposal would be intrusive when viewed from Abbey Fields due to its form, materials and colours. There should be a total ban on developments in Abbey Fields. One resident opposite states that they would will look down on a large area of flat roof and a long side wall.

RELEVANT POLICIES

(DW) ENV21 - Development Associated with Ancient Monuments (Warwick District Local Plan 1995)

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)

(DW) ENV6 - Protection and Enhancement of Conservation Areas (Warwick District Local Plan 1995)

(DW) ENV8 - New Development within Conservation Areas (Warwick District Local Plan 1995)

(DW) ENV7 - Demolition of Non-Listed Buildings within Conservation Areas (Warwick District Local Plan 1995)

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 First Deposit Version)

DP2 - Amenity (Warwick District Local Plan 1996 - 2011 First Deposit Version)

DAP10 - Protection of Conservation Areas (Warwick District 1996 - 2011 First Deposit Version)

DAP11 - Unlisted Buildings in Conservation Areas (Warwick District 1996 - 2011 First Deposit Version)

PLANNING HISTORY

Planning Permission was granted for the existing dwelling in 1982 (W81/1316). This was subject to a number of conditions, including the removal of permitted development rights and a legal agreement stating that *"No further buildings or extensions to existing buildings shall be constructed on the said property without the prior consent in writing of the Council."*

Permission was then granted in 1985, with additional extensions to the property proposed in 1992 and 1993 both being refused due there impact upon the area. In 1993 it was considered that the proposal would *"further consolidate built development on a site which has a predominantly landscaped character adjoining the Abbey Fields and would therefore detrimentally affect the character of this sensitive part of the Conservation Area."*

KEY ISSUES

The Site and its Location

The site is located within the Kenilworth Conservation Area, on the southern side of the High Street, with Abbey Fields adjoining its southern and western boundaries. The application property consists of an 1980's detached dormer bungalow set in a large residential garden, with an old stable block building at the southern, bottom end of the site. The property is set behind a solid 1.4m high fence which bounds onto the footpath of the High Street and due to the immediate drop in ground levels the ground floor level of the property is set approximately 3.2m below road level. The application site is surrounded by mature trees and vegetation, with further mature domestic vegetation within the steeply sloping garden down to Abbey Fields, which is a Scheduled Ancient Monument.

Details of the Development

It is proposed to demolish the existing 1980's dormer bungalow and replace it with a modern contemporary designed dwelling. The new dwelling would be located over the footprint of the existing with the same ground floor level. The two-storey section of the proposal (roof height of 5.6m) would be situated at 90 degrees to the High Street and the main part of the Abbey Fields, with the lower single-storey section (roof height 3.7m) parallel to the road. The two-storey element would be linked to the main single-storey by a lower, subsidiary section, with a roof height of 2.7m.

The property would be flat roofed, with the lower sections, which could be viewed over the fence from the High Street, now proposed to have a grass (sedum) roof. The originally proposed timber cladding has been changed to terracotta tiles of a more natural clay colour, with the white rendered sections being changed to a cream colour. The rendered wall on the single-storey section has been reduced in length, with the contrasted tiled section being increased in length by approximately 1m.

Assessment

Due to the amount of mature screening to the boundaries, coupled with the significant fall in grounds level across the site and from the High Street, the application site is very well screened from surrounding residential properties. Although there are a small number of properties along the High Street which look out towards the application site, it is considered that their views, although altered by the proposed dwelling, would not be adversely impacted upon. Views would look across the flat roofs of the proposed dwellings, however it do not consider that the amenities currently enjoyed by these properties would be seriously compromised, especially as the lower section of the dwelling is now proposed to have a grass (sedum) roof.

The main issue regarding this proposal is its affect on the Conservation Area and Abbey Fields, a Scheduled Ancient Monument. Under Planning (Listed Buildings and Conservation Areas) Act 1990 special attention should be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area.

Due to the form, design and appearance of the current dormer property it is considered that it does not positively contribute to the Conservation Area. If it is

considered that the replacement dwelling is suitable, and does either preserve or enhance the area, then there would be no reason to object to the demolition of the existing dwelling.

Although the floor area of the proposed new dwelling is larger than the current property and provides a larger first floor element, it is not considered that this in itself is a reason for refusal. The dwelling would be positioned at the same location as the current property, although does protrude further forward towards the southern boundary of the site. The first floor element would have a roof height of approximately 5.6m, approximately 0.6m lower than the main ridge height of the current dwelling, which runs parallel to the road. The height of the property would therefore be approximately 1m above the boundary fence level of the High Street. Although the first floor element would be visible, it has been designed so as to be at right angles to the road, thereby reducing its visual appearance from the High Street, having a reduced impact over the current ridge and chimney stack of the existing dormer bungalow. This two-storey element is further screened by the amount of mature, evergreen screening between the gable end of the two-storey section of the property and the road, and to the rear, between the property and its neighbour.

The single-storey element proposed (height 3.7m) would be set below the fence level and as such would not be readily visible from the surrounding Conservation Area. This height is a substantial reduction of the current ridge (6.2m) which can be viewed from the adjacent road. This therefore allows views, from the adjacent road, across the grassed (sedum) roof of the property and its garden towards Abbey Fields.

It is considered that the bulk of the property has been handled and broken down well in terms of views into the site from High Street and from Abbey Fields, where there are views through the boundary screening. Although the design contrasts with the surrounding properties in terms of form, its massing has been arranged horizontally so it sits comfortably in its landscaped setting and position on the site, minimising its overall impact upon the Conservation Area and Abbey Fields, whilst visually retaining these important views south from the dwelling itself.

It is considered that the comments of English Heritage are particularly valid (see Appendix 1) and it is agreed that whilst the choice of style is a bold one it is not considered that this in itself renders the design unsuitable for the environment in which it would be set. I therefore consider that the approach adopted by the architects in this case is acceptable and it is considered that this modern contemporarily designed dwelling is appropriate and preserves/enhances the character and appearance of the Conservation Area and does not have an adverse impact upon the setting of the Scheduled Ancient Monument.

There is a mix of materials along the High Street, including brick, stone, render, timber and thatch. The comments from English Heritage and CAAF regarding their reservations about materials have been considered by the architect. It was originally proposed to use render, glass and timber cladding on the building, however the architect has now amended the scheme so that the render colour has been toned down and clay coloured terracotta tiles replace timber as cladding. It is considered that these colours and materials assimilate themselves well with the area, reflecting properties within the street. The parts of the flat roof which would be visible from the High Street are now proposed to be covered in grass (sedum), again reducing the

impact of the proposal on the views across the site. It is considered that these alterations to roof covering and materials now meet the concerns raised by both bodies. It is proposed to remove permitted development rights regarding the painting of dwellings, together with rights to extend the dwelling in order to protect the Conservation Area in the future.

Upon researching the planning history of the site it has come to light that there is a legal agreement attached to the original planning approval for the dwelling. The application was approved subject to a number of conditions, including the removal of permitted development rights, and the imposition of a legal agreement "*....to regulate the use of the site for the building of one dwelling.*" This legal agreement is not a consideration in the determination of this planning application, which should be considered on its own merits, and as such cannot be used as a reason for refusal. However, it does mean that an additional approval is required.

REASON FOR RECOMMENDATION

The proposal is considered to comply with the policies listed above.

RECOMMENDATION

GRANT subject to the following conditions :

- 1 The development hereby permitted must be begun not later than the expiration of five 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 details shown on the approved drawings 04.169.SK.041e, 042e, 043e, 044e, 045e, 046e, 047d and 048c and specification contained therein, submitted on 9th May 2005 except as required by condition 3 below and unless first agreed otherwise in writing by the District Planning Authority. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Local Plan Policy ENV3.
- 3 No development shall be carried out on the site which is the subject of this permission, until full details of existing and proposed ground levels of the development, including the finished floor level of the dwelling and sections through the site have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. **REASON** : To protect the character of the area and the amenities of adjoining occupiers in accordance with the requirements of Policy ENV3 of the Warwick District Local Plan.
- 4 Samples of all external facing materials to be used for the construction of the development hereby permitted, shall be submitted to and approved by the District Planning Authority before any constructional works are commenced. Development shall be carried out in accordance with the approved details. **REASON** : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy ENV3 of the

Warwick District Local Plan.

- 5 A landscaping scheme, incorporating existing trees and shrubs to be retained and new tree and shrub planting for the whole of those parts of the site not to be covered by buildings shall be submitted to and approved by the District Planning Authority before the development hereby permitted is commenced. Such approved scheme shall be completed, in all respects, not later than the first planting season following the completion of the development hereby permitted, and any trees removed, dying, being severely damaged or becoming seriously diseased within five years of planting, shall be replaced by trees of similar size and species to those originally required to be planted. Existing trees which are shown as being retained shall be dealt with in accordance with BS 5837:1991. In particular, before any materials are brought on the site or any demolition or development commenced, stout protective fencing should be erected to enclose the perimeter of the branch spread of each tree or shrub to be retained, together with the branch spread of any tree growing on adjoining land which overhangs the site. Such fencing shall be satisfactorily maintained until all development has been completed. **REASON** : To protect and enhance the amenities of the area, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan.
 - 6 No development shall be carried out on the site which is the subject of this permission, until large scale details of doors, windows (including a section showing the window reveal, heads and cill details), eaves, verges and rainwater goods at a scale of 1:5 have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. **REASON** : To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy ENV8 of the Warwick District Local Plan.
 - 7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking and re-enacting that Order with or without modification), no development shall be carried out which comes within Parts 1 and 2 of Schedule 2 of this Order, without the prior permission of the District Planning Authority. **REASON** : To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy ENV8 of the Warwick District Local Plan.
 - 8 No lighting shall be fixed to the external walls or roofs of the dwelling hereby permitted, or on any open land within the application site without the written consent of the District Planning Authority. **REASON** : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan.
-

Planning Committee: 25 May 2005

Principal Item Number: 13

Application No: W 05 / 0483 CA

Registration Date: 24/03/2005

Town/Parish Council: Kenilworth

Expiry Date: 19/05/2005

Case Officer: Will Charlton

01926 456528 planning_west@warwickdc.gov.uk

45 High Street, Kenilworth, CV8 1LY

Demolition of existing dwelling /garage FOR Mr & Mrs Green

This report should be read in conjunction with the other for the construction of a dwelling on the site (Ref: W05/0482).

SUMMARY OF REPRESENTATIONS

Town Council: *"Members, whilst noting that the design was modern and bold, objected to this application since they considered it to:*

- 1) Be unsympathetic to its sensitive location and disharmonious to its street setting;*
- 2) In respect of both its front and rear aspects when viewed from outside the boundary, be inappropriate to its Conservation Area status and overall setting;*
- 3) Include a flat roof which is inappropriate;*
- 4) If approved, be a precursor to further inappropriate applications in this very sensitive area;*
- 5) Inappropriate to its situation that immediately adjoins an Ancient Scheduled Monument of international historical importance;*
- 6) Given the long history to the extant property, Members would wish to be reassured that the proposal is fully compliant with any existing agreements in relation to the site. Members commented that if Warwick District Council were minded to approve redevelopment of the site then the approved design and materials should be such as to ensure homogeneity and tradition within the area."*

English Heritage: The consultation response from English Heritage is attached as an Appendix to the Part 1 application, W05/0482.

CAAF: *"Generally the use of a contemporary building was supported and it was felt that the existing bungalow, with one exception, could be removed and replaced. Some concern was expressed about the impact of the proposed building on the Conservation Area and the views across Abbey Fields. It was felt that the white painted walls and use of timber cladding could be reconsidered. It was suggested that timber window frames rather than stark white frames would be more acceptable. It was also suggested that the long wall facing the High Street could be reconsidered in terms of its treatment to have a less stark impact."*

Neighbours: A total of 7 letters of objection have been received regarding the form and design of the replacement dwelling. One neighbour states that the current building may not be distinguished but is pleasantly cottage-like and it has mellowed quite nicely, with two other objecting to the demolition of the dwelling. However, one letter does state that *"demolition of this rather poorly built house and its replacement by a modern building is of no great consequence...."*

RELEVANT POLICIES

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)
(DW) ENV6 - Protection and Enhancement of Conservation Areas (Warwick District Local Plan 1995)
(DW) ENV8 - New Development within Conservation Areas (Warwick District Local Plan 1995)
(DW) ENV7 - Demolition of Non-Listed Buildings within Conservation Areas (Warwick District Local Plan 1995)
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 First Deposit Version)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011 First Deposit Version)
DAP10 - Protection of Conservation Areas (Warwick District 1996 - 2011 First Deposit Version)
DAP11 - Unlisted Buildings in Conservation Areas (Warwick District 1996 - 2011 First Deposit Version)

PLANNING HISTORY

See previous committee report for W05/0482.

KEY ISSUES

The Site and its Location

The application property is an existing dormer bungalow set in a large residential garden on the southern side of the High Street in Kenilworth. The property is set behind a solid 1.4m fence to the road and due to the immediate drop in ground levels the ground floor level of the property is set approximately 3.2m below road level. The application site is surrounded on all boundaries by mature trees and vegetation, with further mature domestic vegetation within the steeply sloping garden down to Abbey Fields. To the south of the site is Abbey Fields, which is a Scheduled Ancient Monument.

Assessment

The site lies within the Conservation Area and due to the form, design and appearance of the current property does not positively contribute to the Conservation Area and adjacent Abbey Fields. Although bold in design, it is considered the replacement dwelling is suitable for this site and this area of Kenilworth and the immediate Conservation Area and as such the demolition of the existing dwelling to be replaced by another is acceptable.

REASON FOR RECOMMENDATION

The proposal is considered to comply with the policies listed above.

RECOMMENDATION

GRANT subject to the following conditions :

- 1 The works hereby permitted must be begun not later than the expiration of five years from the date of this consent. **REASON** : To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
 - 2 The demolition hereby permitted shall not be undertaken before a contract for the carrying out of works of redevelopment under W05/0482 has been made. **REASON** : To ensure an appropriate replacement building within the Conservation Area and to satisfy the requirements of Policy ENV8 of the Warwick District Local Plan 1995.
 - 3 Before any works for demolition are first commenced, a survey of the premises by a qualified bat surveyor shall be undertaken to demonstrate the presence, absence or usage of the premises by bats. In the event that the survey demonstrates the presence or usage of the premises by bats, a report recommending mitigation measures to ensure any bats will be protected during the demolition works shall be submitted to and approved in writing by the District Planning Authority before the demolition works are commenced. The approved mitigation measures shall be wholly implemented strictly as approved. **REASON**: To ensure the protection of bats and compliance with Policy ENV27 of the Warwick District Local Plan 1995.
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Planning Committee: 25 May 2005

Principal Item Number: 14

Application No: W 05 / 0425

Registration Date: 17/03/2005

Town/Parish Council: Warwick

Expiry Date: 12/05/2005

Case Officer: Debbie Prince

01926 456555 planning_west@warwickdc.gov.uk

St Mary's Land, Hampton Street, Warwick, CV34 6HN

Improvements to existing car park; creation of a public pay & display car park. FOR
Warwick District Council

This application is brought before the Committee for decision as the land is Council owned and more than 5 neighbours have objected to the scheme..

SUMMARY OF REPRESENTATIONS

Warwick Town Council has no objections

Neighbours - Ten letters have been received from neighbours and interested persons objecting to the scheme on the grounds of loss of a valuable and historic green wildlife area, possible exacerbation of flooding problems, no need for this type of parking, the area will not be easy to police and that the proposed lighting is inappropriate. A plan showing trees to be felled and a landscaping scheme is required.

WCC Footpaths object to the original scheme on the grounds that it would mean that cars would be parking on the legal line of the public footpath. It would also create an unacceptable risk to school children, other pedestrians and cyclists from vehicles reversing and emerging from bays from both directions. They suggest an amended scheme which would divert the public footpath and cycleway track around the northern edge of the proposed new car park.

WCC Highways have no objections subject to conditions.

WCC Ecology has no objection subject to conditions covering a landscaping, management and maintenance scheme, protection of the ridge and furrow feature and the trees to be retained and no contamination of the brook and the ditch course to be left open.

WCC Archaeology has no objection subject to a condition requiring a watching brief.

English Heritage do not wish to make any representations

The Ramblers Association suggests that the original scheme would have a significant affect on pedestrians and that it would be safer if there were a separate footpath. Concern is also expressed that the proposal could have an unacceptable urbanising affect.

The Warwick Society objects to the proposal on the grounds that the type and location of parking is not what is needed in the town and that it would result in a loss of trees and hedgerows that screen Sainsburys Car Park from the racecourse. If permission is granted then they would ask that provision be made so that cyclists and pedestrians do not need to walk or ride in the car park but have their own dedicated route round it.

Lammas and District Residents Association are concerned that this development is not in accordance with policy, in that it would mean that 300sqm of a designated Area of Restraint would be lost. A mini-roundabout needs to be installed at the entrance in Friars Street to slow the flow of traffic and enable safe access. The lighting proposals are considered inappropriate and they would prefer the use of shorter, more discreet lighting columns. The proposed traffic calming measures are welcomed and a condition should be included to ensure that the gated vehicle access at the mid point between the two car parks should remain closed on all occasions other than race days.

RELEVANT POLICIES

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)
(DW) ENV2 - Areas of Restraint (Warwick District Local Plan 1995)
(DW) TR6 - Provision of On-Street and Off-Street Parking within Town Centres (Warwick District Local Plan 1995)
DAP2 - Protecting the Areas of Restraint (Warwick District 1996 - 2011 First Deposit Version)
SC4 - Supporting Cycle and Pedestrian Facilities (Warwick District 1996 - 2011 First Deposit Version)
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 First Deposit Version)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011 First Deposit Version)
DP6 - Access (Warwick District Local Plan 1996 - 2011 First Deposit Version)
DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011 First Deposit Version)
DP8 - Parking (Warwick District Local Plan 1996 - 2011 First Deposit Version)
TCP1 - Protecting and Enhancing the Town Centres (Warwick District 1996 - 2011 First Deposit Version)

PLANNING HISTORY

The proposals form part of the Council's agreed strategy for the St. Mary's Lands re-development following the responses from the public consultation in December 2001/January 2002

KEY ISSUES

The Site and its Location

The proposed parking areas would be constructed along the east side of the racecourse. One (A) would be located close to the main entrance to the racecourse on Hampton Road and the other (B) to the rear of the existing Sainsbury's car park.

The parking would be served by a continuous roadway, roughly on the line of the existing access track and public footpath.

Details of the Development

The proposals consist of improvements to the surface of the existing car park area (A) adjacent to the racecourse and a new car park (B) adjacent to Vittle Drive which would replace the informal parking facilities which catered for approximately 140 vehicles previously lost on creation of the new access to the housing development at Bread and Meat Close.

Parking Area A with 63 spaces is located close to the main entrance to the racecourse and incorporates the existing parking already in place. The car park surface in this area at present is poor and there is minimal lighting provision. The applicants wish to improve the surfacing and now provide 6.00m high lighting columns to increase overall safety and security.

Parking Area B a new Long Stay car park with 97 spaces would be accessed only from Vittle Drive to the rear of Sainsbury's car park. A number of 8.00m high lighting columns with cut off reflectors and one with CCTV are also proposed for this car park.

The vehicular access gate for use on race days would be moved to a location between the two car parks and traffic calming measures such as ramps, a speed control table and a chicane would be installed.

The application has been amended to make provision for diversion of the public footpath WB11 and the cycleway to the west of car park B. This amendment has meant a reduction of 11 parking spaces from the original scheme.

Assessment

Need

A parking needs survey was carried out within Warwick town centre the results of which showed that existing off street car parks were full both during the day and evenings for most of the year in addition to abuse of on-street parking regulations. Current on and off street parking in Warwick is insufficient to meet the demands of residents, commuters, businesses and visitors to the town and this causes a significant amount of illegal parking. The District Council's car parking strategy published in December 2004 seeks to encourage long stay all day parking at locations on the edge of the town. The town centre off street car parks can then be used for short stay parking which is vital for maintaining the viability and vitality of the town centre.

This proposal replaces the mostly adhoc arrangement of public parking at the racecourse with improved facilities and a net gain of approximately 20 parking spaces. It is located on the edge of town, thus continuing to provide the type of car parking seen as necessary to achieve the aims of policies S1 of the Warwick District Local Plan 1995 and emerging policy TCP1 of the Warwick District Local Plan 1996-2011 First Deposit Version described above. The proposal forms part of the agreed

overall scheme for the redevelopment of St Mary's Lands and is in accordance with other current Council policy.

Ecology and Landscaping

There has been objection to the proposals from neighbours on the grounds of loss of an important green wildlife area although the application area has no known statutory or statutory nature conservation status. Nevertheless, the scheme does involve the removal of some trees and vegetation adjacent to the boundary with Sainsbury's Car Park and this loss is regrettable. It is considered, however, that this could be satisfactorily mitigated by the submission and implementation of a comprehensive landscaping scheme for the whole site which would include new planting of indigenous tree and shrub species and the protection of the retained trees during the construction period. The parking areas have also been designed to avoid the area of ridge and furrow.

Highway Safety

The amended scheme which proposes the diversion of the public footpath and the cycle way to the west of car park B would mean that there would be no conflict with pedestrians or cyclists.

The Long Stay car parking proposals have been included in the County Highway Authorities traffic model for Warwick Town Centre and as the scheme would not create a significant number of additional traffic movements and would not be detrimental to the local highway network, the proposals are acceptable subject to access improvement conditions.

REASON FOR RECOMMENDATION

The proposal is considered to comply with the policies listed above.

RECOMMENDATION

GRANT subject to the following conditions :

- 1 The development hereby permitted must be begun not later than the expiration of five 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 strictly in accordance with the details shown on the approved amended drawing 740 101 14X/D and specification contained therein, submitted on 13th April 2005 unless first agreed otherwise in writing by the District Planning Authority. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Local Plan Policy ENV3.

- 3 A landscaping scheme, incorporating existing trees and shrubs to be retained as shown on drawing "Proposed Car Parks at St Mary's Lands Trees to be Removed and Retained" submitted 15th April 2005 and new tree and shrub planting for the whole of the site and including a maintenance and management plan shall be submitted to and approved by the District Planning Authority before the development hereby permitted is commenced. Such approved scheme shall be completed, in all respects, not later than the first planting season following the completion of the development hereby permitted, and any trees removed, dying, being severely damaged or becoming seriously diseased within five years of planting, shall be replaced by trees of similar size and species to those originally required to be planted. Existing trees which are shown as being retained shall be dealt with in accordance with BS 5837:1991. In particular, before any materials are brought on the site or any demolition or development commenced, stout protective fencing should be erected to enclose the perimeter of the branch spread of each tree or shrub to be retained, together with the branch spread of any tree growing on adjoining land which overhangs the site. Such fencing shall be satisfactorily maintained until all development has been completed. **REASON** : To protect and enhance the amenities of the area, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan.
- 4 The development hereby permitted shall not commence unless and until two weeks notice in writing of the start of works shall have been given to the Warwickshire Museum as the nominated representative of the District Planning Authority. During the construction period the developer shall afford access at all reasonable times to representatives of the Museum and shall allow them to observe the excavations and record items of interest and finds. **REASON** : To ensure any items of archaeological interest are adequately investigated, recorded and if necessary, protected, in order to satisfy the requirements of Policy ENV22 of the Warwick District Local Plan.
- 5 The gated vehicular access between the two car parks shall remain closed at all times other than on "Race Days". **REASON**: In the interests of safety for pedestrians and cyclists.
- 6 No development shall be carried out on the site which is the subject of this permission, until details of the fence around the new car park and the hedge on the southern boundary of the new car park have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. **REASON** :To protect the amenity of the area
- 7 No development shall take place which is the subject of this permission until a fence has been erected to protect the area of ridge and furrow. This fence shall be retained until the development has been completed. **REASON**: To protect the ridge and furrow feature throughout the development.
- 8 The access to the site for vehicles shall not be used in connection with the development until it has been surfaced with a bound macadam material for a distance of 7.5 metres as measured from the near edge of the public

highway carriageway in accordance with details to be approved in writing by the Local Planning Authority in consultation with the Highway Authority.

REASON :In the interests of highway safety, in accordance with the requirements of Policy ENV3 of the Warwick District Local Plan.

Planning Committee: 25 May 2005

Principal Item Number: 15

Application No: W 04 / 2253

Registration Date: 22/12/2004

Town/Parish Council: Warwick

Expiry Date: 16/02/2005

Case Officer: Steven Wallsgrove
01926 456527 planning_west@warwickdc.gov.uk

Land adjacent, Stratford Road, Warwick, CV34 6RA

Construction of a single carriageway link road accessed from the A429 to the existing south west Warwick development spine road FOR Taylor Woodrow Developments Limited

This application was deferred at the meeting on 8th March 2005 for the views of the Highway Authority on the objection of the landowners opposite the road junction. Following negotiation by the applicants and the County Council (as Highway Authority) with the objector, an amended plan has now been received which shows two of the objectors access points (to the old garage) closed and a right hand turning lane provided to his main, northern, access. These changes do not otherwise affect the original report, which follows, except for updating of the conditions to reflect the amended plans.

SUMMARY OF REPRESENTATIONS

Warwick Town Council - No objection.

Warwick Society

"We are concerned that the road to serve Aylesford School and the northern part of the Southwest Warwick housing development is proposed as a piecemeal development without reference to the needs of the employment land to the south or the main housing area of the site. The function of the road would seem to be primarily as a link between the Stratford Road and the school car park.

Although we welcomed the concept of a permeable system of streets proposed in the planning brief for Southwest Warwick we would have expected to see a preferred route indicated from the Tournament Field commercial estate to the Hampton Road and a preferred northern spine road from the Stratford Road at the entrance to Aylesford School. It would seem to us that any of the roads serving the housing estates could become rat runs.

In our view the proposals are concerned mainly with the free flowing of vehicular traffic with little concern for pedestrians or cyclists. Consideration of these other road users indicates that the design of the junction with the Stratford Road is inadequate and for safety reasons should be made a traffic island. We consider that giving a right turn priority to the School car park as shown on sheet 2 of 3 drawing no. 1218/SK/502 does not give sufficient weight to the requirements of residents on the estate and that the design should be reconsidered. We are particularly concerned that the installation of roadside railings will give a false impression to vehicle drivers

that they have a special priority over other road users, this is contrary to current governmental thinking and emerging policies.

We would draw the Council's attention to the narrow road proposed for serving the Local Centre. We would expect to find that traffic movements and roadside parking associated with the Centre will lead to congestion and hazardous conditions for pedestrians, cyclists and other road users. We suggest that the design details of the Centre should be fully developed and agreed before the road is built.

There is a growing acceptance that traffic speeds by schools and in residential areas should be restricted to 20 mph and that heavy lorries over 7.5 tons should be excluded from them. It is also acknowledged that policing of these restrictions is difficult and that enforcement should be designed into the road. We would ask that the design of the roads be reviewed with this in mind.

We would ask the Warwick District Planning Committee to refuse this application in its present form."

W.C.C. (Highways) have no objection subject to conditions, including the provision of the right hand turning lane, shown on the application.

Neighbours

The company opposite the site, on the Stratford Road, express concern about accessibility and safety to their site for employees and commercial vehicles. They also express concern about the cycle crossing point.

Councillor Holland supports the road, subject to conditions on design for use by large numbers of pedestrians and cyclists, and speed limits.

RELEVANT POLICIES

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)

(DW) H4 - Preparation of Development Briefs (Warwick District Local Plan 1995)

(DW) IMP1 - Infrastructural and Community Requirements Associated with Major Development (Warwick District Local Plan 1995)

(DW) ENV3A - Sustainable Development and Energy Conservation (Warwick District Local Plan 1995)

PLANNING HISTORY

The Framework Brief for Southwest Warwick identified that two access points would be required from the Stratford Road (para 3.10), the northern one being to serve the residential land, the local centre, and part of the employment allocation. This was to be designed as a 30 mph road (para 6.5), with the neighbourhood roads at 20 mph (para 6.2).

The outline planning permission granted under W941410 included a condition which prevented more than 600 dwellings being built until the northern link road to the Stratford Road had been completed.

KEY ISSUES

The Site and its Location

The link road subject of this application will go from the south-east corner of the existing open space, across to the Stratford Road just to the north of "West Wind" and to the south of the repositioned school playing fields.

Details of the Development

The application consists of the detailed layout plan for the alignment and construction of the northern link road, as required by the Brief, with the access road and bus and car park 'drop off' facility for the school. The link road will have a 6.7 m carriageway with a 3 m footway on the north side and a 2 m footway on the south side. The road includes traffic calming and road crossing features, with a right hand turn lane on the Stratford Road. The plans have been amended slightly to satisfy the County Council.

Assessment

The link road is an essential element of the development of Southwest Warwick and its construction is a limitation on the development of the site covered by W941410. Those limitations are the subject of a separate, current, application (see report under application W20040505).

The road has been designed to enable a cycleway to be incorporated (the 3 m wide footway) and to be limited, by design, to be a 30 mph road, all as required or specified in the Framework Brief. The road to the school will also provide vehicle access to the residential site approved under W20010813.

The Stratford Road junction has been specifically designed to also incorporate a right hand turning lane to the Water Treatment site, with cycle crossing facilities at each end of the junction to link with the existing cycleway along this road. The access points to the Alan Campbell Group site to the east of Stratford Road are also shown on the drawings, but the location of the junction cannot be moved without creating other problems.

The developers have suggested that "Grampian" type conditions be imposed on the remaining outline applications (W20010813, W20000465 and W20020474) to limited the number of dwellings occupied to 750 on the allocation until the northern link road has been completed and is open to traffic. I consider that this is a practical way of achieving the provision of this link road at an appropriate time in the overall development of this site.

REASON FOR RECOMMENDATION

The proposal is considered to comply with the policies listed above.

RECOMMENDATION

GRANT subject to the following conditions :

- 1 The development hereby permitted must be begun not later than the expiration of five 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 strictly in accordance with the details shown on the approved drawing numbers 1218/SK/501D, /502D and /503A, and specification contained therein, received on 21st January 2005 unless first agreed otherwise in writing by the District Planning Authority. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Local Plan Policy ENV3.
 - 3 The roads and footways hereby permitted shall not be designed or constructed other than in accordance with the requirements and standard specifications of the Highway Authority as set out in "Transport and Roads for Developments - The Warwickshire Guide 2001", together with any published amendments to it. **REASON** : To ensure compliance with the Council's standards.
 - 4 No development shall be carried out on the site which is the subject of this permission, until details of a mechanical wheel wash facility adjacent to the access have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. **REASON** :To ensure that mud and debris are not deposited on the public highway.
 - 5 No more than 750 dwellings shall be occupied on the South West Warwick development until the northern link road is completed and available for use by public vehicles. **REASON** : To ensure the appropriate timing/delivery of the northern link road.
 - 6 Construction of the proposed access shall not be commenced until the two access points opposite have been closed and the kerb reinstated.
REASON : In the interests of highway safety and in accordance with Policy (DW) ENV3 of the Warwick District Local Plan1995.
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Planning Committee: 25 May 2005

Principal Item Number: 16

Application No: W 04 / 1913

Registration Date: 26/10/2004

Town/Parish Council: Kenilworth

Expiry Date: 21/12/2004

Case Officer: Martin Haslett

01926 456526 planning_west@warwickdc.gov.uk

Units 85 to 91 and adjacent land, Abbey End, Kenilworth, CV8 1QJ

Construction of retail units and 24 flats together with parking spaces, car ports and associated work following demolition of existing buildings- AMENDED PLANS FOR Grevayne Properties (Abbey End) Ltd

This application was considered by the Committee on 4 January 2005, when permission was granted (subject to conditions on materials, sound insulation, hours of loading, cycle storage and details of car ports) after the completion of a legal agreement to secure contributions to County Council services and affordable housing. Work on the legal agreement is proceeding.

The reason for the current report is that the applicants have submitted amended plans which make the following changes to the scheme:

- a reduction in the number of apartments from 25 to 24;
- revised ground floor retail/car parking layout and changes to the east elevation;
- amendments to the site layout to show an improved road design which will allow a 38 tonne articulated lorry to safely manoeuvre.

As these changes are substantial, in that they affect affordable housing requirements and are beyond Officers' delegated powers, the amended plans are brought to Committee for determination.

SUMMARY OF REPRESENTATIONS

These representations were made on the application as considered at the Committee meeting in January.

Town Council: "Members commented that they welcomed the alterations to the originally intended development, which were considered to be a great improvement on the initial application and appeared to take into account the objections made in respect of that submission.

However, from the available plans it was not possible to fully ensure that all the points raised in October 2003 in respect of the height aspect (the building was not in keeping with the local area; the design was detrimental to the view when entering the town and adversely impacted on both the skyline plus the view to and from the Conservation Area) have been fully addressed.

Warwick District Council is therefore requested to confirm that these issues have been resolved."

WCC(Highways): no objection subject to condition on secure cycle parking.
WCC(Structure Plan): no objection, subject to contribution towards the increased costs of education, public transport and libraries.
WCC(Ecology): no objection, subject to bat note.
WCC(Archaeology): no objection subject to condition requiring a programme of archaeological work.
neighbours: 3 letters of objection on grounds of overlooking of adjoining dwellings and loss of privacy to outdoor areas, especially due to the balconies, loss of sunlight, failure of design to harmonise with its surroundings, footprint of building enlarged, building too high, traffic problems, parking problems.
One neighbour has written in support of the application.
Environmental Health: no objection subject to conditions on sound insulation and hours of use of the loading bay.
Housing Officer: The applicant has offered to provide 9 x 2 bed flats on site for shared ownership sale, which is below the policy requirement of 10 units (40%). A commuted sum of £25,000 was offered in lieu of the under provision. This offer is considered acceptable due to the economic case submitted by the applicant.

RELEVANT POLICIES

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)
(DW) S3 - Additional Retail Development in Town Centres (Warwick District Local Plan 1995)
(DW) H5 - Infilling within the Towns (Warwick District Local Plan 1995)
SC9 - Affordable Housing (Warwick District Local Plan 1996 - 2011 First Deposit Version)
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 First Deposit Version)
UAP3 - Directing New Retail Development (Warwick District 1996 - 2011 First Deposit Version)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011 First Deposit Version)
TCP1 - Protecting and Enhancing the Town Centres (Warwick District 1996 - 2011 First Deposit Version)
UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011 First Deposit Version)

PLANNING HISTORY

The site has formed part of the Abbey End shopping centre for many years. When this centre was Council-owned a brief was produced which indicated that this part of the centre was suitable for a large new shop.

Planning application W03/1517 was submitted in September 2003 but the development was considered by officers to be too large and an amended plan was requested. Although a plan was submitted informally, it was never formally submitted and an appeal was lodged on the basis of the originally submitted plan. This matter was the subject of a part 2 report on 26 October 2004, when the Committee agreed that the proposals were unsatisfactory in respect of the impact on the adjoining conservation area, the excessive size and height of the building, the lack of provision for affordable housing and the failure to agree contributions towards county council

services. The appeal decision has now been issued and the appeal has been dismissed. The inspector is convinced of the Council's case that a building of that size and design would have been unacceptable in visual terms but he also has some very important comments to make with respect to affordable housing. I quote that section of his decision letter below.

"The adopted Local Plan contains no requirement to provide any affordable housing on a development of 24 dwellings. In principle this accords with advice in Circular 6/98 that a policy requiring affordable housing should only be applied on developments of more than 25 dwellings. PPG3 promotes meeting the housing needs of the whole community, especially in terms of affordable housing; the Circular operates in this policy context. The more recent RPG11 says that needs in an area may justify development plan policies requiring affordable housing provision on schemes below thresholds in national guidance. In this context I agree that criteria for provision, to be included in development plans, would be more for local interpretation.

The Structure Plan says that provision of affordable housing should be based on up-to-date local assessments of need. A study published in 2003 shows that the District has the highest ratios of house prices to incomes in the region. One from 2001 builds on surveys in 1997-8 to produce a more recent estimate, from which the emerging Local Plan policy appears derived. The age of the survey information is a shortcoming but the study also takes account both of subsequent good practice guidance and of recent increases in local property prices and rents. While I have some doubts about the robustness of the detailed figures, it appears clear that the demand for affordable housing continues to run at a high level, and needs to be addressed. I consider that RPG11's advice and the urgent local need for affordable housing justify some variation in the threshold.

The emerging Local Plan seeks provision of 40% affordable housing on urban developments with more than 15 dwellings. This draft policy and objections to it, including from the appellants, have not been tested through the Local Plan process. This, as well as the early stage in the Plan's progress, reduce the weight which the draft policy has, in relation to both the threshold and the percentage.

The appellants' objection to the draft policy is to the inflexibility of the percentage, proposing a target of 30%, and to the threshold of 15 dwellings. There may be some merit in challenging the weight to be given to the 40% figure, and I note that a lower one has been negotiated in the appellants' subsequent application. However, I consider that, based on the principles of both national guidance and regional policy, some level of affordable housing should be provided in this development. Its complete absence is unacceptable.

The appellants cited a recent allowed appeal in the District, coincidentally also for 24 dwellings, where the Inspector found that it had not been shown that the site involved as suitable for affordable housing. He quoted the Circular's threshold of 25, but does not appear to have been referred to RPG11. In particular he says "the Council provide nothing to show there is a local need". The current appeal differs in these two important respects."

The current planning application was considered at the meeting of the Committee on 4 January 2005, when permission was granted (subject to conditions on materials, sound insulation, hours of loading, cycle storage and details of car ports) after the completion of a legal agreement to secure contributions to County Council services and affordable housing. Work on the legal agreement is proceeding but has not yet been brought to a conclusion. The applicants have asked for further consideration in view of the changed circumstances with regard to affordable housing. They made this request before the appeal letter with respect to the site was received and the issue of affordable housing has therefore become further complicated.

KEY ISSUES

The Site and its Location

The site is presently occupied by a group of small shops which form part of the Abbey End shopping centre, with a flat-roofed office building at first floor to the rear. The application site includes the garages at the north end of the shopping centre car park and the access road into the car park.

The application site is immediately across the road from the De Montfort Hotel, which is a tall building, very prominently sited. To the south the application site adjoins flats over the shops in the main part of the shopping centre, and the existing building provides access to them. To the north there are houses in Belmont Mews, Abbey End and Abbey Hill, some of which have garden areas adjoining the car park.

Details of the Development

It is proposed to construct a 4-storey building with shops on the ground floor and flats above. The shops would consist of 4 units, one of 341sqm (396sqm was proposed in the January submission) and 3 retail units of 95 sqm. The first and second storeys above would each have eight flats built around a quadrangle which would feature a garden at first floor. The third floor would have only seven flats (as against the 8 agreed in January). Many of the flats would have balconies.

The elevations of the building would be modern, with architectural masonry to the ground floor, and white render and timber boarding to the upper floors. The top floor would have a glazed roof covering the courtyard. The elevations are little changed from the January submission, but a slight re-configuration of the road within the public car park allows for improved access for heavy delivery vehicles.

Assessment

The principle of the development of the site in this form has already been agreed, so the issues for consideration now are the design changes, both in elevational and plan form and the issue of affordable housing.

The changes to the design are comparatively minor and would have minimal impact on the neighbours or the character of the area. I consider that there is no objection to these. The development has a small curtilage and even the amended reduced scheme would have a density of over 100 dwellings per hectare. In these

circumstances, I do not consider that it would be reasonable to refuse to allow the amendment and insist that the development must retain its existing density.

The second issue is more complex, as the reduction in the number of dwellings brings the total below the threshold for affordable housing that was then in operation. When the application was considered in January the scheme did fall within the threshold for Affordable Housing, as detailed in Policy SC9 of the Warwick District Local Plan 1996 - 2011 (First Deposit Version). The threshold set out in that policy is 10 dwellings and the current proposal was therefore well within that limit. For that reason, the applicants agreed an affordable housing contribution, which was to form part of the legal agreement. However, the weight to be attached to policy SC9 was reduced, as agreed by members at the meeting of the Planning Committee on the 14th February 2005, when a report containing the following advice was approved,

"....it is considered that the Council cannot at the present time continue to give weight to policy SC9 insofar as it proposes thresholds for affordable housing provision that are below the "normal" thresholds proposed in current Government guidance. Accordingly, the following is proposed:- i) that in respect of minimum thresholds in urban areas the council reverts to those thresholds for affordable housing that it was using prior to the publication of the Warwick District Local Plan (1996 – 2011) – First Deposit Version. These are 25 or more dwellings or residential sites of 1 hectare or more, irrespective of the number of dwellings...."

This situation continued until 9 May 2005, when the inspector's decision for the larger scheme for this site (referred to in the history section of this report) was issued. This decision comes to the important conclusions regarding affordable housing, which have brought about the further report on the issue, dealt with earlier in the meeting. The applicants' assumption that there would now be no requirement for affordable housing was no longer valid.

In these new circumstances the case officer has approached the applicants to ask for a contribution towards affordable housing, recognising the weakness of the full draft local plan policy but also the aspirations expressed by the inspector in his recent decision. In response, and after some negotiations, the applicants have offered to provide 5 units on site for shared ownership sale, to be acquired by Orbit Housing Association, at a discount to market value equivalent to that previously agreed for the 25 unit scheme. This is considered to be a reasonable offer and the Housing Strategy Development Officer recommends acceptance of the proposal.

The legal agreement will therefore need to reflect these changes and the contributions to County Council services. There is no change to these County Council requirements.

REASON FOR RECOMMENDATION

The proposal is considered to comply with the policies listed above.

RECOMMENDATION

After the completion of a legal agreement to secure contributions to County Council services and affordable housing, GRANT subject to the following conditions :

- 1 The development hereby permitted must be begun not later than the expiration of five years from the date of this permission. **REASON** : To comply with Section 91 of the Town and Country Planning Act 1990.
 - 2 Samples of all external facing materials to be used for the construction of the development hereby permitted, shall be submitted to and approved by the District Planning Authority before any constructional works are commenced. Development shall be carried out in accordance with the approved details. **REASON** : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan.
 - 3 A scheme for the sound insulation of the proposed residential accommodation to reduce the impact of noise from retail activity on the ground floor shall be submitted to the District Planning Authority for approval. The scheme shall be fully implemented in accordance with the approved details before the use, the subject of this consent, commences. The works and scheme shall thereafter be maintained in accordance with the approved details. No alterations to the structure, roof, doors, windows or external facades shall be undertaken without the prior approval of the District Planning Authority. The means of ventilation/air conditioning to the ground floor retail units shall be specified in the scheme. **REASON** : To protect the amenities of adjoining residents, in accordance with Policy ENV3 of the Warwick District Local Plan 1995.
 - 4 The hours of use for vehicle movements (such as loading/unloading etc.) related to retail activity at this site shall be restricted to between 7.30 am. - 6.00 p.m. Monday to Friday and Saturday 7.30 a.m. - 1.00 p.m., with no vehicle movement Sundays or Bank Holidays. **REASON** : To protect the amenities of adjoining residents, in accordance with Policy ENV3 of the Warwick District Local Plan 1995.
 - 5 No development shall be carried out on the site which is the subject of this permission, until details of secure cycle storage have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. **REASON** : To encourage the use of sustainable forms of transport.
 - 6 No development shall be carried out on the site which is the subject of this permission, until details of the proposed car ports have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. **REASON** : To protect the character of the area and the amenities of adjoining occupiers in accordance with the requirements of Policy ENV3 of the Warwick District Local Plan.
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Planning Committee: 25 May 2005

Principal Item Number: 17

Investigation Number: ENF 312/45/01

Town/Parish Council: Warwick

Case Officer: Martin Perry
01926 456523 planning_east@warwickdc.gov.uk

‘Darsons Transport’ site, 23-25 Millers Road, Warwick, Warwickshire

Unauthorised change of use from transport depot to a mixed use transport depot with storage and display of vehicles for sale

BACKGROUND

In November 2001 it was brought to our attention that an unauthorised alteration had occurred to the front parking area of Darsons Transport on Millers Road. The alteration consists of the change of use of the front parking area for the use of car sales, and the display of flag advertisements in association with the unlawful car sales display area. After the refusal of this permission (W020529), the change of use remained in situ. A retrospective application was submitted (W020529) and refused in June 2003

PLANNING HISTORY

In April 1997, planning permission was granted (application number W970169) for a change of use at 23-25 Millers Road from Class B1 (Business) to a transport depot. This original permission related to a transport depot with vehicle repairs and MOT inspections being operated on site. The submitted plans for this application did not relate to any storage and display of vehicles for sale.

In June 2003, retrospective planning permission was refused (application number W020529) for the change of use of a car park of the transport depot to a car sales area at Darsons Transport on Miller Road. The decision was made at committee on the grounds that the proposal would introduce an inappropriate retail use into an industrial area undermining the objectives of policies EMP5 and EMP7 of the Warwick District Local Plan 1995 and emerging policy SC2 of the Warwick District Local Plan 1996-2011 (First Deposit Version) November 2003. The proposal would also be detrimental to highway safety by reason of the lack of adequate on site parking facilities for operation purposes and customer parking.

In October 2003, it was brought to our attention that Darsons Transport was still trading without the benefit of planning permission. In February 2004 it was requested by the enforcement officer that a site plan and location plan indicating the uses on the Darsons Transport plan be submitted to the District Planning Authority. Copies of the plans were received in February 2004. The site was still mixed use and a further application was requested to address the vehicle repairs/maintenance, car sales and

storage and distribution. Planning application W20040888 for the storage and sales of cars was refused in August 2004.

No appeal was made against this decision and the site remains mixed use with car sales notwithstanding the refusal decision.

In September 2004 planning permission was granted for the stationing of a burger van for the preparation and sale of hot and cold food and drink to visiting members of the public.

RELEVANT POLICIES

Development plan policies relevant to the decision are (DW) ENV3 – Development principles (WDLP 1995), DP2 – Amenity (WDLP 1996 – 2011 FDD), (DW) EMP7 – Retail occupation of industrial and warehouse premises (WDLP 1995), (DW) EMP5 – Employment development within urban areas (WDLP 1995) and SC2 – Protecting employment land and buildings (WDLP 1996 – 2011 FDD)

KEY ISSUES

The Site and its Location

The site is situated in Millers Road, a mixed area of commercial and residential uses. The site is designated as an employment area on the proposals map. The whole length to the North side of the road is part of an industrial estate housing a variety of employment uses, whilst the South side of the road is Residential. The site itself is set within the curtilage of a large established factory building which fronts directly onto Millers Road. There are residential properties immediately opposite the site across the road.

Details of Development

The alleged breach of planning control is the use of an area within the main car park for the display and sale of vehicles. The site has 73 parking spaces and currently 35 of these spaces in the middle and Northern parts of the main car park are being used without planning permission for the display and sale of cars.

Assessment

The application is for an area within the main car park for the display and sale of vehicles. It is considered that the main issue is whether the car display and sales use, together with all the various uses contained within a site of limited physical size would cause congestion that would lead to unacceptable harm to the living conditions in residential properties on Millers Road, the highway safety of the busy through route, and the character and appearance of the area.

It has been observed that the current situation on site has high levels of congestion. This level of congestion is resulting in difficulties for vehicles entering and exiting the site. This over congestion is also leading to a significant overspill of parking onto the highway, with extensive use of the grassed highway verges.

In conclusion, it is considered that the scale and extent of retail car sales activity taking place at the site materially conflicts with policies relating to protection of employment land, and results in an over-intensive use which causes significant harm to the amenity of the area and to the efficient operation of the site.

RECOMMENDATION

In view of the detrimental impact on highway safety by reason of the lack of adequate site facilities and the use being detrimental to the visual amenity of the area, it is recommended that enforcement action be authorised to ensure that the car storage and sales area be removed and returned to the original car parking use. The period for compliance to be six months.

Planning Committee: 25 May 2005

Principal Item Number: 18

Investigation Number: ACT 382/36/04

Town/Parish Council: Leamington Spa

Case Officer: Martin Perry
01926 456523 planning_appeals@warwickdc.gov.uk

15 Hidcote Close, Sydenham, Leamington Spa, CV31 1YH

Unauthorised erection of a rear extension

SUMMARY OF REPRESENTATIONS

In September 2004 it was brought to our attention that extensions had been built to the rear of the property consisting of a covered way and a pitched roof extension.

PLANNING HISTORY

In May 1993 Planning Permission was granted for the erection of 20 semi-detached dwellings and permitted development rights were not removed. The property in question is owned by the Orbit Housing Association.

In February 2005 an application was made by the tenant of the property for a Certificate of lawfulness [W20042025] in relation to the two rear extensions. This was refused on 17th February 2005.

KEY ISSUES

The Site and its Location

The property is a semi detached house at the rear of which is a public footpath connecting Bankcroft with Blenheim Crescent. The footpath is a Highway therefore any development to the rear of this property will be nearer to the Highway than the main part of the house and therefore could not be permitted development and planning permission is required.

Details of the Development

The breach of planning control consists of two elements. A plastic sheeting clad, timber framed covered way 2 metres wide extending the width of the rear elevation and leading to an enclosed pitched roof extension which is timber framed and clad in corrugated metal sides with a clear polycarbonate roof. This extension is 3 metres wide and 4.66 metres long, is a dominant feature in the small rear garden and abuts the boundary to No.17 Hidcote Close. The total volume of the two extensions is 75.47 cubic metres. Beyond the extension is a freestanding metal clad store of 6 cubic metres

Assessment

The extensions occupy a prominent position when viewed from No 17 and would be in breach of the 45 degree code. They are also clearly visible from the public footpath and have an adverse visual affect on the street scene.

Justification for enforcement action

In view of the adverse effects associated with this development the service of an Enforcement Notice is the only option available to resolve the current breach of planning control.

An appeal against the decision on the Certificate of Lawfulness has not been made. and the developments remain in place.

RECOMMENDATION

That enforcement action be authorised to ensure that both parts of the unauthorised development are removed. The period of compliance to be two months.
