

Application No: W 14 / 0163

Town/Parish Council: Kenilworth
Case Officer: Sandip Sahota
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Land between 12 and 14 Station Road, Kenilworth, CV8 1JJ

Erection of 5no. two bedroom flats after demolition of existing two storey and single storey former car sales building. FOR Virgate Properties Ltd

This application is being presented to Committee due to an objection from the Town Council having been received and a request from Councillor Illingworth that it be considered by the Committee.

RECOMMENDATION

Planning Committee are recommended to GRANT planning permission, subject to conditions.

DETAILS OF THE DEVELOPMENT

Following the withdrawal of the previous application, the current proposal has been reduced to 5no. two bedroomed flats. The current application has also been amended to secure the removal of the existing car sales building in its entirety rather than just the single storey element as originally proposed. In addition, the application has been further amended to secure design improvements including the provision of an additional chimney, a curved arch feature, pillar detailing and a more traditional appearance for the front elevation over the underpass.

The proposed building is to infill the gap between the two adjacent villas (nos. 12 & 14) fronting Station Road and provide vehicular and pedestrian access to the rear of the site for car parking and access to existing premises via an arched underpass.

The proposed building aligns with the frontages of the adjacent properties leaving a gap of 2m from the blind gable of the property to the East (no.14) and a nominal gap of 200mm to the gable of no.12 to the West.

One two bedroomed flat is proposed on the ground floor accessed directly from the pavement alongside the access way. A kerbside safety barrier is to be installed to separate pedestrian and vehicular movements. Access is provided to a common stair serving 2no. flats at first floor and 2no. flats at second floor

THE SITE AND ITS LOCATION

The application site is located close to the North of Station Road close to its junction with Priory Road. The site has a frontage to Station Road of 12.3m forming a gap between two large detached villas (numbers 12 and 14). The site is currently vacant but was until recently used as a car sales business (Charnwood Cars) which has relocated to Warwick. The building used for the car sales business is a two storey and single storey building located towards the rear of the site.

To the North of the application site are a terrace of properties which front onto Priory Road. To the East of the site are commercial uses which front onto Priory Road.

A vehicular access from Station Road into the site gives access to the rear of a number of premises including a tile showroom and an Indian Restaurant. These businesses have a right of way through the site and are to retain their existing car parking spaces which fall outside of the site edged red.

Station Road forms part of the Kenilworth Conservation Area and is generally characterised by large detached and semi-detached Victorian dwellings of brick and tile construction. Station Road is predominantly residential in character, while the wider area is of mixed character including a variety of commercial uses.

PLANNING HISTORY

Planning permission (ref: W/76/0880) was granted in 1976 for "Change of use of builders merchants showroom and yard to motor vehicle showrooms and display area" at 82-92 Priory Road and 12A Station Road.

Planning permission (ref: W/86/1164) for "Change of use of new building to office/studio" at 82-92 Priory Road.

Planning permission (ref: W/89/0697) for "Use of premises for the sale of motorcycles, preparation for sales and retail sales of spares and accessories" at 82-92 Priory Road.

Application (ref: W/13/1621) for "proposed construction of eight one bedroom flats and removal of small modern single storey showroom of former car sales business" was submitted in November 2013. However, the application was considered by the Local Planning Authority to be unacceptable in terms of design and scale and was subsequently withdrawn by the applicant in January 2014.

RELEVANT POLICIES

- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- Vehicle Parking Standards (Supplementary Planning Document)
- UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- Distance Separation (Supplementary Planning Guidance)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)
- Open Space (Supplementary Planning Document - June 2009)
- DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
- National Planning Policy Framework
- DAP9 - Unlisted Buildings in Conservation Areas (Warwick District Local Plan 1996 - 2011)

- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)

SUMMARY OF REPRESENTATIONS

Kenilworth Town Council:

Original scheme: "Members OBJECTED to the tunnel/underpass effect created by building flats over the entranceway. By producing a terracing and shoehorning effect, this feature did not blend with the pleasing layout and design of the surrounding properties. Similarly, the miniscule gap between the proposal and the adjoining building does not respect the street scene. Consequently, the current design does not value either the extant buildings in the existing plan or elevation, or the Conservation Area. Additionally, since much of the existing area is retained in use, Members again sought reassurance that the proposed access and parking arrangements were workable and adequate. This concern was emphasised by the proposal now being focused on two-bedroom flats. Whilst the showroom was to be removed, Members remained unclear over the future of the car sales business as the extant permission remained, whilst businesses would still appear to be serviced through this area and competing for space. Overall, Members felt that the design required amendment to blend with the existing structures and to complement the improvements effected on the opposite side of the road".

Amended scheme: "Members reviewed the changes and welcomed the general improvements to the plans, but maintained their OBJECTION. They drew attention to the close proximity with the neighbouring building and the relationship of the new and existing structures. The position and correlation of the chimney breast with the new building was portrayed inconsistently and required proper agreement. The villa is within a Conservation area and Members did not consider the proposals appropriate or complementary to the other buildings, nor does it respect the Conservation area".

Cllr Illingworth: Request to call application to Planning Committee as it is a key application in the Conservation Area which has aroused local concern and the objectors should be heard. Request also to register to speak as Ward Councillor.

WCC Ecology: Recommend that notes relating to bats and nesting birds are attached to any approval granted.

Public Response: Four objections have been received on the following grounds:-

- 1.The proposed building does not blend in with the surrounding conservation area.
- 2.Development will impose on the neighbour's property & traffic flow will increase on to the already busy road.
3. There is no lift in the flats, so disabled access is very limited.
4. Emergency vehicle access would be difficult & bin wagons would have a problem manoeuvring.
- 5.The proposed tunnel wall is built too close for neighbour to be able to gain access for maintenance of their wall, drain pipes, guttering, roof, etc. There will not be sufficient gap to allow moisture (rain water ingress) to evaporate
6. The proposed tunnel will cover and block light and fresh air from the ground floor window of the neighbouring property towards the rear of that wall which will affect the amenity and environment for the occupants of the affected room
5. Insufficient gap with the neighbouring property giving the appearance of a semi-detached building when the street scene is characterised by detached grand villas.
7. The 'floating' effect of the first floor created by the tunnel is out of context with the street scene.

8. Extant planning exists for the remaining existing buildings in the yard to be used as a car sales lot when there would be substantially reduced parking available.
9. There is insufficient parking remaining for the existing businesses and potential businesses in the remaining yard.
10. The construction process of the proposed development will cause a lot of noise, vibration and dust and disruption to tenants of neighbouring property. Could cause damage to neighbouring property.
11. The plans and elevations appear to be incorrectly drawn in that they don't appear to take into account the chimney breasts on neighbouring wall.
12. Tunnel will be a hindrance to the access of the area behind the building.

CAF: It was generally felt that the revised scheme was well detailed and as it was set back from the adjacent gable it allowed maintenance of this property and also articulated the property quite well. Generally the detailing was felt to be good and the scheme appropriate for the site now revisions had been made to it.

WDC Waste Management: "Each property will be issued with 1 x grey wheeled bin for refuse, 1 x green wheeled bin for organic waste and approx. 2 red boxes and 2 bags for recycling. Adequate storage space should be provided for these containers. The current plans do not provide enough space for the required containers and need to be amended accordingly. All properties will be required to present their containers at the kerbside (on Station Road) for collection as the low archway will prevent the vehicles entering the development. Alternatively, the bin storage area must be within 25 metres of the collection vehicle in order for us to collect bins from the storage area. If the site has different levels of elevation then sloped access should be provided to allow residents to easily wheel bins to the kerbside for collection. The sizes of the containers are as follows: Grey 180litre bin - 110cm(h) x 75.5cm(d) x 50.5cm(w) Green 240litre bin - 110cm(h) x 74cm(d) x 58cm(w) Red 55litre recycling box - 35cm(h) x 39cm(d) x 58.5cm(w) Recycling bag - 55cm(h) x 32cm(d) x 36cm(w) (this has handles so could be hung from a hook above the box to take up less space)".

Assessment

The main issues in the consideration of this application are:

Principle

Design and the impact on the character and appearance of the Conservation Area
Whether the proposal would provide adequate living conditions for future occupiers and the impact on the living conditions of occupiers of neighbouring properties.

Parking

Open Space

Renewables

Refuse

Principle

Policy UAP1 of the Local Plan states that residential development will be permitted on previously developed land and buildings within the confines of the urban area. The proposal complies with this policy and is considered to be acceptable in principle.

Design and Conservation Area

Policy DAP8 of the Warwick District Local Plan states development will be required to preserve or enhance the special architectural and historic interest and appearance of Conservation Areas. Policy DAP9 goes on to state that there will be a presumption in favour of the retention of unlisted buildings that make a positive contribution to the character and appearance of a Conservation Area.

The existing gap in the streetscene and the visibility of the yard area within the public realm is considered to do little to add to the special architectural character and appearance of this part of the conservation area and indeed is considered to be an area which could be improved to provide an enhancement. The car sales building is not considered to make a positive contribution to the character and appearance of the Conservation Area and its demolition is therefore considered acceptable.

The proposed development, as amended, is considered to sit relatively comfortably in the streetscene. The development is to be finished in facing brickwork with a slate tiled roof in keeping with the established character and appearance of the area. The ridge height is consistent with other buildings and features similar elements such as steep gables, bay windows, chimneys, etc). The development also picks out architectural detailing from adjacent properties and has a villa like scale and appearance. The proposed building will close a gap which is seen as out of keeping in the streetscene. While the 200mm gap between the neighbouring property at number 12 is less than ideal, the fact is that the width of the access is a requirement in terms of parking and highway safety. A gap of 2m would mean the number of units would be reduced to 3, which is likely to make the scheme unviable. It is considered that the inclusion of a chimney to the right hand side helps to differentiate between the two buildings and overall, the proposal is considered to be an enhancement compared to the existing situation. The proposal is therefore considered to comply with Policy DAP8 of the Local Plan.

Living Conditions

Policy DP2 of the Warwick District Local Plan states that development will not be permitted which has an unacceptable adverse impact on the amenity of nearby uses and residents. It must therefore be considered if this application is contrary to this policy.

The proposal would not breach a 45 degree line taken from the neighbouring properties. The proposal would also accord with the Council's Distance Separation standards.

At the rear of the existing gable wall of No.12 Station Road is a small window to a cloakroom. It is proposed to create an opening in the underpass side wall to marry up with the existing opening so as not to unnecessarily deprive the window of light or ventilation.

The proposal is therefore considered not to harm the living conditions of neighbouring occupiers and provide adequate levels of amenity for future occupiers. The proposal is therefore considered to accord with Policy DP2

Parking & Highway Safety

Eight parking spaces are provided in the car park area to the rear to serve the development together with secure bicycle storage which is in accordance with the requirement set out in the Council's Vehicle Parking Standards SPD. In addition to the car parking designated for the proposed development, the rear yard also provides parking for the retained office unit, the tile warehouse and the Indian restaurant. The proposal is therefore considered to accord with Policy D8 of the Local Plan.

The Highways Authority usually require an access to be 5m wide to allow two cars to pass one another without having to manoeuvre within the limits of the highway. The proposal has been amended to improve the detailing of the pillars and the appearance of the building which has reduced the width of the access to approximately 4.8m. However, it is considered that the width proposed is still sufficient to allow two vehicles to pass one another and the improvement in the design is considered to justify a small shortfall from the standard requirement. The proposal is therefore considered to comply with Policy DP6 of the Local Plan.

Open Space

The applicant has agreed to pay monies towards the Council's adopted Public Open Space contribution requirements in the sum of (5 x £1300 = £6500.00) as a condition to the planning permission. It is considered that this would be acceptable in meeting the Council's requirements set out in the adopted SPD and Policy SC13 in the Local Plan.

Renewables

The application was accompanied by a Sustainable Buildings Statement which shows that at least 10% of the predicted energy requirement of the proposed development will be provided on site through the provision of air source heat pumps and solar photovoltaic panels positioned on the flat roof. This can be secured by condition. The proposal is therefore considered to comply with Policy DP13 and the associated SPD.

Refuse

A screened off area is to be provided to the rear of the site for refuse storage, which has been amended in size to accord with the recommendations made by the Council's Waste Management department. The archway is too low to permit refuse collection vehicles to enter. However, the proposed refuse store is within 25 metres of the highway and therefore the bins can be collected from the storage area.

Summary/Conclusion

This would be an appropriate site for new residential development. The proposals would have an acceptable impact on the living conditions of neighbouring dwellings and on the character and appearance of the Conservation Area. Furthermore, the proposals are considered to be acceptable in terms of car parking, highway safety. Therefore it is recommended that planning permission is granted, subject to conditions.

CONDITIONS

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings (drawing numbers 5080/03C, 5080/04C, 5080/05C, 5080/06C and 5080/07B) and specification contained therein. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1, DP2 and DAP8 of the Warwick District Local Plan 1996-2011.
- 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), eaves, verges and rainwater goods at a scale of 1:5 have been submitted to and approved by the Local 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 DAP8 of the Warwick District Local Plan 1996-2011.
- 4 The development hereby permitted shall be carried out only in full accordance with samples of all external facing materials which have been submitted to and approved in writing by the local planning authority. **REASON:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with policies DP1 and DAP8 of the Warwick District Local Plan 1996-2011.
- 5 Unless the Local Planning Authority certifies that suitable alternative provision has been made for the provision or improvement of open space within the catchment area of the application site in accordance with Policy SC13 of the Warwick District Local Plan 1996-2011:
 - (i) no development shall commence unless or until a scheme for such provision or improvement (identifying the size/extent, location and specification of the space and works) has been submitted to and approved in writing by the Local Planning Authority; and
 - (ii) the dwellings hereby permitted shall not be occupied until the scheme so approved has been implemented.

REASON: To ensure the necessary infrastructure and facilities are provided in accordance with Policy SC13 of the Warwick District Plan 1996 – 2011.
- 6 The development hereby permitted shall only be undertaken in strict accordance with details of both hard and soft landscaping works which have been submitted to and approved in writing by the local planning authority. Details of hard landscaping works

shall include boundary treatment, including full details of the proposed boundary walls, railings and gates to be erected, specifying the colour of the railings and gates; footpaths; and hard surfacing which shall be made of porous materials or provision shall be made to direct run-off water from the hard surface to a permeable or porous area. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of the hereby permitted; and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of similar size and species, unless the local planning authority gives written consent to any variation. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations. **REASON:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies DP1, DP2 and DP3 of the Warwick District Local Plan 1996-2011.

- 7 The development hereby permitted shall not be occupied unless and until the car parking and manoeuvring areas indicated on the approved drawings have been provided and thereafter those areas shall be kept marked out and available for such use at all times. **REASON:** To ensure adequate off-street car parking and servicing facilities in the interests of both highway safety and visual amenity in accordance with Policies DP1, DP2 & DP8 of the Warwick District Local Plan 1996-2011.
- 8 The development hereby permitted shall not be occupied unless and until the external refuse storage areas for the development have been constructed or laid out, and made available for use by the occupants of the development and thereafter those areas shall be kept free of obstruction and be available at all times for the storage of refuse associated with the development. **REASON:** To ensure the satisfactory provision of refuse storage facilities in the interests of amenity and the satisfactory development of the site in accordance with Policy DP1 of the Warwick District Local Plan 1996-2011.
- 9 All window and door frames shall be constructed in timber and shall be painted and not stained. **REASON:** To ensure a high standard of design and appearance for this Listed Building, and to satisfy Policy DAP4 of the Warwick District Local Plan 1996-2011 / To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011.

- 10 The development hereby permitted shall not be first occupied unless and until the renewable energy scheme submitted as part of the application has been wholly implemented in strict accordance with the approved details. The works within this scheme shall be retained at all times thereafter and shall be maintained strictly in accordance with manufacturers specifications. Microgeneration equipment no longer needed for microgeneration shall be removed as soon as reasonably practicable. **REASON** : To ensure that adequate provision is made for the generation of energy from renewable energy resources in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011.
- 11 The roofing material for the development shall be natural slate. **REASON**: To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011.
- 12 All rainwater goods for the development hereby permitted shall be metal. **REASON** : To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011/ To ensure a high standard of design and appearance for this Listed Building, and to satisfy Policy DAP4 of the Warwick District Local Plan 1996-2011.
- 13 The development hereby permitted shall not be occupied unless and until the existing car sales building shown on the approved drawings to be demolished is removed in its entirety. **REASON**: To provide a satisfactory form of development and to accord with Policy DP2 of the Warwick District Local Plan 1996-2011.
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