

**Application No:** [W 14 / 1729](#)

<b>Town/Parish Council:</b>	Kenilworth	<b>Registration Date:</b>	28/11/14
<b>Case Officer:</b>	Liam D'Onofrio	<b>Expiry Date:</b>	23/01/15
	01926 456527 liam.donofrio@warwickdc.gov.uk		

**Station Road and 82-90 Priory Road, Kenilworth, CV8 1LQ**  
Demolition of nos 82-90 Priory Road; old showrooms and storage buildings to northern boundary and the erection of a three storey building to provide 9no. 2no. bedroom flats. FOR Virgate Properties Ltd

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This application is being presented to Committee at the request of Councillor Illingworth.

### **RECOMMENDATION**

Planning Committee are recommended to refuse planning permission, for the reasons set out at the end of the report.

### **DETAILS OF THE DEVELOPMENT**

Planning permission is sought for the demolition of the existing property fronting Priory Road and old showroom buildings to the rear yard area and the erection of two new buildings, a three-storey building fronting Priory Road containing six 2-bedroom flats and a 2.5-storey building fronting Station Road containing three 2-bedroom flats and maintaining the existing vehicular access via an undercroft.

The three-storey building will measure 33.3m wide by 15m deep and 10.5m high and the 2.5-storey building will measure 12m wide by 16m deep and 10.5m high. The yard area will provide 15 No. parking spaces, a bike store, two bin/recycling areas and a landscaped garden/patio area to serve the development.

The application is accompanied by a Design and Access Statement, a Renewable Energy Statement, a Heritage Statement and Bat Survey. The applicant states within the Design and Access Statement that the building fronting Priory Road is poor quality and at the end of its useful life. The buildings within the yard are also dilapidated. The proposal is to create 9 No. flats in two elements, the Station Road frontage infilling a gap between existing villas and the Priory Road frontage through demolition of No.82-90. The proposed building on Station Road has previously received planning permission under W/14/0163. The current design is fundamentally similar but provides three flats as opposed to the previous scheme for five flats.

The Design and Access Statement notes that the Priory Road frontage will comprise two, three-storey units each with one flat per floor, linked by a recessed entrance/access block containing a staircase and passenger lift giving

full disabled access to all flats. The proposed building aligns with the frontages of existing properties and is broken down into bays which step in and out to address the street and provide visual interest. The glazed clock tower feature will address the proposed entrance to the new Kenilworth Railway Station across the road and will be a signature building of attractive design, which enhances the new gateway into Kenilworth.

## **THE SITE AND ITS LOCATION**

The application site relates to No.82-90 Priory Road, which fronts the western side of the highway. There is a large yard area containing a vacant (former car showroom) building to the rear and a vehicular access from the northern side of Station Road. The site is within the built up area of Kenilworth and part of the site (the Station Road access) falls within the conservation area.

## **PLANNING HISTORY**

W/14/0163: Erection of 5 no. two bedroom flats after demolition of existing two storey and single storey former car sales building (Station Road): Granted 11/04/14.

## **RELEVANT POLICIES**

- The National Planning Policy Framework

### The Current Local Plan

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DAP9 - Unlisted Buildings in Conservation Areas (Warwick District Local Plan 1996 - 2011)
- DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
- UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
- SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)
- TCP9 - Protecting Employment Land and Buildings (Warwick District Local Plan 1996 - 2011)

### The Emerging Local Plan

- EC3 - Protecting Employment Land and Buildings (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS2 - Providing the Homes the District Needs (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

- TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

#### Guidance Documents

- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Open Space (Supplementary Planning Document - June 2009)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Vehicle Parking Standards (Supplementary Planning Document)
- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- Distance Separation (Supplementary Planning Guidance)

### **SUMMARY OF REPRESENTATIONS**

**Kenilworth Town Council:** No objection.

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

**WCC Ecology:** No objection.

**Waste:** Bins should be stored on site and only presented on the edge of the property on collection day.

**EHO:** No objection, subject to conditions

#### **Public response:**

There have been nine objections to the scheme, raising the following issues:

- The building on Priory Road is too tall/out of keeping.
- The proposal will dominate traditional two-storey properties.
- The overbearing design, clock tower is unnecessary/a 'design gimmick', the proposed building is very tall and will have a significant impact on Priory Road.
- The two-storey building is being replaced with a three-storey building of considerably greater mass
- The overdevelopment of site.
- Insufficient parking provision.
- The reduction in light levels.

There has been one neutral comment that considers the plans to be largely in keeping with surrounding areas but notes the potential for parking issues.

### **ASSESSMENT**

The main issues in the consideration of this application are:

- The principle of the development;
- The design and the impact on the character and appearance of the Conservation Area;

- Neighbouring and future occupier's amenity;
- Highway safety/Parking;
- Open Space/affordable housing;
- provision of renewable Energy;
- Ecological issues;
- Health and Wellbeing.

### **The principle of the development**

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. In terms of the weight applied to Policy UAP1 it is noted that the National Planning Policy Framework (NPPF) 2012 states (para.49) that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites against their housing requirement. In terms of the most recent evidence of housing need, the Council cannot demonstrate a five year supply. Accordingly, only limited weight can be afforded to Policy UAP1, and in these circumstances the NPPF requires applications to be considered in the context of the presumption in favour of sustainable development. This states at paragraph 14 that where the development plan policies are out-of-date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF.

Whilst housing Policy UAP1 is considered to be out-of-date, other relevant development policies, particularly Policy DP1 'Layout and Design' and DAP8 'Protection of Conservation Areas' are not out-of-date and considered to be Framework compliant and, as such, should therefore be afforded significant weight.

Policy TCP9 seeks to protect employment land and buildings within Town Centre Employment Areas, however the site does not fall within such an area and no policy issues are therefore raised with the loss of the employment uses on site (retail units and a vacant car sales business).

### **Design and impact upon the Conservation Area**

Policy DP1 states that development will only be permitted that positively contributes to the character and quality of its environment through good layout and design; and that development proposals will be expected to demonstrate that they: (c) reinforce and enhance the established urban character of street...(d) reflect, respect and reinforce local architectural and historic distinctiveness and (f) respect surrounding buildings in terms of scale, height, form and massing. Policy DAP8 of the Warwick District Local Plan states that development will be required to preserve or enhance the special architectural and historic interest and appearance of Conservation Areas.

#### Priory Road

Although there is a mix of architectural styles on Priory Road the buildings within the streetscene are two-storey in character and have a similar scale and mass.

The building proposed for demolition fronting Priory Road, No.82-90, is two-storey but is low-rise with its ridge at a similar height to the eaves of adjoining buildings and a large single storey element. No issues are raised with the demolition of this building, which falls outside of the conservation area (the boundary of which follows the rear garden boundaries of properties on the northern side of Station Road). The replacement of this building is therefore considered to be acceptable in principle.

The predominant character of Priory Road is one of continuous frontages formed by terraced dwellings located in close proximity to the footway. Whilst there is therefore not considered to be a significant issue with the erection of a larger building than the one that exists, it is considered important that the replacement building should reflect the scale and massing of the adjoining two-storey buildings. The proposed building's eaves line sits well above that of the adjoining properties and it is clearly read as a three-storey property within the streetscene. This height difference is particularly emphasised on the northern boundary adjacent to the hip-roof property No.80, which turns the corner allowing views onto the flank wall of the proposed building.

The terraces on Priory Road provide a strong rhythm, formed by bay windows, front doors, chimneys etc. that also allow plot widths to be read in the streetscene. The proposed building, split into two distinct chunks, provides little reinforcement of this continuity with a varied range of gable sizes and heights. This lack of domestic scale and rhythm emphasises that the proposal is a large apartment building that fails to properly assimilate into the distinctive character of this part of the streetscene.

Whether a traditional design or a more innovative, contemporary design is chosen it is considered that a solution can be found, however this should respect the scale and massing of surrounding buildings and provide a better rhythm of built development. The applicant has declined to make any design amendments to the proposals as they are seeking to construct a statement building opposite the new Kenilworth Railway Station access.

### Station Road

Station Road falls within the conservation area and there is an existing gap within the streetscene allowing visibility into the rear yard area from the public realm, which 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 to be acceptable.

The proposed development, would infill this gap and sit relatively comfortably, reflecting the character of the large detached houses that form this 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 eaves and ridge heights are consistent with other buildings and the building will have similar architectural elements, such as a steep gable, bay windows, chimneys, etc.

The development also picks out architectural detailing from adjacent properties and has a villa like scale and appearance. The 200mm gap between the proposed building and the neighbouring property No.12 is small but this has been previously accepted under planning permission W/14/0163. It was noted in this application that the inclusion of a chimney to the right hand side helps to differentiate between the two buildings and overall, this aspect of the proposal is considered to be an enhancement compared to the existing situation of an entrance to an open yard. This element of the proposal is therefore considered to comply with Policies DP1 and DAP8 of the Local Plan.

### **Neighbours amenity**

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 whether 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. There is a small window to a cloakroom within the existing gable wall of No.12 Station Road. Although non-habitable, it is proposed to create an opening in the side wall of the undercroft to marry up with the existing opening so as not to unnecessarily deprive this window of light or ventilation.

The Environmental Health Officer notes the potential for site land contamination (former car sales) and seeks a condition to secure a survey. The EHO also notes the potential for asbestos in buildings to be demolished, however this would be controlled by separate Health and Safety legislation. Further conditions are suggested to control noise from proposed air source heat pumps and also during demolition/construction via the agreement of a construction method statement.

The scheme is not therefore considered to harm the amenities of the occupiers of neighbouring dwellings and will also provide adequate levels of amenity for future occupiers. The proposal is therefore considered to accord with Policy DP2.

### **Parking & Highway Safety**

The Highway Authority have raised no objection to the proposed scheme, subject to conditions, and are satisfied that the level of parking provided (15 spaces for 9 two-bedroom units) is in accordance with the WDC Parking Standards (1.5 spaces per unit). The undercroft access off Station Road is also considered appropriate, however Highways note that although the 3m clearance height should allow emergency vehicles to enter the site it is unlikely to accommodate refuse vehicles. In this regard a large bin store is located within 20m of the public highway accessed from a side gate on Priory Road to allow bin collection within a suitable distance of the highway.

The Highway Authority note the existing lawful use of the site and consider that the proposed development will reduce the number of vehicle trips to and from the site, which can be considered an improvement to public highway safety.

## **Open Space/Other contributions**

An appropriate open space contribution can be successfully secured through condition. The 9 units proposed do not trigger the need for other contributions, such as affordable housing, education etc.

## **Renewable Energy**

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.

## **Ecology**

The County Ecologist notes that the submitted bat survey has found no evidence of bats and has confidence in its findings. The Ecologist therefore raises no objection to the scheme.

## **Health and Wellbeing**

N/A

## **Summary/Conclusion**

It is considered that this would be an appropriate site for new residential development and the scheme raises no objections in terms of residential amenity, car parking and highway safety. The proposed building on Station Road, within the conservation area, provides an acceptable design solution, however it is the scale and massing of the proposed building fronting Priory Road which is considered to fail to harmonise with the prevailing character of development within the streetscene to the extent that it is therefore recommended that planning permission is refused.

## **REFUSAL REASONS**

- 1 Policy DP1 of the Warwick District Local Plan 1996-2011 states that development will only be permitted that positively contributes to the character and quality of its environment through good layout and design; and that development proposals will be expected to demonstrate that they: (c) reinforce and enhance the established urban character of street...(d) reflect, respect and reinforce local architectural and historic distinctiveness and (f) respect surrounding buildings in terms of scale, height, form and massing. The NPPF 2012 advocates good design and states that it is proper to seek to promote or reinforce local distinctiveness.

The proposed development fronting Priory Road forms a bulky three-storey apartment building that fails to harmonise with the well-established two-storey domestic character of the streetscene,

introducing eaves and ridge lines higher than adjacent two-storey properties. Furthermore the building design fails to reflect the strong rhythm of terraced development formed by consistently spaced bay windows and windows, front doors and chimneys that allow plot widths to be easily read within the Priory Road streetscene. The scheme will therefore form an incongruous design solution that will fail to properly assimilate into the distinctive, established character of this part of the streetscene.

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