

Planning Committee: 21 June 2016

Item Number:

Application No: W 15 / 1871

Town/Parish Council: Kenilworth

Registration Date: 07/04/16

Case Officer: Liam D'Onofrio

Expiry Date: 02/06/16

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39 High Street, Kenilworth, CV8 1LY

Demolition of existing dwelling in a Conservation Area and erection of replacement dwelling and extension to rear to form single dwelling to Passivhaus standards. FOR Mr & Mrs Whiting

This application is being presented to Planning Committee due to the applicant being a District Councillor.

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

Planning permission is sought for the demolition of the existing, structurally unsound, dwellinghouse and its replacement to matching proportions and design with contemporary rear extensions to passivhaus standards.

The Design and Access Statement divides the project into three distinct elements:

1 - The reconstruction of the existing dwelling, keeping the heights, shape, pitched roof, and its finishes of render for walls and tiles for the roof. The proportions of the openings are also kept. Access to the dwelling is changed; the new access is shifted backwards and to the side, providing enhanced privacy and security. The current single storey, incongruous extension will be removed.

2 - The connector - this area is responsible for connecting the replacement dwelling to the rear part of the house. It will be a flat roofed volume, which it contains the main entrance and circulation of the house. It receives a different treatment in terms of finishes and massing to differentiate it from the rest of the construction. On one side is a glazed panel to supply light. The opposite façade, facing the public path, will be clad in red sandstone.

3 - The rear volume - The ground floor of this section of the house includes the social areas while bedrooms and services will be placed on the lower ground floor. It is also a flat roofed design [a pitched roof above the lounge area having been removed to limit the impact upon the views from High Street/The Pound to the south]. The rear façade will present large windows to capture and maximize light and minimize heat loss through high quality triple glazed windows. This area provides a connection with the Abbey Fields beyond. The simple lines and the

restrained detailing lean towards a low key proposal drawing on local materials utilized in a contemporary way.

Access to the building will be from the High Street as well as via the side vehicular access.

THE SITE AND ITS LOCATION

The application site relates to a two-storey dwellinghouse fronting the southern side of High Street within the urban area of Kenilworth and its Conservation Area. The eastern boundary of the site adjoins 'The Pound' which is understood to date back to 1642 when it was used to house stray animals and has recently been refurbished as a memorial garden. The application site also returns along the southern boundary of The Pound, which is formed by a retaining wall due to the changing land levels, which fall from High Street to the south. No.37 to the east of The pound is listed, as are properties opposite the site on the northern side of High Street. Abbey Fields, a Scheduled Ancient Monument is located to the south and a gated strip of open space runs along the western site boundary.

PLANNING HISTORY

None relevant.

RELEVANT POLICIES

- The Current Local Plan
- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DAP7 - Restoration of Listed Buildings (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)
- DP4 - Archaeology (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
- DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- DAP4 - Protection of Listed Buildings (Warwick District Local Plan 1996 - 2011)
- DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
- DAP9 - Unlisted Buildings in Conservation Areas (Warwick District Local Plan 1996 - 2011)
- The Emerging Local Plan
- 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)
- HE1 - Protection of Statutory Heritage Assets (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HE2 - Protection of Conservation Areas (Warwick District Local Plan

- 2011-2029 - Publication Draft April 2014)
- HE6 - Archaeology (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- CC2 - Planning for Renewable Energy and Low Carbon Generation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- Guidance Documents
- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- National Planning Policy Framework

SUMMARY OF REPRESENTATIONS

Kenilworth Town Council: No objection. Members commented that they have no reason to object to the principle of this new property on this sensitive site and indeed welcomed the care that is being taken with the design and the need to consult expert opinion on heritage and archaeology.

Members commented on a number of details in the application: The proposal on the High Street appears to be to replace the wall on exactly the same footprint. The existing footway at the NE corner is very narrow being only 870mm wide which is difficult for wheel-chairs, pushchairs and similar pedestrian use. It is suggested that the whole development be moved bodily so that the footway is at least 1000mm wide or to an appropriate standard. This would have minimal impact on the street scene but be much safer for pedestrians.

The status of the vehicle access route on the west side is unclear. It is currently a long-established public pedestrian access route into Abbey Fields with an old iron swing gate at the end. This situation needs to be resolved as there is clearly danger in mixing vehicles and pedestrians in a narrow roadway. Furthermore the access through the sliding gate at the end appears too narrow for a family car to turn in from the path. Members also commented that any rebuilding of boundary walls should ensure the view from the Pound is not further diminished

WCC Highways: No objection.

WCC Archaeology: Comments awaited, following submission of requested archaeological evaluation.

WCC Ecology: No objection, subject to conditions.

WCC Public Rights of Way: No objection. There are no recorded public rights of way crossing or immediately abutting the application site. The Rights of Way team therefore has no objection to the proposals.

CAF: Greater contextual analysis is needed to understand the impact of the proposed development on the High Street and on Abbey Fields - and to justify the volume of the proposed building and its design. This should include analysis of views through and over the site. The proposed elevation treatment was also questioned - particularly the extent of glass. [An analysis has been carried out with amendments made to the original scheme].

Ancient Monuments Society: No objection, defer to Historic England.

Historic England: No objection. On balance the proposal causes an acceptable level of harm to the monument alongside achieving preservation of the adjacent pound and enhancing the street frontage of the High Street.

Community Protection: No objection.

Public Response: Four letters of objection raising the following concerns (original before validation):

- Proposal will intrude into the space of Abbey Fields and obstruct footpath access.
- Scale/type of development is totally inappropriate; overdevelopment.
- Impact upon Abbey Fields and the St Nicholas cemetery and also views back towards the Medieval High Street and its row of historic buildings.
- Out of character, contemporary design.
- Concern regarding impact upon The Pound, adjoining historic site.
- The plans show the demolished building is NOT being built exactly as per the existing footprint. The lean too, on the right, looking from the road, is being replaced by a concrete driveway, replacing the existing wild flower walkway down to Abbey Fields.
- Highway safety concerns.

One letter received in support of an innovative, eco-friendly development.

ASSESSMENT

The main issues relevant to the consideration of this application are as follows:

- Impact on heritage assets;
- Siting and design;
- Neighbouring amenity;
- Ecology/landscaping;
- Archaeology;
- Car parking and Highway safety;
- Renewables;
- Health and Wellbeing.

Impact upon heritage assets

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a duty to have special regard to the desirability of preserving a listed building or its setting. Section 72 imposes a duty that regard should be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area. including their setting.

The existing building at No.39 High Street makes a positive contribution to the character and appearance of the Conservation Area and Local Plan Policy DAP9 states that there is a presumption in favour of the retention of such non-listed buildings.

The application has been submitted with a structural survey and the applicant advises that the property is within an advanced state of disrepair, which is visually evident following the officer site visit. It is proposed to demolish and

re-build the building reproducing the same external shell in terms of heights, volumes, and materials. Although the loss of the original building is unfortunate the investment into the site and the replacement of this structurally unsound building is considered to be a positive enhancement to the character and appearance of the Conservation Area in accordance with Policies DAP8 and DAP9 of the Local Plan.

Historic England state their main concern is the impact the building will have upon the setting of the Abbey and the physical impact it will have on any remains. Historic England consider that the development can be achieved with minimal harmful impact upon the ancient monument. The new vehicular access and new property boundary wall will be within the monument. A separate Scheduled Monument Consent will also be required prior to any works commencing, which has been raised with the applicant. Historic England comment that, on balance, the proposal causes an acceptable level of harm to the monument alongside achieving preservation of the adjacent pound and enhancing the street frontage of the High Street.

Siting and design

The proposed replacement of the existing building fronting High Street will be with accurate re-production (minus a later lean-to of little merit) that will replicate the attractive character of the existing building and the positive contribution it provides to the Conservation Area. The Town Council's comments regarding the re-positioning of the dwelling further back to widen the footway are noted, however, such land would still not form public highway. The footpath narrows for only a short section and this forward projecting building adds to the visual interest and setting of this part of the Conservation Area.

There was concern that the visual impact of the proposed rear extension would be harmful to the appearance of the Conservation Area, due to it blocking an attractive view of Abbey Fields from High Street and The Pound, severing their visual relationship from an important viewing point and, as such, failing to preserve or enhance the appearance of the Conservation Area.

The scheme has been amended and it no longer includes a pitched roof abutting The Pound, which helps to retain an open aspect from the High Street. Following a detailed analysis of views from Abbey Fields, the elevations have been simplified and improved and with effective use being made of natural sandstone and brick the extension will have the appearance of a pavilion viewed from the park. The revised scheme is considered to be of a distinctive Passivhaus design, which will respect the character and appearance setting of the Conservation Area and other heritage assets.

Conditions are suggested to agree details of elevational materials and garage doors. Lantern lights, flue and rainwater goods should be finished in black painted metal.

Neighbouring amenity

The proposed development will not breach the 45-degree sightline when measured from adjoining properties. There is a side-facing window within No.37 High Street, however, this is obscure glazed. The scheme is not therefore

considered to result in any significant impact upon the amenities of the occupiers of surrounding properties in accordance with Policy DP2.

Ecology/landscaping

The County Ecologist requested a preliminary ecological appraisal, which was subsequently completed and submitted.

The County Ecologist states that the survey was carried out in accordance with appropriate methodology. No evidence of bats was found in the building, although it was impossible to fully inspect the loft due to health and safety reasons. As the building contains numerous gaps that can be used as access points for roosting bats the Ecologist agrees with the recommendations in the report that further activity survey work is required to determine presence/absence of roosting bats in the building.

The Ecologist was uncertain that should roof-void species be found in the activity survey work, that they could be accommodated within the new design. As the new building will replicate the existing, which has a roof void, there is scope to agree a solution through condition.

The County Ecologist notes that according to the findings in the report the application site can be used by nesting birds, amphibians and potentially reptiles and hedgehogs. It is therefore recommended that a method statement is submitted outlining protection measures to be taken to safeguard these species during works.

The Ecosite 'Abbey Fields, Kenilworth' 68/27 crosses the north-west area of application site and this Ecosite is also adjacent to the south boundary of the application site. The proposed development should not affect any existing mature landscaping within this area.

Archaeology

An archaeological evaluation requested by the County Archaeologist has been subsequently submitted by the applicant. The County Archaeologist has verbally confirmed that the proposal is acceptable subject to conditions. The written response of the County Archaeologist will be updated to Members at the meeting.

Car Parking and Highway Safety

The Highway Authority have raised no objection to the scheme. The Highway Authority note that although the Design and Access Statement makes numerous references to the strip of land to the western part of the site being the vehicular access to the property it is not entirely clear whether this has historically been used as a vehicular access for the property. There is potential for this route to be used either purely as an access to the proposed parking to the rear of the site or to provide off street parking. The existing width of the route is narrow in terms of providing a parking space(s). Where parking spaces are provided between boundaries (walls/fences) then 3.5 metres width should be available for ease of access to the car for the driver and the loading/unloading of passengers, etc. The Highway Authority note, however, that the removal of the existing side

extension will provide better accessibility to address these concerns and also better visibility.

The Highway Authority note that the access into the rear parking area from the access would require multiple manoeuvres to be undertaken in order to enter the access route in a forward gear. However, High Street is within the K3 Residents Parking Zone (RPZ) and the property will currently be eligible to apply for residents parking permits. Therefore whilst the proposal includes for off-site parking provision albeit there are deficiencies in these provisions, the proposed development will not change the fact that the property already has the option of utilising the on-street parking provision. The Highway Authority do not propose any conditions.

Local residents have raised concern regarding the footpath within the application site will be blocked by parked vehicles. The County Rights of Way Team have confirmed that there are no recorded public rights of way crossing or immediately abutting the application site and that they therefore has no objection to the proposals. The path is not recorded as public right of way on the Definitive Map. The Definitive Map is conclusive evidence of the routes it shows however additional routes may be existence that are not yet shown on the Map. The fact that a public right of way is not recorded on the Map does not mean that it does not exist.

Renewables

The proposal to renovate and extend the site has been conceived as a passivhaus project, which is a very high standard of energy efficiency, exceeding UK Building Regulations. As such the scheme will meet and exceed the Council's 10% requirement for reducing CO2 emissions and complies with Policy DP13 and the associated SPD.

Health and Wellbeing

The rear wall to The Pound will be affected by the development. It is understood that the development cannot be constructed without strengthening this boundary wall, as the wall has insufficient foundations. It will therefore be necessary to apply a planning condition to secure the reconstruction of the pound wall with improved foundations as the proposed works would otherwise affect its structural stability and could present a health and safety issue.

No other health or well-being issues are raised.

SUMMARY/CONCLUSION

In the opinion of the Local Planning Authority the demolition of a non-listed building and its replacement with extensions is considered to be acceptable and will not result in any significant impact upon the streetscene, setting of the conservation area and other heritage assets, neighbouring amenity or highway safety in accordance with the policies listed.

CONDITIONS

- 1 The development hereby permitted shall begin not later than three

years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) PL03B, PL04A, PL05A, PL06A and specification contained therein, submitted on 10/11/15 and 07/04/16. **REASON :** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1, DAP8 and DP2 of the Warwick District Local Plan 1996-2011.
- 3 Before development hereby approved commences details must be submitted to and approved in writing by the Local Planning Authority showing: (a) elevational brick and sandstone materials and roof tiles for the replacement element; (b) 1:10 drawings of garage doors; (c) rain water goods, flue and lantern lights to be finished in black painted metal. Thereafter the development shall be carried out in accordance with the approved details. **REASON:** To ensure an appropriate character and appearance of the development in accordance with Policies DP1 and DAP8 of the Warwick District Local Plan 1996-2011.
- 4 No development (including demolition) shall commence unless and until a survey for the presence of bats has been carried out by a qualified surveyor, and has been submitted to and approved in writing by the local planning authority. Should the presence of bats be found then no demolition shall take place until full details of measures for bat migration and conservation have been submitted to and approved by the local planning authority. These measures should include: a) inspection of existing buildings on site within one month prior to their demolition to determine presence or absence of roosting or hibernating bats; b) no building containing bats shall be demolished until bats have been safely excluded using measures as have been previously submitted to and approved in writing by the local planning authority; c) provision of a new bat roost/hibernacula constructed to a design and in a location previously approved in writing by the local planning authority; d) provision of new bat roost/hibernacula within new construction. The works shall be implemented in strict accordance with the approved details and timing of works, unless otherwise approved in writing by the local planning authority and once undertaken the works shall not be removed or altered in any way without the prior written approval of the local planning authority. **REASON:** To safeguard the presence and population of a protected species in line with UK and European Law, the National Planning Policy Framework and Policy DAP3 of the Warwick District Local Plan 1996-2011.
- 5 The development hereby permitted (including ground clearance works) shall not commence until a protected and notable species method statement for reptiles, amphibians, nesting birds and hedgehog (to include timing of works, supervision of vegetation clearance and reasonable avoidance measures) has been submitted to and approved in writing by the Local Planning Authority. Such approved measures shall thereafter be implemented in full. **REASON:** To safeguard the presence and population of a protected species in line with UK and European Law,

the National Planning Policy Framework and Policy DAP3 of the Warwick District Local Plan 1996-2011.

- 6 The development hereby permitted shall not commence unless and until a scheme has been submitted to and approved in writing by the Local Planning Authority detailing how the southern wall to The Pound will be stabilised or reconstructed with deeper foundations, as necessary, to accommodate the proposed development. Such approved measures shall thereafter be implemented in full. **REASON:** To ensure that the development does not compromise the structural stability of The Pound retaining wall in the interests of health and safety and Policy DP2 of the Warwick District Local Plan 1996-2011.
- 7 The development hereby permitted shall not be first occupied unless and until the fabric first scheme submitted as part of the application has been wholly implemented to meet (or exceed) a reduction of at least 10% of the CO² emissions through the initial construction methods proposed. **REASON:** To ensure that adequate provision is made for the generation of energy from renewable energy resources or to achieve carbon savings in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011.
- 8 All window and door frames within the replacement dwelling element of the scheme shall be constructed in timber and shall be painted and not stained. **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.
