

**Planning Committee:** 11 October 2005

**Item Number:** 15

**Application No:** W 05 / 1460

**Registration Date:** 30/08/05

**Town/Parish Council:** Kenilworth

**Expiry Date:** 25/10/05

**Case Officer:** Steven Wallsgrove

01926 456527 [planning\\_west@warwickdc.gov.uk](mailto:planning_west@warwickdc.gov.uk)

**1 Whites Row, Kenilworth, CV8 1HW**

Erection of 21 dwellings in three blocks. FOR Guy Middlebrook

---

This application is being reported to committee due to the history of the site and the very recent adoption of the 'embargo' policy.

**SUMMARY OF REPRESENTATIONS**

**Kenilworth Town Council:** Although the application has been amended from the previous submission Members considered that it contained nothing to commend it in regard to the previously refused application. Accordingly they STRONGLY OBJECT on the following grounds.

1. It constitutes over-development of the site.
2. It fails to harmonise with its surrounds, the design also adversely affecting both nearby Listed Buildings and the setting of the Conservation Area.
3. The height, bulk and mass is both over-dominant and extremely intrusive.
4. It is grossly un-neighbourly to adjacent properties on all sides of the site.
5. The level of disturbance and noise created by the level of traffic movements would be unacceptable to existing nearby residential properties.
6. It is considered to be contrary to the District Local Plan 1995 in respect of policies ENV3, 6, 8 and 12, plus the equivalent provisions contained within the District Local Plan 1996-2011 (Revised Deposit Version).

**WCC (Highways):** Have no objection in principle, subject to resolution of some discrepancies (mainly differences between scaled and specified dimensions). They have expressed concern, however, about the position of the access to the site and consider that it should be moved to the west end of the frontage.

**WCC (Planning):** have requested a £1,478 contribution towards library facilities, £17,740 for primary education and £27,858 for secondary education.

**Neighbours:** Letters of objection have been received from 10 local residents, including all 4 flats at Hazelwood House in Whites Row. These objections are on grounds of loss of privacy, height of buildings, inadequate parking, noise

disturbance, overdevelopment, out of character, overshadowing, and loss of view.

## **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)

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

The 45 Degree Guideline (Supplementary Planning Guidance)

Managing Housing Supply

## **PLANNING HISTORY**

The site has been the subject of three previous applications, the first two on the site of No. 1 Whites Row only (the first being granted for the erection of 9 flats, and the second withdrawn) and the third on the present, enlarged, site. This was for 23 flats and was refused in July 2005 for the following reason:-

"In the opinion of the District Planning Authority, the height, bulk and massing of the proposed development would be an over-dominant feature on this site. It would constitute an overdevelopment of the site and its design would adversely affect the setting of the Conservation Area and nearby Listed Buildings, failing to harmonise with its surroundings and having an unneighbourly effect on adjacent properties on all sides of the site. Furthermore, the noise and disturbance from the introduction of traffic movements adjacent to the boundaries of neighbouring residential properties would also be unacceptable. The proposal would therefore be contrary to policies ENV3, ENV6, ENV8 and ENV12 of the Warwick District Local Plan 1995 and policies DP1, DP2, DAP6, and DAP10 of the Warwick District Local Plan 1996-2011, Revised Deposit Version."

## **KEY ISSUES**

### **The Site and its Location**

The site includes 1 Whites Row and the disused land at the back of 200 Warwick Road, together with a small piece of the garden of 192 Warwick Road.

It is surrounded by a Housing Dept. garage court and the corner of the service yard to Newlands House on the west, a bungalow to the south (204 Warwick Road) and the back gardens of houses to the east (190 to 200 Warwick Road). Hazelwood House (a two-storey block of 4 flats) lies to the north-east, on the other side of Whites Row.

### **Details of the Development**

The block fronting Whites Row is similar to that approved under W20041156, being two storeys to the eaves, with dormer windows to the front, with the adjoining part of the block being of the same height but only with rooflights on this (north) elevation. The remainder of this block is at right angles to this part and is of the same two-storey height to the eaves, with dormers into the courtyard parking area and rooflights to the east.

The block to the south has its northern half of the same height and similar design. The southern part of this second block is one-and-a-half storey with the major part of it parallel to the southern boundary. In this case, the half-storey consists of accommodation lit by semi-dormers into the parking court and rooflights to the south.

The third block consists of a row of three carports/garages with a single, one-bedroom, flat in the roofspace lit by rooflights. This block stands clear of the canopy of the large tree in this corner of the site.

The parking layout shows 25 parking spaces with an additional two for number 192 Warwick Road. New screen planting is proposed along the eastern boundary where there is no existing tree screening.

## **Assessment**

The principal issues in this case are the impact of the proposal on the street scene, neighbours, parking, and the Conservation Area, part of which adjoins the site and a very small sliver of which lies within the site, on the east boundary. An additional issue, now, is the new 'moratorium' policy.

The scheme has been reduced in height from that previously refused in that the scheme was a full three-storey in part, and was more 'monolithic' since it was not divided up so much into separate blocks. In addition, the extent of car parking adjoining the garden of 202 Warwick Road has been reduced.

It is considered that the reduction in height and the introduction of a gap to break up the main mass of development does respond to members previous concerns on this aspect and that the proposed screen planting will minimise the impact of the small parking area at the bottom of the gardens of 198 and 200 Warwick Road, this parking area now only having 7 parking spaces in it instead of 10. To further minimise the impact on the northwest corner of 202 Warwick Road, the site of the lost parking spaces is now to be a shrub bed.

In the case of 204 Warwick Road, which is a modern bungalow at the back of number 202, the property has a blank gable and the adjoining block has been designed so that it does not conflict with the 45° Code in relation to this property and is 1 and a half storeys in height, so that it should not be overbearing.

The concerns of the Highway Authority about the position of the access, which have been raised for the first time on this application, could result in the need to redesign the front block, and the main parking area, but it is also possible that a properly designed access, and other traffic measures, could also resolve the possible problem.

However, the final issue is considered to be the deciding one, namely the recently adopted housing strategy which prevents development unless it comes within certain, limited, categories. In this case, the site, as a whole, does not have an outstanding consent for development, and the scheme is not for 100% affordable units. Under these circumstances it is considered that, despite the improvements made since the refused scheme, this application should be refused.

### **RECOMMENDATION**

REFUSE for the following reasons:

- 1 The application is for a windfall housing development that does not meet one of the criteria set out within the Council's supplementary planning document: "Managing Housing Supply". This policy seeks to limit the over-provision of new homes in the District in accordance with policies CF3 and CF6 in the Regional Spatial Strategy, policy H.1 in the Warwickshire Structure Plan and policies UAP1 and SC8a in the Warwick District Local Plan (Revised Deposit Version). To permit the development would, therefore be contrary to the aforementioned policies.

-----