

Application No: W 11 / 1618

Town/Parish Council: Kenilworth
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Registration Date: 15/12/11
Expiry Date: 01/03/12

135 Warwick Road, (including rear Builders Yard) Kenilworth CV8 1HY
Outline planning Application for the erection of 9 apartments, 3 houses and 3
garages (Details of Access Included) at land adjacent to 135 Warwick Road
Kenilworth. FOR Warwickshire County Council

SUMMARY OF REPRESENTATIONS

Kenilworth Town Council - Objection due to the lack of elevational details for the houses (block C) which border onto properties in Clarendon Road and if of similar design to Blocks A and B, would have an adverse overlooking impact upon neighbours and their amenities.

Highways: No objection subject to condition in accordance with plan A1562/01

Warwickshire Police: No objection subject to being in accordance with Secured by Design

Seven Trent: No objection subject to condition for foul sewage and surface water and note relating to public sewer within the site.

Green Space require contribution for off site green space

Ecology: Further bat surveys needed, informative relating to nesting birds and protection of existing trees to be retained.

Environment Agency: Objection as ground contamination report needs to be submitted.

Neighbour comments: 3 letters of objection received raising the following:- social housing should not be on site; loss of light of garden; height of flats would be intrusive; resulting in overlooking; visual impact of flats; increase of traffic exiting onto Warwick Road, existing wall adjacent to Block B should be retained; concerns relating to right of access along the access road during demolition and construction would not be maintained

RELEVANT POLICIES

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)

- SC11 - Affordable Housing (Warwick District Local Plan 1996 - 2011)
- SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)
- UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
- Vehicle Parking Standards (Supplementary Planning Document)
- Open Space (Supplementary Planning Document - June 2009)

PLANNING HISTORY

Planning permission was granted in 2005 for the erection of 12 apartments, 3 houses and 3 garages, after demolition of 135 Warwick Road, (W/05/1109) and includes land to the rear used as a builders storage yard. This permission has not been implemented.

KEY ISSUES

The Site and its Location

The site comprises the former builders storage yard which is currently vacant and located to the rear of properties in Warwick Road, Clarendon Road, Grafton Close and Clarkes Avenue. The site includes the land at 135 Warwick Road Kenilworth and the current vehicular access adjacent to no 135 which provides restricted vehicular access to the rear yard and some residential properties in Warwick Road.

The builders yard area is surrounded by residential properties comprising of primarily two storey dwellings with three storey flats on Grafton Close. Within the builders yard there are existing buildings comprising a block of warehouse buildings located on the south boundary of the site and a small single storey flat roofed store located on the north side of the site.

Details of the Development

The application is for outline permission including details of access with all other matters reserved and is for 9 apartments and 3 houses with garages. The indicative elevations relate to the apartments only facing within the site. No elevation details have been submitted for the 3 houses, however this would be part of the reserved matters application.

The proposal includes the demolition of no.135 Warwick Road so as to achieve an acceptable access into the site for the development and the residents with right of access and includes parking for the offices adjacent to the site.

Assessment

The main issues in determining the application are as follows:

- Loss of employment land
- Housing needs
- Access and parking
- Open Space
- Neighbour amenities

Loss of employment land

The proposed residential development is on the part of the site used as a former builders yard, which is established employment land, however this is currently vacant and has been since 2008. Full Planning Permission has previously been

granted in 2005 for residential development of the site and therefore the principle of residential use has been established. The site is considered to be previously developed land and is surrounded by residential properties with Clarendon Road being a Conservation Area. It is considered that the loss of the employment land is considered acceptable in this circumstance as it is not protected employment land and due to the fact that the character of the area is primarily residential. The site lies within Kenilworth Town centre and the proposed development is considered acceptable and in accordance with policy UAP1 of the Warwick District Local Plan 1996-2011 which seeks to provide new residential development on previously developed land in the urban areas.

Housing Needs

The applicants are proposing to provide 40% of affordable housing in accordance with policy SC11 of the Warwick District Local Plan 1996-2011 which states that within the towns proposed development of 10 or more dwellings would be required to meet local needs. The proposal is for 9 apartments and 3 houses and falls within this category and therefore the proposal is considered to be in accordance with this policy.

Access and Parking

The proposed new access following the demolition of no.135 Warwick Road will result in a widened access to provide safe ingress and egress to and from the site. The proposal includes the provision of 6 parking spaces for the existing office building adjacent to the access road and the provision of 19 parking spaces within the development and is considered to be in accordance with policies DP6 and DP8 of the Warwick District Local Plan 1996-2011 and the vehicles parking standards SPD.

Open Space

Policy SC13 of the Warwick District Local Plan 1996-2011 and Open Space SPD requires new development to make contributions towards open space and recreational improvements and as such a contribution has been requested and the applicants have confirmed the contribution for the open space.

Neighbour Amenities

The indicative plans show the 9 apartments on three storeys and would be located so as to minimise the impact on the residential amenities of the neighbouring properties in terms of loss of light, outlook and privacy. The proposal is therefore considered to be in accordance with policy DP2 of the Warwick District Local Plan 1996-2011

Conclusion and Summary of Decision

It is considered that the proposal is an acceptable form of development within the predominantly residential area of Kenilworth Town Centre in that it provides a mixture of housing types which is in keeping with the character of the area and the proposal is therefore considered to comply with the policies listed above.

RECOMMENDATION

Grant subject to the following conditions

CONDITIONS

- 1 This permission is granted under the provisions of Article 4(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2010 as amended, on an outline application and the
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further approval of the District Planning Authority shall be required to the undermentioned matters hereby reserved before any development is commenced:-

- (a) appearance
- (b) landscaping
- (c) layout
- (d) scale

REASON : To comply with Section 92 of the Town and Country Planning Act 1990 as amended.

- 2 The development to which this permission relates must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved. **REASON** : To comply with Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 3 The development hereby permitted shall be carried out strictly in accordance with the details shown on the application form, site location plan and approved drawing(s) A1562/01, A1562/02, and specification contained therein, submitted on 15/12/11. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1, DP2 and DP8 of the Warwick District Local Plan 1996-2011.
- 4 Details of the means of disposal of storm water and foul sewage from the development shall be submitted to and approved by the District Planning Authority before the development hereby permitted is commenced and the development shall not be carried out other than in strict accordance with such approved details. **REASON** : To ensure satisfactory provision is made for the disposal of storm water and foul sewage and to satisfy Policies DP9 and DP11 of the Warwick District Local Plan 1996-2011.
- 5 The development hereby permitted (including demolition) shall not commence until further bat surveys of the site, to include appropriate activity surveys in accordance with BCT Bat Surveys – Good Practice Guidelines, has been carried out and a detailed mitigation plan including a schedule of works and timings has been submitted to and approved in writing by the District Planning Authority. Such approved mitigation plan shall thereafter be implemented in full.
REASON: To ensure the protection of bats and compliance with Policy DP3 of the Warwick District Local Plan 1996-2011.
- 6 No part of the development hereby permitted shall be commenced and nor shall any equipment, machinery or materials be brought onto the site until a scheme for the protection of all existing trees and hedges to be retained on site has been submitted to and approved in writing by the District Planning Authority and has been put in place. The scheme must include details of the erection of stout protective fencing and be in accordance with British Standard BS5837: 2005, Trees in Relation to Construction. Nothing shall be stored or placed in those areas fenced in

accordance with this condition and nor shall the grounds levels be altered or any excavation take place without the prior consent in writing of the District Planning Authority. The approved scheme shall be kept in place until all parts of the development have been completed and all equipment, machinery and surplus materials have been removed.

REASON : To protect and enhance the amenities of the area, and to satisfy the requirements of Policies DP1 and DP3 of the Warwick District Local Plan 1996-2011.

- 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 Part 1 of Schedule 2 of this Order, without the prior permission of the District Planning Authority. **REASON** : To retain control over future development of the premises in the interests of residential amenity, and to help meet the objectives of Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.
- 8 Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions (1) to (4) below have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition (4) below has been complied with in relation to that contamination.

(1) **Site Characterisation**

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the

preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's *'Model Procedures for the Management of Land Contamination, CLR 11'*.

(2) Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

(3) Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

(4) Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition (1) above, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition (2) above which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition (3) above.

(5) Long Term Monitoring and Maintenance

A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of years, and the provision of reports on the same must be prepared, both

of which are subject to the approval in writing of the Local Planning Authority.

Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority.

This must be conducted in accordance with DEFRA and the Environment Agency's '*Model Procedures for the Management of Land Contamination, CLR 11*'.

REASON : To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors in accordance with Policy DP9 of the Warwick District Local Plan 1996-2011.

9 No development hereby permitted shall commence unless and until schemes and appropriate details have been submitted and approved in writing by the local planning authority to provide for:-

1) the provision of and / or improvement of and / or maintenance of public open space within the catchment area of the site in accordance with Policy SC13 of the Warwick District Local Plan 1996 - 2011, and

ii) affordable housing in accordance with Policy SC11 of the Warwick District Local Plan, which shall indicate the numbers, plots, disposition across the site and tenure of the affordable units.

The facilities shall be implemented in accordance with the approved details prior to the occupation of any of the dwellings hereby permitted, unless otherwise agreed in writing by the local planning authority.

REASON: To ensure the necessary infrastructure and facilities are provided in accordance with Policies SC11 and SC13 of the Warwick District Plan 1996 – 2011.

INFORMATIVES

For the purposes of Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, the following reason(s) for the Council's decision are summarised below:
