

Planning Committee: 23 August 2005

Item Number: 38

Application No: W 05 / 1166

Registration Date: 11/07/05

Town/Parish Council: Kenilworth

Expiry Date: 05/09/05

Case Officer: Steven Wallsgrove

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20, 30 & 32, Malthouse Lane, Kenilworth, CV8 1AB

Erection of 3 detached houses, after demolition of 30/32 Malthouse Lane FOR
Mr D Searle & Mr H Feeney

This application is being presented to Committee due to the number of objections and an objection from the Town Council having been received.

SUMMARY OF REPRESENTATIONS

Kenilworth Town Council: The Committee believe the developers have failed to overcome their earlier objections. Despite the minor changes made to the previous application, which was refused by Warwick District Council, Members OBJECT on the basis of the Committees original objections namely:-

- 1.The development would be closely packed together.
- 2.The proposed development would be especially prominent.
- 3.The proposed development would severely out of character with the existing special design of that side of Malthouse Lane.
4. The proposed development would have an adverse impact on the street scene and would compromise the unique character of the area.
5. Also the access of vehicles from 7 dwellings which would decant onto an area often congested with on-street parking and adjacent to the busy junction of Malthouse Lane and De Montfort Road.

This Committee is also concerned about the drainage situation in the area could be exacerbated by the proposal.

Leisure and Amenities: New access is too close to TPO Ash and would be better if moved a little closer to De Monfort Road.

WCC (Highways): Have no objection subject to access conditions.

WCC (Ecology): Recommend bat survey and nesting bird note.

Neighbours: Letter of objection have been received from 39 residents on grounds of little difference from the previous refusal, increase population, increased traffic noise and disturbance, road safety, out of character with the rest

of Malthouse Lane, increased risk of flooding, possible loss of trees and hedges, spoil adjoining Conservation Area, overlooking, too closely packed overdevelopment, and contrary to Local Plan Policy.

1 letter has been received supporting the application which will "greatly enhance" Malthouse Lane as existing property is out of keeping with the rest of the lane.

RELEVANT POLICIES

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)

(DW) ENV3A - Sustainable Development and Energy Conservation (Warwick District Local Plan 1995)

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

The 45 Degree Guideline (Supplementary Planning Guidance)

PLANNING HISTORY

This plot has been the subject of two previous applications for re-development, the first (for 4 dwellings) being withdrawn and the second (for 3 dwellings) being refused by the Committee in April this year. The reason given was:-

"The three proposed dwellings would be closely packed together on the site and, in particular, plots 1 and 2 would be set in front of the existing building line and would therefore be especially prominent. It is considered that the proposed development would therefore be seriously out of character with the existing spacious design of this side of Malthouse Lane, would have an adverse impact on the street scene and would compromise the unique character of this area. Such development would be seriously contrary to the requirements of policy ENV3 of the Warwick District Local Plan 1995, which requires that all development should harmonise with its surroundings.

KEY ISSUES

The Site and its Location

The site lies opposite De Montfort Road and consists of the large house known as 30/32 Malthouse Lane and part of the front garden of 20 Malthouse Lane, which is a detached house on a backland site.

The site has mature hedges and trees on the northern boundary and on the road frontage. The Conservation Area lies on the other side of the retained driveway to No. 20 Malthouse Lane.

Details of the Development

The proposal is to demolish the existing house (30/32 Malthouse Lane) and erect 3 detached houses on its site and the piece of land up to the adjoining driveway. The houses would be of individual design but following a similar theme of hipped roofs with gables and hips on the front and rear projections. Plots 1 and 2 would have a shared access between two trees, while Plot 3 would share its access with No 20 Malthouse Lane. Existing boundary hedges, trees and fences would be retained, other than on the southern boundary where a single tree and a shrub would be removed for the shared access.

The layout has been slightly amended since submission to ensure a 3 m drive is retained for No 20 and that a minimum of 1 m would be retained to the fence on the north boundary. The plan shows 3 m gaps between the houses.

Assessment

The previous refusal reasons form the basis for assessing this, revised, proposal. The issues identified by Members (as quoted above) included :-

1. The dwellings being closely packed together.
2. Being in front of the building line to a prominent degree.
3. Being seriously out of character.
4. Having an adverse impact on the street scene and
5. Would compromise the unique character of the area.

All of these points relate, in general, to the character of Malthouse Lane and, therefore, it is necessary to identify this character in order to assess the proposal.

A small part of the east side of Malthouse Lane (at the south end) lies in the Conservation Area, where there are a wide variety of old, and modern, houses on a fairly steep slope down to the driveway of 20 Malthouse Lane. The boundary consists of a tall hedge on the south side of this driveway. To the north of the site, and on the west side of Malthouse Lane, the houses (and a few bungalows) are generally of inter war, or 1960's, construction and of a relatively standard design. They generally have 2 m gaps between the dwellings, including those immediately to the north of the site, which are set at an unusual angle to the road. These immediately adjoining dwellings, and those on the other side of Berkeley Road (i.e. 34-46 Malthouse Lane) have lost their original frontage hedge.

In that context, the present proposal shows 3 metre gaps between the buildings (instead of 2 metres), so is more spacious than the remainder of Malthouse Lane outside the Conservation Area. In response to the reference in the refusal reason to the position of plots 1 and 2 these dwellings have also been designed so that their two-storey elements are not forward of the general line of the

adjoining two-storey houses (although they are not actually set on a single 'building line'). They have also been designed to respect the general ridge height of these houses.

I consider, therefore, that the present scheme is not out of character with the area and will not have an adverse impact on the street scene since the frontage hedge and trees are to be retained (other than at the access points) which is better than the row of dwellings immediately to the north.

In terms of central government policy, as set out in PPG3: Housing, this is a 'brownfield' site in a major urban area where housing, and other, development is being encouraged to go. The guidance makes it clear that, in such areas, housing should be at densities of at least 30 to 50 to the hectare, unless special considerations indicate otherwise, while the present proposal is below this guideline (at 25/hectare), but is similar to densities on the 1960's developments (at 26/hectare).

REASON FOR RECOMMENDATION

The proposal is considered to comply with the policies listed above.

RECOMMENDATION

GRANT subject to the following conditions :

- 1 The development hereby permitted must be begun not later than the expiration of five years from the date of this permission. **REASON** : To comply with Section 91 of the Town and Country Planning Act 1990.
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing numbers 1483/9A, 11, 12 & 13A, and specification contained therein, unless first agreed otherwise in writing by the District Planning Authority. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Local Plan Policy ENV3.
- 3 Samples of all external facing materials to be used for the construction of the development hereby permitted, shall be submitted to and approved by the District Planning Authority before any constructional works are commenced. Development shall be carried out in accordance with the approved details. **REASON** : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan.
- 4 A landscaping scheme, incorporating existing trees and shrubs to be

retained and new tree and shrub planting for the whole of those parts of the site not to be covered by buildings shall be submitted to and approved by the District Planning Authority before the development hereby permitted is commenced. Such approved scheme shall be completed, in all respects, not later than the first planting season following the completion of the development hereby permitted, and any trees removed, dying, being severely damaged or becoming seriously diseased within five years of planting, shall be replaced by trees of similar size and species to those originally required to be planted. Existing trees which are shown as being retained shall be dealt with in accordance with BS 5837:1991. In particular, before any materials are brought on the site or any demolition or development commenced, stout protective fencing should be erected to enclose the perimeter of the branch spread of each tree or shrub to be retained, together with the branch spread of any tree growing on adjoining land which overhangs the site. Such fencing shall be satisfactorily maintained until all development has been completed. **REASON** : To protect and enhance the amenities of the area, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan.

- 5 The development hereby permitted shall not be brought into use unless there is available vehicular turning space within the site so that vehicles are able to enter and leave the public highway in a forward gear. Such area shall thereafter be kept available for that purpose. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy ENV3 of the Warwick District Local Plan.
- 6 The accesses to the site for vehicles shall not be used in connection with the development until they have been surfaced with a bound macadam material for a distance of 7.5 metres as measured from the near edge of the public highway carriageway in accordance with details to be approved in writing by the Local Planning Authority. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy ENV3 of the Warwick District Local Plan.
- 7 Before any works for demolition are first commenced, a survey of the premises by a qualified bat surveyor shall be undertaken to demonstrate the presence, absence or usage of the premises by bats. In the event that the survey demonstrates the presence or usage of the premises by bats, a report recommending mitigation measures to ensure any bats will be protected during the demolition works shall be submitted to and approved in writing by the District Planning Authority before the demolition works are commenced. The approved mitigation measures shall be wholly implemented strictly as approved. **REASON**: To ensure the protection of bats and compliance with Policy ENV27 of the Warwick District Local Plan 1995.