

Application No: [W 15 / 0942](#)

Town/Parish Council: Kenilworth

Case Officer: Liam D'Onofrio

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Registration Date: 16/06/15

Expiry Date: 11/08/15

18-20 Warwick Road, Kenilworth, CV8 1HE

Renewal of Approval Reference W/11/1142 for the redevelopment of an existing mixed use development to provide a retained retail unit at ground floor with undercroft parking to the rear and 3no. dwellings accessed via an external stair and first floor courtyard with a nett increase of 2no. dwellings. FOR Mawpart Commercial no 3 Ltd

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

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

Members are advised that this development has already received planning permission under application W/11/1142 and that planning permission remains valid and can be implemented until 31st October 2015. However, this application has been submitted to extend the implementation time limit for a further three years.

Planning permission is sought for the redevelopment of the existing building to retain the retail unit at street level and extend to the rear at first floor level to provide 3 flats. The proposal includes raising the height of the building to replace the existing flat roof with a new pitched roof to create a third floor with the roof height being the same as the adjoining building and three pitched dormers in the roof on the front and rear of the building. The existing flat would then be sub-divided to provide two flats.

There is an additional flat proposed at first floor level to the rear, which would be created over the undercroft parking that extends from the rear of the retail unit. The flats would face each other with a courtyard area separating them and are accessed via an external stair leading from the undercroft parking area. The proposal would result in a net increase of 2 dwellings. The proposal includes alterations to the street frontage by reducing the size of the front bay window to create three smaller windows, two of which would be bay windows.

Four parking spaces will be provided to the rear of the development beneath the undercroft, in addition to secure cycle parking and bin storage.

THE SITE AND ITS LOCATION

The application site comprises a two storey mid terraced mixed commercial and residential property constructed in the early 60's within Kenilworth Town Centre. The ground floor retail unit extends to the rear at single storey level and there is an external staircase for access to the existing flat above. To the street frontage the flat has a large squared bay window typical of the period. Properties in the area are of a mixed type and variety of roof heights with commercial units at street level. The neighbouring property (no. 22) fronting the high street has a pitched roof and is a more traditional style building. To the north of the site on the corner with Barrow Road is a Post Office. This building is taller than the application property with a flat roof. The site is accessed from a shared driveway located off the western side of Warwick Road.

PLANNING HISTORY

W/11/1142 Redevelopment of existing mixed use development to provide a retained retail unit at ground floor with undercroft parking to the rear and 3no. dwellings accessed via an external stair and first floor courtyard with a net increase of 2no. dwellings: Granted 31/10/12 - This permission remains effective and can be implemented up to 31st October 2015.

RELEVANT POLICIES

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)
- DP4 - Archaeology (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- TCP11 - Protecting Residential Uses on Upper Floors (Warwick District Local Plan 1996 - 2011)
- UAP1 - Directing New Housing (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)
- CC2 - Planning for Renewable Energy and Low Carbon Generation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- H1 - Directing New Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)

Guidance Documents

- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- Vehicle Parking Standards (Supplementary Planning Document)
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- National Planning Policy Framework

SUMMARY OF REPRESENTATIONS

Kenilworth Town Council: OBJECTION on the basis of the additional risk to pedestrian safety, due to the additional vehicle access requirements of two properties in close proximity to a pelican crossing.

WCC Highways: No objection.

WCC Archaeology: No objection, subject to condition

WDC Environmental Health: No objection.

ASSESSMENT

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

- Principle of the development;
- Layout and design;
- Impact on neighbouring amenities;
- Car parking/Highway safety;
- Energy Efficiency;
- Health and wellbeing.
- Archaeology.

Principle

The site is within the Town Centre where the Local Plan Policy UAP1 applies, which permits residential development on previously developed land and buildings. Although the scheme complies with UAP1 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.

The scheme will contribute towards helping the Council meet its five year requirement, result in more efficient use of urban land, and as set out below would have no other significant adverse effects. On this basis the proposal is considered to constitute sustainable development, and would comply with the NPPF.

There has been no material change in policy following the grant of the previous application and significant weight should also be placed upon the fact that this development has already received planning permission and that permission under W/11/1142 remains extant until 31st October 2015.

Layout and Design

The scheme remains the same as the approved under extant permission W/11/1142. The design reflects that of the neighbouring property with the pitched roof, dormer windows within the roof slope and replacement of the large bay window with smaller windows fronting the high street creating a more traditional building that is sympathetic to the character of the wider streetscene in terms of design and bulk and mass. It is therefore considered that the proposal complies with Policy DP1 of the Warwick District Local Plan 1996-2011.

Neighbouring Amenity

Town Centre living and conversion of upper floors to living accommodation is encouraged to enhance the viability and vitality of the Town Centre and to provide sustainable forms of living. The proposal incorporates some amenity space for the new dwellings by way of a courtyard area and the provision of small front curtilages. The proposed development would not result in any significant loss of light, outlook or amenity to existing properties in Barrow Road or to the neighbouring properties on Warwick Road, orientated south of the site.

There is a 12.5m distance separation between Flat 1 & 2 and Flat 3, which complies with minimum separation distances in the SPG, as the kitchen window of Flat 2 faces the non-habitable bathroom window of Flat 3 and Flat 1 has no habitable windows overlooking the internal courtyard.

It is therefore considered that the proposal complies with policy DP2 of the Warwick District Local Plan 1996-2011 and the Residential Design Guide SPG in that there is no harm to the amenity of the existing residents and any future residents in terms of loss of amenity and overlooking. In addition the proposal provides sustainable forms of living, which make the best use of upper floors and contributes towards the provision of housing stock by providing small units in a sustainable location.

The Environmental Health Officer (EHO) notes that the previous application attracted no objections from Environmental Health during its original consultation and having reviewed the submitted documents no objections are raised to the renewal of this permission. The EHO has asked for two notes to be applied to any permission to draw the applicant's attention to the need to consider road traffic noise and ventilation to the part of the development fronting Warwick

Road, however the EHO does not consider it appropriate to condition these elements given there is an extant permission for the development.

Car Parking/Highway safety

The proposal includes undercroft parking and provides 4 tandem spaces (reduced from six under W/11/1142 to provide an improved layout) and a cycle/bin store. County Highways have confirmed that there remains no objection to the current scheme in terms of parking.

Kenilworth Town Council have raised concerns regarding the additional risk to pedestrians due to the additional vehicle access requirements in close proximity to a pedestrian crossing on Warwick Road. The Town Council raised no objection to the scheme in 2011 and the case officer has sought clarification as to what the Town Council's concerns are relating to the access point and the relevance of the pedestrian crossing to try and establish if there have been any changes on the ground since the last application. No further response has been received from the Town Council. The access from Warwick Road already serves a number of properties that back onto an open yard area, including the application property, and there are existing car parking areas and vehicle movements associated with this access. The proposed development will not significantly increase existing vehicle movements and it is noted that the Highway Authority have no objection to the scheme.

Energy efficiency

In terms of renewable technology the applicant has indicated that they will be providing solar panels mounted to the southwest facing roofs, however the location and quantity to meet the 10% renewable requirement are to be confirmed. It is considered that this information can be successfully secured through the standard planning condition.

Health and Wellbeing

The scheme is not considered to raise any issues in terms of health and wellbeing.

Archaeology

The County Archaeologist has requested a programme of archaeological works, which will be secured by condition.

Summary/Conclusion

In the opinion of the Local Planning Authority, the scheme remains acceptable in principle and the development respects surrounding buildings in terms of scale, height, form and massing and does not adversely affect the amenity of nearby residents or highway safety. The proposal is therefore considered to comply 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) 2668-161, 2668-162, 2668-163, and specification contained therein, submitted on 15/06/15, except as required by condition 3-5 below. **REASON :** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.
- 3 No development shall take place within the application site, unless and until a programme of archaeological works and investigations has been secured and initiated in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority. **REASON:** In order to ensure any remains of archaeological importance, which help to increase our understanding of the Districts historical development are recorded, preserved and protected were applicable, before development commences in accordance with Policy DP4 of the Warwick District Local Plan 1996-2011.
- 4 The development hereby permitted shall not be commenced unless and until a scheme showing how either a). at least 10% of the predicted energy requirement of the development will be produced on or near to the site from renewable energy resources, or b). a scheme showing how at least 10% of the energy demand of the development and its CO² emissions would be reduced through the initial construction methods and materials has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until all the works within the approved scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications. **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.
- 5 The development shall be carried out only in full accordance with sample details of the facing and roofing materials which shall have been submitted to and approved in writing by the local planning authority. **REASON:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy DP1 of the Warwick District Local Plan 1996-2011.
- 6 The proposed car parking and cycle areas for the development hereby permitted shall be constructed, surfaced, laid out and available for use prior to the first occupation of the development hereby permitted, in full accordance with the approved plan. The car parking and cycle areas shall be kept free of obstruction and be available for those purposes at all times thereafter. **REASON :** To ensure that adequate parking facilities are provided and retained for use in connection with the

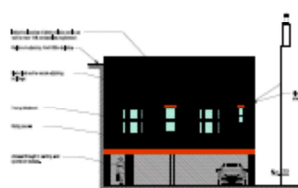
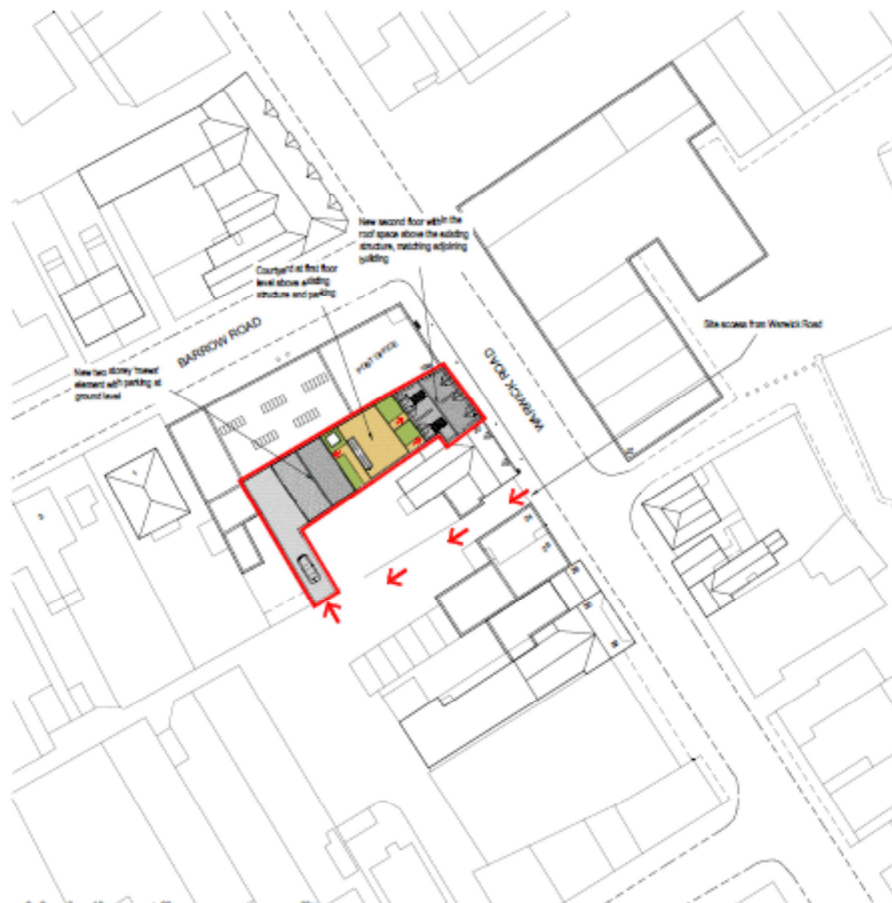
development, in accordance with the requirements of Policy DP8 of the Warwick District Local Plan 1996-2011.

- 7 The dwellings hereby permitted shall not be occupied until the bin store has been constructed in strict accordance with the approved plans.

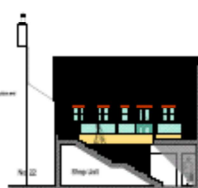
REASON : To protect the amenities of occupiers of the site and the character and appearance of the locality, in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.

- 8 If an air source heat pump is chosen as the method to comply with the requirement for renewable energy, noise arising from the air source heat pump(s) permitted, when measured one metre from the facade of any noise sensitive premises, shall not exceed the background noise level by more than 3dB (A) measured as LAeq (5 minutes). If the noise in question involves sounds containing a distinguishable, discrete, continuous tone (whine, screech, hiss, hum etc.) or if there are discrete impulses (bangs, clicks, clatters, thumps etc.) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level. **REASON:** To protect the amenities of the occupiers of nearby properties in the locality in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011.

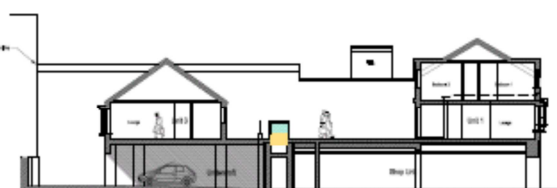




Proposed South-West Elevation
Rear Building



Proposed North East Elevation
Rear Building



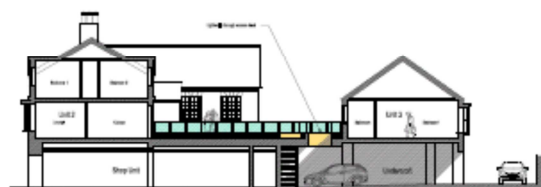
Proposed Section A-A



Proposed North East Elevation



Proposed South West Elevation



Proposed Section B-B