

Planning Committee: 08 December 2015

Item Number: 13

Application No: [W 15 / 1300](#)

Town/Parish Council: Kenilworth
Case Officer: Anne Denby

01926 456544 anne.denby@warwickdc.gov.uk

Registration Date: 10/09/15

Expiry Date: 05/11/15

Albion Tavern, 81 Albion Street, Kenilworth, CV8 2FY

Erection of 6no. semi-detached houses after demolition of existing Public House
FOR Marshall Developments (Warwick) Ltd

This application is being presented to Committee due to 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

The proposals are to demolish the existing public house and erect 6no. semi-detached dwellings.

Two pairs of semi-detached dwellings will front on to Albion Street with the third being located to the rear with a frontage to the rear part of the access road.

The dwellings are all to be of the same size and design and will be three storeys in height with the top floor accommodation provided within the roof space with dormer windows to the front and rear. Each of the proposed dwellings has rear amenity space and two parking spaces each with one overall visitor space also being provided.

The application is supported by the following documents:

Design and Access Statement

Sets out the character and layout of the surrounding area and states that the new dwellings will fit within the established pattern of development and help meet current housing needs. The dwellings are in a sustainable location and will include sustainable energy efficiencies. The houses are modest in scale and height and have minimal impact on the surrounding properties and will not compromise the setting of adjacent buildings or overlook them. Parking is provided in accordance with current guidelines. The houses are of traditional form and finish, typical of the local area.

Community Facility Statement

Provides an assessment of the existing site and the public houses in the vicinity. The statement concludes that the redevelopment of the pub site will not cause a loss of a community facility as the pub has failed and no longer offers a community facility. Within 400m of the site there are a further 3 Public Houses on Albion Street. The current public house is redundant and no other user is willing to acquire it or manage it.

Sustainable Buildings Statement

Sets out the proposals for the site and how these have been formed with regards to the site layout and orientation of the proposed buildings. It identifies that air source heat pumps could be provided as a form of renewable energy, however, the houses are to be designed following 'fabric first' principles with the building envelope designed to exceed the current Building Regulations thermal performance requirements by 10% which would negate the need for any renewables.

THE SITE AND ITS LOCATION

The site is an existing public house located on the south-east side of Albion Street. The building is situated within the south-west corner of the site directly adjacent to the public highway. The remainder of the site is open and used for car parking and pub garden with children's play equipment. There is a level change across the site with the building sitting at the higher level adjacent Albion Street. The surrounding area is predominately residential however to the north-east of the site there are commercial units which fall within the Albion Street defined Local Shopping Centre.

The site is bounded by Albion Street which provides access to properties sitting behind the frontage to the main highway and a range of garage courts to the south-east of the site and the rear of the commercial properties within the Local Centre.

PLANNING HISTORY

None of relevance to the current proposals.

RELEVANT POLICIES

- National Planning Policy Framework

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)
- DP5 - Density (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)

- DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
- DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)
- DP14 - Crime Prevention (Warwick District Local Plan 1996 - 2011)
- SC8 - Protecting Community Facilities (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)
- TR1 - Access and Choice (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR2 - Traffic Generation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HS8 - Protecting Community Facilities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- NE3 - Biodiversity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- NE4 - Landscape (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- CC3 - Buildings Standards Requirements (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- FW2 - Sustainable Urban Drainage (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

Guidance Documents

- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Vehicle Parking Standards (Supplementary Planning Document)
- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Kenilworth Design Advice (Shops, Warwick Road area)

SUMMARY OF REPRESENTATIONS

Kenilworth Town Council: Object. The proposals constitute massive over-development, with three storey houses being overbearing and dominant to the street scene. This is a lost opportunity to provide affordable housing in the locality.

The internal layout of the houses does not appear to be that of a family home but more of a HMO. If these houses were to be used as HMOs, members considered that they would not only require licensing as they are three-storey. Planning permission for four double bedrooms indicates eight potential occupants. Although this location is on a good bus route the parking spaces

provided could prove totally inadequate for HMO use, particularly as the existing pub car park provides local off-street parking currently.

Highways: No objection

Ecology: No objection, subject to conditions

WCC Landscape Team: Dwelling should be set back to include landscaping to frontage in keeping with character of surrounding area. Landscaping plans should be submitted and fencing reduced to 1.8m in height from 2m proposed.

Waste Management: No objection, subject to conditions

Archaeology: Potential for impact, further detailed comments to follow.

Public Response: One objection has been received which can be summarised as follows:

- design too tall and is higher than the flats nearby, resulting in too many rooms
- too obtrusive
- overlooking from windows in the roof
- loss of light on winter mornings

Assessment

The main issues in the consideration of this application are:

- Principle of Development
- Impact on Character of surrounding area
- Impact on Neighbouring properties
- Access and Parking
- Ecology
- Drainage
- Energy Efficiencies / CO2 reduction
- Open Space

Principle of Development

The applicants have submitted a Community Facility Statement which demonstrates that there are a number of other public houses and Community Halls/Clubs in the vicinity of the application site. The Statement goes on to identify that the existing public house is no longer considered viable as a 'wet trade' establishment and the commercial area within the building is too small to establish a viable 'dry trade'. Although the current building is substantial the internal space is cramped and the applicants have stated that the current kitchen facilities would require significant investment to meet current standards. The proposed redevelopment is therefore considered to comply with Policy SC8 as there are other accessible facilities, the use is redundant and due to the number of other facilities in the local community there is a lack of need for this establishment.

Policy UAP1 of the Warwick District Local Plan 1996-2011 seeks to direct new housing developments to urban areas and states that development will be permitted on previously developed land and buildings within the confines of the urban area subject to other policies to manage the supply of housing under Policy SC10. In all other circumstances, residential development will not be permitted unless it is for affordable housing to meet local needs in accordance with the definition in Policy SC11.

The current site consists of a public house and associated pub garden and parking area which is classified as previously developed land. Therefore the principle of the development would be in accordance with Policy UAP1 of the Warwick District Local Plan 1996-2011.

However, it is noted that 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 state 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 site is located within Kenilworth close to local services and amenities and Albion Street is served by local bus services. The proposed layout will integrate into the existing pattern of development and therefore is considered to be sustainable development and will not result in any adverse impacts that would significantly and demonstrably outweigh the benefits of the proposals.

Impact on the character and appearance of the surrounding area

Policy DP1 of the Warwick District Local Plan 1996-2011 states that development will only be permitted which positively contributes to the character and quality of its environment through good layout and design. The proposed layout has been amended to ensure that minimum separation distances are achieved to existing dwellings and it is considered that the proposed layout does reflect the predominant established character of the surrounding area.

The proposed layout includes two dwellings with a strong frontage onto Albion Street due to the positioning of their entrance doors at the back of the footpath and their height. WCC Landscape Team have suggested that the building should be set back to reflect the character of the surrounding area. However the existing building currently sits at the back of the footpath and there are examples of other buildings sitting at the back of footpath along Albion Street to the west of the site.

It is therefore not considered that this approach is wholly out of keeping with the surrounding area. There are a mix of property styles and designs in the vicinity and the setback of buildings is not a clearly established character. The dwellings

will sit on the line of the existing public house but will not form a continuous frontage to the back of footpath, the main front elevations are set back approximately 1m from the back of the footpath. This will provide additional privacy for future occupants and some relief from the built form along Albion Street with opportunity for planting to be provided.

The height of the proposed dwellings reflects that of the existing public house and there is adjacent 3-storey development which is similar in height to the proposed. Therefore the dwellings are not considered to be out of character with the surrounding area.

The dwellings proposed to the rear of the site may be viewed as 'backland' development. However, there are examples of such development in the surrounding area and therefore the proposals would not be at odds with the established character of the area. The properties to the rear will be served by an established access and whilst in close proximity to the existing garages will have a similar residential environment to that of established development to the north and south of the site.

The proposals are considered to result in development which will integrate into the existing pattern of development in the surrounding area and will not adversely impact on the character and appearance of the surrounding area. Therefore it is considered to accord with Policy DP1 of the Warwick District Local Plan 1996-2011.

Impact on Neighbouring properties

Policy DP2 requires development to retain a satisfactory relationship to adjacent residents and states that development will not be permitted which has an unacceptable adverse impact on the amenity of nearby uses and residents and / or does not provide acceptable standards of amenity for future users/ occupiers of the development.

The proposed dwellings fronting Albion Street are to be 3-storey with living accommodation on ground floor and bedrooms to the upper floors. The dwellings will not meet the 27m separation distance as set out in the current guidelines to existing dwellings on the opposite side of Albion Street. However the proposals are not considered to result in any detrimental harm that would warrant refusal of this current application. The existing public house at the site has living accommodation to the upper floors and 1 pair of the proposed semi-detached dwellings will replace this. The additional semi to Albion Street will partially overlook existing open space to the site of No.58 Albion Street. The dwellings on the opposite side of Albion Street are also set at a higher ground level than the application site which reduces the impact of the 3-storey. Therefore considering the particular relationship to the dwellings opposite, the proposals are not considered to result in any detrimental harm to residential amenity.

The proposed frontage dwellings will not adversely impact on the amenities of adjacent dwellings to the north-east, located above the commercial units. The separation and angle at which the proposed dwellings are positioned ensure they will not result in any detrimental overshadowing. Windows are shown in the side elevation; these are to be secondary windows to the living accommodation at

ground floor and bedrooms above. These windows may present increased opportunity for overlooking and therefore a condition is recommended to ensure that these are obscure glazed.

Nos.95-105 Albion Street is a 3-storey block of flats located to the north-east of the application site with the building set at a slight angle to the application site. The proposed pair of semi-detached dwellings proposed to the rear of the site will have windows which face onto these dwellings. There are clear glazed windows to the side elevation of Nos.95-105 which face onto the access road adjacent the site and garages. There will be a distance of 21m from the rear of the proposed dwelling to this window. Whilst this falls below the guidelines due to the angle at which the building is positioned it is not considered to result in detrimental harm to the amenities of existing or future occupants. The proposed dwellings have main living accommodation at ground floor only and appropriate boundary fencing will be installed which will mitigate against overlooking from these windows. The upper floors are for bedrooms and considering the angled relationship to existing development are not considered to result in any overlooking that would be sufficient to warrant refusal of this current application.

Although the proposed dwellings to the rear may present the opportunity for increased overlooking on to properties to the south-west of the site, there is no direct window to window relationship and any overlooking will not cause significant harm. To the south-east of the site are garages with residential properties beyond accessed from Henry Street. Due to the separation distances to these dwelling and presence of the garages the proposals will have limited impact on the occupants of these dwellings.

The proposals are therefore considered to result in an acceptable relationship to existing adjacent development and would therefore accord with Policy DP2 of the Warwick Development Plan 1996-2011.

Access and Parking

The proposals will utilise the existing access road from Albion Street. Considering the use of the site as a public house the dwellings could significantly reduce the number of vehicular trips associated to the site. Although the uses would have differing peak hour movements, the overall impact of the development would significantly reduce the number of vehicular trips, which could be considered betterment to public highway safety.

All dwellings are shown to provide two parking spaces with vehicles able to enter and leave the site in a forward gear. The proposals do not impact on the access or manoeuvring space for the adjacent garages. The Highway Authority has raised no concerns with the proposals and the proposed access and internal arrangement is considered acceptable in highway safety terms.

The proposed access and layout meets minimum requirements and is not considered to have the potential to adversely impact on highway safety and is therefore considered to comply with Policy DP6 of the Warwick District Local Plan 1996-2011.

Ecology

A bat survey was requested and this has been carried out and the County Ecologist has assessed the proposals. The submitted report has identified a roost in the existing building and recommends a replacement void and bat boxes are included within the new development.

The details of this mitigation will be subject to the results of further activity survey to determine the size and type of the roost. The County Ecologist has recommended a condition to address this issue.

Drainage

The application site is located within Flood Zone 1 which permits the development of all uses of land. The Flood Risk Officer has been consulted and has raised no objection to the proposals subject to the imposition of suitable conditions requiring full drainage details to be submitted for approval. A condition to cover this aspect is recommended.

Energy Efficiency / CO2 reduction

The application acknowledges the requirement for energy efficiencies within the new development and these can be successfully secured by condition.

Open Space

No public open space is proposed as part of the application and therefore a contribution for the enhancement of existing public open space within the locality would be required in accordance with Policy SC13 and the associated SPD. This can be secured by condition.

Other Matters

Concerns have been raised in relation to the use of the proposed dwellings as HMOs. The current proposals are for the erection of 6 dwellings, Use Class C3. Under permitted development the use of these could, in the future, be changed to a Shared dwelling, Use Class C4 providing no more than 6 people were occupying the property and they were living as a family unit with shared amenities and living accommodation. Permitted development rights could be removed to prevent this change of use from occurring however the site is within a sustainable location, and does not have a significantly high proportion of properties in HMO use to the extent that the addition of these units as HMOs would have an adverse impact on the area. It is therefore not considered to be reasonable to remove permitted development rights, the dwellings will in any case first need to be constructed and occupied as dwellings, under Use Class C3, to benefit from any permitted development rights.

Comments have also been made in relation to the lack of affordable housing provision. The proposals are for 6 dwellings. In urban areas such as this current policy would only seek to secure affordable housing on proposals for 10 or more dwellings.

Summary/Conclusion

The development proposes redevelopment of a community facility though it has been demonstrated that the area is served adequately by other accessible facilities and there is no local need to retain the current building. The proposed layout would integrate into the existing pattern of development and reflects the layout, character and quality of the surrounding area. The development would not have a detrimental adverse impact to adjacent dwellings. Furthermore the development provides for a safe access and internal arrangement and as such is not considered to have a harmful impact on highway safety.

The application is therefore considered to accord with the NPPF and the aforementioned policies.

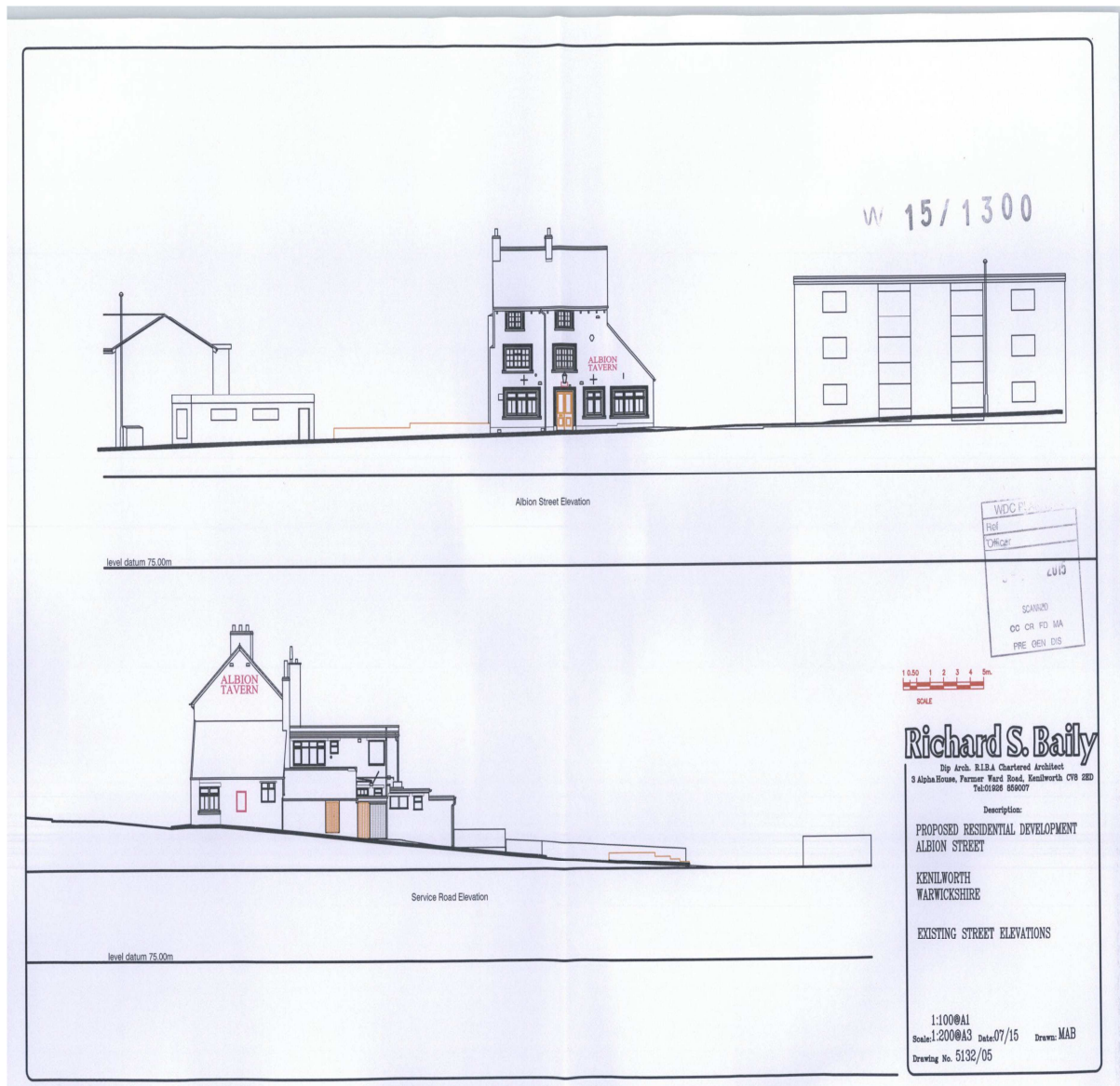
CONDITIONS

- 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 drawings 5132/02; 5132/05; 5132/01;5132/06, and specification contained therein, submitted on 5th August 2015 and approved drawings 5132/11; 5132/10; 5132/03; 5132/04; 5132/07; 5132/08 & 5132/09, and specification contained therein, submitted on 28th August 2015. **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 The development hereby permitted (including demolition) shall not commence until further bat surveys of the site, in accordance with BCT Bat Surveys – Good Practice Guidelines (Hundt 2012), have been carried out and a detailed mitigation plan including specifications of roost provision and 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 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.
- 4 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.
- 5 The development hereby permitted shall only be undertaken in strict accordance with details of both hard and soft landscaping works which

have been submitted to and approved in writing by the local planning authority. Details of hard landscaping works shall include boundary treatment, including full details of the proposed boundary walls, railings and gates to be erected, specifying the colour of the railings and gates; footpaths; and hard surfacing, which shall be made of porous materials or provision shall be made to direct run-off water from the hard surface to a permeable or porous area. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of the dwellings hereby permitted; and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of similar size and species, unless the local planning authority gives written consent to any variation. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations. **REASON:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies DP1, DP2 and DP3 of the Warwick District Local Plan 1996-2011.

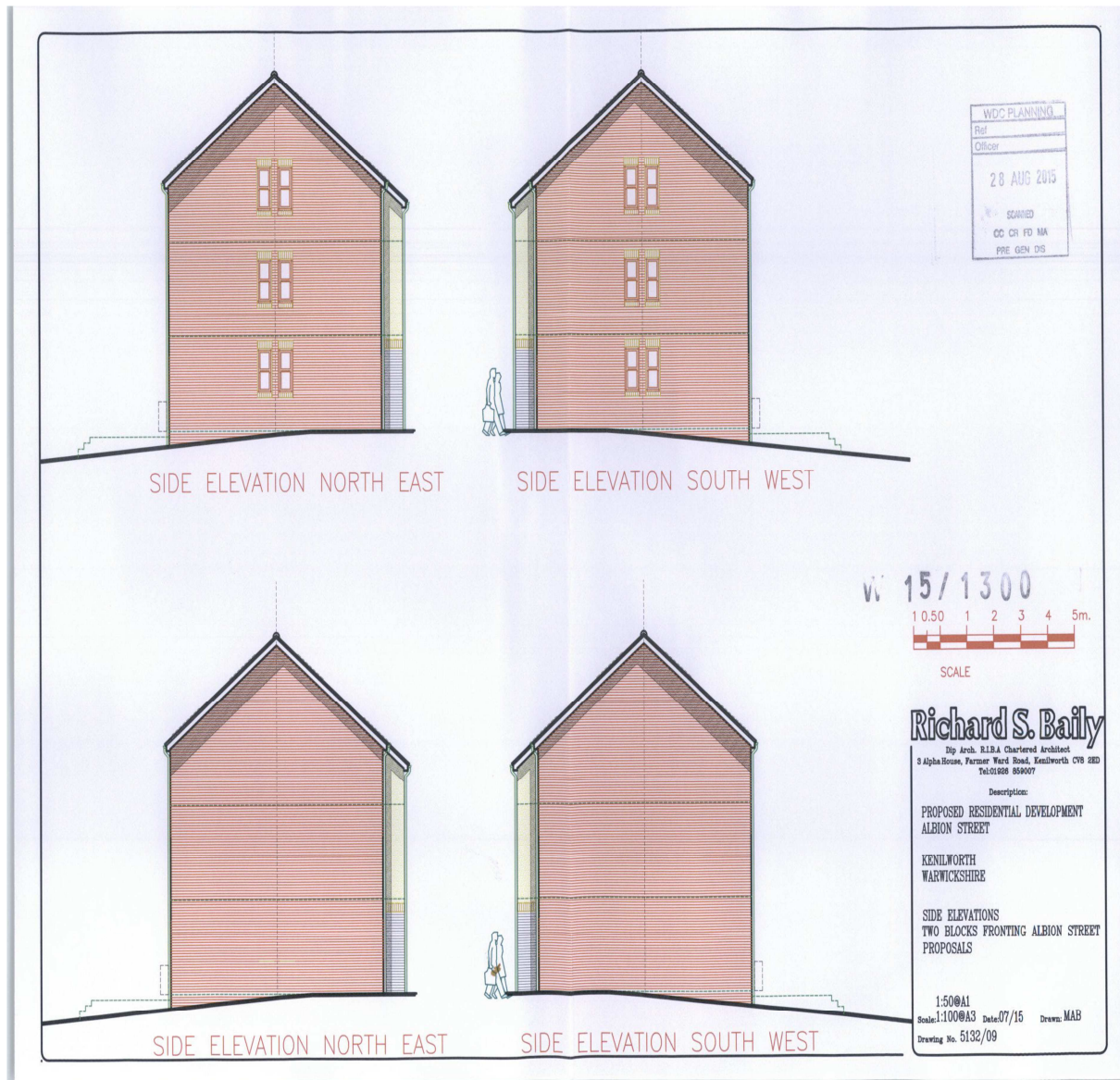
- 6 The development hereby permitted shall be carried out in strict accordance with details of surface and foul water drainage works that shall have been submitted to and approved in writing by the local planning authority. **REASON:** To ensure that adequate drainage facilities are available for the satisfactory and proper development of the site in accordance with Policy DP11 of the Warwick District Local Plan 1996-2011.
- 7 The development (including any works of demolition) shall proceed only in strict accordance with a construction method statement which has been submitted to and approved in writing by the local planning authority. The approved statement shall be strictly adhered to throughout the construction period and shall provide for: the parking of vehicles of site operatives and visitors; the loading and unloading of plant and materials; the storage of plant and materials used in constructing the development; the erection and maintenance of a security hoarding including decorative displays and facilities for public viewing where appropriate; wheel washing facilities and other measures to ensure that any vehicle, plant or equipment leaving the application site does not carry mud or deposit other materials onto the public highway; measures to control the emission of dust and dirt during construction; and a scheme for recycling / disposing of waste resulting from demolition and construction works, unless otherwise agreed in writing by the local planning authority. **REASON:** In the interests of highway safety and the amenities of the occupiers of nearby properties, the free flow of traffic and the visual amenities of the locality in accordance with Policies DP2, DP6, DP8 & DP9 of the Warwick District Local Plan 1996-2011.

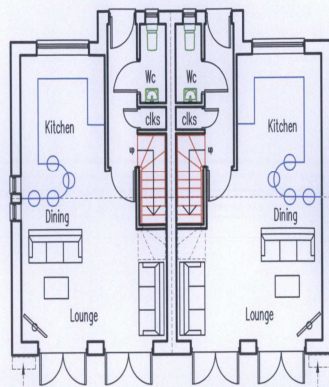
- 8 The development hereby permitted shall not be commenced unless and until a scheme showing how either a). at least 10% of the predicted energy requirement of the development will be produced on or near to the site from renewable energy resources, or b). a scheme showing how at least 10% of the energy 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.
- 9 Unless the Local Planning Authority certifies that suitable alternative provision has been made for the provision or improvement of open space within the catchment area of the application site in accordance with Policy SC13 of the Warwick District Local Plan 1996-2011:
- (i) no development shall commence unless or until a scheme for such provision or improvement (identifying the size/extent, location and specification of the space and works) has been submitted to and approved in writing by the Local Planning Authority; and
- (ii) the dwellings hereby permitted shall not be occupied until the scheme so approved has been implemented.
- REASON:** To ensure the necessary infrastructure and facilities are provided in accordance with Policy SC13 of the Warwick District Plan 1996 – 2011.
- 10 The development hereby permitted shall not be occupied unless and until the car parking and manoeuvring areas indicated on the approved drawings have been provided and thereafter those areas shall be kept marked out and available for such use at all times. **REASON:** To ensure adequate off-street car parking and servicing facilities in the interests of both highway safety and visual amenity in accordance with Policies DP1, DP2 & DP8 of the Warwick District Local Plan 1996-2011.
- 11 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that order with or without modification) the window(s) to be formed in the side facing elevation of the dwellings hereby permitted shall only be glazed or re-glazed with obscure glass and any opening part of any window shall be at least 1.7m above the floor of any room in which the window is installed. **REASON:** In the interests of the amenities of the occupiers of nearby properties in accordance with Policies DP1 & DP2 of the Warwick District Local Plan 1996-2011.



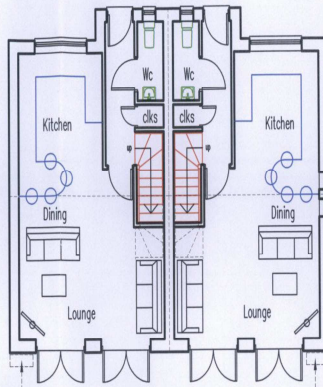








hot pump location (if required)



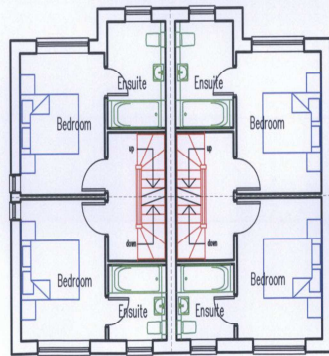
hot pump location (if required)

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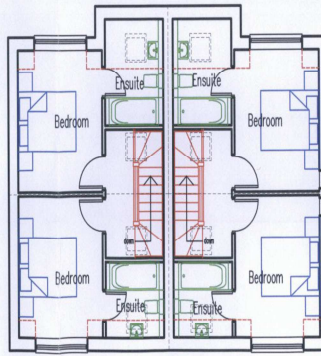
GROUND FLOOR PLAN



W 15/1300



FIRST FLOOR PLAN



SECOND FLOOR PLAN



SCALE

Richard S. Baily

Dep. Arch. R.I.B.A. Chartered Architect
3 Alpha House, Farmer Ward Road, Kenilworth CV8 2ED
Tel: 01928 850007

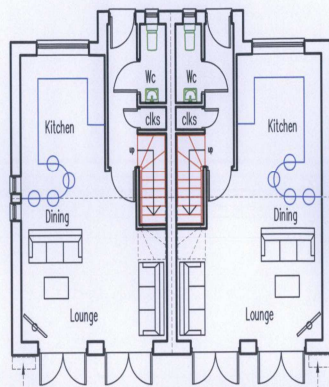
Description:

PROPOSED RESIDENTIAL DEVELOPMENT
ALBION STREET

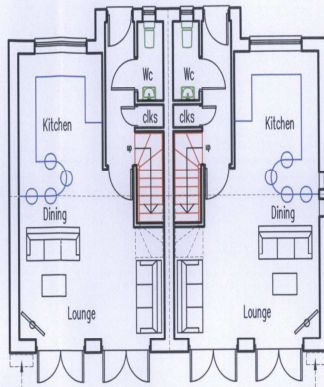
KENILWORTH
WARWICKSHIRE

FLOOR PLANS
TWO BLOCKS FRONTING ALBION STREET
PROPOSALS

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Drawing No. 5132/03



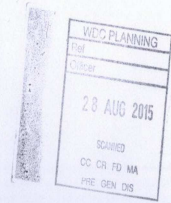
hot pump location (if required)



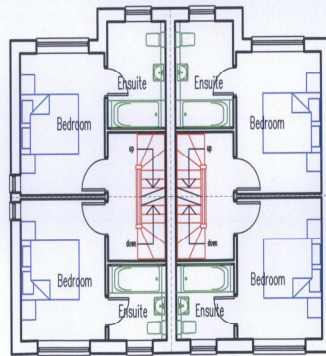
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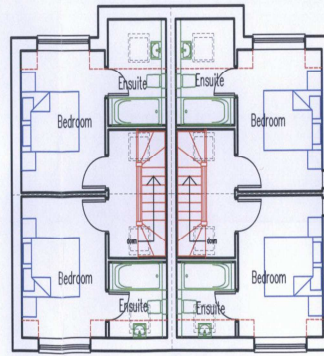
GROUND FLOOR PLAN



W 15/1300



FIRST FLOOR PLAN



SECOND FLOOR PLAN



SCALE

Richard S. Baily

Dep. Arch. R.I.B.A. Chartered Architect
3 Alpha House, Farmer Ward Road, Kenilworth CV8 2ED
Tel: 01928 850007

Description:

PROPOSED RESIDENTIAL DEVELOPMENT
ALBION STREET

KENILWORTH
WARWICKSHIRE

FLOOR PLANS
TWO BLOCKS FRONTING ALBION STREET
PROPOSALS

1:50@A1
Scale: 1:100@A3 Date: 07/15 Drawn: MAB
Drawing No. 5132/03