

Planning Committee: 28 March 2023

Item Number: 8

Application No: [W 22 / 2000](#)

Town/Parish Council: Kenilworth
Case Officer: Jonathan Gentry

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Registration Date: 12/01/23

Expiry Date: 09/03/23

149 - 151 Warwick Road, Kenilworth, CV8 1HY

Demolition of existing hotel and 151 Warwick Road, and the construction of 4no. dwellings and 5no. apartments. Re-submission of W/22/1450. FOR Mr Muthalagappan

This application is being presented to Committee due to the number of objections received.

RECOMMENDATION

Members are recommended to grant permission subject to the conditions listed at the end of this report.

DETAILS OF THE DEVELOPMENT

Planning permission is sought for the proposed demolition of the existing hotel and dwelling, and the creation of 4no. three bedroom dwellings, 4no. two bedroom apartments and 1no. three bedroom apartment, resulting in a total of 9 residential units on the site.

The 4 new dwellings would front Warwick Road, while the 5 apartment units would be positioned to the rear of the site. The existing access point would be retained and on-site parking would be provided for the development. The application forms a re-submission of W/22/1450, although unlike that submission, this proposal is classified as a minor development. The proposed development has been revised during the course of the application in accordance with Officer feedback.

THE SITE AND ITS LOCATION

The application site contains the existing 32 bedroomed Peacock Hotel and also a detached dwelling (no. 151) on the east side of Warwick Road, Kenilworth, outside of the town centre. The access to the hotel is to the southern side, and runs along the shared boundary with No.151 Warwick Road, leading to a parking area at the rear of the hotel. There is a Conservation Area boundary located 37 metres to the north of the site.

PLANNING HISTORY

W/13/1204 - Change the use of the hotel from Class C1 to a 37 bedroomed HMO and the inclusion of three additional windows within the south elevation - Approved

W/16/1203 – (renewal of W/13/1204) Change the use of the hotel from Class C1 to a 37 bedroomed HMO and the inclusion of three additional windows within the south elevation – Approved

W/19/1165 – (renewal of W/16/1203) Change of use from a hotel (use class C1) to a 37 bedroom House in Multiple Occupation (HMO) (use class sui generis), with the insertion of 3no. additional windows – Approved

W/20/1741 - Proposed demolition of existing hotel and dwelling, and creation of 9 detached dwellings and associated vehicular access and parking – Refused, Dismissed at Appeal

W/22/1039 - Change of use from Hotel (use Class C1) to a 37 bedroom House in Multiple Occupation (HMO) (Sui Generis) and the insertion of 3no. additional windows (Resubmission of previously approved planning applications - W/16/1203 & W/19/1165) - Withdrawn

W/22/1250 - Conversion of existing hotel into 14no. apartments; demolition of 1no. existing dwelling and erection of 3no. dwellings - Withdrawn

RELEVANT POLICIES

- National Planning Policy Framework
- Warwick District Local Plan 2011-2029
- BE1 - Layout and Design
- BE3 - Amenity
- H1 - Directing New Housing
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- TR1 - Access and Choice
- TR3 - Parking
- FW3 - Water Conservation
- HE2 - Protection of Conservation Areas
- HE1 - Protection of Statutory Heritage Assets
- Guidance Documents
- Residential Design Guide (Supplementary Planning Document- May 2018)
- Distance Separation (Supplementary Planning Guidance)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Parking Standards (Supplementary Planning Document)
- Kenilworth Neighbourhood Plan (2017-2019)
- KP8 -Traffic
- KP12 - Parking Standards
- KP13 - General Design Principles
- KP14 - Non-designated Heritage Assets
- KP15 - Environmental Standards of New Buildings

SUMMARY OF REPRESENTATIONS

Kenilworth Town Council - Members raised no objection but raised concern regarding visual amenity at the rear of the site and potential implication to neighbouring dwellings. The position of proposed bin store was also noted. Finally reference was made to Local Plan Policy SC0 and Kenilworth Neighbourhood Plan Policy KP15 with regards to sustainable building standards.

WDC Tree Officer - No objection to proposal, no requirement for further arboricultural works required.

WDC Environmental Health - No objection to proposal subject to imposition of conditions in relation to noise assessment, overheating assessment, EV charge points, construction management plan, and a contaminated land investigation.

WDC Conservation and Design - Object to proposal, noting concern regarding the appearance of plots 1 - 4 on the street scene and nearby Conservation Area boundary. Particular issues raised regarding proportions of Plots 3 & 4, fenestration, detailing and materials.

WCC Archaeology - No objection, recommended Written Scheme of Archaeological Investigation condition attached to any grant of consent.

WCC Highways - No objection subject to conditions to secure access bellmouth construction and cycle parking.

WCC Ecological Services - No objection, no noted biodiversity concerns, recommend conditions in relation to securing survey report details and biodiversity enhancement scheme.

WCC Landscaping - Object to proposed development as a result of proposed site layout details and position of proposed buildings/hardstanding limiting potential for border planting. Note lack of boundary wall information.

Warwickshire Fire and Rescue Service - No objection subject to imposition of water hydrant condition.

Public Response - Total of 19 objection comments received from 13 residents, citing the following material planning concerns:

- Boundary fencing needs to be revised to preserve privacy to neighbouring sites
- Refuse storage arrangement is not appropriate
- Residential feel of Warwick Road is being eroded by apartments
- Access to Warwick Road would be worsened by the development
- Proposal comprises an overdevelopment of the site
- Warwick Road is already very busy and this would be worsened by the development
- Additional traffic on Warwick Road would generate additional highway safety issues
- Plots to the rear of the site are unreasonably tall and exceed the height of existing buildings
- Development would result in loss of light, outlook and privacy to neighbouring properties and amenity spaces
- Development would worsen pollution levels on Warwick Road
- Lack of allocated vehicle parking and EV infrastructure

- Existing buildings on site should be retained in favour of new structures
- Ecological implication on protected species including bats
- Sub-standard separation distances to neighbouring sites
- Development will result in security issues
- Plots should not be permitted to extend if approved
- Proposal would result in a loss of trees on the site
- Amendments to reduce plot heights and revise building positions does not overcome design and amenity concerns.
- No further housing development needed in Kenilworth

One neutral comment submitted citing concerns regarding dust and particle emission from the site during construction works. Noise concerns also noted.

ASSESSMENT

Principle of development

Loss of visitor accommodation

There are no Local Plan or Kenilworth Neighbourhood Development Plan (KNDP) policies which restrict the loss of hotels outside of the Town Centre. The loss of the existing use is therefore considered to be acceptable in principle.

Additional dwellings in this location

The site lies inside the urban boundary of Kenilworth. Policy H1 of the Local Plan seeks to direct new development within the boundary of the Urban Areas, Growth Villages and Limited Development Villages. Therefore, the principle of the provision of additional dwellings in this location is considered to be acceptable.

Design and impact on character and appearance of the Conservation Area

Policy BE1 of the Warwick District Local Plan (2011-2029) and Policy KP13 of the Kenilworth Neighbourhood Plan seek to ensure that development proposals achieve a high-quality design.

Section 72 of the Town and Country Planning (Listed Building and Conservation Areas Act) 1990 requires Local Planning Authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of a Conservation Area.

Paragraph 199 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 202 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage assets, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Policy HE1 of the Local Plan mirrors the above requirements of the NPPF. The explanatory text for HE1 clarifies that in considering applications relating to Conservation Areas, the Council will require that proposals do not have a

detrimental effect upon the integrity and character of the building or its setting, or the Conservation Area. Local Plan policy HE2 supports this and states that it is important that development both within and outside a conservation area, including to unlisted buildings, should not adversely affect its setting by impacting on important views and groups of buildings within and beyond the boundary.

Members of the public consider that the height, layout and density of the development is harmful, constituting overdevelopment of the site.

Taking on board the layout of nearby residential development, such as that to the immediate north, it is not considered that the development could be considered as backland development which is out of keeping with the character of the area. This view reflects that taken when assessing previous development proposals at this site.

Warwick Road leads into the town centre and there are a mixture of architectural styles along the highway. The hotel is a three storey building, with rendered elevations. The existing residential property is a two storey, predominantly brick building, with cladding detailing and inverted dual pitch roof. To the north of the site along Warwick Road are two storey residential properties, with the immediate neighbour being of a modest, cottage style design. Further beyond is a recently constructed four storey apartment building. To the south there are brick and rendered residential properties, some with timber beams and modest roof dormers, again with a quaint appearance. Opposite the site are more modern detached and semi-detached brick and render properties.

The predominant character within this part of the street scene is that of two storey residential properties. Whilst the differing architectural style of the nearby development is noted, along the eastern side of Warwick Road this has a distinctly modest, traditional character, with the exception of the buildings which occupy the application site.

Although the site is not located within the Conservation Area, it has the potential to impact views from it. Aspects of the scheme that directly impact the Warwick Road street scene have been considered as follows. The proposed development comprises the demolition of the existing three storey hotel building, and replacement with two-semi detached dwellings adopting a double gabled design that reflects the layout and scale of the existing building. These units would also form a three-storey building, albeit with a more contemporary design and fenestration character than that of the existing hotel. The Conservation Officer has raised concerns regarding this element of the scheme, noting that it intends to imitate the dimensions of the existing double gable and the core of the hotel in height and somewhat in form, whilst also intending to emulate Victorian/Edwardian form whilst clearly a modern building. This was viewed to result in a jarring and disjointed elevation.

Officers acknowledge this position, particularly given the somewhat standalone prominence of the existing, traditionally detailed hotel building within its immediate context. As such, the existing hotel building presents as a harmonious contributor of local distinctiveness within this part of the street scene, including in the context of wider views of the Conservation Area. Simultaneously, it is noted that the proposed replacement dwellings in its place would adopt a highly

comparable scale and mass. Given that the building itself is not protected by any heritage designation or other policy control, Officers observe that the changes to fenestration and facing material proposed under the scheme could effectively be achieved through alteration of the existing building. Therefore, while the loss of the hotel building is regrettable, it is not considered reasonable to resist the demolition of the building and its replacement with a structure of matching scale. In terms of fenestration and detailing, the more contemporary approach of the proposal would not fall so out of character with the area as to result in material harm. Indeed, this section of Warwick Road is noted for its distinctly mixed building character, with examples of varying scales, fenestration layouts, detailing and material choices clearly evident – none more so than in the case of the existing property at No.151 which is also to be replaced. Introducing a more contemporary design style into this street context is therefore considered to be acceptable with regard to Policy BE1, and avoid the generation of any appreciable harm to the setting of the nearby Conservation Area.

The existing two storey inverted roof property to No.151 would be replaced by two detached dwellings of a more typical side gable design, albeit similarly featuring a contemporary fenestration layout. The principle of replacing this existing dwelling is considered acceptable, noting that it is not of any notable historic or architectural significance (despite its distinctive design). Similarly, the scale of the plot area upon which it is sited is viewed to comfortably accommodate the two detached dwellings proposed without resulting in an overcrowded or undesirable visual implication. The scale and massing of the two detached dwellings is also considered acceptable in this context, with several other examples of side gabled two-storey properties visible within the locality. Concern has also been raised by the Conservation Officer in respect of these units, suggesting that they would not sit comfortably in the street scene in terms of fenestration and detailing.

Officers view that when considered alongside the structure to replace the existing hotel building, the site frontage would adopt an acceptable design character, albeit clearly of contemporary appearance. These elements of the scheme form the primary visual presence of the development from the street scene, with only limited views of the rear of the site possible along the proposed access route.

The proposed apartments to the rear of the site take the form of three detached buildings, which would largely take the place of existing buildings associated with the hotel operation, albeit more widely dispersed across the site area. Specifically, units 5 and 6 are single storey bungalows, while 7, 8 and 9 make up a part single storey- part two storey building alongside the northern site boundary. While no notable views of this part of the site impact the Warwick Road street scene, the buildings would adopt a comparable design character to that of those fronting the street, with a cohesive character that includes the incorporation of vertically emphasised glazing evident across the proposal. The height and position of these units to the rear of the development site have been reduced and revised during the course of the application in an attempt to address the concern of neighbouring residents who have raised issues regarding the scale of new development proposed.

In terms of landscaping the scheme has been extensively revised from previous iterations in order to incorporate a greater degree of soft landscaping features across the site. Most notably, the inclusion of interspersed planting has been

incorporated around the centre of the site, particularly surrounding the primary communal parking area. The proposed apartment units 5 – 9 will also benefit from a walled communal garden space that will provide a high-quality open space to the northern section of the site.

The WCC Landscaping Officer raised objection to the initial proposal on the basis of a lack of planting features and the positioning of plots within the site. While the latter is a matter of design that has been considered above (and revised since in line with Officer recommendation), the incorporation of additional soft landscaping features across the site is viewed to largely address comments raised in this regard.

Overall the scheme layout will provide a considerably greater level of landscaping than the existing site, which is primarily characterised by the existing hotel buildings and hardstanding parking areas to its rear. Full specification of all landscaping details may be secured via imposition of a standard condition should the application be approved. In terms of boundary treatment the proposed site layout plan has been revised during the course of the application to detail either the retention of existing boundary treatments or standard 1.8 metre panelling. Details of boundary treatment finish will be captured by the aforementioned landscaping details condition.

Overall, Officers consider that the scheme as revised forms a well-designed proposal that effectively utilises the existing site area without resulting in overdevelopment or a materially detrimental visual impact to its setting.

For the aforementioned reasons, the proposed development is considered to comply with Local Plan policy BE1 and KNDP policy KP13.

Impact of the proposal on the living conditions of neighbouring occupiers and whether the proposal would provide adequate living conditions for future occupiers

Policy BE3 seeks to ensure that the residential amenities of the occupiers of neighbouring residential properties are not harmed by proposed development. Policy KP13 states that the impact on residential amenity of existing and future residents must be assessed and addressed. The Residential Design Guide SPD provides guidance on separation distances between dwellings as well as garden sizes and design.

The Town Council have not objected to the development but noted member concerns in relation to visual amenity at the rear of the development. Members of the public have objected on the basis of a detrimental impact on neighbouring amenity (loss of privacy, loss of light, overbearing, overshadowing, sense of enclosure, noise disturbance).

Impact on Neighbouring Amenity

Proposed plots 1 – 4 to the frontage of the site do not result in a breach of the 45-degree guide to neighbouring properties, and would retain an appropriate separation distance to opposing dwellings across Warwick Road.

Officers note that while plots 5, 6 and 9 are single storey buildings, a selection of rooflights are proposed. Given floor levels detailed within proposed building layouts, these rooflights would not present any opportunity for overlooking of neighbouring properties outside of the site boundary. Notwithstanding this, a condition to withdraw relevant householder Permitted Development rights is recommended should the application be approved. This measure would ensure that roof dormers facilitating loft conversions that enable a greater degree of overlooking outside of the site cannot be implemented without consent.

Plots 5 and 6 are single storey dwellings that face inwards onto the shared communal garden area central within the site. Plot 5 would lie in closest proximity to neighbouring sites that face onto Warwick Road to the north of the existing hotel building. Given its position this unit would effectively replace a selection of existing single storey buildings to the rear of the hotel, albeit standing approximately 900mm taller in ridge height. A distance separation of approximately 12 metres would be retained to the rear elevation of the nearest neighbouring site of No.147, which lies within the ownership of the applicant. As such this unit is not considered to result in material harm by way of loss of light or outlook to any surrounding properties. The single storey layout of the unit would also preclude the generation of any harmful loss of privacy through overlooking of neighbouring sites.

Plot 6 to the eastern edge of the site would be positioned upon an area of land that forms part of the existing hotel carpark. As such it would introduce a new built form within proximity of the rear boundaries of No.21 and 23 Clarkes Avenue, single and two storey dwellings respectively. The Residential Design Guide SPD does not set out a separation distance guideline for a single or two-storey dwelling to a blank wall of another single storey dwelling. It is however noted that a specified distance of 12 metres is set between a two-storey dwelling and the blank gable of another two-storey dwelling. Given that the plot in question is limited to single storey, Officers consider that it is reasonable for a separation distance below that specified for a two-storey property is reasonable to a certain degree. The height of this plot has been reduced during the course of the application to reduce its visual implication on neighbouring sites, and it has been repositioned approximately 3 metres from the eastern boundary. This results in a building of approximately 5.35 metre ridge height sited approximately 11.5 metres from the nearest point of neighbouring No.23, which has recently been extended rearwards. A separation distance in excess of 12 metres would be achieved to No.21. With mind to these considerations this plot is not viewed to result in the generation of material amenity harm to neighbouring sites by way of loss of light, outlook or loss of privacy.

The building that would accommodate plots 7, 8 and 9 is positioned to the northern boundary of the site, replacing existing buildings associated with the hotel. While this structure has also been decreased in height in line with the others noted, its height would remain in excess of the existing buildings to this part of the site. The rear aspect of this building directly abuts neighbouring residential units within the newly constructed Chandler Court apartment development. While the main area of two storey bulk has been modelled to approximate the existing two storey building, its height and width would marginally exceed those of that structure. Notwithstanding this, the overall amenity arrangement between the rear of Chandler Court and the development site is not viewed to be materially degraded

by the scheme – an already constrained arrangement suggests that the replacement buildings which are detailed to be set in slightly from the existing building line would not result in an appreciable loss of light or outlook to windows serving the apartment blocks behind.

The western facing blank two storey side gable of this structure would also be visible from the rear aspects of properties to the north of the hotel along Warwick Road, some of which have objected to the scheme. While the building would be of greater height than existing buildings associated with the hotel, a separation distance in excess of the 12 metre standard set out in the Residential Design Guide SPD would be achieved to neighbouring dwellings at its east and west. As such, while some degree of additional mass would be evident, this aspect of the development is not viewed to result in the generation of material amenity harm.

The consultee Environmental Health Officer considers that a condition for the provision of a construction management plan would be necessary to protect the amenity of neighbouring properties during the construction works. Such condition is viewed appropriate by Officers in addressing some concerns of neighbouring residents and would be attached to any grant of consent.

Proposed Living Conditions for Future Occupiers

It is viewed by Officers that an appropriate degree of distance separation is achieved between all plots within the proposed development. The most constrained relationship lies between the rear elevation of plot 4 and plot 5, where a distance of approximately 8.8 metres would separate the two buildings. As this relationship comprises a three storey dwelling to the blank gable of a single storey dwelling there is once again no specified distance provided by the Residential Design Guide. Notwithstanding this, a distance modestly below the specified figure for a two storey dwelling to another two storey blank gable is considered a reasonable relationship in amenity terms. Similarly, this arrangement is not viewed to compromise light, outlook or privacy to either unit to the degree that an unsatisfactory level of amenity would be achieved.

To the northern section of the site, plots 5 and 6 would be separated by approximately 17 metres, meeting compliance with the relevant front-to-front standard of the Residential Design Guide. Plots 7, 8 and 9 would similarly benefit from an appropriate degree of outlook in the context of surrounding buildings, alongside acceptable levels of privacy.

All plots within the development would afford an appropriate level of light and outlook to habitable rooms, through the incorporation of facing windows, and in some cases supplementary rooflight openings. The dwellings on plots 1 – 4 would each benefit from a private outdoor amenity space area that meets or exceeds the specified standard of 50sq metres for a three bed unit. The shared communal garden area proposed for the use of plots 5 – 9 would provide over 350sq metres of amenity space, well in excess of the 10sq metre per bedroom specification for apartment units.

The Environmental Health Officer commented on the scheme with regards to potential noise impacts on proposed residential dwellings within the site. In this regard it was observed that unlike some previous scheme iterations, the current

proposal would avoid the creation of single aspect dwellings facing onto the Warwick Road frontage. As a result, the units in question would benefit from at least one residential façade screened from road traffic noise arising from the main road. Whilst the EHO views it likely that habitable rooms overlooking Warwick Road would still need to keep windows closed to achieve appropriate internal noise conditions, future residents would have access to a quieter rear façade with windows serving habitable rooms and a private outdoor amenity space. Notwithstanding this, as forward-facing windows overlooking Warwick Road will likely need to be kept closed, it was recommended that a noise assessment is provided along with details of any mitigation measures needed to achieve recommended internal and external noise guidelines. Alongside this, a need to keep windows closed for extended periods also generates a need to consider ventilation and cooling to rooms impacted. Conditions are recommended to secure these details.

For the aforementioned reasons, the development is considered to provide adequate living conditions for future occupiers and would not result in an unacceptable impact on neighbouring residential amenity. The development is therefore considered to be in accordance with Local Plan policy BE3 and KNDP policy KP13.

Parking and highway safety

Policy TR1 of the Warwick District Local Plan seeks to ensure that there is a safe and convenient access to serve new development and Policy TR3 seeks to ensure that sufficient parking is provided. Policy KP12 states that development proposals should incorporate parking and cycle spaces at or above the numerical and design expectations set out in the Vehicle Parking Standards.

Members of the public state that there is inadequate parking provision and raise concern regarding increased risk to highway safety through intensification of the use of the site, a potential conflict between pedestrians and vehicles and an increase in traffic congestion.

Access to the site would remain as per the existing arrangement, with a single opening onto Warwick Road positioned between plots 1 and 3. This would however be widened and straightened to provide a clear car and foot access to the plots at the rear of the site and associated parking area.

In terms of parking capacity, the three bed plots 1 – 4 would each benefit from the provision of two parking spaces reached via the main access road. This adheres with the specification of the WDC Parking Standards SPD for properties of the proposed scale.

A consolidated car park area would be provided to the southeast part of the site to serve the apartments proposed on plots 5 – 9. As per the separate dwellings, a provision of two spaces has been afforded to each unit, in accordance with the Parking Standards SPD. All spaces illustrated also meet the dimensional standards detailed therein. Overall therefore it is considered that an appropriate level of parking provision has been proposed across the development. Alongside this, it is noted that the site is positioned within the urban area of Kenilworth, with a good level of foot accessibility to public transport and essential local services.

WCC Highways have assessed the application and raised no objection. It was noted that a sufficient level of carparking has been provided for the number and size of dwellings proposed. It was however noted that independent cycle parking had not been illustrated for every plot. Conditions to secure the provision of this and appropriate construction of the access bell mouth were recommended, measures agreed by Officers.

Noting that the current proposal is a minor development proposal for the creation of 9 residential units, the scheme is not viewed to result in the generation of significant traffic movements such that the requirements of Policy TR2 are triggered. The Highway Authority have similarly not made any comment in relation to traffic generation via the development.

The proposal is therefore considered to be in accordance with Local Plan policies TR1, TR3, and KNDP policy KP12.

Trees

There have been objections to the proposal on the grounds of the loss of established trees.

There are a small number of trees within the site boundaries which have little amenity value. A tree survey and impact assessment was submitted to support the application. The Council's Arboricultural Consultant has reviewed the submitted details and raised no objection to the development, including the removal of trees of low amenity value. The Tree Officer added that as the existing trees are proposed for removal there is no need for further reports such as an Arboricultural Method Statement or Tree Protection Plan. While during the course of the application a revised scheme was submitted that involved the retention of several trees to the eastern edge of the site, the low significance of these features does not necessitate the application of protection measures in the view of the Tree Officer.

Although the objections to the removal of existing trees are noted, on the basis that these trees are considered to have little amenity value, their removal is not considered to represent a reason for refusal of the application.

Ecological Impact

Policy NE3 of the Warwick District Local Plan (2011-2029) states that development proposals will be expected to protect, enhance and/or restore habitat biodiversity and where this is not possible, mitigation or compensatory measures should be identified accordingly.

WCC Ecological Services have commented on the application, noting that their position remains largely unchanged from previous applications for redevelopment of the site. No objection was raised to the development. It was noted that the ecological investigation works undertaken to date have found no evidence of nesting birds or bats, and the proposed development will not give rise to significant biodiversity concerns. In this respect, the incorporation of proposed landscaping is likely to notably enhance the overall biodiversity value of the site, despite the

small loss of trees as reviewed above. In order to ensure the development would achieve compliance with NE1 and NE3 conditions in relation to the recommendations of completed survey works and a scheme of biodiversity enhancement measures were recommended. Officers agree with this position, such conditions being reasonable and necessary. These will therefore be applied to any grant of consent.

The application of advisory notes in relation to nesting birds and hedgehogs were also recommended.

In view of the above the proposal is therefore considered to be in accordance with the aforementioned policy.

Refuse

The Council's Waste Management department have responded to the proposal raising no objection to the scheme subject to adherence with relevant storage and collection specifications. In this regard it is noted that each plot has been provided with a suitably scaled and accessible refuse store, including a communal store in the case of plots 5 – 9. Collection arrangements would necessitate the waste collection vehicle entering the site in order to meet bin moving distance standards. As such, the access and turning area within the site has been enlarged during the course of the application to cater for such an arrangement, demonstrated via the submission of swept path tracks.

A condition to secure the provision of necessary refuse storage containers will be attached to any grant of consent. The proposal is therefore considered to provide adequate refuse arrangements.

Air Quality

Members of the public consider that the proposal would have a detrimental impact on air quality.

An Air Quality Assessment report has been submitted alongside the application. The proposed development would be classified as a minor scheme in accordance with Warwick District Council's air quality and planning supplementary planning document (AQ SPD) (2019) and therefore an electric vehicle charging point will be required for each dwelling (a measure illustrated within the submitted scheme). To secure the final details and design of the charging points, a condition to secure this information shall be applied to any grant of consent. This is considered to appropriately mitigate any adverse impacts on air quality as a result of the development.

Archaeology

The County Council Archaeologist has commented that the application site lies within an area of significant archaeological potential, in relation to both the medieval and post-medieval periods. As a result, a pre-commencement condition requiring completion of a full Written Scheme of Archaeological Investigation was recommended, a measure agreed and supported by Officers given the potential significance of the site.

Other Matters

Drainage

A condition to ensure compliance with Local Plan policy FW3 relating to water conservation, which is a planning requirement for development of this scale, shall be applied to any grant of consent.

Sustainability

The Town Council state that should this proposal be approved, with reference to WDC Local Plan policy SC0 "Sustainable Communities" and KNDP policy KP15 "Environmental Standards of New Buildings", they request that the applicants address matters relating to the environmental impact of the development with the aim of achieving a net zero carbon development. Owing to the scale of the development and the nature of Policy KP15 it would not be reasonable to refuse the application on the basis of a lack of information regarding this matter. Notwithstanding this, a condition requiring the submission of a sustainability statement demonstrating compliance of the development with Local Plan Policy CC1 shall be applied to any grant of consent.

Contaminated Land

The existing site is currently occupied by a hotel and is mostly covered in hardstanding. Environmental Health Officers note that the provision of residential dwellings with private garden spaces represents the introduction of new sensitive receptors and potential pollutant linkages. As a result there is a potential for subsurface contamination to have arisen from the construction of the existing or historic structures at the development site as well as off-site sources such as the former commercial units north of the site and the nearby petrol filling station. It was also noted that redevelopment of the commercial site north of the proposed development identified elevated levels of lead and total petroleum hydrocarbons in made ground materials. In view of these considerations it was recommended that the potential for contamination is investigated further. This shall be secured by a planning condition if the application is approved and is considered necessary for the purposes of the development.

Miscellaneous

WCC Fire and Rescue have commented on the application and have no objection to the proposal, subject to the inclusion of a condition which secures a scheme for the provision of adequate water supplies and fire hydrants necessary for firefighting purposes at the site.

Members of the public consider that the development is not needed within Kenilworth. However, the provision of additional housing in a sustainable location is considered to be a material benefit of the scheme.

Members of the public consider that the development would have a detrimental impact on health and wellbeing. Officers have considered the potential impact which the development would have on neighbouring residential amenity above,

but consider that it is unlikely that there would be other health and wellbeing implications beyond this.

Conclusion

The proposed development is considered to adopt a good standard of design that responds harmoniously with the wider street scene and surrounding form. While adopting a contemporary design approach, the development would respect local architecture bordering the site, and is not viewed to result in the generation of harm to the nearby Conservation Area.

The development is viewed acceptable in terms of amenity, preserving neighbouring light, outlook and privacy to an appropriate degree, despite the remodelled layout and massing of buildings within the site. Similarly the proposal would provide acceptable living conditions for future occupiers of the site with regard to light, outlook and access to amenity space. An acceptable access arrangement has been proposed which caters for both vehicles and pedestrians, and an appropriate level of cycle and car parking has been detailed within the development.

The provision of nine residential units in a sustainable urban location is considered a further benefit of the scheme that weighs in its favour. While the neighbour comments submitted in objection to the proposal have been carefully considered, Officers view that the proposed layout forms a well designed and suitably scaled redevelopment of the hotel site that does not result in material harm.

It is therefore recommended that the application is approved.

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 approved site location plan '1275.01' submitted on the 20th December 2022, drawings '1275.17A' submitted on the 11th January 2023, '1275.20A' submitted 17th February 2023, '1275.18B, '1275.19B' submitted 2nd March 2023, '1275.15G', 'SK01 1650 REV.H' submitted on the 9th March 2023, and specification contained therein. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
- 3 Notwithstanding details contained within the approved documents, prior to commencement of development other than site clearance, preparation works or demolition works, a Sustainability Statement including a programme of delivery of all proposed measures shall be submitted to and approved in writing by the Local Planning Authority. The document shall include;

- a) How the development will reduce carbon emissions and utilise renewable energy;
- b) Measures to reduce the need for energy through energy efficiency methods using layout, building orientation, construction techniques and materials and natural ventilation methods to mitigate against rising temperatures;
- c) Details of the building envelope (including U/R values and air tightness);
- d) How the proposed materials respond in terms of embodied carbon;
- e) How the development optimises the use of multi-functional green infrastructure (including water features, green roofs and planting) for urban cooling, local flood risk management and to provide access to outdoor space for shading,

No dwelling shall be first occupied until the works within the approved scheme have been completed in strict accordance with the approved details and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications.

REASON: To ensure the creation of well-designed and sustainable buildings and in accordance with Policies CC1 and CC3 of the Warwick District Local Plan (2011-2029) and National Design Guidance (2019).

- 4 The development hereby permitted shall not commence unless and until a hard and soft landscaping scheme has 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 for direct run-off of 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 development 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 the same size and species as that originally planted. 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 BE1, BE3 and NE4 of the Warwick District Local Plan 2011-2029.
- 5 No development above slab level shall take place unless and until an environmental noise assessment has been carried out by a competent

person and a report of that assessment together with recommendations for any necessary mitigation measures to comply with BS 8233:2014 and the World Health Organisation guidelines for community noise (1999) has been submitted to and approved in writing by the local planning authority. Thereafter the approved details shall be carried out strictly in accordance with all recommendations contained within the approved noise report, prior to the first occupation of the development hereby permitted. Thereafter the mitigation measures shall be maintained in accordance with the approved details. **Reason:** To ensure that future occupants do not experience unacceptable levels of noise, in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.

- 6 The development hereby permitted shall not commence unless and until a Construction Management Plan (CMP) has been submitted to and approved in writing by the local planning authority. The CMP shall provide for: details of any temporary measures required to manage traffic during construction; plans and details for the turning, loading and unloading of vehicles within the site during construction; details of demolition or clearance works; restrictions on burning; details of all temporary contractors buildings; the parking of vehicles of site operatives and visitors; site working hours and delivery times; 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, together with any details in relation to noise and vibration; and a scheme for recycling / disposing of waste resulting from demolition and construction works. A model CMP can be found on the Council's website (https://www.warwickdc.gov.uk/downloads/file/5811/construction_management_plan) or by searching 'Construction Management Plan'. The development hereby permitted shall only proceed in strict accordance with the approved CMP. **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 BE3, TR1 and NE5 of the Warwick District Local Plan 2011-2029.
- 7 No development above slab level shall take place until:
- a) A desk-top study has been carried out that shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and other relevant information, and, using this information, a diagrammatical representation (conceptual model) for the site of all potential contaminant sources, pathways and receptors has been produced.
 - b) If identified as being necessary having completed the desk-top survey study, a site investigation has been designed for the site using the information obtained from the desk-top study and any diagrammatical representations (conceptual model). This should be submitted to and

approved in writing by the local planning authority prior to that investigation being

carried out. The investigation must be comprehensive enough to enable:

- A risk assessment to be undertaken relating to human health
- A risk assessment to be undertaken relating to groundwater and surface waters associated on and off site that may be affected
- An appropriate gas risk assessment to be undertaken
- Refinement of the conceptual model
- The development of a method statement detailing the remediation requirements

c) The site investigation has been undertaken in accordance with details approved by the local planning authority and a risk assessment has been undertaken.

d) A method statement detailing the remediation requirements, including measures to minimise the impact on ground and surface waters using the information obtained from the site investigation, has been submitted to the local planning authority. The method statement shall include details of how the remediation works will be validated upon completion. This should be approved in writing by the local planning authority prior to the remediation being carried out on the site. All development of the site shall accord with the approved method statement.

If during development, contamination not previously identified, is found to be present at the site then no further development shall take place (unless otherwise agreed in writing with the local planning authority for an addendum to the method statement). This addendum to the method statement must detail how this unsuspected contamination shall be dealt with.

Upon completion of the remediation detailed in the method statement a report shall be submitted to the local planning authority that provides verification that the required works regarding contamination have been carried out in accordance with the approved method statement. Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall also be detailed in the report.'

Reason: To safeguard health, safety and the environment in accordance with Policies BE3 and NE5 of the Warwick District Local Plan 2011-2029.

8 No development shall take place until:

a) a Written Scheme of Investigation (WSI) for a programme of archaeological evaluative work has been submitted to and approved in writing by the Local Planning Authority.

b) the programme of archaeological evaluative fieldwork and associated post-excavation analysis and report production detailed within the approved WSI has been undertaken. A report detailing the results of this

fieldwork, and confirmation of the arrangements for the deposition of the archaeological archive, has been submitted to the planning authority.

c) An Archaeological Mitigation Strategy document (including a Written Scheme of Investigation for any archaeological fieldwork proposed) has been submitted to and approved in writing by the Local Planning Authority. This should detail a strategy to mitigate the archaeological impact of the proposed development and should be informed by the results of the archaeological evaluation.

The development, and any archaeological fieldwork post-excavation analysis, publication of results and archive deposition detailed in the Mitigation Strategy document, shall be undertaken in accordance with the approved Mitigation Strategy document.

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 where applicable, before development commences in accordance with Policy HE4 of the Warwick District Local Plan 2011-2029.

9 The access to the site for vehicles shall not be used unless a bellmouth has been laid out and constructed within the public highway in accordance with the standard specification of the Highway Authority.

Reason: In the interests of highway safety and the free flow of traffic in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.

10 The development hereby permitted shall be carried out in full accordance with the recommendations for bats and birds contained in section 5 of the Phase 1 Bat & Nesting Bird Survey report by Ridgeway Ecology, report dated 23 May 2022 and amended 16 December 2022.

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 NE2 of the Warwick District Local Plan 2011-2029.

11 No development shall be carried out above slab level unless and until samples of the external facing materials to be used have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details. **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 BE1 of the Warwick District Local Plan 2011-2029.

12 The development hereby permitted shall not be occupied unless and until:

(a) details of a biodiversity enhancement scheme have been submitted to and approved in writing by the local planning authority (The scheme is to include provision for bats, nesting birds and access gaps for hedgehogs in any new fencing); and

(b) the biodiversity enhancement measures approved under (a) have been completed in strict accordance with the approved details, with the exception of any planting, which must be completed within the first planting season following first occupation.

The biodiversity enhancement measures shall thereafter be retained and maintained in strict accordance with the approved details in perpetuity.

Reason: To ensure net gains in biodiversity, in accordance with the requirements of the NPPF.

- 13 No development above slab level shall take place unless and until:
- a) an overheating assessment has been undertaken in accordance with the Chartered Institution of Building Services Engineers Technical Memorandum 59; and
 - b) the results of the assessment carried out to comply with criteria (a), together with any necessary mitigation measures, have been submitted to and approved in writing by the district planning authority.
- Any mitigation measures approved under (b) shall be implemented in full and shall be retained at all times thereafter. The approved mitigation measures shall not be removed or altered in any way without the prior written approval of the district planning authority. **Reason:** To ensure that future occupants do not experience unacceptable levels of noise, in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.
- 14 The development hereby permitted shall not be occupied unless and until a scheme for the provision of adequate water supplies and fire hydrants, necessary for fire fighting purposes at the site, has been submitted to and approved in writing by the Local Planning Authority and the approved scheme has been implemented in full in strict accordance with the approved details. **Reason:** In the interest of the fire safety and protection of public safety and to satisfy Policy BE1 of the Warwick District Local Plan 2011-2029.
- 15 Prior to the occupation of the dwelling(s) hereby permitted, one 16amp (minimum) electric vehicle recharging point (per dwelling) shall be installed in accordance with details first submitted to and approved in writing by the Local Planning Authority (LPA). Once the electric vehicle recharging point(s) has been installed, the following verification details shall be submitted to and approved in writing by the LPA: (1). Plan(s)/ photograph(s) showing the location of the electric vehicle recharging point(s); (2). A technical data sheet for the electric vehicle recharging point infrastructure; and (3). Confirmation of the charging speed in kWh. Thereafter the electric vehicle recharging point(s) shall be retained in accordance with the approved details and shall not be removed or altered in any way (unless being upgraded). **Reason:** To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan and the Air Quality and Planning Supplementary Planning Document.

16 The development hereby permitted shall not be occupied unless and until a scheme showing how a water efficiency standard of 110 litres per person per day based on an assumed occupancy rate of 2.4 people per household (or higher where appropriate) will be achieved has been submitted to and approved in writing by the Local Planning Authority. No dwelling/ unit shall be first occupied until the works within the approved scheme have been completed for that particular dwelling / unit in strict accordance with the approved details and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications. **Reason:** To ensure the creation of well-designed and sustainable buildings and to satisfy the requirements of Policy FW3 of the Warwick District Local Plan 2011-2029.

17 The development hereby permitted shall not be occupied unless and until the refuse and recycling storage areas for the development have been constructed or laid out in strict accordance with the approved plans and made available for use by the occupants of the development. Thereafter those areas shall be kept free of obstruction and be available at all times for the storage of refuse and recycling associated with the development.

No dwelling shall be occupied unless and until it has been provided with the appropriate refuse containers necessary for the purposes of refuse, recycling and green waste, in accordance with the Council's specifications.

Refuse and recycling storage containers must be stored within the refuse and recycling storage area shown on the approved plans, unless when being presented on street for collection facilities.

Reason: To ensure the satisfactory provision of refuse and recycling storage facilities in the interests of amenity and the satisfactory development of the site in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029.

18 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 / residential amenity in accordance with Policies BE1, BE3 and TR3 of the Warwick District Local Plan 2011-2029.

19 The development hereby permitted shall not be occupied unless and until the approved cycle parking facilities have been provided and made available for use in accordance with the details on the approved plans and thereafter those facilities shall remain available for use at all times. **Reason:** In the interests of encouraging the use of alternative modes of transport with the aim of creating a more sustainable development in

accordance with Policies TR1 and TR3 of the Warwick District Local Plan 2011-2029.

- 20 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), no development shall take place which falls within Part 1, Classes A, AA, B, C, D, E, or F of this Order. **Reason:** Due to the nature of the application site and its relationship with adjoining properties it is considered necessary to ensure that no additional development is carried out without the permission of the Local Planning Authority in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
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