

**Planning Committee:** 12 July 2005

**Item Number:** 02

**Application No:** W 05 / 0684

**Registration Date:** 25/04/2005

**Town/Parish Council:** Kenilworth

**Expiry Date:** 20/06/2005

**Case Officer:** Steven Wallsgrove

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**1 Whites Row, Kenilworth, CV8 1HW**

Erection of 23 flats with garaging and parking. FOR Mr Guy Middlebrook

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This application was deferred at the last meeting to enable a site visit to take place.

The only alteration to the original report is the inclusion of the comments of the Kenilworth Society.

**SUMMARY OF REPRESENTATIONS**

**Kenilworth Town Council:** "Members recommend REFUSAL on the following grounds:-

- The 3-storey design of the flats is a domineering backdrop upon the cottages in Warwick Road, and will be unneighbourly to them.
- The bulk and mass of the development is inappropriate to the street scene, particularly as the buildings are right up to the pavement.
- The proposal is inappropriate and out of character so close to the St. John's conservation area.
- With 33 parking spaces the development would generate considerably more traffic in an already problematic area.
- The entrance to the flats under the tunnel appeared unsafe as it opened on to a shared roadway."

**W.C.C. (Highways)** submitted a holding objection until some minor changes had been made.

**Warwickshire Police** consider works should comply with 'Secured by Design' guidelines.

**W.C.C. (Ecology)** comment on demolition of house.

**Housing Strategy** have no objection, but consider there should be 30% affordable.

**Neighbours:** Letters, and a petition, from 11 residents object as being out of character, loss of privacy, overbearing, loss of view, inadequate parking, traffic danger and noise problems.

**Kenilworth Society:** *"When the Conservation Area Advisory Forum (of which the Kenilworth Society is a member) discussed a previous application for this site for 9 flats (W05/0386) it said that "Whilst the need for affordable housing in Kenilworth was appreciated it was felt that this should be of good quality design and this particular block represented an uninspiring building that would overpower this area and be visible from within the Conservation Area."*

*CAAF has not had the opportunity to discuss the current application. However, I believe that it would be opposed to the latest proposals. Arguments that were relevant to a block of 9 flats are even more relevant to 24 flats, so the comments of the meeting of 31/3/05 remain wholly valid.*

*The Kenilworth Society full supports CAAF's views, hence our objection to the current application."*

## **RELEVANT POLICIES**

(DW) ENV12 - Protection of the Setting of Listed Buildings (Warwick District Local Plan 1995)

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

(DW) ENV6 - Protection and Enhancement of Conservation Areas (Warwick District Local Plan 1995)

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

The 45 Degree Guideline (Supplementary Planning Guidance)

## **PLANNING HISTORY**

This site has been the subject of only one previous proposal, which was for part of the site and was for the erection of 9 flats. This was granted planning permission under reference W20050386.

## **KEY ISSUES**

### **The Site and its Location**

The application site includes 1 Whites Row and land at the rear of 200 Warwick Road, the site having been amended from that originally proposed due to a garage site being omitted. The land behind 200 Warwick Road has been disused for many years.

The site has a garage court, and a corner of the service yard of the Newlands home on the west, a bungalow to the south, and houses to the east, which front onto the Warwick Road and which lie in a Conservation Area. Hazelwood House (4 flats) lies to the north-east on the other side of Whites Row.

## **Details of the Development**

The proposal consists of a two-and-a-half storey block, with dormers for a third floor, on the site of No. 1 Whites Row, linked to a three-storey block stepping down to a similar two-and-a-half storey block backing onto the houses in Warwick Road, which links to a one-and-a-half storey block on the southern boundary, where it adjoins the blank gable end of 204 Warwick Road. An additional two units (one in the roofspace) are provided in a single storey building at the southern end of the adjoining garage court.

The scheme includes 31 parking spaces for the 24 units and the layout has been amended to provide a 6 m gangway to turn into/out of them, as required by the County Council.

## **Assessment**

The principal issues in this case are the affect of the proposal on the street scene, the affect on neighbours, parking, and affordable housing.

In terms of the street scene, there is a long, stepped, row of three-storey blocks of flats on this side of Whites Row, with a pair of three-storey houses backing onto the site from Warwick Road. On the other side of Whites Row, there is a mixture of two-storey houses and flats, including Hazelwood House. It is considered, therefore, that a two-and-a-half storey block on the site of 1 Whites Row will not look out of place and this block is similar to that already approved on this part of the site.

The frontage block does not face directly towards Hazelwood House and the amended plans have omitted the nearest part of the block as originally submitted. In the case of the houses on Warwick Road, the tallest block is some 34-36 metres from them, while the nearest of the three-storey houses is 30 metres away from the nearest window, at a slight angle, and 34 metres in a direct line. It is considered, therefore, that this aspect is also acceptable and, again, this is similar to the scheme previously approved.

The scheme has also been carefully designed to minimise its impact on the two dwellings to the south, with the 45° code being satisfied as well as the relevant distance separation standard.

The application provides for 31 parking spaces for the 24 units, which is nearly at the maximum advised by central government, namely 1.5 spaces/dwelling (or average). The site is also close to a main bus route and the town centre so that this level of parking is considered to be acceptable. The Highway Authority have also raised no objection.

In view of the number of units, and a recent appeal decision, the applicant has been advised that he will be required to provide some affordable housing and has now agreed to provide 30%, following discussions with the Development Office, Housing Strategy.

## **REASON FOR RECOMMENDATION**

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

## **RECOMMENDATION**

GRANT after prior completion of an Agreement under S106 of the Town and Country Planning Act 1990 to provide 30% social housing subject to the following conditions :

- 1 The development hereby permitted must be begun not later than the expiration of five years from the date of this permission. **REASON** : To comply with Section 91 of the Town and Country Planning Act 1990.
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing no. KEN/1022A, and specification contained therein, received on 9th June 2005 unless first agreed otherwise in writing by the District Planning Authority. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Local Plan Policy ENV3.
- 3 Samples of all external facing materials to be used for the construction of the development hereby permitted, shall be submitted to and approved by the District Planning Authority before any constructional works are commenced. Development shall be carried out in accordance with the approved details. **REASON** : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan.
- 4 A landscaping scheme, incorporating existing trees and shrubs to be retained and new tree and shrub planting for the whole of those parts of the site not to be covered by buildings shall be submitted to and approved by the District Planning Authority before the development hereby permitted is commenced. Such approved scheme shall be completed, in all respects, not later than the first planting season following the completion of the development hereby permitted, and any trees removed, dying, being severely damaged or becoming seriously diseased within five years of planting, shall be replaced by trees of similar size and species to those originally required to be planted. Existing trees which are shown as being retained shall be dealt with in accordance with BS 5837:1991. In particular, before any materials are brought on the site or any demolition or development commenced, stout protective fencing should be erected to enclose the perimeter of the branch spread of each tree or shrub to be retained, together with the branch spread of any tree growing on adjoining land which overhangs the site. Such fencing shall be satisfactorily maintained until all development has been completed. **REASON** : To protect and enhance the amenities of the area, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan.

- 5 The proposed car parking areas for the development hereby permitted shall be constructed, surfaced, laid out and available for use prior to the first occupation of the development. **REASON** : To ensure that adequate parking facilities are available, in accordance with the requirements of Policy ENV3 of the Warwick District Local Plan.