

Planning Committee: 21 September 2005

Item Number: 09

Application No: W 05 / 1109

Registration Date: 06/07/05

Town/Parish Council: Kenilworth

Expiry Date: 31/08/05

Case Officer: Steven Wallsgrove

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135 Warwick Road, Kenilworth, CV8 1HY

Erection of 9 apartments, 3 houses and 3 garages, after demolition of 135
Warwick Road, Kenilworth FOR Hawk Development Ltd

This application was deferred at Planning Committee on the 23rd August 2005, to enable a site visit to take place.

The following report is that previously considered, but amended to incorporate the response from the County Council and the comments of the Town Council following the amended plans.

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

SUMMARY OF REPRESENTATIONS

Kenilworth Town Council: "This Committee recommends refusal on the following grounds:-

Comment on original plan

The access on to the busy Warwick Road, despite the improvement due to the demolition of a house, is close to Clarendon Road and is a major safety concern.

The three-storey apartments would have an adverse impact particularly on Clarke's Avenue.

No clear case has been made for the change of use to housing, and Members regret the further loss of employment land.

This application must be related to the two current developments under construction in this area and to any future development to the retail/office block when considering access and parking issues."

Comment on amended plans

"In view of the changes to the scheme made since the Town Council discussed it, which have resulted in a reduction in height of the block affecting

Clarke's Avenue and a reduction in the total number of properties reducing traffic and parking problems, this Council no longer wishes to speak to oppose it on 25th August 2005."

W.C.C. (Highways): Holding objection until block A moved slightly to avoid overhang of proposed highway. Amended plans now show block A repositioned.

Warwickshire Police: comment that works should comply with Secured by Design guidelines.

W.C.C. (Ecology): recommend bat survey and nesting bird note.

Neighbours: Letters of objection have been received from 3 Warwick Road residents on grounds of overlooking, noise nuisance, security, access problems, loss of light, access condition on consent for present use, and exceeds maximum number of dwellings on site of this size.

W.C.C. (Development Group): request a Section 106 Agreement to provide contributions of £13,929 for education and £1,254 for libraries.

Environment Agency: Have no objections subject to contamination and drainage conditions.

RELEVANT POLICIES

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)
(DW) H5 - Infilling within the Towns (Warwick District Local Plan 1995)
(DW) ENV3A - Sustainable Development and Energy Conservation (Warwick District Local Plan 1995)

PLANNING HISTORY

There is no relevant planning history since the condition referred to by one of the residents will be superseded by this application, if it is approved, as it was imposed on a permission for the builders yard use due to the restricted width of the existing access off Warwick Road. (The condition required vehicles to use the exit onto Clarendon Road).

KEY ISSUES

The Site and its Location

The site comprises the existing builders materials store yard (which has access from the Warwick Road, and egress into Clarendon Road), and the adjoining house, 135 Warwick Road. The exit is not within the applicants control.

The site is surrounded by housing on Clarendon Road (which is now in a Conservation Area), the garden to the Earl of Clarendon P.H., the (nearly

completed) block of flats to the east, off Clarendon Road, a house in Clarkes Avenue, a rear service road at the back of some Warwick Road properties, and 133 Warwick Road, which now forms part of the nearby hotel at 149 Warwick Road.

Details of the Development

The application as originally submitted included a block of 3, two-storey (with attic bedroom) terraced houses behind the Clarendon Road houses and two, three-storey, blocks of flats close to the south and west boundaries. These two blocks have now been substantially altered to remove most of the second floors in order to resolve distance separation problems and overbearing appearance problems. One of these blocks has also been moved slightly to overcome a highway problem. The amended scheme now has 9 flats with parking spaces, while the 3 houses have 3 garages as well as parking spaces. A detached bin store would be provided at the turning head of the access road which would be constructed following the demolition of 135 Warwick Road.

Assessment

This site is a prime example of 'brownfield' land and the issues to be considered are the principle of residential use, access, and the affect on neighbours amenities.

1. This site constitutes previously developed land and is located within a predominantly residential area. Although an employment use, it is not a designated employment site and I consider the proposed residential use would be wholly compatible with the predominant character of the area.
2. In relation to access, there will be an improvement to the vehicle access from Warwick Road so that following the demolition of No. 135 Warwick Road a 5 metres road and 2 metre footpath would be provided.

In the present case, neighbours are subject to daytime noise from reversing lorries within the site and traffic problems on Clarendon Road, so that the redevelopment for housing/flats would be a significant improvement in their amenities.

In relation to neighbours amenities, the original scheme, however, had problems due to the impact of the scale of the flats on adjoining residential properties in Warwick Road and Clarkes Avenue, but these have now been resolved. Adequate parking is also provided within the site (12 spaces for the 9 apartments and 3 garages and 3 visitor spaces for the houses) and the access road will be a significant improvement over the existing, and will not affect the private rights of the Warwick Road residents.

REASON FOR RECOMMENDATION

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

RECOMMENDATION

GRANT, after completion of a Section 106 agreement for financial contributions of £13,929 (education) and £1,254 (libraries), 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 drawings, and specification contained therein, received on 6th July 2005 and 10th August 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 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. **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 roads and footways serving the development hereby permitted shall not be designed or constructed other than in accordance with the requirements and standard specifications of the Highway Authority as set out in "Transport and Roads for Developments - The Warwickshire Guide 2001", together with any published amendments to it. **REASON** : To ensure compliance with the Council's standards.
- 6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking and re-enacting that Order with or without modification), no development shall be carried out which comes within Parts 1 and 2 of Schedule 2 of this Order,

without the prior permission of the District Planning Authority. **REASON :** This site is of a restricted size and configuration and is in close proximity to other dwellings. It is considered appropriate therefore to retain control over future development to ensure that the residential amenity of this locality is protected in accordance with the provisions of District-Wide Policy ENV3 of the Warwick District Local Plan.

- 7 Before any works for demolition are first commenced, a survey of the premises by a qualified bat surveyor shall be undertaken to demonstrate the presence, absence or usage of the premises by bats. In the event that the survey demonstrates the presence or usage of the premises by bats, a report recommending mitigation measures to ensure any bats will be protected during the demolition works shall be submitted to and approved in writing by the District Planning Authority before the demolition works are commenced. The approved mitigation measures shall be wholly implemented strictly as approved. **REASON:** To ensure the protection of bats and compliance with Policy ENV27 of the Warwick District Local Plan 1995.
 - 8 Development shall not be commenced until there has been submitted to the District Planning Authority a survey report on the extent to which any part or the whole of the application site is contaminated by toxic or other noxious materials and on the remedial measures required to deal with the hazards. No development shall be commenced until all toxic or obnoxious materials have been removed or otherwise treated in accordance with details which have been approved in writing by the District Planning Authority. **REASON :** To protect the health and safety of future occupiers.
 - 9 There shall be no discharge of foul or contaminated surface water from the site into either the groundwater system or any surface waters. Foul water should be directed into the main sewerage system provided that adequate capacity for such additional flows is available. **REASON :** To prevent pollution of ditches and watercourses, and to satisfy Policy ENV3 of the Warwick District Local Plan.
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