Planning Committee: 04 January 2005 **Principal Item Number:** 02
Application No: W 04 / 1913

Registration Date: 26/10/2004
Town/Parish Council: Kenilworth **Expiry Date:** 21/12/2004
Case Officer: Martin Haslett
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Units 85 to 91 and adjacent land, Abbey End, Kenilworth, CV8
Construction of retail units and 25. no. flats together with parking spaces, car ports and associated work following demolition of existing buildings. FOR Grevayne Properties (Abbey End) Ltd

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SUMMARY OF REPRESENTATIONS

Town Council: "Members commented that they welcomed the alterations to the originally intended development, which were considered to be a great improvement on the initial application and appeared to take into account the objections made in respect of that submission.

However, from the available plans it was not possible to fully ensure that all the points raised in October 2003 in respect of the height aspect (the building was not in keeping with the local area; the design was detrimental to the view when entering the town and adversely impacted on both the skyline plus the view to and from the Conservation Area) have been fully addressed.

Warwick District Council is therefore requested to confirm that these issues have been resolved."

WCC(Highways): no objection subject to condition on secure cycle parking.
WCC(Structure Plan): no objection, subject to contribution towards the increased costs of education, public transport and libraries.
WCC(Ecology): no objection, subject to bat note.
WCC(Archaeology): no objection subject to condition requiring a programme of archaeological work.
Neighbours: 3 letters of objection on grounds of overlooking of adjoining dwellings and loss of privacy to outdoor areas, especially due to the balconies, loss of sunlight, failure of design to harmonise with its surroundings, footprint of building enlarged, building too high, traffic problems, parking problems.

One neighbour has written in support of the application.

Environmental Health: no objection subject to conditions on sound insulation and hours of use of the loading bay.

Housing Officer: The applicant has offered to provide 9 x 2 bed flats on site for shared ownership sale, which is below the policy requirement of 10 units (40%). A commuted sum of £25,000 was offered in lieu of the under provision. This offer is considered acceptable due to the economic case submitted by the applicant.

RELEVANT POLICIES

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)
(DW) S3 - Additional Retail Development in Town Centres (Warwick District Local Plan 1995)
(DW) H5 - Infilling within the Towns (Warwick District Local Plan 1995)
SC9 - Affordable Housing (Warwick District Local Plan 1996 - 2011 First Deposit Version)

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 First Deposit Version)
UAP3 - Directing New Retail Development (Warwick District 1996 - 2011 First Deposit Version)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011 First Deposit Version)
TCP1 - Protecting and Enhancing the Town Centres (Warwick District 1996 - 2011 First Deposit Version)
UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011 First Deposit Version)

PLANNING HISTORY

The site has formed part of the Abbey End shopping centre for many years. When this centre was Council-owned a brief was produced which indicated that this part of the centre was suitable for a large new shop.

Planning application W03/1517 was submitted in September 2003 but the development was considered by officers to be too large and an amended plan was requested. Although a plan was submitted informally, it was never formally submitted and an appeal was lodged on the basis of the originally submitted plan. This matter was the subject of a part 2 report on 26 October 2004, when the Committee agreed that the proposals were unsatisfactory in respect of the impact on the adjoining conservation area, the excessive size and height of the building, the lack of provision for affordable housing and the failure to agree contributions towards county council services. The appeal is proceeding on that basis.

KEY ISSUES

The Site and its Location

The site is presently occupied by a group of small shops which form part of the Abbey End shopping centre, with a flat-roofed office building at first floor to the rear. The application site includes the garages at the north end of the shopping centre car park and the access road into the car park.

The application site is immediately across the road from the De Montfort Hotel, which is a tall building, very prominently sited. To the south the application site adjoins flats over the shops in the main part of the shopping centre, and the existing building provides access to them. To the north there are houses in Belmont Mews, Abbey End and Abbey Hill, some of which have garden areas adjoining the car park.

Details of the Development

It is proposed to construct a 4-storey building with shops on the ground floor and flats above. The shops would consist of 4 units, one of 396sqm and 3 at 95sqm. To the rear there would be 8 parking spaces for the flats, with access gained from the access road to the car park. The three storeys above would each have eight flats built around a quadrangle which would feature a garden at first floor. Many of the flats would have balconies.

The elevations of the building would be modern, with architectural masonry to the ground floor, and white render and timber boarding to the upper floors. The top floor would have a glazed roof covering the courtyard.

Assessment

The issues to consider, in my opinion, are the principle of the proposals, the visual impact of the scheme, especially in view of the proximity of the conservation area and the impact on the amenities of adjoining residential properties.

The site lies within Kenilworth town centre where proposals for residential use or for additional/replacement shopping development are acceptable in principle, in accordance with adopted and emerging local plan policies.

So far as the visual impact is concerned, it must be noted that with its height reduced by a storey, the building is still comparatively large and taller than the adjoining flats over shops in Abbey End. It must be judged in its visual context, which includes the tower block across the road and the wide open spaces which make up the environs of the shopping centre. Although differing from its neighbours, I consider that the building would make a positive contribution to the area and would help to form a visual focus for the northern part of the shopping centre. It would not, in my opinion, harm the adjoining conservation area.

The final issue is the impact on the adjoining residents, in the dwellings to the north and in the flats over the shops in Abbey End. The nearest property in Belmont Mews is over 30m from the flats, separated by the car park access and parking area and on slightly higher land. The flats over the shops in Abbey End are at first and second floor level and would thus be lower than the new building. Although there will clearly be a loss of view from each of these sets of dwellings, I do not consider that the impact on the amenity of the dwellings would be sufficient to merit a refusal of permission.

REASON FOR RECOMMENDATION

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

RECOMMENDATION

After the completion of a legal agreement to secure contributions to County Council services and affordable housing, GRANT 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 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.

3 A scheme for the sound insulation of the proposed residential accommodation to reduce the impact of noise from retail activity on the ground floor shall be submitted to the District Planning Authority for approval. The scheme shall be fully implemented in accordance with the approved details before the use, the subject of this consent, commences. The works and scheme shall thereafter be maintained in accordance with the approved details. No alterations to the structure, roof, doors, windows or external facades shall be undertaken without the prior approval of the District Planning Authority. The means of ventilation/air conditioning to the ground floor retail units shall be specified in the scheme.

REASON : To protect the amenities of adjoining residents, in accordance with Policy ENV3 of the Warwick District Local Plan 1995.

4 The hours of use for vehicle movements (such as loading/unloading etc.) related to retail activity at this site shall be restricted to between 7.30 am. - 6.00 p.m. Monday to Friday and Saturday 7.30 a.m. - 1.00 p.m., with no vehicle movement Sundays or Bank Holidays. **REASON** : To protect the amenities of adjoining residents, in accordance with Policy ENV3 of the Warwick District Local Plan 1995.

5 No development shall be carried out on the site which is the subject of this permission, until details of secure cycle storage have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. **REASON** : To encourage the use of sustainable forms of transport.

6 No development shall be carried out on the site which is the subject of this permission, until details of the proposed car ports have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. **REASON** :To protect the character of the area and the amenities of adjoining occupiers in accordance with the requirements of Policy ENV3 of the Warwick District Local Plan.