Planning Committee: 08 December 2010 **Item Number:** 20

Application No: W 10 / 1275

Registration Date: 01/10/10

Town/Parish Council: Kenilworth **Expiry Date:** 26/11/10

Case Officer: Penny Butler
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48-50 Priory Road, Kenilworth, CV8 1LQ

Demolition of existing building (offices and dwelling) and erection of 6no. 2-bedroom apartment dwellings with associated off road parking. FOR Mr Harban

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

SUMMARY OF REPRESENTATIONS

Kenilworth Town Council: Members OBJECTED to the application on the grounds that:

- It constituted inappropriate and overbearing development of the site.
- Was detrimental to the visual amenities of the street scene.
- The excessive height of the proposal would have a negative visual impact on the surrounding area.

Public response: 15 objections received, and a petition with 13 signatures from residents of Priory Croft.

- The existing building should be restored and refurbished, not demolished it is an Fine Victorian period house with a distinctive frontage which fits in with the area. Demolition will harm the character and amenity of the area, not improve it, and is fundamentally wrong. The existing building is not derelict and could easily be restored.
- The replacement building is three storeys, too high, would overlook and overshadow surrounding properties and is out of character with the surrounding area. All properties to the rear are one or 1.5 storeys. The use of render on the front bays would be out of character with the traditional red brick of Kenilworth.
- There is already insufficient parking available on street as many houses nearby do not have off road parking, and visitors to the school, church, guest houses and other businesses create congestion and additional parking demand. Each 2-bed flat could have 2 cars requiring 12 parking spaces in total, or could house 2 couples requiring 24 spaces in total. The 8 spaces proposed are insufficient. Additional traffic generated would cause greater risk to the many children and elderly living nearby. Priory Croft is a narrow cul-de-sac further impeded by cars parked legally on one side. Access into and out of the Croft is difficult, especially for larger vehicles, due in part to the close proximity of the existing car park to the junction. Emergency vehicle access to Priory Croft must not be impeded.
- Traffic, dust, noise and disruption to pedestrians during construction.
- A three storey building would interfere with TV reception.
- Increased noise and disturbance.

The adjoining property (no.52) objects to loss of light to their side study window, especially direct afternoon sunlight. The level of the car park at the rear of the offices is 0.8m higher than their garden, and the garden at the rear of the flat (no.50) acts as a soakaway between the car park and their garden. Raising the level of no.50 and providing a hard surface would leave them at risk of flooding. They are at the bottom of a hill and have been flooded in the past. Raising the ground level of no.50 by 0.8m will reduce the height of their perimeter fence to 1.2m which will severely affect their level of security, and the loss of the separating boundary between the car park and no.50 will leave them directly accessible to the road. Loss of privacy as their property would border a car park for 8 cars rather than a domestic garden. Increased noise and disturbance from six dwellings and 8 vehicle car park. There is no precedent for dwellings to extend to the rear so far except for the single storey extension to no.48. The three storey rear extension will extend 4.5m from the back of their dwellings which is more than a third of the length of their garden. At 1m from the boundary this will be a gross overdevelopment of the site and out of character with the area. Insufficient parking provision; there are 18 houses without driveways on Priory Road between Whateleys Drive and Buildbase potentially requiring on street parking. Increased number of vehicles accessing Priory Croft, which children cross on their way to the school.

WCC Ecology: Are satisfied with the bat survey submitted. Recommend bat, nesting bird, and indigenous planting notes.

Cultural Services: The Open Space SPD should be applied to this application for an offsite capital contribution.

RELEVANT POLICIES

- DP13 - Renewable Energy Developments (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)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- SC2 - Protecting Employment Land and Buildings (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- Open Space (Supplementary Planning Document - June 2009)
- Vehicle Parking Standards (Supplementary Planning Document)
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)

PLANNING HISTORY

The building was extended at the rear following a consent in 1963. Earlier this year an application (W/10/0123) was withdrawn for a similar, but larger, scheme for the erection of six 2-bed flats with associated car parking, following demolition of the existing building.

KEY ISSUES

The Site and its Location

The building is sited on the corner of the junction with Priory Road and Priory Croft with a shallow front garden. Priory Road is a busy A-road which contains a number of uses, but the immediate area is residential, with dwellings opposite on Priory Road and Priory Croft, to the rear and adjoining on the south-eastern side. The surrounding character is made up of Victorian and Edwardian dwellings which are two storeys in height, some with converted loft spaces and front dormer windows or roof lights. The adjoining property on the south-eastern side is no.52 Priory Road, which is a two storey dwelling with a lower roof height and a garage on this side. At the rear, the rear gardens of dwellings on Station Road adjoin the site.

The application property is currently used as B1 offices at ground, first and second floor, with a residential flat on the ground and first floor. The building is two storeys with a second floor room in the roof space, and probably late 19th century, being Victorian in style with a central entrance flanked by angled bay windows. The building has an original two storey rear wing, with a two storey side extension and single storey rear flat roofed extension added in the 1960s. The rear curtilage is separated into a garden for the flat, and a surfaced car park for the offices, which is accessed off Priory Croft, a narrow road into a small cul-de-sac of bungalows.

Details of the Development

It is proposed to erect a building containing six 2-bed flats following the demolition of the existing building, on the same siting. The flats would have an enlarged rear parking area, since the garden for the existing flat would be removed along with a conifer on the boundary, to provide eight parking spaces. A bin store is also proposed at the rear of the building. The replacement building would be two storeys architecturally, with the second floor accommodation being provided in the roof space and served by one dormer window and two bay dormers on the front. At the rear a projecting wing with two rear facing gables would extend 5.5m to the rear.

Assessment

The key issues for consideration are loss of employment space, design, neighbour impact, and parking.

Loss of employment space

Since the proposal involves the loss of existing employment space in the form of the existing offices, the proposal should be considered against Policy SC2, which only permits the redevelopment of existing employment buildings for other uses in certain cases. This includes where the applicant can demonstrate that there are reasons why the use of the site by another employment use is not economically viable, or where the proposal would not have the effect of limiting the level of provision and quality of land available for employment in accordance with the Local Plan.

The applicant has provided evidence of seven other small office premises in Kenilworth which are currently vacant and also claims that the building has

structural problems and requires modernisation which would not be viable. They also assess the supply of employment land in the District and note that at the current rate of take up there is a 15 year supply. The current occupiers of the office space are planning to relocate within Kenilworth so there would be no actual loss of employment. The evidence shows there is no pressing need for similar sized and quality office uses in Kenilworth at this time, and as such re-use or a redevelopment may not be financially viable. In terms of the quantity of employment land available, the District can meet the Structure Plan requirement up to 2015, so the proposal would not limit the provision of employment land. The applicant has also demonstrated that the quality of employment land would not be limited, therefore I consider the proposal would not conflict with Policy SC2.

Design

The principle of demolishing buildings outside of the Conservation Area is not controlled by any Local Plan policies and the demolition itself does not require planning permission, therefore a refusal of consent could not prevent demolition of the building. The site adjoins the Conservation Area along the rear boundary but the view across the rear of the site is not considered to be an important view into the Area.

The design of the proposed building reflects elements of the surrounding character, by incorporating bay projections, sash windows with stone heads and cills and brick corbelling, and it would be constructed in red brick with rendered bays and grey concrete tiles. The design respects the local architectural character and harmonises with its surroundings and it is considered to respect the setting of the Conservation Area. The ridge height of the replacement building would increase from 8.6m to 11.15m which is an increase of 2.55m, but I consider this would respect surrounding buildings in terms of scale and height. In the street scene the proposed building would rise above both dwellings either side, but these are both Arts and Crafts style buildings on a more domestic scale with lower hipped roofs, and there are buildings of a similar height two properties away at no.56.

Neighbour impact

The side elevation facing no.52 has been designed in part to replicate the existing building in terms of its proximity to this neighbour. This neighbour has two side facing bathroom windows and a side facing first floor study/bedroom window which currently faces the side of the existing building. At first floor and above, the distance of the proposed main building from this study window is similar to the existing building, while towards the rear, the main building extends back a further 1.2m than existing, and the rear wing adds a further 5.5m to this. The further rear projection starts at a distance of just over 6m from this neighbours window, at an angle of about 40 degrees. New ground, first and second floor windows are proposed, which are to be non-opening and obscure glazed to prevent direct overlooking to this neighbour. The neighbours study window and the room itself is small which limits views of the outside, and this is the only source of light into this room. I can see no issue with the main block since this replicates the proximity of the existing building, while I consider that the proposed further rear extension is a sufficient distance away at such an obscure angle that refusal would not be justified. The replacement building is however much higher than the existing as the ridge height increases from 8.6m to 11.15m. This increases loss of light and overbearing impact on this window, but the window is already impinged upon to a significant degree, and being such

a small room I do not consider this would lead to a further significant loss of amenity to this room.

The rear of the proposed building would extend about 4.5m past the rear of this neighbours dwelling, but since they have no habitable room windows near the boundary there is no 45 degree guideline breach. A condition can be imposed to require details of car park drainage in order to prevent flooding to their lower garden level.

The nearest neighbour to the rear is 22A Station Road, a small cottage at a slight angle to the application property. The rear most part of their dwelling is some 25m from the nearest part of the proposed building, and since it is angled away I consider this is acceptable (the relevant distance separation standard is 27m).

Parking
It is recognised that there is strong public feeling regarding the current parking situation in this road, which has a number of causes. According to the Council's Vehicle Parking Standards, the proposed use of six 2-bed flats requires nine parking spaces at 1.5 spaces per unit, and eight spaces are provided. Policy DP8 Parking, only permits development which makes provision for parking that has regard to the location and accessibility of the site by means other than the private car, and does not result in on-street parking to the detrimental to highway safety. The Parking Standards SPD states that parking below the standard will only be allowed where there will be no adverse impact on-street parking arising from the development, and this may be where certain criteria are met. These criteria include where there is sufficient capacity for on-street parking without detrimentally affecting the safety and convenience of other residents, or where the development meets other planning objectives and would not unacceptably worsen the parking situation.

Based on the Council's parking standards the development is likely to lead to one vehicle being regularly parked on street, along with any visitor parking. To justify a refusal of consent in accordance with the SPD, I would have to be satisfied that there is no capacity for one additional vehicle on street and I am not. Even given the evident parking problems in this area, I do not consider that refusal could be justified on parking grounds when the level of provision is just one space short of the Council's requirement.

It is proposed to provide 10% renewable energy through the provision of air source heat pumps which is considered acceptable, but further details of the specification of the units is required by condition. The removal of the 10m Leylandii conifer at the rear of the site does not cause me concern due to the species and its unneighbourly proximity close to the site boundary.

RECOMMENDATION

GRANT, subject to the conditions listed below and a unilateral undertaking to provide a contribution towards open space enhancement.

CONDITIONS

1 The development hereby permitted must be begun not later than the expiration of three years from the date of this permission. **REASON** :

To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing(s) (L001 submitted on 26 November 2010, L002A submitted on 10 November 2010), and specification contained therein, 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 Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.

3 Prior to commencement of the development hereby approved, details of a porous surface treatment for the drive and car park (or where a non-porous surface treatment is proposed, details of the provision to be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property), shall have been submitted to and approved by the District Planning Authority. The drive shall be constructed and surfaced, in full accordance with the approved details. **REASON :** To reduce surface water run-off and to ensure that the development does not increase the risk of flooding elsewhere, in accordance with Policy DP11 of the Warwick District Local Plan.

4 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 DP1 of the Warwick District Local Plan 1996-2011.

5 The development hereby permitted shall not be commenced unless and until a scheme showing how 10% of the predicted energy requirement of this development will be produced on site, or in the locality, from renewable energy resources, has been submitted to and approved in writing by the District Planning Authority. The development shall not be first occupied until all the works within this scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturers specifications. **REASON** : To ensure that adequate provision is made for the generation of energy from renewable energy resources in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011.

6 Prior to the occupation of the development hereby permitted, the first and second floor window(s) in the south-eastern side elevation shall be

permanently glazed with obscured glass to a degree sufficient to conceal or hide the features of all physical objects from view and shall be non-opening. The obscured glazed window(s) shall be retained and maintained in that condition at all times. **REASON** : To protect the privacy of users and occupiers of nearby properties and or the privacy of future users and occupiers of the development hereby permitted and to satisfy the requirements of Policy DP2 of the Warwick District Local Plan 1996-2011.

7 The area indicated on the plans hereby approved for vehicle parking and manoeuvring space shall at all times be kept free of obstruction and be available for those purposes. **REASON** : To ensure that adequate parking facilities are retained for use in connection with the development, in accordance with the requirements of Policy DP8 of the Warwick District Local Plan 1996-2011.

8 The car park hereby permitted shall be constructed, surfaced, laid out and available for use prior to the first occupation of the development hereby permitted, in full accordance with the approved plan. **REASON** : To ensure that adequate parking facilities are available, in accordance with the requirements of Policy DP8 of the Warwick District Local Plan 1996 - 2011.

INFORMATIVES

For the purposes of Article 22 of the Town and Country Planning (General Development Procedure) (England) (Amendment) Order 2003, the following reason(s) for the Council's decision are summarised below:

In the opinion of the District Planning Authority, the proposed development is of an acceptable standard of design and scale which would harmonise with the character of its surroundings and does not result in an unacceptable adverse impact on the amenity of nearby residents by reason of overbearing effect, loss of light or privacy. The level of car parking provision is considered to be such that any overspill parking would not be so significant that a refusal of consent is warranted. The proposal is therefore considered to comply with the policies listed.