**Planning Committee:** 12 October 2021 **Item Number: 7**

**Application No:** W 21 / 0675

**Registration Date:** 12/07/21
**Town/Parish Council:** Kenilworth **Expiry Date:** 06/09/21
**Case Officer:** Thomas Fojut
01926 456539 thomas.fojut@warwickdc.gov.uk

**Abbotsfield House, 43 High Street, Kenilworth, CV8 1LY**
Formation of new vehicular access to 43A High Street and erection 1.8m high ironwork fencing FOR 2C design consultants

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This application is being presented to Planning Committee as there have been more than 5 objections and Kenilworth Town Council also object to the proposal.

## RECOMMENDATION

Planning Committee is recommended to grant planning permission, subject to the conditions listed at the end of this report.

## DETAILS OF THE DEVELOPMENT

Formation of vehicular access to 43A High Street using existing curtilage of 43 High Street together with erection of proposed ironwork fencing between the driveways.

## THE SITE AND ITS LOCATION

Abbotsfield House is a three-storey detached dwelling located on the south side of High Street, Kenilworth. The property is also located within the Kenilworth Conservation Area. The existing vehicular access to the property is shared with the adjoining property at 43a. The application property is currently in the process of being converted from a commercial use to residential.

Dwellings within the street comprise of detached and terraced properties from various periods. Abbey Fields is located immediately south of the application property. The area of High Street where the application property is located is mainly residential with the east of the street comprising of a mixture of shops, offices and businesses.

## PLANNING HISTORY

W/20/1108 - Prior approval for proposed change of use of building from Office use (B1a) to a single dwelling (C3) under schedule 2, Part 3, Class O of the GPDO 2015 - Prior approval granted September 2020.

W/20/1587 - Proposed erection of single storey double garage to the front of the property, Single storey extension to the side of the property, Single storey extension to the rear of the property. Reconfiguration and additional windows to

suit internal layout. Landscaping scheme including replacement of front fence to stone wall, remodelling of car park to create single driveway and lawned gardens. Remodelling of walled tiered terraced gardens to accommodate a swimming pool and gardens - Permission granted February 2021.

## RELEVANT POLICIES

- National Planning Policy Framework
- The Current Local Plan
- BE1 - Layout and Design
- BE3 - Amenity
- HE1 - Protection of Statutory Heritage Assets
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- TR1 - Access and Choice
- Guidance Documents
- Residential Design Guide (Supplementary Planning Document- May 2018)
- Parking Standards (Supplementary Planning Document)
- Kenilworth Neighbourhood Plan
- Parking Standards
- General Design Principles

## SUMMARY OF REPRESENTATIONS

**Kenilworth Town Council -** Object to the proposal as it is considered to have a detrimental impact on pedestrians, street parking and the streetscene and would also create a precedent in a sensitive area. Proposals are also considered to be contrary to Policy KP13 of the Kenilworth Neighbourhood Plan.

**WCC Highways** - No objection, subject to public highway footway condition.

**Conservation and Design -** No objection. Recommend a pre-commencement condition for large scale details of the proposed railings.

**Tree Officer -** Recommends that prior to the erection of the boundary fence to divide the access an arboricultural method statement in accordance with BS 5837:2012, shall be submitted to and approved in writing by the Local Planning Authority for the protection of the retained copper beech tree.

**Public Response** - 6 neighbour objections based on the following grounds:

- Parking already at a premium and proposals would make parking more difficult.
- Loss of parking for residents and visitors to the area/widening access at the expense of permit holders and visitors.
- Change in appearance to the street/out of keeping with streetscene, sets a precedence for other properties to do the same
- Only available parking for residents is on-street.
- Removal of existing spaces would increase parking problems and increase traffic and safety issues.

- Proposed driveway not necessary as existing driveway is adequate, loss of spaces completely unacceptable.

## ASSESSMENT

The main issues relevant to the consideration of this application are as follows:

- Design and impact on the character and appearance of the area and streetscene, including the character and appearance of the conservation area
- Impact on the amenity of neighbouring uses
- Ecology
- Parking and Highway Safety

Design of the proposed extension and impact on the character of the area and street scene, including the character and appearance of the Conservation Area

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a duty when exercising planning functions to pay special attention to the desirability of preserving or enhancing the character of a conservation area. Paragraph 193 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 195 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 Warwick District Local Plan states that development will not be permitted if it would lead to substantial harm to or total loss of the significance of a designated heritage asset, unless it is demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh the harm or loss, or if criteria listed within the policy have been satisfied. Where development would lead to less than substantial harm to the significance of a designated heritage asset, this harm will be weighed against the public benefits of the proposal, including securing its optimum viable use.

Policy BE1 of the Warwick District Local Plan 2011-2029 states that development will only be permitted which positively contributes to the character and quality of its environment through good layout and design.

The Conservation Officer has raised no objection to the proposal subject to a pre-commencement condition for large scale details of the proposed railings.

It is considered that the proposals are in keeping with the character and appearance of the application property and conservation area and in accordance with the NPPF and Local Plan Policies HE1 and BE1 and the corresponding policies in the Neighbourhood Plan.

Impact on the amenity of neighbouring uses

Local Plan Policy BE3 requires all development to have an acceptable impact on the amenity of all neighbouring residents.

6 neighbour objections have been received raising concerns about the loss of parking and the resultant impact on residential amenity:

- Parking already at a premium and proposals would make parking more difficult.
- Loss of parking for residents and visitors to the area/widening access at the expense of permit holders and visitors.
- Removal of existing spaces would increase parking problems and increase traffic and safety issues.
- Proposed driveway not necessary as existing driveway is adequate, loss of spaces completely unacceptable.

Additionally, Kenilworth Town Council have objected to the proposals as they consider the scheme to have a detrimental impact on pedestrians, street parking and the streetscene and would also create a precedent in a sensitive area.

The objection comments are noted; however, it is considered that the limited loss of on-street parking attributable to the width of the access point would not result in material harm to the living conditions of local residents by reason of parking stress such as to warrant a refusal of planning permission in this case.

The proposal is therefore considered to comply with Warwick District Local Plan Policy BE3.

Ecology

Awaiting comments. These will be presented in the update report ahead of the meeting.

Tree Officer

The Tree Officer has recommended a method statement is included for the erection of the fence. They have also recommended that prior to the erection of the boundary fence to divide the access, an Arboricultural Method Statement in accordance with BS 5837:2012, is submitted to and approved for the protection of the retained copper beech tree.

Parking and Highway Safety

The Highways Department at Warwickshire County Council have no objection to the proposals subject to a public highway footway condition being added to any approval granted and therefore the impact on highway safety is considered acceptable and the proposal accords with Policies TR1 and TR3.

**Summary**

The development proposals are considered to be in keeping with the character and appearance of the property and the surrounding Conservation Area. In addition, the proposals are not considered to present a harmful impact upon the amenity of the neighbouring properties in relation to parking stress. The proposals are alo considered to have an acceptable impact on highway safety. The proposals are in

accordance with the aforementioned policies and therefore recommended for approval, subject to conditions.

**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 site location plan and approved drawing(s) 2CD02014-AEND and specification contained therein, submitted on 12th July 2021 and approved drawing 2CD02014 /13 and specification contained therein, submitted on 12th April 2021. **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 No development shall be carried out above slab level unless and until large scale details of the fence at a scale of 1:5 (including details of materials) have been submitted to and approved by the Local Planning Authority. The development shall not be carried out otherwise than in strict accordance with such approved details. **Reason:** To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy HE1 of the Warwick District Local Plan 2011-2029.

4 The access to the site for vehicles shall not be used unless a public highway footway crossing has been laid out and constructed in accordance with the standard specification of the Highway Authority. **Reason:** In the interests of highway safety and to comply with Policy TR1 of the Warwick District Local Plan 2011-2029.

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