

Planning Committee: 03 May 2005

Principal Item Number: 19

Application No: W 04 / 0006

Registration Date: 09/01/2004

Town/Parish Council: Warwick

Expiry Date: 05/03/2004

Case Officer: Will Charlton

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Willowcroft, 16 Stratford Road, Warwick, CV346RA

Demolition of existing bungalow and erection of 2 detached dwellings and new access FOR Mr Griffin

SUMMARY OF REPRESENTATIONS

Original Scheme (Three dwellings) :

Town Council: Comment that "*The Council express concern regarding access to the Stratford Road and consider that effective sight lines are required to enable vehicles to enter the Stratford Road.*"

Highway Authority (WCC): No objection subject to standard access conditions including visibility splays, gradient and width.

Environment Agency: Objected as the property is within the floodplain and no Flood Risk Assessment has been undertaken. The proposal would result in an increase in ground coverage and residential units and would increase the number of residences at risk.

Ecology (WCC): Request a bat survey to be undertaken and notes regarding birds.

Neighbours: The neighbouring property (Fishers Brook) commented that there should be minimum disturbance to trees, that the new entrance should be developed first, details of fencing and landscaping adjacent entrance are required and that a new foul sewage pipe should be provided. It is considered that the proposal would result in a loss of amenity due to overlooking and during construction works which would affect the value of the property. Aylesford School consider an additional access from the Stratford Road is undesirable, as is the erection of dwellings which could lead to overlooking of the school and its grounds. Playbox Theatre are considering an access onto the Stratford Road and therefore the proposal would jeopardise any future application.

Amended Scheme (Two Dwellings) :

Town Council: Object stating that "*The Town Council seeks reassurance that development will not lead to a greater flood risk in the area and that the development will meet the requirements of the Highway Authority.*"

Environment Agency: The Environment Agency have verbally informed the Council that they have no objection to the amended application, which has been accompanied by a Flood Risk Assessment, subject to conditions regarding the house floor and walkway levels, no raising of ground levels, the submission/approval of a sustainable drainage scheme and that the scheme should not be constructed so that the capacity of any drain is restricted.

Neighbours: Aylesford School sent a copy of their previous letter.

RELEVANT POLICIES

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

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

(LW) ENV1 - The Town Approaches (Warwick District Local Plan 1995)

KEY ISSUES

The Site and its Location

The application property comprises an extended low level rendered bungalow set behind a high fence adjacent to the Stratford Road to the south of Warwick. The site bounds with one larger dormer bungalow to the north and Aylesford School (Playbox Theatre) to the west and south. The current property itself has a relatively limited impact upon the street scene, although the existing high boundary fence is prominent when viewed along the Stratford Road.

Details of the Development

The original planning application received was for the erection of three two-storey detached dwellings. During discussions regarding the potential flooding of the site, the number of units has been reduced, so that the total ground area occupied is the same as the current property, thereby not reducing flood storage capacity. Many discussions have taken place during the processing of the application between the applicants, District Engineers and the Environment Agency, regarding a flood escape route, ground and floor levels in order to reach the current scheme. It is now proposed to provide the houses with floor levels 300mm above flood level (49.20m) and with a decked flood escape/access route 50mm above.

Assessment

The erection of two dwellings on the site following the demolition of the bungalow, is considered to be in line with Government policy regarding the best use of land and the Council's policy regarding infill development within towns. The area of land generally around the site is being developed for housing and business uses (South West Warwick) and the proposed site is located at the southern end of the current main housing area along the Stratford Road. The dwellings would be spaced well apart, with a separation distance of 5 metres and 2 metres off the site boundaries, therefore retaining a relatively open site and the character of the streetscene. It is not considered that the proposed dwellings would be out of character and the removal of the high fencing would generally improve the street scene. As such it is considered that the proposal would comply with policies (DW) ENV3 and (LW) ENV1 of the Local Plan.

The scheme has been amended since originally submitted and a full survey of the site undertaken, together with a Flood Risk Assessment, in line with the requirements of PPG25 (Development and Flood Risk). This justifies the development, its impact upon the floodplain and the requirement for raised floor levels and the flood escape route. As part of this assessment, it was concluded

that the flood level was 49.20m, which then determines the floor levels, which are proposed at 49.50m, and the safe flood access level at 49.25m. All of these levels, together with the access route to a high point in the road have been accepted by the District Engineers and the Environment Agency. It is therefore considered that the scheme, as amended, now meets the requirements of PPG25 and the Environment Agency, details of which are also agreed by the Council's own Engineers.

It is considered that, although two-storey in height, the proposed dwellings, which propose first floor bedroom and bathroom windows to the rear, would not result in a loss of amenity or create overlooking to the school and the adjoining dwelling (which has a large garage adjacent) to such a level as to warrant refusal. Notwithstanding the details on the plans, it is proposed to condition that no window is inserted in the northern elevation of Plot 1 in order to further protect the amenities of the neighbouring property.

Whilst accepting that the scheme would create an additional access to two dwellings, the existing access, which provides joint access to the application site and the neighbour would only be retained for the neighbouring property. The Highways Authority have considered the scheme and accepted that three dwellings on the site, using the same access point as proposed for the two dwellings was acceptable, subject to standard conditions regarding its construction. Although the Playbox Theatre objects to this access, as it could compromise their possible future proposals, planning permission cannot be refused on such a reason.

It is proposed to condition any permission so that various details are submitted and approved, including landscaping (including the retention of trees), boundary treatment and details of the flood escape decking. It is also proposed to remove permitted development rights to build additions/outbuilding in order to protect the floodplain in the future.

REASON FOR RECOMMENDATION

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

RECOMMENDATION

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 The development hereby permitted shall be carried out in accordance with the details shown on the approved drawings 03/086 15A, 16A and 17A, and specification contained therein, submitted on 21 January except as required by conditions 3 and 4 below and 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 No development shall be carried out on the site which is the subject of this permission, until a section through the site from north to south, including both plots, the flood escape decking and the site boundaries has 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.
- 4 Notwithstanding the first floor side window shown in the northern side elevation of Plot 1 on the approved floor and elevational plans no window shall be provided in that elevation. **REASON** : To protect the amenities of adjoining occupiers in accordance with the requirements of Policy ENV3 of the Warwick District Local Plan.
- 5 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.
- 6 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.
- 7 No development shall be carried out on the site which is the subject of this permission, until satisfactory details of the escape decking (including hand rail) and boundary treatment have been submitted to and approved by the District Planning Authority and the development shall not be carried out otherwise than in full accordance with such 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.

- 8 The development shall not be commenced until visibility splays have been provided to the vehicular access to the site with an 'x' distance of 2.4 metres and 'y' distances of 90 metres to the near edge of the public highway carriageway. No structure, erection, tree or shrub exceeding 0.6 metres in height above the adjoining highway carriageway shall be placed, allowed to grow or be maintained within the visibility splays so defined. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy ENV3 of the Warwick District Local Plan.
- 9 The development shall not be commenced until an access for vehicles has been provided to the site not less than 5.0 metres or greater than 5.0 metres in width at any point, as measured from the near edge of the public highway carriageway. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy ENV3 of the Warwick District Local Plan.
- 10 The vehicular access to the site shall not be used in connection with the development until it has been surfaced with a bound macadam material for a distance of 10.0 metres as measured from the near edge of the public highway carriageway in accordance with details to be approved in writing by the Local Planning Authority. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy ENV3 of the Warwick District Local Plan.
- 11 The gradient of the vehicular access shall not be steeper at any point than 1 in 10 at any point. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy ENV3 of the Warwick District Local Plan.
- 12 The development hereby permitted shall not be brought into use unless there is available vehicular turning space within the site so that vehicles are able to enter and leave the public highway in a forward gear. Such area shall thereafter be kept available for that purpose. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy ENV3 of the Warwick District Local Plan.
- 13 Gates provided at the entrance to the site for vehicles shall not be hung so as to open to within 8.0 metres of the near edge of the public highway carriageway. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy ENV3 of the Warwick District Local Plan.
- 14 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 situated within the floodplain of Fishers Brook. 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.

- 15 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 windows other than those expressly authorised by this permission, shall be placed at any time in the northern side elevation of the dwelling occupying Plot 1 as depicted on the Site Plan (Dwg No 03/086 A). **REASON** : To retain control over future development so that the residential amenity of adjoining occupiers is protected.
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