

Planning Committee: 03 March 2015

Item Number: 12

Application No: [W 15 / 0117](#)

Town/Parish Council: Warwick

Case Officer:

Liam D'Onofrio

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Registration Date: 28/01/15

Expiry Date: 25/03/15

Nexus House, 10 Coten End, Warwick, CV34 4NP

Demolition of existing out building and the erection of a two storey dwelling FOR
Mr Jhita

This application is being presented to Committee due to the number of objections received.

RECOMMENDATION

Planning Committee are recommended to grant planning permission, subject to conditions.

DETAILS OF THE DEVELOPMENT

Planning permission is sought for the demolition of existing out-buildings and the erection of a two-storey, one-bedroom dwellinghouse. The dwelling will have integral parking for one vehicle, a bedroom, bathroom and hallway at ground floor and open plan living-room/kitchen at first floor with access onto a balcony. The building will be individually designed with a mono-pitch roof, brickwork and timber cladding.

A new store will link the rear of the shop to the proposed dwelling with separate pedestrian access from Bartlett Drive. This provides a new storage area for the retail unit fronting Coten End, replacing the existing outbuildings to the rear on the application site.

This proposal is accompanied by a Design and Access Statement and a bat report.

THE SITE AND ITS LOCATION

The application site relates to single storey outbuildings located to the rear of 10 Coten End, which is a two-storey building with a ground floor retail unit. The site is bounded on three sides by Bartlett Close, a private road, which serves several dwellinghouses. The site is within the built up area of Warwick, close to the Town Centre. It falls outside of the conservation area and is just outside flood zone 2/3.

PLANNING HISTORY

W/14/1218 Erection of two-storey dwellinghouse: Withdrawn 06/10/14

W/12/1228 Erection of 2-storey building containing 2 No. 2-bedroom flats:
Refused 07/01/13 on the grounds of design, access and to the absence of a bat survey.

Extension to shop approved in 1973. Change of use of first floor to offices approved in 1978. Conversion to one 1-bed and one 3-bed flats, with retention of shop, approved in 2009 (W09/1036).

RELEVANT POLICIES

- National Planning Policy Framework

The Current Local Plan

- DP1 - Layout and Design (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)
- DP4 - Archaeology (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
- DAP3 - Protecting Nature Conservation and Geology (Warwick District Local Plan 1996 - 2011)
- UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)

The Emerging Local Plan

- BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- H1 - Directing New Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
- HE3 - Control of Advertisements in Conservation Areas (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

Guidance Documents

- Open Space (Supplementary Planning Document - June 2009)
- Distance Separation (Supplementary Planning Guidance)
- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- Vehicle Parking Standards (Supplementary Planning Document)
- Sustainable Buildings (Supplementary Planning Document - December 2008)

SUMMARY OF REPRESENTATIONS

Warwick Town Council: No response received to date.

WCC Ecology: No objection.

WCC Highways: No objection.

WCC Archaeology: No objection, subject to conditions.

WDC Waste: No objection.

Public response:

There have been six objections raising the following concerns:

- Existing parking problems including this unrestricted road being used by shoppers/workers for parking.
- The garage access would reduce one parking space.
- Cars will emerge close to a bend, which is highly dangerous.
- Loss of light and privacy.
- The demolition of historic brickwork, which is detrimental to character of the site.
- The impact upon a tree/wildlife.
- The significant archaeological potential within the area.

Cllr Angela Warner (WCC) has raised the following concerns:

- Loss of light.
- The land is amenity space which should be equally shared between residents for parking.

ASSESSMENT

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

- The principle of the development;
- The impact on the Character and Appearance of the Area;
- The impact on the living conditions of nearby dwellings;
- Car Parking and Highway Safety;
- Ecology/landscaping;
- Health and Wellbeing.

The Principle of the Development

Policy UAP1 states that residential development will be permitted on previously developed land and buildings within the confines of the urban area. However, the National Planning Policy Framework (NPPF) 2012 states (para.49) that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites against their housing requirement. In terms of the most recent evidence of housing need, the Council cannot demonstrate a five year supply. Accordingly, only limited weight can be afforded to Policy UAP1, and in these circumstances the NPPF requires applications to be considered in the context of the presumption in favour of sustainable development. This states at paragraph

14 that where the development plan policies are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF.

The scheme will contribute towards helping the Council meet its five year requirement, will result in the more efficient use of urban land, and is located in a sustainable location with good access to services and public transport links. No further adverse impacts are considered to be raised, as considered below.

The impact on the Character and Appearance of the Area

The previous scheme submitted under W/14/1218, which was subsequently withdrawn, introduced a flat roofed rendered building, which was not considered to provide a sympathetic design solution. The current scheme has improved the design with a shallow mono-pitch roof and brick finish and timber cladding providing a vertical emphasis to fenestration. It will be important to condition external facing materials, including the balcony balustrade detail to ensure it is visually acceptable and provides an appropriate design solution.

The dwelling will sit largely on its own surrounded by highway on three sides and a more innovative design is therefore necessary. The proposed dwelling will be well-proportioned with appropriate bulk and mass and is considered to sit appropriately within the streetscene, replacing existing dilapidated out-buildings that provide no visual merit. The new link between the proposed dwellinghouse and No.10 Coten End raises no design issues.

Although there are views into Bartlett Close from the adjacent Coten End conservation area the dwelling is set well-back from this streetscene with only limited views of the site glimpsed between buildings. The scheme is not considered to harm the character or setting of the conservation area.

The impact on the living conditions of nearby dwellings

The proposed building exceeds necessary separation distances in terms of built form to surrounding bungalows located to the southwest and south. The separation distance between the proposed dwelling and No.1 Bartlett Close (a two-storey property) is some 10 metres, however this is at the lowest point of the proposed structure on the 4.4 metre high balcony section. The impact upon the outlook and amenity of this neighbour is not therefore considered to be so significant as to warrant refusal of the scheme.

The necessary window-to-window separation distances set in SPD are typically 20 metres, however this is extended to 27 metres where habitable rooms are proposed at first floor, as in this case, to maintain an acceptable level of privacy. The distance between the southwest (principle) elevation and properties on the opposite side of Bartlett Close is 18.6 metres, however the ground floor window relates to a non-habitable stairway, as does the first floor window directly above and the first floor dining-room window will be obscure glazed, avoiding any loss of privacy. The windows to the northeast (rear) elevation face onto a parking area and given the oblique view between windows no significant harm is considered. The balcony, typically a contentious feature, has been carefully

designed to avoid any overlooking potential. The cross-section illustrates a 2 metre high mesh to enclose the courtyard and avoid overlooking of neighbouring properties and gardens. A condition is suggested to gain greater details of this enclosure to ensure that it achieves an opaque screen.

In terms of the amenities of future residents the proposal is considered to provide a good quality residential environment commensurate to a one-bedroom unit. There is an outside balcony area for sitting out and the site is in close proximity to the Town's St Nicholas and Priory Parks.

Car Parking and Highway Safety

The Highway Authority have advised that as the proposed development is for a one-bedroom dwelling which would require one parking space, which has been provided. Concerns have been raised that the proposed development would reduce the level of parking available for existing residents however, the space fronting the proposed access is not a designated parking area. Further the proposed access into the parking space is only required to be 3 metres wide, which would reduce the notional space available for one vehicle to park. Any such loss of on street parking capacity is not considered to be detrimental to public highway safety or the amenities of nearby residents. As the site is located within the cul-de-sac Bartlett Close, the volume and speed of vehicles are likely to be low. Also, the proposed development is unlikely to increase the potential for vehicle conflict. The Highway Authority have therefore raised no objection, subject to the conditions.

Flood Risk

The site falls within flood zone 1 and as such no issues are raised in this regard.

Renewable Energy

The applicant has confirmed that the new dwelling will incorporate air source heat pumps and/or PV panels to produce 10% of the predicted energy requirement in accordance with Policy DP13. This can be secured by condition.

Ecological Impact

The Ecologist noted that externally the existing building offered numerous opportunities for bats and a pre-determinative bat survey was requested under W/14/1218. The bat survey has been submitted and no evidence of bats has been found internally. The potentially suitable points for bats were inspected and it was concluded by the bat worker that bats had not used these features and on closer inspection some were deemed unsuitable. The Ecologist has therefore raised no objection to the scheme. A bat/nesting bird note is suggested.

The strip of land to the south of the site is a mix of hardstanding and shrubs and has a conifer tree. Although this tree has no particular merit the applicant has specified that it will be retained and tree protection measures are therefore suggested to avoid its unnecessary loss.

Health and Wellbeing

N/A

Other Matters

WCC Archaeology have stated that the proposed development lies within an area of significant archaeological potential, within the probable extent of the eastern suburb of medieval Warwick (Warwickshire Historic Environment Record MWA 7050). There is therefore a potential for the proposed development to disturb archaeological deposits, for example structural remains, boundary features and rubbish pits, associated with the occupation of Warwick during the medieval and later periods. Whilst the Archaeologist raises no objection to the principle of development a condition is suggested to secure archaeological work should the application be granted.

SUMMARY/CONCLUSION

In the opinion of the Local Planning Authority, the development is acceptable in principle and will provide an acceptable design solution that does not adversely affect the amenity of the streetscene, nearby residents or highway safety. The proposal is therefore considered to comply with the policies listed.

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) 0505-A0502-D, and specification contained therein, submitted on 28/01/15. **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 The development hereby permitted shall not be commenced unless and until a scheme showing how either a). at least 10% of the predicted energy requirement of the development will be produced on or near to the site from renewable energy resources, or b). a scheme showing how at least 10% of the energy demand of the development and its CO² emissions would be reduced through the initial construction methods and materials has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until all the works within the approved scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications. **REASON:** To ensure that adequate provision is made for the generation of energy from renewable energy resources or to achieve carbon savings in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011.

- 4 The development shall be carried out only in full accordance with sample details of the facing and roofing materials, which shall have been submitted to and approved in writing by the local planning authority. **REASON:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy DP1 of the Warwick District Local Plan 1996-2011.
- 5 Notwithstanding approved plans the balcony hereby permitted shall not be used unless and until the privacy screen(s) have been installed in full accordance with 1:10 large scale details, to be submitted to and approved in writing by the local planning authority. Once installed such screens shall not be removed or altered in any way. **REASON:** In the interests of the visual amenities and natural environment of the locality in accordance with Policies DP3 of the Warwick District Local Plan 1996-2011.
- 6 No part of the development hereby permitted shall be commenced (including demolition) until a scheme for the protection of the existing tree to be retained adjoining the site has been submitted to and approved in writing by the Local Planning Authority and has been put in place. The scheme must include details of the erection of stout protective fencing and be in accordance with British Standard BS5837:2012, Trees in Relation to design, demolition and construction. Nothing shall be stored or placed in those areas fenced in accordance with this condition and nor shall the ground levels be altered or any excavation take place without the prior consent in writing of the Local Planning Authority. The approved scheme shall be kept in place until all parts of the development have been completed and all equipment, machinery and surplus materials have been removed. **REASON:** In order to protect and preserve an existing tree adjacent to the site which is of amenity value in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011.
- 7 No development shall take place within the application site, unless and until a programme of archaeological works and investigations has been secured and initiated in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority. **REASON:** In order to ensure any remains of archaeological importance, which help to increase our understanding of the Districts historical development are recorded, preserved and protected were applicable, before development commences in accordance with Policy DP4 of the Warwick District Local Plan 1996-2011.
- 8 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 further windows or openings (apart from any shown on the approved drawings) shall be formed in the dwellinghouse hereby approved without the

written approval of the local planning authority and if any additional windows are subsequently approved they shall only be glazed or re-glazed in accordance with such approved details and any opening part of any window shall be at least 1.7m above the floor of any room in which the window is installed. **REASON:** To ensure the amenities of adjoining properties are not detrimentally affected through overlooking or loss of privacy in accordance with Policy DP2 of the Warwick District Local Plan 1996-2011.

- 9 The development shall not be occupied unless and until the car parking and bin storage areas indicated on the approved drawings have been provided (including the surfacing of the access in a bound material) and thereafter those areas shall be kept available for such use at all times. **REASON:** To ensure adequate off-street car parking and servicing facilities in the interests of both highway safety and visual amenity in accordance with Policies DP1, DP2 & DP8 of the Warwick District Local Plan 1996-2011.
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