

Planning Committee:

Item Number: 13

Application No: [W/14/1198](#)

Town/Parish Council: Warwick
Case Officer: Emma Spandley
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Registration Date: 06/08/14
Expiry Date: 01/10/14

2 Gerrard Street, Warwick, CV34 4HD

Erection of 2no. 3 bed dwellings with associated car parking and external works after demolition of part of existing boundary wall fronting Gerrard Street. FOR Mr & Mrs Middlebrook

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

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

The application proposes to erect 2no. 2 and half storey dwellings.

THE SITE AND ITS LOCATION

The application site is located on the south-western side, and towards the northern end, of Gerrard Street, within the historic centre of Warwick. The whole of Gerrard Street, along with the immediate surrounding area, is within the Warwick Conservation Area. There are a significant number of listed buildings in Gerrard Street and the immediate surrounding area.

Gerrard Street is a narrow one way road and there is no pavement along the side of the street along which the application site is located.

The building which previously occupied the site has been demolished and the site has become overgrown. The site is set approximately 1.5 metres higher than the adjacent highway and the front boundary with Gerrard Street is defined by a stone retaining wall which is approximately 1 metre high.

The application site is surrounded by Listed Buildings on all sides. A pair of timber framed 16th Century Grade II Listed Buildings (nos. 4 & 6 Gerrard Street) lie adjacent to the site to the south-east. These buildings stand on a tall stone plinth such that their ground floor is level with the existing ground level of the application site.

The buildings on the corner of Smith Street and Gerrard Street bound the site to the north-west. These are No.12 & 14 Smith Street and are also Grade II Listed dating from the 17th and 18th Centuries. These properties front onto Smith Street with a side elevation to Gerrard Street. The rear elevations of these properties face the appeal site.

No.10 Smith Street rear garden borders the application site boundary to the south-west.

PLANNING HISTORY

Planning permission was granted for the use of the previous building on the application site as a workshop in 1949 (Ref.1990).

An application for the redevelopment of the application site for offices was refused in 1969 on grounds of overdevelopment and highway safety (Ref.4095A).

In 1987 two separate planning applications were submitted relating to a change of use of the building on the application site to a dance studio (Refs. W/87/0495 & W/87/0763). Both applications were refused on grounds of disturbance to adjoining residents and highway safety.

In 2001 Conservation Area Consent was approved for the demolition of the building on the site.

In 2001 two planning applications were submitted for the erection of two dwellings on the site (refs W/01/0108 & W/01/1231). W/01/0108 was withdrawn and W/01/1231 was refused due to the impact on the conservation area and the impact on neighbouring properties. This application was subsequently dismissed at appeal.

The Inspector made the following points:-

- The removal of the entire wall and embankment would have a severe impact on the setting of the adjacent cottages at 4-6 Gerrard Street.
- The elevated position of the adjacent cottages and the topography of the site make an important contribution to the setting of the Listed Building and it is important that the timber gable end wall of No.4 is clearly visible within the Conservation Area.
- The principle of three storey residential development on the site is acceptable, however, the houses need to be set back from the road to form its own distinct group.

In 2003 planning permission was sought for the erection of 2no. two and half storey dwellings after the demolition of the existing workshop. This application was refused due to the adverse impact on the Conservation Area and street scene by reason of design and siting of the dwellings (Ref. W/03/1112).

In 2004, 2 applications were submitted for the site, one for the partial demolition of the boundary wall (Ref. W/04/0921/CA) and one for the erection of a three storey detached dwelling. Both applications were withdrawn.

In 2005, 2 applications were submitted for the site, one for the partial demolition of the boundary wall (Ref. W/05/1162/CA) which was approved, and one for the erection of a detached house, which also was approved (Ref. W/05/1161). This scheme was never implemented.

In 2008, 2 applications were submitted for the site, one for the partial demolition of the boundary wall (Ref. W/08/0941/CA) which was approved, and one for the erection of a detached house, which also was approved. (Ref. W/08/0940). This scheme also was never implemented.

A previous application earlier this year was submitted for the erection of 2 houses on the site (W/14/0762) which was withdrawn.

RELEVANT POLICIES

The Current Local Plan

- UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
- DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (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)
- DP4 - Archaeology (Warwick District Local Plan 1996 - 2011)
- SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)

The Emerging Local Plan

- DS5 - Presumption in Favour of Sustainable Development (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- H0 - Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
- H1 - Directing New Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
- HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- 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)
- TR1 - Access and Choice (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- CC2 - Planning for Renewable Energy and Low Carbon Generation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HE6 - Archaeology (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

- HS4 - Improvements to Open Space, Sport and Recreation Facilities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

Guidance Documents

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

SUMMARY OF REPRESENTATIONS

Warwick Town Council: Object, for the following reason: "Planning permission for the erection of a single detached home on this site has already been granted, following applications seeking to develop the site with two, 3 bedroom dwellings, which have previously been refused. The Town Council consider that the current application would represent an overdevelopment of the site and that the mass of the development would be incongruous and not positively enhance the street scene and the character of the surrounding area, and will impact adversely on the amenity of the area. Vehicles seeking to park or be garaged on the site would cause an obstruction to vehicles travelling in Gerrard Street and would not be able to both leave and enter the site in a forward gear. The amenity areas to the two houses would be extremely limited and offer little garden use to residents".

WCC Archaeology: No objection, subject to a condition.

WCC Highways: No objection.

Waste Management: No objection provided the sufficient space can be provided to accommodate refuse storage.

Public Response: 3 objections have been received on grounds of excavation of the site; loss of views; inadequate waste storage, inadequate parking; loss of light; overdevelopment; harm to the setting of the Conservation Area; overlooking and loss of privacy; removal of the wall will harm the Conservation Area.

ASSESSMENT

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

- The principle of the development
- Impact on the character and appearance of the Conservation Area
- Impact on neighbouring properties
- Impact on highway safety & parking
- Renewables
- Health and Wellbeing

The Principle of the Development

Planning permission was granted in 2005 & 2008 for the erection of a detached dwelling and the removal of a small section of the brick wall. While these applications have now expired, there has been no material change in the policy context in which these applications were approved. The 2008 application was assessed against the policies contained within the Warwick District Local Plan 1996 - 2011.

Policy UAP1 of the Warwick District Local Plan 1996-2011 states that residential development will be permitted on previously developed land and buildings within the confines of the urban areas. The proposal accords with this and is acceptable in principle.

The impact on the Character and Appearance of the Area

The principal issues raised by the Inspector at the Appeal in 2002 in respect of the Conservation Area and the setting of the listed buildings were: The complete removal of the stone boundary wall and embankment would severely impact on the setting of the cottages; the gable end of the adjoining cottage at no.4 Gerrard Street should not be largely obscured; there should be a visual break rather than giving the impression of a more continuous development.

The comments of the Town Council and residents are noted, however, the Inspector's decision in the 2002 appeal did not rule out two dwellings on the site, and only mentioned that the building should not come right up to the road and lead to the removal of the embankment and wall and that it should not be as tall as the neighbouring property and should not obscure the side gable of No.4.

The two proposed dwellings sit on a similar footprint as the two previous approved applications and therefore the siting of the building is considered to be acceptable. The proposed dwellings will retain the existing views of the gable end of no.4 Gerrard Street and the difference in levels between the two parts retains the impression of varied blocks of building on this side of the road. The area to the front, behind the wall will be excavated, at the lower ground level, however at the ground level will have a grass mono pitched roof, which will resemble the existing grass bank.

The height of the proposed dwellings is also similar to the height of the previously approved dwelling under both the applications in 2005 and 2008. The stone wall is to remain, with only a small section removed to facilitate the garaging at ground floor for both of the dwellings.

It is considered, taking into account the previous permissions which granted permission for a large detached dwelling on a similar footprint and the partial removal of a section of the existing wall, that the current proposals will not have a detrimental impact on the setting and appearance of the Conservation Area and the neighbouring listed buildings. It is also noted that the Conservation Officer has not objected to the proposal.

The impact on the living conditions of nearby dwellings

The Council refused the 2001 application as it considered the increase in height by 0.5 metres would harm the living conditions of no.10 Smith Street. However, the Inspector concluded that the raising of the boundary wall at the rear of the site would not have an undue impact on no.10 Smith Street and that daylight levels to the properties would be no different from the existing situation. While it is acknowledged that the building has now been removed, as stated above, the previous permission in 2008, granted planning permission for a similar scale and size development, albeit for only one dwelling, however, this application was assessed against the same policy context and is therefore a material consideration. Due to the application not having a greater footprint or height than the previous approval it is considered that the proposal would not have an unacceptable harm on the living conditions of the neighbouring properties.

Car Parking and Highway Safety

The proposed two dwellings require 4 car parking spaces to be allocated within the site. Each space is required to be at least 3 metres wide by 4.8 metres long and a distance of 6 metres is required between the parking spaces and the wall opposite. The Highway Authority initially objected, however, the proposal has been amended to provide a widened access and a parking layout that accords with the criteria stated above. The objection has been withdrawn and the proposal is considered acceptable

Renewable Energy

The Sustainable Building Statement submitted with the application states that the properties will be installed with air source heat pumps and they will be located on the roof of the dwellings on a flat section of roof between two ridges. No details have been submitted, however this can be controlled by a suitably worded condition.

Health and Wellbeing

N/A

Other Matters

I note the comments raised from the neighbouring property at no.4 Gerrard Street regarding the protection of the building during construction works. A suitably worded condition will be imposed requiring that a construction method statement is submitted prior to any works starting on site.

No public open space is to be provided as part of the proposal. A scheme to provide enhancements to existing public open space will therefore be required. This can be secured by condition.

Waste management services have stated that the bin storage area is required to accommodate 2 x 55l recycling boxes (dimensions 0.585m w x 0.360m l) and 2 x 55l recycling bags (0.505m w x 0.390m l), plus 1 x 180l bin (0.505m w x

0.755m l) and 1 x 240l bin (0.580m w x 1100m l). Therefore the total length of space required is 3.4 metres, if each item is placed side by side. The total area of the proposed refuse area is 0.7m wide by 3.5 metres wide which is considered to be satisfactory.

SUMMARY / CONCLUSION

For the above reasons the proposal is considered to accord with the policies listed and is acceptable.

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 amended drawings 11 478/100; 11478/101 C; 11478/102A; 11478/103B; 11478/104A; 11478/105A; 11478/106A; 11478/107 & 11478/108 submitted on 31st October 2014 and specification contained therein. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1, DP2, DAP4 and DAP8 of the Warwick District Local Plan 1996-2011.
- 3 No development shall be carried out on the site which is the subject of this permission, until details of the method statement for the construction have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. **REASON:** To ensure the neighbouring Listed Building is protected and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011.
- 4 The development hereby permitted shall not commence 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 District's 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.
- 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 or near to the site, 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. Microgeneration equipment no longer needed for microgeneration shall be removed as soon as reasonably practicable.

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.

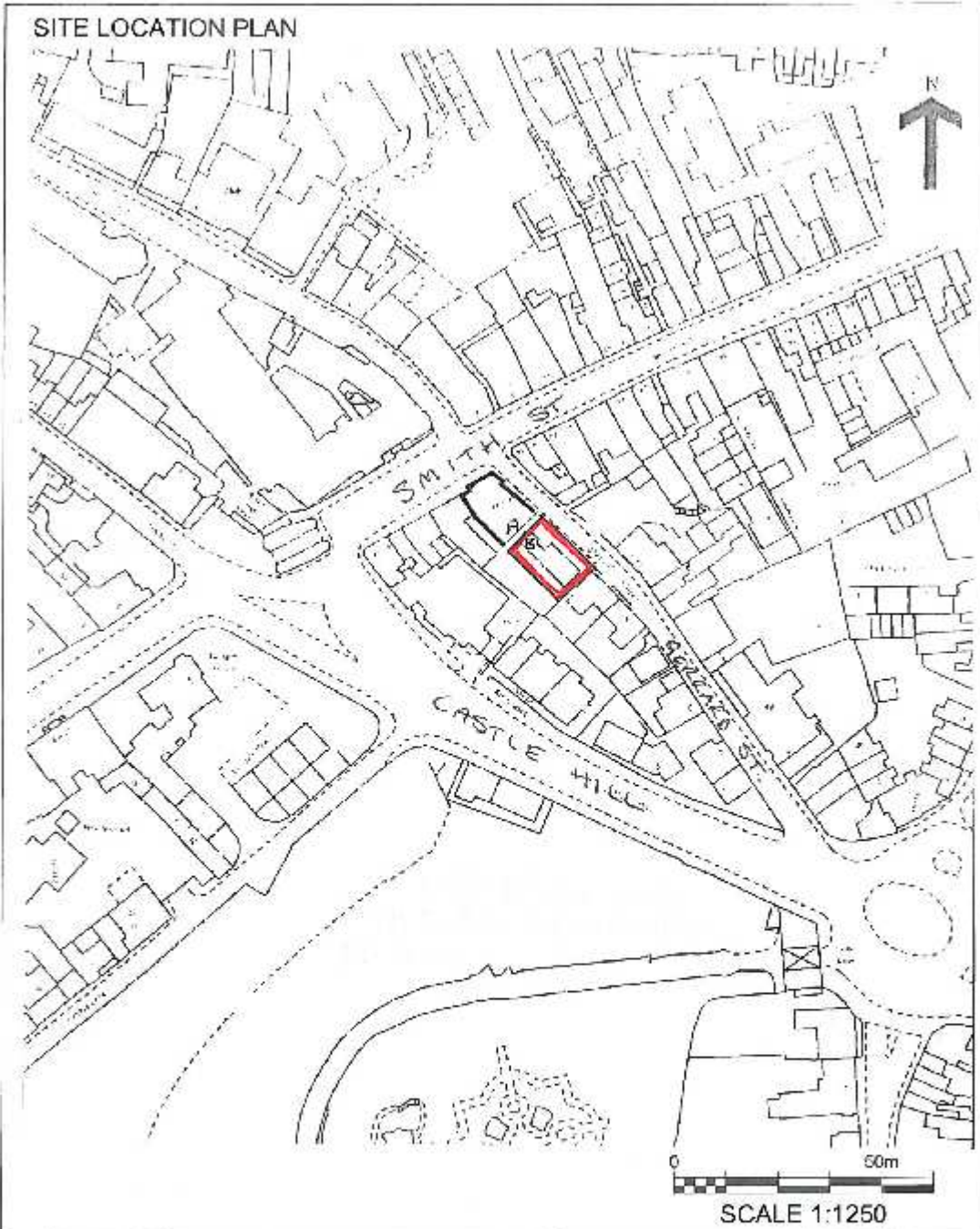
- 6 The development hereby permitted shall only be undertaken in strict accordance with details of both hard and soft landscaping works to include the details of the proposed green roof which have been submitted to and approved in writing by the local planning authority. Details of hard landscaping works shall include boundary treatment, including full details of the proposed boundary walls, railings and gates to be erected, specifying the colour of the railings and gates; footpaths; and hard surfacing, which shall be made of porous materials or provision shall be made to direct run-off water from the hard surface to a permeable or porous area. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of the dwellings hereby permitted; and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of similar size and species, unless the local planning authority gives written consent to any variation. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations. **REASON:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies DP1, DP2 and DP3 of the Warwick District Local Plan 1996-2011.
- 7 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.
- 8 No development shall be carried out on the site which is the subject of this permission, until large scale details of doors, windows (including a section showing the window reveal, heads and cill details), eaves, verges and rainwater goods 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 full accordance with such approved details. **REASON:** To ensure an appropriate standard of design and appearance within the Conservation

Area, and to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011.

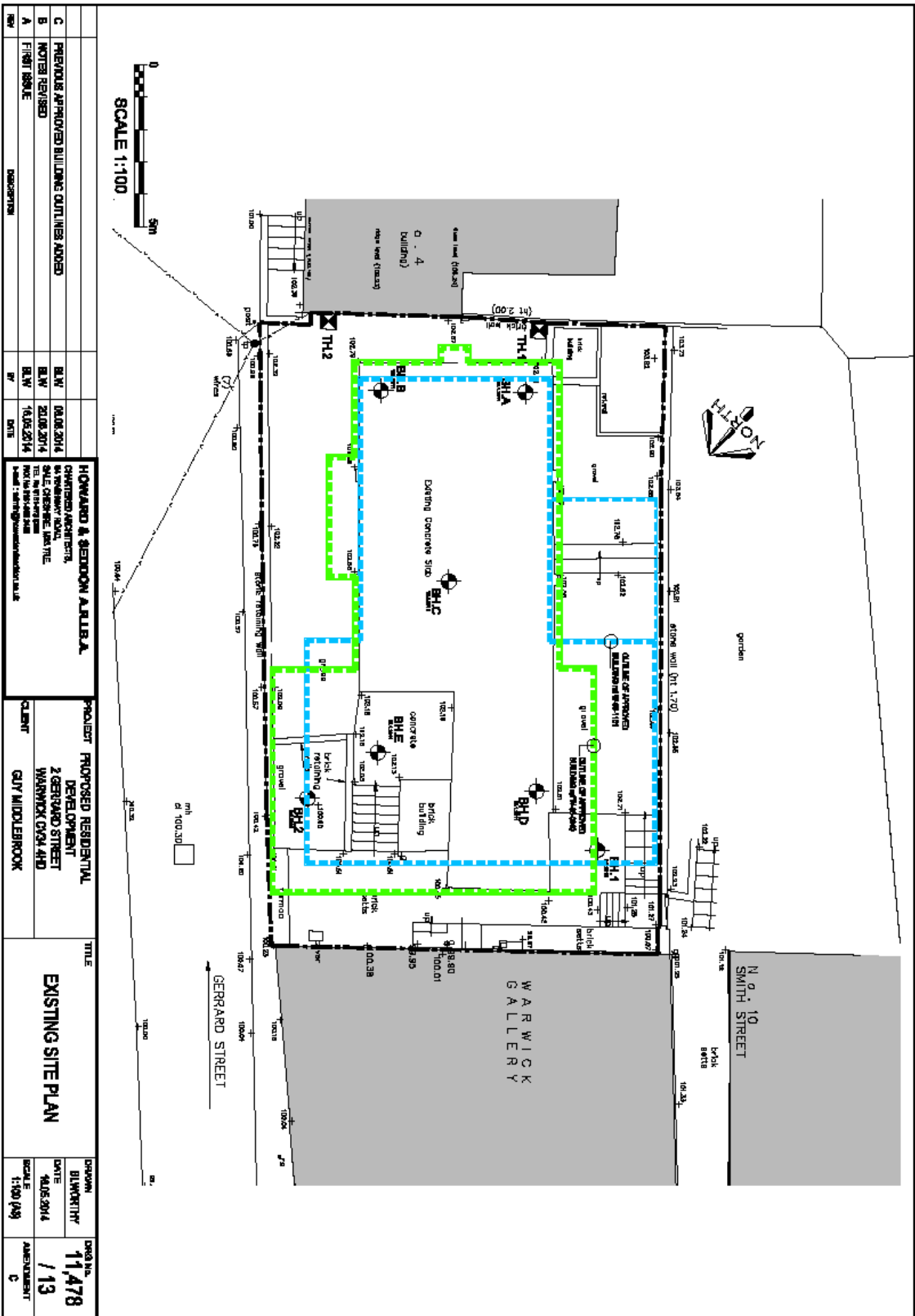
- 9 A landscape management plan, including long term management responsibilities and maintenance schedules for the green roof shall be submitted to and approved in writing by the local planning authority before the use of the development hereby permitted. The landscape management plan shall be implemented as soon as the approved landscaping is carried out and shall not be withdrawn or altered in any way without the prior written approval of the local planning authority. **REASON:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies DP1, DP2 and DP3 of the Warwick District Local Plan 1996-2011.
- 10 The development hereby permitted shall not commence unless and until details of the foundations and other sub-ground level works have been submitted to and approved in writing by the local planning authority and the development shall only be carried out in strict conformity with the details shown on these approved drawings or any subsequent amending documents. **REASON:** To ensure that any important and irreplaceable archaeological remains are not destroyed during the construction process in accordance with Policy DP4 of the Warwick District Local Plan 1996-2011.
- 12 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 development shall take place within the curtilage of any dwelling house hereby permitted without the prior written approval of the local planning authority. **REASON:** This site is of a restricted size and configuration and is in close proximity to other dwellings. It is therefore 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 Policies DP1, DP2 and DAP8 of the Warwick District Local Plan 1996-2011
- 13 The green roof hereby permitted shall remain in situ in perpetuity and shall not be removed or dug out. **REASON:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies DP1, DP2 and DP3 of the Warwick District Local Plan 1996-2011.
- 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 windows or openings (apart from any shown on the approved drawings) shall be formed in the rear facing elevation of the dwellings 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.

- 15 Gates/doors provided for the garage shall not open outwards towards the public highway. **REASON:** In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011.
- 16 All window and door frames shall be constructed in timber and shall be painted and not stained. **REASON:** To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011.
- 17 The roofing material for the development shall be natural slate.
REASON: To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011.
- 18 None of the dwellings hereby permitted shall be occupied until the car parking spaces to be provided have been completed and marked out in accordance with the approved details and made available for use by the occupants and thereafter those spaces shall be retained for parking purposes. **REASON:** To ensure adequate parking provision within the development in the interests of the amenities of the locality and highway safety in accordance with Policies DP1, DP2 & DP8 of the Warwick District Local Plan 1996-2011.
- 19 The development hereby permitted shall not be occupied unless and until the external refuse storage areas for the development have been constructed or laid out, and made available for use by the occupants of the development and thereafter those areas shall be kept free of obstruction and be available at all times for the storage of refuse associated with the development. **REASON:** To ensure the satisfactory provision of refuse storage facilities in the interests of amenity and the satisfactory development of the site in accordance with Policy DP1 of the Warwick District Local Plan 1996-2011.



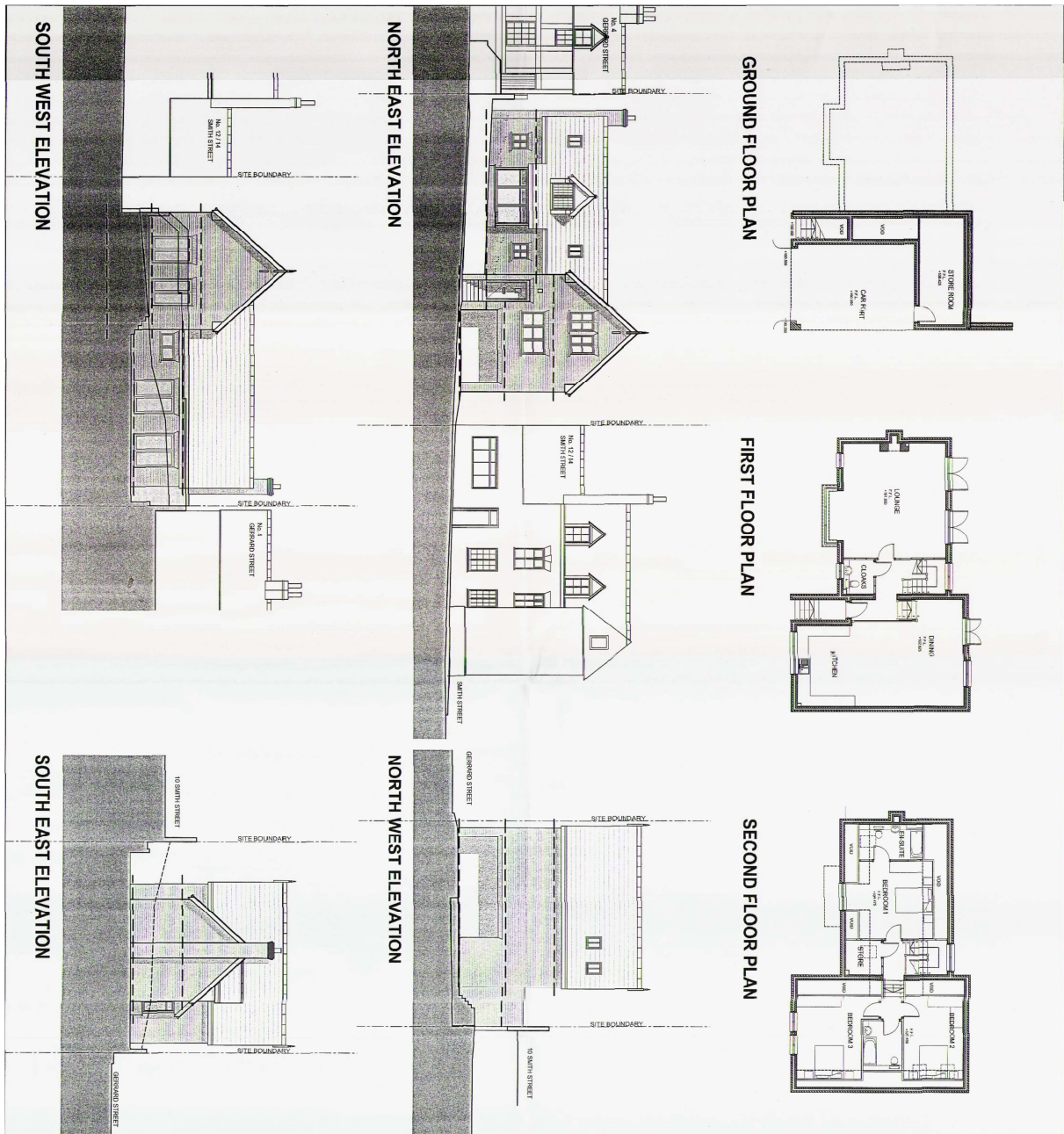
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REV	DESCRIPTION	BY	DATE
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CLIENT		GUY MIDDLEBROOK	SCALE 1250 (A1) AMENDMENT A



REV	DESCRIPTION	DATE	BY	CHKD
A	FINAL ISSUE	16.06.2014	ELW	DNIS
B	NOTES REVISION	20.06.2014	ELW	DNIS
C	PREVIOUS APPROVED BUILDING OUTLINES ADDED	04.06.2014	ELW	DNIS

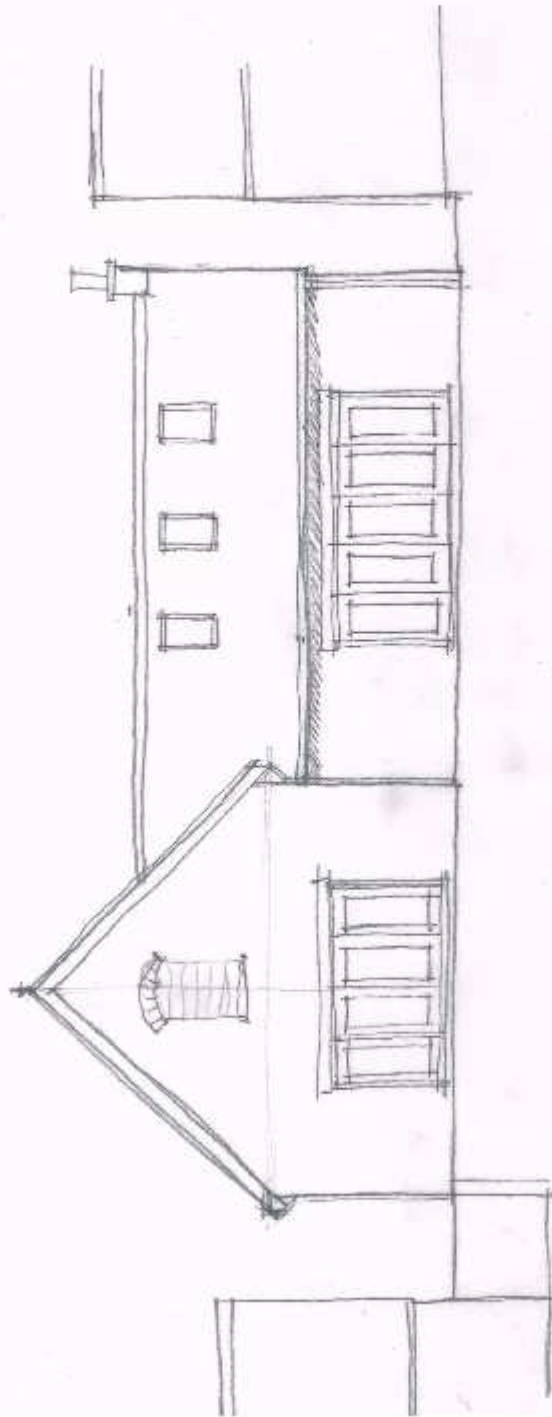
HOWARD & BERDON ARCHIT. & INTERIOR DESIGN 200 BAYVIEW AVE. SUITE 200 SCARBOROUGH, ONTARIO M1S 5B7 TEL: 416-291-1111 WWW.HOWARDANDBERDON.COM	PROJECT PROPOSED RESIDENTIAL DEVELOPMENT 2 GERRARD STREET WEST WARDEN/CANADIAN PAC CLIENT GUY MIDDLEBROOK	TITLE EXISTING SITE PLAN
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DRAWN BY: BLW/RTW DATE: 14.05.2014 SCALE: 1:100 (AS SHOWN)	DMS No. 11,478 / 13 AMENDMENT 0
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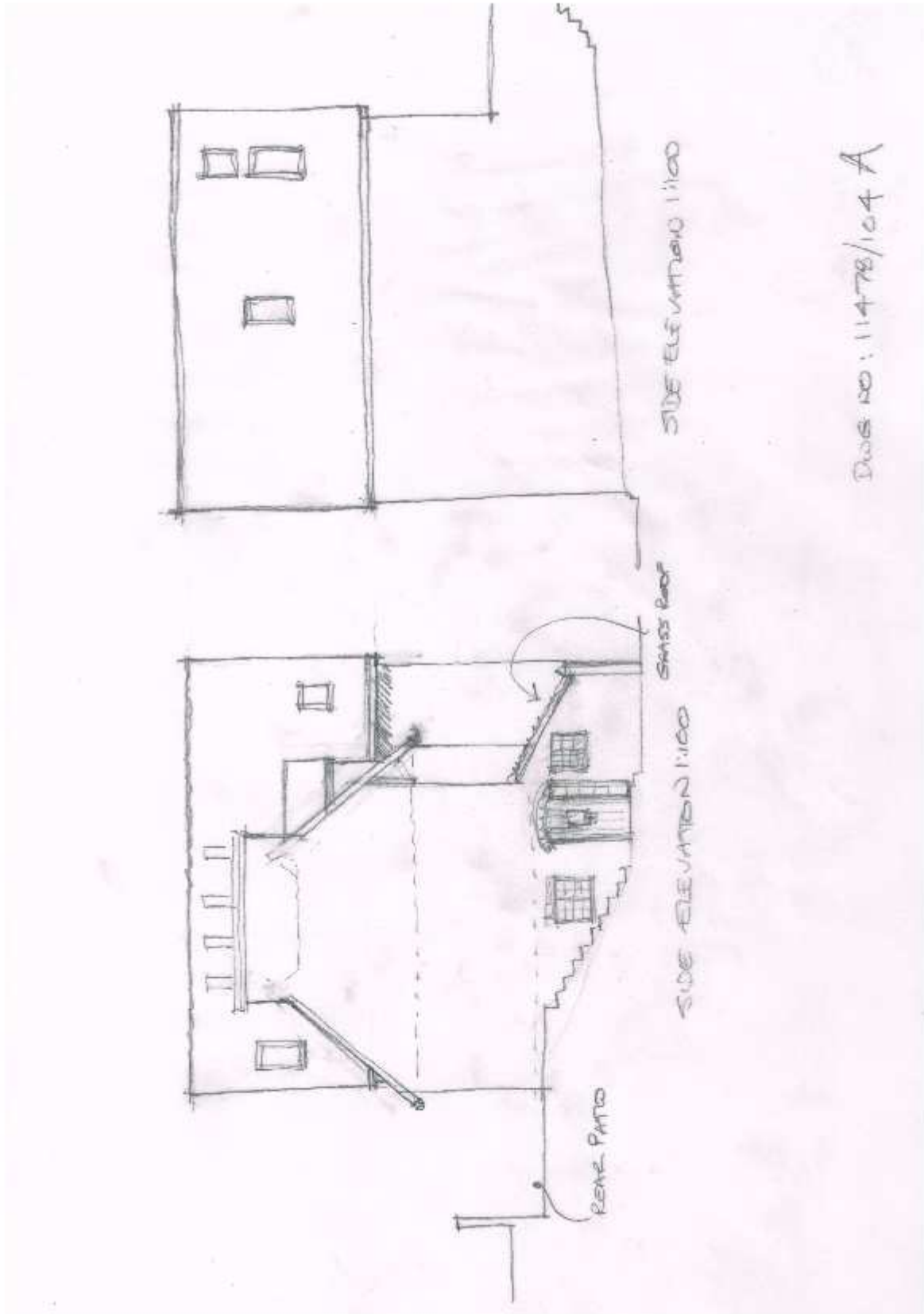


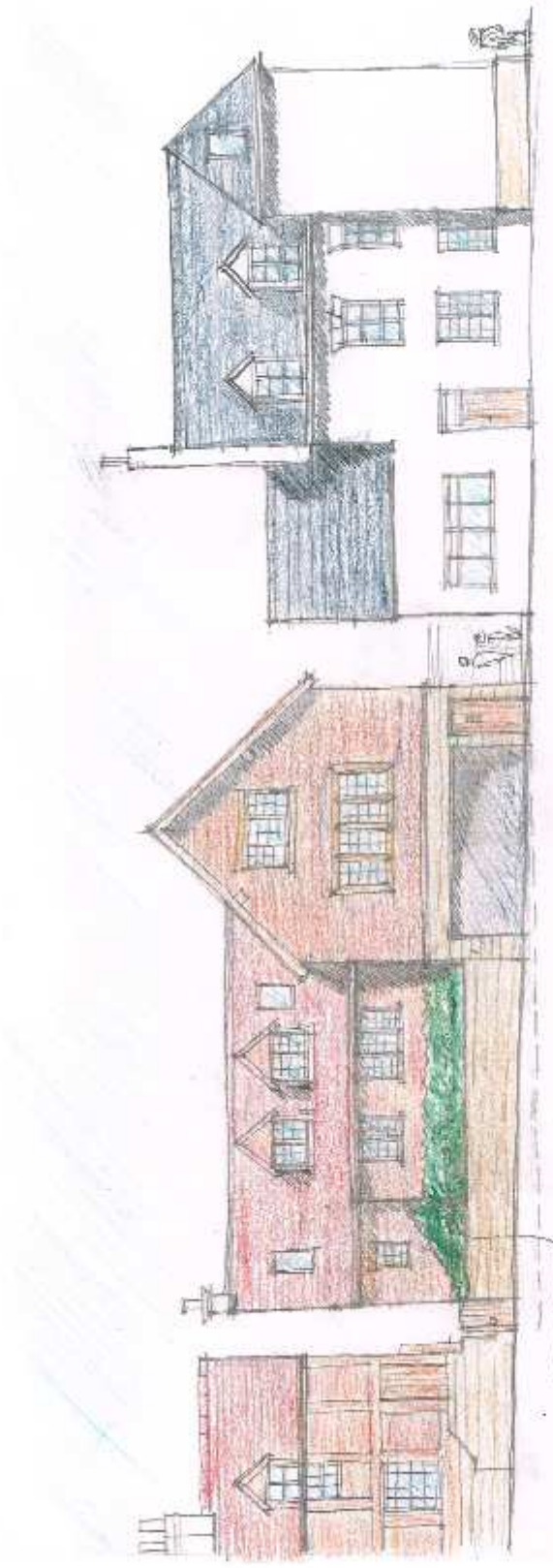
2008 Approved Scheme



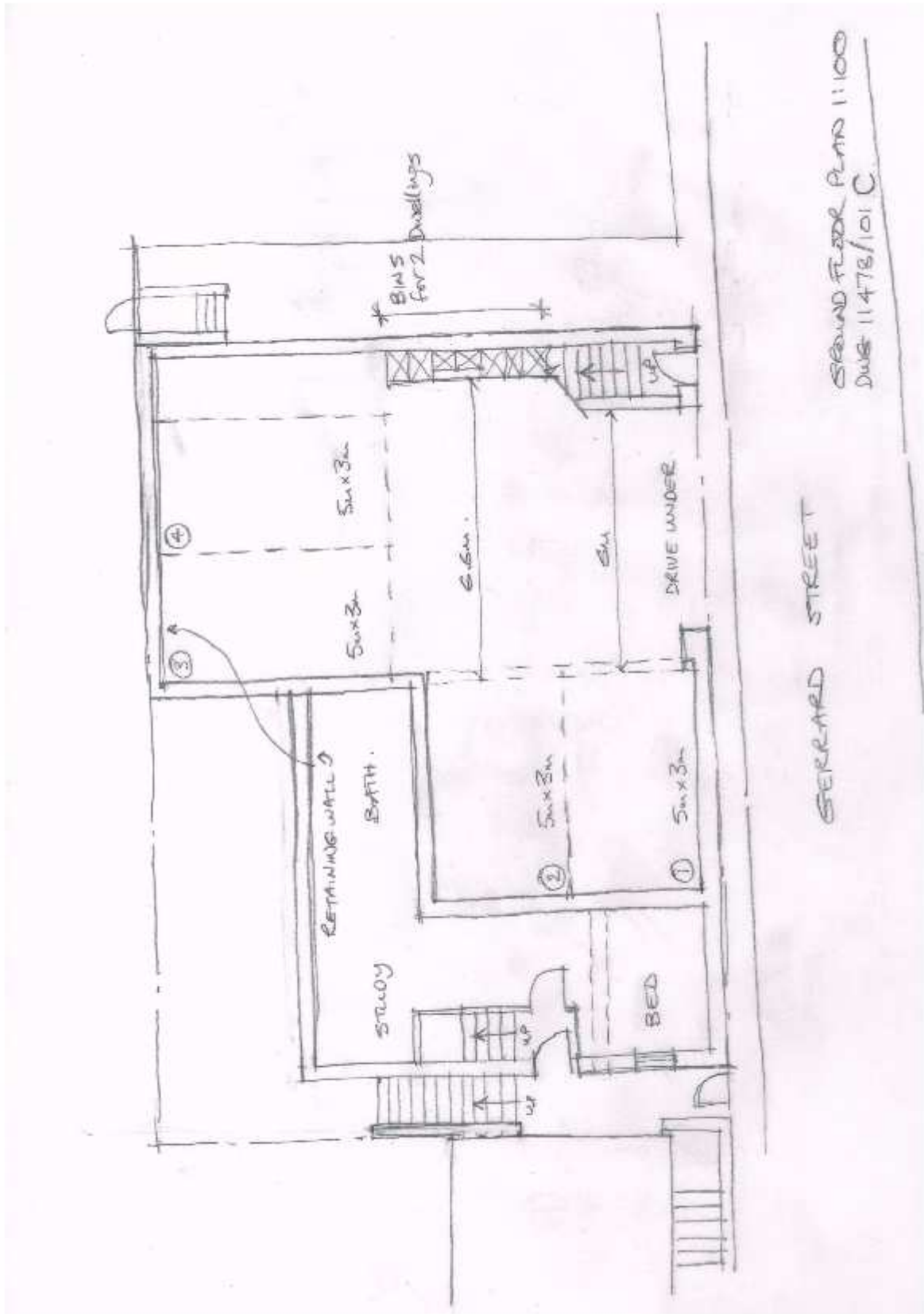


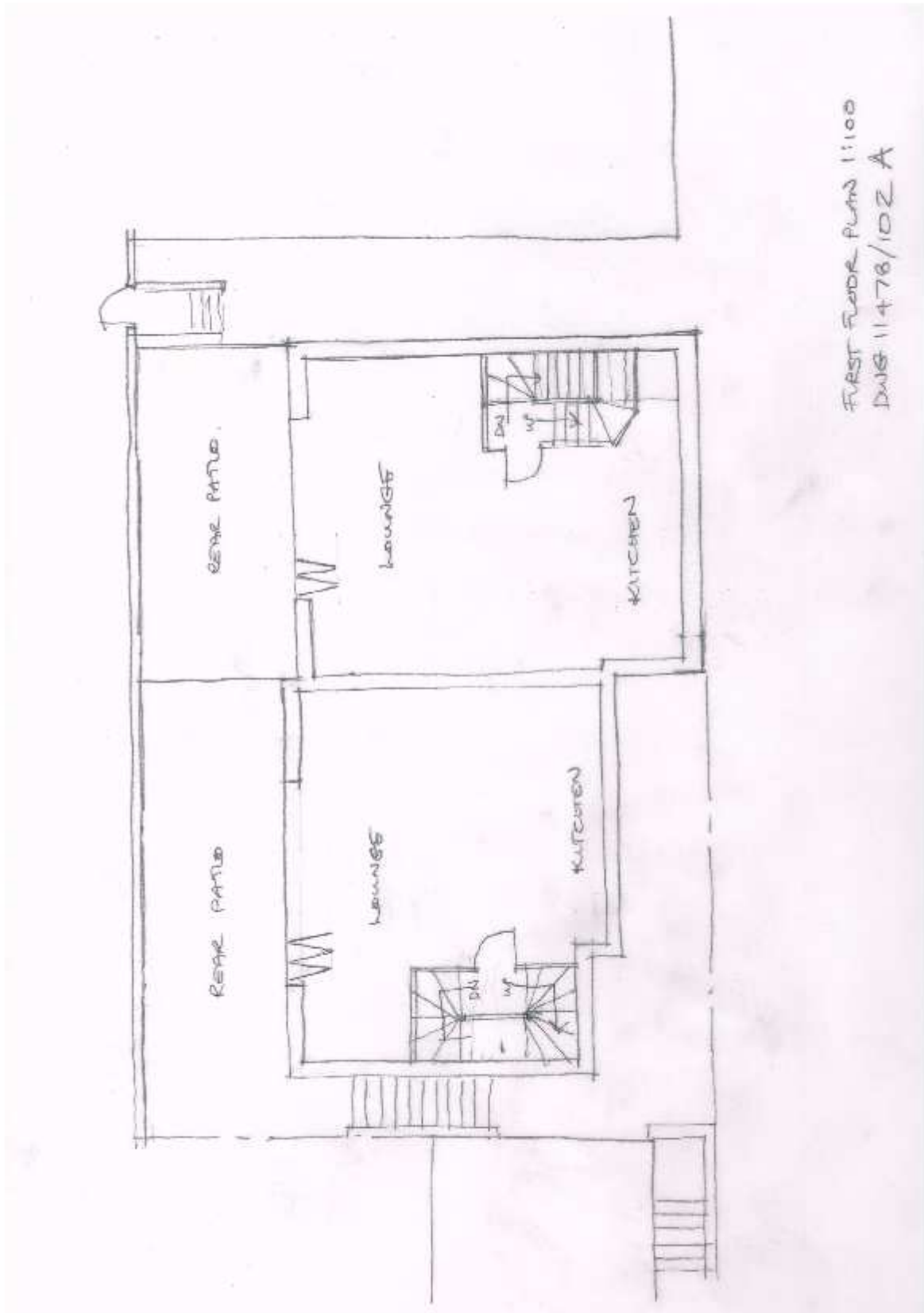
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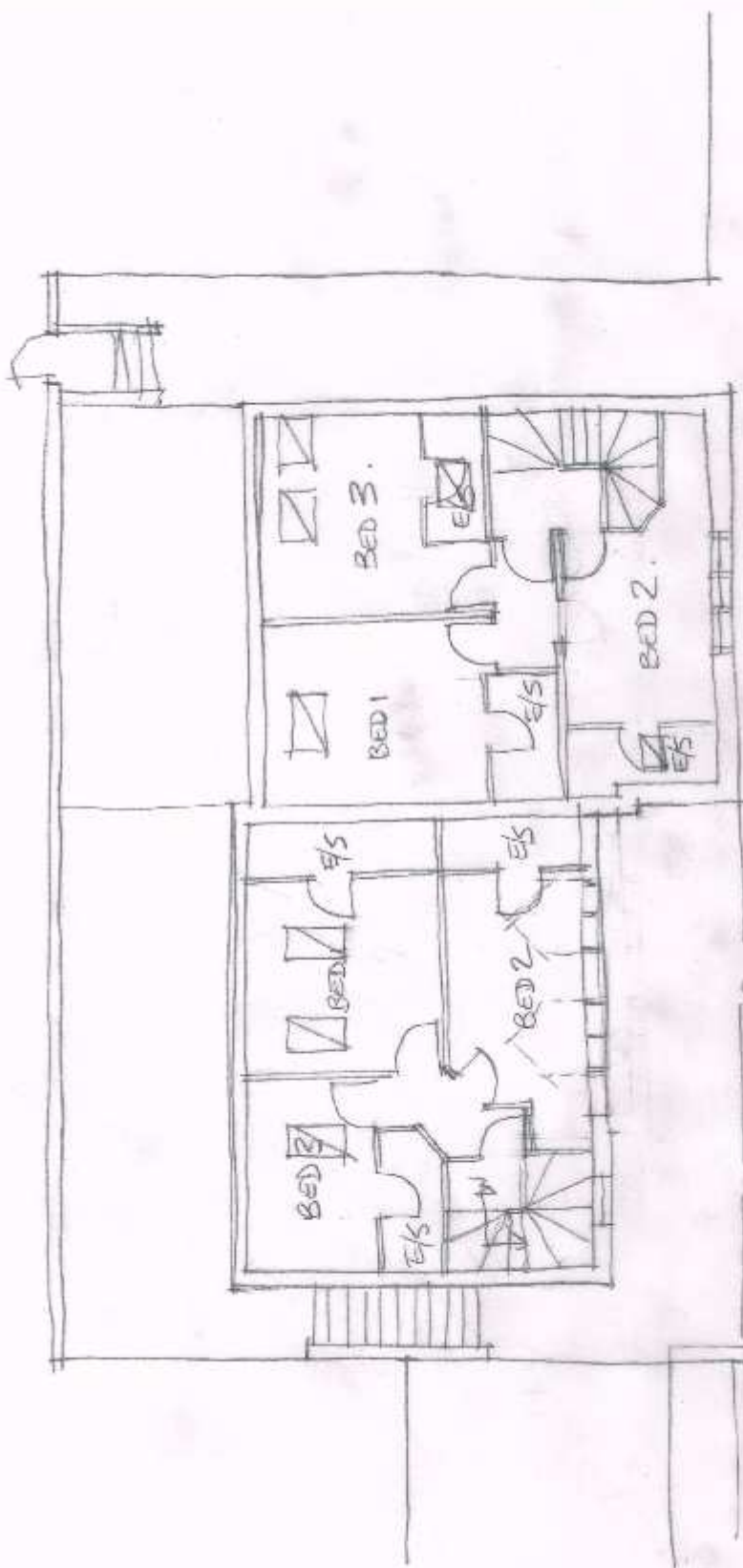


STREET SCENE 1:200
Date No: 11478/108





FIRST FLOOR PLAN 1:100
DWG 11478/102 A



SECOND FLOOR PLAN 1100
DWS NO 11478/107