

**Planning Committee:** 21 September 2005

**Item Number:** 21

**Application No:** W 05 / 1262

**Registration Date:** 21/07/05

**Town/Parish Council:** Warwick

**Expiry Date:** 15/09/05

**Case Officer:** Martin Haslett

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**The Old House, Stratford Road, Warwick, CV34 6RB**

Erection of 7 detached dwellings and associated works FOR Tournament  
Fields (Warwick) Ltd

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

**SUMMARY OF REPRESENTATIONS**

Town Council: 'does not consider that the application meets the grounds for  
refusal of application W05/350 and that development should be carried out in  
accordance with the initial planning permission.'

WCC(Fire and Rescue): no objection subject to fire fighting condition.

WCC(Ecology): no objection subject to bat note.

WCC(Highways): no objection, subject to conditions, and note.

WCC(Archaeology): no objection, subject to condition requiring a programme  
of archaeological work.

Warwick Society: recommend refusal- impact on setting of listed building, loss  
of landscaping around the house, access should be taken from Tournament  
Fields.

neighbours: 2 letters of objection on following grounds:

- additional development would increase existing flooding problem in the  
area;
- loss of privacy to gardens;
- setting of listed barn would be harmed;
- increased traffic on busy road;
- proposal contrary to policy.

**RELEVANT POLICIES**

(DW) ENV12 - Protection of the Setting of Listed Buildings (Warwick District  
Local Plan 1995)

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

Distance Separation (Supplementary Planning Guidance)

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 First  
Deposit Version)

DP2 - Amenity (Warwick District Local Plan 1996 - 2011 First Deposit Version)

RAP2 - Directing New Housing (Warwick District 1996 - 2011 First Deposit  
Version)

DAP6 - Protection of Listed Buildings (Warwick District 1996 - 2011 First  
Deposit Version)

## **PLANNING HISTORY**

Planning permission (and listed building consent) were granted in June 2003 for alterations to existing outbuildings to form a single dwelling and the erection of 4 new dwellings on the adjoining land, alterations to the existing access and closure of the existing access. This proposal showed new dwellings in large plots, built in a rural style. (Application W02/1584/5LB).

In April this year, permission was refused for the erection of 8 dwellings and access (W05/350) for the following reason:

*Planning Policy Guidance 15 (Planning and the Historic Environment) urges local planning authorities to have special regard to the setting of listed buildings and Warwick District Local Plan policy (DW) ENV12 [and emerging policy DAP6 of the first deposit version of the Local Plan (1996-2011)] state that applications for development which would have an adverse effect upon the setting of listed buildings will not be permitted. The proposals would seriously diminish the size of the garden of The Old House, a grade II listed building and would result in a number of modern houses (of unknown design) being built in close proximity to it. The listed building would thereby appear as a part of a modern, residential development, which would dominate it, and this would be completely at odds with its rural appearance and pedigree of the listed building. It is therefore considered that the proposals would be seriously contrary to the above-mentioned guidance and policies.*

Following this decision there have been negotiations with the applicants from which the current scheme has emerged.

## **KEY ISSUES**

### **The Site and its Location**

The site lies on the west side of Stratford Road, situated between the new Tournament Fields employment area and The Peacocks. The site is the remaining part of the curtilage of the Old House, a timber-framed listed building of about 1600 and its adjoining listed barn. To the north-east of these there was Longbridge Cottage, which has now been demolished and whose curtilage forms part of the current application.

There are a number of trees on and adjoining the site, particularly within the planned garden to the Old House, which are not affected by the proposals. Other less significant trees are within the application site.

### **Details of the Development**

The current application covers only part of the site approved under the original permission (W02/1584/5LB) and the original buildings of the Old House and

its outbuildings would be converted under that permission. The remaining part of the site, which was previously shown for the erection of 4 new dwellings, is now shown for 7 dwellings. The access would be taken from Stratford Road as envisaged by the previous permission. This would lead into a short cul-de-sac serving the 7 new dwellings, plus the Old House and its outbuildings, previously approved.

Each of the new houses would be different, in a traditional rural 'farmhouse' or 'cottage' style. The Old House would be left with a substantial garden to protect its setting.

## **Assessment**

The issues to be considered are the increase in density, the impact on adjoining residents and whether the proposals protect the setting of the listed buildings.

On the approved Warwick District Local Plan 1995, the site, although semi-rural in character at present, lies outside the area where rural policies apply and therefore can be considered as part of town area of Warwick, where rural policies do not apply. However, the situation is reversed on the emerging Warwick District Local Plan, First Deposit Draft, where the land is shown to be where rural policies apply. The previous grant of permission was given under the approved 1995 plan and this document still has more weight than the emerging local plan. In these circumstances, I consider the proposals should be judged under that older set of policies.

The previous scheme was designed to reflect the semi-rural nature of the site and to respect the setting of the listed building. The application earlier this year was considered to have a detrimental impact on the setting of the listed building, in that an insufficiently large curtilage for the listed Old House would have remained and the new buildings, of unknown design, may not have respected the setting of the buildings.

Density was not raised as a refusal reason in that decision and the current proposal has been reduced by one unit. In these circumstances I consider that the overall density is satisfactory, given the 1995 local plan policy background.

Local residents are concerned about loss of privacy and the proximity of the new dwellings. The closest of the new dwellings is on plot 7 which is a 'converted barn' style of dwelling, single storey in height, but using its roofspace for accommodation. This dwelling would be close to the boundary of the site but is separated from the neighbouring garden in The Peacocks by a watercourse. The distance separation to the adjoining house would be about 35m at the nearest point, with a small gable end window at first floor level about 40m from the nearest house. This situation easily meets distance separation standards, although this is mainly due to the considerable length of the adjoining garden. In these circumstances, I do not consider that a refusal based on overlooking or loss of amenity could be supported., although I

consider that permitted development rights for extensions for this plot should be removed.

Neighbours are also concerned about traffic generation, but it is noted that there is no objection from the highway authority. There is, clearly, from the information submitted by neighbours, an existing problem of flooding from the stream and photographs of partially flooded gardens have been submitted. However, there is no evidence that the existing situation will be worsened, and the suitability of the applicants' intention to dispose of storm water to soakaways would be checked under the Building Regulations.

The final issue is that of the impact of the proposals on the setting of the listed buildings. The proposals have been designed in a rural styling and in negotiating, officers have been keen to ensure that the Old House is left with a substantial garden which will keep it rather separate from its new neighbours. I consider that the current scheme achieves this aspiration.

### **REASON FOR RECOMMENDATION**

The proposal is considered to comply with the policies of the Warwick District Local Plan, 1995 and with the approved Supplementary Planning Guidance. In the circumstances of the previous approval of residential development on the site and the emerging nature of the subsequent local plan, it is considered that the emerging policies should not take precedence.

### **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 strictly in accordance with the details shown on the approved drawings 4613-1E, -2, -3, -4, -5, -6, -7, & -8 and specification contained therein, submitted on 21 July 2005, 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 A landscaping scheme 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. **REASON** : To protect and enhance the

amenities of the area, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan.

- 4 The development hereby permitted shall not be commenced until a scheme for the provision of adequate water supplies and fire hydrants, necessary for fire fighting purposes at the site, has been submitted to and approved in writing by the District Planning Authority. The development shall not then be occupied until the scheme has been implemented to the satisfaction of the District Planning Authority. **REASON** : In the interests of fire safety.
- 5 The development shall not be occupied until an access for vehicles has been provided to the site not less than 5.5m wide for a distance of 30m into the site, 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.
- 6 The access to the site for vehicles shall not be used in connection with the development until it has been surfaced with bound macadam material for a distance of 20m as measured from the near edge of the public highway carriageway, in accordance with details to be approved by the local planning authority, in consultation with the highway authority. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy ENV3 of the Warwick District Local Plan.
- 7 The vehicular access to the site shall not be used until visibility splays have been provided to the public highway carriageway with an 'x' distance of 2.4 metres and 'y' distances of 120 metres. No structure, erection, trees or shrubs 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.
- 8 The development shall not be occupied until a turning area has been provided within the site to enable refuse vehicles to leave and re-enter the public highway in a forward gear. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy ENV3 of the Warwick District Local Plan.
- 9 No development shall take place until the applicant has secured the implementation of a written programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the District Planning Authority. **REASON** : To ensure any items of archaeological interest are adequately investigated, recorded and if necessary, protected, in order to satisfy the requirements of Policy ENV22 of the Warwick District Local Plan.
- 10 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 Part 1 of Schedule 2 of this Order, without the prior permission of the District Planning Authority. **REASON** : To retain control over future development of the premises in the interests of the amenity of adjoining residents.

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