

Planning Committee: 11 October 2005

Item Number: 12

Application No: W 05 / 1399

Registration Date: 15/08/05

Town/Parish Council: Warwick

Expiry Date: 10/10/05

Case Officer: Will Charlton

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**Metallic Protectives & Benfords Premises, Cape Road, The Cape,
Warwick, CV34**

Part submission of details (siting, design and external appearance) under W021691 (Condition 1A) for the erection of 193 dwellings and associated work (Resubmission of W042170) FOR Laing Homes Midland

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

SUMMARY OF REPRESENTATIONS

Town Council: Object, the "*Town Council does not consider that the revised application meets the objectives raised in the refusal of W2002/1691 (incorrect reference number quoted) reserved matters. The height of the units and density are not in keeping with the surrounding properties, the provision of amenity land and car parking are inadequate. No effort is attempted to secure an attractive canalside area and the canal path is extremely unacceptable in relation to usage and appearance. No provision is made to enable properties in Cape Road to achieve rear access, surely a planning requirement to relieve vehicle congestion in the area. The development represents an attempt by the developer to maximise density and profit without concern for the residents or amenity of the Town and the proposal should be refused with the District Planning Authority seeking to ensure a scheme which is more sympathetic to the Town by way of design and density.*"

Highway Authority: No objection subject to various highway conditions.

WCC Planning: As this is a Reserved Matters application the County Council as strategic planning authority has no objection.

WCC Ecology: Comment that the development should have a minor adverse ecological impact, however, existing trees should be protected and bird/bat notes should be attached to any permission.

WCC Footpaths: No objections, however an alteration to the link to Lock Lane to improve safety and visibility is proposed.

Ramblers Association: No comments, noting that a footpath/cycleway link is proposed to Lock Lane.

British Waterways: Have no objection in principle and welcome the orientation towards the canal. Good quality materials/railings should be required and it would be useful to see landscaping and what lighting is proposed along the canal. It appears that 3 of the trees to be removed are on British Waterways land and therefore their approval is required, together with other private requirements.

Environment Agency: No objections however surface water run-off should be controlled through a sustainable drainage approach (SUDS).

Severn Trent: No objection subject to a drainage scheme being agreed.

Central Networks (Electricity): No objection.

County Fire & Rescue: No objection subject to the provision of water supplies/hydrants.

Neighbours: A total of 21 letters of objection have been received. A number of the letters do state that the principle of development is not objected to and that there is a great opportunity to create a high quality development which would benefit the area and Warwick. The proposal will detract from the area and the community spirit.

Most letters object to the location, size, scale, height and density of the buildings proposed. It is considered that the buildings are inappropriate with no sympathy for the buildings currently in the area. The proposal does not acknowledge the heights of the surrounding properties, particularly Lock Cottage, the Edwardian properties on Cape Road and the terrace along Lower Cape. The canal side buildings are imposing in nature and would be dark and oppressive and are not 'typical canal-side architecture'.

The terrace proposed along Lower Cape would cause loss of privacy to the existing terraced properties opposite, with the canal buildings being particularly overbearing and creating loss of amenity and privacy to Lock Cottage. No 7 Upper Cape has objected to the unit proposed adjacent as it would result in a loss of light with the property being overwhelmed by the size and bulk of neighbouring building.

The majority of objections relate to the lack of parking provision on the site and in particular the proposals impact upon parking along Lower Cape, which is already at a premium, with the proposed reduction in parking provision worsening the existing problems. One resident suggests that underground parking could be provided, whilst another suggests to use more of the employment land, therefore allowing the development to spread out and create more green space. Concern is expressed over the potential for increased traffic congestion and pollution particularly along Cape Road and the junction of Cape Road and Wedgenock Lane.

It is considered that the increased provision of green spaces is just a 'token' element, replacing much needed parking spaces, with nothing having been

done to accommodate enough parking for residents currently in the area including Lower Cape. One business situated on Lock Lane has stated that the pedestrian / cycleway access onto Lock Lane would be dangerous.

RELEVANT POLICIES

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

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

SC1 - Securing a Greater Choice of Housing (Warwick District Local Plan 1996 - 2011 First Deposit Version)

DP5 - Density (Warwick District Local Plan 1996 - 2011 First Deposit Version)

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

PLANNING HISTORY

The site had been incrementally developed for industrial purposes and has been the subject of many applications for that use. For many years it has been used by both Benfords Ltd and Metallic Protectives Ltd for relatively heavy industrial manufacturing and processing. More recently both Metallic Protectives Ltd and Benfords Ltd have moved from the site resulting in a largely redundant and empty / derelict site. The majority of the site has been recently cleared.

Outline Planning Permission was granted for residential and employment development on the 23rd December 2004, following the signing of a legal agreement covering education, public transport, open space and contributions to improving Lock Lane, together with the requirement to provide a percentage of Social Housing on the site. The percentage originally agreed was subsequently reduced down to 15% due to the abnormally high development costs of this industrial site.

A Reserved Matters application for the residential element of the site covered by the overall outline consent, covering siting, design and external appearance, with landscaping remaining reserved for subsequent decision was submitted last year. The application was put before members, and following a committee site visit was refused in April 2005 for the following reasons :

- 1. It is consider that the proposed development would result in the overdevelopment of the site creating an over-dense scheme, failing to take proper account of its important canal side setting contrary to policy (DW) ENV3 of the Warwick District Local Plan 1995, which requires all development proposals to achieve a high standard of design and harmonise with their surroundings, and policy (LW) ENV2 of the Warwick District Local Plan 1995 which seeks to achieve environmental improvements at Cape Locks.*

- 2. Inadequate informal open space would be provided within the development failing to provide an acceptable landscaped setting for the proposed dwellings and having an adverse unneighbourly impact on the amenity of adjoining residents. The buildings are of an inappropriate size, scale and height, with resultant overbearing effect, are of an unsatisfactory standard of design and would be seriously injurious to the visual amenities of the area by creating an incongruous feature in relation to the adjoining buildings and the street scene generally, thereby conflicting with local plan policy (DW) ENV3 of the Warwick District Local Plan 1995.*

KEY ISSUES

The Site and its Location

The overall outline permission split the site into two irregular sized parcels of land, separated by Lower Cape, with the whole of the site having an area of approximately 4.18 hectares.

The majority of the current application area covers the eastern section of the site between Lower Cape, Cape Road and the canal to the north, creating a canal frontage of over 300 metres. To the west of the main application area, between the current site and the site the subject of outline permission for employment uses, is a row of approximately 14 terraced properties, terminating at the canal in a Public House. To the south and east of the site were further industrial factories and warehouses. The area to the south and west, Cape Road, consists of mainly residential properties and therefore has a quite different character.

Details of the Development

The revised application is for the residential element of the site covered by the overall outline consent with a total of 193 residential units, the same number as that previously refused, with the location, size and design of the residential units having not been altered over the previously refused scheme.

As before, it is proposed to located three-storey town house style buildings along Cape Road/Upper Cape filling in the breaks in the street frontage with a row of three-storey town houses, and a block of three-storey flats positioned along a realigned Lower Cape. Block J, which turns the corner in Lower Cape, would be three-storeys in height, with a row of two-storey terraced houses being positioned opposite the existing terrace on Lower Cape, together with parking at right angles to the road.

A more formal canal frontage of three and four storey units would replace the previous large buildings onto the canal creating an urban canal warehouse/industrial frontage. Parking for these apartments would be provided in part on the ground floor and large areas of parking to the rear,

accessed off a new road which would link to Cape Road. There would be a mixture of three and four-storey flats and houses located in the centre of the site, with the houses backing onto the terrace at Lower Cape.

The only alteration to the scheme is the introduction of more soft landscaped areas, and in particular the introduction of two large open areas in the centre of the site, replacing two large areas of car parking. Approximately 241 parking spaces would be provided to the proposed properties, equating to an average of 1.25 spaces per unit, a reduction from the previous scheme which proposed approximately 1.5 spaces per unit (a total of approximately 296 spaces for the proposed units).

Assessment

As set out above, the number of residential units, together with their form and location has not altered over the previous scheme, with the only alteration being the increase in soft landscaping and the reduction in the number of parking spaces provided, and therefore also their relationship to the surrounding properties. I consider the key issue to be considered by the Planning Committee therefore, is whether this amended scheme successfully addresses the stated reasons for refusal W04/2170. My earlier report in respect of W04/2170, however, addressed a number of key issues which I again identify as follows:

- Appearance and Impact upon Neighbours

Cape Road is currently very varied in design with large three and four-storey buildings and smaller two-storey terraces. It is considered that the three-storey infill blocks proposed (Blocks A-C) would provide a step between the large three and four-storey buildings and the smaller terraced properties, respecting their setting and the varied character of the street, whilst meeting the Council's 45 degree code and distance separation standards. The three-storey block of flats to the rear (Block E) would be located approximately 31 metres from the rear of the Cape Road properties and are therefore substantially in excess of the Council's required 16 metres for a two-storey building onto the blank elevation of a three-storey building. It is therefore considered that the buildings would respect the amenities of the existing properties and would not be imposing upon the existing dwellings.

The first units situated along Lower Cape would be three-storeys in height (Block D), and although they would have higher eave and ridge heights than the adjacent two-storey Victorian small terrace, they are set on a slope down, thereby reducing their overall impact, whilst the block of three-storey flats (Block J) which would turn at the repositioned corner in the road, would create a feature building on the inside of this corner. The terrace of properties along Lower Cape (Blocks K, L & M) have been designed so as to incorporate features of the existing Victorian terrace opposite, thereby recreating a more traditional streetscene. Although the separation distance between the terraces (approximately 19 metres) is below that suggested in the Council's guidance (22 metres) it is considered that as this is across a road and is open to public

views, privacy would not be unduly compromised and the actual loss of privacy would not be to such a level as to warrant refusal.

Adjacent to the terrace style properties would be a larger building (Block N & Q) stepping up from three to four storeys where the block turns to face the canal. The part of the building fronting the canal (Block Q), together with the other canal side units (Blocks P, R, S & T) are all proposed to be three and four storeys in height and have a canal frontage, with buildings Q, S & T being the highest (11 metres to eaves and 15.5 to ridge), the largest of the development.

Block P would be located to the east of "The Cape of Good Hope", at the most easterly point of the residential development of Benfords. It would be set back from the main canal lock by approximately 25 metres, and would be set lower than the canal and its towpath. This building would be three-storeys in height, with an eave height of 7.5 metres and a ridge height of 11.5 metres and would be approximately 40 metres away from Lock Cottage, which is situated on the opposite side of the canal, with its garden approximately 35 metres away. This is therefore in excess of the 32 metres distance separation required for such a development in relation to an existing two-storey property. Whilst I understand the concerns of the resident of Lock Cottage, the building (Block P) would replace an existing large industrial building and does comply with the Council's Distance Separation Guidance.

The scheme for redevelopment of the site would substantially change the character of the area, and in particular the canal frontage. The canal was dominated by large metal clad industrial buildings which substantially detracted from the overall aesthetics of the area. The introduction of the buildings proposed, although large, would reflect the previous industrial context of the site, substantially altering its character from a heavy industrial context to a more traditional hard landscaped wharf style development.

The revised scheme in relation to its built form has not been altered over that previously refused. Therefore the comments above were a shortened version of those made previously. It is considered that, as with the previous scheme, the proposed development in relation to the design, form and its potential impact upon the area and the amenities of neighbouring properties is acceptable. However, it is recognised that as the built form of the development has not changed as compared to the previous application (W04/2170) members will have to decide whether the alterations made to the scheme, by providing increased landscaped and open areas are sufficient to meet the objections previously raised.

- Landscaping & Open Areas

The application does not include landscaping as a Reserved Matter, however it is accepted that landscaping, particularly along Lower Cape and the canal will be an important element of the scheme. The need and operation of public open space and whether it was to be provided on site was considered during the Outline planning stage, at which time it was accepted that financial

contributions for off site work was acceptable. However, in light of the previous refusal reasons, the applicant has altered the scheme to provide more landscaped areas and two larger green areas within the site, with the main open space area equating to approximately 2000 sq metres (0.2 hectares / 0.5 acres). However, this increase in the provision of open areas has resulted in alterations to the provision of parking, which is detailed below. It is considered that the creation of more landscaped areas and in particular the provision of two larger open areas does improve the setting of the development and potential amenities for future residents.

- Traffic & Parking Provision

Any increase in traffic from the site and potential for increased traffic congestion, together with any need for improvements to the canal bridge along Cape Road or to the junction of Cape Road and Wedgenock Lane have been considered by the Highway Authority (Warwickshire County Council) both at Outline planning stage and during consultations over this Reserved Matters application. At no time have the County Council requested improvements or financial contributions towards such highway improvements and as such it is not considered that there is adequate justification to require these.

Due to the provision of increased open areas, the revised application proposes approximately 241 parking spaces to be provided for the new units, as opposed to the previous scheme which proposed approximately 296 spaces, a reduction of 55 spaces. This therefore equates to an average of 1.25 spaces, as opposed to 1.5 spaces for the previous scheme. It is accepted that an average of 1.25 spaces may not be sufficient to meet full demand, which will therefore cause further on street parking in the vicinity, which is already in high demand. The provision of the two areas of open space has resulted in the loss of two car parking courtyards, which as a result has meant that the location of parking to be provided is not particularly evenly spread out throughout the development, with adjacent parking areas particularly lacking for Units H, H1 and J. As an amendment to the previous scheme, it is now not proposed to alter the on street parking along Lower Cape adjacent to the existing terraced houses, thereby not reducing the current on street provision.

It is considered that, whilst the level of parking which would be provided does not equate to the overall "average" suggested in PPG3 (Housing) and PPG13 (Transport) and Government Guidance, and the location of some of the parking proposed is not ideal, it is not considered the level of parking to be provided, or its location, would be sufficient to warrant refusal on highway safety grounds. The lack of objection from the Highway Authority reinforces my view on this matter.

- Affordable Housing

The Section 106 agreement tied to the Outline Planning Permission requires the scheme to provide 15% of the total number of units to be affordable. As the scheme proposes 193 units this means that 29 will be affordable. The location of all the dwellings has yet to be finally agreed and confirmed. However, it is likely that the buildings and/or parking will be congregated together in order to reduce building and in particular maintenance costs/charges. They are therefore unlikely to be individually and randomly spread throughout the development.

REASON FOR RECOMMENDATION

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

RECOMMENDATION

That the Reserved Matters be APPROVED subject to the conditions set in the Outline Planning Permission and the following conditions :

- 1 No development shall be carried out on the site which is the subject of this permission, until satisfactory details of 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.
- 2 No development shall be carried out on the site which is the subject of this permission, until details of the bin and other storage buildings have 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 ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan.
- 3 With regard to the dwellings on plots 66 to 73 inclusive (Blocks H & H1 on plan ref: 1760-150 C) and 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 (Class A, B, E, G) of this Order where the development would front (western elevation) on to the footpath, without the prior permission of the District Planning Authority. **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.
- 4 The development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawings 1760 200, 113H, 114H, 115H, 116J, 117E, 118G, 119H, 120J, 121L, 122F, 123H, 124F, 125G, 126J, 127G, 128J, 129G, 130H, 131B, and 132A, and specification contained therein, submitted on 2 December 2004 and 15

February 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.

- 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 The gradient of the accesses for vehicles/heavy goods vehicles, cars, cycles or pedestrians to the site shall not be steeper than 1 in 40 at any point for a distance of 15.0 metres, as measured from the near edge of the public highway carriageway and not be steeper than 1 in 15 at any point thereafter. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy ENV3 of the Warwick District Local Plan.
- 7 The access to the proposed new road for vehicles/heavy goods vehicles/cars shall not be used until it has been provided with not less than 7.5 metre kerbed radiused turnouts on each side, and the access to Lower Cape for vehicles/heavy goods vehicles/cars shall not be used until it has been provided with not less than 10.5 metre kerbed radiused turnouts on each side. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy ENV3 of the Warwick District Local Plan.
- 8 The accesses to the site shall not be constructed/reconstructed/widened in such a manner as to reduce the effective capacity of any drain or ditch within the limits of the public highway. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy ENV3 of the Warwick District Local Plan.
- 9 The development hereby permitted shall not be commenced until turning areas have been provided within the site so as to enable vehicles to leave and re-enter the public highway in a forward gear and space has been provided within the site for the parking and loading/unloading of all vehicles associated with the site development 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.
- 10 The layout of the estate roads serving the development including footways, cycleways, verges, footpaths, private drives and means of accessing individual plots shall not be designed other than in accordance with the

principles and guidance as set out in 'Transport and Roads for Developments: The Warwickshire Guide 2001' and shall not be other than in accordance with the standard specification of the Highway Authority.

REASON : In the interests of highway safety, in accordance with the requirements of Policy ENV3 of the Warwick District Local Plan.

- 11 Before the development is commenced, the further written approval of the Local Planning Authority shall be obtained for the design of the estate road[s] layout serving the development including footways, cycleways, verges, footpaths, private drives and means of accessing individual plots. These details shall include large scale plans and sections showing the layout, vertical alignment, and surface water drainage details including the outfalls. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy ENV3 of the Warwick District Local Plan.

- 12 No carriageway link will be permitted between the car parking area opposite plot 'P' and the parking areas adjacent to plots 'V & W' other than for emergency vehicle use only. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy ENV3 of the Warwick District Local Plan.
