

**Planning Committee:** 12 December 2018

**Item Number:** 6

**Application No:** [W 18 / 1760](#)

**Town/Parish Council:** Warwick

**Registration Date:** 11/09/18

**Case Officer:**

Helena Obremski

**Expiry Date:** 06/11/18

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**19 Pickard Street, Warwick, CV34 4PT**

Application for variation of condition 2 (plan numbers) of planning application W/16/1744 to allow for store room in the loft space and alterations to fenestration. FOR Mr A Ruyssevelt

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

**RECOMMENDATION**

Planning Committee are recommended to grant planning permission subject to the conditions listed in the report.

**DETAILS OF THE DEVELOPMENT**

The scheme remains the same as extant permission W/16/1744 and seeks only to vary condition 2 (plan numbers) to allow for:

- rendering of the property;
- additional window to the second floor of the end gable;
- internal alterations to provide store rooms within the loft space;

It is therefore these elements only which are considered below.

Originally, the proposal included the conversion of the loft space into a fifth bedroom. As there was no satisfactory outlook provided for the future occupants and as WCC Highways expressed concerns regarding the increased demand on parking and additional bedroom would generate and the associated highway safety implications, this area has been amended to a store.

**THE SITE AND ITS LOCATION**

The application relates to a parcel of land to the north of 19 Pickard Street. There is an existing vehicular access to the site from Avon Street, and the proposed dwelling would front onto Pickard Street, adjoining Number 19. The existing street scene and wider area is characterised by a mixture of traditional Victorian terraces, semi-detached 1970s dwellings and a more recent apartment block. The prevailing material within the street scene is brick, however, there are a mixture of colours of bricks and also some smooth coated render.

## **PLANNING HISTORY**

W/16/1744 - application granted for the erection of 1no. dwelling.

W/16/1216 - application withdrawn for the proposed erection of two dwellings.

W/03/0680 - application granted for the erection of a detached dwelling and garage.

W/81/1243 - application granted for the erection of a dwelling and garage.

W/78/1156 - application granted for the erection of a detached dwelling and garage.

## **RELEVANT POLICIES**

- National Planning Policy Framework
- The Current Local Plan
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- CC2 - Planning for Renewable Energy and Low Carbon Generation (Warwick District Local Plan 2011-2029)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
- HS4 - Improvements to Open Space, Sport and Recreation Facilities (Warwick District Local Plan 2011-2029)
- Guidance Documents
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Distance Separation (Supplementary Planning Guidance)
- Open Space (Supplementary Planning Document - June 2009)
- Parking Standards (Supplementary Planning Document)
- Residential Design Guide (Supplementary Planning Document- May 2018)

## **SUMMARY OF REPRESENTATIONS**

**Warwick Town Council:** Objection, supports comments made by WCC Highways and the proposal represents overdevelopment of the site.

**Private Sector Housing:** No objection.

**WCC Highways:** Objection.

### **Public Responses: 13 Objections:**

- concern regarding the principle of the development;
- inadequate parking provision and associated highway safety implications;
- loss of light and privacy to neighbouring properties;
- concern regarding construction vehicles and highway safety;
- overdevelopment of the site;

- queries distances between the proposed development and the public footpath;
- an open space contribution should be required;
- noise and dust disturbance from the construction works;
- the construction management plan is not being adhered to - concern regarding safety and asbestos removal;
- concern regarding the property being used as a HMO;
- the development is unneighbourly;
- breach of 45 degree rule.

**Petition: 38 signatures:**

- detrimental impact on existing parking stress and highway safety;
  - unneighbourly;
  - overdevelopment;
  - not in keeping with the character of the area;
  - overlooking, loss of privacy, loss of light;
- breach of 45 degree rule.

**Assessment**

The main issues relevant to consideration of this application are:

- Impact on the Character and Appearance of the Area
- Impact on Neighbouring Residential Amenity
- Parking and Highway Safety
- Health and Wellbeing
- Other Matters

Impact on the Character and Appearance of the Area

The National Planning Policy Framework (NPPF) places significant weight on ensuring good design which is a key aspect of sustainable development and should positively contribute towards making places better for people. The NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving character, the quality of an area and the way it functions. Furthermore, Warwick District Council's Local Plan 2011 - 2029 policy BE1 reinforces the importance of good design stipulated by the NPPF as it requires all development to respect surrounding buildings in terms of scale, height, form and massing. The Local Plan calls for development to be constructed using the appropriate materials and seeks to ensure that the appearance of the development and its relationship with the surrounding built and natural environment does not detrimentally impact the character of the local area. Finally, the Residential Design Guide sets out steps which must be followed in order to achieve good design in terms of the impact on the local area; the importance of respecting existing important features; respecting the surrounding buildings and using the right materials.

There have been a number of objections from members of the public and the Town Council which state that the proposal represents overdevelopment of the site and that the proposal is not in keeping with the character of the area.

Planning permission has already been granted for the erection of a dwelling in this location, and therefore the principle of the development cannot be revisited. Only the rendering of the property and additional window as proposed and how it would affect the street scene can be assessed as part of this application. Whilst in the main part, the street scene is characterised by brick built properties, there are a number of part and fully rendered properties within the immediate vicinity of the application site, including 19 Pickard Street, which is partly rendered. The approved dwelling would appear as a modern in-fill property which would not appear out of keeping within the varied street scene.

The additional window to the side elevation is small and will be constructed from the same materials as the other windows proposed on the property and is therefore considered to be acceptable.

As amended, the proposed amendments are therefore not considered to represent overdevelopment of the site, and would not have a harmful impact on the street scene. The development is considered to be in accordance with Local Plan policy BE1 and the Residential Design Guide.

#### Impact on Neighbouring Residential Amenity

Warwick District Local Plan policy BE3 requires all development to have an acceptable impact on the amenity of nearby users or residents and to provide acceptable standards of amenity for future users or occupiers of the development. There is a responsibility for development not to cause undue disturbance or intrusion for nearby users in the form of loss of privacy, loss of daylight, or create visual intrusion. The Residential Design Guide provides a framework for policy BE3, which stipulates the minimum requirements for distance separation between properties and that extensions should not breach a 45 degree line taken from a window of nearest front or rear facing habitable room of a neighbouring property.

There have been objections from members of the public that the proposed amendments would result in overlooking and loss of light and privacy to neighbouring properties. Concerns are also raised regarding noise and dust disturbance from the construction works. Members of the public consider the amendments to be unneighbourly and that there would be a breach of the 45 degree guideline.

The proposed amendments would not result in the extension or alteration of the size of the approved dwelling. It is therefore not considered that there would be a breach of the Council's 45 degree guidance or any additional loss of light as a result of the proposed amendments. The only additional window which could cause any loss of privacy or overlooking is one to the second floor side elevation of the property. However, this window would not directly overlook any other property. There are properties on the opposite side of the road to the approved dwelling, however, there would be no direct relationship between any of the windows serving these properties to the proposed window. The road which separates the properties also provides a sense of separation and it is not considered necessary to condition this window to be obscure glazed.

Noise and dust disturbance would be a temporary affect on neighbouring amenity which would be controlled by Building Regulations and cannot be assessed as part of the planning application.

It is therefore considered that the proposed amendments would have an acceptable impact on neighbouring residential amenity and that the proposal complies with Local Plan policy BE3.

### Parking and Highway Safety

The Town Council and members of the public have expressed significant concerns regarding the impact of the proposed amendments on parking. Concerns focus on inadequate parking provision and associated highway safety implications. However, it should be noted that these comments focus on the plans which showed that the loft space was to be converted into a fifth bedroom.

WCC Highways also raised concerns regarding the increase in number of bedrooms within the property, noting that the proposal would generate an increase in on-street parking within the Residents Permit Zone, further exacerbating the demand for on-street parking and affecting the safety or convenience of existing residents and occupiers. They requested that a parking survey was carried out to identify whether the additional parking could be accommodated within areas which are not controlled by permits within walking distance to the site.

The loft space has been labelled on the plans as a store. However, Officers are aware that the loft could easily be converted to a bedroom without the need for planning permission once constructed pursuant to the existing permission. In accordance with the Council's adopted Vehicle Parking Standards guidance, an increase from 4 to 5 bedrooms would not generate an increase in parking demand, therefore whilst WCC Highways have expressed concerns, there would technically be no increased demand in on-street parking.

Concern has also been expressed regarding construction vehicles and highway safety implications. This was a matter dealt with during the original application and a condition was imposed for the provision of a construction management plan prior to commencement of works. This will be carried forwards.

The parking provision and impact is considered to be acceptable and in accordance with Local Plan policy TR3.

### Health and Wellbeing

There are no health and wellbeing benefits identified as part of the proposed amendments.

### Other Matters

Members of the public have also raised concerns regarding concern regarding:

- the principle of the development;
- the distance between the proposed development and the public footpath;
- that an open space contribution should be required;

- the construction management plan is not being adhered to - concern regarding safety and asbestos removal;
- the property being used as a HMO.

The principle of the development was assessed as part of the original application and was considered to be acceptable. This cannot be revisited as part of this application.

The position of the dwelling was considered to be acceptable under the original application and will not change as part of the amendments.

Since the previous approval, the Council has amended the application of policy HS4 regarding the provision of contributions towards the improvement of local open spaces and only requires a contribution for developments of 11 or more new dwellings. As the proposal only provides one dwelling it would be unreasonable to carry forward condition 3 requiring the provision of an open space contribution from the original application.

Concern regarding the fact that the submitted construction management plan is not being adhered to is noted. This has been reported to Planning Enforcement who are looking into this matter. An updated construction management plan has been submitted by the agent for consideration.

Planning permission would not be required to convert the property into a small HMO (6 bedrooms or less - use class C4). In terms of vehicle parking requirements, it should be noted that if the property were used as a 6 bedroom HMO for example, the parking requirement would still be the same as the existing parking requirement for the site in accordance with the Council's Vehicle Parking Standards. Planning permission would be required to convert the property into a large HMO and the associated impacts would be assessed at this time.

## **Conclusion**

The proposed variation of condition 2 to allow for alterations to the approved plans numbers is considered to be acceptable and would not cause harm to the street scene, neighbouring residential amenity or highway safety. The proposed amendments should therefore be granted.

## **CONDITIONS**

- 1 The development hereby permitted shall begin not later than three years from 8th December 2016 (the date of the original 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 5155/07 E and 5155/08 E, and specification contained therein, submitted on 5th November 2018.

**REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011 - 2029.

- 3 No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority and Local Highway Authority. The Construction Management Plan must include details to prevent mud and debris being passed onto the highway; wheel washing facilities; vehicle routing plan; and parking and loading/unloading of staff/construction/delivery vehicles. The Development shall be carried out in strict accordance with the approved Construction Management Plan. **REASON:** To ensure that adequate manoeuvring and parking space is available to serve the development in the interests of traffic safety in accordance with Policy TR3 of the Warwick District Local Plan 2011 - 2029.
- 4 No development shall be carried out above slab level unless and until samples of the external facing materials to be used have been submitted to and approved in writing by the local planning authority. The development shall only be carried out in accordance with the approved details. **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 BE1 of the Warwick District Local Plan 2011-2029.
- 5 The proposed site shall be laid out and constructed in general accordance with drawing no. 5155/08 E. **REASON:** To ensure that there are adequate off street parking provision is made for the development hereby permitted, in accordance with Policy TR3 in the Local Plan and the Council's adopted Supplementary Planning Document on Vehicle Parking Standards.
- 6 The access to the site for vehicles shall not be used unless the public highway footway crossing has been widened, laid out and constructed in accordance with the standard specification of the Highway Authority. **REASON:** In the interests of highway safety and to satisfy Policy TR1 in the Warwick District Local Plan 2011 - 2029.
- 7 The access to the site for vehicles shall not be used in connection with the development until it has been surfaced with a bound material for its whole length as measured from the near edge of the public highway carriageway. **REASON:** In the interests of highway safety and to satisfy Policy TR1 in the Warwick District Local Plan 2011 - 2029.
- 8 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no further development shall take place within the curtilage of the dwellinghouse hereby permitted which falls within Part 1 Classes A, B, C, D, or E or Part 3, Class L. **REASON:** That due to the restricted nature of the application site and its relationship with adjoining properties and to ensure that adequate parking is maintained at all times it is considered

important to ensure that no additional development is carried out without the permission of the local planning authority in accordance with Policies BE1, BE3 and TR3 of the Warwick District Local Plan 2011 - 2029.

- 9 The development shall not be occupied until the bat boxes shown on the approved drawings have been installed in accordance with the details submitted. Thereafter, the boxes shall be maintained in perpetuity.  
**REASON:** In accordance with NPPF, ODPM Circular 2005/06 and policy NE2 of the Warwick District Local Plan 2011 - 2029.

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