

**Application No:** W 13 / 0880

**Town/Parish Council:** Warwick

**Case Officer:** Penny Butler

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**Registration Date:** 26/06/13

**Expiry Date:** 21/08/13

**56 Saltisford, Warwick, CV34 4TD**

Demolition of existing building. Erection of 2no. replacement two-bedroom dwellings. FOR Mr Layton

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This application has been requested to be presented to Committee by Councillor Higgins.

**RECOMMENDATION**

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

**DETAILS OF THE DEVELOPMENT**

The proposal is for the erection of a replacement two storey building to provide two two-bedroom dwellings following demolition of the existing building. The replacement building will have the same ridge line as the terrace adjoining but with a slightly lower eaves line at the front, which is an increase on the existing roof height which is significantly set down. A rear wing will project alongside Victoria Street at a lower level than the main roof, which will replace the existing 2.5 storey section that drops to a 2 storey flat roof extension. The rear wing will project the same depth as an existing extension, and beyond this will be a gated bin storage area to replace the existing. The building would be constructed in red brick with a composite slate roof, white metal windows, stone sills and banding and hardwood doors. Solar thermal panels are proposed on the rear inner roof slope.

**THE SITE AND ITS LOCATION**

The application site forms part of a terrace of properties occupying the end corner position at the junction of Saltisford and Victoria Road. The ground floor comprises a vacant betting shop and the upper floors form a two-bedroom residential unit. The surrounding uses are a mixture of retail and residential, and the Black Horse Public House is located to the west of the site on the opposite corner. The modern Victoria Mews residential development surrounds the site at the side and rear.

The site is situated to the north-west of Warwick Town Centre with good public transport links and nearby bus stops. The site has no allocation in the Local Plan. There is no parking available for the site but there are various local car parks

within walking distance of the site. The application site falls outside the Conservation Area, the boundary of which is 25m further along Victoria Street, running along the boundary of Victoria Mews.

## **PLANNING HISTORY**

Permission was refused in May 2013 (W/13/0325) for the demolition of the existing building and replacement with two dwellings. It was considered that the proposed development would not positively contribute to the character and quality of its surroundings and the adjacent Conservation Area through good layout and design, and was considered to be contrary to the Policies DAP8 and DP1 and the NPPF. In particular it was considered that the design, scale and materials of the building were unacceptable, on this visually prominent site on a main approach to the historic town, in close proximity to the Conservation Area and in the setting of a Listed Building. It was considered that the increased height, modern cladding and its design including a projecting wrap around first floor projection, irregular spacing of windows in the side gable, and contrived design at the rear, would have harmed the visual amenity of the adjoining terrace and its surroundings.

Permission was granted in 2011 (W11/0825) for the change of use from a betting shop (class A2) and a two bedroom flat to form two 1 bedroom flats. In 1987, a planning application was withdrawn for the erection of a dish antenna (W/87/0756) and a planning application was subsequently granted planning permission for the erection of a satellite dish antenna (W/87/0962). In 1993, planning permission was granted for the retention of a satellite dish antenna (W/93/0001).

## **RELEVANT POLICIES**

- DAP4 - Protection of Listed Buildings (Warwick District Local Plan 1996 - 2011)
- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)
- Open Space (Supplementary Planning Document - June 2009)
- 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)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
- DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- DP15 - Accessibility and Inclusion (Warwick District Local Plan 1996 - 2011)
- Vehicle Parking Standards (Supplementary Planning Document)
- Sustainable Buildings (Supplementary Planning Document - December 2008)

- DAP3 - Protecting Nature Conservation and Geology (Warwick District Local Plan 1996 - 2011)
- National Planning Policy Framework

## **SUMMARY OF REPRESENTATIONS**

**Warwick Town Council:** The construction of two dwelling houses on this limited plot would be damaging to the setting of the Conservation Area. The design is not in keeping with the character and appearance of the surrounding buildings on this important approach road to Warwick and therefore does not meet the requirements of LP Policy DP1.

Warwick Town Council-Objection

**Public response:** Two objections received on the following grounds:

- Replacement of the tree that was removed from the pavement adjacent to the site should not be jeopardised by the development
- Porches on the side should not overhang the pavement
- The ground floor plan does not show a front door but the elevation does
- Bricks used should match local bricks
- Insufficient parking provision leading to further on street pressure for spaces
- The residential flat adjoining at first floor (no.9) is concerned about the impact of demolition and construction on their property and amenity, particularly noise since they are on poor health

One letter received commenting that the design is an improvement on the previous submission although it is relatively plain. Choice of facing materials should be conditioned.

**Councillor Higgins:** The demolition of this part timber framed cottage, converted into a Betting Shop, is a precious part of pre-fire Warwick, and as such, should be converted into possibly one (only) dwelling house. The owner has been trying to sell it as it is for some two years and due to the recession has had no takers. This building should be preserved.

**Conservation Advisory Forum:** Concern raised in relation to the construction of two houses on such a small plot. Demolition of the existing building is not supported. The proposal would have a detrimental impact on the Conservation Area and the adjacent public house and there would be parking issues.

**WCC Ecology:** Recommend a condition requiring supervision of destructive works by a bat worker and submission of a report following. Also a nesting bird note.

**Waste Management:** Require space for wheeled bin and recycling storage.

**Neighbourhood Services:** Request a contribution of £1,256 towards the improvement of public open space as additional residents will put additional pressure on existing open space in the locality, in accordance with the Open Space SPD.

## **ASSESSMENT**

### Principle of use and standard of amenity for residents

The change of the existing betting shop (A2 use class) to a different use is acceptable in principle in this location, and permission has already been given for two flats on the site in 2011. Bin storage is provided for each unit, and although no parking provision is made, this is considered appropriate in this instance given the extant requirement for the approved development, and the fall back position of the existing requirement, as detailed below. There is considered to be sufficient amenity space for each dwelling as they would essentially be flats, which would accord with Policy DP2.

### Impact on parking

The existing uses require 2.7 spaces, whilst the extant permission requires 2 spaces. This is a small scale proposal that increases the car parking requirement from the existing and approved uses (2.7 spaces and 2 spaces respectively) to the proposed (3 spaces). The increased requirement of 0.3 spaces is marginal and the property has no on site car parking. The proposal is located within a sustainable location, within walking distance of Warwick Town Centre and Warwick Train Station. There are several bus stops within walking distance of the proposal and the bus services run on a regular basis. There are also a number of car parks within walking distance of the proposal. This proposal therefore encourages greater use of walking and public transport. In terms of policy requirements, due to the small scale of the proposal, its fall back parking requirement and its sustainable location it is deemed acceptable that no car parking is provided, as the proposal would not unacceptably worsen the existing parking situation. The development is therefore considered to comply with the Vehicle Parking Standards SPD and Policy DP8.

### Impact on Conservation Area and setting

It is considered that the design, scale and materials chosen for the building would not have a serious adverse impact on the character and appearance of the surrounding area. This site is visually prominent on a main approach to the historic town, in close proximity to the Conservation Area and in the setting of a similar styled Listed Building opposite, where any development should respect the character or appearance of the setting.

It is considered that the choice of materials would not detract from the setting whilst the scale and design of the building would not have an adverse impact on the setting. The existing building has been subject to some unsympathetic alterations which have detracted from its original character but it does still have value as part of the history of the town. However, the building is outside the Conservation Area and is not Listed, although it is understood this has been pursued, therefore there is no requirement for the building to be retained, providing the replacement is of sufficient quality and preserves or enhances the setting. It is considered that the proposal would achieve this through the use of

appropriate materials, design detailing and scale and would comply with Policies DP1, DAP4 and DAP8.

#### Impact on neighbouring amenity

The Residential Design Guide requires development to take account of the impact on neighbouring properties, and in particular sets out the 45 Degree Guideline for assessing over-development, loss of privacy and dominance over adjoining dwellings, and to secure reasonable standards of outlook and amenity.

The proposed development complies with a 45 Degree Guideline from the first floor neighbouring flat at the rear, therefore the proposal will have no greater an impact on this property in terms of loss of light or overbearing impact. There is no window at ground floor. The neighbours concerns relating to disturbance during construction is not a planning matter as it can be controlled through other legislation if it becomes a nuisance, whilst the physical impact of works on other property would be addressed either under Building Regulations or the Party Wall Act. The proposal would therefore comply with Policy DP2 and the Residential Design Guide.

#### Impact on ecology

A bat survey has been carried out to the satisfaction of the County Ecology service, and subject to their recommended condition, the impact on this protected species can satisfactorily mitigated, in accordance with Policies DP3 and DAP3.

#### Sustainability

A Sustainable Buildings Statement has been submitted which includes the proposal to install solar thermal panels to provide an energy saving of at least 10%. This would comply with Policies DP12, DP13 and the Sustainable Buildings SPD.

#### Open Space

The proposal would lead to an additional demand on public open space therefore a contribution would be applicable which could be conditioned to comply with Policy SC13 and the Open Space SPD.

### **SUMMARY/CONCLUSION**

In the opinion of the Local Planning Authority, the development would not cause unacceptable harm to the architectural and historic character of the setting of the Conservation Area and the Listed Building opposite. Furthermore, the proposal would not adversely affect the amenity of nearby residents, and the impact on the existing parking situation is negligible. 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) (002A; 005B submitted on 26 June 2013. 006C submitted on 25 July 2013), and specification contained therein. **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 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 construction 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 DP1 of the Warwick District Local Plan 1996-2011.
- 4 Unless the Local Planning Authority certifies that suitable alternative provision has been made for the provision or improvement of open space within the catchment area of the application site in accordance with Policy SC13 of the Warwick District Local Plan 1996-2011:
  - (i) no development shall commence unless or until a scheme for such provision or improvement (identifying the size/extent, location and specification of the space and works) has been submitted to and approved in writing by the Local Planning Authority; and
  - (ii) the dwellings hereby permitted shall not be occupied until the scheme so approved has been implemented.

**REASON:** To ensure the necessary infrastructure and facilities are provided in accordance with Policy SC13 of the Warwick District Plan 1996 – 2011.
- 5 The dwelling(s) hereby permitted shall not be occupied until the bin stores have been constructed in strict accordance with the approved plans. **REASON :** To protect the amenities of occupiers of the site and the character and appearance of the locality, in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.
- 6 The development hereby permitted shall not be first occupied unless and until the renewable energy scheme submitted as part of the application has been wholly implemented in strict accordance with the

approved details. The works within this scheme shall be retained at all times thereafter 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.

- 7 The development hereby permitted shall not commence unless and until two weeks notice in writing of the start of works has been given to a suitably qualified bat worker appointed by the applicant to supervise all destructive works to the roof. All roofing material is to be removed carefully by hand. Should bats be found during this operation, then work must cease immediately while Natural England are consulted for advice and no further works shall be undertaken at the site unless and until full details of measures for bat migration and conservation have been submitted to and approved in writing by the local planning authority. The development shall then proceed in full accordance with the approved details and any required mitigation works shall be complete in full accordance with the approved details and shall not be removed or altered in any way without the prior written approval of the local planning authority. Notwithstanding any requirement for remedial work or otherwise, the qualified bat worker's report shall be submitted to the local planning authority within 1 month following completion of the supervised works to summarise the findings. **REASON:** To safeguard the presence and population of a protected species in line with UK and European Law, the National Planning Policy Framework and Policy DAP3 of the Warwick District Local Plan 1996-2011.
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