

Planning Committee: 03 August 2005

Item Number: 21

Application No: W 05 / 0964

Registration Date: 16/06/05

Town/Parish Council: Warwick

Expiry Date: 11/08/05

Case Officer: Will Charlton

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Land rear of, Cherry Street, Coten End, Warwick, CV34 4LR

Demolition of existing workshop units and No 22 Cherry Street and erection of 6 apartments and two houses. FOR Rowney Properties Ltd

This application forms part of a larger development for the site which is partly covered by application W05/0965 reported elsewhere on the agenda.

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

Warwick Town Council : "The Town Council considers that the development will have a detrimental effect on the residential character of the area and that the proposed blocks of flats will not harmonise with its surroundings or be in keeping with the adjoining residential houses and that any development should be limited to houses, in accordance with Policy (DW) ENV and Emerging Policy DP1 which require that proposals should meet a high standard of design, having regard to the character of the area and harmonise with their surroundings.

A site visit is recommended to enable members to satisfy themselves that flat development would not be compatible with the area of terraced houses, close by a Conservation Area and members will recall its decision to refuse W003/1387/1388 & 1389LB [*Millwright Arms*] on the grounds that the development would have a detrimental effect on the character of the area by reason of the design and size of the development."

Warwick Society : Although the redevelopment of the whole of the site is an improvement over the previous, objection is raised regarding the development on a restricted site, where there is no amenity space provided. It is unsatisfactory that a house in Cherry Street needs to be demolished to provide access and that residents will be overlooked and have vehicles manoeuvring at the bottom of their gardens.

Highways (WCC) : No objections providing adequate turning space is provided within the site and the refuse collection point is located within 25m of the refuse vehicle.

Fire & Rescue Service (WCC) : No objection subject to a condition requiring a scheme for fire hydrants.

Ecology (WCC) : Require a bat survey prior to determination, a condition to protect retained trees/shrubs/hedges and request that the applicant be made aware of their duty regarding nesting birds.

Archaeology : No comment.

Environmental Health : If permission is granted then the undertaking of a Contaminated Land Survey should be conditioned.

Neighbours : Fourteen letters of objection have been received to date, primarily referring to increased traffic and insufficient parking, which would further compound the already unacceptable problems in the area. Part of the site is within the Conservation Area and the development is considered to be too dense and out of character with the surrounding terraced properties. The dwellings would dominate the surrounding properties, with the rear of the existing properties being overlooked; with extra noise from increased traffic, and increased light pollution at night.

Concern is raised regarding the safety of the access point, which would be a hazard to pedestrians, conflicting with delivery vehicles including HGV's, whilst right of access at the rear of the properties in Cherry Street will be lost. Further new housing is not required in Warwick and the demolition of a terraced house is not acceptable. The development will also result in the loss of a 60ft tree adjacent to the site.

RELEVANT POLICIES

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

(DW) H5 - Infilling within the Towns (Warwick District Local Plan 1995)

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

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

UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011 First Deposit Version)

PLANNING HISTORY

A recent application for the northern application area, covered by application ref: W05/0964, was withdrawn earlier in the year. The application was for the demolition of part of the existing workshop building and the erection of 14 apartments. The scheme also involved the demolition of No 22 Cherry Street to provide a widened access to the application site, the remaining employment building and car parking to the rear of the Emscote Road units.

KEY ISSUES

The Site and its Location

The overall application site consists of a small employment area containing a number of small workshop units and a larger unit including offices and a large

storage building. The site also provides access to an area to the south of the site, which provides parking for a number of Emscote Road properties, both residential and commercial. At the northern end of the site is a small unused and overgrown area which is located within the Conservation Area.

The application site is bounded to the north and west by traditional terraced properties which abut the pavement and have small single-storey rear wings and yards (Guy's Cliffe Terrace and Cherry Street). To the east is Broad Street with the rear garden area of the Millwright Arms Public House between. To the south of the site is the rear gardens / parking area of a number of properties which front onto the Emscote Road. The only vehicular access point to the site is from Cherry Street, between the terraced properties presumably where No 20 once stood.

Details of the Development

There are two planning applications submitted for the whole of the site, splitting the site into two parts. The only reason the applications were submitted in this form was in order to allow the main application area (W05/0964) to be submitted as a resubmission following the withdrawal of the previous earlier application. Application (W05/0965) has been submitted as a new application.

Both applications are to be considered as a whole as the objections received and the issues arising cover both parts of the site. It is also the applicants intention to develop the whole of the site, something which if permission is granted can be conditioned.

The main application (W05/0964) proposes the erection of 6 one and two bedroom flats within one building and a pair of semi-detached three bedroomed houses, with their rear gardens within the Conservation Area. The second application (W05/0965) proposes the erection of 4 three and four bedroom flats in an 'L' shaped building. In order to improve the access to the site, it is proposed to demolish No 22 Cherry Street in order to widen it from approximately 4.8m to 6.8m, together with a pedestrian footpath.

Assessment

Character of the Area

The properties proposed would replace an existing run of large single-storey poor quality workshop, storage and office buildings. Whilst the majority of the site bounds the Conservation Area, the most easterly section is set within. The scheme has been designed so as to respect the character of the area and the adjacent Conservation Area, with the two semi-detached properties being located so that their gardens utilize the current unused piece of land in the Conservation Area. There is a tree adjacent to the site in the rear garden of one of the properties in Guys Cliffe Terrace. This tree is set outside the application site, and is currently located nearer to the existing industrial building than the proposed dwellings, and only marginally overhangs the

application site. As such it is not considered that the development proposed would have an adverse impact upon this tree, and therefore the Conservation Area.

The scheme has been designed so as to reflect the characteristics of the surrounding terraced properties, having been considerably altered since the original proposal. The properties, although providing flatted accommodation, have been designed so as to contain some of the features of the terraces, including bay windows, arch window heads and fire walls. It is considered that the design and density of the proposal maintains the character of the surrounding area and would not dominate the surrounding properties.

Neighbouring Properties

The three buildings proposed are situated to the east of the Cherry Street properties, with their two-storey elevations and windows being separated by a distance of approximately 27m. The buildings would be approximately 15m to 17m from the dividing boundary with Cherry Street, which consists of 1.8m fencing and walling, whilst the blank gable end of the nearest units are 18m from the rear elevations of 24/26 Cherry Street. The side elevation of the northern most property is approximately 22m from the rear elevations of the Guy's Cliffe Terrace properties and 1.5m to 4m from the dividing boundary wall, the closest point of which is along a boundary with a common rear access path. This elevation has been amended to remove the side staircase window, whilst a condition is proposed to ensure any glazing within the doors is obscured.

The proposed dwellings therefore comply with the Council's adopted Distance Separation Guidance, which requires a distance of 27m for 1st floor habitable rooms facing two-storey dwellings, and a blank gable separation distance of 12m. As such it is not considered that the rear of the existing properties would be overlooked, intruded upon or would lose light to such an unreasonable extent that the application should be refused.

Parking and Access

Although the properties along Cherry Street may experience extra noise from cars manoeuvring and increased lighting at night in the car parking court, over the current commercial vehicle parking area, it is not considered that this would be to such a level as to be unacceptable and warrant refusal of the application.

It is understood that whilst a couple of residents have objected to the loss of access to the rear of their properties in Cherry Street, these do not enjoy a formal right of access to the rear across the application site. If access is either informally or formally allowed, it is considered that this is a private matter between the residents and the applicants.

A total of 19 parking spaces are proposed, together with a cycle store. This therefore equates to an average of 1.5 spaces per flat and 2 spaces each for

both of the houses, which is in line with PPG13 and Government Guidance. It is accepted that there is already a parking problem in the surrounding streets due to the number of vehicles owned by local residents and the lack of off road parking available, particularly as Cherry Street has parking restrictions along one side. Due to parking demand from residents and visitors to the proposed scheme the provision of 1.5 spaces may not be sufficient, and as such further non specified parking may take place on site due to the width of the parking courtyard. Although this may cause turning problems and restrict manoeuvrability within the site it is not a sufficient reason to object and would have to be policed by the residents themselves.

Due to the provision of parking proposed and the location of the site, within walking distance of bus routes, Warwick railway station and town centre it is considered that it would be unreasonable to demand further off street parking in excess of the approach adopted by Central Government.

It is not considered that the access point would cause safety problems. Warwickshire County Council have been consulted as Highway Authority and have raised no objection to the proposal, considering that the widened access point, allowing access to the proposed residential site together with rear access to the premises on Emscote Road, as being acceptable. County Highways have stipulated their requirements regarding both the roads/pavements width and location, which is detailed in one of the conditions proposed.

Demolition of 22 Cherry Street

A number of objections have been raised regarding the demolition of the terraced house (No 22) and that this is not acceptable and a previous application was refused. Although an application was made in 1983 (W83/0920) and refused for its demolition this was due to the fact that the site was a builders yard and that the inclusion of further non-conforming land and the widening of the access, which would enable larger vehicles to enter the site would cause nuisance to neighbours. It is considered that the demolition of the unit would not cause undue harm to either the neighbouring properties nor the character of the streetscene. There is already a break in the street frontage caused by the existing access point, further emphasised by the fact that No 12 to 18 Cherry Street are set back from the pavement.

Planning Policy

The Town Council make comment regarding planning applications made in 2003 for the erection of a ten bedroom hotel in the rear garden of the Millwright Arms Public House. The applications were refused under delegated powers, primarily as being detrimental to the character and setting of the Listed Building due to its unsympathetic design and form.

The District Council is currently considering revisions to planning policies to restrict housing development within the District, with the policy proposed currently being out to public consultation requesting comments. This

application has to be determined under current local and national planning policy and as such there is no 'moratorium' in existence now on the development of further open market residential sites. As such the proposed pending policy cannot be taken into account and is not a material consideration when determining this application.

REASON FOR RECOMMENDATION

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

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 1171-LOC, 30A, 31A, 32 and 34A, and specification contained therein, submitted on 3rd and 16th June 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 The whole of the development shown on the Drawings No 1171-LOC, 30A, 31A, 32 and 34A as submitted with application reference W05/0965 shall be carried out as a single building project. **REASON**: To ensure that the amenities of the neighbours are not unreasonably affected by the development and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan.
- 4 No development shall be carried out on the site which is the subject of this permission, until details of demolition works of No 22 Cherry Street and the repair and making good of the side elevation of No 24 Cherry Street 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 amenities of the neighbouring property and the area are not unreasonably affected by the development and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan.
- 5 Before any works for demolition are first commenced, a survey of the premises by a qualified bat surveyor shall be undertaken to demonstrate the presence, absence or usage of the premises by bats. In the event that the survey demonstrates the presence or usage of the premises by bats, a report recommending mitigation measures to ensure any bats will be protected during the demolition works shall be submitted to and approved in writing by the District Planning Authority before the demolition works are

commenced. The approved mitigation measures shall be wholly implemented strictly as approved. **REASON:** To ensure the protection of bats and compliance with Policy ENV27 of the Warwick District Local Plan 1995.

- 6 Development shall not be commenced until there has been submitted to the District Planning Authority a survey report on the extent to which any part or the whole of the application site is contaminated by toxic or other noxious materials and on the remedial measures required to deal with the hazards. No development shall be commenced until all toxic or obnoxious materials have been removed or otherwise treated in accordance with details which have been approved in writing by the District Planning Authority. **REASON** : To protect the health and safety of future occupiers.
- 7 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.
- 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 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 an appropriate standard of design and appearance on a site adjacent to a Conservation Area, and to satisfy Policy ENV8 of the Warwick District Local Plan.
- 9 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.
- 10 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.

- 11 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.
- 12 No development shall be carried out on the site which is the subject of this permission, until details of provision for storage of refuse 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 protect the amenities of occupiers of the site and the character and appearance of the locality, in accordance with Policy ENV3 of the Warwick District Local Plan.
- 13 No development shall be carried out on the site which is the subject of this permission, until details of provision for cycle parking area have been submitted to and approved by the District Planning Authority. The cycle parking area shall be constructed, surfaced, laid out and available for use prior to the first occupation of the development hereby permitted, in full accordance with the approved plan. **REASON** : To ensure that there are adequate cycle parking facilities to serve the development.
- 14 Prior to the commencement of the development hereby permitted, a plan to show the layout and surface treatment of the car parking area in accordance with the Council's standard shall have been submitted to and approved by the District Planning Authority. The car park shall be constructed, surfaced, laid out and available for use prior to the first occupation of the development hereby permitted, in full accordance with the approved plan. **REASON** : To ensure that adequate parking facilities are available, in accordance with the requirements of Policy ENV3 of the Warwick District Local Plan.
- 15 The development hereby permitted (building construction works) shall not be commenced until the existing vehicular access to the site from Cherry Street has been widened to as per the requirements of Condition 16. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy ENV3 of the Warwick District Local Plan.
- 16 The vehicular access to the site shall not be less than 5 metres wide, with at least a 1m soft verge alongside No 18 Cherry Street and a hard footway verge to the side of No 24 Cherry Street for a distance of the depth of the properties and gardens. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy ENV3 of the Warwick District Local Plan.
- 17 The residential construction work hereby permitted to be carried out shall

not be commenced until the vehicular access to Cherry Street has been improved in accordance with the approved plans. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy ENV3 of the Warwick District Local Plan.

- 18 The side ground floor door windows in the northern elevation of the semi-detached dwelling hereby permitted shall be obscure glazed and retained as such at all times thereafter. **REASON** : To protect the amenity of the occupiers of nearby properties.
- 19 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 Parts 1 (Classes A to H) and 2 (Class A) of Schedule 2 of this Order, without the prior permission of the District Planning Authority. **REASON** : This site is of a restricted size and configuration and is in close proximity to other dwellings. It is 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 Policy ENV3 of the Warwick District Local Plan.
- 20 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 other than those expressly authorised by this permission, shall be placed at any time in the elevations of the two semi-detached dwellings hereby permitted. **REASON** : To retain control over future development so that the residential amenity of adjoining occupiers is protected.
- 21 The demolition hereby permitted shall not be undertaken before a contract for the carrying out of redevelopment works has been made. **REASON** : As the demolition of No 22 Cherry Street would not otherwise be allowed, in order to protect the amenities of the area.