

Planning Committee: 08 March 2005

Principal Item Number: 11

Application No: W 04 / 2170

Registration Date: 23/12/2004

Town/Parish Council: Warwick

Expiry Date: 17/02/2005

Case Officer: Will Charlton

01926 456528 planning_west@warwickdc.gov.uk

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

Part submission of details (siting, design and external appearance)
under W20021691 (Condition 1A) for the erection of 196 dwellings and associated works
FOR Laing Homes Midlands

SUMMARY OF REPRESENTATIONS

Town Council: No objection.

Highway Authority: No objection subject to various highway conditions.

WCC Planning: As this is a Reserved Matters application it is left for the District to determine.

Environmental Health: It will be necessary to demonstrate that the detailed proposals accord with the accepted remediation scheme. Including a further statement to demonstrate that the land is suitable of the intended purpose. A scheme of working to minimise the impact of noise, dust and construction work generally should also be submitted.

WCC Ecology: Blocks T, S, R & Q are very close to the canal, in parts less than 5m. It is recommended that the distance is increased, which would allow more landscaping.

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.

Inland Waterways Association: Require appropriate landscaping to the canal.

WCC Footpaths: No objections, as the plans appear to show a link to Lock Lane.

Ramblers Association: Are pleased to note the cycle link to Lock Lane and trust that this will not be restricted to cycles.

Environment Agency: No objections.

Severn Trent: No response has been received.

East Midlands Electricity: Consultation returned.

Warwick Society: Consider that the proposal represents a lost opportunity to replace industry with high quality, imaginative housing. With a high density of 70 dwellings per hectare without the proper quota of affordable housing such a density will detract from quality of life of the area. There will be an increase in traffic generated to the site with limited access and no separate footbridge over the canal to be provided.

Neighbours: A total of 9 letters of objection have been received, together with 3 letters commenting on the scheme.

Included in 3 of the letters are objections relating to the inappropriate design of the terrace proposed along Lower Cape, which would also cause loss of privacy to the existing properties opposite. 7 of the letters object to these properties being for Social Housing, which should be spread throughout the site and not just opposite the existing properties. 7 Upper Cape has objected to the unit proposed adjacent as it would breach the 45 degree code and would result in a loss of light and view, with his property being overwhelmed by the size and bulk of neighbouring building.

The resident of Lock Cottage, on the opposite side of the canal to the Public House, objects to the siting, size and external appearance of all the canal side apartment blocks proposed and in particular Block P which would look into Lock Cottage, which is below towpath level and would dominate the skyline, being overbearing, blocking out light and affect privacy. The canal side buildings are imposing in nature and would be dark and oppressive and are not 'typical canal-side architecture' outside a city/heavy industrial context.

The majority of objections, 8 in total, 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, is used by the Public House and would be reduced by the development. Concern is expressed over the potential for increased traffic congestion and the need for the canal bridge along Cape Road and the junction of Cape Road and Wedgnock Lane to be improved. One resident expresses the need for more landscaping along Lower Cape and for open space to be provided on site, together with a new bridge over the canal.

The employment / industrial buildings should be considered at the same time as the current proposal and the use of the industrial properties restricted.

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 has been incrementally developed for industrial purposes for over 65 years 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 Benfords Ltd have moved from the site to new premises in Coventry, thereby resulting in a largely redundant and empty / derelict site, although Metallic Protectives Ltd still operate from the site.

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.

Over the past few weeks demolition work has started on the Benfords site, with a number of sections of building having now been removed, although Metallic Protectives still operate from their part of the site.

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. The whole site has an area of approximately 4.18 hectares and is comprised of land in the ownership of Terex (parent company of Benfords Ltd) and Metallic Protectives Ltd. Both companies operate on split sites, although Benfords operations on site have recently ceased.

The site has been developed on a piecemeal basis over a period of approximately 65 years. This has resulted in an intensively developed site with a wide range of buildings and uses and an inefficient layout. None of the buildings have any architectural interest and a number are very large unsightly buildings, which dominate the adjacent residential properties, particularly along Lower Cape, which were built prior to the establishment of the industrial buildings.

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, with none of the existing buildings being orientated towards the canal. 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 are further industrial factories and warehouses. A number of these are secondary in quality and a number are vacant, with some being vacant for a long period of time. 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 application is for the residential element of the site covered by the overall outline consent, and is for Reserved Matters, covering siting, design and external appearance, with landscaping remaining reserved for subsequent decision. The remainder of the site, to the east and south of Lower Cape would be for employment uses and would be the subject of a separate Reserved Matters application.

A total of 193 residential units is proposed, including both flats and houses with gardens. They range in size from 1 bedroom flats through to 4 bedroom terraced and semi detached houses, with the majority being 2 bedroom flats:

Flats	1 Bed	= x5	Houses	2 Bed	= x2		
	2 Bed	= x152		3 Bed	= x11		
	3 Bed	= x4		4 Bed	= x19		
	Total	= x161		Total	= x32	Total	= 193 units

It is proposed to located 3, three-storey town house style buildings along Cape Road / Upper Cape filling in the breaks in the street frontage where there are currently entrances to Metallic Protectives. Two of the buildings (Blocks B and C) (5 units) would have traditional stone lintel, eave and window detailing. Block A (six flats) would appear similar in style but would have a glassed door to the ground floor, providing light to the lounge and first floor Juliet style balconies.

A row of three-storey town houses, in the same style as those onto Cape Road, and a block of three-storey flats would be positioned along a realigned Lower Cape, with a row of two-storey terraced houses being positioned opposite the existing terrace on Lower Cape. Block J, which turns the corner in Lower Cape would be three-stories in height, with render at the upper level and a cupola detail. The terrace has been designed so as to reflect the character, size and form of the original terrace with traditional detailing including parapets to the roofs to break up the blocks. Parking would be provided for these dwellings to the front, at right angles to the road.

A more formal canal frontage of three and four storey units, with the majority containing garaging in the rear section of the ground floor, would replace the existing large buildings onto the canal creating an urban industrial canal side frontage, with canal warehouse features including balconies, central gable features together with gantry-type features at roof level and weatherboarding below on the gable end. 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 units containing the apartments reflecting the characteristics contained in the blocks proposed onto Lower Cape and onto the canal frontage, with courtyard parking to the rear. The houses would be located backing onto the terrace at Lower Cape and would be the same style, size and character as the town houses located elsewhere on the site.

A total of 310 parking spaces are to be provided, with 20 spaces allocated to residents of Lower Cape. However, 12 of these would be along the road adjacent to the existing terraced houses. With the total number of spaces being provided, the amount of parking equates to an average of 1.5 spaces per flat and 2 spaces per house.

Assessment

The main issues to be addressed are the size and bulk of the proposals and their density and whether these aspects of the proposal would have a detrimental impact on the adjoining residential properties.

- Cape Road / Upper Cape Development

There are three infill blocks proposed along Cape Road, all of which would be three-storey (Blocks A, B & C). As there is a large variety of properties along Cape Road they have been designed so as to reflect the character of the larger properties and provide a step between the large three and four-storey buildings and the smaller two-storey terraces. No 7 is one of three small Victorian terraced properties, and is set substantially lower (eave/ridge height of 4.8m/6.7m) than the adjacent raised three-storey Regency style block which also incorporates a basement, therefore providing four floors of accommodation (eave/ridge height of 9.2m/11.5m).

Since originally submitted, the scheme has been amended so as to reduce the block's impact upon the neighbouring residence. The block (C) was originally 6 flats (the same as Block A) but has now been altered to three dwellings. It is therefore considered that this element of the scheme now meets the Council's 45 degree code and would not result in a loss of light and view to the neighbouring building. It would have an eaves height of 7.7 metres and a ridge height of approximately 10.5 metres, but would be sunk by approximately 1 metre, thereby providing a drop between the two adjacent existing buildings.

The three-storey block of flats to the rear (Block E) would be located approximately 31 metres from the rear of No 7 Cape Road and Block C, thereby substantially in excess of the Council's required 16 metres for a two-storey building onto the blank elevation of a three-storey building.

- Lower Cape

The first few 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. There would then be an access into a rear parking court for both these houses and the block of three-storey flats (Block J) which would turn at the repositioned corner in the road, creating a feature building on the inside of this corner.

As part of the overall design of the development it was considered during presubmission discussions that a row of traditional two-storey terraced properties (Blocks K, L & M) opposite the existing Victorian terraced dwellings would be visually more acceptable and in keeping, with lower ridge heights involved and a traditional street character introduced. It was also considered that the creation of traditional two-storey dwellings would lead to less potential for overlooking and loss of light towards the existing dwellings than larger blocks of flats.

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. It is not considered that just because the proposed terrace does not replicate the original more precisely the dwellings are inappropriate and out of keeping and as such the scheme should be refused. The character of the properties has been designed so as to replicate some of the features opposite, such as the small fore gardens/railings and parapets to the roofs, whilst providing their own more simplistic character.

The terrace has been altered since originally submitted to reduce the size of the first floor windows from three light width windows down to two light wide windows, therefore not only reflecting the characteristics of the original terrace further but also reducing the potential for and the perception of being overlooked. Although the separation distance of 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. Whilst sympathising with the residents, who in the majority haven't been overlooked by the existing factory unit opposite, it is not considered that the actual loss of privacy would be to such a level as to warrant refusal of the whole scheme.

- Canal Side Development

Adjacent to the terrace style properties would be a larger building stepping up from three to four storeys where the block turns to face the canal. The size of building (Block N & Q) reverts back to larger, more imposing blocks, with the style of architecture following some of the features through from the other large units, particularly those within the centre of the development. The building, 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 the most important gables facing towards the canal itself.

Building Q and in particular buildings S & T are the highest (11 metres to eaves and 15.5 to ridge) and largest of the development and are considered to reflect typical urban/industrial canal side / wharf style architecture. As they replace the largest and very tall existing factory buildings, which currently dominate the canal frontage and views from the canal, they are not considered to be over dominant or overbearing.

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, being set back from the Public House. 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 continue the style of architecture found in the other canal side apartment buildings.

Lock Cottage is situated on the opposite side of the canal to the Public House, and would be approximately 40 metres away, with the boundary to its garden being approximately 35 metres away. This is therefore in excess of the 32 metres distance separation required for a three-storey building, where upper floors are habitable rooms other than bedrooms to a two-storey dwelling house. 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 is currently dominated by large metal clad industrial buildings which substantially detract from the overall aesthetics of the area. The introduction of the buildings proposed, although large, would aesthetically improve the canal frontage, whilst substantially altering its character from a heavy industrial context to a more traditional hard landscaped wharf style development, reflecting the existing industrial context of the site.

- Affordable Housing Location

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. As part of the stipulation at least half (x15) of these are to be for rent, and at least half of the rented units (x8) must be houses with at least 3 bedrooms. The requirement for the type and size of affordable units to be provided by the development has come from negotiations between the developer, the Housing Association and the Council's Housing Officer. There is a demand for affordable dwelling houses as well as flats within the Warwick area and as such the District Council is always pursuing developers for dwelling houses rather than flats, which are the more commonly developed and offered style of property within the centre of Warwick. It is likely that the following units will therefore be provided :

Shared Ownership	Rented
3 bedroom house = x1	3 bedroom house = x8
2 bedroom house = x1	2 bedroom house = x1
2 bedroom flat = x12	2 bedroom flat = x6 (to be provided off-site)

The location of all the dwellings is currently being discussed by the developer with both the Association and the Housing Officer, with the locations 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 not going to be individually and randomly spread throughout the development.

Whilst not part of the original concept, the size of the dwelling houses required by the Associations standards lend themselves to utilize the more traditional two-storey terraced dwellings. It is therefore likely that the dwelling houses may occupy Blocks K & L, with the remaining 12 flats to be provided on-site being grouped into one unit. This therefore means that they will probably be located in either Block E or Block J. This would then leave 6 units to be located off-site at 'The Stables' development in Friars

Street assuming that agreement can be reached on the arrangements for the delivering of these units. If agreement cannot be reached, these units will also have to be provided on this site, which may again change the location of the Blocks to be utilized by the Association.

- Parking Provision

A total of 310 parking spaces is to be provided by the development, with 290 spaces for the new units. This therefore equates to an average of 1.5 spaces per flat and 2 spaces per house which is in line with PPG13 and Government Guidance. Whilst accepting the difficulty which may arise with regard to parking in the vicinity, as 1.5 spaces may not be sufficient, I consider that, it would be unreasonable to demand further off street parking. The amount of parking at the development equates to the maximum number of spaces which should be provided, an approach which is in accordance with PPG3 (Housing) and PPG13 (Transport).

There are 20 parking spaces allocated to residents of Lower Cape. However, 12 of these would be along the existing road adjacent to the existing terraced houses, therefore resulting in a net loss to these residents, as more cars can park in the same length of road than if the spaces are formally marked out. It is therefore considered that although the spaces are to be located in a bay off the road, rather than the current on-street parking, the spaces could remain unmarked thereby allowing more cars to park within the same length of space. However, this is a matter which needs to be determined by the Highway Authority, who have ultimate responsibility.

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 Wedgnock 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.

- Other Matters

The application does not include landscaping as a Reserved Matter, however it is accepted that landscaping, particularly along Lower Cape 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. The provision of a new bridge over the canal was also considered but dismissed due to British Waterway requirements and the cost implications.

Whilst it is accepted that it would be useful to consider the employment and industrial buildings at the same time as the current proposal it is not something which can be insisted upon. The developer has always intended to submit the scheme in two phases and wishes to implement the housing before the employment sections, although the main infrastructure for both would be put in place from the outset.

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 The development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawings 1760 100U, 113G, 114G, 115G, 116H, 117C, 118F, 119G, 120H, 121K, 122F, 123G, 124D, 125F, 126G, 127F, 128H, 129F, 130G, 131B, 132A, 133 and 150C, 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.
- 2 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.
- 3 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.
- 4 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.
- 5 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.
- 6 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.

- 7 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.
- 8 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.
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