

Planning Committee: 19 August 2014

Item Number: 16

Application No: W 14 / 0982

Town/Parish Council: Warwick

Case Officer:

Sally Panayi

01926 456541 Sally.Panayi@warwickdc.gov.uk

Registration Date: 27/06/14

Expiry Date: 22/08/14

66 Mercia Way, Warwick, CV34 4QB

Construction of a new pitched roofed double garage to the existing garden area.
FOR Mr Marshall

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

RECOMMENDATION

Planning Committee are recommended to GRANT planning permission, subject to conditions.

DETAILS OF THE DEVELOPMENT

The proposal is for the erection of a double garage with pitched roof attached to the side of 66 Mercia Way. The garage is indicated to be 7.0 metres in width and 6.8 metres in depth with a ridge height of 4.0 metres and an eaves height of 2.4 metres. The garage is accessed via the private drive leading from the turning head of the cul-de-sac at the eastern end of Mercia Way. Materials are indicated to be brick and interlocking roof tiles.

THE SITE AND ITS LOCATION

The application relates to 66 Mercia Way in Warwick and to land to the eastern side of the house, which was approved as an extension to the garden of the property in 2006. The house is on the end of a terrace of three dwellings and an adjoining pair of semi-detached houses which were built following a planning permission on appeal in 1998.

The house and extended garden land are at a higher ground level than the original houses in Mercia Way to the west and accessed via an unmade drive leading from the turning head. The application dwelling is visible from the footpath adjoining the River Avon to the south. The northern boundary of the plot is adjacent to the railway embankment and is densely vegetated.

PLANNING HISTORY

W/96/0632 - 10 dwellings. Refused 23/12/96

W/97/0489 - 5 dwellings and access road. Withdrawn 7/08/97

W/97/1393 - Erection of 3 x 3-bed and 2 x 2-bed dwellings. Allowed on appeal in 1998.

W/03/1893 - Erection of conservatory on plot 5 (Retrospective) Approved 29/01/04

W/06/1003 - Extension of existing residential garden adjoining 66 Mercia Way. Approved 23/08/06 Permitted development rights removed in relation to the construction of outbuildings in order to bring under control development which may impact upon flood flows across the site and which could increase flood risk elsewhere but not in relation to extensions to the building.

W/09/0592 - Construction of two new dwellings on the existing residential garden adjacent to 66 Mercia Way. Refused 20/01/10 Dismissed on appeal 03/09/10

W/14/0346 - Erection of a double garage with pitched roof in the existing garden area. Withdrawn 26/06/14

RELEVANT POLICIES

- National Planning Policy Framework

The Current Local Plan

- DAP2 - Protecting the Areas of Restraint (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)

The Emerging Local Plan

- BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

SUMMARY OF REPRESENTATIONS

Neil Kenton in his capacity as Temporary Flood Warden on behalf of Emscote Gardens Residents Association and Emscote Gardens Flood Action Group:
Objection.

This site is part of the link with the riverside section and the final flood defence section up into the rail embankment in the original construction of an entire flood defence on previously flat flood plain ground of Cleavers Nursery's Market Garden. The evidence submitted for the previous application (W/14/0346) should again be considered for this application.

On behalf of a good community living in the lower estate of Emscote Gardens, those of vulnerable and gentle sensibility, the elderly, those who are too busy and some who as yet are not informed on this matter take heed: Emscote Gardens Estate is reclaimed flood land the river held back by the earthen flood defences, known for years as the Emscote Gardens Flood Defence. Formerly entirely from the rail embankment around the river side and up to the rear of St Nicholas Park, as a planning condition of AC Lloyds development in the 1960. Proved it's worth in the 1998 floods but subject to a catalogue of neglect by the local authorities, owners (WDC) and failure to coordinate and orchestrate land/ flood defence management, commencing with the outflow hatches seized that let river water into the road in 1998 to the collapse of the tree line and part of the flood bank riverside culminating in the total blind siding of the existence of the flood defence up to the rail embankment, and consequential destruction contrary to environment agency recommendations and former WDC legal recognition.

This application is in the zone of the remainder forward crest of any earth feature, that can be engineered in the full reinstatement of the Emscote Gardens Flood Defence in accordance with current flood defence legislation then returning the level of safety formerly enjoyed by property owners in the lower part of the estate. Also in prospect for changing weather patterns and formerly recognised global warming and up river Leamington flood alleviation and 60 years of new development schemes on former open field flood and water catchment. Detailed and conclusive documentary evidence can disclosed and explained at the next residents association flood action meeting or on specific and approved request. All details have been furnished to the Council and EA at intervals over these years.

Even to err on the side of caution please oppose this or any further development here, please consider this and in the spirit of open government, a sensible application of community safety and new localism let's see these flood defences reinstated for our protection, for the visitors /anglers / through walkers, a safe path, a dry escape route for the riverside in flood, safe managed overhead tree canopy. It is all linked, stop any further development -reinstate Emscote Gardens Flood Defences.

Neighbour comments: raising the following issues:

- 1) The application site is within Flood Zone 2 and 3a. The proposal would breach the flood defences for the area.
- 2) The discharge of surface water from the site onto Mercia Way.
- 3) The existence of a deed of Easement with restrictive covenants across the site to allow maintenance for power cables.
- 4) The lack of safe, dry pedestrian access and escape route from the site in a flood event.
- 5) The dismissal of an appeal for development on this site in 2010.
- 6) The proposed development is inappropriate, and un-neighbourly to a community which is low lying behind the flood bank
- 7) The garage applied for now will be extended later and converted into something more permanent.

Warwickshire County Council: No objection subject to conditions.

Environment Agency: No objection: the proposal is sited on a wide stable naturally occurring plateau of land and does not result in a risk of compromising any flood defences in the area.

Health and Community Protection, Area Engineer (Flood Risk): No Objection to the proposed development subject to the undertaking of a percolation test to establish the most appropriate means of draining the development both of which will be considered at the Building Regulations stage.

Severn Trent Water: No objection.

County Ecology: Comments as on previous application (W/14/0346), recommend a note relating to nesting birds as a protected species is attached to any approval granted.

ASSESSMENT

The main issues for consideration are:

The principle of the development and the impact on the streetscene;

The impact on the amenity of the neighbouring residents;

The effect upon the area of restraint;

Flood risk.

Health and Wellbeing

The principle of the development and the impact on the streetscene

Local Plan Policy DP1 requires all development to relate well and harmoniously with the architectural form of the surrounding built environment, in terms of scale and massing, and also through good design. Paragraph 58 of the National Planning Policy Framework (NPPF) requires that all development reflects the

identity of local surroundings and materials, and responds to local character. The District Council's Residential Design Guide 2008 sets out design criteria that to achieve good design in accordance with relevant existing and emerging Local Plan policies.

The proposed double garage is designed as a brick built, pitched roofed building to be constructed in materials to match the adjacent dwellings. The proposed garage has a roof height of 4.0 metres, with an eaves height of 2.4 metres and extends 7.0 metres in width, attached to the side of the dwelling and is proposed to be 6.8 metres in depth. It is considered to be in character with surrounding development and acceptable in design terms.

The impact on the amenity of the neighbouring residents

Local Plan Policy DP2 and emerging policy BE1 require all development to be acceptable in terms of any impact on the amenity of neighbouring properties in respect of outlook, provision of daylight and visual intrusion.

The proposed garage is located on the garden land to the east of the dwelling at 66 Mercia Way and has no immediately adjacent neighbouring dwellings. It is therefore considered that the proposed garage has no impact in terms of overlooking or loss of light to adjoining properties and would be acceptable in terms of the amenity of neighbouring residents thereby meeting the requirements of the above policies and the Residential Design Guide.

The impact on the Area of Restraint

Whilst Policy DAP2 of the current Local Plan requires that development within an area of restraint should not threaten or harm the generally open character of that area, it should be noted that this policy is not proposed to be carried forward into the emerging Local Plan .

The application site is located in the northern part of an Area of Restraint along the River Avon with the railway embankment forming the northern edge, and the boundary extending due south through the footprint of the application dwelling, 66 Mercia Way, across the rear garden of the neighbour at 64 Mercia Way and towards the river.

As part of the consideration of the previous proposal for two dwellings on the application site both the District Council and an appeal Inspector considered that such a proposal would impact upon the open character of the area of restraint such that planning permission for that proposal was refused and the subsequent appeal dismissed.

The proposed garage is of a materially reduced scale relative to that earlier proposal (the current proposal for the detached double garage is for a building 4.0 metres in height, whereas the previously proposed dwellings were between 6.5 and 8.0 metres in height). The application site is screened on the southern boundary by a line of deciduous trees which when in leaf reduce views across from the river and footpath. In view of the scale of the current proposal which forms a subservient extension to an existing dwelling it is not considered that

there are sufficient grounds to warrant a refusal of planning permission on this ground.

Whilst the current Local Plan continues to carry significant weight and the emerging Local Plan only limited weight, in the absence of an emerging area of restraint policy it is considered that the proposed extension does not impact upon the character of the wider area to the extent that planning permission could be refused on that ground.

Flood Risk

The Environment Agency and the Council's Flood Risk Officer have raised no objection to this proposal on flood risk grounds.

Whilst there has been considerable local opposition to this proposal on that ground, there is no evidence to suggest that there will be any significant impact upon flood risk. The Environment Agency have advised that the level of the land and the proposed building is above both the 1 in 100 and 1000 year flood level and the proposal is therefore considered to be acceptable in this respect.

Other matters

Ecology: In accordance with Local Plan Policy DP3, an informative note relating to nesting birds will be issued with any decision notice granting planning permission in order to protect such species from construction works.

Health and Wellbeing:

It is not considered that the proposed development has any significant impact in this respect.

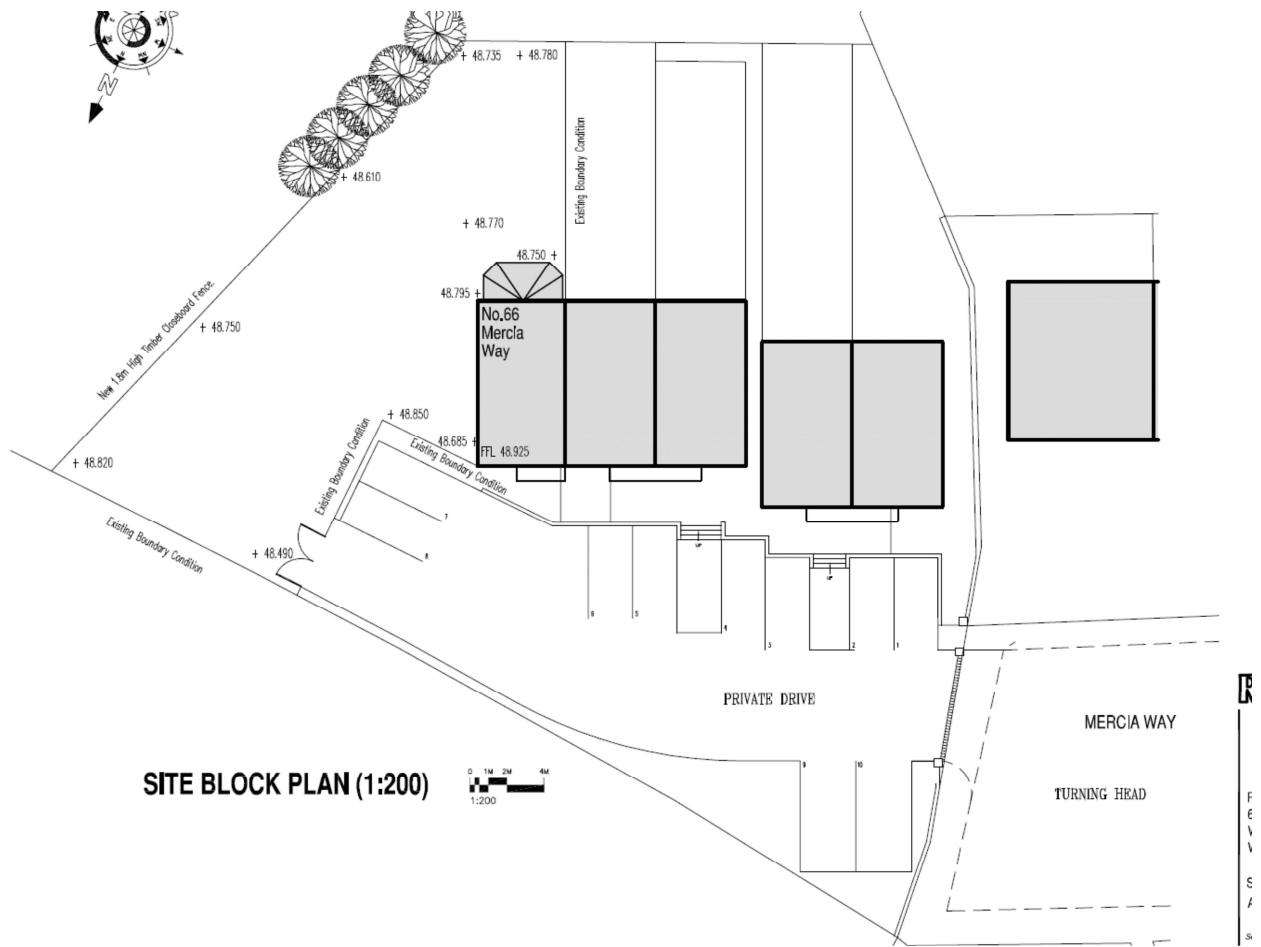
SUMMARY/CONCLUSION

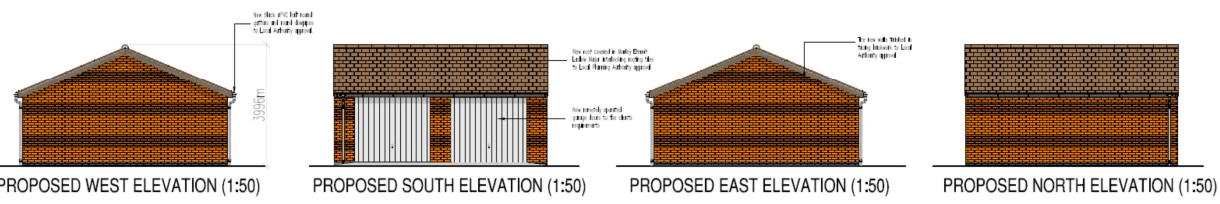
In the opinion of the Local Planning Authority, the development respects surrounding buildings in terms of scale, height, form and massing and does not adversely affect the amenity of nearby residents; materially impact on the character of the surrounding area or upon flood risk. The proposal is therefore considered to comply with relevant existing and emerging Local Plan policies.

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 4360/09B, and specification contained therein, submitted on 27th June 2014. **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 All external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **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.
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SITE PHOTOGRAPH (N.T.S)

