

Application No: W 14 / 0887

Town/Parish Council: Warwick
Case Officer: Penny Butler

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Registration Date: 11/06/14

Expiry Date: 06/08/14

Land at Vine Lane, Warwick

Erection of 2no. 2no. bedroomed dwellings. FOR Anton Gerrard Ltd

This application is being presented to Committee due to the number of objections received.

RECOMMENDATION

Planning Committee are recommended to GRANT planning permission, subject to the conditions listed, following the expiry of the statutory consultation period on 28 July and subject to no further objections being received that have not been taken into account.

DETAILS OF THE DEVELOPMENT

The proposal is for the erection of two semi-detached dwellings on the site following the removal of the existing garages. The proposed building will be set back from the boundary of the application site with the edge of the carriage way, and will provide a 1.4m wide foot way. There is no foot way in front of the site currently.

The dwellings would be two storeys with a bedroom and shower room provided within the roof space, being served by front and rear roof lights. The dwellings are described by the applicant as having two bedrooms, but the plans show a large study at first floor which could act as a further single bedroom. One integral parking space would be provided for each dwelling by way of a car port projecting 1.5m forwards under a lean to roof. At the rear, there is a 2m deep single storey projection with a lean to roof. Proposed side openings consist of a door and window at ground floor, with stair windows at first and second floors. Solar PV panels are proposed on the rear facing roof slope. Cycle and bin storage can be provided in the rear gardens, to be accessed by 0.8m wide side accesses.

The applicant has submitted two alternative designs for the front elevation, one providing garage doors to the car ports which they prefer, and one leaving the car ports open which is preferred by the Highway Authority. This is in response to the concerns raised at the previous Planning Committee about potential for anti-social behaviour within unsecured undercroft parking areas.

THE SITE AND ITS LOCATION

The application site previously formed the rear gardens of houses fronting Paradise Street to the south (no.38 is in separate ownership and the applicant owns no.36), and provided vehicular access into the rear garden for no.36. The site currently contains two unattractive lock up garages which project forwards of the buildings each side, following a bend in the road. The site lies between terraces of modern development each side fronting Vine Lane, whilst there are Victorian terraces to the rear on Paradise Street, and 1950/60s houses and bungalows opposite. The site is within a residential area close to the hospital.

PLANNING HISTORY

A planning application was withdrawn in 2012 (W/12/0728). This application proposed four flats with four parking spaces on the site frontage, and clear glazed windows were proposed at first floor level on the rear elevation.

A planning application was refused in 2013 (W/13/0646) for a two storey block of four flats with four undercroft parking spaces. This building included a two storey projecting rear wing and single storey projecting front canopy. The reasons were that insufficient provision was made for car parking, and that the design, mass and siting of the building was out of character with the area.

A planning application was refused in March 2014 (W/14/0035) for a terrace of three 1-bedroom houses in a two storey block with front dormer windows. This scheme provided under croft parking for three cars across the entire frontage, with access to the dwellings provided via the rear garden. The reasons were the introduction of an unsympathetic and incongruous feature within the street scene which does not positively contribute to the character of the environment, and insufficient provision for access to the primary areas of accommodation located within the upper floor levels of the proposed building.

RELEVANT POLICIES

- National Planning Policy Framework
- 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)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (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)
- DAP3 - Protecting Nature Conservation and Geology (Warwick District Local Plan 1996 - 2011)
- SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)
- UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)

- 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)
 - SC0 - Sustainable Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
 - H0 - Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
 - H1 - Directing New Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
 - TR1 - Access and Choice (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
 - TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
 - HS1 - Healthy, Safe and Inclusive Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
 - HS4 - Improvements to Open Space, Sport and Recreation Facilities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
 - CC2 - Planning for Renewable Energy and Low Carbon Generation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
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- The 45 Degree Guideline (Supplementary Planning Guidance)
 - Sustainable Buildings (Supplementary Planning Document - December 2008)
 - Residential Design Guide (Supplementary Planning Guidance - April 2008)
 - Distance Separation (Supplementary Planning Guidance)
 - Open Space (Supplementary Planning Document - June 2009)
 - Vehicle Parking Standards (Supplementary Planning Document)

SUMMARY OF REPRESENTATIONS

Warwick Town Council: No comments received at time of writing report. Comments will be reported directly to Planning Committee.

Public response: Seven objections received raising the following concerns:

- Loss of existing parking space for no.36 Paradise St. and insufficient provision for proposed development which would exacerbate existing traffic issues and illegal parking problems, harming highway and pedestrian safety.
- Dwellings parking on the site would reverse onto the frontage of houses opposite.
- Loss of amenity, view and light to surrounding properties.
- Over development.
- Inadequate visibility to car ports.
- The building should be set back to provide off-street parking and to increase vehicle manoeuvring space.
- The roof height should match houses in Vine Lane to the east, not Vine Court to the west, which currently are too tall for the area, and the proposal therefore fails to harmonise with the surroundings.

- The impact of the height of the Vine Court houses on neighbours opposite is mitigated by the greater set back of these neighbours. This is not the case for the proposed development, as houses opposite are closer, leading to loss of light.
- Proposed study could be converted to a bedroom, increasing the parking need of the houses
- Wall adjacent to garage being demolished is owned by WDC

WCC Ecology: Recommend bat and bird notes.

WCC Highways: No comments received at time of writing report. Comments will be reported directly to Planning Committee

ASSESSMENT

The key issues in the determination of this application are the impact of the development on neighbouring amenity, visual amenity and highway safety.

Impact on neighbouring amenity

Policy DP2 requires development to not lead to an unacceptable adverse impact on the amenity or nearby users or residents, and to provide acceptable standards of amenity for future users/occupiers of the development. The Residential Design Guide also 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, and the Distance Separation Standards for limiting the potential for over-development, loss of privacy and dominance over adjoining dwellings, and to secure a reasonable standard of amenity and outlook for local residents.

The front elevation of the building would be sited 26.8m from the main wall of the nearest house on the opposite side of Vine Lane. The separation standard for facing fronts of two storey buildings of 22m is therefore complied with. The proposed front elevation consists of a study/bedroom window at first floor, with a roof light serving a shower room in the roof space above from which no overlooking would occur. The main rear elevation of the proposed houses would be sited 22m from the main rear wall of houses on Paradise Street. The separation standard for facing rear elevations of two storey buildings of 22m is therefore complied with. The proposed rear elevations contain first floor bedroom windows with a second floor bedroom roof light above, where the plans state that the roof light cills will be 1.75m above the internal floor level. There would therefore be no material overlooking from the proposed rear roof lights. Both the front and rear elevations of the proposed houses will be in line with the existing houses each side, and the proposal will therefore have a similar relationship with surrounding houses to that which currently exists.

The building would not cause substantial loss of light to the neighbours at the front or rear due to the distance separation. The proposed dwellings would have

5.8m deep rear gardens which would not appear out of character with surrounding rear gardens which have a similar depth.

The building easily complies with the 45 degree guideline taken from the front and rear windows of the dwellings each side of the site. At the front the existing outlook would be improved for neighbours since the garages being demolished project further forwards than the proposed building. For these reasons the proposal is considered to comply with Policy DP2 and the Residential Design Guide.

Impact on visual amenity

Policy DP1 only permits development which contributes positively to the character and quality of its environment through good layout and design. It requires proposals to reinforce or enhance the established urban character of streets, reflect, respect and reinforce local architectural and historical distinctiveness, and respect surrounding buildings in terms of scale, height, form and massing. The Residential Design Guide also provides a design framework for maintaining and enhancing the distinctive qualities of the District's towns.

The height of the proposed building is considered appropriate in this location as the ridge height is no higher than the terrace of dwellings directly adjacent. It is noted that residents feel these existing houses are too tall, but they form part of the setting which the proposal should reflect. The design of the building is similar to the modern Victorian style houses each side of the application site and incorporates similar architectural features, whilst the materials can be conditioned as appropriate. It is considered that the front elevation would be visually acceptable without doors on the car ports, and this would be preferable in terms of highway safety, since it would prevent cars waiting in the highway whilst garage doors are opened. However, if this is not agreed then the alternative plans showing doors can be substituted. Since the building will not project forward of the adjacent terrace to the west and will be no higher, it will not form a prominent feature in the street scene, as it will blend in with the size, design and appearance of its setting. The development would not appear out of character or harmful to the established pattern of Victorian and modern terraced dwellings, and would therefore comply with Policy DP1 and the Residential Design Guide, and the NPPF which places a strong emphasis on good design.

Impact on highway safety

The site contains two single lock up garages and previously provided an off road parking space for no.36 Paradise Street, although the parking area has been fenced off. The applicant states the garages and land have not been used for parking in association with no.36 in recent years although neighbours state the garages have been let to other local residents. It is clear the land and garages have not been used for parking by the houses whose original curtilage they stood within for some time, therefore, it is not considered that permission could be refused on the basis that parking for no.36 would be lost. The concerns raised relating to parking and highway safety in the vicinity have been carefully considered by the Highway Authority.

The car ports have internal dimensions of 3m by 5m to ensure there is adequate space for car doors to open and for the spaces to be easily used for the parking of vehicles. Since these spaces are required to serve the parking needs of the houses, a condition would be required to ensure they are only used for parking vehicles and no other purpose. There is adequate manoeuvring space for vehicles to access the spaces without using private land opposite. As noted above, it is preferable in highway safety terms for there to be no doors on the car ports.

Concerns have been raised by local residents with respect to the impact of the development on on-street parking in this area, where Vine Lane has a carriageway of varying widths. To the east of the site it is wide enough for two way traffic to pass, however the northern side of the carriageway has some on-street parking provision. Across the site frontage, the carriageway narrows to a single way movement of vehicles, and to the west of the site it widens again to two way movement of traffic for a short distance only, with a road narrowing followed by a further pinch point before it connects back with Woodville Road. With the exception of the small section for on-street parking, the road is subject to double yellow lines preventing on-street parking.

The highways in the immediate area (with the exception of Sharpe Close) are within a Residents Parking Zone (W3). Dwellings within this area are eligible to apply for residents parking permits within the W3 zone, which also extends to a number of roads further out from the site. The proposed development does not comply with the parking standards, which require two spaces per three-bedroomed house. The Vehicle Parking Standards SPD advises that it may be acceptable to make use of a TRO (Traffic Regulation Order) to remove residents' rights to apply for parking permits, where a development does not meet the standards. The location of the site is highly sustainable, being within walking distance of the town centre, local services (schools, hospital, etc) and rail station/bus links, therefore in these circumstances it is considered reasonable to require the applicant to enter into a TRO, to secure the removal of residents' rights to apply for a permit. They would still have one parking space within the development. This would ensure there would be no greater impact on existing parking situation arising from the development, and would make the development acceptable in parking terms. Property no's. 36 & 38 are already within the parking zone and thereby currently eligible for parking permits. On this basis, the proposed parking provision and layout would be in accordance with Policies DP6 and DP8.

Sustainability

Solar photovoltaic panels are proposed on the rear (southern) roof slope to achieve a 10% energy saving in accordance with the Sustainable Buildings SPD and Policies DP12 and DP13.

Other matters

Severn Trent Water have previously confirmed that there is capacity in the existing public foul system, and it is proposed to provide a surface water soakaway, details of which could be secured by condition.

Bin storage space can be provided in the rear gardens where it will be screened from general view, and would be accessed via the side accesses.

A contribution towards the improvement of public open space in the vicinity, as no provision is made on site, is justified and could be required by condition.

A bat survey has been carried out to the satisfaction of the County Ecology service.

SUMMARY/CONCLUSION

The proposed development is of an acceptable standard of design which would harmonise with the design and appearance of its surroundings and does not result in an unacceptable adverse impact on the amenity of nearby residents by reason of overbearing effect, loss of light or privacy, and would make appropriate provision for the parking of vehicles. 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) (323-23; 323-24 alt; 323-25 alt; 323-26 alt submitted on 11 June 2014), 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 local 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 The development hereby permitted shall be carried out in strict accordance with the details of surface and foul water drainage works that have been submitted to and approved in writing by the local

planning authority. **REASON:** To ensure that adequate drainage facilities are available for the satisfactory and proper development of the site in accordance with Policy DP11 of the Warwick District Local Plan 1996-2011.

- 5 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

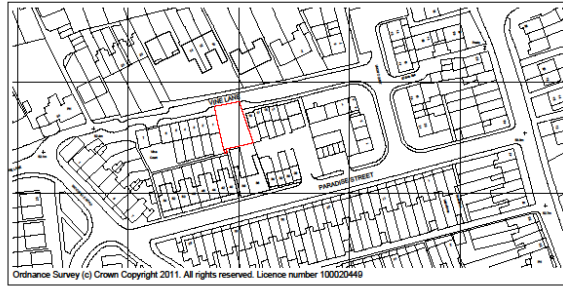
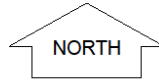
(ii) the dwellings hereby permitted shall not be occupied until the scheme so approved has been implemented.

REASON: To ensure the necessary infrastructure and facilities are provided in accordance with Policy SC13 of the Warwick District Plan 1996 – 2011.

- 6 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 Class A, Class B, or Class E of Part 1 of Schedule 2 of this Order. **REASON:** That due to the restricted nature of the application site and its relationship with adjoining properties 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 DP1 & DP2 of the Warwick District Local Plan 1996-2011.
- 7 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) the roof lights to be formed in the front facing roof slope of the building hereby permitted shall only be glazed or re-glazed with obscure glass, and the roof lights to be formed in the rear facing roof slope of the building hereby permitted shall be at least 1.7m above the floor of any room in which the window is installed. **REASON:** In the interests of the amenities of the occupiers of nearby properties in accordance with Policies DP1 & DP2 of the Warwick District Local Plan 1996-2011.
- 8 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.

- 9 None of the dwelling(s) hereby permitted shall be occupied unless and until the car parking provision for that dwelling(s) has been constructed in accordance with approved drawing number 323-24-alt submitted on 11 June 2014, and made available for use by the occupants and / or visitors to the dwelling(s) and thereafter those car ports shall not be used for any purpose other than for the storage of a private motor vehicle. **REASON:** To ensure the satisfactory provision of off-street vehicle parking facilities and in the interests of highway safety and the satisfactory development of the site in accordance with Policies DP1 & DP8 of the Warwick District Local Plan 1996-2011.
- 10 No use of the development hereby permitted shall commence unless and until a public highway footway crossing has been constructed to the site in strict accordance with the standard specification of the Highway Authority. **REASON:** To ensure that a footway crossing is available for use when the development commences thereby enabling safe and convenient access to and egress from the site in the interests of the safety of road users and pedestrians in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011.
- 11 The access to the site shall not be reconstructed in such a manner as to reduce the effective capacity of any drain within the limits of the public highway. **REASON:** In the interests of highway safety in accordance with Policies DP8 of the Warwick District Local Plan 1996-2011.
- 12 The development hereby permitted shall not be occupied unless or until a Traffic Regulation Order has been made by the Highway Authority to remove the application property from the existing Traffic Regulation Order thereby securing the removal of the rights of the applicant/ future owner/ tenants of the application property to apply for residents parking permits. **REASON:** To ensure the proposed development does not result in an increase in on-street parking pressure in an area with already high demand to the detriment of highway safety and residential amenity in accordance with Policies DP8, DP2 and the Vehicle Parking Standards SPD of the Warwick District Local Plan 1996-2011.



Land at Vine Lane Warwick	
Proposed Dwellings	
Planning Application Drawing	
Location Plan	
Scale: 1:1250 on A3	Drawing No: 323-21
Date: 23.05.14	
mps merrington project services <small>Merrington House - 5 The Green - Culbally Green Droghda - Wexfordshire - W19 9PW Tel / Fax : 01299 951 110</small>	

