Planning Committee: 31 March 2015 Item Number: 8

Application No: W 15 / 0083

Registration Date: 23/01/15

Town/Parish Council: Warwick **Expiry Date:** 24/04/15

Case Officer: Jo Hogarth

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Car Park, Commainge Close, Warwick

Erection of 13no. dwellings (3no. houses and 10no. apartments) with associated parking and landscaping (resubmission following withdrawal of application ref:

W/14/0281). FOR Waterloo Housing Group

This application is being presented to Committee due to the number of objections and an objection from the Town Council having been received and due to the land being within the ownership of Warwick District Council.

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

The proposal seeks to construct a total of 13 dwellings comprising 3 houses and 10 apartments with associated parking and landscaping. The mix of house types would be made up by 4no. 1 bed apartments, 6no. 2 bed apartments and 3no. 3 bed houses. The apartments would be three storey while the dwellings would be two storey.

THE SITE AND ITS LOCATION

The application site relates to a surface car park accessed off Commainge Close to the west of Theatre Street, outside of the Warwick Conservation Area and comprises of 92 spaces. The car park is situated within Warwick Town Centre and Commainge Close itself also provides access to residential properties in Oaken Court and Taylor Court. From within the car park there are pedestrian links to Sainsbury's superstore to the west and through to Cocksparrow Street to the south.

PLANNING HISTORY

In 2014 (ref: W/14/0281) an application was submitted for the same development but withdrawn to allow further negotiations to be undertaken with the Local Planning Authority.

RELEVANT POLICIES

- National Planning Policy Framework
- The Current Local Plan
- DP1 Layout and Design (Warwick District Local Plan 1996 2011)
- DP2 Amenity (Warwick District Local Plan 1996 2011)
- SC11 Affordable Housing (Warwick District Local Plan 1996 2011)
- DP8 Parking (Warwick District Local Plan 1996 2011)
- DP13 Renewable Energy Developments (Warwick District Local Plan 1996 -2011)
- SC13 Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)
- DP6 Access (Warwick District Local Plan 1996 2011)
- DP3 Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DP5 Density (Warwick District Local Plan 1996 2011)
- DP7 Traffic Generation (Warwick District Local Plan 1996 2011)
- DP11 Drainage (Warwick District Local Plan 1996 2011)
- DP14 Crime Prevention (Warwick District Local Plan 1996 2011)
- UAP1 Directing New Housing (Warwick District Local Plan 1996 2011)
- The Emerging Local Plan
- TR4 Parking (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
- 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)
- TR2 Traffic Generation (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
- GD.7 Previously-Developed Sites (Warwickshire Structure Plan 1996-2011).
- H2 Affordable Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
- H4 Securing a Mix or Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
- Guidance Documents
- Sustainable Buildings (Supplementary Planning Document December 2008)
- Vehicle Parking Standards (Supplementary Planning Document)
- Open Space (Supplementary Planning Document June 2009)
- Residential Design Guide (Supplementary Planning Guidance April 2008)

SUMMARY OF REPRESENTATIONS

Warwick Town Council: Object on grounds that the loss of 41 spaces in West Rock car park will impact adversely on the viability and vitality of the Town Centre and the use of Linen Street car park is not realistic given the allocation of 50 spaces for the redevelopment of the Print Works and the opening hours do not accord with West Rock.

Warwick Society: Object on grounds that the outdoor space for the apartments is too small, the walking route which zig-zags through the site fails to enhance the connection between the supermarket and the town centre and the loss of parking conflicts with Chapter 7 of the Local Plan.

WDC Housing Strategy: Support the proposal for affordable housing. The Coventry & Warwickshire Joint Strategic Housing Market Assessment (SHMA) published in 2013 demonstrates a need for 268 new affordable homes per year in the District and this proposal will contribute towards meeting this target.

WDC Contract Services: No objection, subject to conditions relating to a collection point.

WDC Tree Officer: Recommends making a Tree Preservation Order for trees along the southern boundary.

Warwickshire Police: No objection. Recommend the dwellings are built to a minimum standard of Secure by Design.

WCC Ecology: No objection. Recommend conditions relating to tree protection, provision of bird boxes and any fruit trees removed to be replaced. Recommend notes on nesting birds and the use of native planting.

WCC Highways: (Comments on original plans) - object as further information is requested in relation to pedestrian links between Commainge Close, Cocksparrow Street and Sainsbury's car park and in relation to whether there is sufficient capacity in alternative car parks. The additional information requested has subsequently been submitted. The further comments of the Highway Authority are awaited and will be provided to Members in the additional observations document prior to the meeting.

Public Response: 47 objections have been received raising concerns regarding the loss of car parking within the town centre; the additional volume of traffic within the town centre would be exacerbated; the loss of 41 spaces will impact on the economy of the town and drive customers away; the transfer of permits to Linen Street is unacceptable as the spaces are too small with less lighting and it has restricted opening times; little consideration has been given to the existing residents of the town.

ASSESSMENT

The main issues relevant to the consideration of this application are as follows:

- Principle of development and loss of parking
- Affordable housing
- Impact on neighbours
- Highways and parking
- Design and impact on the street scene
- Energy efficiency/CO₂
- Trees and landscaping
- Public open space
- Health and Wellbeing

The Principle of Development and loss of parking

Policy UAP1 of the Warwick District Local Plan 1996-2011 states that residential development will be permitted on previously developed land and buildings within

the confines of the urban areas. The redevelopment of the established car park in Warwick to provide new dwellings is therefore considered to be acceptable in principle.

The proposed development would result in the loss of 41 parking spaces leaving 51 spaces on the remaining area of the car park to the north. Parking surveys undertaken by the Council's Neighbourhood Services Directorate on three separate occasions have shown that the loss of 41 car parking spaces at West Rock can be more than accommodated through capacity at other town centre car parks. Indeed the most comprehensive of surveys undertaken in 2011 as part of the Warwick Town Centre Plan – Preferred Options demonstrated that there is ample parking available.

The two further surveys carried out in 2014 confirmed the 2011 position and specifically that there is sufficient capacity available at Linen Street even after the allocation of 50 spaces for the print works development is taken into account. This car park is closer to the town centre, at the top of a steep incline (as opposed to West Rock which is at the bottom) and provides a secure environment. However, should drivers not wish to use Linen Street there is ample capacity at St Mary's Lands 3 & 4 less than 5 minutes' walk away.

The 217 bays at Linen Street (not counting the bays excluded from the general public) are not dissimilar to other town centre multi-storeys. While the bays are not as wide as West Rock, they are by no means inaccessible.

Linen Street currently closes at 8pm, although this is being reviewed. However, however, this is not considered to be an issue as by early evening the number of spaces being used at West Rock diminishes markedly. The surveys confirm this position.

While the objections on grounds of loss of parking are noted, in light of the evidence presented, it is considered that a refusal of planning permission on the basis of loss of parking could not be sustained.

Affordable housing

The proposed development provides a 100% affordable housing development of 13 units which would contribute towards the required number of affordable homes identified in the 2013 SHMA.

<u>Impact on neighbours</u>

There are 3 windows in the side elevation of the adjacent dwelling at 18 Oken Court that face across the application site. However, two of these windows serve landing areas which are not habitable rooms, while the third is a secondary window to a lounge. The main windows to that room are positioned in the rear elevation and unaffected by the proposed development. Furthermore, the nearest part of the development to No. 18 Oken Court is 2 storeys high and 5m away from the side elevation of that property which is considered acceptable as there are no proposed windows in the side elevation of Plot 1.

Number 16 Cocksparrow Street to the south, is a detached dwelling which is positioned at an angle to the site, set approximately 15 metres from the proposed development. It is not considered that the proposed apartment block would result in such unacceptable harm in terms of overlooking or loss of outlook that permission should be refused as it is considered that the criterion set out in Policy DP2 are satisfied.

Number 18 Cocksparrow Street is situated to the west of the application site and is at a lower level as the road slopes downwards. The windows proposed in the side elevation are to be obscure glazed with fixed openings to reduce any perceived overlooking. Whilst the new apartment block would be at a higher level than this property it is not considered to have a material adverse impact on the occupiers' enjoyment of their property such that it would conflict with Policy DP2 in the Local Plan.

Highways and parking

The application has been amended in order to address concerns raised by the Highway Authority in relation to pedestrian permeability between Commainge Close, Cocksparrow Street and Sainsbury's car park. No alterations are proposed to the pedestrian links and the existing boundary treatment along the west elevation, which is marked by a brick wall, is to be retained. In respect to the gradient of the connecting access ramp leading from Commainge Close into the development, it is considered that construction details of this could be conditioned. The northern boundary of the site and the remainder of West Rock Car Park is to be defined by a low wall and railings which will allow visibility through the site. This is considered to be acceptable.

In accordance with the Council's Vehicle Parking Standards SPD, the proposed housing mix which comprises one, two and three bedroom units would require the provision of 19 off street car parking spaces. The application makes provision for 18 spaces, leaving a shortfall of one space. Given that the site is located within the town centre, within walking distance of amenities and services, it is considered that this shortfall is acceptable and would not result in unacceptable harm in terms of amenity or highway safety. Facilities for the storage of 10 bicycles accessed to the side of the apartment block are shown on the proposed plans. The proposal is therefore considered to comply with Policy DP8 of the Local Plan.

Design and impact on the street scene

The design of the apartment block would incorporate a mix of hipped and gabled roofs which would be in keeping with the surrounding properties in Oken Court. It is proposed to use brick and render which is also a feature of nearby buildings and would help to visually break up the appearance of the front, rear and side (west) elevations. It is considered that the impact on the street scene would be acceptable.

The proposed terrace of three dwellings would have gable roofs and would sit comfortably within the street scene as it would follows the incline down from Theatre Street and properties in Oken Court. Overall, it is considered that the development would meet the objectives contained in Policy DP1 in the Local Plan.

Energy efficiency/CO₂

As part of the submission, the applicant has indicated that a scheme will be implemented to ensure compliance with the Council's requirement to provide reduced energy consumption. This would be achieved through energy efficient building techniques, together with solar thermal panels. This can be secured by condition.

Trees and landscaping

The proposal requires the removal of a birch tree to the east of the site, situated close to the boundary with number 18 Oken Court. Whilst it is considered that this tree provides a contribution to the visual amenities of the area, in light of the benefits from securing much needed affordable housing, it is considered that these benefits outweigh the loss of this tree. Much of the landscaping and trees along the southern boundary are to be retained, and in accordance with advice from the Council's Tree Officer, it is recommended that a Tree Preservation Order be placed on these to secure their longevity. Whilst a Tree Preservation Order has not yet been secured, as the site is owned by the Council this can be actioned should approval be granted for the scheme. It is considered appropriate to attach notes on nesting birds.

Public Open Space

No public open space is proposed on site. As the proposal is for 13 residential units, in accordance with guidance contained in the NPPG contributions can be sought for enhancement to public open space in accordance with the Council's adopted and published Supplementary Planning Document on Public Open Space. This can be secured by an appropriately worded condition.

Bin storage

Provision has been made for the storage of bins within the footprint of the apartment block together with recycling facilities. The dwellings would each have their own wheelie bins which would be positioned within a designated area to the north of plot 1. There would be a screen along the east boundary. A collection point is to be agreed with the Council's Contract Services and it is considered acceptable to condition details of the location.

Health and Wellbeing

With regard to health and wellbeing, it is considered that the scheme which is for 100% affordable housing would provide a benefit in terms of enabling those in housing need an opportunity to live in an attractive and sustainable area within Warwick.

SUMMARY/CONCLUSION

It is considered that the proposal to provide 13no. affordable units would result in wider benefits to the community without unacceptably impacting upon amenity or the visual appearance of the area. It is considered therefore that the proposal complies with the policies listed.

CONDITIONS

- 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).
- The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing numbers C1870/006; C1870/007; C1870/008; C1870/021 Rev A; C1870/022 Rev A; C1870/025 Rev B; 14050-D50 submitted on 23 January 2015, drawing numbers C1870/024 Rev B; C1870/020 Rev C submitted on 20 February 2015 and drawing number C1870/010 Rev F and specification contained therein, submitted on 12 March 2015. **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.
- The development hereby permitted shall not begin until a scheme detailing the affordable housing provisions has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2 of the National Planning Policy Framework or any future guidance that replaces it. The scheme shall include:
 - (a) the tenure split:
 - (b) the arrangements for the management of the affordable housing;
 - (c) the arrangements to ensure that such provision is affordable for both first and all subsequent occupiers of the affordable housing; and
 - (d) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

REASON: To meet the requirements of Policy SC11 of the Warwick District Local Plan 1996-2011.

The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use. **REASON:** To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and

to minimise the risk of pollution.

- The development shall be carried out only in full accordance with sample details of the facing and roofing materials which shall have been submitted to and approved in writing by the local planning authority. **REASON:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy DP1 of the Warwick District Local Plan 1996-2011.
- 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.

- No part of the development hereby permitted shall be commenced until a scheme for the provision of suitable bird nesting boxes has been submitted to and approved in writing by the local planning authority. The scheme shall include details of box type, location and timing of works. The bird boxes shall be installed in strict accordance with the approved details and shall be retained at all times thereafter.

 REASON: To ensure that protected species are not harmed by the development, in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011.
- No development or other operations (including demolition, site clearance or other preparatory works) shall be commenced unless and until adequate steps, which shall have been previously approved in writing by the local planning authority, have been taken to safeguard against damage or injury during construction works (in accordance with Clause 7 of British Standard BS5837 2012 Trees in Relation to Design, Demolition & Construction) to all retained tree(s) on the site, or those tree(s) whose root structure may extend within the site. In particular no excavations, site works, trenches or channels shall be cut or pipes or services laid, no fires shall be lit within 10 metres of the nearest point of the canopy of any retained tree(s); no equipment, machinery or structure shall be attached to or supported by any retained tree(s); no mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that

seepage or displacement could cause them to enter a root protection area, or any other works be carried out in such a way as to cause damage or injury to the tree(s) by interference with their root structure and no soil or waste shall be deposited on the land in such a position as to be likely to cause damage or injury to the tree(s). **REASON:** To protect those trees which are of significant amenity value to the area and which would provide an enhanced standard of appearance to the development in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011.

- The development hereby permitted shall commence until a section through the new access road showing the gradient as it meets Commainge Close has been submitted to and approved in writing by the local planning authority. **REASON:** To ensure adequate access arrangements are secured and to satisfy the requirements of the Highways Authority and Policy DP6 in the Warwick District Local Plan 1996-2011.
- The development hereby permitted shall not commence until details of a refuse collection point have been submitted and approved in writing by the local planning authority. The development shall be implemented in full accordance with the approved scheme. **REASON:** To satisfy the requirements of refuse collection services in accordance with Policy DP1 in the Warwick District Local Plan 1996-2011.
- 11 The development hereby permitted shall not be first occupied unless and until the energy efficiency / 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 manufacturer's 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.
- 12 The development hereby permitted shall not be occupied unless and until the car parking and manoeuvring areas indicated on the approved drawings have been marked out and made available for use. Thereafter those areas shall be kept marked out and available for such use at all times. **REASON:** To ensure that a satisfactory provision of off-street car parking and turning facilities are maintained at all times in the interests of the free flow of traffic and highway safety in accordance with Policies DP6 & DP8 of the Warwick District Local Plan 1996-2011.
- The cycle parking provision shown on the approved plans shall be completed before any part of the development hereby permitted is first occupied and thereafter shall be kept free of obstruction and be available at all times for the parking of cycles associated with the development. **REASON**: To ensure that there are adequate cycle

- parking facilities to serve the development, in accordance with the requirements of Policy DP8 of the Warwick District Local Plan 1996-2011.
- 14 The development hereby permitted shall only be undertaken in strict accordance with details of both hard and soft landscaping works which have been submitted to and approved in writing by the local planning authority. Hard surfacing shall be made of porous materials or provision shall be made to direct run-off water from the hard surface to a permeable or porous area. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of the development hereby permitted; and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of similar size and species, unless the local planning authority gives written consent to any variation. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 - Transplanting Root-balled Trees and BS4428 - Code of Practice for General Landscape Operations. **REASON:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies DP1, DP2 and DP3 of the Warwick District Local Plan 1996-2011.
- Prior to the occupation of the development hereby permitted, the windows in the west elevation of the apartment block shall be permanently glazed with obscured glass to a degree sufficient to conceal or hide the features of all physical objects from view and shall be non-opening unless the parts of the window that can be opened are more than 1.7 metres above the floor of the room in which the window is installed. The obscured glazed window(s) shall be retained and maintained in that condition at all times. **REASON**: To protect the privacy of users and occupiers of nearby properties and to satisfy the requirements of Policy DP2 of the Warwick District Local Plan 1996-2011.





















