

Planning Committee: 04 April 2005
Application No: W 04 / 2170

Principal Item Number: 01

Town/Parish Council: Warwick
Case Officer: Will Charlton
01926 456528 planning_west@warwickdc.gov.uk

Registration Date: 23/12/2004
Expiry Date: 17/02/2005

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

This application was deferred at Planning Committee on the 8th March 2005, to enable a site visit to take place on 2nd April 2005. The information in this report is that which was presented previously in either the committee report or the attached addendum.

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.

Cllr Mrs Hirsch: Expresses concern about Building 'P' by reason of its height, mass, overlooking and impact on sunlight to Lock Cottage on the opposite side of the canal.

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 Wedgenock 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.

The owner of 7 Upper Cape has reiterated their objection to the amended Block 'C' which is a three storey building which would be much taller than no. 7 and will have an unneighbourly overbearing effect. A two storey building only should be built in this location.

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 Julliet 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 Wedgenock 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 No development shall be carried out on the site which is the subject of this permission, until satisfactory details of boundary treatment have been submitted to and approved by the District Planning Authority and the development shall not be carried out otherwise than in full accordance with such approved details. **REASON** : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan.
- 4 No development shall be carried out on the site which is the subject of this permission, until details of the bin and other storage buildings have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. **REASON** : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan.
- 5 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.
- 6 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.

- 7 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.
- 8 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.
- 9 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.
- 10 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.
- 11 With regard to the dwellings on plots 66 to 73 inclusive (Blocks H & H1 on plan ref: 1760-150 C) and 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 Part 1 (Class A, B, E, G) of this Order where the development would front (western elevation) on to the footpath, without the prior permission of the District Planning Authority. **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.
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Planning Committee: 04 April 2005
Application No: W 05 / 0089

Principal Item Number: 02

Town/Parish Council: Wasperton
Case Officer: Steven Wallsgrove
01926 456527 planning_west@warwickdc.gov.uk

Registration Date: 20/01/2005
Expiry Date: 17/03/2005

Llwyn, Wasperton Road, Wasperton, Warwick, CV35 8EB
Erection of a replacement dwelling. FOR Mr & Mrs I Drury

This application was deferred at Planning Committee on the 8th March for further information. The report has been amended to take into account the one additional letter of objection in the addendum report. The applicant has also amended the plans to reposition the new dwelling so that it is aligned with the existing garage side wall and to set it down into the site by 600mm.

SUMMARY OF REPRESENTATIONS

Barford, Sherbourne & Wasperton Joint Parish Council

"The Parish Council raises objection on the following grounds:

- The loss of an affordable modern bungalow.
- The demolition of a habitable dwelling - contrary to emerging local plan.
- The development sits on an elevated site and will thus be unneighbourly at that height in a small village dominating its conservation area.
- The proposed reduction in height from an earlier application is insignificant.
- The proposed extension brings the building closer to the road and the Village Hall.
- There is considerable adverse neighbour comment."

W.C.C. (Archaeology) request an archaeological 'watching brief' condition.

Neighbours

A total of 20 letters of objection have been received, including two from two addresses and one from the Parochial Church Council who own the village hall. These objections are on the grounds of being unneighbourly, on higher ground, out of character with area, loss of perfectly sound building, size, no garage, overdevelopment and contrary to Local Plan policies.

RELEVANT POLICIES

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)
(DW) ENV6 - Protection and Enhancement of Conservation Areas (Warwick District Local Plan 1995)
(DW) H9 - Open Countryside (Warwick District Local Plan 1995)
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 First Deposit Version)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011 First Deposit Version)
RAP4 - Replacement Dwellings (Warwick District 1996 - 2011 First Deposit Version)

PLANNING HISTORY

There have been two previous applications for replacement dwellings on this site, the first being withdrawn and the second refused, following a members site visit.

The refused proposal (W20041201) was for a one-and-half storey, "L" shaped dwelling, namely the first floor accommodation was to be mainly in the roof space and lit by semi-dormers (i.e. the eaves line was above the bottom of these windows). The eaves would have been 4 m above ground level and the ridge 6.8 m. The dwelling would have been sited some 5 m from the eastern boundary (with Donnington).

The report recommended that planning permission should be granted and stated that the policies in the Review Local Plan, in particular RAP4, which was referred to by local residents, was not in force yet. The reasons for refusal were:-

1. Policy H9 of the adopted Warwick District Local Plan, 1995, designates a list of Limited Infill Villages, whilst policy H9 of the same plan states that development in open countryside or settlements not named in policy H8 will not normally be permitted. Furthermore, policy RAP4 of the emerging Warwick District Local Plan 1996-2011 (First Deposit Version) states that proposals to replace existing dwellings will not be permitted unless certain requirements have been met. If these requirements are met the policy states that replacement dwellings should not be materially larger than the existing dwelling and should have no greater impact on the openness of the rural area. In the present case, none of the requirements of policy RAP4 are met and the replacement dwelling would be larger than the existing. Given that the adopted local plan policies indicate that new development should not normally be permitted in this settlement, it is considered that the bulky and over-dominant design of the proposal would have a detrimental impact on the openness of this rural area, and upon the adjoining conservation area, contrary to local plan policy.

2. Policy (DW) ENV3 of the Warwick District Local Plan and emerging policy DP1 of the first deposit version of the Local Plan (1996-2011) requires all development proposals to harmonise with their surroundings in terms of design and land use. In the opinion of the District Planning Authority, the new dwelling would constitute an un-neighbourly form of development by reason of its size and height and the positioning of windows on the east elevation, where the proposal would dominate the adjoining bungalow "Donnington", which is so much lower and smaller in height and design.

KEY ISSUES

The Site and its Location

The present bungalow lies in the middle of a hedged plot in the middle of the village and is about 1.0 m above the road level. The adjoining property, Donnington, is also a bungalow and also stands above the road. Both properties are well screened from general public view due to the ground levels, the hedge, and the height of the dwellings themselves. Both of these properties lie outside the Conservation Area, the boundary of which follows their front boundary hedges and then turns up the edge of the access track to the west of the application site.

Details of the Development

The proposal has been amended, since your last meeting, to move the replacement dwelling to more approximate with the position of the existing dwelling and garage, namely it would now be some 7.9m from the boundary with Donnington, instead of 5.0 m. It is also now proposed to reduce the ground levels by 600 mm so that the ridge height of the dwelling (6.6 m) would now only be about 1 m higher than the existing 1950's bungalow. The layout is based on a "T" shape with two, small, ground floor windows towards 'Donnington', the neighbouring bungalow, and a bathroom dormer. The principal windows and French doors mostly face the opposite way, into the main

garden with the other windows facing to the front and rear. The roofspace bedrooms would be lit by dormer windows, or gable end windows facing to the front and rear.

The layout plan shows a proposed densely planted screen and 1.8 m close boarded fence on this side. This neighbour already has a detached outbuilding on this boundary, the position of which has been surveyed by the agents.

Assessment

The principal issues in this case are the impact of the proposed dwelling on the setting of the Conservation Area, and the affect on the amenities of the neighbours.

Residents have referred to various policies in their objections but those in the First Deposit Review can only be given very little weight, due to the very early stage in the preparation of that Plan. In addition, Policy H9 of the present Local Plan has never been used for replacement dwellings and, even in the Green Belt, replacement dwellings can be acceptable. In the present case, this is not a Green Belt area and, therefore, there is no central government guidance on the size of replacement dwellings.

In the present case, the design and layout of the dwelling, and its position on the plot, has been designed to minimise its impact on 'Donnington' and not to have any materially greater impact on dwellings on the other side of the road, the building directly opposite being the village hall.

The Conservation Area boundary lies to the south and west of the site and the boundary hedges are shown as to be retained, even on the amended plan. These form the principal element of the Conservation Area boundary in this area. The dwelling, which would be only about 1.0 m higher than the existing bungalow, is set back from the road, on slightly higher land, and is considered to be a significant improvement over the design of the present bungalow. It is considered that this design closely respects the design and form of more traditional rural properties and, as such, would represent an improvement to the setting of the Conservation Area.

REASON FOR RECOMMENDATION

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

RECOMMENDATION

GRANT subject to the following conditions :

- 1 The development hereby permitted must be begun not later than the expiration of five years from the date of this permission. **REASON** : To comply with Section 91 of the Town and Country Planning Act 1990.
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawings 2447/03A, /04A and /05A and specification contained therein, received on 20th January, 23 February 2005 and 14th March 2005 unless first agreed otherwise in writing by the District Planning Authority. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Local Plan Policy ENV3.
- 3 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.

- 4 A landscaping scheme, incorporating existing trees and shrubs to be retained and new tree and shrub planting for the whole of those parts of the site not to be covered by buildings shall be submitted to and approved by the District Planning Authority before the development hereby permitted is commenced. Such approved scheme shall be completed, in all respects, not later than the first planting season following the completion of the development hereby permitted, and any trees removed, dying, being severely damaged or becoming seriously diseased within five years of planting, shall be replaced by trees of similar size and species to those originally required to be planted. Existing trees which are shown as being retained shall be dealt with in accordance with BS 5837:1991. In particular, before any materials are brought on the site or any demolition or development commenced, stout protective fencing should be erected to enclose the perimeter of the branch spread of each tree or shrub to be retained, together with the branch spread of any tree growing on adjoining land which overhangs the site. Such fencing shall be satisfactorily maintained until all development has been completed. **REASON** : To protect and enhance the amenities of the area, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan.
 - 5 The development hereby permitted shall not commence unless and until two weeks notice in writing of the start of works shall have been given to the Warwickshire Museum as the nominated representative of the District Planning Authority. During the construction period the developer shall afford access at all reasonable times to representatives of the Museum and shall allow them to observe the excavations and record items of interest and finds. **REASON** : To ensure any items of archaeological interest are adequately investigated, recorded and if necessary, protected, in order to satisfy the requirements of Policy ENV22 of the Warwick District Local Plan.
 - 6 Detailed drawings shall be submitted to and approved by the Local Planning Authority before any work is commenced to indicate the finished site and ground floor levels intended at the completion of the development in relation to the existing site levels and the levels of the adjoining land and the development shall be carried out and completed in accordance with the details so approved. **REASON** : To protect the character of the area and the amenities of adjoining occupiers in accordance with the requirements of Policy ENV3 of the Warwick District Local Plan.
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Planning Committee: 04 April 2005
Application No: W 05 / 0021

Principal Item Number: 03

Town/Parish Council: Kenilworth
Case Officer: Martin Haslett
01926 456526 planning_west@warwickdc.gov.uk

Registration Date: 04/01/2005
Expiry Date: 01/03/2005

20, 30 & 32, Malthouse Lane, Kenilworth, CV8 1AB

Erection of three detached dwellings after demolition of no.s 30 & 32 Malthouse Lane.
FOR H. Feeny & D. Searle

SUMMARY OF REPRESENTATIONS

Comments on original plans:

Town Council:

"Members objected to this application because they considered it to be:

1. Out of keeping with the existing street scene on a site.
2. Forward of the building line.
3. Designed with an access way situated such as to create a highly undesirable crossroads effect with De Montfort Road.
4. Inconsistent with its location on the edge of the Conservation Area, notably in the case of Plot 3 and to pose a threat to an ancient hedge line.
5. Incorporate an access drive with a 1.8 metre high fence on each side that creates a tunnelling effect which is totally out of character with the remainder of Malthouse Lane.
6. Increasing the cumulative negative effects of proposals already sought for other properties in the immediate area."

WCC(Archaeology): no objection.

WCC(Ecology): recommend bat survey.

WCC(Highways): concern over access to the site being opposite road junction.

Amended plan showing access relocated requested.

Kenilworth Society: objection: access opposite De Montfort Road and therefore hazardous, proposals would intensify existing use of the site and result in loss of vegetation and trees which would alter for the worse the visual character of the area.

Leisure and Amenities (Trees): no objection subject to protection of trees and details of surface treatment.

neighbours: 32 letters of objection, on grounds of:

- loss of trees, hedges and landscaping, impact on TPO trees, which are likely to be lost;
- flooding, additional flows will exacerbate existing problem;
- precedent, other houses in the road could accommodate similar development;
- visual impact, loss of existing house;
- impact on wildlife;
- overdevelopment, houses would be closer together, would appear cramped, and out of character with the rest of the road;
- impact on amenity, particularly of the adjoining dwellings and privacy;
- contrary to local plan policy;
- impact of new fences and impact on the streetscene generally;
- 20 Malthouse Lane would be obscured by the new development;
- impact on adjoining conservation area;
- cumulative impact on the town;
- various appeal cases cited, existence of a covenant.

Comments on the amended plans from consultees are awaited.

RELEVANT POLICIES

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

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

The 45 Degree Guideline (Supplementary Planning Guidance)

Distance Separation (Supplementary Planning Guidance)

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

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

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

PLANNING HISTORY

The dwellings appear to have been erected in the 1960s and in 1985 outline permission for the erection of a bungalow was refused for a site adjoining number 30.

In 2004 an application was made for the erection of 4 dwellings on this site, with the addition of a the fourth plot to the rear. This application was withdrawn following discussions and many neighbour objections.

KEY ISSUES

The Site and its Location

The site, opposite the junction with De Montfort Road, consists of the entire plot of 30 and 32 Malthouse Lane (which is one building) set back about 16m from the highway boundary and a part of the front garden/driveway of number 20, which is situated to the rear. A portion of this would remain to provide access to number 20. The frontage to Malthouse Lane is well-landscaped with trees, hedging and shrubs. Amongst these are TPO trees

The site lies slightly to the north of the conservation area boundary, with the drive to no. 20 forming the boundary to it. The development on this side of Malthouse Lane does not have a clearly defined building line and generally consists of houses in larger plots, although on the other side of the road, the houses have been much more regularly laid out, with narrower plots. The overall character of the road to the north of the conservation area is of 1960s style houses within a landscaped setting.

Details of the Development

It is proposed to demolish the existing dwelling at 30/32 and, using part of the drive to 20 to increase the frontage, to erect three detached houses, of three individual designs. Each would be 2-storey, with 4 bedrooms and a integral double garage. Access to plots 1 and 2 would be through a joint access a little to the south of the existing access to 30/32 and access to plot 3 would be from the existing driveway to 20. In this way, the number of access points is not increased. (In respect of the driveways, the application has been amended since original submission, so as to respond to the County Highways concern about the proximity of the driveway to the De Montfort Road junction. These amendments have also resulted in a repositioning of plot 3 a little closer to plot 2, as the driveway to 20, as originally proposed was between plots 2 and 3.) The three dwellings would be built slightly closer to the highway boundary than the existing building, on average about 12m from the highway boundary, with a gap of 2m between the houses.

The application is supported by a survey showing existing trees and vegetation, and this makes it clear that the two trees proposed for TPOs (but which have not yet been

confirmed) would be retained. The only substantial tree to be removed would be a cherry tree on the corner of the driveway to 20 and Malthouse Lane.

Assessment

The issues to be considered, provided the highways requirements are met, are the impact on the neighbours and the impact on the streetscene. These issues need to be judged against the background of national planning policy which encourages new development on previously developed land and increased densities in urban areas.

In favour of the proposals, the proposed development has been designed to respect the building line present in that part of Malthouse Lane and would retain all but one of the trees. The resulting plots would be of similar size and frontage to the existing adjoining houses and the houses would be broadly commensurate with other adjoining houses in the road, in terms of size and design. The normal requirements of distance separation and the 45 degree code are met, and there are consequently minimal impacts upon the amenity of neighbours, in terms of loss of light and amenity. The spacing between the dwellings would be satisfactory and the slight reduction in front garden (compared to the existing) would not result in a cramped appearance. The retention of trees and vegetation at the front, together with new planting, would help to soften the impact of the development.

On the other hand, the proposals would result in change in this part of the road, and a more built-up and dense appearance compared to the existing. Nevertheless, I do not consider that the impact in terms of streetscene, could be considered sufficiently serious as to merit a refusal of the application. The density is comparatively low, at about 10 dwellings per hectare, but this is commensurate with adjoining development. Some local residents have pointed to policy H22 of the Warwick District Local Plan 1995, which seeks to resist redevelopment in residential areas where it would increase the density of development in the area. This is one of the very few policies which is not in conformity with the amended Warwickshire Structure Plan (which was issued after the adoption of the Local Plan) and which cannot therefore now be used. This is because it fails to follow national and county policy focusing development upon existing towns.

Neighbours also point to a restrictive covenant which they claim would prevent the proposed development, but this is not a planning matter, but is an issue between landowners.

REASON FOR RECOMMENDATION

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

RECOMMENDATION

GRANT subject to the following conditions :

- 1 The development hereby permitted must be begun not later than the expiration of five years from the date of this permission. **REASON** : To comply with Section 91 of the Town and Country Planning Act 1990.
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawings, 1483/8A, /5, /6, /7 and specification contained therein, submitted on 4 January 2005 and 11 March 2005 unless first agreed otherwise in writing by the District Planning Authority. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Local Plan Policy ENV3.

- 3 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.
- 4 A landscaping scheme, incorporating existing trees and shrubs to be retained and new tree and shrub planting for the whole of those parts of the site not to be covered by buildings shall be submitted to and approved by the District Planning Authority before the development hereby permitted is commenced. Such approved scheme shall be completed, in all respects, not later than the first planting season following the completion of the development hereby permitted, and any trees removed, dying, being severely damaged or becoming seriously diseased within five years of planting, shall be replaced by trees of similar size and species to those originally required to be planted. Existing trees which are shown as being retained shall be dealt with in accordance with BS 5837:1991. In particular, before any materials are brought on the site or any demolition or development commenced, stout protective fencing should be erected to enclose the perimeter of the branch spread of each tree or shrub to be retained, together with the branch spread of any tree growing on adjoining land which overhangs the site. Such fencing shall be satisfactorily maintained until all development has been completed. **REASON** : To protect and enhance the amenities of the area, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan.
- 5 No development shall be carried out on the site which is the subject of this permission, until details of the surface treatment of the front driveway to plot 1 (in the vicinity of the TPO protected tree) have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. **REASON** : To protect the tree, in accordance with policy ENV 3 of the Warwick District Local Plan 1995.
- 6 No development shall be carried out on the site which is the subject of this permission, until details of existing and proposed ground levels of the development, including the finished floor levels of the dwellings and sections through the site have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. **REASON** : To protect the character of the area and the amenities of adjoining occupiers in accordance with the requirements of Policy ENV3 of the Warwick District Local Plan.

Before any works for demolition are first commenced, a survey of the premises by a qualified bat surveyor shall be undertaken to demonstrate the presence, absence or usage of the premises by bats. In the event that the survey demonstrates the presence or usage of the premises by bats, a report recommending mitigation measures to ensure any bats will be protected during the demolition works shall be submitted to and approved in writing by the District Planning Authority before the demolition works are commenced. The approved mitigation measures shall be wholly implemented strictly as approved. **REASON**: To ensure the protection of bats and compliance with Policy ENV27 of the Warwick District Local Plan 1995.

Planning Committee: 04 April 2005
Application No: W 05 / 0340

Principal Item Number: 04

Town/Parish Council: Leamington Spa
Case Officer: Alan Coleman
01926 456535 planning_east@warwickdc.gov.uk

Registration Date: 02/03/2005
Expiry Date: 27/04/2005

Rear of 62, The Fairways, Leamington Spa, CV32 6PS
Erection of a detached bungalow. FOR Project Solutions

SUMMARY OF REPRESENTATIONS

Town Council: "The Town Council raises objection on the following grounds:

1. Loss of garden space will be detrimental to the enjoyment of the property and amenity of the area generally.
2. The provision for access to the dwelling is considered unsatisfactory.
3. The proposal represents overdevelopment (sic) of the site."

Highway Authority: No objection.

Neighbours: 13 letters of objection on grounds relating to harm to the established pattern and character of development in the surrounding area, neighbouring residents' amenities and highway safety.

RELEVANT POLICIES

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

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

(DW) IMP2 - Meeting the Needs of People with Disabilities (Warwick District Local Plan 1995)

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

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

DP14 - Accessibility and Inclusion (Warwick District Local Plan 1996 - 2011 First Deposit Version)

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

Distance Separation (Supplementary Planning Guidance)

The 45 Degree Guideline (Supplementary Planning Guidance)

PLANNING HISTORY

Planning application W20040208 for the erection of a two-storey dwelling on the site was withdrawn to allow consideration of a revised application, W20041600, which incorporated two floors of accommodation, with the first floor partly within the roofspace. This revised application was subsequently refused under delegated powers on 5 November 2004 for the following reason:

"Policy (DW) ENV3 of the Warwick District Local Plan 1995 requires all development to have regard to the character of the surrounding area and harmonise with its surroundings, whilst Policy DW (H5) states infill development will be permitted which does not have a serious adverse impact upon the amenity and environment of their surroundings. Within the Warwick District Local Plan 1996-2011, First Deposit Version, Policy DP1 states development will only be permitted which positively contributes to the character of its environment through good layout and design whilst Policy DP2 states

development will not be permitted which has an unacceptable adverse impact on the amenity of nearby uses and residents.

The proposed dwelling would be located in the rear garden of 62 The Fairways with a frontage to Windermere Drive. The established pattern of development in this locality is predominantly of detached dwellings with enclosed rear gardens and open plan front gardens. The application site presently forms part of this landscaped setting to adjoining properties, which benefit from an open and uninterrupted outlook over this garden.

In the opinion of the District Council the erection of a dwelling on the site as proposed would unacceptably compromise the established character and appearance of the site and surrounding area and standards of residential amenity for neighbouring residents by reason of:

1) its cramped and contrived appearance, located adjacent to the pavement with no space available for planting to mitigate its impact on the street scene wherein it would appear dominant and overbearing when viewed not only by users of Windermere Drive but also residents of properties around the site, and;

2) its height, size, scale, mass, design, bulk and proximity to the common shared garden boundaries with adjoining properties, in particular 60 The Fairways whose rear garden (located to the north) would suffer unacceptable loss of light and privacy and encroachment by a visually prominent and intrusive form of infill development being both uncomfortably oppressive and overbearing.

The development would thereby be contrary to policies (DW) ENV3 and (DW) H5 of the Warwick District Local Plan 1995 and policies DP1 and DP2 of the Warwick District Local Plan 1996-2011 (First Deposit Version)."

KEY ISSUES

The Site and its Location

The site has been formed by the segregation of the rear garden of 62 The Fairways and occupies an area of 348 sq. metres. It is located within an established residential area comprising mainly two-storey detached houses with enclosed rear gardens and open plan frontages. The site would be bounded by the remaining area of garden serving the host property to the east and by the gardens of 60 the Fairways and 25 Windermere Drive to the north and west respectively. Windermere Drive would form the southern boundary.

Details of the Development

The proposal relates to the erection of a bungalow with access to an integral garage from Windermere Drive. The bungalow would stand 2.7 metres at the eaves and would have a hipped roof with a maximum ridge height of 6.8 metres. Three conifers would be removed from the site in order to accommodate the development. The bungalow would be set off the boundary with 60 The Fairways by a metre and would stand some 12 metres away from the southern side elevation of 25 Mosspaul Close at its nearest point. There would be a distance separation of over 30 metres between the host property and the dwelling, which would be served by a garden extending to approximately 11 metres. The site would be separated from the host property by new screen planting. A 1.8 metre close boarded timber fence separates the site from 25 Mosspaul Close and a similar fence would be erected along the boundary with 60 The Fairways. Part of the existing fence and hedge adjacent to Windermere Drive would be removed to accommodate the

access and visibility splay requirements of the development but would be retained to screen the adjoining gardens of the bungalow and host property.

Assessment

I consider the principal issue to be considered in this case is whether the proposal addresses the reason for refusal in respect of application W20041600 in terms of:

1. The principle of development;
2. Impact on the character of the area;
3. Impact on neighbouring residents' amenities, and;
4. Highway safety.

1. The Principle of Development

The authorised use of the site is as garden area to 62 The Fairways and therefore constitutes previously developed land as defined in PPG3 '*Housing*' and where both Structure Plan and Local Plan policies regarding residential development apply. PPG 3 '*Housing*' states that the Government is committed to promoting more sustainable patterns of development within urban areas, making more efficient use of land by maximising the re-use of previously developed land. As such , I consider the proposal to be acceptable in principle.

2. Character and Appearance

By its very nature, I accept that the proposal would have a discernible impact on the character and appearance of the surrounding area. However, in the form proposed under the terms of this application, I am satisfied that the development of a bungalow on this site, as opposed to a two-storey dwelling, would be acceptable in the terms expressed in the previous reason for refusal.

3. Residential Amenity

Neighbours have expressed concerns that the proposal would intensify the residential use of the site to the detriment of the amenities currently enjoyed. I accept that the proposal would be likely to lead to an increase in noise and disturbance from domestic activity and the unfettered movement of vehicles within the site. However, I do not consider this would be so unreasonable to render the proposal unacceptable. In technical terms, distance separation standards are exceeded and the scheme complies with Supplementary Planning Guidance '*The 45 Degree Guideline*'.

4. Highway Safety

No objection to the previous application was raised on these grounds. However, it has been raised as an objection by neighbouring residents in relation to the current proposals. In assessing the potential impact of the proposed access onto Windermere Drive, the County Council, as Highway Authority, has raised no objection subject to a condition regarding the depth of the driveway. An amended plan has now been submitted that satisfies this requirement. As such, I do not consider there to be justification to recommend refusal on grounds of harm to highway safety.

REASON FOR RECOMMENDATION

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

RECOMMENDATION

GRANT subject to the following conditions :

- 1 The development hereby permitted must be begun not later than the expiration of five years from the date of this permission. **REASON** : To comply with Section 91 of the Town and Country Planning Act 1990.
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawings 111/P01/04 Revision E, 111/P10/04 Revision C, 111/P11/05 Revision C and 111/P12/04 Revision B, and specification contained therein, submitted on 16 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 Policy (DW) ENV3 of the Warwick District Local Plan 1995.
- 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 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.
- 4 No work of any kind shall be begun on the site until the protective fencing around the hedges identified as being retained on the approved plans, have been erected and the fencing has been confirmed in writing to be acceptable by the District Planning Authority. Within the approved fenced areas there shall be no scaffolding, no stockpiling of any materials or soil, no machinery or other equipment parked or operated, no traffic over the root system, no changes to the soil level, no site huts, no fires lit and no excavation of trenches for drains, service runs or for any other reason. **REASON** : To protect and enhance the amenities of the area, and to satisfy the requirements of Policy (DW) ENV3 of the Warwick District Local Plan 1995.
- 5 The development shall be screened by a hedge or shrubs, details of which shall previously have been submitted to and approved by the District Planning Authority, before the development hereby permitted is commenced. Such approved scheme shall be completed, in all respects, not later than the first planting season following the completion of the development hereby permitted. In the event of any failures or loss through damage, the screen planting shall be replaced at the next appropriate season.
REASON : To protect and enhance the amenities of the area, and to satisfy the requirements of Policy (DW) ENV3 of the Warwick District Local Plan 1995.
- 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 Parts 1 and 2 of Schedule 2 of this Order, without the prior permission of the District Planning Authority.
REASON : This site is of a restricted size and configuration and is in close proximity to other dwellings. It is considered appropriate therefore to retain control

over future development to ensure that the residential amenity of this locality is protected in accordance with the provisions of District-Wide Policy (DW) ENV3 of the Warwick District Local Plan 1995.

- 7 The garage shall be used for the housing of private vehicles and shall be retained and kept available for such purposes and shall not be altered either internally or externally without the prior consent of the District Planning Authority.

REASON : To ensure that there are adequate parking facilities to serve the development, in accordance with the requirements of Policy (DW) ENV3 of the Warwick District Local Plan 1995.

- 8 No lighting shall be fixed to the external walls or roof of the dwelling hereby permitted, without the written consent of the District Planning Authority.

REASON : To ensure that the residential and visual amenities of the area are protected, and to satisfy the requirements of Policy (DW) ENV3 of the Warwick District Local Plan 1995.

Planning Committee: 04 April 2005
Application No: W 04 / 2289

Principal Item Number: 05

Town/Parish Council: Old Milverton
Case Officer: Alan Coleman
01926 456535 planning_east@warwickdc.gov.uk

Registration Date: 07/01/2005
Expiry Date: 04/03/2005

Churchside Barn, Church Road, Old Milverton, Leamington Spa, CV32 6SA
Change of use of building approved under planning application W930195 from ancillary residential swimming pool, lounge and changing room to Class B1 office and provision of 6 No. parking spaces. FOR G H Hall

SUMMARY OF REPRESENTATIONS

Parish Council: "*Objection to be made on the following grounds:*"

1. *opposition to developments in the Parish area which attract non-residential activities and traffic;*
2. *the number of offices in the Old Milverton area will be out of proportion to the small number of residences;*
3. *it will affect the rural nature of the church area, in the heart of the village;*
4. *concerns about possible future expansion of the office accommodation;*
5. *this is not a change of use, since the existing building has never been used as a swimming pool; an application to create the new development as offices in the first place would have been unlikely to have attracted approval, and the adjustment should not be permitted at this stage;*
6. *the site is regarded as being within the village envelope, so the Green Belt consideration regarding offices should not be cited;*
7. *the secluded nature of the much-used public footpath (within the churchyard) which passes near by (sic), would be affected, and office traffic and pedestrians would be likely to conflict at the Church Lane entrance."*

Highway Authority: No objection, subject to reconfiguration of parking layout.

WCC (Ecology): No objection, subject to protection of boundary trees during construction works. Also recommend advisory notes on protected species and nesting birds.

Neighbours: 6 letters of objection on grounds relating to traffic, parking, congestion and highway safety, harm to amenity from noise/disturbance and impact on the residential character of Old Milverton.

RELEVANT POLICIES

(DW) ENV1 - Definition of the Green Belt (Warwick District Local Plan 1995)
(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)
(DW) EMP4 - Employment Development in the Rural Areas of the District (Warwick District Local Plan 1995)
(DW) C1 - Conservation of the Landscape (Warwick District Local Plan 1995)
(DW) C2 - Diversification of the Rural Economy (Warwick District Local Plan 1995)
(DW) C8 - Special Landscape Areas (Warwick District Local Plan 1995)
(DW) IMP2 - Meeting the Needs of People with Disabilities (Warwick District Local Plan 1995)
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 First Deposit Version)

DP2 - Amenity (Warwick District Local Plan 1996 - 2011 First Deposit Version)
DP8 - Parking (Warwick District Local Plan 1996 - 2011 First Deposit Version)
DP14 - Accessibility and Inclusion (Warwick District Local Plan 1996 - 2011 First Deposit Version)

RAP1 - Development within Rural Areas (Warwick District 1996 - 2011 First Deposit Version)

RAP7 - Directing New Employment (Warwick District 1996 - 2011 First Deposit Version)

DAP1 - Protecting the Green Belt (Warwick District 1996 - 2011 First Deposit Version)

DAP3 - Protecting Special Landscape Areas (Warwick District 1996 - 2011 First Deposit Version)

PLANNING HISTORY

The site originally formed part of Parkhouse farm to the north. Permission was originally granted for the conversion of the premises to a dwelling in 1982, however, the implementation of the permission resulted in the demolition and re-building of the structure rather than its conversion. A retrospective application for the retention of these works and the erection of a detached garage with a new vehicular access was granted by the Planning Committee on 2 April 1985 under application W850048.

On 7 April 1993 planning permission for the erection of a swimming pool building to serve the host property was granted (WDC Reference: W930195). Building Control site inspection records indicate that work initially commenced on 25 February 1998 to excavate the foundations and stopped thereafter. Work appears to have re-commenced in August 2004 and has continued to date. The building is now virtually complete and has been laid out as offices in accordance with the plans submitted with this application rather than as a swimming pool, as originally approved. Amendments have also been made to the design and arrangement of doors and windows to correspond with the proposed layout.

KEY ISSUES

The Site and its Location

The premises are located in the hamlet of Old Milverton to the north of Leamington Spa, where it is situated within the Green Belt in a Special Landscape Area. Parkhouse farm adjoins the site to the north and St. James's Church is to the south. A public footpath runs through the church grounds adjacent to the southern boundary of the site. Access to the site is from Church Lane, which is a cul-de-sac that terminates adjacent to the church. The site contains a lawned garden and is screened from the neighbouring properties by a mixture of mature and semi-mature tree and hedgerow planting. The site has no known statutory or non-statutory nature conservation status. However, it is directly adjacent to Ecosite 40/26, known as the pond and churchyard at Old Milverton, which is considered to be of at least High Parish Nature Conservation Value. Old Milverton River Terraces is also situated to the south of the site that is a Regionally Important Geological Area.

Details of the Development

The proposal is to convert the premises to offices for the applicants building contract business, which I consider would fall within the meaning of Class B1 of the Town and Country Planning (Use Classes) Order 1987 (as amended). A total employment of 7 persons is anticipated comprising a receptionist, an office junior, 2 quantity surveyors, a plan drawer and the applicant himself. Occasional visits by sales representatives are envisaged as clients are visited in their homes. As amended, provision for 6 no. parking

spaces to serve the development is proposed in addition to the garage/driveway spaces for the Churchside Barn residence. The remainder of the site would be retained as lawn.

Assessment

I consider the principal issues for consideration of the application are:

1. the principle of the use of the building for Class B1 office purposes;
2. traffic and highway safety, and;
3. residential amenity.

1. The Principle of Development

National statements of planning policy and Development Plan policies support the provision of employment uses within rural areas where these are of a small scale or of a low intensity. The proposed office would have a total floorspace of some 190 sq. m. I am satisfied that this would constitute a small scale use and operation. The building is located at the rear of Churchside Barn and in my opinion would also meet the criteria for employment uses as set out in PPG2 (Green Belt). The proposal includes only minor alterations to the external appearance of an existing building and car parking would be contained within the curtilage of the site that enjoys good screening from the surrounding area. I do not therefore consider it would have an adverse effect on either the openness of the Green Belt or the character and appearance of the Special Landscape Area.

2. Traffic and Highway Safety

I note the concerns expressed regarding the impact of the proposals in these terms. The traffic generated by the proposals would essentially relate to employees home-to-work and work-to-home journeys. The application is supported by reference to research undertaken by the Rural Development Commission into the commercial use of rural buildings which suggests traffic generation of the order of 2 cars per hour over the working day. In relation to the proposals this would equate to approximately 17 traffic movements (8.98 trips/100 sq. m/day). Comparison is made with similar figures produced for residential properties, which could generate up to 10 traffic movements per day, whilst Parkhouse farm could generate in the region of 20-40 movements. In my opinion, the level of traffic generated by the proposals would be relatively low and I do not consider this level of use would be such as to create unacceptable congestion or a highway danger on the rural road network, either in itself or cumulatively with neighbouring uses/operations. The lack of objection from the Highway Authority reinforces my view on this matter.

3. Residential Amenity

The proposed office would fall within the meaning of Class B1 of the Town and Country (Use Classes) Order 1987 (as amended), which is defined as being appropriate in residential areas. I therefore consider the proposal would be acceptable in relation to the amenities of the applicant and neighbouring residents. The applicant has also agreed to a condition to limit the use of the office to between 08.00 - 18.00 hours Mondays to Fridays and 08.00 - 13.00 hours on Saturdays, with no use on Sundays or Bank Holidays.

REASON FOR RECOMMENDATION

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

RECOMMENDATION

GRANT subject to the following conditions :

- 1 The development hereby permitted must be begun not later than the expiration of five years from the date of this permission.
REASON : To comply with Section 91 of the Town and Country Planning Act 1990.
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the approved floor plan and elevation drawings, and specification contained therein, submitted on 7 January 2005 and approved site plan, and specification contained therein, submitted on 21 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 Policy (DW) ENV3 of the Warwick District Local Plan 1995.
- 3 The use of the premises for the purposes hereby permitted shall be restricted to the hours of 08.00 - 18.00 hours Mondays to Fridays and 08.00 - 13.00 hours on Saturdays, with no use on Sundays or statutory Bank Holidays.
REASON : To protect the amenities of surrounding properties, in accordance with Policy (DW) ENV3 of the Warwick District Local Plan.
- 4 The office use of the premises hereby approved shall be solely for purposes within the meaning of Class B1(a) of the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order.
REASON : For the avoidance of doubt and to safeguard the amenities of neighbouring residents in accordance with Policy (DW) ENV3 of the Warwick District Local Plan 1995.
- 5 The use hereby permitted shall be carried on only by the applicant, Mr G. H. Hall, and on the cessation of his occupation of the dwelling known as Churchside Barn or on the cessation of his use of the office premises hereby permitted, whichever is the earlier event, the use hereby permitted shall cease.
REASON : To ensure that the amenity of occupiers of Churchside Barn and other properties nearby are properly protected and to enable the District Council to retain control over future development of this property within a hamlet sited in the Green Belt.
- 6 The proposed car parking area for the development hereby permitted shall be constructed, surfaced, laid out and available for use prior to the first occupation of the development hereby permitted, in full accordance with the approved plan.
REASON : To ensure that adequate parking facilities are available, in accordance with the requirements of Policy (DW) ENV3 of the Warwick District Local Plan 1995.
- 7 The existing trees and shrubs shall be retained in accordance with BS 5837 : 1991 and shall not be felled, lopped, topped or pruned without the previous written consent of the District Planning Authority. Any trees removed without consent, or dying or being severely damaged or becoming seriously diseased within five years of planting, shall be replaced with trees of such size and species as may be agreed with the District Planning Authority. Before any materials for the construction of the car parking area are brought on the site or construction of the

car parking area is commenced, stout protective fencing should be erected to enclose the perimeter of the branch spread of each tree or shrub to be retained, together with the branch spread of any tree growing on adjoining land which overhangs the site. Such fencing shall be satisfactorily maintained until all development has been completed.

REASON : To protect and enhance the amenities of the area, and to satisfy the requirements of Policy (DW) ENV3 of the Warwick District Local Plan.

Planning Committee: 04 April 2005
Application No: W 05 / 0041

Principal Item Number: 06

Town/Parish Council: Leamington Spa
Case Officer: Alan Coleman
01926 456535 planning_east@warwickdc.gov.uk

Registration Date: 13/01/2005
Expiry Date: 10/03/2005

Peacehaven, 12 Kenilworth Road, Leamington Spa, CV32 5TL

Conversion of residential homes to 4 flats and 3 maisonettes and erection of a linked detached dwelling to coach house at rear. FOR Christadelphian Care Homes

SUMMARY OF REPRESENTATIONS

Town Council: "The Town Council raises objection on the following grounds:

1. The proposal will have an adverse impact on the Conservation area (sic) and as such it is considered to be contrary to Policy DAP 10 of the emerging plan in that it fails to protect or enhance the quality and character of the buildings on the site.
2. The development will establish an unsatisfactory relationship with surrounding uses and buildings through the loss of amenity space, contrary to Policy DP2 of the Local Plan (sic).
3. The proposal is considered to be contrary to Policy DP6 of the Local Plan (sic) in that it fails to provide safe and convenient means of access to users of the site, which will be detrimental to highway safety.
4. The provision for car parking within the site is insufficient and will therefore further encourage on-street parking to the detriment of highway safety."

CAAF: "This was felt to be acceptable."

Highway Authority: Holding objection to layout of proposed parking spaces within site.

WCC (Ecology): No objection, subject to standard advisory note on bats and birds.

WDC (Leisure & Amenities): No objection.

Neighbours: 2 letters of objection on grounds relating to over-development, the impact on the character of the conservation area, inadequate car parking and traffic/highway safety.

RELEVANT POLICIES

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)
(DW) ENV6 - Protection and Enhancement of Conservation Areas (Warwick District Local Plan 1995)
(DW) ENV8 - New Development within Conservation Areas (Warwick District Local Plan 1995)
(DW) H15 - Conversion of Existing Residential Property (Warwick District Local Plan 1995)
(DW) IMP2 - Meeting the Needs of People with Disabilities (Warwick District Local Plan 1995)
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 First Deposit Version)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011 First Deposit Version)
DP5 - Density (Warwick District Local Plan 1996 - 2011 First Deposit Version)
DP8 - Parking (Warwick District Local Plan 1996 - 2011 First Deposit Version)

DP14 - Accessibility and Inclusion (Warwick District Local Plan 1996 - 2011 First Deposit Version)

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

DAP10 - Protection of Conservation Areas (Warwick District 1996 - 2011 First Deposit Version)

DAP11 - Unlisted Buildings in Conservation Areas (Warwick District 1996 - 2011 First Deposit Version)

PLANNING HISTORY

The present use as a nursing home was permitted in the 1960's, and conversion of the cottage at the rear of the premises to 2 flats was granted in 1971. There was permission for an extension to the chapel in 1988 (WDC Ref: W880170).

KEY ISSUES

The Site and its Location

The site is located on the eastern side of Kenilworth Road within a predominantly residential part of the Leamington Conservation Area that contains a mix of 19th Century villas and 20th Century detached houses and more modern flat developments, which adjoin the site to the south and east. The premises comprise a two storey detached building that stands at the front of the site on a common building line with the neighbouring dwellings. The property is known as 'Peacehaven' and is currently occupied as a residential nursing home. The property has been extended on the southern elevation by a meeting room with ancillary facilities on the ground floor which is used by the Christadelphian Community in Leamington Spa and the surrounding area. This is mainly used for Sunday Church services. The first floor contains rooms which serve the residential home. The original stable building and coach house at the rear form a separate building which has been converted into two dwellings to provide accommodation for 4 residents.

Access to the site is from Kenilworth Road via a driveway entrance adjacent to the northern boundary of the site with 14 and 14a Kenilworth Road. There are communal parking spaces at the front, rear and side of the premises that serve both the residential home and the meeting room. The majority of these spaces are at the front of the site, which is screened from Kenilworth Road by mature trees and shrubs. There is a landscaped communal garden at the rear of the site that provides amenity space for the residents.

Details of the Development

The proposals are as described above with the existing coach house and stable building remaining as self-contained units. The existing meeting room would continue in its present use at the same level i.e. Sunday use and intermittent use during the week. The dwellings would be two bedroom flats or maisonettes, with the exception of a single 1-bed maisonette. The manner of the conversion would largely respect the existing internal layout so that principal rooms would remain intact. External alterations to 'Peacehaven' would be minor and would entail the removal of an external staircase and first floor door from the rear elevation, together with the removal of an access ramp and patio doors to allow the erection of a porch to the rear side elevation. New window openings would also be formed at ground and first floor level in the rear and side elevation.

The proposals also include the erection of a dwelling at the rear of 'Peacehaven' adjacent to the southern boundary of the site with the flat development at Oakfield House. The dwelling would be linked at first floor to the existing coach house and stable building with an archway opening below to maintain access to the communal garden.

Provision for 14 parking spaces is proposed to serve a total of 10 dwellings. The layout of these spaces has now been amended to satisfy the concerns of the Highway Authority, together with improvements to the access arrangements. Provision is also made for a cycle store.

Assessment

I consider the principal issues for consideration of the application are:

1. the principle of conversion for residential development;
2. the impact of the development on the character and appearance of the Conservation Area;
3. traffic and highway safety, and;
4. residential amenity.

1. The Principle of Development

'Peacehaven' is located within the Leamington Conservation Area. Beyond the town centre inset, the adopted Local Plan does not define an area that is primarily in residential use, and there are no policies relating to the control of uses for this area. However, in land use terms, the surroundings to the site are predominantly residential, albeit with a number of non-residential uses. The authorised planning use of the premises is as a residential care home, which falls within the meaning of Class C2 (Residential Institutions) of the Town and Country Planning (Use Classes) Order 1987 (as amended). The proposed development would fall within the meaning of Class C3 (Dwelling houses) of this Order. As such, I consider the proposals are acceptable in principle and constitute appropriate development within the conservation area which I consider would, in land use terms, enhance its character by resuming the original Class C3 use of the premises.

In addition, one of the principal objectives of PPG3 : *Housing* is to promote wider housing opportunity and choice and encourage the re-use of previously developed land within urban areas, including the conversion of existing buildings, in preference to the development of Greenfield sites.

I consider there are no fundamental policy objections to the proposals and that the density of the development would not, in itself, result in an unacceptable intensification in the residential use of the site in terms of the tangible impact of the proposed development when measured in terms of the numerical and visual impact of the proposed car parking arrangements, site layout and relationship with neighbouring properties.

2. Impact on character and appearance of the Conservation Area

I note neighbouring residents' concerns regarding the impact of the proposed conversion on the character of the conservation area. However, there are clear distinctions between the use of the property as a residential care home and self-contained apartments in terms of the nature of occupation, living environment and site activities. The implication is therefore whether the activity associated with the number of units proposed under the terms of this application would, in itself, be compatible with the character and

appearance of the property, the conservation area, setting of adjacent listed buildings, the amenity of neighbours/future residents and traffic safety.

In assessing applications for changes of use within conservation areas PPG15 advises that:-

“New uses may often be the key to a building’s or area’s preservation, and controls over land use, density, plot ratio, day lighting and other planning matters should be exercised sympathetically where this would enable a historic building or area to be given a new lease of life. The Secretary of State is not generally in favour of tightening development controls over changes of use as a specific instrument of conservation policy. He considers that, in general, the same provisions on change of use should apply to historic buildings as to all others. Patterns of economic activity inevitably change over time, and it would be unrealistic to seek to prevent such change by the use of planning controls.”

In terms of density, the proposals would equate to approximately 47 dwellings per hectare. Members will be aware of government advice which encourages housing development which makes efficient use of land (minimum density of 30-50 units per hectare) with greater intensity of development in locations with good public transport links. The density of the flats adjoining the site to the south and east of the site in England, Saunders, Lucas, Oakfield, Norwood and Parimeter House is in excess of 100 dwellings per hectare. I am of the view that the design of layout proposed does achieve an efficient use of the site on a principal public transport route and does this in a manner which preserves the character of this part of the conservation area.

In relation to architectural character this is achieved with only minor external alterations to 'Peacehaven', which I consider would improve its appearance. With regard to the proposed linked-detached dwelling I am also satisfied that it would be acceptable in terms of its siting, design, scale and appearance and that, if the materials are carefully chosen and the building is detailed correctly, the appearance of the Conservation Area will not be harmed by this approach.

3. Car Parking and Highway Safety

The initial response of the Highway Authority to the application was a holding objection pending revisions to the car parking layout and site access, which have now been made. The Highway Authority have now confirmed no objection to the proposals on these grounds.

In relation to parking provision, 14 spaces are proposed to serve 10 dwellings, giving a ratio of 1.4 spaces per unit. Government advice is to seek an average of 1.5 spaces per dwelling, implying that in some locations there may be a need for more parking and in others less. Given the location of the site in a relatively sustainable location along a principal public transport route, I am satisfied that the parking provision is in line with government guidance and is not unreasonable for a site of this nature. No separate provision is proposed for the meeting room. Although on-street parking is in high demand in the area, I consider the site is well located in relation to public transport with a bus stop immediately outside. I therefore consider it acceptable for no parking to be allocated to the meeting room, particularly given the level of use.

4. Residential Amenity

In comparison with the existing use of the site, there is a concern that the proposal would intensify the residential use and nature of the site to the detriment of the amenities currently enjoyed by neighbouring residents. I accept that the proposal would be likely to lead to an increase in noise and disturbance from domestic activity and the unfettered

movement of vehicles within the site. However, I do not consider this would be so unreasonable to render the proposal unacceptable. I am also satisfied that no unacceptable effects would arise from the layout of the site, the continued use of the meeting room and siting of the linked-detached dwelling in relation to the amenities of neighbouring residents and also those of future occupants, who would be aware of these factors at the time of occupation. The requirements of the Building Regulations would also require appropriate levels of sound attenuation to be provided between the proposed dwellings and, in particular, those adjoining the meeting room.

REASON FOR RECOMMENDATION

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

RECOMMENDATION

GRANT subject to the following conditions :

- 1 The development hereby permitted must be begun not later than the expiration of five years from the date of this permission.
REASON : To comply with Section 91 of the Town and Country Planning Act 1990.
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawings 2496/9 Revision A, 2496/11 Revision A and 2496/12 Revision B, and specification contained therein, 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 Policy (DW) ENV3 of the Warwick District Local Plan 1995.
- 3 No development shall be carried out on the site which is the subject of this permission, until large scale details of doors, windows (including a section showing the window reveal, heads and cill details), eaves, verges and rainwater goods at a scale of 1:5 have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details.
REASON : To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy (DW) ENV8 of the Warwick District Local Plan 1995.
- 4 All window frames shall be constructed in timber, painted and not stained.
REASON : To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy (DW) ENV8 of the Warwick District Local Plan 1995.
- 5 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 an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy (DW) ENV8 of the Warwick District Local Plan 1995.
- 6 The roofing material for the development shall be natural slate, a sample of which has been submitted to and approved in writing by the District Planning Authority. The development shall be carried out in accordance with the approved details.

REASON : To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy (DW) ENV8 of the Warwick District Local Plan 1995.

- 7 All rainwater goods for the development hereby permitted shall be metal and no development on site shall take place until a sample of the rainwater goods has been submitted to and approved by the District Planning Authority.

REASON : To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy (DW) ENV8 of the Warwick District Local Plan 1995.

- 8 The car parking for the development hereby permitted, shall be constructed, surfaced, laid out and available for use prior to the first occupation of the development hereby permitted, in full accordance with the approved plan.

REASON : To ensure that adequate parking facilities are available, in accordance with the requirements of Policy (DW) ENV3 of the Warwick District Local Plan 1995.

- 9 The existing trees and shrubs shall be retained in accordance with BS 5837 : 1991 and shall not be felled, lopped, topped or pruned without the previous written consent of the District Planning Authority. Any trees removed without consent, or dying or being severely damaged or becoming seriously diseased within five years of planting, shall be replaced with trees of such size and species as may be agreed with the District Planning Authority. Before any materials are brought on the site or any demolition or development commenced, stout protective fencing should be erected to enclose the perimeter of the branch spread of each tree or shrub to be retained, together with the branch spread of any tree growing on adjoining land which overhangs the site. Such fencing shall be satisfactorily maintained until all development has been completed.

REASON : To protect and enhance the amenities of the area, and to satisfy the requirements of Policy (DW) ENV3 of the Warwick District Local Plan 1995.

- 10 No work of any kind shall be begun on the site until the protective fence(s) around the trees identified as being retained on the approved plans, have been erected and the fencing has been confirmed in writing to be acceptable by the District Planning Authority. Within the approved fenced area(s) there shall be no scaffolding, no stockpiling of any materials or soil, no machinery or other equipment parked or operated, no traffic over the root system, no changes to the soil level, no site huts, no fires lit and no excavation of trenches for drains, service runs or for any other reason. **REASON** : To protect and enhance the amenities of the area, and to satisfy the requirements of Policy (DW) ENV3 of the Warwick District Local Plan 1995.
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Planning Committee: 04 April 2005
Application No: W 05 / 0205

Principal Item Number: 07

Town/Parish Council: Leamington Spa
Case Officer: Fiona Blundell
01926 456545 planning_east@warwickdc.gov.uk

Registration Date: 08/02/2005
Expiry Date: 05/04/2005

36 Lonsdale Road, Lillington, Leamington Spa, CV32 7EP
First floor extension. FOR Surinder Ubui

SUMMARY OF REPRESENTATIONS

Town Council: No objections

RELEVANT POLICIES

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 First Deposit Version)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011 First Deposit Version)

PLANNING HISTORY

Planning application W04/1271 for the erection of a first floor extension was granted permission under delegated powers on 3rd September 2004. This permission has now been implemented, but is in breach of condition 4. This requires the extension to be set back by 450mm from the front face of the original building, with a corresponding reduction in the ridge height of the extension by 225mm, below the ridge height of the existing dwelling in accordance with departmental design practice, which requires extensions to read as ancillary and subordinate elements to the original dwelling.

KEY ISSUES

The Site and its Location

The application site occupies a prominent site, on a corner plot, at the junction of Lonsdale Road and Kinross Road. The application property lies within an area of predominantly semi-detached properties that are generally regularly spaced with the gaps between the properties, particularly at first floor level, forming an important feature in defining the architectural rhythm and character of the area. No 34 adjoins the applicant dwelling on the southeast side. The other nearest neighbours are Nos 113 and 115 Kinross Road on the opposite side of the road. No 88 Kinross Road sides onto the rear boundary of the applicant's garden approximately 25 metres away.

Details of the Development

The proposal seeks to retain the extension as built, with a reduction in set back of the rear elevation from 450mm to 130mm. The front elevation of the extension would remain flush with the front of the house.

Assessment

I consider that this current proposal would not read as an ancillary or subordinate element to the original building, thereby unbalancing this pair of semi-detached

properties. As the adjoining property No. 34 is sited less than a one metre from its boundary with No.32, it would not be able to erect a similar first floor extension in the future and remedy this unbalancing effect. I consider therefore that the proposal would have an adverse impact on the street scene, character of the residential area and the neighbouring amenities. I am of the view that the proposal would not comply with (DW) Policy ENV3 *Development Principles* of the Warwick District Local Plan and Policies DP1 *Layout and Design* and Policy DP2 *Amenity* of the emerging Warwick District Local Plan 1996-2011.

REASON FOR RECOMMENDATION

The proposal is not considered to comply with the policies listed above.

RECOMMENDATION

REFUSE for the following reasons:

- 1 Policy (DW) ENV3 of the Warwick District Local Plan and emerging policy DP1 of the first deposit version of the Local Plan (1996-2011) require all development proposals to have a high standard of design and to harmonise with their surroundings. The dwelling is one of a pair of semi-detached properties and the provision of this extension would present an unbalanced appearance that would be out of harmony and detrimental to the symmetrical appearance of the houses and as a consequence to the character of the area as a whole, thereby conflicting with local plan policy.

- 2 That enforcement action be authorised to secure compliance with the original planning permission, W20041271.

Planning Committee: 04 April 2005
Application No: W 05 / 0232

Principal Item Number: 08

Town/Parish Council: Lapworth
Case Officer: David Edmonds
01926 456521 planning_appeals@warwickdc.gov.uk

Registration Date: 14/02/2005
Expiry Date: 11/04/2005

Oaktree Wharf, Lapworth Street, Bushwood, Lawsonford, B95 5HQ

Change of use of former railway and canal side land to use as domestic garden and keeping of animals; construction of vehicular access road; erection of timber shed for storage of personal effects; erection of blockwork building for storage of animal feed, fuel, agricultural equipment and domestic washing area, and; creation of mooring involving concrete path/retaining surface and raised deck area (partly retrospective).
FOR R & D Giblin

SUMMARY OF REPRESENTATIONS

Rowington Parish Council: Objections on following grounds:

1. Change of use to domestic garden timber shed, block work building, etc, is inappropriate development and therefore contrary to green belt policy and harms the rural character of the Arden Special Landscape Area.
2. Developments harm that part of the Lawsonford Conservation Area to the west of Lapworth Street
3. Various works has harmed an area of wildlife habitat
4. Effect of residential mooring particularly the proposed structures on setting of the Stratford Canal.
5. Harm to outlook of neighbouring residential properties.
6. Query about the ownership of the existing access drive, part of which is shown within the application site, and is thought to be entirely in the ownership of Warwick District Council

Lapworth Parish Council: Objections because the site is within the Green Belt there is no need for a domestic garden where no house exists.

WCC (Highways): 'Holding objection' unless or until the applicant has submitted a plan to demonstrate that a car can be turned within the curtilage of the site as to enable it to leave and re-enter the highway on a forward gear.

WCC (Ecology): At the time of writing the report a site visit had not taken place to enable definitive views to be compiled but express the following 'strong initial' concerns. The disused railway is an Ecosite and this type of habitat also has a Habitat Action Plan . The creation of the access involving the removal of trees has the potential to affect bats and badgers. The canal is also an Ecosite that may be affected by the mooring. They intend to visit the site before the Committee meeting and clarify if there are objections.

British Waterways: No objection, in principle to a residential mooring subject to landscaping conditions requiring planting of predominantly native species. However, there are objections to the proposed mooring pontoon shown on the 1:100 plan as a galvanised steel structure and the white painted rendered finish of the half built blockwork building. They state that none of the land edged red, including the canal bank is in their ownership.

Inland Waterways Association: No objections

Campaign to Protect Rural England, Warwickshire: Consider that the site is in the Green Belt and Arden Special Landscape Area and should only be permitted in 'very special' circumstances. They welcome efforts to tidy up the site but do not wish to see the site over-developed.

General Public: At the time of report writing, 17 letters of objection had been received on the following grounds:

- Development of this nature is inappropriate in principle in the Green Belt
- The former railway embankment with its mature soft landscaped slopes is a distinctive natural visual buffer between the village and the surrounding countryside and its change of use to residential with associated buildings/ driveways would harm the soft character of the edge the village and reduce its attraction to tourists
- Perceived expansion of the village that could lead to further proposals such as more outbuildings and possibly the construction of a dwelling on the site
- Access to the site via the existing shared access track is dangerous in terms of poor visibility impaired by the bridge abutments and difficulty of vehicles entering and leaving in a forward gear
- Intensification of use of existing shared access track has damaged it and led to an increase in on street car parking
- Use of top of embankment for residential purposes would harm privacy of neighbouring properties it overlooks
- Loss of wildlife on the site resulting from clearance of much of the tree and shrub cover
- Loss of tree and shrub cover on the embankment has reduced its sound attenuation qualities in respect of M40 motorway noise.
- No need for new mooring when there is ample provision opposite the Fleur de Lys public house

Keeping of animals on the site could lead to an odour nuisance to occupants of neighbouring properties

RELEVANT POLICIES

(DW) ENV27 - Ecological Development (Warwick District Local Plan 1995)

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

(DW) ENV6 - Protection and Enhancement of Conservation Areas (Warwick District Local Plan 1995)

(DW) C8 - Special Landscape Areas (Warwick District Local Plan 1995)

(DW) ENV1 - Definition of the Green Belt (Warwick District Local Plan 1995)

(DW) ENV30 - Protection of Canal Corridors (Warwick District Local Plan 1995)

DP6 - Access (Warwick District Local Plan 1996 - 2011 First Deposit Version)

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

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

DAP1 - Protecting the Green Belt (Warwick District 1996 - 2011 First Deposit Version)

DAP3 - Protecting Special Landscape Areas (Warwick District 1996 - 2011 First Deposit Version)

DAP10 - Protection of Conservation Areas (Warwick District 1996 - 2011 First Deposit Version)

PLANNING HISTORY

Aug.1979. (W79/827) Refusal of planning permission to erect 7 dwellings

Jan. 1980. (W79/1532) Refusal of planning permission to erect 4 bungalows

KEY ISSUES

The Site and its Location

The broadly linear 0.46 hectare site comprises former British Railway land consisting mainly of an embankment stretching from Lapworth Street which forms the south-west boundary to the Stratford Upon Avon Canal forming the north-east boundary; together with a 30 metre long and 5 metre wide stretch of the west bank of the canal. The south-east boundary adjoins no. 12 Gifford Terrace being one half of a pair of semi-detached houses and the last of a row of similar properties on the north-east side Lapworth Street. Beyond the north-west boundary lies open countryside. Both the village and the surrounding countryside are part of the West Midlands Green Belt and is set within the Arden Special Landscape Area.

Details of the Development

The application seeks permission for the change of use of the land to a residential use as a garden and keeping of animals and covering an existing and a proposed building, together with engineering operations. These include the creation of a mooring comprising a raised galvanised framework supporting decking and paving and a paved surface, adjacent to the canal, and also the erection of 2 outbuildings on the lower slopes and base of the south east side of the embankment. The buildings comprise a pitched flat roof timber structure 5.5 metres x 3.5 metres and a larger flat roofed blockwork/rendered building 13.4 metres x 3.1 metres. Vehicular access to the site would be gained via the construction of a new access road parallel with the existing access track and divided by a post and rail fence. A chicken coup that has been placed on the land is not the subject of the application.

The supporting letter states that the land has been in the ownership of the applicant's family for 50 years being used for the keeping of fowl and pigs and that their canal boat had recently been moored on the canalside. The intention had been to refurbish outbuildings and clear overgrown land. It is stated that an outbuilding collapsed during refurbishment and that the timber building is being used to store personal belongings following a house move. The new drive to the site was started to avoid using the existing rough track. The proposed retaining surface for the bank replaced the previous overgrown bank that has suffered from erosion.

Assessment

It is considered that the continuous stationing of a houseboat on a site for the express purpose of permanent residential accommodation is material change of use that is equivalent to the full time residential occupation of a caravan. In this case the residential use of the land also has physical manifestations in terms of the engineering operations for the access, the two buildings, and the existing and proposed mooring operational developments. Such residential use and operational developments raises issues of compliance with rural protection policies - (green belt, rural character), highway safety and the living conditions of neighbouring properties.

In terms of green belt policy, the mainly residential use of the buildings that are the subject of the application would not be one of the specific purposes that would make them appropriate, in principle. In particular, the use of the buildings for the storage of personal effects, and as a washing area would not be for agriculture, and are not "essential" facilities for outdoor recreation. The keeping of animals and storage of fuel appears to be incidental to the residential use of the land rather than a use in its own right. Therefore the retention of buildings would conflict with policy (DW) ENV1, which seeks to protect green belts from inappropriate development. It is also

considered that the engineering operations associated with the driveway, to create a platform for the timber shed and in association with the moorings, cumulatively harm the openness and rural character of the green belt .

In terms of the use of the land, PPG 2 "Green Belts" indicates that there needs to be strict control over uses that conflict with the main purposes of including land within it e.g preserving openness and conserving identity of villages. In this context , the proposed use of the embankment as a domestic garden would be a use that would conflict with the purposes of a Green Belt area. The development site is also clearly beyond the physical limits of the built up area of the village

Regarding rural character, the buildings and other operations, the loss of trees/shrubs and the residential use of this distinctive railway embankment site that has provided a soft edge to the village would unacceptably harm the rural character of the Arden Special Landscape Area and it is not considered that the impact of a domestic garden use can be effectively mitigated by new planting. It would result in an expansion of suburban influences and begin to erode the soft rural edge of the village, thereby conflicting with some of the key guidelines of the Warwickshire Landscape Guidelines. This was adopted as Supplementary Planning Guidance to augment the rural protection policies such as (DW) C8, in the development plan. Moreover it is considered that such suburbanisation would unacceptably harm the rural setting of the Stratford Canal, contrary to policy ENV30.

Turning to highway safety, the comments of the highway authority reveal doubts that turning space can be achieved on the site and certainly none are currently proposed. It is considered that such turning space can only be achieved by further cutting into the embankment causing even greater visual intrusion, which would be unacceptable. Therefore it is considered the current development causes unacceptable harm to highway safety contrary to policy (DW) ENV3.

Regarding living conditions of neighbouring property, it is not considered that the intensification of the use of the first part of the access and the residential use would cause unacceptable harm in terms of noise and disturbance from vehicles. However, the change of use of the embankment sides and top to a domestic garden will increase potential for overlooking. The keeping of chickens on the site can be regarded as an agricultural activity and in itself does not require permission.

In respect of perceived harm to the setting of the Conservation Area, it is considered that the site is too far away with the concentration of buildings and operations out of sight of the conservation area for it to cause unacceptable harm to the setting.

Finally on the question of the ownership, whilst there may be doubts that the applicant owns all the land, particularly the canal bank, he has signed a certificate stating that he does, indeed, own all the land. Certainly, Warwick District Council does not own any of the site and neither does it appear that British Waterways own the canal bank. Under planning law, an applicant for planning permission need not be the owner of land the subject of a planning application, and the consent of whomsoever does hold an interest in the land is not required, although applicants for planning permission are legally obliged to notify landowners under section 66 of the Act.

REASON FOR RECOMMENDATION

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

RECOMMENDATION

A. Refusal for the following reasons

- 1 The application site is within the Arden Special Landscape Area in the Warwickshire Structure Plan and identified more precisely in the Warwick District Local Plan. In such areas, priority will be given to the conservation and protection of the landscape and Policy ER.4 of the Warwickshire Structure Plan 1996-2011 and Policy (DW) C8 of the District Plan seek to ensure that development does not damage the local landscape character. It is considered that the proposed development would extend suburban influences into the countryside and replace the current soft landscape dominated edge with a hard built edge to the village. It would thereby conflict with policies ER.4 and (DW) C8 and emerging policy DAP3 of the first deposit version of the Local Plan (1996-2011), as augmented by the Warwickshire Landscape Guidelines, adopted as SPG in 1994.
- 2 The site is situated within the Green Belt and the Warwickshire Structure Plan 1996-2011 together with the Warwick District Local Plan and Planning Policy Guidance Note 2 states that, within the Green Belt, the openness and rural character of the area will be retained, protected and wherever possible enhanced. Local Plan policy (DW) ENV1 and emerging policy DAP1 of the first deposit version of the Local Plan (1996-2011) state that development will not normally be permitted, except in very special circumstances, for the construction of new buildings, unless it fulfils specific criteria. The proposed development does not satisfy any of these criteria and, in the Planning Authority's view, very special circumstances sufficient to justify departing from the development plan have not been demonstrated.
- 3 The proposed scale and type of mooring and canal bank surfacing and the erection of the block building would represent an encroachment of suburban influences on land adjoining the Stratford-Upon-Avon Canal that would unacceptably harm the character and setting of the canal, contrary to policy (DW) ENV30 of the Warwick District Local Plan, 1995.
- 4 The application plan does not demonstrate that a car can be turned within the curtilage of the site as to enable it to leave and re-enter the highway in a forward gear. It is considered that any potential amended plan to demonstrate this would result in an unacceptable amount of earthworks cutting into the embankment to create a level surface for a turning area. The use of the proposed access without space to turn would lead to reversing movements onto the highway to the detriment of highway safety. The application would thereby conflict with policy (DW) ENV 3 of Warwick District Local Plan, 1995 and DP6 of Warwick District Local Plan 1996-2011 (First Deposit Version), 2003
- 5 The residential use of the embankment sides and top would result in an unacceptable loss of privacy for the neighbouring residential properties, thereby conflicting with policy (DW) ENV 3 of the Warwick District Local Plan, 1995 and DP2 of the Warwick District Local Plan 1996-2011 (First Deposit Version), 2003.

- B. That enforcement action be taken to cease the use of the site for residential use as a garden and remove the buildings, structures, and engineering operations associated with this use with a 4 month period of compliance

Planning Committee: 04 April 2005
Application No: W 05 / 0209

Principal Item Number: 09

Town/Parish Council: Leamington Spa
Case Officer: Alan Coleman
01926 456535 planning_east@warwickdc.gov.uk

Registration Date: 09/02/2005
Expiry Date: 06/04/2005

Land rear of 78-82, Lime Avenue, Lillington, Leamington Spa, CV32 7DH
Erection of 4 detached bungalows and access driveway. (Outline Planning Application).
FOR Greywell Property Ltd.

SUMMARY OF REPRESENTATIONS

Town Council: *"The Town Council raises objection on the following grounds:*

- 1. The proposal represents an over intensive development which is considered detrimental to residential amenity.*
- 2. Concern is expressed that access to the site is inadequate for the purpose of maintaining ingress and egress. "*

Highway Authority: No objection in principle but comment:

"There are concerns that the proposed parking bays located to the front of nos. 80 and 82 Lime Avenue, are likely to cause conflicting vehicle movements for vehicles entering and leaving the site, to the detriment of highway safety.

The preferred option is to extend the proposed parking arrangement for the new site, to incorporate the 4 parking bays required to serve the existing dwellings, as illustrated in red on the attached extract from drawing 2417/05 dated February 2005.

The applicant is required to submit an amended drawing incorporating the relocation of the parking bays serving the existing dwellings, for approval. On receipt of the amended drawing, the application will be considered further and recommendations made, as appropriate."

WCC (Ecology): *"The nature of the proposal does not appear to impact upon the known location of any protected species or areas of known ecological value. We welcome the proposed buffer zone protecting the existing Oak tree and we would advise an extension of this proposal to any other existing mature trees and hedgerows within the application area. We are therefore not aware of any ecological objection concerning this application, provided protected species, such as bats and nesting birds, and mature trees and hedgerows are not adversely affected. Furthermore, the development should have a low ecological impact provided the actions stated below are taken." i.e. recommend conditions on the submission of a bat survey and protection of existing trees and hedgerows, together with advisory notes on nesting birds and replanting of hedgerows.*

WCC (Archaeology): No objection.

WDC (Environmental Health): No objection.

WDC (Strategy Officer-Arbiculture): *"The revised plans take good account of the need to protect the TPOed Oak. The inclusion of rooflights should also help address the potential for complaints about poor light in the future.*

Care should be taken to ensure that strong conditions require the fencing to be in place as shown prior to any development commencing, and that it stays there until completion. Fencing should be sturdy, well raced and in accordance with BS5837: 1991.

Additionally, similar fencing should be required around the street lime trees at a distance of 4.5m from the stem. This need only protect areas grass - i.e. it should run along the front edge of the verge and turn in perpendicular to the kerbs at a distance of 4.5m from the tree, extending then to the front edge of the footway."

Neighbours: 34 letters of objection from 32 households and a 78-name petition representing 52 households on the following grounds:-

- harm to highway/pedestrian safety and convenience caused by inadequate site access, an increase in the volume of traffic generated from site onto a busy road used by motorists and school children alike, inadequate on-site car parking and a corresponding increase in traffic and demand for on-street parking in the surrounding roads that currently experiences problems of congestion;
- inappropriate over-development of the site and harm to the ecological quality and environmental character of the surrounding area in terms of the loss of garden land and intrusive size, siting, scale, bulk, mass, design, appearance and density of the development;
- harm to amenity from loss of light, security and privacy through overlooking and the proximity of the building to neighbouring properties, over-dominant and overbearing visual impact and noise and disturbance from an intensification in the residential use of the site and the unfettered movement of vehicles and siting of bin stores, erection of aerials, etc, and;
- increased loading of sewage system and storm drains.

James Plaskitt MP has also written in support of neighbouring residents' objections.

RELEVANT POLICIES

National Statements of Planning Policy

Planning Policy Guidance Note 1: *General Principles*

Planning Policy Guidance Note 3: *Housing*

Planning Policy Guidance Note 13: *Transport*

Warwickshire Structure Plan 1996-2011

Policy GD.1 (overriding purpose)

Policy GD.3 (overall development strategy)

Policy GD.4 (strategic constraints)

Policy GD.5 (development location priorities)

Policy ER.1 (natural and cultural environmental assts)

Policy H.1 (provision of housing land)

Policy H.3 (greenfield land for housing)

Policy T.1 (transport objectives)

Policy T.4 (the impact of development on the transport system)

Policy T.5 (influencing transport choice)

Warwick District Local Plan 1995

(DW) ENV3 - Development Principles

(DW) H5 - Infilling within the Towns

(DW) IMP2 - Meeting the Needs of People with Disabilities

Warwick District Local Plan 1996 - 2011 First Deposit Version

DP1 - Layout and Design
DP2 - Amenity
DP3 - Natural Environment
DP5 - Density
DP6 - Access
DP8 - Parking
DP14 - Accessibility and Inclusion
SC1 - Securing a Greater Choice of Housing
UAP1 - Directing New Housing

Supplementary Planning Guidance

Distance Separation
The 45 Degree Guideline

PLANNING HISTORY

Outline planning application W20041519 for the erection of 5 no. terraced houses and formation of an access driveway on land at the rear of 78-82 Lime Avenue was withdrawn on 7 October 2004 to allow consideration of the current revised application.

KEY ISSUES

The Site and its Location

The site has been formed by the segregation of the rear gardens of 78-82 Lime Avenue and occupies an area of approximately 1230 sq. metres (0.12 ha). It is located within an established residential area comprising mainly two-storey detached and semi-detached houses with enclosed rear gardens on generous mature plots. The rear gardens of the host properties and neighbouring houses at 66 – 80 and 84 Lime Avenue are longer than others in the immediate vicinity, and extend back some 50 – 60 metres to the rear garden boundaries of adjoining properties at 6 – 12 Cameron Close to the west. Low boundary fences and hedges separate the host and neighbouring property gardens that allows an open and uninterrupted outlook from within and across the site from these garden areas and the rear elevation windows of the neighbouring properties, particularly those to the south in Lime Avenue.

There is significant tree planting along this road, which creates an attractive landscaped setting. There is also a mature oak tree in the rear garden of No. 82 Lime Avenue that is now the subject of a Preservation Order (TPO Number: 273). A mix of styles and designs exists and there are both mature and more modern houses in the area. The site would be bounded by the remaining area of garden serving the host properties to the west and by the gardens of 76 and 84 Lime Avenue to the north and south respectively. The rear gardens of 6-14 Cameron Close form the eastern boundary.

Roadside parking is unrestricted in the vicinity of the site, other than by driveway openings on either side of the road. There is also a bus stop adjacent to the application premises on the opposite side of Lime Avenue.

Details of the Development

Outline planning permission is sought for the erection of 4 no. detached bungalows with access from Lime Avenue via a new driveway created in-between nos. 80 and 82 by the

removal of an existing two-storey side extension and single garage from these properties. All matters other than siting and means of access are reserved for future consideration. 3 of the bungalows would stand adjacent to the rear boundary of the site with the neighbouring gardens of 6-12 Cameron Close at a distance of some 7-11 metres at their closest point to provide an overall separation distance of over 30 metres with these properties and the host dwellings. The fourth bungalow would stand approximately 20 metres away from the rear elevation of 78 Lime Avenue adjacent to the side garden boundary of 76 Lime Avenue at a distance of a metre, as would the bungalow adjacent to the side garden boundary with 84.

Provision for 8 no. forecourt parking spaces is proposed to serve the dwellings with 2 no. spaces allocated to each of the host properties. These were originally proposed in the front garden areas. However, an amended plan has now been submitted that satisfies the requirements of the Highway Authority in respect of the parking layout. Bin storage facility for the bungalows would be provided adjacent to the access driveway.

Assessment

I consider the principal issues to be considered are:

1. The principle of development;
2. Impact on the character of the area;
3. Impact on neighbouring residents' amenities, and;
4. Highway safety.

1. The Principle of Development

The authorised use of the site is as garden area to 78-82 Lime Avenue and therefore constitutes previously developed land as defined in PPG3 '*Housing*' and where both Structure Plan and Local Plan policies regarding residential development apply. PPG 3 '*Housing*' states that the Government is committed to promoting more sustainable patterns of development within urban areas, making more efficient use of land by maximising the re-use of previously developed land. As such, I consider the proposal to be acceptable in principle.

2. Character and Appearance

The proposed dwellings would be erected in the rear gardens of the host properties. The garden areas for both the existing and proposed dwellings would also be rendered somewhat smaller than neighbouring properties. This pattern of development is not repeated elsewhere in the surrounding area. In terms of density, the proposals would equate to approximately 33 dwellings per hectare. Members will be aware of government advice which encourages housing development which makes efficient use of land (minimum density of 30-50 units per hectare) with greater intensity of development in locations with good public transport links. In my opinion, these factors serve to demonstrate that the proposed development would, by its very nature, have a discernable impact on the character and appearance of the surrounding area.

However, I do not consider that these factors are critical flaws in the context of this site. Overall, I consider that the visual changes that the scheme would bring about would not be inappropriate or unacceptable. In my view, the proposal would strike the right balance between making more efficient use of previously developed urban land in an accessible location and protecting the quality of the environment.

3. Residential Amenity

A significant number of local residents have objected to this proposal and are apprehensive about the change which would result from this development. I accept that the proposal would be likely to lead to an increase in noise and disturbance from domestic activity and the unfettered movement of vehicles within the site. However, having regard to the distance which would separate the scheme from its neighbours, its set back from the street frontage, and the details of the layout put forward, I do not consider the proposal would cause an unacceptable loss of amenity, including issues such as overshadowing, dominance or loss of privacy.

4. Highway Safety

With regard to the highway issues, I note the Highway Authority has not raised objection and the applicants in their amended plans have sought to address the reservations in the Highway Authority's comments. Insofar as car parking is concerned, the scheme provides for 2 spaces for each of the bungalows and host properties. I consider this level of provision would be in general accordance with the advice in PPG3 that there should be an average of 1.5 spaces per dwelling and, having regard to the location of this site, it would not be reasonable to require a higher level of provision. Thus, whilst noting the objections to the proposal on grounds of highway safety and congestion, I do not consider objection on these grounds could be sustained.

REASON FOR RECOMMENDATION

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

RECOMMENDATION

GRANT subject to the following conditions :

- 1 The layout and means of access for the development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing 2417/05 Revision A, and specification contained therein, 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 Policy (DW) ENV3 of the Warwick District Local Plan 1995.
- 2 This permission is granted under the provisions of Article 3(1) of the Town and Country Planning (General Development Procedure) Order 1995, on an outline application and the further approval of the District Planning Authority shall be required to the undermentioned matters hereby reserved before any development is commenced:-
(a) the design and external appearance of the proposed bungalows, and;
(b) details of landscaping.
REASON : To comply with Section 92 of the Town and Country Planning Act 1990.
- 3 In the case of the reserved matters specified above, application for approval, accompanied by all detailed drawings and particulars, must be made to the District Planning Authority not later than the expiration of three years beginning with the date of this permission.
REASON: To comply with Section 92 of the Town and Country Planning Act 1990.

- 4 The development to which this permission relates must be begun not later than the expiration of five years from the date of this permission or within the expiration of two years from the final approval of all reserved matters, whichever is the later.
REASON : To comply with Section 92 of the Town and Country Planning Act 1990.
- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking and re-enacting that Order with or without modification), no development shall be carried out which comes within Parts 1 and 2 of Schedule 2 of this Order, without the prior permission of the District Planning Authority. **REASON** : This site is of a restricted size and configuration and is in close proximity to other dwellings. It is considered appropriate therefore to retain control over future development to ensure that the residential amenity of this locality is protected in accordance with the provisions of Policy (DW) ENV3 of the Warwick District Local Plan 1995.
- 6 No lighting shall be fixed to the external walls or roofs of the dwellings hereby permitted, or on any open land within the application site without the written consent of the District Planning Authority.
REASON : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy (DW) ENV3 of the Warwick District Local Plan 1995.
- 7 The car parking areas shown on the approved plans shall be constructed prior to occupation of the development and thereafter be permanently retained for parking purposes for the development hereby permitted.
REASON : To ensure that adequate parking facilities are retained for use in connection with the development, in accordance with the requirements of Policy (DW) ENV3 of the Warwick District Local Plan 1995.
- 8 Before the development hereby permitted is begun details of the method for the protection of all retained trees shall be submitted to and approved in writing by the District Planning Authority. The details shall include the plans of protection zones around the trunks of all retained trees together with the protection of these zones by fencing that is a minimum of 1.2 metres high in accordance with the section 8 and figures 4 to 6 of the BS 5837 : 1991 'Guide for trees in relation to construction sites'. The erection of fencing for the protection of these retained trees shall be undertaken before any equipment, machinery or materials are brought onto the site for the purposes of the development and shall be retained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made without the written consent of the District Planning Authority.
REASON : To ensure that the retained trees are properly protected during the course of development in order to maintain the environmental quality of the site, and to satisfy Policy (DW) ENV3 of the Warwick District Local Plan 1995.
- 9 Before the development hereby permitted is begun a statement of the proposed method of implementing the construction of the development shall be submitted to and be approved, in writing, by the District Planning Authority. The details shall include the sequencing of operations, the method of construction of the driveway and access works and the methods of protecting root systems of all trees, including those adjacent to the site entrance in Lime Avenue, to be retained during the construction process from direct or indirect damage. Operations on the application site shall be carried out in accordance with the approved details and no part of the operations shall be amended or omitted without the prior written

approval of the District Planning Authority.

REASON : To ensure that the retained trees are properly protected during the course of development in order to maintain the environmental quality of the site and surrounding area, and to satisfy Policy (DW) ENV3 of the Warwick District Local Plan 1995.

- 10 The existing trees shown on the approved plans to be retained shall not be wilfully damaged or destroyed, uprooted, felled, lopped or topped without the prior written consent of the District Planning Authority. Any trees removed or dying or being severely damaged or becoming seriously diseased shall be replaced with healthy trees of such size and species as may be agreed in writing by the District Planning Authority.

REASON : To ensure that the retained trees are properly protected during the course of development in order to maintain the environmental quality of the site and surrounding area and surrounding area, and to satisfy Policy (DW) ENV3 of the Warwick District Local Plan 1995.

- 11 Before any works are undertaken within the protected zones of the retained trees, including excavations, topping, lopping or pruning, 7 days written notice of the nature of this work shall be given to the District Planning Authority to enable the work to be considered with the benefit of a site visit(s) from officer(s) of the Council. The approved works shall not commence until written approval has been given by the District Planning Authority.

REASON : To ensure that the retained trees are properly protected during the course of development in order to maintain the environmental quality of the site and surrounding area, and to satisfy Policy (DW) ENV3 of the Warwick District Local Plan 1995.

- 12 Before any works for demolition are first commenced, a survey of the premises by a qualified bat surveyor shall be undertaken to demonstrate the presence, absence or usage of the premises by bats. In the event that the survey demonstrates the presence or usage of the premises by bats, a report recommending mitigation measures to ensure any bats will be protected during the demolition works shall be submitted to and approved in writing by the District Planning Authority before the demolition works are commenced. The approved mitigation measures shall be wholly implemented strictly as approved.

REASON: To ensure the protection of bats and compliance with Policy (DW) ENV27 of the Warwick District Local Plan 1995.
