

**Planning Committee:** 14 August 2018

**Item Number: 6**

**Application No:** [W 18 / 0724](#)

**Town/Parish Council:** Warwick  
**Case Officer:** Dan Charles

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**Registration Date:** 20/04/18

**Expiry Date:** 15/06/18

**Land at Millwright Arms, Coten End, Warwick, CV34 4NU**

Change of use of part of curtilage and erection of 3no. dwellings; Alteration of access, provision of car parking & landscaping FOR Punch Taverns of Bluemark Projects Ltd

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

**RECOMMENDATION**

Planning Committee is recommended to grant planning permission, subject to the conditions listed at the end of this report.

**DETAILS OF THE DEVELOPMENT**

The proposed development is for the erection of 3 dwellings on the land to the rear of the existing Public House.

The dwellings consist of a row of 3 properties that face the rear elevation of the Public House. Each property contains 3 bedrooms.

A total of 6 parking spaces are provided for the 3 properties.

The proposal also proposes the alteration to the parking area associated with the public house to create 17 spaces and also to create turning space within the site for larger vehicles.

**THE SITE AND ITS LOCATION**

The application property is a Public House known as the Millwright Arms. It is a Grade II Listed Building, located within the Coten End / Emscote Road, Warwick, Conservation Area. A two storey plus attic timber-framed building which appears to be of 16th Century origin.

The application property is located within a group of properties which are also all Grade II Listed. The group includes No.65 & No.67.

The existing pub car park is to the east of the property. The pub gardens are to the north, which are mainly laid to grass. Beyond the pub garden area is an

area of land that is overgrown with dense foliage forming a boundary between the two areas.

The site is bounded by traditional terraced residential properties to the east and north that are separated by rear garden areas. The neighbour to the immediate east of the site is a youth centre. The property to the west, No.67, is a restaurant.

To the west is a modern residential development known as Saw Mill Close. These properties share a side and rear relationship with the application site together with shared areas of parking, turning space that also abut the site boundary.

The existing car park is laid to compacted gravel but has no formal markings.

### **PLANNING HISTORY**

W/17/1256 & 1263/LB - Proposed change of use of part of curtilage for the erection of five new dwellings, alteration of highway access, including car parking and associated landscaping works – BOTH REFUSED 29.09.2017.

W/12/0334 & 0363/LB - Proposed change of use of part of curtilage for five new dwellings with associated landscaping and alteration to existing access – BOTH WITHDRAWN 13.06.2012.

### **RELEVANT POLICIES**

- National Planning Policy Framework

#### The Current Local Plan

- DS5 - Presumption in Favour of Sustainable Development (Warwick District Local Plan 2011-2029)
- PC0 - Prosperous Communities (Warwick District Local Plan 2011-2029)
- H0 - Housing (Warwick District Local Plan 2011-2029)
- H1 - Directing New Housing (Warwick District Local Plan 2011-2029)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- HE1 - Protection of Statutory Heritage Assets (Warwick District Local Plan 2011-2029)
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
- TR2 - Traffic generation (Warwick Local Plan - 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- HS4 - Improvements to Open Space, Sport and Recreation Facilities (Warwick District Local Plan 2011-2029)
- CC1 - Planning for Climate Change Adaptation (Warwick District Local Plan 2011-2029)
- CC3 - Buildings Standards Requirements (Warwick District Local Plan 2011-2029)
- FW2 - Sustainable Urban Drainage (Warwick District Local Plan 2011-2029)
- FW3 - Water Conservation (Warwick District Local Plan 2011-2029)
- NE3 - Biodiversity (Warwick District Local Plan 2011-2029)

- NE4 - Landscape (Warwick District Local Plan 2011-2029)
- NE5 - Protection of Natural Resources (Warwick District Local Plan 2011-2029)

#### Guidance Documents

- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- Distance Separation (Supplementary Planning Guidance)
- Vehicle Parking Standards (Supplementary Planning Document)
- LES - Low Emission Strategy Guidance for Developers (April 2014)

### **SUMMARY OF REPRESENTATIONS**

**Warwick Town Council:** Object to this application as they consider that the development has a detrimental effect on the area and adversely affects the special architectural and historic interest. The historic wall should be maintained at all costs.

**WDC Arboricultural Consultant:** No objection, subject to conditions.

**WCC Highways:** Following receipt of amended plan and Road Safety Audit, no objection subject to conditions.

**WCC Landscape:** No objection.

**WCC Archaeology:** No objection, subject to conditions.

**WCC Ecology:** No objection, subject to conditions and notes

**Public Response:** 14 letters (13 objections and 1 comment letter) have been received on the following grounds:

- Loss of valuable green space.
  - Loss of local amenity.
  - May affect the viability of the existing public house.
  - Too many new houses being built.
  - Alternative access should be proposed.
  - Car park badly laid out and impractical.
  - Harm to the amenity of neighbouring properties.
  - Harm to highway safety.
  - Impact on local area through noise and overcrowding.
  - New access harmful to character.
  - Harm to the character of Conservation Area.
- Harm to the Listed Building and its setting.

### **ASSESSMENT**

#### History/Background

Planning permission and Listed Building Consent were refused for the erection of 5 dwellings on the land to the rear of the Public House on the grounds of harm

to residential amenity as a result of the layout together with harm to the setting of the Grade II Listed Building and the Warwick Conservation Area.

This is a revised scheme for the provision of 3 dwellings with the omission of 2 dwellings to the rear of the site. The proposed siting of the remaining 3 dwellings has been amended to take into account the previous reasons for refusal.

### Principle of Development

The application site lies within the built up area boundary of Warwick which is identified as an Urban Area for the purposes of the Local Plan. In these areas, the provision of new housing is considered generally acceptable, subject to an assessment of site specific matters.

### Impact on visual amenity and the character of surrounding area and Warwick Conservation Area

Policy BE1 of the Warwick District Local Plan states that new development should positively contribute to the character and quality of its environment. The policy requires the provision of high quality layout and design in all developments that relates well to the character of the area.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

Warwick District Local Plan Policy HE1 (protection of Heritage Assets) states development will be expected to respect the setting of conservation areas and important views both in and out of them.

The previous scheme for 5 dwellings was refused due to being an overdevelopment of the site that did not respect the character or form of the surrounding area. This scheme has omitted 2 units from the development allowing the proposed building to be set back into the site and align with the adjacent dwellings at Saw Mill Close. The reduction to 3 units has also reduced the overall demand for car parking on the immediate frontage of the proposed dwellings.

The properties are located in a linear row of 3 to the rear of the existing Public House building. From the centre of the access point, the nearest point of the dwellings is 45 metres back from the boundary of the site. The dwellings will be visible from the street frontage that affords views into the application site, however, given the intervening landscape features coupled with the significant distance, it is considered that the visual amenity from the public domain will not be harmed by the proposed development.

Notwithstanding the above, the design of the dwellings would create a high quality frontage that is sympathetic to the traditional character of the area and will introduce a high quality form of development to the currently overgrown area of land to the rear of the existing Public House.

The proposed development also includes the improvement of the existing garden space to the Public House by providing a high quality space that defines the area of land together with additional tables and play equipment.

Overall, the revised scheme has overcome the previous reasons for refusal and Officers are satisfied that the development will create a high quality environment that will respect the character of the local area and Warwick Conservation Area.

#### Impact on the character and setting of the Listed Building

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a duty to have special regard to the desirability of preserving a listed building or its setting when considering whether to grant a planning permission which affects a listed building or its setting.

Paragraph 193 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

Warwick District Local Plan Policy HE1 (protection of statutory heritage assets) states that permission will not be granted to alter or extend a listed building where those works will adversely affect its special architectural or historic interest, integrity, or setting.

The space to the rear of the building is currently an open plot of land, albeit significantly overgrown and disused. However, notwithstanding this, the land does provide some relief to the urban sprawl in the immediate context of a significant heritage asset, albeit in its current form, this relief is significantly limited.

The earlier scheme for 5 units was considered to be an overdevelopment of the parcel of land that would have a detrimental impact to the character and setting of the Listed Building.

The reduction of the proposal to 3 dwellings would result in a less dense form of development together with a reduced need for parking to serve the units. The reduction to 3 units has also allowed the dwellings to be set back into the site compared to the previous submission. This has increased the separation distance between the Listed Building and the proposed dwellings to 33 metres.

The reduction in numbers has resulted in a lower density form of development and the resultant reduction in parking requirement has allowed for a greatly reduced amount of hardstanding to the frontage of the properties. Taken into consideration with the additional set back of the dwellings, Officers are satisfied that there would be no harm to the setting of the Heritage Asset.

#### Impact on adjacent properties

Policy BE3 of the Warwick District Local Plan states that new development will not be permitted that has an unacceptable adverse impact on the amenity of nearby uses and residents.

The site is surrounded by existing housing consisting of the existing, traditional terraced housing to Broad Street to the East, traditional terraces to Guys Cliff Terrace to the North and modern semi-detached and terraced properties to Saw Mill Close to the West of the site.

The terrace of three properties has been relocated compared to the previously refused scheme to create a side to side relationship with the adjacent properties on Saw Mill Close. There are no side facing windows that would have an impact on the occupiers of the adjacent properties. The dwellings at Sawmill Close are orientated differently to the proposed dwellings and the frontage of the application properties faces the same direction as the rear elevation of the properties on Saw Mill Close. It is considered that the layout of the properties would not result in any harmful overlooking of the adjacent properties.

The proposed scheme affords sufficient distance between the proposed dwellings and the existing properties that flank the site. The orientation of the three properties ensures all facing windows face front and rear and there are no side facing windows to primary rooms that would have the potential for overlooking adjacent properties.

It is considered that the revised scheme satisfactorily overcomes the previous reason for refusal.

### Highway Safety

Policy TR1 of the Warwick District Local Plan requires all developments provide safe, suitable and attractive access routes for all users that are not detrimental to highway safety. Policy TR3 requires all development proposals to make adequate provision for parking for all users of a site in accordance with the relevant parking standards.

The proposed development would utilise the existing access serving the Public House and the car park to the Public House would be reconfigured to provide an access through.

Following discussions with the County Highways Officer in pursuance of the previous scheme, it was recommended that a dropped kerb arrangement as existing would be the most appropriate solution for accessing the site. In light of this, the current scheme was originally submitted with this form of access. However, during the consultation process, the County Highways Officer acknowledged that this advice was incorrect and an access with radius turnouts was required. This has now been provided on the revised layout plan together with a Road Safety Audit. The County Highways Officer has now raised no objection to the scheme on the basis of the revised layout.

The location of the access onto the public highway has been amended to serve the car park more centrally allowing for parking bays to be provided on either side of the access road. This allows for the creation of additional car parking serving the public house by providing a more appropriate layout within the car park. In terms of the existing public house parking, the submitted scheme makes reference to 17 cars including the disabled space. The current parking

arrangement for the Public House is not defined as the area is a simple hardstanding with no allocated spaces.

It is noted that the area defined for parking is currently smaller than that shown on the submitted plans. In this respect the current parking on site would be limited to approximately 10 vehicles. Officers are satisfied that the increased parking for the Public House would offset any potential parking pressures associated with the residential development on this site.

#### Impact on Ecology/Protected Species

Policy NE3 of the Warwick District Local Plan states that development proposals will be expected to protect, enhance and/or restore habitat biodiversity and where this is not possible, mitigation or compensatory measures should be identified accordingly.

The County Ecologist has assessed the site and raised no objection to the scheme subject to suitable conditions and notes to secure additional bat survey work to be undertaken together with the protection of existing trees and nesting birds. Subject to these conditions and notes, the Ecologist raises no objection to the proposal.

#### Trees/Hedgerows

The site is currently overgrown and whilst there is substantial planting located within the area, the amenity value of this is limited and is a result of a lack of maintenance due to the limited size of outdoor space associated with the Public House.

The existing trees within the site are to be retained as part of the application proposal and the scheme has the potential to create an improved area of landscaping within the site that is more appropriate for the Conservation Area location.

Tree and hedge protection can be secured by condition.

#### Low Emissions

A condition will be added to secure electric charging points as required by the Council's Low Emissions Strategy.

#### Water Efficiency

A condition will be added to ensure compliance with Policy FW3.

### **Conclusion**

The current scheme for 3 dwellings is considered acceptable in principle and is considered to be an appropriate form of development for the site. The proposal would respect the character of the local area and Warwick Conservation Area and would not have a detrimental impact on the setting of the Grade II Listed Public House. Matters of access, car parking, landscaping and the impact on

protected species are considered acceptable subject to conditions. For these reasons, Officers recommend that planning permission is granted.

### **CONDITIONS**

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) PTBMP/18/CEW/001 Rev A, and specification contained therein, submitted on 22.06.2018 and approved drawing(s) PTBMP/18/CEW/002, and specification contained therein, submitted on 03.04.2018. **REASON :** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
- 3 Other than site clearance and preparation works no works shall commence on the construction of the development hereby permitted until samples of the external facing materials to be used have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details. **REASON:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029.
- 4 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 (including details of materials) have been submitted to and approved by the Local Planning Authority. The development shall not be carried out otherwise than in strict accordance with such approved details. **REASON:** To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy HE2 of the Warwick District Local Plan 2011-2029.
- 5 The development hereby permitted shall not be occupied until a scheme which satisfies the requirements set out in the Council's adopted Low Emission Strategy Guidance for Developers (April 2014) has been submitted to and approved in writing by the Local Planning Authority and implemented in full accordance with the approved details. The approved scheme shall be retained and maintained as such at all times thereafter. **REASON:** To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan.
- 6 No development shall take place within the application site, unless and until;



a) a Written Scheme of Investigation (WSI) for a programme of archaeological evaluative work has been submitted to and approved in writing by the Local Planning Authority.

b) the programme of archaeological evaluative work and associated post-excavation analysis, report production and archive deposition detailed within the approved WSI has been undertaken. A report detailing the results of this fieldwork shall be submitted to the planning authority.

c) An Archaeological Mitigation Strategy document (including a Written Scheme of Investigation for any archaeological fieldwork proposed) has been submitted to and approved in writing by the Local Planning Authority. This should detail a strategy to mitigate the archaeological impact of the proposed development and should be informed by the results of the archaeological evaluation.

**REASON:** In order to ensure any remains of archaeological importance, which help to increase our understanding of the Districts historical development are recorded, preserved and protected where applicable, before development commences in accordance with Policy HE4 of the Warwick District Local Plan 2011-2029.

- 7 No development or other operations (including demolition, site clearance or other preparatory works) shall be commenced until an Arboricultural Method Statement (to include an appropriate tree protection scheme) has been submitted detailing adequate steps to safeguard against damage or injury during construction works (in accordance with Clause 7 of British Standard BS5837- 2012 Trees in Relation to Design, Demolition & Construction) to all tree(s) on the site, or those tree(s) whose root structure may extend within the site and which are within the Warwick Conservation Area. In particular no excavations, site works, trenches or channels shall be cut or pipes or services laid, no fires shall be lit within 10 metres of the nearest point of the canopy of any protected tree(s); no equipment, machinery or structure shall be attached to or supported by a protected tree(s); no mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area or any other works be carried out in such a way as to cause damage or injury to the tree(s) by interference with their root structure and that no soil or waste shall be deposited on the land in such a position as to be likely to cause damage or injury to the tree(s).

**REASON:** To protect those trees which are of significant amenity value to the area and which would provide an enhanced standard of appearance to the development in accordance with Policy NE1 of the Warwick District Local Plan 2011-2029.

- 8 The development hereby permitted (including demolition) shall not commence until further bat survey of the site, to include appropriate activity surveys in accordance with BCT Bat Surveys for Professional Ecologists- Good Practice Guidelines, has been carried out and a

detailed mitigation plan including a schedule of works and timings has been submitted to and approved in writing by the District Planning Authority. Such approved mitigation plan shall thereafter be implemented in full. **REASON:** To ensure that protected species are not harmed by the development in accordance with Policies NE3 and NE4 of the Warwick District Local Plan 2011-2029.

- 9 The development hereby permitted shall either:
- a.) Be timetabled and carried out to avoid the bird breeding season (March to September inclusive) to prevent possible disturbance to nesting birds.
  - b.) Not commence until a qualified ecologist has been appointed by the applicant to inspect the building/vegetation to be cleared on site for evidence of nesting birds immediately prior to works. If evidence of nesting birds is found works may not proceed in that area until outside of the nesting bird season (March to September inclusive) or until after the young have fledged, as advised by ecologist.

Birds can nest in many places including buildings, trees, shrubs, dense ivy, and bramble/rose scrub. Nesting birds are protected under the 1981 Wildlife and Countryside Act.

**REASON:** To ensure that protected species are not harmed by the development in accordance with Policies NE3 and NE4 of the Warwick District Local Plan 2011-2029.

- 10 No works to commence on site, including site clearance, until a combined ecological and landscaping scheme has been submitted and agreed between the applicant and the local planning authority (with advice from WCC Ecological Services). The scheme must include all aspects of landscaping including details of native tree planting and wild flower planting and installation of bird and bat boxes. The agreed scheme to be fully implemented before/during development of the site as appropriate. **REASON:** To ensure an acceptable form of development in accordance with NPPF, ODPM Circular 2005/06 and Policies NE3 and NE4 of the Warwick District Local Plan 2011-2029.
- 11 The development hereby permitted shall not be occupied unless and until a scheme showing how a water efficiency standard of 110 litres per person per day based on an assumed occupancy rate of 2.4 people per household (or higher where appropriate) will be achieved has been submitted to and approved in writing by the Local Planning Authority. No dwelling/ unit shall be first occupied until the works within the approved scheme have been completed for that particular dwelling / unit in strict accordance with the approved details and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications. **REASON:** To ensure the creation of well-designed and sustainable buildings and to satisfy the requirements of Policy FW3 of the Warwick District Local Plan 2011-2029

- 12 All window and door frames shall be constructed in timber and shall be painted and not stained. **REASON:** To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy HE1 of the Warwick District Local Plan 2011-2029.
  
  - 13 Prior to the occupation of the development hereby permitted, the first floor window(s) on the side elevations shall be permanently glazed with obscured glass to a degree sufficient to conceal or hide the features of all physical objects from view and shall be non-opening unless the parts of the window that can be opened are more than 1.7 metres above the floor of the room in which the window is installed. The obscured glazed window(s) shall be retained and maintained in that condition at all times. **REASON:** To protect the privacy of users and occupiers of nearby properties and to satisfy the requirements of Policy BE3 of the Warwick District Local Plan 2011-2029.
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