

**Planning Committee:** 03 May 2005

**Principal Item Number:** 04

**Application No:** W 05 / 0025

**Registration Date:** 12/01/2005

**Town/Parish Council:** Warwick

**Expiry Date:** 09/03/2005

**Case Officer:** Steven Wallsgrove  
01926 456527 [planning\\_west@warwickdc.gov.uk](mailto:planning_west@warwickdc.gov.uk)

**Trinity School (Dormer Hall), Myton Road, Warwick, CV34 6QD**  
Residential development of 73 units including sewers, roads and all ancillary works FOR Twigden Homes Ltd

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## **SUMMARY OF REPRESENTATIONS**

### Warwick Town Council

"Despite negotiations with officers the Town Council does not consider that the proposed development harmonises with the surrounding residential properties, achieves a layout in character in keeping with the surrounding area, or produces an acceptable and usable area of open space and does not therefore produce either a housing development or open space of high quality as recommended by PPG3. The Town Council therefore considers that the application does not meet the reasons for refusal in respect of application W04/1060 and that before permission is granted the following matters should be resolved.

1. The ancient hedgerow should be retained in its entirety with no houses taking direct access to Myton Road;
2. The public open space has been so fragmented that it no longer presents an area of usable open space to meet the requirements of the District Policy DP1 and cannot be considered to be central to development creating a "village green";
3. The lack of pavements to all but the spine road puts pedestrians, including children at risk;
4. The pitched roof three storey flats are not in keeping with the existing surrounding properties and should be reduced to two storey.
5. Inadequate visitor parking is provided for the flats, which added to the lack of pavements elsewhere on the site will lead to unacceptable levels of congestion and obstruction to the highway; and
6. The detailed objections put forward by the local residents regarding the poor layout, provision of garages detached from the properties they serve, overlooking of existing properties, the inadequacy of garden land to the proposed houses and proximity of garages to existing houses have not been met.

Additionally the Town Council considers that the developer is seeking to achieve a density not in keeping with the character of the area and that the social housing should not be concentrated into a ghetto, but located throughout the site. The Town Clerk circulated letters of objection from local residents and at the invitation of the Chair, residents addressed the Committee to state their concerns and objections."

Warwickshire Police: Recommend that the site should comply with "Secured by Design" guidelines.

Severn Trent Water: Have no objection subject to a drainage condition.

WCC (Highways): Had a holding objection on the original layout.

WCC (Ecology): Recommend a bat note if the proposal affects roof spaces or trees, and a buffer zone around trees to be retained.

WCC (Archaeology): Have no comment.

Housing Strategy: Have no objection as the affordable housing proposals are acceptable.

Fire & Rescue: Request a fire fighting condition.

Warwick Society: "We still have misgivings over this third application for the development of this site for housing. We see that the blocks of flats have been moved from the Leamington boundary of the site but their excessive bulk at 3 full storeys remains.

The public open space has been moved from fronting the Myton Road and has been replaced by amenity areas in front of the Myton Road houses and in front of the flats. These amenity areas are not the same as public open spaces which are associated with recreational activities and are missing from this development. It would be preferable to provide those houses that front Myton Road with front gardens (protected from inappropriate use and planting by covenant) which would be more in keeping with other residences in the location.

Our main concern is the hazardous spine road which must double as an access road through this densely developed estate to serve the Special Needs School, which has been granted planning permission, and the area of restraint designated as playing fields. The blind corner resulting from the location of house No 7 is particularly inept.

We would ask the Warwick District Planning Committee to refuse this application in its present form."

Leisure & Amenities advised that the original open space layout was not acceptable for adoption.

Councillor Mrs. Hodgetts has requested that the application be considered by the Committee.

### Neighbours

Letters of objection to the original scheme have been received from (or on behalf of) 14 local residents and from a Warwick Town Councillor on the following grounds:-

layout not acceptable as does not offer a high standard of living for new and existing residents and lacks open space, traffic noise and disturbance, security, three-storey development, traffic generation on Myton Road, inadequate access roads, garages in back gardens, location of open space unsafe, use of 'coach house' type close to back of Myton Crescent houses, distance separation (between houses and garages), lack of cycle parking, and overdevelopment.

### **RELEVANT POLICIES**

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)  
Distance Separation (Supplementary Planning Guidance)  
DP5 - Density (Warwick District Local Plan 1996 - 2011 First Deposit Version)

### **PLANNING HISTORY**

Outline planning permission was granted for the development of this site, subject to S106 Agreements, in February 2002 (the major, school, part and the caretakers house site) and in January 2004 (for the rear, prefabricated classroom, part). The S106 Agreements required the provision of 30% social housing, an area (or areas) of public open space, and a public transport contribution. The outline did not specify the number of dwellings, or the height of development, and did not include a layout. A reserved matters application for 76 units was refused on 3rd November 2004 for the following reasons:-

*1. District-Wide Policy ENV3 of the Warwick District Local Plan requires all development proposals to achieve a high standard of design and harmonise with their surroundings, whilst Policy H5 seeks to ensure that infill development in the existing urban areas does not have a serious adverse impact upon amenity and environment of its surroundings. These policies are reflected in Policies DP1 and DP2 of the emerging Warwick District Local Plan 1996-2011 (First Deposit Version), which states that development will only be permitted which positively contributes to the character and quality of the environment and will not be permitted where it has an adverse impact.*

*The application site lies within a area characterised by two storey housing and is currently occupied by school buildings, with the taller elements sited away from the boundaries and with the site having a predominantly landscaped frontage to Myton Road.*

*In the opinion of the District Planning Authority, the proposal constitutes an inappropriate layout which fails to harmonise with the character of the surrounding area or respect the amenities of adjacent residents, by reason of the proximity of the three storey flats to the proposed open space area, the relationship of the proposed dwellings to neighbouring properties to the west, and the proximity of the buildings to the boundary hedge and trees on the east side.*

*It is considered, therefore, that the proposal would fail to comply with the objectives of the aforementioned policies.*

2. *In the opinion of the District Planning Authority, the proposed public open space area is poorly located due to its proximity to the heavily trafficked Myton Road, thereby conflicting with the one of the key principles of Policy DP1 of the Warwick emerging District Local Plan 1996-2011, which requires a safe and attractive environment for such facilities.*

## **KEY ISSUES**

### **The Site and its Location**

The site mainly comprises the Dormer Hall site of Trinity School on the south side of Myton Road and, in total, consists of some 1.92 hectares of land.

To the west are the rear gardens of houses on Myton Crescent, to the north Myton Road and existing houses, whilst to the south and east the site is bounded by playing fields/open land within the Area of Restraint.

The site includes a number of trees, and is bounded by a low, mixed, hedge on the road frontage, a taller hedge, with oak trees, on the east side (separating the site from a private road to Brook Farm), and a generally dense hedge with varied trees on the west boundary, most of this vegetation being in the adjoining gardens of the Myton Crescent houses. There is also a cluster of trees in the north-east corner of the site, between Myton Road and the caretakers dwelling.

### **Details of the Development**

The layout of this scheme has been the subject of substantial discussion and negotiation since it was submitted and this has resulted in a further reduction in the number of units from 74 to 73. (The refused application was for 76 units). The basic concept principles have still been to provide lower density housing on the Myton Road and Myton Crescent frontages, in order to protect the low density, landscaped, character of these areas, with the remaining parts being at higher density. This is necessary to comply with central government density requirements of a minimum of 30-50 dwellings to the hectare.

The layout now has a central access road with culs-de-sac, while the Myton Road frontage houses are served by shared drives, including one directly off Myton Road. The larger houses all have double garages while the smaller houses have single garages, and the flats and affordable houses have parking spaces (one space/unit and 6 visitor spaces). The parking spaces adjoining the eastern boundary are to be constructed in accordance with Arboricultural Practice Note and BS5887 (1991) since they lie partly under the canopy of a tree.

The flats have now been divided into two blocks towards the middle and back of the site and roughly halfway between the east and west boundaries. The open space area has been located where it can be best used by the occupiers of the smaller houses and the flats, away from the main access road, so that it will be safe for children to use. The Myton Road frontage, although labelled as 'amenity space' is more of a visual amenity than a useable space and the layout plan shows the present gaps in the frontage hedge as to be infilled.

## Assessment

The principal issues in the case are the same as with the previous application, namely compliance with the outline application, the Section 106 requirements, and adopted standards and guidance. These include protecting the character of the street scene, the amenities of neighbours, and landscape features while complying with distance separation standards (i.e. habitable room window to habitable room window).

The Myton Road frontage, with its larger dwellings on individual plots and its landscaped character with the houses set back, is considered to adequately respect the general character of this frontage while the two shared drives off the estate road are visually terminated by use of a particular house type at each end. The general amenities of the Myton Crescent houses are also generally protected with three houses backing onto their back gardens and one house having its gable end some 2.5 m off this boundary. One property would have a small garage court backing onto it, with additional landscaping.

Although there are a number of trees within the site, it was accepted, at outline stage, that none were worthy of a Tree Preservation Order. Most of the trees on the Myton Road frontage, however, are shown as to be retained, with the old hedge, and gaps in this hedgeline to be replanted. Mature trees, and the remains of the hedge, on the eastern boundary are also to be retained, these trees having some ecological interest. A few parking spaces are shown as being under the canopy of one of these trees, but a porous surface is to be used here with construction works in accordance with 'no dig' principles in order to protect them.

The open space area will serve as a 'village green' for the development, in a similar way to that at the Emscote Lawns site, and should, therefore, serve a useful function. Leisure and Amenities, however, have expressed concern about its size and proximity to the main block of flats but its purpose could be ensured if it was maintained privately (by the management committee that will need to be set up for the flats and the affordable housing) instead of being adopted by the District Council, in a similar way to Emscote Lawn.

The blocks of flats, being sited some 70 m back from the road, will have little visual impact, and the central part of the school is already three storey, with relatively high ceilings. It is considered, therefore, that they will not have any significant affect on the street scene or on nearby houses.

In summary, the key changes to the scheme in response to the previous refusal are:-

1. Relocating the main area of open space towards the centre of the site.
2. Relocating the three storey flats towards the centre and rear of the site.
3. Reducing the impact of the development on the Myton Crescent houses to the west and the trees/vegetation along the eastern boundary abutting the Area of Restraint.

4. Setting the development further back from Myton Road.

### **REASON FOR RECOMMENDATION**

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

### **RECOMMENDATION**

APPROVE subject to the following conditions:

- 1 The development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing numbers T250/W06, /05, planning layout (73 units), house types 825, 820, 762, 757, 730, 716, 487, 425, 387, and specification contained therein, received on 12th January 2005 and 14th April 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 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 ENV3 of the Warwick District Local Plan.
- 3 Notwithstanding condition 2 above, the construction of the parking area between plots 59 and 60 shall be in porous material in accordance with the 'no-dig' principle set out in the Arboricultural Practice Note as well as BS5387: 1991. **REASON** : To protect and enhance the amenities of the area, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan.
- 4 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 windows other than those expressly authorised by this permission, shall be placed at any time in the south-west elevation of Plot 12. **REASON** : To retain control over future development so that the residential amenity of adjoining occupiers is protected.

- 5 With regard to the dwellings on plots 1-5, 9-13 and 55-66 (all inclusive) 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 the private driveway/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.
  - 6 The area labelled as "amenity space" between Apartments 32-52 and plots 60-64 shall be laid out and then retained as an open space for the use and benefit of residents on the estate. **REASON** : To ensure that an open space is provided and maintained for the benefit of the residents in accordance with Policy (DW) RL5 of the Warwick District Local Plan 1995.
  - 7 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.
  - 8 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.
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