

Application No: W 10 / 1429

Town/Parish Council: Warwick

Registration Date: 20/12/10

Case Officer:

Penny Butler

Expiry Date: 14/02/11

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Land off Queens Square and Charter Approach, Warwick, CV34 6HP

Application for extension of time limit on p.p reference W07/1799 for the construction of six affordable homes after demolition of existing timber building FOR Orbit Housing Association

This application is being reported to Planning Committee because it is recommended that planning permission be granted subject to the completion of a legal agreement.

SUMMARY OF REPRESENTATIONS

Warwick Town Council: No objection.

WCC Ecology: Comments as for W07/1799: Trees should be retained if possible and protected during works by a 2-3m buffer zone. If their loss is unavoidable adequate replanting ideally using native species should be carried out to ensure no net biodiversity loss. Also bat and reptile/amphibian notes.

WDC Cultural Services: Apply the Open Space SPD to this application for an off site capital contribution.

Severn Trent Water: No objection subject to condition for prior approval of drainage plans and advisory note.

Environment Agency: No comments received to date.

RELEVANT POLICIES

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)
- Open Space (Supplementary Planning Document - June 2009)
- DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
- DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)
- DP5 - Density (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)

- SC8 - Protecting Community Facilities (Warwick District Local Plan 1996 - 2011)
- UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)

PLANNING HISTORY

The site was first used for scouts following consents in 1967. Consent was given for six dwellings with garages in 1999, with a scheme for nine houses refused in 2007. Later in 2007, consent was given by Planning Committee for the construction of six affordable homes on the site.

KEY ISSUES

The Site and its Location

The application site consists of a low timber hut surrounded by surfaced car parking, which before being occupied by the scouts, had housing on it. It is crossed diagonally by two sewers which severely restrict the development potential and there are culverts very near the site that is surrounded by housing. It has a Queens Square frontage on the north-western side with two vehicular access points and housing opposite. Garage blocks adjoin the south-western side of the site and a public footpath/ cycle way run along the north-eastern side giving emergency access to Charter Approach. Along the rear south-eastern boundary is a 1.8m high fence with brick pillars separating the site from Charter Approach, where there is a terrace of three and two storey houses adjoining. There is a large conifer in the south-western corner of the site near the adjoining garages, and several other poor trees on the road frontage.

Details of the Development

This application is to extend the time period for implementation of the 2007 consent for the erection of six affordable houses. The houses are set out in two terraced blocks of three, three-bedroom houses. One block fronts Queens Square with gardens at the rear, and the other sides onto Queens Square with gardens at the rear adjoining the adjoining garages. Two parking spaces are provided for each house along with a small shed in the rear garden. The applicants advise that the development could not commence in the time period because of statutory's authority's drainage works in respect of the culverts.

Assessment

The principle of development, and the layout, form and design of the scheme has been previously accepted and there has been no change in policy since this time that would affect these matters. The same conditions therefore are proposed as previously imposed with the addition of renewables referred to below.

No renewable energy was to be provided as part of the previous scheme, but a full energy assessment has now been provided which demonstrates compliance with policy DP13 and the sustainable buildings SPD. More than 10% of the energy needs would be provided through solar thermal panels and the houses would be built to achieve code for sustainable homes level three, which requires 25% better than building regulations for ENE1. This is based on three square metres of solar thermal panels per dwelling, achieving about a 14% saving in energy use.

A further additional requirement is that the applicant provide a contribution towards open space enhancement in accordance with Policy SC13, as no public open space is provided as part of the scheme. According to the Open Spaces SPD, six three-bedroom houses would be expected to house three people, therefore the requirement is £11,304 (18 x £628). The applicant must enter into a Section 106 agreement to provide the contribution, rather than a unilateral undertaking, since they do not currently have an interest in the land. The land is currently owned by Warwick District Council, and the sale of the land to Orbit who will provide the units is dependent upon the planning consent.

A condition was imposed on the previous consent requiring the dwellings to be affordable homes in accordance with policy SC11, because at the time the Managing Housing Supply SPD was in force which did not permit market dwellings. This Policy and SPD is no longer in operation therefore the condition is no longer required.

RECOMMENDATION

GRANT, subject to conditions listed below and the completion of a S106 Agreement to secure a contribution of £11,304 towards open space.

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years from the date of this permission. **REASON** : To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing(s) (5393.300B; 5393.301; 5393.302), and specification contained therein, submitted on 23 October 2007 and 13 December 2007 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 Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.
- 3 Samples of all external facing materials to be used for the construction of the development hereby permitted, shall be submitted to and approved by the 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 DP1 of the Warwick District Local Plan 1996-2011.
- 4 A landscaping scheme 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.

REASON : To protect and enhance the amenities of the area, and to satisfy the requirements of Policies DP1 and DP3 of the Warwick District Local Plan 1996-2011.

- 5 The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the District Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use. **REASON**: To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.
- 6 The development hereby permitted shall not be first occupied unless and until the renewable energy scheme submitted as part of the application has been wholly implemented in strict accordance with the approved details. The works within this scheme shall be retained at all times thereafter and shall be maintained strictly in accordance with manufacturers specifications. **REASON** : To ensure that adequate provision is made for the generation of energy from renewable energy resources in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011.

INFORMATIVES

For the purposes of Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, the following reason(s) for the Council's decision are summarised below:

In the opinion of the District Planning Authority, the development achieves acceptable standards of layout and design and does not give rise to any harmful effects in terms of loss of amenity or parking which would justify a refusal of permission. The proposal is therefore considered to comply with the policies listed.
