

Planning Committee: 03 March 2015

Item Number: 7

Application No: [W 14 / 1753](#)

Town/Parish Council: Warwick

Case Officer:

Liam D'Onofrio

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Registration Date: 04/12/14

Expiry Date: 06/03/15

1 Goldsmith Avenue, Warwick, CV34 6JA

Erection of new 3 bedroom dwelling FOR Mr Jobling

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

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

Planning permission is sought for the erection of a new three-bedroom dwellinghouse measuring 8.3m wide by 9m deep and 8m high. The new dwelling will be located to the side garden of the existing property No.1 Goldsmith Avenue and will require the demolition of an existing garage, shed and lean-to extension. Two off-street parking spaces will be provided for both the existing and proposed properties.

The application is accompanied by a Design and Access Statement and Energy Statement. The supporting documentation states that the proposal aims to maximise the potential of the property with large, modern spaces and contemporary glazing to the rear, whilst still referencing the current streetscene and retaining the style and character of the physical contextual surroundings.

In specific response to the Town councils comments the applicant has responded:

- The elevations portion, scale and materiality have been selected to reflect the existing context.
- The proposal meets and in places exceeds all policy criteria and regulations particularly in regard to sustainability.
- The development does not affect the parking standards of the existing dwelling, it in fact improves them by providing two spaces off street for the existing house.
- The amenity provision for this property is generous and does meet policy criteria, holistically this property will have considerably more amenity space than the majority of existing dwellings in the area and more than the newly approved infill house on the corner.

THE SITE AND ITS LOCATION

The application site relates to part of the side garden of No.1 Goldsmith Avenue, which fronts a service road on the south-eastern side of Hampton Road. The site is residential in character, located within the built up area of Warwick. Warwick Sports Club is located to the east of the site. The northwest edge of the site falls within Flood Zone 2, however the property will be constructed within Flood Zone 1. The site lies outside but adjacent to the conservation area.

PLANNING HISTORY

W/14/1451 Erection of a three bedroom dwelling: Withdrawn 25/11/14

RELEVANT POLICIES

- National Planning Policy Framework

The Current Local Plan

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DAP3 - Protecting Nature Conservation and Geology (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
- DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- SC1 - Securing a Greater Choice of Housing (Warwick District Local Plan 1996 - 2011)
- SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)
- UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)

The Emerging Local Plan

- TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- H1 - Directing New Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)

Guidance Documents

- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- Open Space (Supplementary Planning Document - June 2009)

- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Vehicle Parking Standards (Supplementary Planning Document)

SUMMARY OF REPRESENTATIONS

Warwick Town Council: Objection. "The Town Council consider that the application should be refused for the location, positioning and design of the development is not sympathetic to the street scene and would disrupt the established character of the area by reason of its mass and size and its failure to make provision for the residential amenities of the occupants of the development, if constructed. The development would also reduce the car parking provision to the adjoining property. If permitted the development would not meet the requirements of DP1 and BE1 relating to layout and design. The Town Council also suggests a site visit".

WCC Highways: No objection, subject to conditions.

WCC Ecology: No objection, subject to conditions.

ASSESSMENT

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

- The principle for the development;
- Siting and design;
- Neighbours' amenity;
- Highway matters;
- Renewable energy;
- Health and Wellbeing;
- Ecology.

The principle of the development

The National Planning Policy Framework (NPPF) 2012 states (para.49) that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites against their housing requirement. In terms of the most recent evidence of housing need, the Council cannot demonstrate a five year supply. Accordingly, only limited weight can be afforded to Policy UAP1, and in these circumstances the NPPF requires applications to be considered in the context of the presumption in favour of sustainable development. This states at paragraph 14 that where the development plan policies are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF.

The site falls within garden land and paragraph 53 of the NPPF 2012 states that LPA's should resist inappropriate development on garden land where this would cause harm to the local area. In this case the proposed development is considered to integrate well into the existing pattern of development fronting the highway and would not form a contrived development. The scheme will also contribute towards helping the Council meet its five year requirement, result in

more efficient use of urban land, and as set out below would have no other significant adverse effects. On this basis the proposal is considered to constitute sustainable development, which is acceptable in principle and would comply with the NPPF.

Siting/design

The proposed dwelling will sit within the existing pattern of development fronting the highway and will not appear contrived or cramped within the streetscene as a gap of 1 metre is retained between properties to avoid a terracing impact. The design is considered acceptable and will reflect the style and character of other properties within the streetscene.

The proposed dwellinghouse is positioned slightly higher than No.1 Goldsmith Avenue and the applicant has been asked to lower the ridge and eaves level to match the adjoining dwellinghouse. The applicant has, however stated that lowering the ridge would affect the internal design solution and has therefore declined to make alterations to the design. The applicant advises that the additional 225mm between ridges is unlikely to be read at street level and that visually the property also forms a full-stop to development.

Notwithstanding the absence of the requested revisions to the design of the proposed building, it is considered that the dwelling will clearly be two-storey with an appropriate bulk and mass and that the difference between eaves/ridge levels would not be so significant as to warrant refusal of the scheme.

The applicant has agreed to add a chimney to the design, which is considered to be an important architectural feature that adds to the character of surrounding properties and the skyline of the area. The scheme is not considered to materially affect the character or setting of the adjacent conservation area.

Neighbours' amenity

The scheme will require the sub-division of the existing plot, however an acceptable level of external amenity space will be retained for No.1 Goldsmith Avenue and an acceptable sized garden area will be provided for the proposed dwellinghouse. The new building will not breach the 45-degree sightline measured from No.1 and meets all other minimum separation distances in accordance with the Council's SPD.

It is considered that it would be prudent to remove permitted development rights as further uncontrolled extensions/out-buildings within this in-fill plot could affect neighbouring amenity. No.1's side windows facing the application site are obscurely glazed, however it is considered necessary to also condition the first floor side facing windows in the proposed dwelling facing No.1 to protect the future privacy of both occupiers. These windows relate to a secondary bedroom window and bathroom window.

The scheme is not therefore considered to result in any significant loss of outlook, light, privacy or general amenity to the occupiers of surrounding properties.

Highway safety

The previous scheme was withdrawn due to the absence of the provision of any parking for No.1 Goldsmith Avenue. Although the new dwelling will have two off-street parking spaces in accordance with the SPD the Highway Authority initially objected to the resubmission as only one new off-street parking space was to be created for the existing property No.1, failing to meet parking standards. There was also concern that, despite the low speeds on this service road, visibility splays had not been shown to demonstrate that vehicles could exit safely from the proposed new access.

The applicant has provided an amended plan showing appropriate visibility splays and room for two vehicles on the frontage of No.1. The Highway Authority have removed their objection accordingly and now raise no objection to the amended scheme, subject to conditions.

Renewable Energy

An air source heat pump has been specified in order to meet the Council's 10% renewable energy requirement. Securing this pump and associated noise attenuation can be successfully controlled through condition.

Drainage and Flood Risk

The very western edge of the site adjoins Flood Zone 2, however the proposed development falls within Flood Zone 1. The scheme therefore requires no additional conditions in terms of flooding for the protection of future occupants.

Heath and wellbeing

N/A

Ecology

The Warwickshire Country Council Ecology Team note that it appears that the buildings due to be demolished have low potential to support roosting bats, thus a bat survey is not considered necessary. As there are trees and shrubs within the application site it is recommended that the proposed works are carried out outside the nesting bird season that lasts March to September (inclusive). If this is not possible then the site should be checked for nesting birds prior to works commencing, which can be controlled through condition. A condition is also suggested to protect trees from works by a suitable buffer area.

Other Matters

The scheme will require provision for open space, which can be controlled by condition.

SUMMARY/CONCLUSION

In the opinion of the Local Planning Authority, the development respects surrounding buildings in terms of scale, height, form and massing and does not

adversely affect the amenity of nearby residents or highway safety. The proposal is therefore considered to comply with the policies listed.

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) 250, 251, 351, 352, 150 Rev B, and specification contained therein, submitted on 04/12/14. **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 Unless the Local Planning Authority certifies that suitable alternative provision has been made for the provision or improvement of open space within the catchment area of the application site in accordance with Policy SC13 of the Warwick District Local Plan 1996-2011:

(i) no development shall commence unless or until a scheme for such provision or improvement (identifying the size/extent, location and specification of the space and works) has been submitted to and approved in writing by the Local Planning Authority; and

(ii) the dwellings hereby permitted shall not be occupied until the scheme so approved has been implemented.

REASON: To ensure the necessary infrastructure and facilities are provided in accordance with Policy SC13 of the Warwick District Plan 1996 – 2011.

- 4 The development shall be carried out only in full accordance with sample details of the facing and roofing materials which shall have been submitted to and approved in writing by the local planning authority. **REASON:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy DP1 of the Warwick District Local Plan 1996-2011.
- 5 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. Microgeneration equipment no longer needed for microgeneration shall be removed as soon as reasonably practicable. **REASON :** To ensure that adequate provision is made for the generation of energy from renewable energy resources in

accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011.

- 6 No part of the development hereby permitted shall be commenced and nor shall any equipment, machinery or materials be brought onto the site until a scheme for the protection of all existing trees and hedges to be retained on site has been submitted to and approved in writing by the Local Planning Authority and has been put in place. The scheme must include details of the erection of stout protective fencing and be in accordance with British Standard BS5837:2012, Trees in Relation to design, demolition and construction. Nothing shall be stored or placed in those areas fenced in accordance with this condition and nor shall the ground levels be altered or any excavation take place in these areas. The approved scheme shall be kept in place until all parts of the development have been completed and all equipment, machinery and surplus materials have been removed. **REASON:** In order to protect and preserve existing trees and mature landscaping within the site which are of amenity value in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011.
- 7 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 or,
 - b) not commence until a qualified ecologist has been appointed by the applicant to inspect the buildings to be demolished and vegetation to be cleared for evidence of nesting birds. This inspection must take place immediately prior to the commencement of works. If evidence of nesting birds is found then works in the affected area may not proceed within the nesting bird season (March to September inclusive) unless the local planning authority has received written confirmation from the ecologist that the young have fledged. **Reason:** To ensure that protected species are not harmed by the development in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011 and NPPF.
- 8 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 Classes A, B or E of Part 1 of Schedule 2 of this Order. **REASON:** That due to the restricted nature of the infill development plot and its close relationship with the adjoining property it is considered necessary to ensure that no additional development is carried out without the permission of the local planning authority in accordance with Policies DP1 & DP2 of the Warwick District Local Plan 1996-2011.
- 9 Noise arising from the air source heat pump hereby permitted, when measured one metre from the facade of any noise sensitive premises, shall not exceed the background noise level by more than 3dB (A) measured as LAeq (5 minutes). If the noise in question involves sounds containing a distinguishable, discrete, continuous tone (whine, screech,

hiss, hum etc.) or if there are discrete impulses (bangs, clicks, clatters, thumps etc.) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level. **REASON:** To protect the amenities of the occupiers of nearby properties in the locality in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011.

- 10 The development hereby approved shall not be occupied unless and until the approved off-street car parking spaces have been provided to both existing and proposed properties in accordance with the approved details on drawing No.150 Rev B and visibility splays have been provided to the vehicular access to No.1 Goldsmith Avenue, with an 'x' distance of 2.4 metres and 'y' distances of 25 metres to the near edge of the public highway carriageway. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway. The driveways shall also be surfaced in a bound material. Thereafter car parking facilities shall remain available for use at all times. **REASON:** To ensure that a satisfactory provision of off-street car parking is maintained at all times in the interests of the free flow of traffic and highway safety in accordance with Policies DP6 & DP8 of the Warwick District Local Plan 1996-2011.
 - 11 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) the window(s) to be formed in the side-facing southwest elevation of the dwellinghouse hereby permitted shall only be glazed or re-glazed with obscure glass and any opening part of any window shall be at least 1.7m above the floor of any room in which the window is installed. **REASON:** In the interests of the amenities of the occupiers of nearby properties in accordance with Policies DP1 & DP2 of the Warwick District Local Plan 1996-2011.
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