Planning Committee: 20 July 2021 **Item Number: 11**

Application No: W 21 / 0368

Registration Date: 26/02/21
Town/Parish Council: Warwick **Expiry Date:** 23/04/21
Case Officer: Rebecca Compton
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21 Vine Lane, Warwick, CV34 5BD

Application for the variation of Condition 2 (approved plans), removal of Condition 10 (garages shall not be used for any purpose other than for the storage of a private motor vehicle) and the removal of Condition 14 (Traffic Regulation Order restricting parking permits) of planning permission ref: W/14/0887 (Erection of 2no. 2no. bedroomed dwellings) to incorporate changes to the scheme including new decking, rear fence, changes to the internal size of garages and to remove the requirement for a Traffic Regulation Order restricting parking permits FOR Anto Gerard Ltd

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This application has been requested to be presented to Planning Committee by Councillor Morris.

RECOMMENDATION

Planning Committee is recommended to refuse this application for the reasons set out at the end of the report.

DETAILS OF THE DEVELOPMENT

This application seeks the variation of Condition 2 (approved plans), the removal of Condition 10 (garages shall not be used for any purpose other than for the storage of a private motor vehicle) and the removal of Condition 14 (Traffic Regulation Order) of application W/14/0887 - Erection of 2no. 2 bedroomed dwellings.

This application seeks to regularise changes to the approved scheme including the installation of decking and steps to the rear garden, the erection of fencing to the side and rear boundary. In addition, due to internal reconfiguration in the final build, the garages as built are 2.2m in width at the narrowest point for a length of 2.2m rather than 3m in width as approved. The removal of restrictions to parking permits is also sought.

The scheme approved under W/14/0887 remains extant and only the variation of condition 2 and removal of conditions 10 and 14 will be considered below.

THE SITE AND ITS LOCATION

The application site previously contained two unattractive lock up garages which project forwards of the buildings each side, following a bend in the road. The site now benefits from a pair of semi-detached modern dwellings that were granted planning permission under application W/14/0887. The site lies between terraces

of modern development each side fronting Vine Lane, whilst there are Victorian terraces to the rear on Paradise Street, and 1950/60's houses and bungalows opposite. The site is within a residential area close to the hospital.

PLANNING HISTORY

W/14/0887 - Erection of 2no. 2 bedroomed dwellings - Granted

A Non material amendment was approved to the above permission incorporating the following design changes: the building has been narrowed slightly, the two front doors have been amended to windows, the style of the garage doors has been altered and the glazing bars originally shown on the windows have been omitted.

RELEVANT POLICIES

- National Planning Policy Framework
- Warwick District Local Plan 2011-2029
- BE1 - Layout and Design
- BE3 - Amenity
- TR3 - Parking
- Guidance Documents
- Residential Design Guide (Supplementary Planning Document- May 2018)
- Parking Standards (Supplementary Planning Document- June 2018)

SUMMARY OF REPRESENTATIONS

Warwick Town Council: No objection, but comment regarding lack of parking for the development.

Councillor Dave Skinner: Objects due to concerns over parking and removal of TRO.

WCC Highways: Raise no objection in terms of highway safety but comment that as the parking survey was undertaken during a period of lockdown, it is unlikely to show an accurate depiction of the parking demand in the area.

Public Response: 7 letters of objection have been received on the following grounds:

- Impact on parking stress in the area
- Parking survey not accurate
- Impact on neighbouring amenity in terms of light, outlook and privacy caused by decking
- Fencing creates an overbearing impact and results in loss of light and outlook
- Original ground levels not accurate on drawings

ASSESSMENT

Impact on the character and appearance of the area

Local Plan Policy BE1 states that new development will be permitted where it positively contributes to the character and quality of its environment through good layout and design. Development proposals should demonstrate that they harmonise with, or enhance, the existing settlement in terms of physical form so that the established character of the street scene is respected. Policy BE1 states that in order to do this the development should adopt appropriate materials and details and respect the surrounding buildings in terms of scale, height, form and massing.

The application seeks retrospective permission for the erection of decking and steps to the rear garden together with new boundary fencing. The fencing is contained to the rear of the building and limited views would be available from within the street scene. The decking and steps would not be visible as they sit at a lower level to the street.

The decking and fencing are considered of an acceptable design which does not detract from the character or appearance of the area.

This element of the proposal is considered to comply with Local Plan Policy BE1.

Impact on the extensions on the amenity of neighbours and the future occupiers of the proposed development

Warwick District Local Plan Policy BE3 states that development will not be permitted that has an unacceptable adverse impact on the amenity of nearby uses and residents and/or does not provide acceptable standards of amenity for future users and occupiers of the development.

Several objections have been received from neighbouring properties raising concerns over the impact of the rear decking, steps and fencing on the amenity of neighbouring properties in terms of light, outlook and privacy. In respect of the decking, it is set 300mm lower than the floor level of the existing single storey rear element of the new dwelling. The buildings along Vine Lane sit at a higher land level to the buildings situated on Paradise Street, which is to the rear of the application site. As the decking is set at a lower level to the existing building, when stood on the decking, views into the neighbouring gardens to the rear of the site are limited and the fencing also provides suitable screening to limit loss of privacy to neighbouring dwellings at the rear. There is full height fencing to the side boundary of both properties and so views into the adjacent neighbouring properties at No.1 Vine Court and No.19 Vine Lane are also very limited. Officers are satisfied that the decking does not result in a material loss of privacy to the neighbouring properties at the rear or side.

The fencing installed for which permission is sought is 2.3m in height from the original ground level, and 1.95 above the decking, at its tallest point according to the site section drawing that has been provided by the applicant. Concerns have been raised by occupiers of neighbouring properties to the rear of the site along Paradise Street that the fencing has a negative impact on light and outlook and

has an overbearing impact on neighbouring properties to the rear. The case officer has conducted a site visit to the properties from the rear to assess the impact of the fencing on the neighbouring properties and considers that the fencing has an acceptable impact on light or outlook as the fence is read in the context of the existing dwellings on Vine Lane that are 2 storey and sit at a higher land level to Paradise Street.

Officers are also not of the opinion that the fencing has an overbearing impact on the properties at the rear along Paradise Street. The fencing is situated to the rear of the fencing serving the rear gardens along Paradise Street. The fencing is read against the existing fencing serving these neighbouring properties and is also read in the context of a pair of semi-detached dwellings and neighbouring buildings that sit at an elevated position to the rear of the site owing to the level changes. Officers are also mindful that the fencing is approximately 30cm over the 2-metre height that could be erected under permitted development from the natural ground level. A fence of 2m would be visible over the neighbour's fence due to the increase in land levels from Paradise Street and therefore on balance it is considered that the additional 30cm would not have an unacceptable or detrimental impact on the neighbouring properties that would warrant the refusal of the application.

The proposals comply with Local Plan Policy BE3.

Parking

Warwick District Local Plan Policy TR3 states that development will only be permitted that makes provision for parking which does not result in on-street car parking detrimental to highway safety. Development will be expected to comply with the parking standards set out in the most recent Parking Standards SPD.

The Parking Standards SPD states that where requirements for parking cannot be reasonably be achieved within the site, the submission of a parking survey is required with any planning application. The parking survey is expected to comply with the methodology set out in Appendix A of the Parking Standards SPD.

The previously approved development for 2 dwellings provided no off-street parking and was granted with 2 parking spaces accommodated in internal garages and a TRO restricting parking permits both of which were secured by condition.

Removal of Condition 10:

The previously approved development accommodated 1 parking space per dwelling via an internal garage. The garages as originally approved were 3m in width and 5m in depth, which was considered an acceptable size to accommodate a car at the time. However, the Council's Parking Standards SPD which was adopted after the original development was approved now sets out the size dimensions that would be required for an internal garage at 4m width and 6.5m depth to accommodate a car. It is accepted that the original application approved the garages at a width of 3m which is now lower than what is considered an acceptable width to accommodate a car in accordance with the SPD. On this basis officers are satisfied that the garages as approved, and even more so as built, cannot reasonably be required to contribute to the parking provision for the site.

Officers therefore consider that Condition 10 of the original permission which requires the internal garages to be used solely for the parking of cars can be removed as Officers are no longer satisfied it is of a suitable size for the parking of a car. Therefore, there is no objection to the removal of condition 10.

Removal of Condition 14:

The proposal seeks to remove Condition 14 of the planning permission that secured a TRO for the original development to restrict future occupiers from obtaining a parking permit in the Resident's Permit Zone. Under the original application it was considered that the demand for additional parking resulting from the development would lead to a potential amenity issue for local residents and so restricting the development from applying for parking permits was considered appropriate in this case given that sufficient off street parking provision was not provided.

The location of the site is within walking distance of the town centre, local services (schools, hospital, etc.) and rail station/bus links. This application has been accompanied by a parking survey to demonstrate that there is suitable capacity on-street within a reasonable walking distance to accommodate the parking requirement for the site. The Highways Authority have been consulted and whilst they raised no objection to the removal of the TRO in highway safety terms, they did comment that as the parking survey had been conducted during the Covid 19 pandemic it does not give a reliable assessment of parking demand in locations within walking distance of Town Centres as the Highways Authority have seen a reduction in parking demand in these areas.

Given the current situation with Covid-19 and the impact that it has had on travel habits and the closure of various community uses, and given the proximity of the site to the town centre, local services (schools, hospital, etc.) and rail station/bus links, it is considered that a parking survey conducted at this time does not provide an accurate representation of parking demand within the locality to support the removal of the TRO attached to the original planning application. This is also exacerbated by the loss of 2 parking spaces that were provided by the internal garages that are no longer considered suitable for the parking of a vehicle. Objections from the public have been submitted in relation to this.

Appendix A of the Parking Standards SPD states that residential parking surveys should be undertaken when the highest numbers of residents are at home, generally late night during the week. It is also stated that additional surveys may be required where a proposed development would be located close to land uses which may increase parking demand at certain times. For example:

- Town centre locations
- Regular specific uses close to the site (e.g. Place of Worship, community hall, sports club): additional surveys should be undertaken when these are in operation.
- Commercial uses close to the site: morning and early evening surveys may also be required due to conflict with residential parking. In these cases, surveys between the hours of 07:00 - 08:30 and 18:00 - 19:00 may be required, noting the amount of parking on a 15-minute basis over this time.

- Railway stations/other areas of commuter parking: additional morning and evening peak hour surveys will be required to assess the impact of commuter parking. These should be done between 07:00 - 08:00 and 17:30 - 18:30.

A parking survey has been conducted during the evenings of two weekdays in line with the methodology set out in the Parking Standards SPD. The application site is located within close proximity to land uses which would attract visitor and commuter parking within a 200-metre walking distance of the site such as Warwick Hospital and Warwick Train station. The site is also within walking distance of Warwick Town Centre. It is considered likely that all of the aforementioned uses would generate demand for on street parking within a 200 metre walking distance of the application site, essentially within those roads which would be included in parking survey carried out in support of the proposed development in accordance with the Lambeth Methodology set out in Appendix A of the Parking Standards SPD.

Objectors to the proposal consider that attention should be given to these uses, and the parking demand generated from them, via the submission of an additional parking survey which surveys the area at time when these uses attract visitors to the area i.e. not within the early hours of the morning which is when the survey for this application took place.

It is considered that whilst the submitted survey may demonstrate that there is capacity for the additional cars to be parked during the night somewhere within part of the walking distance of 200 metres from the site, the survey does not sufficiently demonstrate that there is capacity at peak times during the day when demand generated by nearby commercial and community uses is at its peak.

It is considered that for the reasons discussed above, the applicant has provided insufficient information to be able to determine that the impact of the proposed development on parking stress and residents' amenity would be acceptable. The proposal fails to satisfy the criteria of Policy TR3 of the Local Plan and as such the proposal to remove the TRO is not supported.

Conclusion

The development has not demonstrated that there is adequate capacity on-street within a 200m radius of the site to accommodate the additional parking demand resulting from the development at peak times of the day owing to nearby uses that would likely result in an increased demand for parking at peak times. On that basis the development would have an unacceptable impact on the amenity of neighbouring dwellings through additional parking stress.

REFUSAL REASONS

1 Policy TR3 of the Warwick District Local Plan 2011-2029 states that development will only be permitted which makes provision for parking in accordance with the adopted Parking Standards SPD. Local Plan Policy BE3 states that development will not be permitted that has an unacceptable adverse impact on the amenity of nearby uses and residents.

In the opinion of the LPA, in the absence of a Parking Survey which has been carried out in accordance with the requirements of the adopted Vehicle Parking Standards SPD and which demonstrates that there is sufficient capacity in the area for on-street parking at times of peak parking stress to accommodate the shortfall in parking for the development, it is considered that the development would lead to additional demand for limited spaces which would be harmful to the amenity of local residents by reason of parking stress. The proposal is therefore considered to be contrary to the aforementioned policies.