Planning Committee: 06 December 2016 **Item Number:** 11

Application No: W 16 / 1744

Registration Date: 22/09/16
Town/Parish Council: Warwick **Expiry Date:** 17/11/16
Case Officer: Helena Obremski
01926 456531 Helena.Obremski@warwickdc.gov.uk

Land adjacent to 19 Pickard Street, Warwick, CV34 4PT
Proposed erection of one dwelling FOR Mr Ian Whitfield

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 are recommended to grant planning permission subject to the conditions listed below.

DETAILS OF THE DEVELOPMENT

The proposal seeks planning permission for the erection of a two storey, semi-detached, four bedroomed dwelling. The development provides two off street car parking spaces and a rear patio / veranda area. The scheme has been amended slightly to include the veranda area which was previously habitable accommodation which provides additional amenity space.

The scheme has been amended from the previously withdrawn application (W/16/1216 for the erection of two dwellings) to reduce the number of proposed dwellings, provide adequate off street car parking and introduced a gate to the northern boundary of the site to allow access to the road to ensure that waste can be easily removed from the site without compromising highway safety.

THE SITE AND ITS LOCATION

The application relates to a parcel of land to the north of 19 Pickard Street which currently benefits from a single storey garage / storage building. There is an existing vehicular access to the site from Avon Street, and the proposed dwelling would front onto Pickard Street, adjoining Number 19. The existing street scene and wider area is characterised by a mixture of traditional Victorian terraces, semi-detached 1970s dwellings and a more recent apartment block. The prevailing material within the street scene is brick, however, there are a mixture of colours of bricks and also some smooth coated render.

PLANNING HISTORY

W/16/1216 - application withdrawn for the proposed erection of two dwellings.

W/03/0680 - application granted for the erection of a detached dwelling and garage.

W/81/1243 - application granted for the erection of a dwelling and garage.

W/78/1156 - application granted for the erection of a detached dwelling and garage.

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)
- DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (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

- 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)
- CC2 - Planning for Renewable Energy and Low Carbon Generation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR1 - Access and Choice (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HS4 - Improvements to Open Space, Sport and Recreation Facilities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

Guidance Documents

- The 45 Degree Guideline (Supplementary Planning Guidance)
- Distance Separation (Supplementary Planning Guidance)
- Open Space (Supplementary Planning Document - June 2009)
- Vehicle Parking Standards (Supplementary Planning Document)

- Residential Design Guide (Supplementary Planning Guidance - April 2008)

SUMMARY OF REPRESENTATIONS

Warwick Town Council: Objection for same reasons as the previous application which were: overdevelopment of the site and insufficient parking.

Open Space: No objection, requests contribution of £2,512 towards local open space improvements.

WCC Highways: No objection, subject to conditions.

Contract Services: No objection, subject to storage space for 2 x wheelie bins and recycling boxes and bags.

WCC Landscape Team: No objection, the timber fence to the northern boundary should be replaced with brick wall with coping to reflect the rear of properties opposite which back on Pickard Street.

WCC Ecology: No objection, subject to conditions

Public Responses: There have been a number of public objections and a petition submitted with over 100 signatures to the proposed development. Public concern focuses on the impact which the development would have on parking within the local area and loss of parking serving 19 Pickard Street as a result of the proposed dwelling.

Other issues raised include:

- The proposed dwelling is considered to be overdevelopment of the site and is not in keeping with the neighbouring street scene of terraced Victorian properties.
- The development will result in a loss of light and overlooking to neighbouring residential properties.
- Concern regarding hazardous substances within the garage fabric which could pose danger to health when removed.
- Queries as to whether there is sufficient space between the proposed dwelling and pavement, and that the windows may open outward, causing an obstruction to pedestrians.
- Concern regarding the size of the outside amenity space and health and safety risks.
- Concern regarding the access for builders to carry out the works and where they will park vehicles, and noise and disturbance caused by the works.

ASSESSMENT

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

- The Principle of the Development

- The Impact on the Character and Appearance of the Area
- The Impact on the living conditions of nearby dwellings
- Car Parking and Highway Safety
- Sustainability
- Ecological Impact
- Waste Storage
- Open Space
- Health and Wellbeing
- Other Matters

The Principle of the Development

As the development is located within the confines of the urban area, the proposal is considered to comply with Local Plan policy UAP1. However, this policy has to be considered as out of date as the Council cannot provide a 5 year housing land supply. However, so long as any adverse impacts resulting from the proposed development are significantly and demonstrably outweighed by the benefits, the development is still considered to meet the sustainability aims of the NPPF, which will be assessed below. Furthermore, there have been a number of previous planning permissions granted for the erection of a dwelling on this site, as recently as 2003 under the adopted Local Plan.

Design

The National Planning Policy Framework (NPPF) places significant weight on ensuring good design which is a key aspect of sustainable development and should positively contribute towards making places better for people. The NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving character, the quality of an area and the way it functions. Furthermore, Warwick District Council's Local Plan 1996 - 2011 policy DP1 reinforces the importance of good design stipulated by the NPPF as it requires all development to respect surrounding buildings in terms of scale, height, form and massing. The Local Plan calls for development to be constructed using the appropriate materials and seeks to ensure that the appearance of the development and its relationship with the surrounding built and natural environment does not detrimentally impact the character of the local area. Finally, the Residential Design Guide sets out steps which must be followed in order to achieve good design in terms of the impact on the local area; the importance of respecting existing importance features; respecting the surrounding buildings and using the right materials.

There have been a number of objections to the proposed development, including the Town Council who consider that the proposal represents overdevelopment of the site and that the development is not in keeping within the street scene. There are similar sized plots within the wider area, with similar sized amenity areas. Therefore, so long as the development is considered to be appropriate and not harmful to the street scene or wider area, the proposal is not considered to represent overdevelopment of the application site.

The existing street scene benefits from a wide variety of style and age properties and the application property attempts to replicate some of the traditional features from the Victorian terraces, which are considered to have most architectural merit. The proposed dwelling will have traditional curved arches above the windows and a brick dentil course which provides an appropriate and sensitive design.

The WCC Landscape Team have requested that the timber fence to the northern boundary of the site should be replaced with a brick wall with a coping stone to reflect the rear of properties opposite which back on Pickard Street. However, owing to the varied nature of the street scene, this was considered unreasonable to request.

The proposed design is considered to respect the street scene, using appropriate materials and is of an appropriate scale and mass. There are other properties which are positioned on the corner of the street adjacent to the pavement, so the proposed development will not appear incongruous. The proposed design is considered to be acceptable and the proposal is considered to conform with the NPPF, Local Plan policy DP1 and the Residential Design Guide.

The Impact on the living conditions of nearby dwellings

Warwick District Local Plan policy DP2 requires all development to have an acceptable impact on the amenity of nearby users or residents and to provide acceptable standards of amenity for future users or occupiers of the development. There is a responsibility for development not to cause undue disturbance or intrusion for nearby users in the form of loss of privacy, loss of daylight, or create visual intrusion. The Residential Design Guide provides a framework for policy DP2, which stipulates the minimum requirements for distance separation between properties and that extensions should not breach a 45 degree line taken from a window of nearest front or rear facing habitable room of a neighbouring property.

There have been objections from members of the public who have concerns regarding loss of light and privacy as a result of the proposed development. They also express concerns that the amenity space provided is not adequate for the future occupiers of the proposed dwelling.

However, as there have been no material changes at the site or changes to policy which would affect the assessment of the application, and as the impact on neighbouring residential amenity was considered to be acceptable in 2003 for a broadly similar proposal, it is considered that there would be no harm caused to neighbouring residential properties to the west and north of the site.

The two storey wing at the rear of the proposed dwelling is an additional feature which would bring the rear of the property closer to the properties to the rear of the site. However, there would still be a greater distance between the application property and 46 Avon Street, than between the rears of 19 Pickard Street and 48/50 Avon Street. Whilst the minimum distance separation guidance cannot be achieved at this site, owing to the relationship between 19 Pickard Street and the

properties to the rear, which is next door to the application site, and the fact that the proposal is not significantly different to the previously approved scheme in 2003, it is not considered that the harm would be so significant as to warrant the refusal of the application.

As amended, the proposal is considered provide adequate internal living conditions, outlook and external amenity space for the proposed dwelling. The external amenity space has been increased in size to provide a veranda area and permitted development rights will be removed for extensions and alterations to the dwelling to ensure that further development of the site would not reduce the size of the amenity space provided.

The proposed dwelling is considered to have an acceptable impact on neighbouring residential amenity and provides adequate amenity for the future occupiers of the dwelling. The proposal is considered to comply with the NPPF, Local Plan policy DP2 and the Residential Design Guide.

Car Parking and Highway Safety

There have been a number of objections to the proposed development and the impact which the proposed dwelling would have on vehicular and associated pedestrian safety. There are also concerns that the proposed development would remove the parking provision for 19 Pickard Street, thus increasing demand for parking on street which is at capacity.

The case officer has been provided with the Title Deeds for the application site which was clearly registered as a separate piece of land from 19 Pickard Street in 1970. It has also been confirmed in writing from the agent that 19 Pickard Street has never been used the site for off street parking. Therefore, there will be no loss of parking for 19 Pickard Street as a result of the proposed development.

WCC Highways have been consulted regarding the application and have no objection to the proposed development. Their concerns regarding the previous application for two new dwellings (W/16/1216 - withdrawn) have been overcome by the amended proposal, and they propose a number of conditions to ensure that the development poses no danger to highway safety. This includes the submission of a Construction Management Plan prior to commencement of works on site to ensure that the works will be carried out without detrimentally impacting on the highway, which is a concern raised by members of the public.

WCC Highways acknowledge that an increase in the number of bedrooms serving the property to provide a HMO would increase the demand for parking, which is also a concern expressed by members of the public as there is no space within the site for additional parking. They have therefore suggested that permitted development rights are removed which prevent the dwelling being converted to a HMO which will be implemented.

It is considered that there would be no harm to vehicular or pedestrian safety which would warrant the refusal of the application and the development provides

adequate off street parking which is an accordance with the Council's Vehicle Parking Standards.

Sustainability

Due to the scale of the proposed development it is considered that a requirement to provide 10% of the predicted energy requirement of the development through renewables or a 10% reduction in CO^2 production through a fabric first approach would be appropriate. The agent has submitted a document explaining that a fabric first approach towards construction methods will be used, and that an air source heat pump could be used to provide renewable energy to the property if required. Whilst there are some basic calculations provided in the document, it is unclear whether the fabric first approach would provide the Council's required energy saving. A condition will therefore be imposed to ensure that the required level savings are achieved.

Ecological Impact

WCC Ecology have commented on the proposed development and request that bat and bird notes are attached to any approval granted. Furthermore, they also request a condition requiring the provision of a scheme for bat and nesting bird boxes which will be implemented.

Waste Storage

Contract Services have commented on the application and request that storage is provided for 2 x wheelie bins and recycling boxes and bags. This has been accommodated in the rear amenity space and as there is a gate to access the main road from the rear yard, the waste storage is considered to be acceptable.

Open Space

Open Space have requested a contribution of £2,512 towards local open space improvements. They have identified St Nicholas Park as having several development objectives in need of funding which the contribution will be put towards. Whilst no information has been provided in reference to this request, the contribution can be secured by condition which will be implemented.

Health and Wellbeing

Members of the public have raised concerns regarding hazardous substances within the existing garage / storage building fabric which could pose danger to health when removed. These concerns are acknowledged, but will be addressed through separate legislation should planning permission be granted.

Other Matters

Another concern raised by members of the public is that the property could be converted into a HMO which is not supported. As previously mentioned, permitted development rights will be removed which restrict the conversion of the property into a HMO, and this concern is considered to have been overcome.

There has been a query raised whether there is sufficient space between the proposed dwelling and pavement, and that the windows may open outward, causing an obstruction to pedestrians. However, this is the same relationship which the property next door and many other properties have with the pavement, and is not considered to represent a reason for refusal of the application.

Finally, other concerns raised includes the noise and disturbance caused by the works to construct the development. However, this is not a material planning consideration and cannot be assessed as part of this application.

CONCLUSION

The proposed four bedroom dwelling will provide additional housing and is considered to be of an acceptable design. Sufficient off street parking has been provided and it is considered that there would be no harm to the living conditions of the occupiers of neighbouring properties, or highway safety which would warrant reason for refusal of the application. The application should therefore be approved.

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 amended drawings 5155 / 03 A and 5155 04 A, and specification contained therein, submitted on 9th November 2016. **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 No part of the development hereby permitted shall be commenced until a scheme for the provision of bat and bird boxes to be erected on buildings within the site, has been submitted to and approved in writing by the District Planning Authority. The scheme to include details of box type, location and timing of works. Thereafter, the boxes shall be installed and maintained in perpetuity. **REASON:** In accordance with NPPF, ODPM Circular 2005/06.

5 The development hereby permitted shall not be commenced unless and until a scheme showing how either a). at least 10% of the predicted energy requirement of the development will be produced on or near to the site from renewable energy resources, or b). a scheme showing how at least 10% of the energy demand of the development and its CO^2 emissions would be reduced through the initial construction methods and materials has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until all the works within the approved scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications. **REASON**: To ensure that adequate provision is made for the generation of energy from renewable energy resources or to achieve carbon savings in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011.

6 No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority and Local Highway Authority. The Construction Management Plan must include details to prevent mud and debris being passed onto the highway; wheel washing facilities; vehicle routing plan; and parking and loading/unloading of staff/construction/delivery vehicles. The Development shall be carried out in strict accordance with the approved Construction Management Plan. **REASON:** To ensure that adequate manoeuvring and parking space is available to serve the development in the interests of traffic safety in accordance with Policy DP8 of the Warwick District Local Plan 1996-2011.

7 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 DP1 of the Warwick District

Local Plan 1996-2011.

8 The proposed site shall be laid out and constructed in general accordance with drawing no. 5155/03 A. **REASON:** To ensure that there are adequate off street parking provision is made for the development hereby permitted, in accordance with Policy DP8 in the Local Plan and the Council's adopted Supplementary Planning Document on Vehicle Parking Standards.

9 The access to the site for vehicles shall not be used unless the public highway footway crossing has been widened, laid out and constructed in accordance with the standard specification of the Highway Authority. **REASON:** In the interests of highway safety and to satisfy Policy DP6 in the Warwick District Local Plan 1996-2011.

10 The access to the site for vehicles shall not be used in connection with the development until it has been surfaced with a bound material for its whole length as measured from the near edge of the public highway carriageway. **REASON:** In the interests of highway safety and to satisfy Policy DP6 in the Warwick District Local Plan 1996-2011.

11 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no further development shall take place within the curtilage of the dwellinghouse hereby permitted which falls within Part 1 Classes A, B, D, or E or Part 3, Class L. **REASON:** That due to the restricted nature of the application site and its relationship with adjoining properties and to ensure that adequate parking is maintained at all times it is considered important to ensure that no additional development is carried out without the permission of the local planning authority in accordance with Policies DP1, DP2 and DP6 of the Warwick District Local Plan 1996-2011.