Planning Committee: 18 August 2015 **Item Number:** 18

Application No: W 15 / 0767

Registration Date: 19/05/15
Town/Parish Council: Warwick **Expiry Date:** 14/07/15
Case Officer: Emma Spandley
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Land rear of, Cherry Street, Coten End, Warwick
Variation of condition 9 (highway works) of planning application reference W/13/0659 for the erection of 9 no. two storey houses and associated car parking to state "prior to occupation" instead of "prior to commencement". FOR Rowney Properties Limited

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

RECOMMENDATION

Planning Committee are recommended to vary the condition.

DETAILS OF THE DEVELOPMENT

This application proposes to vary the wording of condition 9 imposed on the above grant of planning permission from:-

"The development hereby permitted to be carried out shall not be ***commenced*** until the vehicular access improvements and re-configuration in Cherry Street have been carried out in full compliance with the approved plan".

to

"The development hereby permitted to be carried out shall not be ***first occupied*** until the vehicular access improvements and re-configuration in Cherry Street have been carried out in full compliance with the approved plan".

THE SITE AND ITS LOCATION

The site consists of an end-terrace house and a range of single storey workshops at the back of the houses in Cherry Street.

PLANNING HISTORY

W/10/0530 - Erection of 9 two storey houses and assoicated parking (after demolition of existing workshops and 22 Cherry Street), granted 2nd July 2010.

W/13/0659 - Erection of 9 two storey houses and associated parking (after demolition of existing workshops and 22 Cherry Street), granted 10th July 2013.

RELEVANT POLICIES

- National Planning Policy Framework

The Current Local Plan

- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)

The Emerging Local Plan

- TR1 - Access and Choice (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR2 - Traffic Generation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

SUMMARY OF REPRESENTATIONS

Warwick Town Council- Condition 9 was imposed in the interest of highway safety and in accordance with the requirements of Policy DP 6 of the WDLP. Nothing has changed in the development to suggest that the Condition should in any way varied as proposed by the developer. The proposed variation will achieve nothing and might well prejudice highway safety.

Highways (WCC): No objection

Waste services - No objection

Public Response - 11 Objections have been received regarding the principle of the development; parking issues, noise and disturbance; the existing layout of the road; and the encroachment of private land.

Assessment

The only issue in the consideration of this application is whether there is a highway safety objection to the proposed variation.

The highway authority have raised no objections to the variation because it is considered that no highway safety harm will result from the proposed completion of the highway works prior to the occupation of the properties. Further, the proposed revised wording is in accordance with the current wording of the legal agreement that the developer will enter into with the Highways Authority to ensure that the highway works are completed appropriately.

CONDITIONS

1 The development hereby permitted must be begun not later than the expiration of three years from the date of planning permission W/13/0659 granted on 10th July 2013 . **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 approved drawing numbers 2516-003 Rev E and -004 Rev B, and specification contained therein, received on 16th June 2010 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.

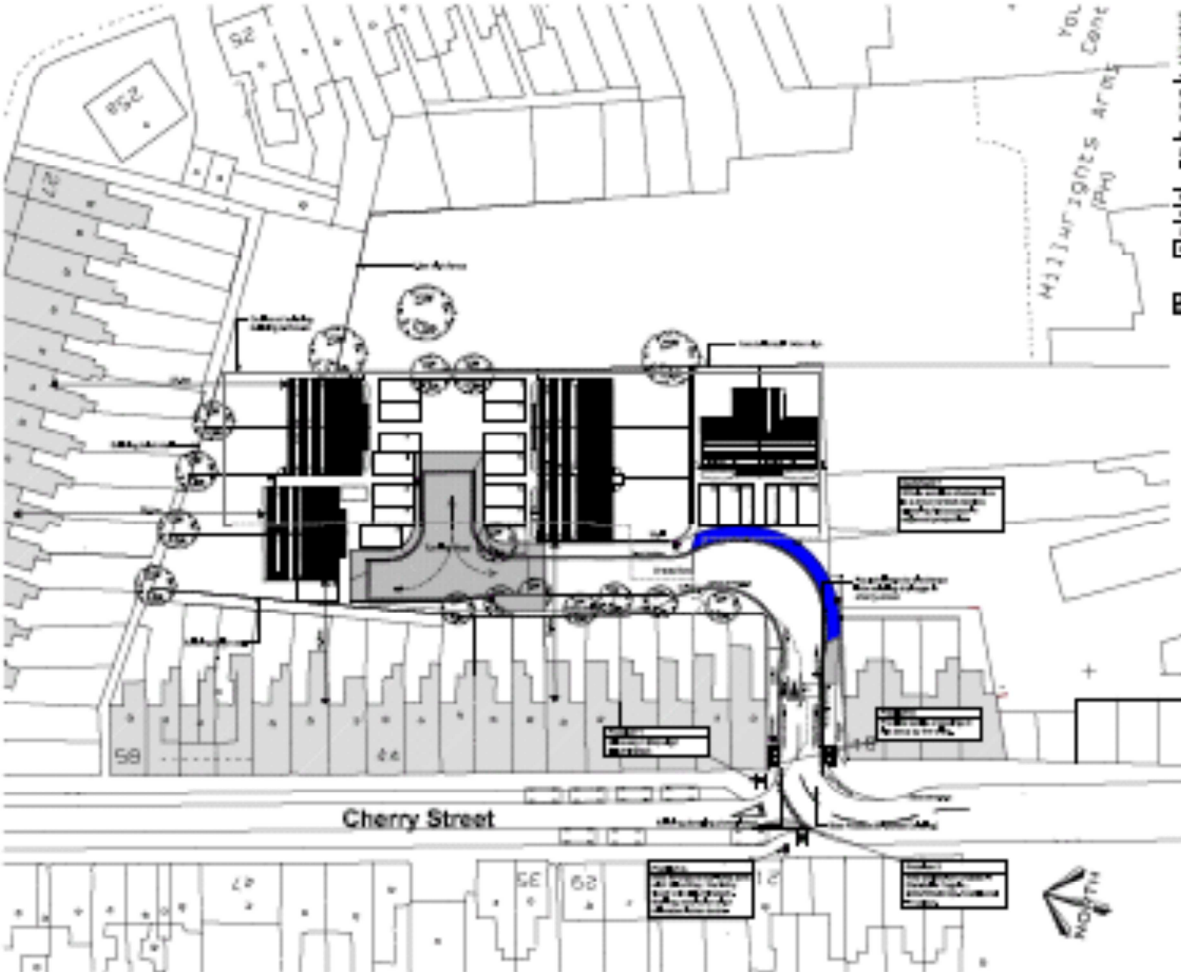
3 Before the development hereby permitted is begun, the further written approval of the District Planning Authority shall be obtained for details of the design and construction of the estate roads and footways serving the development, if they are not to be adopted as a public highway. These details shall include large scale plans and cross and longitudinal sections, showing design, layout, construction of the estate together with surface water drainage to outfall. **REASON** : To ensure compliance with the Council's standards, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011.

4 No development shall be carried out on the site which is the subject of this permission, until details of provision for storage of refuse for each dwelling 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 protect the amenities of occupiers of the site and the character and appearance of the locality, in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.

5 No development shall be carried out on the site which is the subject of this permission, until details of the treatment of the exposed wall of the existing house, following demolition of the adjoining property, have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. **REASON** : In the interests of residential amenity, and to help meet the objectives of Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.

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.

7 The developer shall provide a 'sustainable welcome pack' to each household on occupation of each unit, such a pack to be based on the pack available from Warwickshire County Council. **Reason:** To encourage sustainable transport as alternatives to using private cars in accordance with government objectives.

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, C, or D of Part 1 of Schedule 2 of this Order, without the prior permission of the District Planning Authority. **REASON** : To retain control over future development of the premises in the interests of residential amenity, and to help meet the objectives of Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.

9 The development hereby permitted to be carried out shall not be first occupied until the vehicular access improvements and re-configuration in Cherry Street have been carried out in full compliance with the approved plan. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011.