

Planning Committee: 06 December 2004
Application No: W 04 / 1370

Principal Item Number: 01

Town/Parish Council: Leamington Spa
Case Officer: John Beaumont
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Registration Date: 23/07/2004
Expiry Date: 17/09/2004

31-33 Lillington Road, Leamington Spa, CV32 5YS

Demolition of existing 2 dwellings and erection of 9 apartments. FOR Chase Homes

This application was deferred at Planning Committee on the 15th November 2004, to enable a site visit to take place on 27th November 2004. The report which follows is that which was presented previously.

SUMMARY OF REPRESENTATIONS

Town Council

Object. The application is considered to introduce a form of development that is poorly related to the immediate area, resulting in a loss of amenity. Demolition of two dwellings to provide a more intensive form of development is considered unnecessary and inappropriate (comments relate to amended application).

Neighbours

5 letters of objection (including a statement from a Planning Consultant and a 10 page letter from a local resident itemising issues) on grounds of unacceptable loss of two established houses, Lillington Road already extremely busy (traffic, access, parking), overdevelopment which would unacceptably alter views/character of area, possible adverse effect on trees, loss of outlook/privacy to adjoining properties (the site is overlooked by adjacent properties, in particular with properties on Lillington Avenue having first floor living rooms etc. and the adjacent property to the south, 29A Lillington Road having its principal windows on its side elevation adjoining the site boundary), policy (failure to comply with the policies of the emerging Warwick District Local Plan, 1996-2011 and Government advice in PPG3, Housing), inappropriate design, scale, style of architecture, lack of harmony to adjacent buildings, disregard to site context, adverse effect on amenity and living conditions of neighbour, adverse effect on setting of Conservation Area; a site visit is requested if Members do not wish to immediately refuse permission).

N.B. These comments relate to the application as originally submitted; one further letter reiterating objections as above has been received to the amended application.

W.C.C. (Highways)

No objection subject to access condition.

W.C.C. (Ecology)

A bat survey should be undertaken prior to determination. (N.B. The applicant has undertaken an ecological survey of the site which concluded no bats or other protected species would be adversely affected).

Environment Agency

No objection. Use of sustainable drainage approach encouraged; surface water problems were experienced in this area in the Easter 98 flood event.

Head of Amenities

On the basis of the more recently submitted information, I am satisfied that if the scheme is implemented exactly as described, damage to the two oak trees on the site frontage would be limited to acceptable conditions, subject to condition on works undertaken.

RELEVANT POLICIES

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)
(DW) ENV6 - Protection and Enhancement of Conservation Areas (Warwick District Local Plan 1995)
(DW) ENV8 - New Development within Conservation Areas (Warwick District Local Plan 1995)
(DW) H5 - Infilling within the Towns (Warwick District Local Plan 1995)
DP6 - Access (Warwick District Local Plan 1996 - 2011 First Deposit Version)
DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011 First Deposit Version)
DP8 - Parking (Warwick District Local Plan 1996 - 2011 First Deposit Version)
SC9 - Affordable Housing (Warwick District Local Plan 1996 - 2011 First Deposit Version)
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 First Deposit Version)
DP3 - Natural Environment (Warwick District Local Plan 1996 - 2011 First Deposit Version)
DP5 - Density (Warwick District Local Plan 1996 - 2011 First Deposit Version)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011 First Deposit Version)
UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011 First Deposit Version)
DAP10 - Protection of Conservation Areas (Warwick District 1996 - 2011 First Deposit Version)
PPG1 - General principles (Government guidance)
PPG 3 - Housing (Government guidance)
PPG13 - Transport (Government guidance)
PPG15 - Planning and the Historic Environment (Government guidance)
GD1 - Overriding purpose (Warwickshire Structure Plan 1996-2011)
GD3 - Overall development strategy (Warwickshire Structure Plan 1996-2011)
H2 - Affordable housing (Warwickshire Structure Plan 1996-2011)
T1, T4, T5 - Traffic (Warwickshire Structure Plan 1996-2011)
T10 - Developer contributions (Warwickshire Structure Plan 1996-2011)
ER1 - Natural and cultural environmental assets (Warwickshire Structure Plan 1996-2011)

N.B. Planning Committee on 28th January 2002 resolved that policies H22 (on housing density) and T7 (car parking) in the Warwick District Local Plan 1995 were not in conformity with the Warwickshire Structure Plan.

PLANNING HISTORY

A previous application for the erection of 9 apartments (with basement car parking) after the demolition of the existing houses, was withdrawn in July 2004, reference W040460; this was a different design to the present application.

Planning applications on land facing this application site to the east of Lillington Road for the demolition of existing houses and the erection of new residential development have been refused, reference W031607 and W040790. The first of these applications for the erection of 8 dwellings and 16 flats was refused for the following reasons:-

1. The application site occupies an important position on a main approach to the Leamington Conservation Area and is currently occupied by 3 detached houses set in mature, landscaped gardens. In the opinion of the District Planning Authority, the proposed use of the site for an intensive development of 24 dwellings of the scale, height, mass, layout and design proposed would constitute an overdevelopment of the site, resulting in an excessive density of development which is disproportionate to its surroundings, visually detrimental to the street scene and out of character with the locality. The proposals would thereby be contrary to policies H5 and ENV3 of the Warwick District Local Plan 1995-2001 and to policies DP1 and DP5 of the emerging Warwick District Local Plan 1996-2011.

2. The application contains no provision for affordable housing in accordance with the requirements of the emerging Warwick District Local Plan 1996-2011 and to permit the development would, therefore, be contrary to the provisions of policy SC9 of the plan.

An appeal against this decision has been lodged with the Planning Inspectorate which is being dealt with by written representations; a decision on this appeal is now awaited.

KEY ISSUES

The Site and its Location

The site is not within the Conservation Area, albeit the boundary of the Leamington Spa Conservation Area (as extended following the report to the Executive in March 2004) adjoins the southern boundary of the site. No building on the site or within its immediate vicinity is 'listed' as being of special architectural or historic interest. The site is presently occupied by two houses which appear of post Second World War construction set in landscaped grounds; the nature of these landscaped grounds and the presence of older boundary wall details suggests that the site has been in residential use for many years. The site is adjoined by more modern development to the north, west (fronting Lillington Avenue) and to the east of Lillington Road with older properties to the south; No. 29A which adjoins the southern boundary of the site has a number of windows lighting habitable rooms on ground, first floor and within the roofspace which directly overlook the application site. To the rear of the application site is Arlington Mews to which No. 31 has vehicular access and No. 33 has pedestrian access. Both Nos. 31 and 33 have vehicular access to Lillington Road with No. 31 having single access and No. 33 having an in/out access; there are two oak trees on the road frontage of these dwellings which are not the subject of Tree Preservation Orders.

Details of the Development

The scheme as amended includes the following elements:-

- The demolition of the existing two houses and the garage/outbuildings to No. 31 off Arlington Mews.
- The construction of a new vehicular access to the south of the site onto Lillington Road; the retention of the existing access to No. 31 Lillington Road as a pedestrian access only; the closure of the two vehicular accesses to No. 33 Lillington Road; the closure of the existing vehicular access off Arlington Mews to No. 31 Lillington Road.
- The creation of a new access drive across the frontage of the site to a basement car park for 18 vehicles.

- The erection of a new two storey building containing 7 flats with a further 2 flats on a second floor level within the roofspace lit by dormer windows, rooflights and rear roof terraces.
- The building has been designed to have the appearance of two traditional villas with rendered frontages, slate roofs and chimneys with facing brick rear wings extending back into the site. The building has been 'stepped' in off the side boundaries to seek to reduce its impact on the neighbouring properties.

The applicants have submitted various tree reports and construction details of the proposed basement access ramp in support of the application to demonstrate its likely impact on the two frontage oak trees.

Assessment

It is considered that the application raises the following issues:-

Demolition of existing houses and principle of the residential redevelopment of the site at a higher density

The demolition of the existing houses is not subject to planning control and it does not require planning permission. The buildings Nos. 31 and 33 are not of 'listable' status and although they adjoin it, they are not within the Conservation Area. PPG3 Housing, states Government is committed to promoting more sustainable patterns of development by concentrating new housing development within urban areas making more efficient use of land by maximising the reuse of previously developed land; the definition of previously developed land includes land which is, or was, occupied by permanent buildings and their curtilages.

I am conscious of the resolution of Council in May 2004 concerning PPG3 (Housing) and the issue of redevelopment, but the response from the Office of the Deputy Prime Minister and the Local Government Association recognised that redevelopment of houses and gardens can be appropriate, providing that it is to a good design which does not unacceptably compromise the local environment and that it would be wrong to have a blanket ban on new development or rule out intensification in principle. Similarly, the present housing policies of this District Council do not preclude further housing provision within the urban areas.

In the context of existing planning guidance, therefore, I do not consider an objection in principle to the demolition of Nos. 31 and 33 Lillington Road and the redevelopment of this 'previously developed land' at a higher density could be sustained.

I note that the area of Nos. 31 and 33 Lillington Road is some 0.21 hectare so that the density now proposed by the erection of 9 flats would be some 42 dwellings per hectare (being within the Government guidance of 30-50 dwellings per hectare). The question of appropriate site density, however, has to take account of the aims of good design and layout and the advice in PPG3 (housing) is that new housing should not be viewed in isolation but must be informed by the wider context, having regard not just to any immediate neighbouring buildings but the townscape and landscape of the wider locality. It is, therefore, necessary to consider the details of the proposed design and its impact on the streetscene and the amenity of neighbours.

Design considerations

The applicant in the revised design for this proposal has now sought to use as the point of reference the adjacent villas within the Conservation Area to the south. I consider that this architectural style of two linked villas would be acceptable as a replacement for the

existing dwellings and would be consistent with the objectives of Local Plan policies set out earlier in this report, in particular those of Policy DP1 in the Warwick District Local Plan 1996-2011, First Deposit version. In its height and mass, this proposal would be more dominant than the existing dwellings, Nos. 31 and 33 Lillington Road but I consider it would be more harmonious with the buildings in the adjoining Conservation Area and would not have an unacceptable overbearing effect on the other nearby dwellings. The new development would be set back on the building line of the existing dwelling and would retain a landscaped front garden setting, in particular with the retention of the two oak trees on the site frontage. Subject to appropriate conditions to secure an appropriate detailing, use of materials, the protection of existing trees and landscaping, I consider that the proposed development would be a wholly acceptable addition to the streetscene and would preserve the setting of the adjoining Conservation Area.

Impact on the amenity of neighbours

Clearly a number of neighbours have objected to this development and are apprehensive about the change it would bring to their outlook and amenity. As amended, it would still have a larger footprint than the existing dwellings and would bring the building closer to its neighbours, particularly to No. 29A to the south. There are a number of mature trees on the north-western and southern boundaries, however, and whilst conscious of the proposed bulk and mass of this building, I do not consider it would so adversely affect the outlook from the adjoining properties that it could be considered unacceptable by reason of having an overbearing, overlooking or overshadowing effect such as to justify refusal. It will be necessary to ensure that the existing landscaping is protected during construction and I consider it will be necessary to impose a planning condition to secure this.

Highway matters/car parking

With regard to highway issues, I note the Highway Authority has not raised objection. Whilst the scheme is unusual in that it has wholly basement car parking in a secure car park, the scheme does include two car parking spaces per unit which is above the average of 1.5 spaces per dwelling advised by PPG3, Housing. Given this is not a town centre site, I consider this level of on-site provision is acceptable. I have noted the objections raised on grounds of highway safety and congestion but in the absence of objections from the Highway Authority, I do not consider these objections can be sustained.

Planning objections

As a scheme for 9 flats, this development falls below the threshold of 15 or more dwellings at which the requirement for affordable housing is triggered; similarly, the site area of 0.21 hectares is below the 0.5 hectare threshold. No request for financial contributions has been made by the County Council.

REASON FOR RECOMMENDATION

The proposal is considered to comply with the policies listed above.

RECOMMENDATION

GRANT subject to the following conditions :

- 1 The development hereby permitted must be begun not later than the expiration of five years from the date of this permission. **REASON** : To comply with Section 91 of the Town and Country Planning Act 1990.

- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawings 102B, 103C, 104B, 105B, 106B, 107C, 108, 109B and 200, and specification contained therein, 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 Local Plan Policy ENV3.
- 3 No development shall be carried out on the site which is the subject of this permission, until large scale details of dormer windows, render work details, rooflights, lightwells, chimneys, screen walls, balconies, doors, windows (including a section showing the window reveal, heads and cill details), eaves, verges and rainwater goods at a scale of 1:5 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** : To ensure a high standard of design and appearance for this Listed Building, and to satisfy Policy ENV11 of the Warwick District Local Plan 1995. (LB). / To ensure an appropriate standard of design and appearance in accordance with Local Plan Policy ENV3.
- 4 No development shall be carried out on the site which is the subject of this permission, until details of existing and proposed ground levels of the development, including the finished floor levels of the building 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** : To protect the character of the area and the amenities of adjoining occupiers in accordance with the requirements of Policy ENV3 of the Warwick District Local Plan.
- 5 A landscaping scheme, incorporating existing trees and shrubs to be retained and new tree and shrub planting 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. Existing trees which are shown as being retained shall be dealt with in accordance with BS 5837:1991. In particular, before any materials are brought on the site or any demolition or development commenced, stout protective fencing with signage of a design and siting, first submitted to and agreed in writing by the District Planning Authority to identify the enclosed area as a 'tree protection zone', should be erected to enclose the perimeter of the branch spread of each tree or shrub to be retained, together with the branch spread of any tree growing on adjoining land which overhangs the site. Such fencing and signage shall be satisfactorily maintained until all development has been completed. **REASON** : To protect and enhance the amenities of the area, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan.
- 6 No development shall be carried out on the site which is the subject of this permission, until satisfactory details of boundary treatment 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 ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan.

- 7 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 ENV3 of the Warwick District Local Plan.
- 8 The development hereby permitted shall not be commenced until a scheme for the provision of adequate water supplies and fire hydrants, necessary for fire fighting purposes at the site, has been submitted to and approved in writing by the District Planning Authority. The development shall not then be occupied until the scheme has been implemented to the satisfaction of the District Planning Authority. **REASON** : In the interests of fire safety.
- 9 The car park hereby permitted shall be constructed, laid out and available for use prior to the first occupation of the development hereby permitted, in full accordance with the approved plan. **REASON** : To ensure that adequate parking facilities are available, in accordance with the requirements of Policy ENV3 of the Warwick District Local Plan.
- 10 No development shall be carried out on the site which is the subject of this permission, until details of provision for storage of refuse 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 Policy ENV3 of the Warwick District Local Plan.
- 11 No external lighting shall be installed on any external wall or roof of any building or within the open land comprised in the application site other than in accordance with details first submitted to and approved in writing by the District Planning Authority. **REASON** : To protect the amenity of the occupiers of nearby properties, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan.
- 12 No dwelling hereby permitted shall be occupied until such time as all existing outbuildings in the garden of No. 31 Lillington Road have been demolished and a boundary wall to close access off Arlington Mews has been constructed wholly in accordance with details first submitted to and approved in writing by the District Planning Authority. **REASON**: In the interests of highway safety and to secure a satisfactory standard of development in accordance with the requirements of Policy ENV3 of the Warwick District Local Plan.
- 13 The site developer shall appoint a qualified arboriculturist to supervise works on site to ensure the works do not adversely affect the trees to be retained. The arboriculturist's name and CV must be submitted to the local authority and the appointment approved in writing prior to any work commencing.

The arboriculturist must be on-site throughout the excavation of the ramp which shall be undertaken strictly in accordance with the details shown on the approved plans, the submitted method statement and the details contained in the applicants letter dated 11th October 2004. At other times during the construction of the development hereby permitted the arboriculturist should make spot checks on the site at least once a week to ensure the retained trees are not being adversely affected by the works being undertaken on the site, including the construction of any service trenches. A report on the appointed arboriculturists findings shall be

submitted to the District Planning Authority on a monthly basis during the construction of the development hereby permitted or immediately upon the finding of any problems or activity which might damage a retained tree. **REASON:** To protect and enhance the amenities of the area, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan.

- 14 Before any flat hereby permitted is first occupied, all existing hardstandings to the frontage of Nos. 31 and 33 Lillington Road shall be removed and the ground shall be returned to a wholly permeable surface. **REASON:** To protect and enhance the amenities of the area, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan.
- 15 The gradient of the vehicular access into the site shall not be steeper at any point than 1 in 15 for a distance of 5.0 metres into the site, as measured from the near edge of the public highway carriageway. **REASON :** In the interests of highway safety, in accordance with the requirements of Policy ENV3 of the Warwick District Local Plan.
- 16 The vehicular access to the site shall not be less than 5.0 metres wide for a distance of 8.0 metres into the site, as measured from the near edge of the public highway carriageway. **REASON :** In the interests of highway safety, in accordance with the requirements of Policy ENV3 of the Warwick District Local Plan.
- 17 Gates provided at the entrance to the site shall not open outwards towards the public highway so as to open to within 5.0 m of the front boundary or measured from the back of footway. **REASON :** In the interests of highway safety, in accordance with the requirements of Policy ENV3 of the Warwick District Local Plan.
- 18 Before any flat hereby permitted is first occupied, the vehicular access serving the site shall be surfaced with materials submitted to and approved in writing by the District Planning Authority. **REASON:** In the interests of highway safety, in accordance with the requirements of Policy ENV3 of the Warwick District Local Plan.
- 19 The development hereby permitted shall not be brought into use until all parts of existing accesses to Lillington Road, not included in the proposed means of access, have been permanently closed and reinstated in accordance with details approved in writing by the District Planning Authority. **REASON :** In the interests of highway safety, in accordance with the requirements of Policy ENV3 of the Warwick District Local Plan.
- 20 The development hereby permitted shall not be brought into use until the proposed means of access has been constructed in strict compliance with details approved in writing by the District Planning Authority. **REASON :** In the interests of highway safety, in accordance with the requirements of Policy ENV3 of the Warwick District Local Plan.
- 21 The lower pane of all windows on the first floor of the side elevations to the development hereby permitted shall be glazed with obscure glazing and shall thereafter be retained as such at all times. **REASON:** To protect and enhance the amenities of the area, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan.
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