

Planning Committee: 18 March 2014

Item Number: 10

Application No: W 14 / 0162

Town/Parish Council: Leamington Spa

Registration Date: 04/02/14

Case Officer:

Rob Young

Expiry Date: 01/04/14

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Site off Henley Road, Leamington Spa

Demolition of garages and construction of 7 no. new dwellings (5 no. two storey houses and 2 no. maisonettes) with associated access, parking and landscaping.
(Resubmission of W/13/1687) FOR Waterloo Housing Group

This application is being reported to Planning Committee because the site is owned by Warwick District Council.

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

The application proposes the demolition of the existing garages and the erection of 7 new dwellings. This would comprises 5 no. 2 bedroom houses and 2 no. 1 bedroom maisonettes. The buildings would be two storey.

THE SITE AND ITS LOCATION

The application relates to a garage court situated behind the houses in Henley Road, Prospect Road and Arden Close. There is vehicular access to the site from Henley Road. There are currently 47 garages on the site of which 38 are vacant, arranged in 3 blocks around the edges of the site. Between these garage blocks, the central part of the site comprises a large expanse of tarmac. The site is situated within a predominantly residential part of Leamington.

PLANNING HISTORY

In December 2013 a planning application was submitted for "Demolition of garages and construction of 7 no. new dwellings (5 no. 2 storey houses and 2 no. maisonettes) with associated access, parking and landscaping" (Ref. W13/1687). This was subsequently withdrawn.

RELEVANT POLICIES

- National Planning Policy Framework
- 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)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
- SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)
- Open Space (Supplementary Planning Document - June 2009)
- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- SC11 - Affordable Housing (Warwick District Local Plan 1996 - 2011)
- Affordable Housing (Supplementary Planning Document - January 2008)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Distance Separation (Supplementary Planning Guidance)
- Vehicle Parking Standards (Supplementary Planning Document)
- Sustainable Buildings (Supplementary Planning Document - December 2008)

SUMMARY OF REPRESENTATIONS

Town Council: No objection, but comment that the conclusions of the tree survey should be taken into account to ensure the trees are retained.

Public response: One objection has been received, raising the following concerns:

- loss of existing parking;
- increase in parking demand; and
- surrounding roads are narrow and are already full to capacity with parking.

Cllr Knight: In support of this new housing but concerned about the facility for parking for Henley Road residents and the new residents.

Cllr Gill: No objection.

Severn Trent Water: No objection, subject to a condition to require drainage details.

WCC Ecology: Recommend that a suitable buffer zone from the oak tree is put in place and that this tree is assessed for the potential for bats if any works are carried out to it. Recommend conditions in relation to tree protection and to require compliance with the mitigation measures in the ecological report that was submitted with the application.

WCC Highways: Object for the following reasons:

1. The existing access is only 4.3 metres wide but is required to be a minimum of 5 metres wide for a distance of 7.5 metres, to enable two vehicles to pass one

another without obstructing the public highway. Furthermore the visibility splays are substandard.

2. The increase in vehicular movements generated by the development combined with the existing extensive on-street parking on Henley Road, could intensify the use of Henley Road, at a detriment to public highway safety.

3. The loss of the garages as off-street car parking spaces could result in vehicles parking in the public highway, at a detriment to public highway safety.

WCC Archaeology: No comment.

WDC Green Infrastructure Manager: Recommend an off-site contribution towards the provision or enhancement of public open space.

WDC Waste Management: The driveway into the development is not suitable for a refuse vehicle and is more than 25 metres in length. Therefore the residents will either be expected to present their bins at the kerbside for collection or a recess area should be provided along the driveway within 25 metres of the adopted highway for residents to present their bins for collection.

WDC Tree Officer: The oak tree is a good specimen of its species. A TPO will be made to protect this tree. Ideally plots 3-6 should be moved out of the root protection area of the tree. However, an alternative solution would be for these plots to be built upon raised ground-level mini pile heads, although the dwellings would still interfere with the lower canopy of the tree, which would require significant pruning. This would affect the shape of the tree and its amenity value.

ASSESSMENT

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

- the principle of development;
- the impact on the living conditions of neighbouring dwellings;
- the impact on the character and appearance of the area;
- car parking and highway safety;
- the impact on trees; and
- ecological impact.

Principle of development

The application site comprises previously developed land within the urban area. Consequently a residential development would be in accordance with Local Plan Policy UAP1 and is therefore considered to be acceptable in principle.

Impact on the living conditions of neighbouring dwellings

The separation distances from neighbouring dwellings in Prospect Road and Henley Road would exceed the minimum distances required by the Council's Distance Separation Guidelines SPG. The distance between the corner of the

dwelling on Plot 1 and the nearest corner of the existing dwelling at No. 23 Arden Close would be 8.6m. However, the proposed dwelling would not be directly to the rear of that existing dwelling and therefore it is not considered that the full 12m rear to side elevation separation distance is required in that instance. Where first floor windows in the rear elevation would be close to the boundaries with neighbouring dwellings, these have been relocated onto the side elevation (Plots 4 and 6) to prevent overlooking. For these reasons it is considered that the proposals would not cause unacceptable loss of light, loss of outlook or loss of privacy for neighbouring dwellings.

Impact on the character and appearance of the area

The proposed development is considered to be in keeping with the established character and appearance of the area. The proposed dwellings would not be readily visible within the street scene of Henley Road. The appearance of the dwellings would be in keeping with the design and form of existing dwellings on surrounding streets.

Car parking and highway safety

The Highway Authority have objected to the scheme on the basis that the 4.3 metre wide site access should be a minimum of 5 metres wide to allow for two way traffic flows and they have raised concerns about the substandard visibility splays for the access. The Highway Authority have also raised concerns about the increase in vehicular movements generated by the development combined with extensive on-street parking on Henley Road being detrimental to highway safety. In addition, they are concerned about the loss of the garages resulting in increased parking on the public highway, to the detriment of highway safety.

In terms of the loss of existing off-street parking the Council's Housing Team have clarified that during 2011 all 86 of the Council's garage sites were reviewed to assess current usage, maintenance costs, management issues and development potential. As a result two sites were identified as being suitable for redevelopment for housing, this site and the nearby site off Bourton Drive (which was granted planning permission by Planning Committee on 4 February 2014).

At the time of the review the Council's landlord service had already taken a decision not to re-let garages when they became vacant on these two sites. This was not because they were potential development sites but because there had been a lot of break-ins over the previous months and Housing Management believed that a lot of the garages were being used for storage of possessions rather than for cars (which is a breach of the tenancy agreement). The vacancy rate in August 2011 was 17 out of 47 at the site (with a further 3 on notice to quit). The current vacancy rate is 38 out of 47.

There are existing on-street parking pressures within the locality, however in spite of this, local residents still appear reluctant to use the garage court. The loss of off-street car parking is therefore considered unlikely to give rise to any significant impact upon on-street parking. The proposed two bedroom dwellings will each have 2 off-street parking spaces, while the one bedroom dwellings will

have 1 space each, providing a total of 12 spaces on site. This would exceed the requirements of the Council's Vehicle Parking Standards SPD, which requires 1.5 spaces per dwelling for 2 bedroom units and 1 space per dwelling for 1 bedroom units, or 9.5 spaces in total.

The concerns of the Highway Authority are noted. However, whilst there is a high vacancy rate, officers are mindful that there are 47 existing garages on site and it would therefore be unreasonable to refuse the current scheme for 12 vehicle spaces and associated movements based on highway safety.

Impact on trees

A large oak tree within the garden of a property on Prospect Road overhangs the northern boundary of the site. The Council are making a Tree Preservation Order to protect this tree. The proposed dwellings on plots 5 and 6 would be partially beneath the canopy of that tree and would require the existing canopy to be pruned back significantly. In assessing the impact on the tree, it is important to note that the area under the canopy within the application site is currently covered in concrete and tarmac and includes the existing garages in close proximity to the trunk of the tree. Furthermore, the proposed scheme would provide some benefits to the environment of the tree by creating soft landscaped garden areas under the canopy in place of existing hard surfaces. Nevertheless, the Council's Tree Officer has advised that, ideally, plots 5 and 6 should be moved out of the root protection area of this tree. However, this would not be possible because this would move these plots in front of the dwelling on plot 7. Therefore such a significant amendment to the layout could only be achieved by reducing the number of dwellings on site, which would mean the site would provide less affordable housing, which is much needed within the District.

An alternative solution that has been suggested by the Tree Officer is for plots 5 and 6 to be built upon raised ground level mini pile heads which could be controlled by condition. This would protect the roots of the tree, although it would raise the height of the dwellings by approximately 0.5m which would require further pruning of the lower crown of the tree. This pruning would affect the shape of the tree and therefore its amenity value. However, this limited harm to the tree would be outweighed by the significant benefits of the scheme in terms of providing much needed affordable housing.

Ecological impact

An ecological appraisal was submitted with the application. This did not find any evidence of protected species on the application site. WCC Ecology have accepted the findings of the ecological appraisal and therefore it is considered that the proposals would have an acceptable ecological impact.

Other matters

Whilst the proposals are intended to provide affordable housing, the number of dwellings is below the threshold for requiring a proportion of affordable housing

under Local Plan Policy SC11. Consequently there are no grounds for imposing any restrictions on the tenure or affordability of the proposed dwellings.

The Council's Waste Management team have advised that the bin collection area should normally be within 25m of the public highway. Given the length of the access road, which is tightly constrained by land in third party ownership to either side, it is not possible to provide a bin collection area any closer than 34m from the public highway, as has been proposed. In view of the benefits of the scheme in terms of providing much needed affordable housing, it is not considered that a refusal of planning permission based on a 9m contravention of this 25m guideline would be appropriate when no other solution is possible.

It is proposed that solar photovoltaic panels will be installed to meet 10% of the predicted energy requirements of the dwellings. Calculations are required to demonstrate that these will meet the 10% target and a condition is recommended to require these details. This would meet the requirements of Local Plan Policy DP13.

SUMMARY/CONCLUSION

The proposals would have an acceptable impact on the living conditions of neighbouring dwellings and on the character and appearance of the area. Furthermore, the proposals would have an acceptable impact on trees and ecology and would be acceptable in terms of car parking and highway safety. Therefore it is recommended that planning permission is granted.

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years from the date of this permission. **REASON** : To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing(s) 5217/01D & 5217/02A, and specification contained therein, submitted on 4 March 2014. **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 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 DP1 of the Warwick District Local Plan 1996-2011.

- 4 Details of the means of disposal of storm water and foul sewage from the development shall be submitted to and approved by the District Planning Authority before the development hereby permitted is commenced and the development shall not be carried out other than in strict accordance with such approved details. **REASON** : To ensure satisfactory provision is made for the disposal of storm water and foul sewage and to satisfy Policies DP9 and DP11 of the Warwick District Local Plan 1996-2011.

- 5 No development or other operations (including demolition, site clearance or other preparatory works) shall be commenced unless and until adequate steps, which shall have been previously approved in writing by the local planning authority, have been taken to safeguard against damage or injury during construction works (in accordance with Clause 7 of British Standard BS5837 – 2012 Trees in Relation to Design, Demolition & Construction) all retained trees on the site and those trees on adjoining land where the canopy overhangs the site. In particular no fires shall be lit within the root protection area of any retained tree; no equipment, machinery or structure shall be attached to or supported by a retained tree; no mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area, or any other works be carried out in such a way as to cause damage or injury to the trees by interference with their root structure and no soil or waste shall be deposited on the land in such a position as to be likely to cause damage or injury to the trees. **REASON:** To protect those trees which are of significant amenity value to the area and which would provide an enhanced standard of appearance to the development in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011.

- 6 No development shall be commenced unless and until details of the foundations for plots 5 and 6 have been submitted to and approved in writing by the local planning authority. The development shall be carried out in strict accordance with the approved foundation details. **REASON:** To protect those trees which are of significant amenity value to the area and which would provide an enhanced standard of appearance to the development in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011.

- 7 The development hereby permitted shall only be undertaken in strict accordance with details of both hard and soft landscaping works which have been submitted to and approved in writing by the local planning authority. Details of hard landscaping works shall include boundary treatment, including full details of the proposed boundary walls, railings and gates to be erected, specifying the colour of the railings and gates; footpaths; and hard surfacing. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of any of the dwellings hereby permitted; and all planting shall be carried out in accordance with the approved

details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of similar size and species, unless the local planning authority gives written consent to any variation. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations. **REASON:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies DP1, DP2 and DP3 of the Warwick District Local Plan 1996-2011.

- 8 The development hereby permitted shall not commence until details of the finished floor levels of the dwellings, together with details of existing and proposed site levels on the application site and the relationship with adjacent land and buildings have been submitted to and approved in writing by the local planning authority. The development shall be carried out in strict accordance with these approved details or any subsequently approved amendments.

REASON: To ensure sufficient information is submitted to demonstrate a satisfactory relationship between the proposed development and adjacent land and buildings in the interests of amenity in accordance with Policies DP1 & DP2 of the Warwick District Local Plan 1996-2011.

- 9 The development hereby permitted shall not be commenced unless and until either:

(a) a scheme showing how 10% of the predicted energy requirement of this development will be produced on or near to the site, from renewable energy resources, has been submitted to and approved in writing by the District Planning Authority; or

(b) a scheme showing how the fabric of the buildings will be designed to ensure that the dwellings achieve a 10% reduction in energy consumption compared with the minimum requirements of the building regulations at the time the dwellings are constructed, has been submitted to and approved in writing by the District Planning Authority.

The development shall not be first occupied until all the works within this scheme have been completed and thereafter the works shall be retained at all times 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 or for the reduction in energy consumption, in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011.

10 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.

11 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 Local Planning Authority. The development shall not then be occupied until the scheme has been implemented to the satisfaction of the Local Planning Authority.

REASON: In the interests of fire safety.

12 The development shall be timetabled and carried out to wholly accord with the mitigation measures for the safeguarding of bats and nesting birds within the site as set out in the document 'Biodiversity Report for the Site off Henley Road, Leamington Spa' prepared by Curious Ecologists (31 October 2013) that was submitted with the application on 4 February 2014. **REASON:** To ensure that protected species are not harmed by the development, in accordance with Policy DP3 of the Warwick District Local Plan.

13 The proposed car parking and manoeuvring areas shown on drawing no. 5217/01D for each of the dwellings hereby permitted shall be constructed, surfaced, laid out and available for use prior to the first occupation of each of the dwellings hereby permitted, in full accordance with the approved plan. The car parking areas shall be retained at all times thereafter and shall be kept free of obstruction and be available for parking for occupants of the development hereby permitted, unless agreed otherwise in writing by the District Planning Authority. **REASON** : To ensure that adequate parking facilities are available, in accordance with the requirements of Policy DP8 of the Warwick District Local Plan 1996-2011.

14 Prior to the occupation of plots 4 and 5 of the development hereby permitted, the following windows shall be permanently glazed with

obscured glass to a degree sufficient to conceal or hide the features of all physical objects:

- (a) the first floor windows in the north elevation of plot 5; and
- (b) all parts of the first floor window in the east elevation of plot 4 that are less than 1.7m above the floor level of that room.

The obscured glazed windows shall be retained and maintained in that condition at all times.

REASON : To protect the privacy of users and occupiers of nearby properties and to satisfy the requirements of Policy DP2 of the Warwick District Local Plan 1996-2011.

- 15 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 further development shall take place within the curtilage of Plots 3 and 4 hereby permitted which falls within Part 1, Class B without the prior written approval of the local planning authority. **REASON:** Due to the close proximity to the northern boundary, it is necessary to retain control over dormer windows in the north elevation of these plots to protect the living conditions of neighbouring dwellings, in accordance with Policy DP2 of the Warwick District Local Plan 1996-2011.
- 16 All hard surfaces hereby approved shall be made of porous materials. **REASON:** To reduce surface water run-off and to ensure that the development does not increase the risk of flooding elsewhere, in accordance with Policy DP11 of the Warwick District Local Plan.
- 17 None of the dwellings hereby permitted shall be occupied unless and until the bin collection area for the development has been laid out and made available for use by the occupants of the development and thereafter that area shall be kept free of obstruction and be available at all times for the storage of refuse associated with the development. **REASON:** To ensure the satisfactory provision of refuse storage facilities in the interests of amenity and the satisfactory development of the site in accordance with Policy DP1 of the Warwick District Local Plan 1996-2011.



