

**Planning Committee:** 08 March 2005

**Principal Item Number:** 03

**Application No:** W 04 / 2048

**Registration Date:** 12/11/2004

**Town/Parish Council:** Leamington Spa

**Expiry Date:** 07/01/2005

**Case Officer:** Joanne Fitzsimons

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**Land rear of 4-6, Woodcote Road, Leamington Spa, CV32 6SW**

Erection of a two storey detached house and construction of new vehicular access onto College Drive. FOR Mr M Stiles

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

This application was deferred at Planning Committee on the 14 February 2005, to enable a site visit to take place on 5 March 2005. Whilst the report which follows is that which was presented previously it now includes additional neighbour comments.

**SUMMARY OF REPRESENTATIONS**

Town Council: Object on the following grounds:

- The development proposed represents a departure from the original brief of the College Park development by virtue of introducing an inappropriate form of in-filling which fails to respect the original dwellings.
- The proposed dwelling is considered to of a scale, layout and design which fails to harmonise with those dwellings immediately adjoining, contrary to Policy DP1 of the emerging Local Plan. In particular, it represents an unneighbourly intrusion which will adversely affect the enjoyment of No. 2 Spilsbury Close.
- The dwelling proposed does not assist in meeting the affordable homes strategy identified within the District.

46 Neighbour letters have been received objecting to the proposal on grounds relating to:

- Destruction of the original layout and character of College Park, representing over-development of the site, unneighbourly and unnecessary, loss of light and outlook for No. 2 Spilsbury Close,
- New access opposite Onslow Croft which will cause further hazards on this road, increased parking,
- Not for affordable housing or a local need.
- Impact on the outlook of no. 10 Woodcote Road which has all habitable rooms facing the proposed house which will not be able to be relieved by planting.

WCC Highways: No objection, subject to conditions relating to width of access, surface materials for the access and the provision of a turning area in order to allow vehicles to enter and leave in a forward gear.

**RELEVANT POLICIES**

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 First Deposit Version)

DP2 - Amenity (Warwick District Local Plan 1996 - 2011 First Deposit Version)

Distance Separation (Supplementary Planning Guidance)

## **PLANNING HISTORY**

There have been no relevant planning permissions for this particular site. The development layout known as 'Old College Park' was approved in 1988 and included the layout for College Drive, Spilsbury Close, Onslow Croft, Strachey Avenue and Enright Close.

## **KEY ISSUES**

### **The Site and its Location**

The application site relates to garden area serving flats 4-6 Woodcote Road and lies to the rear of No. 2 Spilsbury Close. College Drive, which is accessed from Woodcote Road, runs along the east of the site. The site measures approximately 325 m<sup>2</sup> and comprises mainly of bushes, shrubs and conifer trees. The boundary running along the footpath of College Drive is a mature hedging. The site does not fall within a designated Conservation Area.

### **Details of the Development**

The proposal relates to the erection of a new two storey dwelling together with a new access onto College Drive. The scheme has been amended to re-site the dwelling further away from the boundary with No.2 Spilsbury Close so that there is a distance of 2.3 metres. The total distance from the rear of No. 2 to the new dwelling is 15 metres. The distance from the rear of the flats in Woodcote Road to the new dwelling would exceed 24 metres. The siting of the dwelling is not directly behind the rear of No. 2 Spilsbury Close but is set forward from their outlook, closer to College Drive and the orientation is such that the new property would be due North of No. 2 Spilsbury Close. No. 2 Spilsbury Close has a single storey utility room to the side of their property which sits closer to College Drive. The proposal incorporates an integral garage, turning area and new access onto College Drive. The scheme also seeks the retention of two mature trees either side of the proposed access.

### **Assessment**

I consider the principal issues to be considered in this case to be the principle of development, affect on the character of the area, the affect on surrounding neighbours and any potential traffic impacts.

The authorised use of the site is as garden area to flats 4-6 Woodcote Road and therefore constitutes previously developed land as defined in PPG3 'Housing' and where both Structure Plan and Local Plan policies regarding residential development apply. PPG 3 'Housing' states that the Government is committed to promoting more sustainable patterns of development within urban areas, making more efficient use of land by maximising the re-use of previously developed land. As such , I consider the proposal to be acceptable in principle.

The scheme has been designed to minimise the impact on No. 2 Spilsbury Close by hipping the roof away from their rear boundary and setting the building forward of their main outlook. The design is not dissimilar to the surrounding dwellings which comprises mainly of detached family homes. Therefore, in considering its impact on the character of the area, I am of the opinion that the proposed design is acceptable.

With regard to objections received concerning over-development, the Distance Separation standards from both Spilsbury Close and Woodcote Road are exceeded and the layout between No. 2 Spilsbury Close and the proposal is not wholly unlike that which exists between No. 2 Onslow Croft and 1 College Drive which was approved as part of the original layout, albeit this proposal allows a greater separation distance. Indeed, whilst I am conscious of local objection, I do not consider that the effect of the proposed dwelling would cause unacceptable harm to the amenity of surrounding neighbours or the visual amenity of this locality.

In assessing the potential impact of the proposed access onto College Drive, the County Council, as Highway Authority, have raised no objection subject to conditions, all of which can be met through this proposal. As such, I do not consider there to be justification on these grounds to recommend refusal.

### **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 drawing number 4445/03A and specification contained therein, submitted on 21 January 2005, 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 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.
- 4 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.
- 5 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 Part 1, Class A, B and C of Schedule 2 of this Order, without the prior permission of the District Planning Authority. **REASON** : This site is of a restricted size and and is in close proximity to other dwellings. It is considered appropriate therefore to retain control over future development to ensure that the residential amenity of this locality is protected in accordance with the provisions of

District-Wide Policy ENV3 of the Warwick District Local Plan.

- 6 The development hereby permitted shall not be brought into use unless there is available vehicular turning space within the site so that vehicles are able to enter and leave the public highway in a forward gear. Such area shall thereafter be kept available for that purpose. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy ENV3 of the Warwick District Local Plan.
- 7 The access to the site for cars shall not be used in connection with the development until it has been surfaced with a bound macadam material for a distance of 5 metres as measured from the near edge of the public highway carriageway in accordance with details to be 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.
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