

Application No: [W 16 / 1830](#)

Town/Parish Council: Leamington Spa
Case Officer: Lucy Hammond
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Expiry Date: 03/01/17

2 Manor Farm House, Lime Avenue, Lillington, Leamington Spa, CV32 7DB
Proposed erection of 9no. residential properties consisting of 3no. terraced town houses and 2no. apartment blocks of 3no. units each. FOR Dr Singh

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

RECOMMENDATION

That planning permission be granted for this development, subject to the conditions and notes listed at the end of this report.

DETAILS OF THE DEVELOPMENT

Planning permission is sought for the erection of a total of nine new residential units. The proposals include the construction of 2no. blocks each containing three apartments together with a terraced row of 3no. town houses.

A modern design approach is sought using contemporary architectural features and materials. One of the apartment blocks (Block B) is proposed with a lower ridge height than the other apartment block and the town houses. An existing access is to be utilised so no new access provisions are required.

THE SITE AND ITS LOCATION

The application site is accessed off Lime Avenue, a residential road to the north of the town, near Lillington. Previous outbuildings that once occupied the site have been cleared and the site is now vacant. The developable area sits back from the road, between a car sales garage on the south east side and Lillington Bowling Club on the north west side. To the front, immediately adjacent the road, is a residential property known as No.1 Manor Farm House. Whilst entirely outside the Lillington Village Conservation Area, its boundary follows part of the south west boundary of the application site, where it adjoins the garden of No.1 Manor Farm House.

PLANNING HISTORY

None directly relevant to this development

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)
- DP4 - Archaeology (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)
- UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
- DAP3 - Protecting Nature Conservation and Geology (Warwick District Local Plan 1996 - 2011)
- DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)

The Emerging Local Plan

- H1 - Directing New Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
- 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)
- TR1 - Access and Choice (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HE2 - Protection of Conservation Areas (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)
- NE4 - Landscape (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

Guidance Documents

- Distance Separation (Supplementary Planning Guidance)
- Vehicle Parking Standards (Supplementary Planning Document)
- Sustainable Buildings (Supplementary Planning Document - December 2008)

SUMMARY OF REPRESENTATIONS

Royal Leamington Spa Town Council - Objection

- 1) The height of Block B is out of keeping with the surrounding area (the amendment reducing the height is acknowledged)
- 2) Would wish to see confirmation that safe collection of refuse and recycling from the proposed blocks by lorries is achievable
- 3) Note the concerns raised by County Highways regarding visibility for vehicles exiting the site and pedestrian safety.

WCC Highways - No objections to the principle of development

WCC Archaeology - No objection subject to condition

WCC Ecology - No objection subject to condition and notes

WCC Landscape - No objections raised; comments regarding proposed landscaping that can be dealt with by condition

WDC Open Space - No objection subject to condition

WDC Contract Services - No objections raised; guidance provided regarding waste collection arrangements

Public Responses - 4 letters of objection received. Grounds on which objections are based are summarised as follows:-

- loss of light and privacy to neighbouring properties
- development would be out of character with the surrounding properties
- concern about highway safety in relation to the access and visibility
- potential noise from the apartments

1 letter of comment received noting possible highway safety and access issues

ASSESSMENT

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

- Principle of residential development in this location
- Visual impact / character of area
- Impact on setting of conservation area
- Impact on neighbouring / residential amenity
- Access and parking / highway safety

The principle of the development

Saved policy UAP1 of the Warwick District Local Plan 1996-2011 relates to the direction of new housing and states that residential development will be permitted on previously developed land and buildings within the confines of the urban areas. The site is located within the confines of the urban area and would make use of a redundant previously developed site.

However, as the Council does not currently have a 5 year housing land supply, policy UAP1 is considered to be out of date. Emerging Local Plan policy H1 states that housing development will be permitted in a number of specified circumstances, one of which is where the site is within an Urban Area as identified on the Policies Map. The application site is in such an area and accordingly, the principle of development is considered to be acceptable. Moreover, in accordance with paragraph 14 of the NPPF, where the development plan is absent, silent, or relevant policies are out of date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

Overall, the provision of a residential development in this location is considered to be acceptable in principle subject to an assessment being made of the other relevant material planning considerations, which are considered below.

The visual impact on the character and appearance of the area

The building heights of the proposed blocks would be staggered. The three town houses would be the tallest buildings within the site, measuring 11m to the ridge, while Apartment Block A, proposed next to the houses, would measure 10.7m to the ridge. Apartment Block B, which would sit at the front of the site, but largely behind the existing dwelling (No 1 Manor Farm House) has been revised through the course of the application so that its ridge height is now reduced to 8.5m. The overall character and appearance of the development would be contemporary, using a combination of materials including white render, aluminium cladding, natural cedar boarding and red brick. Design features such as curved roofs and inset balconies would contribute to the modern appearance of the buildings.

Due to the position of the site which is largely set behind the existing dwelling on the road frontage and the Lillington Bowling Club, it is unlikely the new development would be read as part of the street scene since the gap between the dwelling and the adjacent garage is only sufficiently wide enough to provide the access into the rear part of the site which would be developed by this application. Only glimpsed views therefore would be available from Lime Avenue and again, due to the shape and layout of the site, such views would only extend as far as Apartment Block B.

From the rear, as viewed from within Hadrian Close, the backs of the town houses and Apartment Block A would be partially visible. Officers acknowledge that levels within the site would be altered as a result of this permission being granted, meaning that the ridge heights of the new buildings would no higher than the existing three storey development in Hadrian Close.

Notwithstanding the proposed ridge heights, officers consider this would be appropriate when read in the context of the surrounding three storey development in Hadrian Close to the rear that would sit either side of the proposed houses and Block A. Overall, officers consider the proposed new development would sit comfortably within this vacant site and be well-related to the surrounding built form in terms of scale, height and massing. Although materials are annotated on the submitted drawings, the final detail would be subject to a condition requiring samples to be submitted for approval, thus ensuring the finished development remains acceptable in visual terms.

Whilst acknowledging that concern was raised by the County Landscape team about the amount of trees cleared from the site, officers note that the site's location outside a conservation area means that trees can be removed without consent. Those remaining trees on the south west boundary where the site adjoins the neighbouring property are located in the garden of the neighbour and therefore within the conservation area. It is recommended that a condition requires the necessary tree protection measures to be implemented in respect of these trees which are to be retained, in accordance with the relevant standards and other guidance.

Overall, officers are satisfied that the proposed development would be acceptable in character and visual terms and therefore would be in accordance with saved policy DP1.

The impact on Heritage Assets (Setting of the adjacent Conservation Area)

The site sits wholly outside the Lillington Village Conservation Area, however part of the site's boundary on the south west side where it adjoins the neighbour's boundary, is adjacent the conservation area boundary. Any proposed development within this

site is therefore likely to affect the setting of the conservation area. Saved policy DAP8 requires development to respect the setting of the conservation area and important views both into and out of them. Given the limited public views into the site from Lime Avenue due to its positioning behind existing development that addresses the road, it is considered that views out of the conservation area towards the new development would be limited. However, where glimpsed views of Apartment Block B near to the site's frontage are available, officers consider that the redevelopment of this vacant site would improve the appearance of the area and in turn lead to an enhancement of its immediate context. Accordingly, the setting of the conservation area is considered by officers to be respected and no material harm would arise as a result of these proposals. It is considered therefore that the development accords with saved policy DAP8.

The impact on neighbouring / residential amenity

The closest neighbouring property likely to be impacted by the proposed development is No.1 Manor Farm House which is orientated sideways with its gable end addressing Lime Avenue. It therefore shares a side to back relationship with the proposed Apartment Block B. Adopted separation guidelines stipulate a minimum of 16m for such a relationship and the proposals would result in Block B being 18m from the gable end of the neighbour, which accords with the relevant guidance.

At the rear of the site, proposed Apartment Block A and the three town houses would continue a linear form of development, broadly in line with Nos. 30-34 Hadrian Close. There is no opportunity therefore for any breaches of the 45 degree rule as taken from the rear elevations of the properties in Hadrian Close and additionally, the ridge heights would be similar to the existing ridge heights of the neighbours, thus minimising any opportunity for overbearing or overshadowing effects. The development is therefore considered to be acceptable in this regard. No.20 Hadrian Close is the closest neighbour to the proposed town houses and this is perpendicular to the proposed position of the new dwellings. Whilst this would result in a breach of the 45 degree line as taken from the front facing windows in No.20, the point at which it crosses the proposed town houses would be 14m away, which is regarded as acceptable in terms of the likely impacts that may be had on existing properties.

Overall, it is not considered that existing amenity of neighbouring properties would be materially harmed by reason of overbearing, overshadowing or overlooking.

Provision of amenity for future occupiers

The proposed town houses each have their own private rear garden while the apartments would benefit from the provision of some green spaces within the development. In terms of outlook, the apartments have front and rear facing windows all serving primary rooms (living room/kitchen/bedrooms). All bedrooms are positioned at the back of Blocks A and B so these windows would look directly onto proposed green spaces at the rear of each building. Accordingly, it is considered that the proposed levels of amenity together with outlooks for future occupiers are acceptable.

Overall, officers are satisfied that the development is acceptable in accordance with saved policy DP2.

Access and parking / highway safety

An existing access off Lime Avenue already serves the site and this is proposed to be retained and utilised to serve the proposed development. The Highways Authority has raised no objection to the principle of development but noted some concern about the level of on-street parking in Lime Avenue, which may sometimes have implications on the visibility splay from the access and cause potential obstructions for vehicles leaving the site. It was therefore suggested by the Highways Authority that parking restrictions in the road may prevent indiscriminate parking within the visibility splays, however, this is not something that can be secured through the planning application process and indeed relates to land outside the application site edged red. After discussing the proposals at length with the Highways Authority, officers are now satisfied with the recommended condition and note relating to the provision of a bellmouth and the necessary works that would be covered by a S.278 agreement. Overall, it is considered that the proposals would not be detrimental to highway safety and would accord with saved policy DP6 in relation to access.

A total of 15 car parking spaces are proposed within the development, which, based on the number of units proposed and the level of accommodation these would provide, accords with the Vehicle Parking Standards SPD. Officers are therefore satisfied that the development is acceptable in accordance with saved policy DP8 in relation to parking.

Other matters

Renewable Energy

In the submitted energy statement it is suggested that the fabric first approach is deemed to be the most appropriate for the development, however, full details and calculations have yet to be submitted and it is therefore proposed to attach the standard condition requiring such details prior to the commencement of any development.

Ecological Impact

In view of the condition of this vacant site, no detailed ecological appraisals were deemed to be required from the County Ecologist, who raised no objections to the application providing appropriate conditions and notes were attached to any forthcoming permission. A combined ecological and landscaping scheme would be necessary to be secured by condition to ensure there is no net biodiversity loss. Overall, subject to the imposition of suitably worded conditions, there are no objections to the development in ecological terms and officers are satisfied the proposals are acceptable in this respect.

Archaeology

The County Archaeologist has advised that the site lies in an area of significant archaeological potential within the medieval settlement of Lillington. There is a potential for the proposals to impact on archaeological deposits but a suitable condition attached to any forthcoming permission would require a written scheme of investigation for a programme of archaeological evaluative works prior to the commencement of any development and this would ensure that appropriate mitigation is sought, where appropriate.

Open space

Policy SC13 seeks contributions from residential developments to provide, improve and maintain appropriate open space, sport or recreational facilities to meet local needs. The proposed development would not make any on-site provision for formal open space and accordingly, having been assessed by the Open Space team, a

contribution of £15,027 would be required which would be put toward the development objectives of local open spaces within approximately 500m (10 minute walk) of the development, or toward the development of nearby destination parks. The Open Space team, at the time of providing advice in response to this particular application, identified that several of these open spaces have development plans and projects in need of funding and at this time, development contributions are required at Mason Avenue Park, Midland Oak and The Holt. I therefore consider the proposal accords with SC13 and the associated SPD and is acceptable in this regard.

Refuse collection arrangements

The Contract Services team has advised that it appears as if adequate storage space would be provided on each of the properties for refuse and recycling containers. There is sufficient provision for waste collection vehicles to be able to enter the site and collect bins accordingly. However, in the event that any on-street parking were to limit the ability for such a vehicle to physically enter the site on a collection day, then the bins would need to be presented kerb side, which is what other neighbouring properties in the immediate vicinity do at present.

SUMMARY/CONCLUSION

The principle of development is considered to be acceptable having regard to the relevant saved policies of the Development Plan which are consistent with the provisions of the Framework and the emerging Local Plan. The visual impacts of the development are considered to be acceptable and the proposed appearance, finish and character of the development within this vacant site is considered to result in an enhancement to the setting of the adjacent conservation area. The proposed buildings would not result in any material harm to the amenity of existing neighbouring properties and adequate levels of amenity are proposed for the new dwellings and apartments. There would be no detriment to highway safety and other matters relating to landscaping, ecology, archaeology and open space could either be secured or suitably mitigated through the imposition of appropriately worded conditions. Overall, the proposals represent a sustainable form of development that would result in no significant or demonstrable harm. For all the above reasons, it is recommended that planning permission be approved subject to 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 drawings 3342-101 Rev.A, 3342-102 and 3342-106, and specification contained therein, submitted on 10th October 2016, 3342-105 submitted on 26th October 2016 and 3342-107 Rev.C submitted on 27th March 2017. **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 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.

- 4 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, which shall be made of porous materials or provision shall be made to direct run-off water from the hard surface to a permeable or porous area. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of the development 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.
- 5 No part of the development hereby permitted shall be commenced until a combined ecological and landscaping scheme has been submitted to and agreed in writing by the Local Planning Authority in conjunction with advice from WCC Ecological Services. The scheme must include all aspects of landscaping including details of native tree planting and other biodiversity enhancements such as installation of bird and bat boxes, log pile, creation of wildflower area. The development shall thereafter be carried out in accordance the approved scheme. **REASON:** To safeguard the presence and population of a protected species in line with UK and European Law, the National Planning Policy Framework and Policy DAP3 of the Warwick District Local Plan 1996-2011.
- 6 No development shall take place within the application site, unless and until
 - a) a Written Scheme of Investigation (WSI) for a programme of archaeological evaluative work has been submitted to and approved in writing by the local planning authority,
 - b) the programme of archaeological evaluative work and associated post-excavation analysis, report production and archive deposition detailed within the approved WSI shall be undertaken and a a report detailing the result f of this fieldwork shall be submitted to the local

planning authority,

c) an Archaeological Mitigation Strategy document shall be submitted to and approved in writing by the local planning authority. This should detail a strategy to mitigate the archaeological impact of the proposed development and should be informed by the results of the archaeological evaluation.

The development and any archaeological fieldwork post-excavation analysis, publication of result and archive deposition detailed in the mitigation Strategy document shall be undertaken in accordance with the approved Mitigation Strategy document. **REASON:** In order to ensure any remains of archaeological importance, which help to increase our understanding of the Districts historical development are recorded, preserved and protected where applicable, before development commences in accordance with Policy DP4 of the Warwick District Local Plan 1996-2011.

- 7 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 CO² 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.
- 8 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.
- 9 Prior to the commencement of the development hereby permitted protective measures for all retained trees including tree protective fencing and/or ground protection shall be installed in accordance with BS 5837:2012 and thereafter maintained throughout the lifespan of the

building operations. **REASON:** To protect the existing trees on the site in accordance with Policy DAP3 of the Warwick District Local Plan 1996-2011.

- 10 The access to the site for vehicles shall not be used unless and until a bellmouth has been laid out and constructed within the public highway in accordance with the standard specification of the Highway Authority. **REASON:** To ensure safe access to the site and in the interests of highway safety in accordance with Policies DP6 and DP8 of the Warwick District Plan 1996 – 2011.
