

Planning Committee: 03 August 2005

Item Number: 16

Application No: W 05 / 0901

Registration Date: 31/05/05

Town/Parish Council: Leamington Spa

Expiry Date: 26/07/05

Case Officer: Fiona Blundell

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64 Prospect Road, Leamington Spa, CV31 2BZ

Demolition of existing dwelling and erection of 8 no. apartments, comprising 1 two and half storey block and 1 two storey block. FOR Mr Mrs Mundi

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

SUMMARY OF REPRESENTATIONS

Town Council: *(i) The proposal represents an intrusive form of development that will have an imposing and over dominant impact on the neighbourhood.
(ii) The application is considered to represent overdevelopment of the site.
(iii) Concerns expressed at the impact on highway safety arising from the additional vehicular movements generated.
(iv) Town Council requests a site visit by the Planning Committee'.*

WCC (Ecology): *'In general amenity grasslands tend to have a low ecological value'.* Recommend bats survey and nesting birds notes.

WCC (Archaeology): No objection received at the time of writing the report.

WCC(Highways): No objection

Network Rail: No objection

WDC (Environmental Health): No objection

Neighbours: 2 neighbours from Henley Road have objected on the following grounds:

- The proposed second block of apartments would result in overlooking and loss of privacy which would lead to loss of enjoyment of rear garden
- concern about the state of conifers which is to act a proposed screen from the development.
- overdevelopment of the site which is out of keeping with the surrounding residential area,
- implications on pedestrian/highway safety of the proposed access onto a busy road
- limited amount of car parking provision
- an increase in noise level during construction and as a result of an increased number of future occupiers in close proximity to neighbouring properties in Henley Road

NB: Both the Town Council's and neighbours comments relate to the original plans.

RELEVANT POLICIES

(DW) ENV3 - Development Principles (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)
DP8 - Parking (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)

National Statements of Planning Policy

Planning Policy Guidance Note 1: *General Principles*
Planning Policy Guidance Note 2: *Housing*
Planning Policy Guidance Note 3: *Transport*

PLANNING HISTORY

There is no relevant planning history pertinent to this proposal.

KEY ISSUES

The Site and its Location

The site comprises of a detached dwelling house which is located on the south side of Prospect Road. The dwelling house is a post war property of no particular architectural merit or character and occupies an area of approximately 0.12 hectares. It is located within an established residential area comprising mainly two storey semi-detached houses with enclosed rear gardens on generous mature plots. The rear garden of the application site is larger than others in the immediate vicinity, extending some 40 metres by 20-25 metres to the rear garden boundaries of adjoining property 45 Henley Road. The east boundary is screened by dense mature hedging which runs parallel with a public footpath and a railway line in deep cutting. No.62 is sited to the west of the application site and is also screened by a mixture of mature trees and planting.

The rear boundary of the site is afforded dense screening by tall mature conifers. Low boundary walls and hedges enclose the front gardens of the host and neighbouring properties. There is some tree planting along this road, which creates an attractive landscaped setting.

Roadside parking is unrestricted in the vicinity of the site, with additional car parking bays cut into the pavement. There is also a bus stop adjacent to the site on the opposite side of Prospect Road.

Details of the Development

The proposal has been amended to erect two 2 storey buildings to provide 8 two bed roomed apartments with car parking provision, following the demolition of the existing detached dwelling house.

Assessment

I consider the principal issues to be considered are:

1. The Principle of Development

The authorised use of the site is as garden area to 64 Prospect 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. PPG3 '*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.

2. Character and Appearance

The proposed dwellings would be erected in the rear garden of the host property. The garden area of the proposed dwellings would be rendered smaller than the neighbouring properties. This pattern of development is not repeated elsewhere in the surrounding area. In terms of density, the proposals would equate to approximately 66 dwellings per hectare. Members will be aware of government advice which encourages housing development which makes efficient use of land (minimum density of 30-50 units per hectare) with greater intensity of development at good public transport links.

Overall, I consider that the visual changes that the scheme would produce, would not be inappropriate or unacceptable. In my view, the proposal would strike the right balance between making more efficient use of previously developed land in an accessible location and protecting the quality of the environment.

The applicant has also sought to address the concerns expressed by the Town Council and neighbours. The depth of the front building has been reduced by 1.5 metres. This allows for a subsequent reduction in the bulk of the front elevation, including the side elevation and facilitates a greater distance separation between the two buildings. The amended design incorporates a hipped roofs to all elevations, resulting in the loss of the roof accommodation. I am now satisfied that the revised scheme would sit comfortably within the street scene and surrounding area.

3. Residential Amenity

A number of neighbours have objected to this proposal and are apprehensive about the change which would result from this development . I accept that the proposal would be likely to lead to an increase in noise and disturbance from domestic activity and the unfettered movement of vehicles within the site.

The applicant has sought to address concerns relating to issues such as noise and disturbance and overlooking and distance separation.

On the front block, the size and position of windows in the east elevation has been altered, together with the creation of a further buffer zone which wraps around the side and rear of the block, in order to remedy concerns relating to the close proximity of car parking and access to habitable rooms. On the rear block, issues of overlooking have been addressed by the removal of windows on the north facing gable end to avoid overlooking the rear bedrooms in the front block. The visual impact of the rear block has been also reduced by lowering the roofline by 1 metre at the ridge and eaves and incorporating Velux roof lights to the first floor bedrooms. Furthermore, the rear block has been repositioned at an angle between 18.6 and 20 metres from the rear bedrooms of the front block.

I am now satisfied that , having regard to the distance which would separate the scheme from its neighbours, its set back from the street frontage, and the details of the amended layout put forward, the proposal would not cause an unacceptable loss of amenity, including issues such as loss of privacy, overshadowing and dominance.

4. Highway Safety

With regard to the highway issues, I note that the Highway Authority has not raised an objection. Insofar as car parking is concerned, I consider that the level of provision would be in general accordance with the advice in PPG3 that there should be an average of 1.5 spaces per dwelling, and having regard for the location of this site, it would not be reasonable to require a higher level of provision. Thus, whilst I note the objections to the proposals on grounds of highway safety and congestion, I do not consider objection on these grounds could be sustained.

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(s) (Ref Drawing Nos. 2882/04 and 2882/05, and specification contained therein, submitted on 14th July 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 Detailed drawings shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced to indicate the finished site and ground floor levels intended at the completion of the development in relation to the existing site levels and levels of the adjoining land and the development shall be carried out and completed in accordance with the details so approved. **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 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.
- 6 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 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.
- 7 Before the development hereby permitted is begun details of the method for the protection of all retained trees shall be submitted to and approved in writing by the District Planning Authority. The details shall include the plans of protection zones around the trunks of all retained trees together with the protection of these zones by fencing that is a minimum of 1.2 metres high in accordance with the section 8 and figures 4 to 6 of the BS 5837 : 1991 'Guide for trees in relation to construction sites'. The erection of fencing for

the protection of these retained trees shall be undertaken before any equipment, machinery or materials are brought onto the site for the purposes of the development and shall be retained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made without the written consent of the District Planning Authority.

REASON : To ensure that the retained trees are properly protected during the course of development in order to maintain the environmental quality of the site, and to satisfy Policy (DW) ENV3 of the Warwick District Local Plan 1995.

- 8 A landscaping scheme 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. **REASON** : To protect and enhance the amenities of the area, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan.
- 9 The car parking areas shown on the approved plans shall be constructed prior to occupation of the development and thereafter be permanently retained for parking purposes for the development hereby permitted. **REASON** : To ensure that adequate parking facilities are retained for use in connection with the development, in accordance with the requirements of Policy ENV3 of the Warwick District Local Plan.
- 10 Before any works for demolition are first commenced, a survey of the premises by a qualified bat surveyor shall be undertaken to demonstrate the presence, absence or usage of the premises by bats. In the event that the survey demonstrates the presence or usage of the premises by bats, a report recommending mitigation measures to ensure any bats will be protected during the demolition works shall be submitted to and approved in writing by the District Planning Authority before the demolition works are commenced. The approved mitigation measures shall be wholly implemented strictly as approved. **REASON**: To ensure the protection of bats and compliance with Policy ENV27 of the Warwick District Local Plan 1995.
- 11 The existing trees shown on the approved plans to be retained shall not be wilfully damaged or destroyed, uprooted, felled, lopped or topped without the prior written consent of the District Planning Authority. Any trees removed or dying or being severely damaged or becoming seriously diseased shall be replaced with healthy trees of such size and species as may be agreed in writing by the District Planning Authority.

REASON : To ensure that the retained trees are properly protected during the course of development in order to maintain the environmental quality of the site and surrounding area and surrounding area, and to satisfy Policy (DW) ENV3 of the Warwick District Local Plan 1995.

- 12 No development shall be carried out on the site which is the subject of this permission, until satisfactory details of a noise insulation scheme to minimise transmission of airborne noise 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 : In the interests of the amenities of future occupiers of the building.

- 13 No development shall be carried out on the site which is the subject of this permission, until details of boundary treatment 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 :