

Application No: [W 16 / 1538](#)

Town/Parish Council: Leamington Spa
Case Officer: Ian Lunn

Registration Date: 22/08/16
Expiry Date: 17/10/16

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50 Newnham Road, Lillington, Leamington Spa, CV32 7SW

Demolition of existing garage and erection of 3 dwellings and associated car parking. FOR Miss O'Sullivan

This application is being presented to Committee due to the number of objections received from local residents, and because an objection has also been received from the Town Council.

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

Planning permission is sought to erect a pair of semi-detached houses and a detached house (three dwellings in all) on this site. The garage to the side of 50 Newnham Road is to be demolished in order to make way for this development.

THE SITE AND ITS LOCATION

The application site is an irregularly shaped plot of land of approximately 0.1 hectares in area which is enclosed on two sides by small/medium trees. It is located approximately 215 metres north west of the junction of Newnham Road and Valley Road in an area of wholly residential development. The land was apparently last used as domestic garden in conjunction with 50 Newnham Road but now appears to have fallen into disuse.

PLANNING HISTORY

None

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)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)
- UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)

The Emerging Local Plan

- 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)
- H1 - Directing New Housing (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)
- HS4 - Improvements to Open Space, Sport and Recreation Facilities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

Guidance Documents

- The 45 Degree Guideline (Supplementary Planning Guidance)
- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Vehicle Parking Standards (Supplementary Planning Document)
- Open Space (Supplementary Planning Document - June 2009)

SUMMARY OF REPRESENTATIONS

Leamington Town Council: Object on the grounds that the proposal would represent an overdevelopment of the site, and that insufficient information has been submitted with the application to enable the ecological implications of the development to be properly judged.

WCC Ecology: No objections subject to conditions

WCC Highways: No objections subject to conditions

WCC Archaeology: No comments

WDC Green Space Team: Consider that this development will put added pressure on existing open space both locally and within the wider District. The developers should therefore be required to make a financial contribution as part of any approval which will be used to develop local open space within 500 metres of this site.

Public Response: 10 letters of objection, and a petition containing 15 signatures, have been received in respect of this proposal. The objections are:-

- a) that the development would appear out of keeping with the character of the area,
- b) that an approval of this proposal would not be in the best interests of highway and pedestrian safety. It would lead to increased vehicular congestion on Newnham Road which would inhibit the safe and free flow of vehicles using that highway and access for service and emergency vehicles. The proposal also makes inadequate provision for the associated parking and turning of vehicles
- c) that the houses would adversely affect the level of light currently received by, and would unacceptably overlook, neighbouring properties,
- d) that the proposal would represent an overdevelopment of the site,
- e) that an unacceptable level of noise and general disturbance would be caused by the development both during the construction works and thereafter,
- f) that the proposal would harm the habitat of local flora and fauna,
- g) that the proposal is likely to lead to damage to garden walls as a result of construction vehicles trying to access the site.

The main issues to consider when deciding this application are:-

- Principle
- Design/Scale
- Amenity
- Highway Safety
- Renewables
- Tree Issues
- Other Issues

Assessment

Principle

Given the nature of the proposals and the location of this site it is considered that the scheme needs to be considered initially against the requirements of Policy UAP1 of the Local Plan.

However, the NPPF states at paragraph 49 that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites. The Council cannot demonstrate a five year supply at present and therefore, Policy UAP1 is out of date. In such circumstances, the Local Planning Authority is required to consider the application on its planning merits.

It is considered that, on balance, the principle of the proposal is acceptable in that:-

- a) the site is located within the built-up urban area of Leamington Spa, and
- b) whilst the land was formerly used as a domestic garden and is therefore not considered to comprise brownfield land, it is considered that the proposed development will satisfactorily harmonise with its surroundings (for reasons outlined below).

In view of this, given that the surrounding development is wholly residential in nature, the proposals are considered to be acceptable in principle.

Design/Scale/Effect on surrounding area

The dwellings will be visible from the head of the cul-de-sac serving Newnham Road. Nevertheless it is considered that they will be acceptable in design terms despite concerns to the contrary. They will incorporate pitched 'gabled' roofs that will match others in the locality. They are also to be constructed predominantly of brick and concrete tiles with part white rendered panels to their respective front elevations, materials that have been used extensively elsewhere within the area.

The development is also considered to be acceptable in scale terms. The properties should relate in a satisfactory manner to their surroundings being two storey structures located in an area where two storey houses predominate. In order to ensure this it is proposed to impose a condition to control the finished floor levels of the buildings.

Amenity

The development will not adversely affect the level of light currently received by, or unacceptably overlook, neighbouring properties despite concerns to the contrary. One of the new dwellings will stand within six metres of a window contained within the gable of 52 Newnham Road to the immediate south east but

this gives light to a 'non-habitable' landing. The proposals will otherwise satisfy the Council's 'space about buildings' standards as set out within its adopted 'Residential Design Guide'.

It is considered that the future occupiers of the dwellings will also benefit from suitable amenity space each dwelling having a rear garden which is at least 11 metres long. Their outlook to the front can also be maximised through the provision of appropriate landscaping and surface treatments which can be appropriately controlled by condition.

Highway Safety Issues

It is proposed to provide eight car parking spaces in conjunction with the development, two spaces for each of the new dwellings and two for use by 50 Newnham Road itself. This is considered to be a satisfactory level of parking for a development of this scale and nature, despite concerns to the contrary, meeting the requirements of the Council's Vehicle Parking Standards SPD.

The development is to be served by a new access road formed from the cul-de-sac at the end of Newnham Road. This is considered to be of suitable width and alignment to serve a development of this nature.

The newly constructed road will be six metres wide. Consequently it is considered that it will also be possible for cars to reverse out of the parking spaces, turn on that highway and subsequently enter Newnham Road in a forward gear.

Concern has been expressed by some local residents that an approval of this scheme would lead to vehicular congestion on Newnham Road. However, this development is likely to lead to a relatively small number of additional vehicles using the highway and this, it is contended, is unlikely to cause such problems.

The proposals have been assessed by County Highways who consider them to be acceptable subject to the imposition of suitable conditions.

Renewables/Fabric First Approach

It is considered that the dwellings need to be designed adopting a Fabric First approach and/or incorporating renewables in order to comply with the requirements of Policy DP13 and the associated SPD. It is considered that this can be achieved by means of a suitably worded condition and a condition to this end is therefore recommended.

Tree Issues

The site is enclosed on two sides by trees. These are visible from Newnham Road and, whilst not unduly large or of any particular merit individually, do add amenity value to the area. It is proposed to retain them as part of the development due to their position which can also be controlled by a suitably worded condition.

Other Issues

The concerns expressed by the objectors to these proposals have been carefully considered. However, they are not considered to raise issues that are sufficient to justify a reason for refusal in this case:-

a) it is considered that a residential development of this scale is unlikely to create a significant level of noise be that from future residents or as a result of traffic generated. Furthermore, whilst accepting that some disturbance is likely to be caused during the construction works it is not considered reasonable to refuse planning permission on these grounds.

b) it is not considered that the proposals will represent an overdevelopment of the site. The layout of the development is considered to sit comfortably within the site and to relate well to the character and layout of the surrounding area. As indicated in the 'Amenity' section above it will satisfy the Council's normal 'space about buildings' standards as set out within its adopted 'Residential Design Guide'.

c) the site may be occupied by bats and nesting birds. However, it is considered that suitable mitigation measures can be put in place to ensure that they are not harmed by the development, a view supported by the County Council Ecologists. These can be controlled through the use of appropriate planning conditions and notes.

d) concerns about damage, whilst important, are not material considerations when determining a planning application.

Summary/Conclusion

The proposals are considered to be in accordance with the requirements of Policies DP1, DP2, DP3, DP6, DP8, DP13, UAP1 and SC13 of the Warwick District Local Plan 1996-2011, Policy H1 of the emerging Warwick District Local Plan 2011-2029 and the provisions of the National Planning Policy Framework. It is considered that they will meet the requirements of adopted planning policy for development of this nature, that the new dwellings will appear in keeping and scale with their surroundings, that the proposals will safeguard the amenities currently enjoyed by neighbouring properties and that they will not give rise to any undue highway safety or ecological concerns.

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 drawing numbers 950-01 and Newn-01, received by the Local Planning Authority on 22nd August 2016, and drawing numbers 950-02 Rev B and 950-03 Rev B, received on 25th October 2016. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1, DP2 and DP3 of the Warwick District Local Plan 1996-2011.
- 3 Samples of the materials to be used in the construction of the external walls and roofs of the proposed dwellings shall be submitted to, and approved in writing by, the Local Planning Authority before development commences. The dwellings shall be constructed using the approved materials and shall thereafter be satisfactorily retained at all times. **REASON:** To safeguard the character and appearance of the area in accordance with Policies DP1 and DP3 of the Warwick District Local Plan 1996-2011.
- 4 Details of the height and design of the proposed boundary treatment, including the proposed treatment between the individual houses, shall be submitted to, and approved in writing by, the Local Planning Authority before development commences. The approved boundary treatment shall be constructed in accordance with the approved details, and erected in the approved positions, before the dwellings hereby approved are first occupied and shall thereafter be satisfactorily retained at all times. **REASON:** To safeguard the character and appearance of the area in accordance with Policies DP1 and DP3 of the Warwick District Local Plan 1996-2011.
- 5 Details of the proposed means of surfacing, sealing and draining the new access road, parking areas, footways and other external hard surfaced areas shall be submitted to, and approved in writing by, the Local Planning Authority before development commences. These areas shall be surfaced, sealed and drained in accordance with the approved details, and the parking areas laid out as shown on approved drawing number 950-02 Rev B, before any the dwellings hereby approved are first occupied. They shall thereafter be retained at all times solely for the parking and turning of vehicles in conjunction with the dwellings hereby approved, to allow vehicles and pedestrians access to and from the site, and for use by occupiers of the properties. **REASON:** In the

interests of the visual amenity of the area and highway safety, in accordance with Policies DP1, DP3, DP6 and DP8 of the Warwick District Local Plan 1996-2011

6 Development shall not commence until a scheme showing 2 bat boxes and 2 bird boxes installed to trees or buildings within the site, has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall include details of the box type and their location. The approved boxes shall be installed in the approved positions before the dwellings hereby approved are first occupied and shall thereafter be satisfactorily retained at all times. **REASON:**To safeguard protected species in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011.

7 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.

8 Notwithstanding the submitted details 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.

- 9 If an air source heat pump is chosen as the method to comply with the requirement for renewable energy, noise arising from the air source heat pump(s) permitted, when measured one metre from the facade of any noise sensitive premises, shall not exceed the background noise level by more than 3dB (A) measured as LAeq (5 minutes). If the noise in question involves sounds containing a distinguishable, discrete, continuous tone (whine, screech, hiss, hum etc.) or if there are discrete impulses (bangs, clicks, clatters, thumps etc.) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level. **REASON:** To protect the amenities of the occupiers of nearby properties in the locality in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011.
- 10 No trees located along the north western and south western boundaries of the site shall be lopped, topped, felled, removed or damaged in any way either before, during or after the construction of the development. **REASON:** To safeguard the character and appearance of the area in accordance with Policies DP1 and DP3 of the Warwick District Local Plan 1996-2011.
- 11 The development hereby permitted shall be undertaken in the presence of a qualified bat worker appointed by the applicant to supervise destructive works to the roof, loose brickwork, soffits and weatherboarding associated with the garage to be demolished. All roofing material shall be removed carefully by hand. Appropriate precautions must be taken in case bats are found, such as the erection of at least one bat box on a suitable tree or building. Should evidence of bats be found during this operation, then work must cease immediately while Natural England and WCC Ecological Services are consulted for further advice. Any subsequent recommendations or remedial works will be implemented within the timescales agreed between the bat worker and the Local Authority Ecologist/Natural England. Notwithstanding any requirement for remedial work or otherwise, the qualified bat worker's report shall be submitted to the Local Planning Authority within one month following completion of the supervised works to summarise the findings. **REASON:**To safeguard protected species in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011.
- 12 No windows or other openings, other than those shown on the approved plans, shall at any time be formed within the approved dwellings unless otherwise agreed in writing by the Local Planning Authority. **REASON:** To safeguard the amenities of the occupiers of the surrounding dwellings in accordance with Policy DP2 of the Warwick District Local Plan 1996-2011.

- 13 All windows to be formed within the gable elevations of the approved dwellings shall be permanently glazed with obscured glass to a degree sufficient to conceal or hide the features of all physical objects from view and shall be non-opening unless the parts of the window that can be opened are more than 1.7 metres above the floor of the room in which the window is installed. The obscured glazed windows shall be retained and maintained in that condition at all times. **REASON:** To safeguard the amenities of the occupiers of the surrounding dwellings in accordance with Policy DP2 of the Warwick District Local Plan 1996-2011.
- 14 The finished floor levels of the dwellings shall be set at the levels shown on approved drawing number 950-02 Rev B. **REASON:** So as to ensure that the development harmonises with its surroundings in accordance with Policies DP1 and DP3 of the Warwick District Local Plan 1996-2011.
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