

Planning Committee: 26 January 2004
Application No: W20031607

Principal Item Number: 1

Town/Parish Council: Leamington Spa

Registration Date: 14/10/2003
Expiry Date: 09/12/2003

Case Officer: John Beaumont
01926 456533 planning_east@warwickdc.gov.uk

42-46 Lillington Road, Leamington Spa, CV325YZ

Demolition of 3 dwellings and erection of 8 dwellings and 16 apartments.

FOR Cala Homes Midlands Limited

SUMMARY OF REPRESENTATIONS

Leamington Town Council - Object. Proposed density represents an overdevelopment of the site, possibly contrary to PPG3, which will generate considerable vehicular movements in close proximity to a busy junction to the detriment of highway safety.

Neighbours - One neighbour has written to raise no objection. One letter has been received raising no objection in principle to redevelopment but stating present proposals are overdevelopment (a further letter indicated 4 or 5 dwellings may be appropriate). 27 letters of objection have been received with two individuals writing further letters to emphasise objection on policy grounds, including those in the Warwick District Local Plan 1996-2011. The principal grounds of objection identified were :- loss of privacy; loss of daylight/sunlight; traffic generation/car parking; detriment to character of street scene and area generally; overdevelopment (density of 66/hectare would exceed Governments range of 30-50); poor design of excessive height; out of harmony with existing dwellings; unacceptable loss of existing dwellings; noise/ disturbance; loss of outlook; undesirable precedent for similar schemes; loss of existing landscaped gardens/trees and detrimental to wildlife habitats; development would be incongruous with neighbouring properties; loss of open character to street; possible increase in anti-social behaviour due to higher densities/affordable housing; loss of executive housing to detriment of housing mix in the town; undesirable incorporation of backland development, difficult to service, with low archway access likely to restrict traffic movement and causing a highway danger; contrary to Government Policy in PPG3 and policies in Warwick District Local Plan 1995 and 1996-2011.

Ward Member, Councillor Goode

"I understand that Cala Homes have now been advised that this development must include 40% affordable housing and that at present they are continuing with the application as originally submitted.

I am opposed to this development on three main grounds:-

Firstly, the proposed development would completely change the character of the area. At present the street scene is of large detached houses of some note (perhaps not of significant architectural importance but nevertheless important to the immediate area and also to local people who regularly travel along this stretch of road, myself included). However, it is the immediate residents who would suffer the greatest impact of any such development. Whereas now they have a view across to attractive buildings with pleasing front gardens containing trees and shrubs and large open spaces between the properties affording views of further trees and expanses of sky, if the proposal were to be granted, they would be confronted by a monolithic mass which would be closer and higher and would block out much of the natural daylight which these people presently enjoy.

Secondly, the numbers of new residents and their inevitable vehicles would clog the area, would cause parking problems and potentially dangerous situations for traffic movement near to the roundabout at the junction with Lillington Avenue.

Lastly, I have great concerns regarding the sustainability of demolishing three perfectly good, sound buildings. I can see no good reason for doing such a thing. I see this application as one of an opportunistic nature on behalf of greedy developers and would urge you to refuse permission so that we may maintain the integrity of our beautiful town."

Environment Agency - No objection.

W.C.C. (Ecology) - No objection subject to bird/bat notes.

W.C.C. (Fire and Rescue) - No objection subject to conditions on water supply/fire hydrants.

W.C.C. (Planning) - "The proposed development appears to accord with the general development policies of the adopted WASP 1996-2011 because the development would be within the main town of the District.

In terms of developer contributions, there would be a requirement for a contribution for Libraries (£2462), Education (£20400 for secondary places) and Public Transport (£10000 contribution for the nearest bus infrastructure).

W.C.C. (Highways) - "In order to comply with Warwickshire Highway Design Guide, shared private drives where a 30 mph speed limit is in force, the visibility requirement is 2.4 metres x 90 metres. Also the drives need to be not less than 5 metres wide to enable 2 vehicles to pass.

While the applicant is able to comply with the aforementioned, there are highway trees within the vision splays. However, I do not consider impact of the trees to justify a highway objection.

The layout as shown is not ideal for the following:

Archway under the apartment block to be too narrow for 2 vehicles to pass.

Parking bays 28 to 31 have insufficient space to manoeuvre.

Drivers leaving bay 31 and 30 to some extent are at risk as they would be unaware of a vehicle approaching through the archway.

A refuse collection vehicle would not be able to manoeuvre within the site. In the circumstances bin collection would need to be located within 25 metres of Lillington Road.

Both driveways to be 5 metres wide.

Covered cycle racks to be provided within the curtilage of the site.

All parts of existing accesses to Lillington Road, not included in the proposed means of access, to be permanently closed and the public highway features, including the verge and kerb line, to be reinstated in accordance with details approved in writing by the County Authority.

Work within the public highway to be carried out by a contractor approved by this Authority. Not less than 7 days notice should be given to the Divisional Surveyor (01926 412515) before work is carried out in order that he may carry out inspection for which a charge may be made.

It is the intention of this Authority to include Lillington Road as part of a 'Safer Routes to School' scheme. In the circumstances the applicant will be required to contribute to the scheme at the rate of £50 per unit. More information can be obtained from Margaret Hodgson WCC Cycling Officer (01926 735682)."

Head of Amenities - "I have revisited the site and have been contacted by the applicant's arboriculturists, Marishall Thompson.

The two cedars to the rear of 46 Lillington Road are relatively young and have been 'topped' in the past. This is a wholly inappropriate management technique for a cedar and the trees are unlikely to ever regain a natural look. Their loss would do no great harm to the amenity of the area if accompanied by a suitable replanting programme.

I also have concerns about the large, street side oak to the front of the property. The paved surface on the submitted plans comes considerably closer to this tree than the existing surface, and well within the canopy. Whilst the position of the access has not changed significantly the proposed surface swings right behind the tree much sooner than the existing surface.

This tree is very significant in the street scene. It is also over mature and has some decay at the base. Whilst this decay may not be of safety significance at present the future safe useful life expectancy of the tree is limited. Given its age and condition, it is unlikely to withstand such changes to the surrounding surfaces.

There is an argument for removing it and replanting. Politics will, I suspect, play a part in this decision. It could be retained for a period if the layout of the hard surface is redesigned, but that period will be limited. Marishall Thompson will give consideration to their preferred option."

RELEVANT POLICIES

Government guidance :- PPG1 (General Principles), PPG3 (Housing) and PPG13 (Transport).

Warwickshire Structure Plan 1996-2011:- GD1 (overriding purpose); GD3 (overall development strategy); Policy H2 (affordable housing); T1, T4, T5 (Traffic); T10 (Developer Contributions).

Warwick District Local Plan 1995 :- ENV3 (Development Principles); H5 (Infill development); NB. Planning Committee on 28th January 2002 resolved that policies H22 (on housing density) and T7 (car parking) were not in conformity with the Warwickshire Structure Plan.

Warwick District Local Plan 1996-2011 (First Deposit Version) :- DP1 (Layout and Design), DP2 (Amenity), DP3 (Natural Environment), DP5 (Density), DP6 (Access), DP7 (Traffic generation), DP8 (Parking); SC9 (affordable housing); UAP1 (Directing new housing development).

PLANNING HISTORY

There is no relevant planning history to this site

KEY ISSUES

The Site and its Location

The site is not within a Conservation Area (the boundary of the Conservation Area for Leamington Spa is to the south of Oak Tree Court which runs alongside 40 Lillington Road) and no building on the site or within its immediate vicinity is 'listed' as being of special architectural or historic interest; it is understood the 3, detached, two storey houses presently on the site were erected in the late 1950's/early 1960's. The site has an area of some 0.37 hectares. The existing dwellings are set within landscaped gardens which include a number of existing trees. To the north and south of the site are similar detached properties, with a large dwelling to the east accessed via Oak Tree Court to the south. Opposite the site are dwellings of a variety of ages and styles with a more modern development of two storey properties with accommodation in a mansard roof being located at the junction of Lillington Road and Lillington Avenue.

Details of the Development

The design and layout of the scheme has been amended. As amended it contains the following elements:-

- The demolition of the existing three detached houses.
- The felling of a number of trees within the site, retaining the majority of trees on the rear/side boundaries and on the street frontage (no existing highway trees are shown to be felled). The site does not contain any trees, the subject of a Tree Preservation Order.
- The construction of a block of 3 town houses on the northern section of the site frontage; the northern most unit would be two storey with accommodation in the roofspace to provide a total of 3 bedrooms whilst the southern two units would be three storey with 4 bedrooms; the second floor accommodation would be lit by dormer windows. All these properties would have an integral garage on the ground floor with a first floor lounge on the front elevation. These houses would all share the existing northern access to No. 46 Lillington Road.
- The construction of a block of 2 and 3 storey flats on the balance of the site frontage. This block would contain 6, 2 bed flats, 8, 3 bed flats and 1, 1 bed flat. The block would comprise a number of components to 'break-up' its massing and would incorporate elements including chimneys, dormer windows, bay windows and stone string courses. The block would step down at its southern end to be two storey in height with accommodation in the roofspace; at its highest it would be 3 storey with accommodation in the roofspace. A rear wing is incorporated in the design together with an archway access to the rear of the site; cycle parking would be incorporated within this archway.
- To the rear of the site it is proposed to provide a parking court with 20 car parking spaces and a further 5 spaces in a garage block which would also incorporate a first floor flat with 2 bedrooms at a first floor level; this would include no windows on the rear elevation where it adjoins the garden of 40 Lillington Road.
- Within the rear of the site it is also proposed to construct a terrace of 5, 2 bed houses; these would be of a 'cottage' style design with a 'cat slide' style rear roof slope incorporating only roof lights at a first floor level. The projecting single storey rear wings of these cottages would be some 12m from the rear garden boundary with 48 Lillington Road.
- The scheme also includes six car parking spaces to the front of the proposed flats fronting Lillington Road and an open parking area in front of the block of 3 town houses with 2 bin collection points in the front garden areas; other bin store areas are within the rear of the site. A pedestrian link is also shown from the Lillington Road to the frontage development.
- The applicants agent has submitted Design and Planning Statements in support of the application together with several other letters of support and copies of Planning Appeal decisions addressing issues of density/design and affordable housing.

Assessment

It is considered that this application raises the following key issues:-

1. Demolition of existing houses and the residential redevelopment of this site

The demolition of the existing houses is not subject to planning control and it does not require planning permission. The buildings are not of 'listable' status and the proposed extensions to the Leamington Spa Conservation Area do not include this section of Lillington Road. PPG3 Housing states Government is committed to promoting more sustainable patterns of development by concentrating new housing development within urban areas, making more efficient use of land by

maximising the re-use of previously developed land; the definition of previously developed land includes land which is, or was, occupied by permanent buildings and their curtilages. Whilst noting the objections raised in principle therefore to the loss of the existing dwellings and the residential redevelopment of the site, I consider such an objection could not be sustained in principle.

2. The Density of the Proposed Development and Its Design

The existing density of the site is some 8 dwellings per hectare; the proposed density is 66 dwellings per hectare. PPG3 (Housing) advises, however, that land is a finite resource and urban land can often be underused; it advises in paragraph 58 that local authorities should therefore encourage housing development which makes more efficient use of land, between 30 and 50 dwellings per hectare whilst avoiding development below 30 dwellings per hectare; no upper limit is placed on an acceptable level of density. The question of appropriate site density, however, has to take account of the aims of good design and layout and the advice in PPG that new housing development should not be viewed in isolation but must be informed by the wider context, having regard not just to any immediate neighbouring buildings but the townscape and landscape of the wider locality.

These issues of density and design were explored by an Inspector in a decision letter dated 22nd December 2003 in respect of a flat development at 22, Clarendon Road, Kenilworth, (W20021807) when he concluded:-

- The factory has a basic appearance but is fairly unobtrusive because of its low height and boundary vegetation and walling. To that extent, the development with an equivalent density of about 63 dwellings per hectare, buildings up to 3 storeys and the removal of some vegetation, would introduce considerable change. However, PPG3 advises that new development must make efficient use of land without compromising the quality of the environment. Having respect for the character of an area does not automatically mean replicating existing building densities of dwelling types in the immediate locality.
- I firmly consider that the proposed density would be entirely appropriate for this area having regard to the advice in paragraph 58 of PPG3. The site comprises previously developed land within easy walking distance of the town centre, local facilities and services and Warwick Road, a principal route for local and regional bus services. Moreover, the density would not wholly be out of character with existing long-established development on Clarendon Road. The short terraces of houses that comprise Nos. 2 to 22 to the west of the appeal site are built at a similar equivalent density to that proposed.
- I accept that the scale and form of the apartment blocks would represent a more dominant built form than is currently found in Clarendon Road and that the buildings would be relatively close to the site boundaries. However, I do not consider that these factors are critical flaws in the context of this site. The apartments would be well set back from Clarendon Road and would not be viewed as part of that street scene even with the black poplar trees removed. To the east and west of the site there is essentially open land comprising the railway line and the builder's yard respectively. The site is physically separated from Clarke's Avenue by a 4m high wall which would be retained. The proposed 2 storey buildings close to this wall would represent a reasonable transition to the lower and less dense development along Clarke's Avenue. The 3 storey buildings which directly face Clarke's Avenue would be about 26m away and would not appear overbearing in this street scene. There is a considerable variety of housing in the locality in terms of age, style and form and no one form of residential development is dominant. The proposed development would add to the variety of built form that already exists. The proposed buildings would be of simple yet pleasing appearance and exhibit elements of attractive architectural detailing and this, added to the variation in heights, wall planes and roof lines and the use of hipped roofs, would help to assist in reducing their overall scale.

- Overall, I consider that the visual changes that the scheme would bring about would not be inappropriate or unacceptable. In my view, the proposal would strike the right balance between making more efficient use of previously developed urban land in an accessible location and protecting the quality of the environment. I conclude on the first main issue that the development would not harm the character and appearance of the area. It would not therefore conflict with the objectives of Local Plan District-Wide Policies ENV3, ENV3A and H5 insofar as they relate to this issue."

In this instance, I am mindful that the character of the wider locality around the site is mixed with the low density modern housing on and immediately adjoining the application site, older housing to a higher density on Wathen Road, substantial villas to the west of Lillington Road with some more recent developments nearby including two storey terraced units with accommodation in a mansard roof to the south of the junction with Lillington Avenue and three storey housing to the north of that junction. Clearly the proposal with its mix of two and three storey development (with accommodation in the roofspace) will change the existing appearance of the site but the proposed development onto Lillington Road does step down to two storey where it will adjoin to neighbouring houses and in my opinion the change brought about by this proposal, as amended, would not equate to harm to the street scene as to warrant the raising of objection. I note the concern expressed regarding "backland" development but I consider that the layout and design of the units to the rear of the frontage development would be such that this would be acceptable.

Similarly, I am aware of objection raised to the loss of the existing landscaped gardens and some trees but I note no objection is raised by the Head of Amenities and I consider that subject to an appropriate landscaping condition this development would not be unacceptable.

I have had regard to the possible effect of this development on the setting of the Conservation Area but I do not consider it would harm its character or appearance.

3. Impact on the Amenity of Neighbours

Clearly a number of local residents have objected to this proposal and are apprehensive about the change which would result from this development. Having regard, however, to the distance which would separate the scheme from its neighbours, its set back from the street frontage and the details of the design and layout put forward, I do not consider the proposal would cause an unacceptable loss of amenity, including issues such as overshadowing, dominance or loss of privacy.

4. Highway Matters/Car Parking

With regard to the highway issues, I note the Highway Authority has not raised objection and the applicants in their amended plans and later submissions have sought to address the reservations in the Highway Authority's comments. Insofar as car parking is concerned, the scheme provides for 2 spaces for each of the 3 town houses with 31 spaces (including 5 garages) for the remaining 5 houses and 16 flats. I consider this 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 to the location of this site within the town of Leamington Spa that it would not be reasonable to require a higher level of provision. Whilst noting the objections, therefore, to this proposal on grounds of highway safety and congestion, I do not consider objection on these grounds could be sustained.

5. Planning Obligations

The applicant has agreed to meet the requests of the County Council for contributions as set out in the 'Representations' section above. With regard to affordable housing, Policy SC9 in the Warwick District Local Plan (first deposit version) 1996-2011 would seek 40% on this site. The applicant has commented on this matter as follows:-

"As far as affordable housing is concerned, as you know we entered into contract with the vendors long before anyone was aware that a new policy would be imposed. It remains our view that the new policy can be given very little weight at this stage and I would have hoped that Officers had advised the Committee on the weight to be given to policies rather than the other way round. However, we would rather not go down the appeal route if this can at all be avoided. I have been in contact with Peter Newman from the Housing Department. He has indicated the likely requirement to be two bedroom flats and indicated the likely cost should they be discounted open market housing. He has asked me to submit the layouts so that they can be discussed at the next Joint Commissioning Partnership Meeting which sits on the 20th January. I have forwarded the plans to him. We will not be able to confirm the financial impact if we follow the RSL route (which would mean properties for rent - the preferred tenure for P. Newman) until after the Partnership Meeting. Therefore, we have had to make assumptions regarding the financial implications of providing 40% affordable housing. We are currently trying to renegotiate the contract with the vendors in the light of the new policy requirement as set out in your letter. If a new deal can be struck, we will provide the affordable housing. However, I am not able to confirm at this stage whether this will be the case. I will be able to give you a definite view after the Partnership meeting and before the Planning Committee meeting on the 26th January."

I note, however, that the Planning Committee at their meeting on 9th December 2003 resolved to put a high weight on this policy and in the absence of an agreement by the applicant to make this portion for affordable housing, I would have to recommend that planning permission be refused on that ground alone.

I have had regard to both the objections submitted to this development and to the relevant Government and planning policy guidance and my conclusion is that this amended scheme would be an acceptable development on this site.

RECOMMENDATION

That planning permission, as amended, be GRANTED subject to a Section 106 Agreement to secure the planning obligations requested by the County Council (set out in the representations section of this report) and 40% affordable housing and conditions on large scale details, materials, removal of permitted development rights, (for extensions/alterations to the rear terrace of 5 dwellings), landscaping, car parking, cycle parking, access, boundary treatment, levels, tree protection/drainage runs; bin storage; bird/bat notes.

REASON FOR RECOMMENDATION

The proposal is considered to comply with the following policies:

Government guidance :- PPG1 (General Principles), PPG3 (Housing) and PPG13 (Transport).

Warwickshire Structure Plan 1996-2011:- GD1 (overriding purpose); GD3 (overall development strategy); Policy H2 (affordable housing); T1, T4, T5 (Traffic); T10 (Developer Contributions).

Warwick District Local Plan 1995 :- ENV3 (Development Principles); H5 (Infill development); NB. Planning Committee on 28th January 2002 resolved that policies H22 (on housing density) and T7 (car parking) were not in conformity with the Warwickshire Structure Plan.

Warwick District Local Plan 1996-2011 (First Deposit Version) :- DP1 (Layout and Design), DP2 (Amenity), DP3 (Natural Environment), DP5 (Density), DP6 (Access), DP7 (Traffic generation), DP8 (Parking); SC9 (affordable housing); UAP1 (Directing new housing development).
