

**Planning Committee:** 08 March 2005

**Principal Item Number:** 08

**Application No:** W 04 / 1596

**Registration Date:** 17/08/2004

**Town/Parish Council:** Leamington Spa

**Expiry Date:** 12/10/2004

**Case Officer:** Alan Coleman

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**Land rear of 22, Llewellyn Road, Leamington Spa, CV31 2BP**

Excavation of site to reduce ground level by 2.5 metres, erection of 14 no. 2-bedroom apartments in 3 no. 2 and 2½ storey detached buildings with 14 no. parking spaces and demolition of single storey attached garage to 22 Llewellyn Road to form access road (Outline Application). FOR Greywell Property Limited

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**SUMMARY OF REPRESENTATIONS**

**Town Council:** *"The development of a site allocated as allotments is opposed. It is considered that the development does not outweigh the loss of recreational space and is therefore contrary to Policy SC5 of the emerging Local Plan."*

**Highway Authority:** No objection, subject to access conditions.

**WCC (Planning):** No strategic objection. Library contributions of £1,254.00 and £1,100 for public transport, cycling and walking travel packs are requested.

**WCC (Ecology):** No objection, subject to bat survey and standard notes on nesting birds and roosting bats.

**WDC (Environmental Health):** No objection.

**WDC (Leisure & Amenities):** No objection.

**Neighbours:** 13 letters of objection and a 29-name petition on the following grounds:-

- harm to highway safety caused by an increase in the volume of traffic generated from site, inadequate on-site car parking and a corresponding increase in traffic and demand for on-street parking in the surrounding roads that currently experiences problems of congestion;
- inappropriate over-development of the site and harm to the environmental quality and character of the surrounding area in terms of the relative size, siting, scale, bulk, mass, design, appearance and density of the building and the development of flats;
- harm to amenity from loss of light, security and privacy through overlooking and the proximity of the building to neighbouring properties, over-dominant and overbearing visual impact and noise and disturbance from an intensification in the residential use of the site and the unfettered movement of vehicles.
- loss of access for garages at the rear of 13, 15, 17 and 19 Northway.

6 further letters of objection on similar grounds have been submitted in relation to amended plans.

**RELEVANT POLICIES**

**National Statements of Planning Policy**

Planning Policy Guidance Note 1: *General Principles*

### **Warwickshire Structure Plan 1996-2011**

Policy GD.1 (overriding purpose)  
Policy GD.3 (overall development strategy)  
Policy GD.4 (strategic constraints)  
Policy GD.5 (development location priorities)  
Policy ER.1 (natural and cultural environmental assts)  
Policy H.1 (provision of housing land)  
Policy H.3 (greenfield land for housing)  
Policy T.1 (transport objectives)  
Policy T.4 (the impact of development on the transport system)  
Policy T.5 (influencing transport choice)

### **Warwick District Local Plan 1995**

Policy (DW) ENV3 (Development Principles)  
Policy (DW) 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)**

Policy DP1 (Layout and Design)  
Policy DP2 (Amenity)  
Policy DP3 (Natural Environment)  
Policy DP5 (Density)  
Policy DP6 (Access)  
Policy DP8 (Parking)  
Policy UAP1 (Directing New Housing Development).  
Policy SCP1 (Securing a Greater Choice of Housing)

### **Supplementary Planning Guidance**

The 45 Degree Guideline  
Distance Separation

### **PLANNING HISTORY**

There is no recorded planning history for this site.

### **KEY ISSUES**

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

The site has an area of some 0.17 ha. and mainly comprises the site of 22 Llewellyn Road, the adjacent access track from Llewellyn Road at the rear of 1-9 Northway and the garden of 30 Llewellyn Road, which currently provides the only access to the site. The site is contained by the garden boundaries of 22-28 (evens) Llewellyn Road to the north, 12-26 (evens) Alexandra Road to the east, 28 Alexandra Road to the south and

by 9-19 (odds) Northway to the west. The site contains a variety of orchard trees together with native tree and hedge species. There is also a chicken pen and vegetable patches. An electricity sub-station is located in the north-western corner of the garden at the rear of 22 Llewellyn Road.

The surrounding area is residential in character that comprises mainly 2-storey semi-detached houses that are uniform in original design and appearance within each of the surrounding roads. The rear gardens of the dwellings that adjoin the site exceed 15 metres in length. Detached garages stand at the end of the gardens of the adjoining houses in Northway. There is potential to access the garages at the rear of No's 1-11 from the track alongside 22 Llewellyn Road whilst those at the rear of no's 13-19 have no apparent means of access other than potentially through the garden land.

### **Details of the Development**

Outline planning permission is sought for the erection of 14 one and two-bed apartments. All matters other than siting are reserved for future consideration. The application is supported by an indicative layout plan and cross sections. These indicate that 22 Llewellyn Road would be demolished to make way for an access road and that the flats would be in the form of a 3-storey building located centrally on the site. The layout has now been amended to indicate the retention of 22 Llewellyn Road and the enlargement of the track by the demolition of the attached garage to provide access to a development of 3no. 2 and 2½ storey buildings. The buildings would stand parallel to the eastern and southern boundaries of the site around a courtyard providing 14 parking spaces and turning space for refuse vehicles. The plans indicate that the land occupied by the buildings and parking courtyard would be excavated to a depth of some 2.5 metres in order to reduce the height of the buildings when viewed from the neighbouring properties. The access road would therefore slope downwards into the site from Llewellyn Road. No provision to provide access for the garages at the rear of the adjoining properties in Northway is proposed.

In support of the proposal the applicant has submitted the following statement.

*We wish to make the following points in support of our planning application.*

- 1. A number of written objections were received by you to our original proposal. I have taken time to read the correspondence in the file at Riverside House. Following discussions with you, substantial revisions to our proposal have been made to address the legitimate points raised by you and objectors. In particular roof lines have been adjusted, ground levels reduced and the proposed building separated into three blocks. All to reduce massing, height, over looking and visual impact. Distance separation is also well in excess of ratified Council guidance.*

*In summary : We have listened to legitimate objections and compromised substantially*

- 2. A number of objectors have referred to the proposed development area as allotments. This is not correct. The area is privately owned garden land with some disused garages, sheds and green houses positioned on it and in close proximity to it.*
- 3. Approximately 25% of the main area is owned by Mr Bray now resident in Cheshire, but formerly of 19 Northway which backs onto the development area , This area is land locked. Mr Bray has sold his house on Northway and has no access for maintenance of his land and buildings. They are disused and deteriorating.*

*In summary: A significant part of the area is land locked and or neglected. Existing owners are unable to ensure maintenance and management of the Land.*

- 4. The remainder of the main area has been owned by Mr Burridge since 1956. Mr Burridge now suffers from arthritis and wishes to dispose of his property to fund a retirement bungalow. Mr Burridge is no longer fit enough to maintain the land as he has for the last 48 years. He is distressed by the fact that he is less and less able to maintain the area properly as he once did.*

*In summary : The proposed development including new landscaping and subsequent formation of a properly funded management company will ensure the area is managed and maintained long term.*

- 5. Consent for detailed approval to the access route for this scheme has not been requested.*

*We have illustrated one potential access route Via No 22 Llewellyn Road; we currently propose that only the garage to No 22 is removed.*

*As applicants we understand that failure to propose a detailed, acceptable access route including acceptable road levels and retaining wall structures will ultimately mean that despite any outline consent for proposed dwellings, buildings will not be constructed on the land.*

*In Summary*

*We request that consent for the access route is reserved.*

*A route without loss of a dwelling, acceptable to WCC highways is available.*

*Approval for engineering details can be reserved*

- 6. Without detailed planning consent for access at a later date, new buildings will not be constructed on the development area.*

*In summary: The Proposed development area is not public allotments.*

## **Assessment**

In my opinion, the principle issues for consideration are:

- 7. the principle of development;*
- 8. character and appearance;*
- 9. residential amenity, and;*
- 10. car parking and highway safety.*

### The Principle of Development

PPG3: *Housing* states that the 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 is set out in PPG3 as follows:-

*"Previously-developed land is that which is or was occupied by a permanent structure (excluding agricultural or forestry buildings) and associated fixed surface infrastructure.*

*The definition covers the curtilage of the development. The curtilage is defined as the area of land attached to a building. All of the land within the curtilage of the site will also be defined as previously developed land....."*

It is therefore clear that the garden of a dwelling is classified as previously developed land. Indeed, the inclusion of gardens as residential land capable of development has been part of the land use classification system since 1975. Whilst I note residents' objections to the loss of the garden, nevertheless I consider the use of the site for residential development would be acceptable in principle.

### Character and Appearance

The proposed development would have a density of some 80 dwellings per hectare. Whilst PPG3 recommends a range of 30 to 50 dph it does not preclude higher densities. I am of the view that the layout now put forward does achieve an efficient use of the site. Whilst the proposed buildings would be larger than the adjoining properties, nevertheless I consider they would be domestic in scale and would constitute an appropriate form of development given the particular nature of this site.

### Residential Amenity

In my opinion, the proposed apartment buildings would be sufficiently distant from the adjoining properties to ensure that the proposal would not have an unacceptable impact on the privacy and levels of light enjoyed by neighbouring residents. I recognise that the development will inevitably increase the amount of activity on the site but any noise generated would be domestic in nature and I do not consider it would be unacceptable. Noise and disturbance during construction is inevitable but by its nature it is short lived.

### Car Parking and Highway Safety

Neighbouring residents have also expressed concerns regarding the impact of the development on highway safety arising from the level of car parking provision proposed to serve the development, increasing demand for on-street parking on Llewellyn Road and the surrounding streets, which currently experience problems of congestion and increasing volumes of traffic.

Provision is made for 14 parking spaces within the site to serve the 14 proposed flats, giving a ratio of 1 space per unit. Government advice is to seek an average of 1.5 spaces per dwelling, implying that in some locations there may be a need for more parking and in others less. Given the location of the site in a relatively sustainable location near to a principal public transport route, I am satisfied that the parking provision is in line with government guidance and is not unreasonable for a site of this nature. The lack of objection from the Highway Authority reinforces my view on this issue.

### **REASON FOR RECOMMENDATION**

The proposal is considered to comply with the policies listed above.

### **RECOMMENDATION**

GRANT subject to a Section 106 Agreement for the payment of commuted sums of £1,254.00 for contributions to library facilities and £1,100 for public transport, cycling and walking travel packs, and the following conditions :

- 1 This permission is granted under the provisions of Article 3(1) of the Town and Country Planning (General Development Procedure) Order 1995, on an outline application and the further approval of the District Planning Authority shall be required to the undermentioned matters hereby reserved before any development is commenced:-

  - (a) the design and external appearance of the proposed apartment buildings,
  - (b) details of the access arrangements,
  - (c) details of landscaping.

**REASON** : To comply with Section 92 of the Town and Country Planning Act 1990.
  
- 2 In the case of the reserved matters specified above, application for approval, accompanied by all detailed drawings and particulars, must be made to the District Planning Authority not later than the expiration of three years beginning with the date of this permission.

**REASON**: To comply with Section 92 of the Town and Country Planning Act 1990.
  
- 3 The development to which this permission relates must be begun not later than the expiration of five years from the date of this permission or within the expiration of two years from the final approval of all reserved matters, whichever is the later.

**REASON** : To comply with Section 92 of the Town and Country Planning Act 1990.
  
- 4 No development shall be carried out on the site which is the subject of this permission, until details of existing and proposed ground levels of the development, including the finished floor levels of the buildings and access road and sections through the site between the apartment buildings, access road and car parking area and the neighbouring properties 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** : To protect the character of the area and the amenities of adjoining occupiers in accordance with the requirements of Policy (DW) ENV3 of the Warwick District Local Plan 1995.

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