

Planning Committee: 24 January 2005
Application No: W 04 / 2206

Principal Item Number: 4

Town/Parish Council: Leamington Spa
Case Officer: John Beaumont
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Registration Date: 08/12/2004
Expiry Date: 02/02/2005

99-101 and land r/o 97, 103-107 (odds) Lillington Road and Dormy House, Sandy Lane, Leamington Spa, CV32 6RD

Outline Planning Application for Residential Development for 12 No. dwellings and access road (Amended) (Re-submission of W04/1294) FOR Countrywide Homes Ltd.

SUMMARY OF REPRESENTATIONS

Town Council: Maintains its objection.

- "1. The proposal is considered to be detrimental to the amenity of the existing residential area, resulting from the demolition of acceptable housing.
2. The proximity of the site to a major highway and the increase in vehicular movements near to a school are considered matters of concern."

Neighbours: 4 letters of objection received on grounds of unacceptable loss of two sound dwellings and established gardens; loss of rural outlook; detrimental to established character of area; unacceptable overbearing/overlooking effect and noise/disturbance/pollution/loss of security to existing houses, detrimental to their amenity; dangerous access; traffic congestion (particularly if adjoining school site redeveloped); landscaping unlikely to soften impact; previous reasons for refusal still stand.

W.C.C. (Highways): No objection subject to access conditions.

W.C.C. (Fire & Rescue): No objection subject to condition of water supply.

W.C.C. (Planning): No objection subject to Section 106 contributions for education and library services; none for public transport.

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)
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)
GD1 - Overriding purpose (Warwickshire Structure Plan 1996-2011)
GD3 - Overall Development Strategy
T1, T4, T5 - Traffic
T10 - Developer Contributions (Warwickshire Structure Plan 1996-2011)
ER1 - Natural and cultural environmental access (Warwickshire Structure Plan 1996-2011)
PPG1 - General Principles (Government Guidance)
PPG3 - Housing (Government Guidance)
PPG13 - Transport (Government Guidance)

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

PLANNING HISTORY

Outline planning permission for the erection of 24 dwellings on land to the rear of Castel Froma to the south was granted on 28th May 2004; a subsequent application for the approval of reserved matters was refused at the Planning Committee meeting on 13th September 2004, reference W04/1179.

An outline planning application for the erection of 14 dwellings on a site similar to the present application but also incorporating land to the rear of 107 Lillington Road and to the rear of Dormy House was refused by Planning Committee, against officer recommendation, on 15th November 2004, reference W04/1294, for the following reasons:-

1. The application site occupies an edge of town location adjacent to the boundary of the Green Belt. In the opinion of the District Planning Authority the development would, by reason of its siting, excessive scale and mass, present an unacceptably hard edge to the Green Belt which would be detrimental to its setting. The proposal would thereby be contrary to the advice in paragraph 3.15 of PPG2, Green Belts which states that *'the visual amenities of the Green Belt should not be injured by proposals for development within or conspicuous from the Green Belt which, although they would not prejudice the purposes of including land in Green Belt, might be visually detrimental by reason of their siting, materials or design'*. This is reflected by local plan policies to protect the Green Belt and achieve development which harmonises with its surroundings, positively contributing to the character and quality of its environment i.e. Policies DW (ENV1) and DW(ENV3) in the Warwick District Local Plan 1995 and DP1 and DAP1 in the Warwick District Local Plan 1996-2011 (First Deposit Version).
2. Policy (DW) ENV3 of the Warwick District Local Plan 1995 requires all development to have regard to the character of the surrounding area and harmonise with its surroundings, whilst Policy (DW) H5 states infill development will be permitted which does not have a serious adverse impact upon the amenity and environment of their surroundings. Within the Warwick District Local Plan 1996-2011 (First Deposit Version) Policy DP1 states development will only be permitted which positively contributes to the character of its environment through good layout and design whilst Policy DP2 states development will not be permitted which has an unacceptable adverse impact on the amenity of nearby uses and residents. Policy DP5 relates to density of development and, in accordance with PPG3, encourages development that makes the best use of land without compromising the character of an area or standards of residential amenity.

The site is located in a predominantly residential area and comprises the grounds of a pair of semi-detached dwellings and the rear portion of mature, landscaped gardens to neighbouring detached houses that stand in a row as a group of buildings on the western side of Lillington Road. The pattern of development in this locality is typically of detached and semi-detached dwellings with main road frontages and enclosed, undeveloped rear gardens. The application site presently forms part of this landscaped setting to adjoining properties, which benefit from an open and uninterrupted outlook over these garden areas.

In the opinion of the District Planning Authority, the proposed use of the site for an intensive development of fourteen dwellings of the siting and layout proposed would constitute an overdevelopment of the site, resulting in an excessive density of

development which is disproportionate to its surroundings, and would thereby unacceptably compromise the established character and appearance of the site and pattern of development in the surrounding area. The overall level of amenity space provided in the layout is also considered to be out of balance with the amount of development proposed. The proposals would thereby also be contrary to policies (DW) ENV3(i), (iii) and (DW) H5 of the Warwick District Local Plan 1995 and policies DP1(a), DP2 and DP5 of the Warwick District Local Plan 1996-2011 (First Deposit Version).

KEY ISSUES

The Site and its Location

The site is located on the northern side of Leamington Spa with a frontage to Lillington Road. No part of the site is within or adjoining a Conservation Area and no building on the site is 'listed' as being of special architectural or historic interest. To the west of the site is Manor Hall, an educational institution which lies within the Green Belt; to the south of the site is a pedestrian access onto that land off Lillington Road with a traffic light controlled crossing over Lillington Road. To the north of the site are the gardens of No. 107 Lillington Road, houses fronting Sandy Lane and dwellings within Bowers Croft; the rear gardens of Nos. 1, 2 and 3 Bowers Croft are of restricted depth with No. 3 having a minimum length of some 6 m. To the east of Lillington Road are further houses.

The application site itself incorporates a pair of semi-detached houses fronting Lillington Road with the rear gardens of those properties and part of the rear garden of other adjacent houses. Presently the houses fronting Lillington Road have rear gardens some 70 m deep; largely laid out to lawns, these gardens contain a variety of garden trees but none are considered to be particularly important specimens. An ash tree is located on the site frontage but would be retained as part of this proposed development.

Details of the Development

The proposal has been submitted by the applicant to seek to address the reasons for the refusal of planning application W04/1294. The site has been reduced in size and is now for 12 dwellings, not 14 as previously proposed, with an amended site layout.

The present application is for outline planning permission for the demolition of a pair of semi-detached houses (Nos. 99 and 101 Lillington Road) and the erection of 12 houses with garages. Means of access and siting are to be determined as part of this outline application with detailed design, external appearance and landscaping reserved for future approval; the applicant has stated, however, that consent is requested at this stage for a two storey dwelling to the Lillington Road frontage with 2 and a half storey dwellings (providing accommodation in the roofspace on the remaining plots with a height of 9.25 m to ridge).

The scheme contains the following key elements:-

- A new vehicular access off Lillington Road retaining the ash tree to the north of the site. This access would have a pavement on its southern side and would lead to a traditional turning head arrangement.
- A detached, two storey dwelling is shown to the south of the access adjacent to No. 97 Lillington Road.
- To the rear of the detached house is proposed a terrace of 3 dwellings orientated east-west (parallel to the southern boundary of the site) with integral garages.

- Running north-south across the rear of the site would be 4 pairs of semi-detached dwellings, 3 with attached garages and the balance having detached garaging. These dwellings would be sited some 14 m off the boundary of the school including a landscaped strip along that boundary (on the previous application that distance was 12 m albeit the applicant has stated they believe Members were incorrectly informed it was only 7 m).
- The dwellings proposed on the southern boundary of the site would have frontages some 53 m from the rear elevation of properties in Bowers Croft whilst the dwellings on the western boundary of the site would be some 40 m from the rear of properties on the Lillington Road.

The site area now proposed would be some 0.38 hectares (0.94 acre) with a density of some 31 dwellings per hectare (i.e. at the lower end of the range of housing density of 30-50 dwellings per hectare proposed in Government guidance, PPG3 Housing). The applicant has submitted a statement in support of the application, together with reports on highways and the highway verge ash tree.

Assessment

Clearly I am conscious that the Planning Committee have recently refused planning permission, reference W04/1294, for residential development in this location (albeit on a larger site and for 14 not 12 dwellings as now proposed) as set out in the Planning History section of this report. Nevertheless, this present application must be considered on its own individual merits and the previous scheme refused by the Planning Committee has been amended to seek to address Members objections, in particular by increasing the distance the dwellings would be set back from the Green Belt boundary to the west from 12 m to 14 m, and by reducing the site area and the number of dwellings proposed. I consider that the present application would be an acceptable form of development which would accord both with Government advice in PPG3, Housing, and policies in both the existing Development Plans and the Warwick District Local Plan 1996-2011, first deposit version. In my opinion, however, the issues this proposal raises are similar to those considered by the Planning Committee in determining application W04/1294 and, therefore, I again set these issues out below:-

Demolition of existing houses and residential redevelopment of the site

The demolition of the existing houses is not subject to planning control and it does not require planning permission. The buildings Nos. 99 and 101 are not of 'listable' status and are not within a Conservation Area. 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 reuse of previously developed land; the definition of previously developed land includes land which is, or was, occupied by permanent buildings and their curtilages.

I am conscious of the resolution of Council in May 2004 concerning PPG3 (Housing) and the issue of redevelopment, but the response from the Office of the Deputy Prime Minister and the Local Government Association recognised that redevelopment of houses and gardens can be appropriate, providing that it is to a good design which does not unacceptably compromise local environments, and that it would be wrong to have a blanket ban on new development or rule out intensification in principle. Similarly, whilst noting the issue raised of housing 'need', the present housing policies of this District Council do not preclude further housing provision within the urban areas.

In the context of existing planning guidance, I do not consider an objection in principle to the principle of demolition of Nos. 99 and 101 Lillington Road and a redevelopment of this area of rear gardens at a higher density could therefore be sustained.

The density of the proposed development and its impact on the character of this locality and the amenity of neighbours

Clearly the proposed redevelopment of this site will change the existing appearance of this site and the outlook from dwellings which presently overlook the site. I consider, however, that the amended siting and layout now proposed at a density of some 31 dwellings per hectare would not be excessive (being at the lower end of the Government's guidance of 30-50 dwellings per hectare) and would maintain separation distances generally well in excess of those contained in the District Council's adopted supplementary planning guidance. There is scope within the layout for additional screen planting to further soften the impact of this proposal on both the outlook from adjacent dwellings and the Green Belt to the west (albeit the site is in part already screened from the Green Belt by an existing building on the Manor Hall development).

The applicant has suggested that the design of the proposed houses, albeit accommodating accommodation in the roofspace of the dwellings to the rear of the Lillington Road frontage, would be of a traditional 2 storey appearance with a ridge height to a maximum of approximately 9.25 metres which will be comparable with the neighbouring dwellings on the slightly higher ground on the Lillington Road frontage. The application is in outline with the siting and access shown to be for approval at this stage whilst the details of design, external appearance and landscaping would be the subject to a further submission for consideration by the District Council.

Whilst a number of neighbours have objected to this proposal, I consider that, on the basis of the siting now proposed, the impact of this residential development on the existing housing adjoining this site would not cause an unacceptable loss of amenity (including by reason of overshadowing, dominance or loss of privacy) such as would justify refusal.

Access, highway safety and car parking

Access to the site would be gained off Lillington Road; there is a pedestrian access to North Leamington School/Manor Hall to the south of the application site with a traffic light controlled junction. The siting and design of the access has been considered by the Highway Authority who have raised no objections. Whilst recognising the concerns expressed, therefore, on highway safety and traffic generation, I consider it would not be possible to sustain an objection on those grounds. With regard to car parking, the scheme entails the provision of a garage and off-street car parking space for each dwelling which would be in excess of the average of 1.5 spaces per dwelling recommended by Government in PPG3, Housing. I consider, therefore, the development would provide adequate car parking.

REASON FOR RECOMMENDATION

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

RECOMMENDATION

That subject to the satisfactory conclusion of a Section 106 Agreement to secure the financial contributions requested by Warwickshire County Council (as set out in the representations section above), outline planning permission be GRANTED, subject to 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 12 dwellings,
 - (b) 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 The development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing(s) 000090/01B and specification contained therein, deposited with the District Planning Authority on 8th December 2004 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.
- 5 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.
- 6 The landscaping scheme submitted as part of the application hereby permitted shall be completed, in all respects, not later than the first planting season following the completion of the development hereby permitted. 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. Existing trees which are shown as being retained shall be dealt with in accordance with BS 5837:1991. In particular, before any materials are brought on the site or any demolition or development commenced, stout protective fencing should be erected to enclose the perimeter of the branch spread of each tree or shrub to be retained, together with the branch of any tree growing on adjoining land which overhangs the site. Such fencing shall be satisfactorily maintained until all development has been completed. **REASON** : To protect and enhance the amenities of the area, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan.
- 7 The development hereby permitted shall not be commenced until a scheme for the provision of adequate water supplies and fire hydrants, necessary for fire fighting purposes at the site, has been submitted to and approved in writing by the District Planning Authority. The development shall not then be occupied until the scheme

has been implemented to the satisfaction of the District Planning Authority.

REASON : In the interests of fire safety, and to secure a satisfactory development in accordance with the requirements of Policy ENV3 of the Warwick District Local Plan.

- 8 No development shall be carried out on the site which is the subject of this permission, until details of provision for storage of refuse 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 protect the amenities of occupiers of the site and the character and appearance of the locality, in accordance with Policy ENV3 of the Warwick District Local Plan.
- 9 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 dwelling(s) 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 ENV3 of the Warwick District Local Plan.
- 10 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.
- 11 The development hereby permitted shall not be brought into use until all parts of existing accesses to Lillington Road, not included in the proposed means of access, have been permanently closed and reinstated in accordance with details approved in writing by the District Planning Authority. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy ENV3 of the Warwick District Local Plan.
- 12 The roads and footways serving the development hereby permitted shall not be designed or constructed other than in accordance with the requirements and standard specifications of the Highway Authority as set out in "Transport and Roads for Developments - The Warwickshire Guide 2001", together with any published amendments to it. **REASON** : To ensure compliance with the Council's standards and to achieve highway safety, in accordance with the requirements of Policy ENV3 of the Warwick District Local Plan.
- 13 The development hereby permitted shall not be brought into use until the proposed means of access has been constructed in strict compliance with details approved in writing by the District Planning Authority. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy ENV3 of the Warwick District Local Plan and to ensure that the works do not adversely affect the existing ash tree immediately to the north of the proposed access.
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