

Planning Committee: 03 May 2005

Principal Item Number: 03

Application No: W 05 / 0209

Registration Date: 09/02/2005

Town/Parish Council: Leamington Spa

Expiry Date: 06/04/2005

Case Officer: Alan Coleman

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Land rear of 78-82, Lime Avenue, Lillington, Leamington Spa, CV32 7DH
Erection of 4 detached bungalows and access driveway. (Outline Planning Application). FOR Greywell Property Ltd.

This application was deferred at Planning Committee on 4 April 2005, to enable a site visit to take place on 23 April 2005. The report which follows is that which was presented previously in either the ' Committee report or the attached addendum.

SUMMARY OF REPRESENTATIONS

Town Council: *"The Town Council raises objection on the following grounds:*

- 1. The proposal represents an over intensive development which is considered detrimental to residential amenity.*
- 2. Concern is expressed that access to the site is inadequate for the purpose of maintaining ingress and egress. "*

Highway Authority: No objection in principle but comment:

"There are concerns that the proposed parking bays located to the front of nos. 80 and 82 Lime Avenue, are likely to cause conflicting vehicle movements for vehicles entering and leaving the site, to the detriment of highway safety.

The preferred option is to extend the proposed parking arrangement for the new site, to incorporate the 4 parking bays required to serve the existing dwellings, as illustrated in red on the attached extract from drawing 2417/05 dated February 2005.

The applicant is required to submit an amended drawing incorporating the relocation of the parking bays serving the existing dwellings, for approval. On receipt of the amended drawing, the application will be considered further and recommendations made, as appropriate."

WCC (Ecology): *"The nature of the proposal does not appear to impact upon the known location of any protected species or areas of known ecological value. We welcome the proposed buffer zone protecting the existing Oak tree and we would advise an extension of this proposal to any other existing mature trees and hedgerows within the application area. We are therefore not aware of any ecological objection concerning this application, provided protected species, such as bats and nesting birds, and mature trees and hedgerows are not adversely affected. Furthermore, the development should have a low ecological impact*

provided the actions stated below are taken." i.e. recommend conditions on the submission of a bat survey and protection of existing trees and hedgerows, together with advisory notes on nesting birds and replanting of hedgerows.

WCC (Archaeology): No objection.

WDC (Environmental Health): No objection.

WDC (Strategy Officer-Arboriculture): *"The revised plans take good account of the need to protect the TPOed Oak. The inclusion of rooflights should also help address the potential for complaints about poor light in the future.*

Care should be taken to ensure that strong conditions require the fencing to be in place as shown prior to any development commencing, and that it stays there until completion. Fencing should be sturdy, well raced and in accordance with BS5837: 1991.

Additionally, similar fencing should be required around the street lime trees at a distance of 4.5m from the stem. This need only protect areas grass - ie it should run along the front edge of the verge and turn in perpendicular to the kerbs at a distance of 4.5m from the tree, extending then to the front edge of the footway."

Leamington Society: object on grounds of spoiling the ecological amenity, inadequacy of the sewage system, increase in surface water runoff, unacceptable precedent, inadequate access for refuse vehicles, profit before amenity.

Neighbours: 40 letters of objection from 35 households and a 78-name petition representing 52 households on the following grounds:-

- harm to highway/pedestrian safety and convenience caused by inadequate site access, an increase in the volume of traffic generated from site onto a busy road used by motorists and school children alike, 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 ecological quality and environmental character of the surrounding area in terms of the loss of garden land and intrusive size, siting, scale, bulk, mass, design, appearance and density of the development;
- 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 and siting of bin stores, erection of aerials, etc, and;
- increased loading of sewage system and storm drains.

The resident of 16 Cameron Close also objects to the amended plan for similar reasons to those summarised above.

James Plaskitt MP has also written in support of neighbouring residents' objections.

RELEVANT POLICIES

National Statements of Planning Policy

Planning Policy Guidance Note 1: *General Principles*

Planning Policy Guidance Note 3: *Housing*

Planning Policy Guidance Note 13: *Transport*

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

(DW) ENV3 - Development Principles

(DW) H5 - Infilling within the Towns

(DW) IMP2 - Meeting the Needs of People with Disabilities

Warwick District Local Plan 1996 - 2011 First Deposit Version

DP1 - Layout and Design

DP2 - Amenity

DP3 - Natural Environment

DP5 - Density

DP6 - Access

DP8 - Parking

DP14 - Accessibility and Inclusion

SC1 - Securing a Greater Choice of Housing

UAP1 - Directing New Housing

Supplementary Planning Guidance

Distance Separation

The 45 Degree Guideline

PLANNING HISTORY

Outline planning application W20041519 for the erection of 5 no. terraced houses and formation of an access driveway on land at the rear of 78-82 Lime Avenue was withdrawn on 7 October 2004 to allow consideration of the current revised application.

KEY ISSUES

The Site and its Location

The site has been formed by the segregation of the rear gardens of 78-82 Lime Avenue and occupies an area of approximately 1230 sq. metres (0.12 ha). It is located within an established residential area comprising mainly two-storey detached and semi-detached houses with enclosed rear gardens on generous mature plots. The rear gardens of the host properties and neighbouring houses at 66 – 80 and 84 Lime Avenue are longer than others in the immediate vicinity, and extend back some 50 – 60 metres to the rear garden boundaries of adjoining properties at 6 – 12 Cameron Close to the west. Low boundary fences and hedges separate the host and neighbouring property gardens that allows an open and uninterrupted outlook from within and across the site from these garden areas and the rear elevation windows of the neighbouring properties, particularly those to the south in Lime Avenue.

There is significant tree planting along this road, which creates an attractive landscaped setting. There is also a mature oak tree in the rear garden of No. 82 Lime Avenue that is now the subject of a Preservation Order (TPO Number: 273). A mix of styles and designs exists and there are both mature and more modern houses in the area. The site would be bounded by the remaining area of garden serving the host properties to the west and by the gardens of 76 and 84 Lime Avenue to the north and south respectively. The rear gardens of 6-14 Cameron Close form the eastern boundary.

Roadside parking is unrestricted in the vicinity of the site, other than by driveway openings on either side of the road. There is also a bus stop adjacent to the application premises on the opposite side of Lime Avenue.

Details of the Development

Outline planning permission is sought for the erection of 4 no. detached bungalows with access from Lime Avenue via a new driveway created in-between nos. 80 and 82 by the removal of an existing two-storey side extension and single garage from these properties. All matters other than siting and means of access are reserved for future consideration. 3 of the bungalows would stand adjacent to the rear boundary of the site with the neighbouring gardens of 6-12 Cameron Close at a distance of some 7-11 metres at their closest point to provide an overall separation distance of over 30 metres with these properties and the host dwellings. The fourth bungalow would stand approximately 20 metres away from the rear elevation of 78 Lime Avenue adjacent to the side garden boundary of 76 Lime Avenue at a distance of a metre, as would the bungalow adjacent to the side garden boundary with 84.

Provision for 8 no. forecourt parking spaces is proposed to serve the dwellings with 2 no. spaces allocated to each of the host properties. These were originally proposed in the front garden areas. However, an amended plan has now been submitted that satisfies the requirements of the Highway Authority in respect of the parking layout. Bin storage facility for the bungalows would be provided adjacent to the access driveway.

Assessment

I consider the principal issues to be considered are:

1. The principle of development;
2. Impact on the character of the area;
3. Impact on neighbouring residents' amenities, and;
4. Highway safety.

1. The Principle of Development

The authorised use of the site is as garden area to 78-82 Lime Avenue and therefore constitutes previously developed land as defined in PPG3 '*Housing*' and where both Structure Plan and Local Plan policies regarding residential development apply. PPG 3 '*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 gardens of the host properties. The garden areas for both the existing and proposed dwellings would also be rendered somewhat smaller than neighbouring properties. This pattern of development is not repeated elsewhere in the surrounding area. In terms of density, the proposals would equate to approximately 33 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 in locations with good public transport links. In my opinion, these factors serve to demonstrate that the proposed development would, by its very nature, have a discernable impact on the character and appearance of the surrounding area.

However, I do not consider that these factors are critical flaws in the context of this site. 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.

3. Residential Amenity

A significant number of local residents 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. However, 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 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 Safety

With regard to the highway issues, I note the Highway Authority has not raised objection and the applicants in their amended plans 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 bungalows and host properties. 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, it would not be reasonable to require a higher level of provision. Thus, whilst noting the objections to the proposal 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 layout and means of access for the development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing 2417/05 Revision A, and specification contained therein, 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 Policy (DW) ENV3 of the Warwick District Local Plan 1995.

- 2 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 bungalows, and;
 - (b) details of landscaping.**REASON** : To comply with Section 92 of the Town and Country Planning Act 1990.

- 3 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.
- 4 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.
- 5 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 Parts 1 and 2 of Schedule 2 of this Order, without the prior permission of the District Planning Authority.
REASON : This site is of a restricted size and configuration and is in close proximity to other dwellings. It is considered appropriate therefore to retain control over future development to ensure that the residential amenity of this locality is protected in accordance with the provisions of Policy (DW) ENV3 of the Warwick District Local Plan 1995.
- 6 No lighting shall be fixed to the external walls or roofs of the dwellings hereby permitted, or on any open land within the application site without the written consent of the District Planning Authority.
REASON : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy (DW) ENV3 of the Warwick District Local Plan 1995.
- 7 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 (DW) ENV3 of the Warwick District Local Plan 1995.
- 8 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.

- 9 Before the development hereby permitted is begun a statement of the proposed method of implementing the construction of the development shall be submitted to and be approved, in writing, by the District Planning Authority. The details shall include the sequencing of operations, the method of construction of the driveway and access works and the methods of protecting root systems of all trees, including those adjacent to the site entrance in Lime Avenue, to be retained during the construction process from direct or indirect damage. Operations on the application site shall be carried out in accordance with the approved details and no part of the operations shall be amended or omitted without the prior written approval 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 surrounding area, and to satisfy Policy (DW) ENV3 of the Warwick District Local Plan 1995.

- 10 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.

- 11 Before any works are undertaken within the protected zones of the retained trees, including excavations, topping, lopping or pruning, 7 days written notice of the nature of this work shall be given to the District Planning Authority to enable the work to be considered with the benefit of a site visit(s) from officer(s) of the Council. The approved works shall not commence until written approval has been given 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 to satisfy Policy (DW) ENV3 of the Warwick District Local Plan 1995.

- 12 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 (DW) ENV27 of the Warwick District Local Plan 1995.
