

**Planning Committee:** 04 February 2014

**Item Number: 6**

**Application No:** W 13 / 1682

**Town/Parish Council:** Leamington Spa  
**Case Officer:** Liam D'Onofrio

**Registration Date:** 08/01/14

**Expiry Date:** 05/03/14

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**Garages 1-40, Bourton Drive, Whitnash, Leamington Spa**

Demolition of garages and construction of 5 new dwellings (3no. 2 storey houses and 2no. bungalows) with associated access, parking and landscaping. FOR Ms Jenny Crowther

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The application is being presented to Planning Committee as the garage court is owned by Warwick District Council.

**RECOMMENDATION**

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

**DETAILS OF THE DEVELOPMENT**

Planning permission is sought for the demolition of 40 garages and the erection of five new dwellings, consisting of three 2-storey dwellinghouses and two bungalows, with associated access, parking and landscaping. The houses will be 8.1m high and the bungalows will be 5.4m high. All units will have two bedrooms and two off-street parking spaces each.

The application is accompanied by a Protected Species Survey.

**THE SITE AND ITS LOCATION**

The application site is an existing garage court, comprising 40 garages, accessed from the north eastern side of Bourton Road, which is a cul-de-sac with a circular turning head. The site is bounded by residential properties fronting Bourton Drive, Henley Road and Redland Drive. The locality is residential in nature within the urban area.

**PLANNING HISTORY**

None relevant.

**RELEVANT POLICIES**

- 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)

- DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
- DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
- SC1 - Securing a Greater Choice of Housing (Warwick District Local Plan 1996 - 2011)
- SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)
- DP14 - Crime Prevention (Warwick District Local Plan 1996 - 2011)
- Open Space (Supplementary Planning Document - June 2009)
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- Vehicle Parking Standards (Supplementary Planning Document)
- National Planning Policy Framework

## **SUMMARY OF REPRESENTATIONS**

**Royal Leamington Spa Town Council** - No objection.

**Councillor Knight** - Support

**Severn Trent Water** - No objection, subject to condition.

**Warwickshire Fire and Rescue** - Fire hydrants condition.

**WCC Highway Authority** - Objection, loss of off-street parking, intensification of vehicle movements, insufficient access and bin store.

**WCC Ecology** - No objection..

**WDC Waste** - No objection in principle. Applicant should give consideration to the distance that residents are asked to move their refuse and recycling containers from the point of storage to the point of collection (which will be the front on the property). The distance should be no more than 25m.

**WDC Green Space Manager** - Open Space contribution required.

### **Public response:**

Two letters of support, welcoming the demolition of the garages to make the area look better, stopping associated problems. In reference to Highway comments it is believed that only one garage is occupied so it would only increase on-street parking by one.

## **ASSESSMENT**

The main considerations in assessing this application are as follows;

- Principle;
- Layout/Design;
- Neighbours' amenity;
- Highway Safety;

- Landscaping/Ecology.

## **Principle**

The site is within the urban area where Local Plan Policy UAP1 applies, which permits residential development on previously developed land and buildings within the confines of the urban area. Furthermore, the National Planning Policy Framework (NPPF) 2012 states (para.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 against their housing requirement. In terms of the most recent evidence of housing need, the Council cannot demonstrate a five year supply. Accordingly, only limited weight can be afforded to Policy UAP1, and in these circumstances the NPPF requires applications to be considered in the context of the presumption in favour of sustainable development. This states at paragraph 14 that where the development plan policies are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF. The scheme will contribute towards helping the Council meet its five year requirement, result in more efficient use of urban land, and as set out below is not considered to create any other significant adverse effects that would warrant refusal of the scheme. On this basis the proposal is considered to constitute sustainable development, in compliance with the NPPF and is acceptable in principle.

## **Layout/design**

The proposed layout is acceptable and creates a cul-de-sac streetscene with its own 'sense of place'. The design is acceptable and dwellings will have appropriate bulk and mass with gable-end roof, which is characteristic of other dwellings within the locality. Chimneys have also been requested by the case officer as these architectural features are evident within the surrounding street scenes.

In terms of materials the proposed coloured boarding is considered appropriate as there are a mix of materials used on dwellings in the locality, including render, buff brick, red brick and tile hanging at first floor level. All external facing and roofing materials can be controlled by condition.

## **Neighbours' amenity**

Separation distances are met between proposed buildings within the site and to surrounding properties. The separation distance between houses on Henley Road to the north and Plot 1 will be 15.8m, exceeding the minimum 12m separation distance required to protect outlook and light. Plot 1 also sits close to the boundary fence (a pinch point of 1.1m), however the ground floor windows in the north elevation of the proposed bungalow relate to a bedroom, en-suite and a secondary window serving the living room. It is considered that conditioning the living room and en-suite window to be obscure glaze and requiring a 2m high close board fence to the northern boundary adjacent to Plot 1 will mitigate any potential for overlooking from the ground floor windows within the proposed bungalow into the neighbouring property.

Plot 5, also a bungalow, will breach the 45-degree sightline at a distance of 9m when measured from No.14 Bourton Drive, however this will be at the eaves

height (2.2m) and the distance between the rear elevation of No.14 and the 5.4m high apex of the proposed bungalow will be 11.5m, set 1.2m off the common boundary. Despite being set on a slightly higher land level the proposed bungalow Plot 5 is not therefore considered to result in any significant impact upon the outlook or daylight to the occupiers of the adjoining property No.14. Furthermore this neighbouring property is located south of the application site and will not experience any loss of sunlight. The south elevation of the proposed bungalow Plot 5 is blank and no overlooking issues are raised.

The proposed development is not therefore considered to significantly impact upon the occupiers of the neighbouring properties.

A condition is suggested to restrict the future insertion of dormer windows/rooflights in the rear (north) elevation of Plot 1 or south elevation of Plot 5, which could create a loss of privacy to adjoining occupiers.

### **Health and well-being**

The proposed residential scheme is compatible with other surrounding residential properties and the development is not considered to raise any impact upon the existing community. The scheme will provide homes needed in the area and improve the visual appearance and security of the existing site.

### **Highway safety**

The County Highway Engineer has objected to the scheme on the basis that the 4.2 metre wide site access should be a minimum of 5 metres wide to allow for two way traffic flows. The Highway Authority also note that whilst visiting the site extensive on street parking reduced the width of the carriageway on Bourton Drive and therefore, additional vehicular movements generated by the development could intensify vehicular movements. This combined with the loss of garages would lead to the vehicles currently parked in the garages, parking within the public highway being detrimental to public highway safety.

While a 5 metre wide access would be desirable, the existing 4.2 metre wide access would still be sufficient to allow two cars to pass one another on the rare occasion that this may be necessary in the context of the proposed scheme. I am also mindful that the existing garages on site could necessitate the need for two way traffic flows. It is therefore considered, on balance, that the existing access would be acceptable in this particular case.

In terms of the loss of existing off-street parking the Council's Housing Team have clarified that during 2011 all 86 of the Council's garage sites were reviewed to assess current usage, maintenance costs, management issues and development potential. As a result two sites were identified as being suitable for redevelopment for housing, this site and the nearby site off Henley Road.

At the time of the review the Council's landlord service had already taken a decision not to re-let garages when they became vacant on these two sites. This was not because they were potential development sites but because there had been a lot of break-ins over the previous months and Housing Management believed that a lot of the garages were being used for storage of possessions rather than for cars (which is a breach of the tenancy agreement). The vacancy rates in August 2011 were 22 out of 40 at the site, however the vacancy rates as

of December 2013 are 33 out of 40. Furthermore, of the seven tenanted garages at Bourton Drive two are in fact not occupied by residents but let internally to Council departments.

There are existing on-street parking pressures within the locality, however given this fact, local residents still appear reluctant to use the garage court which is clearly under-used. The loss of off-street car parking is therefore considered unlikely to give rise to any significant impact upon on-street parking. The new dwellings will each have two off-street parking spaces, providing a total of 10 spaces on site, exceeding the Council's Vehicle Parking Standards SPD, which requires 1.5 spaces per dwelling or 8 spaces in total.

Although there is a high vacancy rate, officers are mindful that there are 40 existing garages on site and it would therefore be unreasonable to refuse the current scheme for 10 vehicle spaces and associated movements based on highway safety.

The Highway Authority have also requested that a bin store is required within 25 metres of the public highway, as refuse vehicles will be unable to manoeuvre on-site to re-enter the public highway using a forward gear. Officers have requested a communal bin area be located outside Plot 5 (well within 25m of the public highway) for bin day collections and layout plans have been amended accordingly.

### **Landscaping/ecology**

There is no mature landscaping on site that merits retention and the new development will be subject to a soft landscaping scheme, which can be controlled by condition. There will be an overall reduction in hard standing on site, however a condition is suggested to ensure that new hardstanding is permeable or surface water run-off is provided to a porous area within the site.

The supporting Bio-diversity report found no evidence of protected species on site. The County Ecologist's has raised no objection to the scheme but has suggested bat and nesting bird notes.

### **Other matters**

The applicant has indicated that solar PV panels will be used to generate renewable energy in order to meet the Council's 10% requirement. This can be secured through condition.

An open space contribution will be required to meet Policy SC13 requirements. This would be used to enhancements and improvements to Redland Recreation Ground within 500m of the site.

### **SUMMARY/CONCLUSION**

In the opinion of the Local Planning Authority, the proposed development is of an acceptable layout and design, which respects surrounding buildings in terms of scale, height, form and massing and does not adversely affect the amenity of nearby residents or highway safety. The proposal is therefore considered to comply with the policies listed.

## **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 the site location plan and approved drawing(s) 5217/03 B, 5217/04 and specification contained therein, submitted on 02/12/13 and 08/01/14. **REASON :** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.
- 3 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.
- 4 The development hereby permitted shall not be commenced unless and until a scheme showing how 10% of the predicted energy requirement of this development will be produced on or near to the site, from renewable energy resources, has been submitted to and approved in writing by the District Planning Authority. The development shall not be first occupied until all the works within this scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturers specifications. Microgeneration equipment no longer needed for microgeneration shall be removed as soon as reasonably practicable. **REASON :** To ensure that adequate provision is made for the generation of energy from renewable energy resources in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011.
- 5 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 Local Planning Authority. The development shall not then be occupied until the scheme has been implemented to the satisfaction of the Local Planning Authority.

**REASON:** In the interests of fire safety.

- 6 The development hereby permitted shall be carried out in strict accordance with the details of surface and foul water drainage works that have been submitted to and approved in writing by the local planning authority. **REASON:** To ensure that adequate drainage facilities are available for the satisfactory and proper development of the site in accordance with Policy DP11 of the Warwick District Local Plan 1996-2011.
- 7 The development hereby permitted shall only be undertaken in strict accordance with details of both hard and soft landscaping works which have been submitted to and approved in writing by the local planning authority. Details of hard landscaping works shall include boundary treatment, including full details of the proposed boundary walls, railings and gates to be erected, specifying the colour of the railings and gates; footpaths; and hard surfacing which shall be made of porous materials or provision shall be made to direct run-off water from the hard surface to a permeable or porous area. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of the dwellinghouses hereby permitted; and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of similar size and species, unless the local planning authority gives written consent to any variation. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations. **REASON:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies DP1, DP2 and DP3 of the Warwick District Local Plan 1996-2011.
- 8 Notwithstanding approved plan No.5217/04 no development shall commence unless and until details for chimneys have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in full accordance with the approved details. **REASON:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy DP1 of the Warwick District Local Plan 1996-2011.
- 9 The development shall be carried out only in full accordance with sample details of the elevational and roofing materials, which have been submitted to and approved in writing by the local planning authority. **REASON:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy DP1 of the Warwick District Local Plan 1996-2011.

- 10 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 windows or openings, including dormer windows and/or roof lights shall be formed in the north facing roof slope of Plot 1 or the south or west elevation/roof slope of Plot 5 hereby approved without the written approval of the local planning authority and if any additional windows are subsequently approved they shall only be glazed or re-glazed in accordance with such approved details and any opening part of any window shall be at least 1.7m above the floor of any room in which the window is installed. **REASON:** In the interests of the amenities of the occupiers of nearby properties in accordance with Policies DP1 & DP2 of the Warwick District Local Plan 1996-2011.
  - 11 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) the bathroom and living room window(s) to be formed in the north facing elevation of the bungalow identified as Plot 1 hereby permitted shall only be glazed or re-glazed with obscure glass and any opening part of any window shall be at least 1.7m above the floor of any room in which the window is installed. **REASON:** In the interests of the amenities of the occupiers of nearby properties in accordance with Policies DP1 & DP2 of the Warwick District Local Plan 1996-2011.
  - 12 Notwithstanding the approved plan Drg No.5217/03 B the close boarded fence located to the northern boundary and adjacent to Plot 1 shall be 2m high. **REASON:** In the interests of the amenities and privacy of the occupiers of nearby properties in accordance with Policies DP1 & DP2 of the Warwick District Local Plan 1996-2011.
  - 13 The development shall not be occupied unless and until the car parking, associated manoeuvring areas and bin store indicated on the approved drawings have been provided and thereafter those areas shall be kept marked out and available for such use at all times. **REASON:** To ensure adequate off-street car parking and servicing facilities in the interests of both highway safety and visual amenity in accordance with Policies DP1, DP2 & DP8 of the Warwick District Local Plan 1996-2011.
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