**Planning Committee:** 03 February 2015 **Item Number:** **8**

**Application No:** W 14 / 1811

**Registration Date:** 22/12/14
**Town/Parish Council:** Leamington Spa **Expiry Date:** 16/02/15
**Case Officer:** Rob Young
01926 456535 rob.young@warwickdc.gov.uk

**14 Charnwood Way, Lillington, Leamington Spa, CV32 7BU**
Erection of a pair of semi-detached dwellings FOR Mr Bernamont

---

This application is being presented to Committee due to the number of objections received.

## RECOMMENDATION

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

## DETAILS OF THE DEVELOPMENT

The application proposes the erection of a pair of semi-detached dwellings. The dwellings would be two storey and each would have three bedrooms. Two off-street parking spaces would be provided to the front of each dwelling.

The following amendments have been made to the application:

- ridge and eaves height reduced slightly to match the existing dwellings in the street;
- layout of parking spaces amended to achieve the necessary visibility splays; and
- further plan submitted to demonstrate that there would be no reduction in on-street parking capacity.

## THE SITE AND ITS LOCATION

The application relates to the side garden of No. 14 Charnwood Way. The site is situated within a predominantly residential area and is surrounded by dwellings. Charnwood Way is a cul-de-sac that is fronted by terraces of two storey dwellings. No. 14 is a two storey link-detached dwelling on the end of one of these terraces. The site currently comprises an area of lawn with shrubs and a small tree around the borders.

## PLANNING HISTORY

There have been no previous planning applications relating to the application site.

**RELEVANT POLICIES**

National Planning Policy Framework

The Current Local Plan

- 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)
- DP8 - Parking (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)
- DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)

The Emerging Local Plan

- BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS2 - Providing the Homes the District Needs (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS3 - Supporting Sustainable Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS5 - Presumption in Favour of Sustainable Development (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS6 - Level of Housing Growth (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS7 - Meeting the Housing Requirement (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- H0 - Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
- H1 - Directing New Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
- SC0 - Sustainable Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR1 - Access and Choice (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR2 - Traffic Generation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- CC1 - Planning for Climate Change Adaptation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- CC3 - Buildings Standards Requirements (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- FW2 - Sustainable Urban Drainage (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

Guidance Documents

- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Distance Separation (Supplementary Planning Guidance)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Vehicle Parking Standards (Supplementary Planning Document)

## SUMMARY OF REPRESENTATIONS

**Town Council:** No objection.

**Public response:** 14 objections have been received, raising the following concerns:

- overdevelopment;
- loss of on-street parking;
- on-street parking is already full to capacity;
- increased traffic;
- detrimental to highway safety;
- loss of green space;
- detrimental to the character and appearance of the area;
- loss of privacy;
- loss of light;
- the plans assume that rear access can be obtained via the footpath alongside no. 15, which is a private access for nos. 15-20 only;
- adverse impacts of the construction process; and
- impact on drainage.

**WCC Ecology:** Recommend a condition in relation to nesting birds and an informative note in relation to amphibians. Recommend that measures are proposed to compensate for any loss of biodiversity from the site.

**WCC Highways:** No objection, following the receipt of amended plans, subject to conditions.

## ASSESSMENT

The main issues relevant to the consideration of this application are as follows:

- the principle of erecting new dwellings on this site;
- the impact on the living conditions of neighbouring dwellings;
- the impact on the character and appearance of the area;
- car parking and highway safety; and
- health and well-being.

Principle of erecting new dwellings on this site

The proposals would be contrary to Local Plan Policy UAP1 because residential gardens are not considered to be previously developed land. However, the Council is unable to demonstrate a 5 year supply of housing land. Therefore, given that Policy UAP1 is a policy for the supply of housing, paragraph 49 of the

NPPF dictates that it should be considered out of date and consequently the test in paragraph 14 of the NPPF should be applied, i.e. whether any adverse impacts of granting permission would "significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole". Therefore, given the pressing need for housing within the District, garden plots such as this are considered to be suitable for development, provided the proposals do not cause unacceptable harm to the living conditions of neighbouring dwellings or the character and appearance of the area and provided that suitable provision can be made for parking. These matters are considered in the following sections.

Impact on the living conditions of neighbouring dwellings

The proposed dwellings would not infringe a 45-degree sight-line in relation to the existing dwellings to either side. There are windows in the side elevation of the existing dwelling on the application site (No. 14) that face the site of the proposed dwellings. However, two of these are secondary windows to the rooms in question and the other is proposed to be replaced by a new window on the rear elevation (which would be permitted development and therefore does not require planning permission). The proposals would comply with the Council's Distance Separation Guidelines SPG in relation to the dwellings to the rear of the site (as measured from the first floor of the proposed dwellings). The proposals would also comply with the Distance Separation Guidelines in relation to the dwellings on the opposite side of Charnwood Way.

For these reasons it is considered that the proposals would not cause unacceptable loss of light, loss of outlook or loss of privacy for neighbouring dwellings.

Impact on the character and appearance of the area

The application site currently comprises an open garden area. Objectors have raised concerns about the loss of this green space in terms of the contribution that it makes to the character and appearance of the area. It is true that undeveloped side gardens such as this can be a key feature that contributes to the character of the area, usually in the case of open corner plots where these are a characteristic feature of the area. However, this is not the case with the application site. Rather, the application site is an uncharacteristic break in the middle of an otherwise uninterrupted frontage development around Charnwood Way. In these circumstances, the application site is somewhat of an anomaly, and the construction of a pair of dwellings to complete the frontage development to match the other frontages in Charnwood Way would be in keeping with the established pattern of development in the area.

In terms of detailed design, as amended, the proposed dwellings would match the existing dwellings in the street in terms of height. Furthermore, the design of the front elevations would be similar to that of the existing dwellings in the street.

Therefore it is considered that the proposals would have an acceptable impact on the character and appearance of the area.

Car parking and highway safety

Each of the proposed dwellings would be provided with two off-street parking spaces on the site frontage. The layout of these spaces has been amended to address concerns that were raised by the Highway Authority in terms of visibility splays. The Highway Authority now have no objection to the application.

The off-street parking provision would be in accordance with the Council's Parking Standards SPD. However, objectors have raised concerns about the loss of on-street parking spaces due to the provision of dropped-kerbs for the proposed driveways. In response, the applicant has submitted further plans to demonstrate that there will be no reduction in on-street spaces. This is on the basis that, given the width of Charnwood Way, on-street parking is only currently possible on one side of the street. There are currently no dropped kerbs on the opposite side of the street and consequently the whole of that side of the street will remain available for parking following the construction of the dropped kerb in front of the application site. Hence there would be no reduction in on-street parking capacity.

Therefore it is considered that the proposals are acceptable in terms of car parking and highway safety.

Health and Well-being

The proposals would contribute to meeting the housing needs of the District. This is a benefit that contributes to health and well-being.

Other matters

An Energy Report was submitted with the application and this indicates that solar photovoltaic panels will be installed to meet 10% of the predicted energy requirements of the proposed dwellings. A condition is recommended to secure full details and this would meet the requirements of Local Plan Policy DP13 and the associated SPD. .

Whilst the applicant has agreed in principle to make a contribution towards the provision or enhancement of public open space, the recent changes to the National Planning Practice Guidance dictate that the Council are now unable to require such contributions from developments of 10 or fewer dwellings. Consequently there is now no requirement for an open space contribution.

Taking account of the comments of WCC Ecology, it is considered that the proposals will have an acceptable ecological impact. A condition is recommended to deal with the nesting birds issue. In terms of any loss of biodiversity, this is likely to be limited and can be compensated by new planting to be secured by a standard landscaping condition.

An objector has raised concerns about drainage. However, it is not considered that two additional dwellings in this established urban area would have such an impact on drainage as to justify a refusal of permission. A condition is recommended to require the submission of drainage details.

## SUMMARY/CONCLUSION

The proposals would have an acceptable impact on the living conditions of neighbouring dwellings and on the character and appearance of the area. The proposals are also considered to be acceptable in terms of parking and highway safety. Therefore it is recommended that planning permission is granted.

## CONDITIONS

1 The development hereby permitted must be begun not later than the expiration of three years from the date of this permission. **REASON**: To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing(s) 914-02B & 914-03B, and specification contained therein, submitted on 20 January 2015. **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 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 DP1 of the Warwick District Local Plan 1996-2011.

4 Details of the means of disposal of storm water and foul sewage from the development shall be submitted to and approved by the District Planning Authority before the development hereby permitted (other than demolition) is commenced and the development shall not be carried out other than in strict accordance with such approved details. **REASON**: To ensure satisfactory provision is made for the disposal of storm water and foul sewage and to satisfy Policies DP9 and DP11 of the Warwick District Local Plan 1996-2011.

5 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. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of any of the dwellings 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.

6 The development hereby permitted (other than demolition) shall not commence until details of the finished floor levels of the dwellings, together with details of existing and proposed site levels on the application site and the relationship with adjacent land and buildings have been submitted to and approved in writing by the local planning authority. The development shall be carried out in strict accordance with these approved details or any subsequently approved amendments. **REASON:** To ensure sufficient information is submitted to demonstrate a satisfactory relationship between the proposed development and adjacent land and buildings in the interests of amenity in accordance with Policies DP1 & DP2 of the Warwick District Local Plan 1996-2011.

7 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.

8 The development hereby permitted shall either:

a) be timetabled and carried out to avoid the bird nesting season (March to September inclusive); or

b) not commence until a qualified ecologist has been appointed by the applicant to inspect the vegetation to be cleared on site for evidence of nesting birds (immediately prior to works commencing). If evidence of nesting birds is found works shall not proceed until outside of the bird nesting season (March to September inclusive).

**REASON:** To prevent possible disturbance to nesting birds, in

accordance with Policy DP3 of the Warwick District Local Plan.

9 The proposed car parking area for the development hereby permitted shall be constructed, surfaced, laid out and available for use prior to the first occupation of the development hereby permitted, in full accordance with the approved plan. The car parking area shall be retained at all times thereafter and shall be kept free of obstruction and be available for parking for occupants of the development hereby permitted. **REASON**: To ensure that adequate parking facilities are available, in accordance with the requirements of Policy DP8 of the Warwick District Local Plan 1996-2011.

10 The development shall not be occupied until visibility splays have been provided to the vehicular access to the site passing through the limits of the site fronting the public highway with an 'x' distance of 2.0 metres and 'y' distances of 43 metres to the near edge of the public highway carriageway. No structure, tree or shrub shall be erected, planted or retained within these splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway. **REASON:** In the interests of highway safety, in accordance with Policy DP6 of the Warwick District Local Plan.

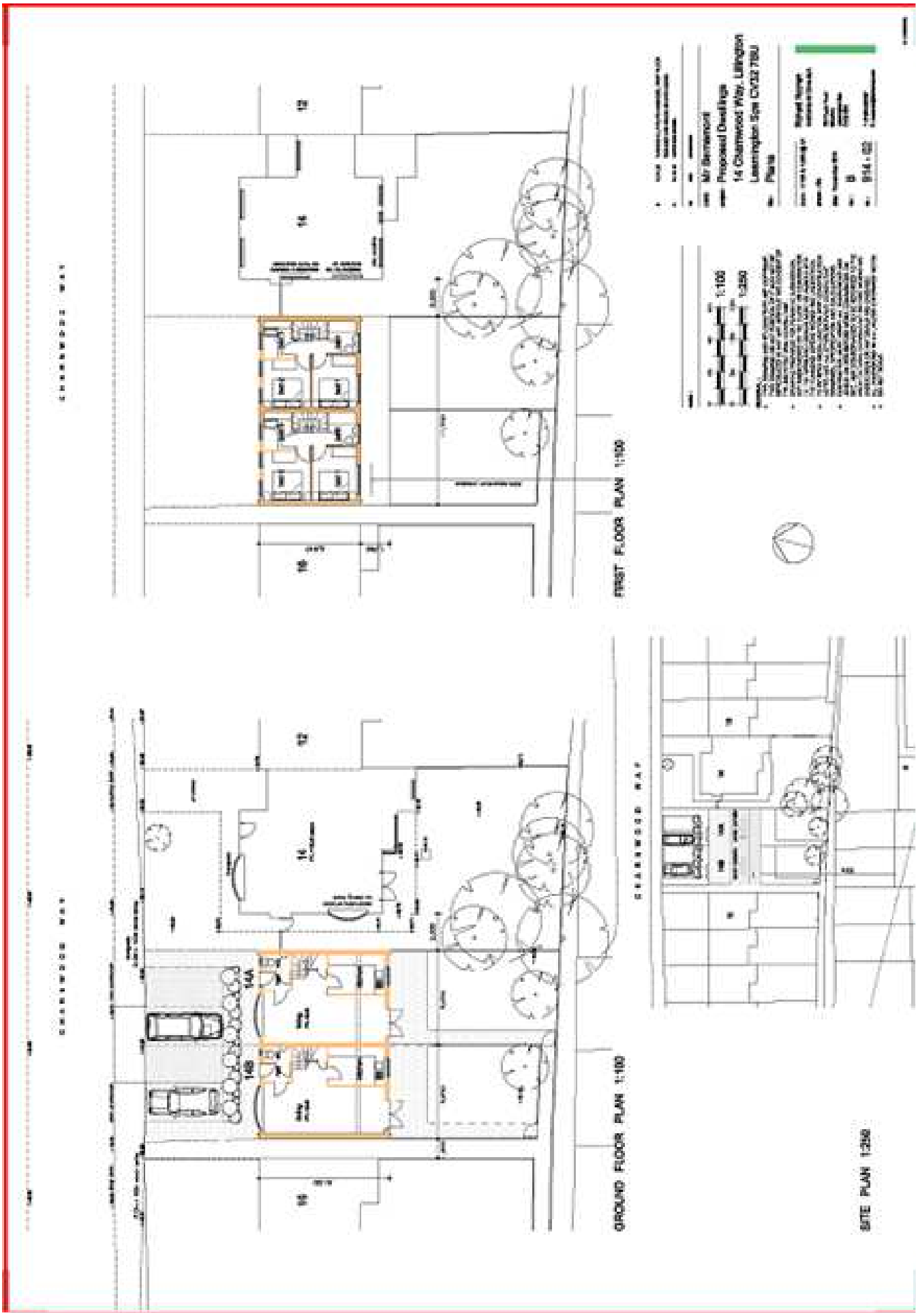
11 Accesses for vehicles to the site from the public highway Charnwood Way shall not be made other than at the position identified on the approved drawing number 914-02 Rev B. **REASON:** In the interests of highway safety, in accordance with Policy DP6 of the Warwick District Local Plan.

12 Neither of the dwellings hereby permitted shall be occupied until an access for vehicles has been provided to that dwelling not less than 3 metres in width for a distance of 7.5 metres into the site, as measured from the near edge of the public highway carriageway. **REASON:** In the interests of highway safety, in accordance with Policy DP6 of the Warwick District Local Plan.

13 The access to the site for vehicles shall not be used in connection with the development until it has been surfaced with a bound material for a distance of 7.5 metres into the site as measured from the near edge of the public highway carriageway. **REASON:** In the interests of highway safety, in accordance with Policy DP6 of the Warwick District Local Plan.

14 The access to the site for vehicles shall not be used unless a public highway footway/verge crossing has been laid out and constructed in accordance with the standard specification of the Highway Authority. **REASON:** In the interests of highway safety, in accordance with Policy DP6 of the Warwick District Local Plan.

15 The access to the site shall not be constructed in such a manner as to reduce the effective capacity of any drain or ditch within the limits of the public highway. **REASON:** In the interests of highway safety, in accordance with Policy DP6 of the Warwick District Local Plan.


FIRST FLOOR PLAN 1:100
GROUND FLOOR PLAN 1:100
SITE PLAN 1:250
Mr Bernemont
Proposed Dwellings
14 Charnwood Way, Lillington
Leamington Spa CV32 7BU
Plans
1:100
1:250

WEST ELEVATION

SOUTH ELEVATION

EAST ELEVATION

EXISTING SIDE ELEVATION TO No14

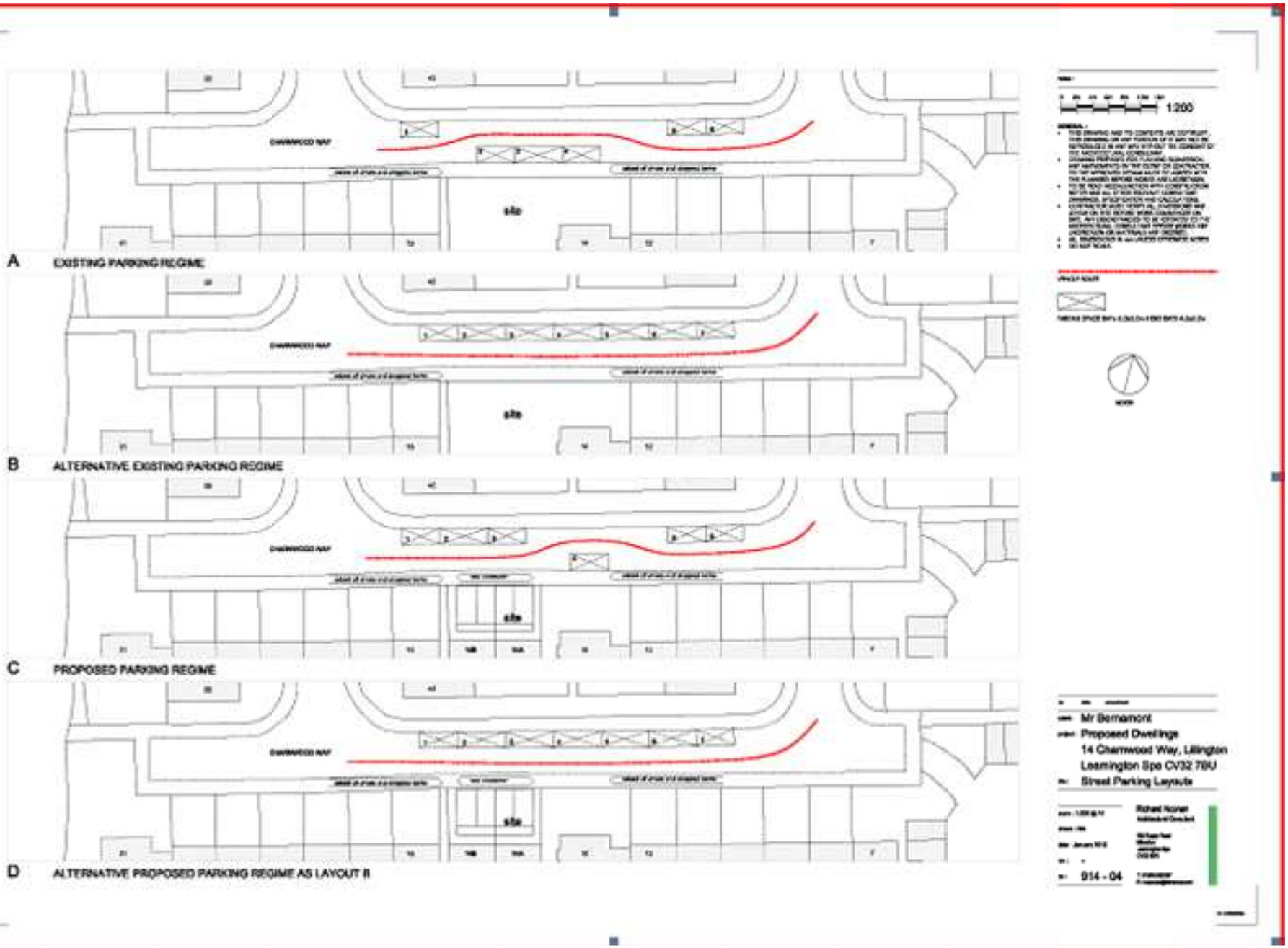
PROPOSED SIDE ELEVATION TO No14

SECTION

1:100

Mr Bernamont
Proposed Dwellings
14 Charnwood Way, Lillington
Leamington Spe CV32 7GU
Elevations & Section

914 - 03


A EXISTING PARKING REGIME
B ALTERNATIVE EXISTING PARKING REGIME
C PROPOSED PARKING REGIME
D ALTERNATIVE PROPOSED PARKING REGIME AS LAYOUT B
1:200
Mr Bernamont
Proposed Dwellings
14 Charnwood Way, Lillington
Leamington Spa CV32 7BU
Street Parking Layouts
914 - 04