Planning Committee: 02 February 2016 **Item Number:** 8

Application No: W 15 / 1811

Registration Date: 01/12/15
Town/Parish Council: Leamington Spa **Expiry Date:** 26/01/16
Case Officer: Rob Young
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Land rear of 22 Llewellyn Road, Leamington Spa

Erection of 6 no. dwellings (Use Class C3) together with access road / car parking (outline application included details of access, layout and scale) FOR Mr P Burridge

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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 terrace of 6 dwellings. These would be single dwelling houses falling within Use Class C3. The application is made in outline, but details of access, layout and scale and been submitted with the application. Details of appearance and landscaping are reserved matters.

The dwellings would be accessed via a new driveway from Llewellyn Road alongside the existing dwelling at No. 22. The existing garage to No. 22 will be demolished to make way for the proposed access. Parking will be provided to the front of the terrace. A bin store is shown to the rear of No. 22, alongside the access.

THE SITE AND ITS LOCATION

The site comprises a parcel of land that has an area of some 0.17 hectares. 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. An electricity sub-station is located in the north-western corner of the site at the rear of 22 Llewellyn Road.

The surrounding area is residential in character and comprises mainly 2-storey semi-detached houses that are uniform in original design and appearance within each of the surrounding roads. The houses on surrounding streets are closely spaced, but there are more significant gaps at the corners, and these afford views towards the site. The rear gardens of the dwellings that adjoin the site vary in size but generally 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.

The majority of the site has until recently been used as ancillary to the garden of 30 Llewellyn Road, partly for the growing of vegetables and partly as an area of fruit and specimen trees, a few of which form reasonably prominent features in the landscape as viewed from the neighbouring gardens and to a lesser extent from surrounding roads. A further part of the site was previously associated with 19 Northway.

PLANNING HISTORY

There have been a number of previous applications relating to proposals for residential development on the application site. This includes a number of refusals of planning permission and dismissals of subsequent appeals between 2004 and 2008. The reasons for refusal related to harm to the character and appearance of the area, overdevelopment, failure to undertake a reptile survey and contravention of the housing moratorium that existed at that time. Planning permission was subsequently granted for a student hall of residence in May 2009 (Ref. W09/0060). This permission was not implemented.

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)
- DP4 - Archaeology (Warwick District Local Plan 1996 - 2011)
- DP5 - Density (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)
- SC13 - Open Space and Recreation Improvements (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)
- HE6 - Archaeology (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

- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Vehicle Parking Standards (Supplementary Planning Document)
- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Distance Separation (Supplementary Planning Guidance)
- Open Space (Supplementary Planning Document - June 2009)

SUMMARY OF REPRESENTATIONS

Town Council: No objection. The Town Council welcomes and supports the use of this brownfield site for housing.

Public response: 6 objections have been received, raising the following concerns:

- loss of trees;
- loss of the horse chestnut tree at the site entrance which would maintain privacy and provide noise dampening if retained;
- access should be provided to neighbouring garages as part of the development;
- concerns about increased water run off and resulting increased flood risk;
- concerns that the houses may be HMOs;
- detrimental to highway safety;
- adverse impact on parking in surrounding streets;
- the bin store should not be adjacent to the garden of an existing dwelling;

- a 1.8m close boarded fence is not sufficient protection to prevent cars from the parking spaces coming through the fence into the adjacent garden;
- the ecological surveys do not accurately reflect the use of the site by wildlife, which is considerably greater than recorded;
- overlooking of neighbouring gardens and the rear of neighbouring houses;
- increased noise and disturbance for neighbouring dwellings;
- detrimental to the character and appearance of the area;
- inappropriately high density of development for this area;
- increased planting should be provided along the boundaries to mitigate the adverse ecological impact and to mitigate the impact on neighbours; and
- increased light pollution.

Cllr Naimo: The building itself seems of a reasonable and practical size, creating family homes in the area. The comments of the County Ecologist should be taken into consideration. In particular, the planting of native species and the requirement for ecological supervision. Given the length of time this land as been left undeveloped, there may be some species using the site.

Cllr Chilvers: Raises concerns about loss of privacy and increased noise affecting existing residents. Also raises concerns about loss of habitat and native trees. In this context 6 properties would be an overdevelopment and a reduced number of properties leaving some space for a pond or keeping / replacing some trees would help maintain an element of this green secluded spot for wildlife. The fact that these are homes for families is welcomed. In addition there are concerns about the narrowness of the proposed access road.

WCC Ecology: Recommend conditions to require an ecological inspection prior to works commencing and to require the submission of a combined ecological and landscaping scheme.

WCC Landscape: The trees to be removed should be replaced on site. There is scope for additional tree planting around the perimeter of the site to soften the impact on neighbouring properties.

WCC Archaeology: No comment.

WCC Highways: No objection, subject to conditions.

ASSESSMENT

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

- the principle of development;
- the impact on the living conditions of neighbouring dwellings;
- the impact on the character and appearance of the area;
- car parking and highway safety;
- loss of trees;
- ecological impact; and
- health and wellbeing

The principle of development

The site does not comprise previously developed land. Therefore the proposals would be contrary to Local Plan Policy UAP1. However, as the Council are unable to demonstrate a five year supply of housing land, this policy has to be considered to be out of date. Furthermore, in this case, previous planning permissions have established the principle of constructing some form of residential development on this site. The site is situated in a sustainable location within the urban area and therefore the development of the site for residential purposes is considered to be acceptable in principle.

Impact on the living conditions of neighbouring dwellings

The separation distances from neighbouring dwellings would exceed the minimum distances required by the Council's Distance Separation Guidelines. The gable end of plot 1 would be 19.5m from the rear elevation of the dwellings at 26-28 Llewellyn Road (the Guidelines require 12m). The rear elevation of the proposed dwellings would be 30m from the rear elevations of the dwellings in Alexandra Road (the Guidelines require 22m). The front elevation of the proposed dwellings would be 34.5m from the rear elevations of the dwellings in Northway (the Guidelines require 22m). The proposed dwellings would have 7.5m long rear gardens, which is considered to be long enough to preserve the privacy of the gardens in Alexandra Road to the rear, given the length of those gardens (around 23m). In view of these generous separation distances, it has been concluded that the proposals would not cause unacceptable loss of light, loss of outlook or loss of privacy for neighbouring dwellings.

The proposals would introduce activity into an area alongside neighbouring gardens where there is currently very little. This will include vehicular movements along the access from Llewellyn Road and around the proposed parking area. However, this would not be dissimilar to the levels of activity that would have been generated by the previous residential scheme that was approved on the site. Given the length of neighbouring gardens it is not considered that the likely levels of activity would cause unacceptable noise and disturbance for neighbours.

The comments of the neighbour about the location of the bin store are noted. However, this is the only feasible location for the bin store given the requirement for it to be within 25m of the collection point. In any case, the bin store is situated towards the rear of the adjacent gardens and some distance from the nearest windows in the adjacent houses. Therefore it is unlikely to cause problems in terms of odour.

Impact on the character and appearance of the area

The previous planning permission for a student hall of residence established the principle of a two storey building on a similar alignment to the dwellings now proposed. The proposed dwellings would not be readily visible from public vantage points outside of the site given the screening afforded by the surrounding dwellings in Alexandra Road, Llewellyn Road and Northway, save perhaps for some limited views across the currently unfenced rear garden of No. 1 Northway. As a result the proposals are unlikely to have a significant impact on the wider character of the area. The design and scale of the dwellings would be in keeping with surrounding development. Therefore it has been concluded that the proposals would have an acceptable impact on the character and appearance of the area.

Car parking and highway safety

The Council's Parking Standards require 11.5 car parking spaces for the proposed development. The proposed layout shows 14 spaces. Therefore the proposals accord with the Parking Standards (allowing for an additional 2 spaces for the existing dwelling at No. 22 Llewellyn Road).

The request that a neighbour has made for access to be provided to their garage is a private land ownership matter that is not relevant to the consideration of a planning application. In any case, there is currently no access to this garage through the application site and therefore the proposals will not change this existing situation. The proposals will not reduce the parking available for any existing dwellings (other than that for No. 22 Llewellyn Road which will be replaced within the site).

The concerns of the objectors in relation to highway safety are noted. However, there has been no objection from the Highway Authority and highway safety was not raised as in issue in relation to any of the previous decisions in relation to residential development on this site, including at appeal. Therefore it has been concluded that the proposals would have an acceptable impact on highway safety.

Loss of trees

A number of trees are required to be removed to make way for the proposed development. However, given the backland location of the site, none of these trees are prominent in public views. When this is considered together with the size and condition of the trees, it has to be concluded that none of the trees are worthy of retention in their own right. Whilst there is some group value in terms of the visibility of the trees from surrounding gardens, this loss of private amenity could be compensated for by replacement planting within the proposed development. There is space within the layout to accommodate suitable replacement planting. This is consistent with the conclusions on this issue in relation to previous schemes for residential development on this site.

One objector has made specific reference to retention of a horse chestnut tree (reference T2 on the Tree Survey). However, this tree is considered to be unsuitable for retention because it is diseased.

Ecological impact

Appropriate surveys for protected species have been undertaken and the results have been submitted in an Ecological Survey Report. None of the structures or trees on the site were found to be suitable for roosting bats and no bats emerged from any of the structures / trees during the activity surveys. No reptiles were recorded but a number of smooth newts and common toads were found. Notwithstanding these results, given the suitable habitat on site the presence of protected and notable species cannot be discounted. Therefore the County Ecologist has recommended that a condition is imposed to require the site to be inspected for protected and notable species prior to work commencing. Subject to this condition the County Ecologist has raised no objection to the proposals. Therefore it has been concluded that the proposals would have an acceptable ecological impact.

The County Ecologist has also recommended a condition to require a combined ecological and landscaping scheme to be submitted for approval. This is considered to be sufficient to mitigate any loss of habitat as a result of the proposed development.

Health and wellbeing

Not applicable.

Other matters

The applicant has agreed in principle to make a contribution of £11,932 towards the provision or enhancement of public open space. This would meet the requirements of Local Plan Policy SC13 and the associated SPD. A condition is recommended to secure this.

The bin storage arrangements are considered to be adequate.

Objectors have raised concerns about increased surface water run-off and flooding. A condition is recommended to require drainage details to be submitted for approval and this will ensure that the development does not increase surface water run-off and therefore does not increase the risk of flooding.

Objectors have queried whether the houses will be used as houses in multiple occupation (HMOs). However, the application seeks planning permission for dwellings falling within Use Class C3. Therefore planning permission would be required for a change of use if anyone wished to use any of the dwellings as a HMO.

An objector has raised concerns about a close boarded fence not providing adequate protection between the parking spaces and an adjacent garden. However, such fences are common feature defining the boundary between car parks and gardens and it is not considered that there is any justification for requiring a more substantial boundary feature in this location.

An objector has also raised concerns about light pollution. However, with the site being situated within a built up part of the urban area, with a range of existing lighting associated within surrounding houses and streets, it is not considered that a proposal for 6 further dwellings would cause unacceptable additional light pollution.

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. Furthermore the proposals are considered to be acceptable in terms of car parking and highway safety and in terms of the loss of trees and the impact on ecology. Therefore it is recommended that planning permission is granted.

CONDITIONS

1 This permission is granted under the provisions of Article 4(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2010 as amended, 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) appearance
(b) landscaping

REASON : To comply with Section 92 of the Town and Country Planning Act 1990 as amended.

2 Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission. **REASON:** To comply with Section 92 of the Town and Country Planning Act 1990 (as amended).

3 The development to which this permission relates shall begin within three years of the date of this permission or within two years of the final approval of the reserved matters, whichever is the later. **REASON:** To comply with Section 92 of the Town and Country Planning Act 1990 (as amended).

4 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) 3266-05B & 3266-10B, and specification contained therein, submitted on 3 November 2015 & 6 January 2016. **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.

5 The development hereby permitted shall not be commenced unless and until a scheme showing how either a). at least 10% of the predicted energy requirement of the development will be produced on or near to the site from renewable energy resources, or b). a scheme showing how at least 10% of the energy demand of the development and its CO^2 emissions would be reduced through the initial construction methods and materials has been submitted to and approved in writing by the Local Planning Authority. No dwelling/ unit shall be first occupied until the works within the approved scheme have been completed for that particular dwelling / unit and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications. **REASON**: To ensure that adequate provision is made for the generation of energy from renewable energy resources or to achieve carbon savings in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011.

6 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, 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 DP1 of the Warwick District Local Plan.

7 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 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 Policy DP11 of the Warwick District Local Plan 1996-2011.

8 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.

9 The development hereby permitted shall not commence until a qualified ecologist has been appointed by the applicant to inspect the site (habitat/built structures) suitable for nesting birds, amphibians, reptiles, bats and hedgehog immediately prior to works (including demolition of buildings, tree/vegetation clearance). If evidence of these species are found works may not proceed until advised by the ecologist on the most appropriate approach. The qualified ecologist shall submit a brief report to the local planning authority within 1 month following completion of the supervised works to summarise the findings. **REASON :** To ensure that protected and notable species are not harmed by the development, in accordance with Policy DP3 of the Warwick District Local Plan.

10 No works shall commence, including site clearance, until a combined ecological and landscaping scheme has been submitted to and approved in writing by the local planning authority. The scheme must include all aspects of landscaping and details of biodiversity enhancements. The scheme approved under this condition shall be implemented in strict accordance with the approved details. **REASON :** To ensure that there is not an unacceptable loss of biodiversity from the site, in accordance with Policy DP3 of the Warwick District Local Plan.

11 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.

12 The development shall be carried out only in full accordance with sample details of the facing and roofing materials which shall 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.

13 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.

14 Prior to commencement of the development a Construction Management Plan shall be submitted to and approved in writing by the local planning authority. This shall include details of measures to be implemented to ensure that mud and debris will not be deposited on the highway as result of construction traffic leaving the site and indicate the provision of space within the site for the parking, loading and unloading of construction and all other associated traffic (this space shall then be kept clear at all times for this purpose during the period of the development). It should also make reference to a joint survey to be undertaken with the County's Area Surveyor/Locality Officer to agree the condition of the public highway prior to commencement on site and post completion of the development. The development shall be carried out in strict accordance with the Construction Management Plan

approved under this condition. **REASON** : In the interests of highway safety and the visual amenities of the area, in accordance with Policy DP6 of the Warwick District Local Plan.

15 None of the dwellings hereby permitted shall be occupied until an access for vehicles has been provided to the site not less than 5.0 metres or greater than 5.5 metres in width for a distance of 10.0 metres, as measured from the near edge of the public highway carriageway. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan.

16 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 any of the dwellings hereby permitted, in full accordance with the approved plans. The parking area shall at all times thereafter be kept free of obstruction and be available for parking. **REASON** : To ensure that adequate parking facilities are available, in accordance with the requirements of Policy DP8 of the Warwick District Local Plan.

17 The vehicular access for the development hereby permitted shall not be constructed in such a manner as to reduce the effective capacity of any highway drain or ditch. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011.

18 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 the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011.

19 The existing access to the site for vehicles shall not be used in connection with the development until it has been surfaced with a bound macadam material for a distance of 10.0 metres as measured from the near edge of the public highway carriageway in accordance with details to be approved in writing by the Local Planning Authority. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011.

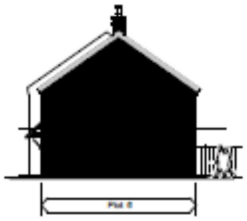
20 None of the dwellings hereby permitted shall be occupied until visibility splays have been provided to the pedestrian access to the site with an 'x' distance of 2.4 metres and 'y' distances of 2.4 metres as measured from the rear edge of the public highway footway. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway footway. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan.

21 None of the dwellings hereby permitted shall be occupied unless and until the bin store has been constructed in strict accordance with the approved plans. The bin store shall be retained at all times thereafter. **REASON** : To protect the amenities of occupiers of the site and the character and appearance of the locality, in accordance with Policies DP1 & DP2 of the Warwick District Local Plan.

22 Prior to the occupation of the dwelling on plot 1, the first floor window in the north elevation shall be permanently glazed with obscured glass to a degree sufficient to conceal or hide the features of all physical objects from view and shall be non-opening unless the parts of the window that can be opened are more than 1.7 metres above the floor of the room in which the window is installed. The obscured glazed window shall be retained and maintained in that condition at all times. **REASON** : To protect the privacy of users and occupiers of nearby properties and to satisfy the requirements of Policy DP2 of the Warwick District Local Plan 1996-2011.

N
Llewellyn Road
Plot 1
Plot 2
Plot 3
Plot 4
Plot 5
Plot 6

Street Elevation • Front



Elevation • Side

Elevation • Rear

Elevation • Side