

**Planning Committee:** 19 July 2016

**Item Number: 15**

**Application No:** [W 16 / 0902](#)

**Town/Parish Council:** Leamington Spa  
**Case Officer:** Jo Hogarth

**Registration Date:** 18/05/16

**Expiry Date:** 13/07/16

01926 456534 jo.hogarth@warwickdc.gov.uk

**13 Newbold Terrace, Leamington Spa, CV32 4EG**

Demolition of existing house and erection of a residential block containing 9 apartments. FOR Lewis and Lewis Property Consultants

-----

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

**RECOMMENDATION**

Planning Committee are recommended to grant planning permission.

**DETAILS OF THE DEVELOPMENT**

The proposal seeks to construct a three storey building with rooms in the roof, a four storey building with rooms in the roof which would provide 9 no three bedroom apartments together with the provision of 18 no off street parking spaces. Access would be off Newbold Street.

The proposed height of the main four storey element would be 10.5 metres rising to 13 metres for the lift shaft which would be set back from the edge of the roofline by 3.2 metres. The proposal then drops down in height where it would be adjacent to number 27 Newbold Street and would measure 9.5 metres. The new frontage building onto Newbold Street would be 31.9 metres in length with an addition of a 1.8 metre high wall which would continue to the junction of Newbold Terrace and return for a further 18.9 metres until it meets with number 14 Newbold Terrace.

The existing access onto Newbold Street would be utilised and modified to access the basement parking area. The proposed materials for the development would comprise of powder coated metal doors and windows with the external finish being render.

The Design and Access Statement states that the building would be rendered and would contain a series of projecting oriel windows along with a projecting block to create feature details and interest with glazing offering views over Jephson Gardens. It states that in contrast to the Villas, the front garden is open to the street and includes flat grassed areas with narrow axial pathways to each entrance door.

**THE SITE AND ITS LOCATION**

The site is situated within the designated Conservation Area and as a corner plot has two frontages, one onto Newbold Street overlooking the Royal Spa Centre with the other onto Newbold Terrace overlooking the entrance to Jephson

Gardens. The area has a residential character albeit there is a Public House nearby. The properties surrounding the area comprise of substantial Regency villas with regular spacing between them. Further along Newbold Terrace towards the junction with Willes Road is a larger flat development comprising of six storeys. The area is covered by a Residents Parking Zone and is within walking distance of the town centre.

## **PLANNING HISTORY**

In 2014 (ref: W/14/0664) withdrawn for 9 apartments due to concerns in relation to the height, design and access to the development.

In 2015 (ref: W/15/1347) withdrawn for 9 apartments due to concerns in relation to the height, design and access to the development.

In 2016 (ref: W/16/0031) permission refused for 9 apartments on grounds of highways, being:

*"Policy DP6 of the Warwick District Local Plan 1996-2011 states that development will only be permitted which provides safe, convenient and attractive routes and demonstrate that they do not cause harm to safety.*

*In the opinion of the Local Planning Authority, the access into the development, whilst achieving the required visibility spays, would serve an increased number of residential units on the site and relies on there being no vehicles using the parking bays on the public highway, either side of the access. It is considered that this intensified use of the access/egress has the potential to increase the number of conflicts of vehicles as residents would have to 'nose out' between parked cars and this would be detrimental to highway safety.*

*The proposal is thereby considered to be contrary to the objectives of the aforementioned Local Plan Policy".*

## **RELEVANT POLICIES**

### The Current Local Plan

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)
- DAP3 - Protecting Nature Conservation and Geology (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)
- TR1 - Access and Choice (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

### Guidance Documents

- Vehicle Parking Standards (Supplementary Planning Document)
- Open Space (Supplementary Planning Document - June 2009)
- Sustainable Buildings (Supplementary Planning Document - December 2008)

## **SUMMARY OF REPRESENTATIONS**

**Royal Leamington Spa Town Council:** No objection but note the previous highways objection. Concur with the advice from the Conservation Officer.

**WCC Ecology:** No objection subject to condition of a dawn bat survey to be carried out immediately prior to demolition, demolition to be carried out by hand and a brief bat report to be submitted by a qualified bat worker.

**WCC Highways:** No objection subject to conditions on the submission of a Construction Management Plan; access to be surfaced with bound material for a minimum of 7.5 metres.

**WDC CCTV:** No objection.

**WDC Green Space:** No objection subject to condition on contributions to public open space.

### **Public response:**

1 letter of support on the grounds that the development will harmonise with the local built environment; high quality apartments to satisfy demand; adequate parking, close to local amenities within walking distance.

27 letters of objection on the grounds that the corner plot will be overdevelopment as the existing building draws the eye to Jephson Gardens. Increase in parking problems near the junction (which should become a min-roundabout). The proximity of The Spa Centre with visitors and general traffic would cause collisions and unsafe for pedestrians. How can this be assessed in light of application W/16/0866 which is on part of the site?

## **ASSESSMENT**

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

- The Principle of Development
- The Impact on the Conservation Area and streetscene
- The impact on the living conditions of nearby dwellings
- Car Parking and Highway Safety
- Renewable Energy
- Ecological Impact
- Health and Wellbeing

### **The Principle of the Development**

The proposal would be contrary to Local Plan Policy UAP1 because residential gardens are not considered to be previously developed land. However, the NPPF states that policies should seek to support dwellings on garden land where it would not result in harm to the character and appearance of the area. Furthermore, 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.

### **The impact on the Conservation Area and streetscene**

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a duty when exercising planning functions to pay special attention to the desirability of preserving or enhancing the character of a conservation area.

Paragraph 132 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 134 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage assets, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

The design of the proposal has been the subject of extensive discussions with the Conservation Officer and it is considered that as a prominent corner location opposite the Grade II Listed Registered Jephson Gardens the design, whilst contemporary, needed to be bold in its appearance. It is considered that the design does relate to the special historic character of the area with window opening heights reflecting those of the Regency villas nearby. The balcony screens are to be clear glass to enable views of the windows which, unlike the previous proposals were solid features. The design also picks up on the recently built Justice Centre development which sits near the junction with Euston Place.

It is considered that the proposed materials would create a clear, crisp and uncluttered appearance and further it would be appropriate to condition samples to ensure a traditional wet render and not a through colour. Whilst it might be argued that through colour render is easier to maintain, given its location a traditional approach it considered appropriate.

It is considered that in relation to the NPPF the proposal would lead to less than substantial harm and the wider public benefit in securing a well-designed residential building outweighs any potential harm.

### **The impact on the living conditions of nearby dwellings**

With regards to impact on neighbours, the objections are noted in relation to the parking and highways issues which are discussed below. There are no proposed side facing windows in the first, second and third floors along the boundary with number 14 Newbold Terrace with the main aspect overlooking the communal gardens. The first, second and third floors are set further away from this boundary. The design is bespoke in that whilst it would be four storeys in height it would not appear over bearing in relation to the Regency villas which have 3.5 metre high chimney features.

It is considered that the proposal is acceptable and would not conflict with Policy DP2 in the Local Plan.

### **Car Parking and Highway Safety**

Prior to this resubmission, discussions have taken place between the applicant's highway consultant and County highways and as now the visibility splays required can be achieved raise no objection, subject to conditions. The existing access onto Newbold Street is to be modified to be 5 metres in width with a 1:12 gradient ramp down to the parking area which is considered acceptable. It is considered therefore that a refusal on highway grounds could no longer be sustained.

Within the site edged red, 18 off street parking spaces are proposed which would meet the Council's Supplementary Planning Document on Vehicle Parking. The parking layout has been designed to ensure that where the spaces are bound by solid walls, these would measure 3 metres in width to allow vehicle doors to be opened. This would meet the requirements set out in Policy DP8 in the Local Plan.

Pedestrian access would be available off Newbold Street being the main entrance however there would also be access from Newbold Terrace. From the underground parking area there is a lift or stairs providing access to the apartments. Cycle storage is also provided within the parking area together with a storage area for each apartment.

### **Renewable Energy**

As part of the submission an energy statement was submitted which explores the use of a fabric first approach in order to reduce carbon emissions as well as the use of solar panels, given the orientation of the site. However no detailed calculations were provided to demonstrate 10% in accordance with the Council's adopted Supplementary Planning Document on Sustainable Buildings together

with Policy DP13 in the Local Plan and therefore it is considered appropriate to attach a condition requiring these calculations to be submitted.

### **Ecological Impact**

No objection is raised on ecological grounds subject to a condition requiring the destructive works to be supervised by a qualified bat worker with the removal of the roof by hand. This is considered acceptable and reasonable, together with notes on reptiles and amphibians. This would accord with the requirements set out in Policy DAP3 in the Local Plan which seeks to ensure that protected species are not harmed.

### **Health and Wellbeing**

It is considered that the proposal would offer people a greater choice of where to live within the District.

### **Other Matters**

It is considered that adequate bin storage is provided within the development and would be easily accessible for collection, in accordance with criteria set out in Policy DP1 in the Local Plan.

Some objections raise the query about assessing this application in light of a separate application being submitted by a different applicant which would utilise part of the site (ref: W/16/0866) which is for the construction of a new dwelling. This application has been withdrawn.

The applicant for this application to build 9 no apartments served notice on the land owner and therefore it is a civil matter between the two parties involved regarding the acquisition of the land.

### **SUMMARY/CONCLUSION**

It is considered that the proposed development is acceptable in terms of design within this important part of the Conservation Area and would not result in detrimental harm to the character or appearance of the streetscene. Further, it is considered that highways issues are resolved with adequate off street parking and in terms of impact on neighbours the development would not give rise to significant harm such as to warrant refusal. The application is thereby considered to meet the objectives of the aforementioned Local Plan Policies and SPD's 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 numbers 1565 20A; 22D; 23C; 24C; 25C; 26C; 27C; 29 and 30, and specification contained therein, submitted on 17 May 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.

- 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 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<sup>2</sup> emissions would be reduced through the initial construction methods and materials has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until all the works within the approved scheme have been completed 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.

- 5 No development shall be carried out on the site which is the subject of this permission, until large scale details of doors, windows (including a section showing the window reveal, heads and cill details), eaves, verges and rainwater goods at a scale of 1:5 (including details of materials) 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 ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011.

- 6 No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority and Local Highway Authority. The Construction Management Plan must include details to prevent mud and debris being passed onto the highway; wheel washing facilities; vehicle routing plan; and parking and loading/unloading of staff/construction/delivery vehicles.  
**REASON:** In the interests of highway safety and the amenities of the occupiers of nearby properties, the free flow of traffic and the visual amenities of the locality in accordance with Policies DP2, DP6, DP8 & DP9 of the Warwick District Local Plan 1996-2011.
- 7 The development shall be carried out only in full accordance with samples of all 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.
- 8 Prior to the demolition of the building, immediately prior, a dawn bat survey shall be undertaken, the results of which shall be reported and submitted to the Local Planning Authority in conjunction with the County Ecologist. The development hereby permitted shall be undertaken in the presence of a qualified bat worker appointed by the applicant to supervise all destructive works to the building to be demolished. All roofing material is to be removed carefully by hand. Appropriate precautions must be taken in case bats are found, such as the erection of at least one bat box on a suitable tree or building. Should evidence of bats be found during this operation, then work must cease immediately while Natural England and WCC Ecological Services are consulted for further advice. **REASON:** To ensure that no protected species are harmed, in accordance with Policy DAP3 in the Warwick District Local Plan 19956-2011.
- 9 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 development 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

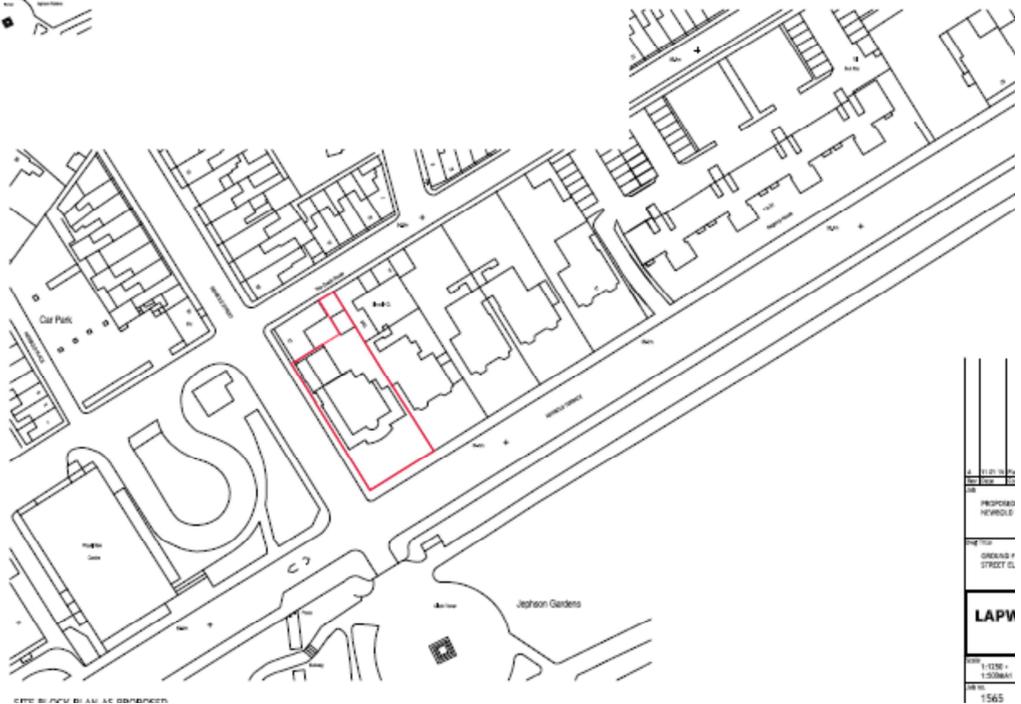
diseased shall be replaced in the next planting season with another of similar size and species, unless the local planning authority gives written consent to any variation. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees 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.

- 10 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 minimum distance of 7.5 metres as measured from the near edge of the public highway carriageway. **REASON:** In the interests of highway safety in accordance with Policy DP6 in the Warwick District Local Plan 1996-2011.
  
- 11 The access to the site shall not be reconstructed/widened 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 in the Warwick District Local Plan 1996-2011.
  
- 12 The car parking area shall be laid out and made available prior to the first occupation of the development hereby permitted. The parking areas shall be kept free and maintained as such at all times thereafter in perpetuity. **REASON:** To ensure that there is adequate off street parking available for the development in accordance with the requirements of Policy DP8 in the Warwick District Local Plan 1996-2011.

-----



SITE LOCATION PLAN AS EXISTING  
1:1250



|             |
|-------------|
| 1:1250      |
| PROPOSED    |
| NEWBOLD     |
| STREET C    |
| <b>LAPW</b> |
| 1:1250      |
| 1565        |





STREET ELEVATION AS PROPOSED 1:600



STREET ELEVATION AS PROPOSED 1:250

C 1100 16 Planning/Architecture  
 1100 16 Planning/Architecture  
 1100 16 Planning/Architecture  
 1100 16 Planning/Architecture

PROPOSED RESIDENTIAL DEVELOPMENT  
 NEWBOLD TERRACE

STREET ELEVATIONS  
 AS PROPOSED

**LAPWORTH ARCHITECTS**  
 1100 16 Planning/Architecture  
 1100 16 Planning/Architecture  
 1100 16 Planning/Architecture

| NO. | DATE | BY | REVISION |
|-----|------|----|----------|
| 1   | 1565 | 27 | C        |