

Planning Committee: 09 December 2009

Item Number:

Application No: W 09 / 0634

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Town/Parish Council: Leamington Spa

Expiry Date: 27/10/09

Case Officer: John Beaumont

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9 and 11 St Marks Road, Leamington Spa, CV32 6DL

Erection of two coach houses in the rear gardens of 9 & 11 St Marks Road, fronting Cliffe Road for ancillary use to Nursery [no 9] and dwelling [no 11]; construction of new vehicular access onto Cliffe Road FOR Mr Dhesi

This application is being presented to Committee due to the number of objections received and at the request of the Ward Member, Councillor Gifford who has referred to the site being 'an important part of the Conservation Area and it has a fairly complicated planning history'.

SUMMARY OF REPRESENTATIONS

Leamington Spa Town Council: No objection.

Public Response: 8 objections received from local residents on grounds of unacceptable loss of gardens creating undesirable precedent; additional traffic harmful especially as this road is used by school children and is a 'rat run' in term time; ugly buildings too close to edge of site; urbanisation of this narrow road; unsafe access; roller shutter doors/boarded windows out of character; loss of privacy; proposed buildings could be converted to dwellings in the future; classrooms should be attached to main building; loss of Victorian character of Conservation Area; these buildings are too large to be ancillary; loss of wildlife. 2 letters of support stating this will provide much needed accommodation. Loss of garden land not an issue as such large gardens; historically other coachhouses nearby; nursery has operated for 16 years and has not caused parking difficulties and the rear 'overflow' car park off Cliffe Road has not been used (rather it appears unkempt), design acceptable as proposed (coach houses are smaller than houses previously approved).

WCC (Highways): No objection subject to highway conditions.

WCC (Ecology): No objection subject to bat, bird, reptiles and amphibian notes.

CAAF: In terms of impact on Conservation Area the loss of trees and walls was felt to be retrograde and would set a precedent for this side of Cliffe Road; a building with less impact and possibly 1 narrower access may be better; a single storey building suggested; concern was expressed at loss of overflow parking and the impact this may have on the rest of the parking.

Head of Environmental Health: No objection.

RELEVANT POLICIES

- DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (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)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- Vehicle Parking Standards, SPD, November 2007

PLANNING HISTORY

Planning permission for the erection of 2 garages with car parking was refused in 1997; reference W97/0605/0606CA and W97/0653/0654CA. Subsequent appeals against these refusals were dismissed solely on the issue of the loss of car parking. Consequently, the proposals were resubmitted in 2000, W20001552/53CA when permission for the 2 houses was granted subject to a legal Section 106 Agreement which stated the permission would not be implemented unless either the use of the nursery had ceased or a planning permission had been granted to continue the use of the nursery without the use of the land at the rear of No. 9 St. Marks Road for staff car parking. This permission has now expired.

Planning permission for the use of the ground and first floor of No. 9 St. Marks Road as a children's nursery for 32 children was granted in 1993 reference W930832, subject to conditions, including the retention of a staff car park as land to the rear accessed off Cliffe Road. An application to delete this condition was refused in 1994 (reference W941220) and a subsequent appeal against this refusal was dismissed. An application to increase the number of children in the nursery to 48 was granted in February 2000, reference W20000059; no additional car parking was required in connection with this permission having regard to the existence of a rear staff car park, the continued existence of which was acknowledged by the applicant in his letter of support for that application.

A retrospective planning application to retain a playhouse and canopy in the rear garden of No. 9 St. Marks Road was submitted on 29th October 2009, W09/1302.

KEY ISSUES

The Site and its Location

The site is located in the Conservation Area and fronts onto Cliffe Road. It currently forms part of the rear gardens of Nos. 9 and 11 St. Marks Road which are not 'listed' buildings; there are no 'TPO' trees in the application site. The application site to the rear of No. 11 St. Marks Road is laid out as garden with a 1.8 m fence onto Cliffe Road with a pedestrian gate only from that road. The application site to the rear of No. 9 St. Marks Road is substantially laid out as hard standing with a brick wall and gate onto Cliffe Road.

No. 9 St. Marks Road is in use as a children's nursery, whilst No. 11 St. Marks Road is a single dwelling.

Details of the Development

This is an amended application. As amended, the scheme comprises a new brick building fronting Cliffe Road, set back between 0.3 m and 0.9 m from the line of the existing boundary wall/fence. Accommodation would be provided on 2 floors, in part wholly within the roof space and in part within gabled elements. Two vehicular accesses with splayed entrances onto Cliffe Road are proposed, each provided with timber folding gates. The part of the building to the rear of 11 St. Marks Road would have a double garage and workshop on the ground floor with a study and games room above. The part of the building to the rear of No. 9 St. Marks Road is proposed to be used for 2 classrooms with a toilet and ancillary room; 2 car parking spaces and 7 cycle 'hoops' are shown to serve this element of the development. The architectural design of the building incorporates brickwork details with a recessed brickwork panel below the first floor gable windows. The building would be wholly constructed with brick with a slate pitched roof with all timberwork being painted; a number of conservation rooflights are proposed.

The applicants have submitted a design and access statement, a sustainability statement, an arboricultural report and statements to support the application and clarify the parking situation for the nursery at No. 9 St. Marks Road. The latter states:-

1. The proposed coach houses are ancillary buildings for the main houses on 9 and 11 St Marks Road. They are not separate dwellings.
2. The planning application, which was granted for the two large 4 bedroom houses, was allowed to expire by the applicant, as this application was considered more appropriate.
3. There will be no increase in the number of children attending the day nursery, this will remain at 48 as defined by the current planning permission. We would be willing to accept a similar condition attached to the permission.
4. There will be no increase in the number staff employed. There are 7 full time posts and 4 part time posts.
5. The current access for staff and parents to the day nursery will remain at the front [St Marks Road] to ensure security is maintained at all times. Only the staff will be able to access the site from Cliffe Road, if the additional parking is required. There will be no parent drop off in Cliffe Road.
6. The classrooms identified in the ancillary building on Cliffe Road will be used to provide the flexible learning environment as required by the legislation included in the Children's Act 2004, Every Child Matters, The Childcare Act and more recently the Children's Plan.

7. The nursery has always provided adequate car parking for its staff at the front of the building. No more than 3 members of staff have travelled to work in their own car at any one time over the past 15 years. Currently only 2 members of staff use their cars, which is approximately 20% of the staff employed. This is very consistent with the figure of 19.6% quoted by Lighthouse Day Nursery (planning application W/04/1243) and a figure of 18.8% quoted by Seedling Day Nursery (planning application W/04/1794). Both day nurseries are less than 500 metres away from St Marks Road.

8. The car parking complies with the requirements of the Warwick District Council's SPD Vehicle Parking Standings to provide 1 space per FT staff [5 existing spaces to front off St Mark's Road and 2 spaces at the rear off Cliffe Road]. The application site is just outside Leamington Town Centre and the staff have demonstrated a high reliance on sustainable travel by using public transport (the nursery is located 100 metres from a principal bus route on Rugby Road), cycling to work (secure cycle parking will be provided), and some staff walk to work.

9. The additional car parking spaces on the grounds beyond the garden onto Cliffe Road have never been used in the last 15 years. The area is currently used as additional open play space for the children. The support letter from 7 St Marks Road and the objection letter from 15 St Marks Road back this fact. The objector from 15 St Marks Road states " I am also baffled why the proposed ancillary buildings require vehicular access to the rear of the existing properties when both buildings already have ample parking and access to the front of the existing houses".

Assessment

Clearly this site has a lengthy planning history with a planning permission (W2000/1552) for 2 houses having been granted in November 2003 which has now expired; that permission was subject to a Section 106 Agreement to ensure that the development did not go ahead until either the use of No. 9 St. Marks Road as a nursery had ceased or it had been agreed the nursery 'overflow' car park on the application site was no longer needed. Whilst conscious of the approval of the Warwick District Local Plan 1996-2011 in September 2007, I consider that there has been no material change of circumstances since the approval of W2000/1552 which would now result in an objection in principle to the erection of a development on this site. The key issues to be considered in the determination of this application are therefore the nature of the uses now proposed, the impact of this particular proposal on the character and appearance of the Conservation Area; the impact on the amenity of neighbours; highway/parking issues; other matters.

Nature of the uses proposed: Planning permission has previously been granted for 2 detached houses on this site. The current application is for 2 distinct elements. To the rear of No. 11 St. Marks Road it is proposed the building would be used for purposes ancillary to the residential use of that property (i.e. garaging, workshop, study and games room). I consider such ancillary residential uses would be wholly acceptable and given the scale of No. 11 St. Marks Road (having some 7 bedrooms) would not be disproportionate in its scale. To the rear of No. 9 it is proposed that the building would be used as additional classrooms/storage associated with the current nursery use of No. 9 St. Marks Road. It is stated the new accommodation proposed

would not result in an increase in staff or children at the nursery with all parents access to the nursery still being via No. 9 St. Marks Road. I consider the principle of additional classrooms in this location for this long established nursery would be acceptable. I, therefore, conclude the nature of the uses proposed by this application would be acceptable.

Impact of the proposal on the Conservation Area: I note that the principle of 2 storey dwellings on this site has previously been accepted (including by an Inspector on appeal). I consider that the design and appearance of the present application (as amended) would be equally wholly acceptable and would not cause harm to the character or appearance of the Conservation Area. Its use of brick detailing with a slate roof would be consistent with the design of outbuildings elsewhere in Leamington Spa and whilst noting the comments of CAAF, I do not consider an objection to the design of this amended scheme could be sustained.

Impact on the amenity of neighbours: By definition, this proposal will introduce changes to the appearance of the site and the proposed development will have an impact on neighbours amenity. I do not consider, however, that subject to conditions this impact would be unreasonable, particularly when compared with the potential impact of the previously approved residential scheme. The scale and bulk of the development now proposed would not be unacceptable and the amount of potential overlooking would be limited; furthermore, I do not consider the proposed uses would result in any new adverse impact on the locality. Whilst some local residents have raised the issue of the potential future use of these proposed outbuildings as dwellings, such a change of use would require planning permission and the implications of such a proposed change of use would have to be considered in the context of any submitted application. As submitted, therefore, I consider the proposal would not have an unacceptable impact on neighbours amenity.

Highway/parking issues: WCC (Highways) have raised no objection to this proposal subject to conditions; there is already one vehicular access onto this site which serves the possible overflow car park and it is considered the two access points now proposed would be acceptable (the accesses have been provided with 'splayed' entrances to improve visibility at the site entrances onto Cliffe Road). The previous planning permission for 2 houses included 2 vehicular accesses onto Cliffe Road. With regard to car parking, the element of the proposed building to the rear of No. 11 St. Marks Road would provide 2 garages for that property.

The key parking issue is therefore the parking arrangements for the nursery at No. 9 St. Marks Road. The District Council's car parking standards, adopted in November 2007, now specify that in this location, 1 off street car parking space should be provided for each full time member of staff. The applicant has stated that this scheme will not result in additional children at the nursery and that parents will still approach the nursery off St. Marks Road. Seven full time staff are employed at the nursery and the scheme will provide 5 car parking spaces off St. Marks Road and 2 off Cliffe Road; cycle 'hoops' will also be provided. I note that 4 part time staff are also employed but given the terms of the Council's adopted car parking policy and the information submitted by the applicant in support of the application (reported in the 'description of development' above) I do not consider a refusal on car parking

grounds could now be sustained either due to the loss of the existing nursery 'overflow' car park or the likely generation of traffic by the development itself.

Other matters: I note that the 'tree report' concludes no important trees would be adversely affected but that the implementation of the scheme should be conditioned to ensure trees nearby are adequately protected. The requirement for the installation of 'renewables' can similarly be conditioned.

In conclusion, I am wholly satisfied that subject to appropriate conditions, this will be an acceptable development, particularly having regard to the previous permission for the erection of 2 dwellings on this site.

RECOMMENDATION

GRANT, subject to the conditions listed below.

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 nos. 660-01A, 660-02A and 660-04A, and specification contained therein, unless first agreed otherwise in writing by the District Planning Authority. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with 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 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** : For the avoidance of doubt, and 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.

- 5 All rainwater goods for the development hereby permitted shall be metal. **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 All doors and window frames shall be constructed in timber and shall be painted and not stained. **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.
- 7 A landscaping scheme, incorporating existing trees and shrubs to be retained and new tree and shrub planting for the whole of those parts of the site not to be covered by buildings shall be submitted to and approved by the District Planning Authority before the development hereby permitted is commenced. Such approved scheme shall be completed, in all respects, not later than the first planting season following the completion of the development hereby permitted, and any trees removed, dying, being severely damaged or becoming seriously diseased within five years of planting, shall be replaced by trees of similar size and species to those originally required to be planted. Existing trees which are shown as being retained shall be dealt with in accordance with BS 5837:2005. In particular, before any materials are brought on the site or any demolition or development commenced, stout protective fencing should be erected to enclose the perimeter of the branch spread of each tree or shrub to be retained, together with the branch spread of any tree growing on adjoining land which overhangs the site. Such fencing shall be satisfactorily maintained until all development has been completed. **REASON** : To protect and enhance the amenities of the area, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011.
- 8 Before the development hereby permitted is first commenced details of the construction of all foundations to demonstrate that retained trees will be adequately protected in accordance with the Arboricultural Report, dated August 2009 and deposited in support of this application, shall be submitted to and approved in writing by the District Planning Authority. The development shall be undertaken strictly as so approved unless first agreed otherwise in writing by the District Planning Authority. **REASON:** To ensure nearby trees are adequately protected in accordance with the requirements of Policy DP3 in the Warwick District Local Plan 1996-2011).
- 9 The use of that part of the building hereby permitted to the rear of No. 9 St. Marks Road shall be used solely ancillary to the use of the nursery in No. 9 St. Marks Road and not more than 48 children in total shall be accommodated in both this part of the building hereby permitted and the nursery in No. 9 St. Marks Road. **REASON** : To protect the amenity of this locality and having regard to the restricted availability of off-street car parking in accordance with the requirements of Policies DP2 and DP8 in the Warwick District Local Plan 1996-2011.

- 10 The part of building hereby permitted to the rear of No. 9 St. Marks Road shall be accessed by parents and children attending the nursery solely off St. Marks Road via the existing nursery at No. 9 St. Marks Road, and the access off Cliffe Road shall be used solely by staff employed in the nursery accessing either the vehicle or cycle parking hereby approved which shall be provided and retained available for such use at all times either the classrooms hereby permitted or the nursery in No. 9 St. Marks Road is in use; the timber folding gates hereby approved shall be kept closed at all times other than when vehicles or cycles are entering or leaving the site. **REASON** : To protect the amenity of the area in accordance with the requirements of Policy DP2 in the Warwick District Local Plan 1996-2011)
- 11 Prior to commencement of the development hereby approved, details of a porous surface treatment for the drive or where a non-porous surface treatment is proposed, details of the provision to be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwellinghouse, shall have been submitted to and approved by the District Planning Authority. The drive shall be constructed and surfaced, in full accordance with the approved details. **REASON** : To reduce surface water run-off and to ensure that the development does not increase the risk of flooding elsewhere, in accordance with Policy DP11 of the Warwick District Local Plan.
- 12 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 site, or in the locality, 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. **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.
- 13 That part of the building hereby permitted to the rear of No. 11 St. Marks Road shall be used for purposes ancillary to the residential use of that property and for no other purposes whatsoever. **REASON** : To protect the amenity of nearby residents in accordance with the requirements of Policy DP2 in the Warwick District Local Plan 1996-2011.
- 14 The accesses to the site for vehicles shall not be used unless a public highway footway 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.
- 15 The development shall not be commenced until visibility splays have been provided to the vehicle access to the site passing through the limits of the site fronting the public highway with an 'x' distance of 2.4 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 the splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway.

- 16 The accesses to the site for vehicles shall not be used in connection with the development (hereby permitted) until they have been surfaced with a bound material for a distance of 5 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 (in consultation with the Highway Authority). **REASON** : In the interests of highway safety in accordance with the requirements of Policy DP6.

- 17 Gates erected at the entrances to the site for vehicles shall not be hung so as to open onto the public highway carriageway. **REASON** : In the interests of highway safety in accordance with the requirements of Policy DP6.

INFORMATIVES

For the purposes of Article 22 of the Town and Country Planning (General Development Procedure) (England) (Amendment) Order 2003, the following reason(s) for the Council's decision are summarised below:

In the opinion of the District Planning Authority, the development would not cause unacceptable harm to the architectural and historic character of the Conservation Area within which the site is located. Furthermore, the proposal would not adversely affect the amenity of nearby residents and would provide adequate off-street car parking. The proposal is therefore considered to comply with the policies listed.
