

**Application No:** [W 15 / 1999](#)

**Town/Parish Council:** Leamington Spa  
**Case Officer:** Emma Spandley

**Registration Date:** 01/12/15

**Expiry Date:** 26/01/16

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**Rear of 207, Rugby Road, Leamington Spa**

Outline application for erection of single storey detached dwelling on land rear of 207 Rugby Road with access via Conway Road - ALL MATTERS RESERVED FOR Mr & Mrs Hyde & Medwell

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This application is being presented to Committee due to an objection from the Town Council and the number of objections having been received.

**RECOMMENDATION**

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

**DETAILS OF THE DEVELOPMENT**

The application is for outline planning permission for the erection of a detached bungalow with access onto Conway Road. Drawings have been submitted accompanying the application outlining the footprint and layout of the proposed bungalow. However, they have been submitted for illustrative purposes only. The indicative eaves and ridge heights provided are 3.5 metres and 6.5 metres respectively. The application has been made in outline with all matters reserved for future consideration.

Many applications for outline planning permission have been granted on the site. The most recent being in 2012, this permission expired on 21st December 2015.

**THE SITE AND ITS LOCATION**

The application site forms part of the rear garden of 207 Rugby Road, fronting onto the north side of Conway Road. Two semi-mature trees are situated within the application site and are visible within the streetscene of Conway Road.

The streetscene is mixed in character with approximately one third of the frontage of the north side of the road remaining as part of the gardens of dwellings fronting onto Rugby Road, together with some outbuildings/ garages used in association with those dwellings. The remainder of the frontage on the north side of the road is characterised by detached bungalows, and Westgrove Terrace which is designated as part of the Royal Leamington Spa Conservation Area. The south side of the road is less developed than the north side, with a pair of semi-detached bungalows situated opposite the application site and two detached bungalows to the rear of 54 Warwick Place. The remaining frontage onto the south side of Conway Road largely comprises the rear gardens of properties fronting Warwick New Road or Warwick Place. The south side of the

Conway Road frontage extending from the rear of 54 Warwick Place to the end of the road is situated within the Royal Leamington Spa Conservation Area.

Conway Road is only 3.6 metres wide for the first 30 metres from its junction with Oswald Road. However, the road then widens significantly for the remainder of the length of the road and is approximately 8.6 metres wide in front of the application site itself. Conway Road is currently unadopted, unsurfaced and in a poor state of repair.

## **PLANNING HISTORY**

Outline planning permission (ref: W91/1307) for 'Erection of a bungalow and garage fronting Conway Road' to the rear of 207 Rugby Road was granted by the Planning Committee in 1991. This permission lapsed but was renewed in 1995 (ref: W95/0710). The plans submitted indicated that a bungalow could be situated at the bottom of the garden of no. 207 and would leave approximately 26 metres between the rear of number 207 and the rear of the new property which itself would have a garden depth of 12 metres.

Outline planning permission (ref: W09/0623) for 'Erection of a bungalow with rooms in roofspace' was refused by Planning Committee in July 2009. It was clarified after the meeting that there was only one reason for the refusal that being the loss of privacy to neighbours arising from the incorporation of rooms in the roofspace. The application was subsequently withdrawn by the applicant before the decision was issued. Outline planning permission (ref W/09/1188) was subsequently granted for the 'Erection of a bungalow' by Planning Committee as the reference to the rooms in the roof were omitted.

Outline planning permission (ref: W12/1382 for 'Renewal of planning permission W09/1188 for outline application for the erection of bungalow on land rear of 207 Rugby road with access onto Conway Road'. This was granted on 21st December 2012.

## **RELEVANT POLICIES**

- National Planning Policy Framework

### The Current Local Plan

- UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (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)

### The Emerging Local Plan

- H0 - Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)

- 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)
- CC2 - Planning for Renewable Energy and Low Carbon Generation (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)

#### Guidance Documents

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

### **SUMMARY OF REPRESENTATIONS**

**Royal Leamington Spa Town Council:** objection. 'The building of a further property will exacerbate the dilapidated state of Conway Road adversely impacting on access for the existing residents.'

**Ecology (WCC):** No Objection

**Cllr Gifford:** objection due to Conway Road an unadopted road being the sole means of access is totally unsuitable given its appalling condition and there is very real difficulty of getting the road adopted and therefore improved.

#### **Public Response:**

5 letters of objection have been received based on the existing condition of the access road to the rear of Conway Road; the impact of construction traffic and the lack of mains services.

**WCC Highways:** No objection

#### **Assessment**

The main considerations in the determination of this application are:

1. The principle of residential development.
2. Loss of trees.
3. The effect of the proposal on the character and appearance of the area and the setting of the Conservation Area.
4. The effect of the proposal on the living conditions of the occupiers of the neighbouring properties.

5. Renewable Energy.

6. Parking & Highway Safety.

7. Open Space

Principle:

Policy UAP1 of the Warwick District Local Plan 1996-2011 states that residential development will be permitted on previously development land within the confines of the urban areas subject to compliance with other policies.

The application site relates to land to within the curtilage of No.207 Rugby Road, which does not fall within the definition of previously developed land contained in the NPPF. However, only limited weight can be attached to this policy because the Council does not have a five year supply of deliverable housing sites. In such circumstances paragraph 49 of the NPPF is relevant such that Policy UAP1 cannot be regarded as being up to date and the principle of the development is considered to be acceptable, subject to the compatibility with other national and local policies.

Trees:

The proposed development would potentially result in the loss of two semi-mature trees which are visible from within Conway Road. However, the Council's Arboricultural consultants has advised that their amenity value is not sufficient to secure a Tree Preservation Order and therefore their loss remains acceptable in accordance with Local Plan policy.

Character and appearance/ setting of conservation area/ living conditions

The size of the plot and its context has not significantly changed since the original grant of planning permission and therefore the erection of a bungalow remains compatible with existing dwellings fronting onto Conway Road and can satisfactorily be accommodated on the site, whilst preserving the setting of the Conservation Area.

Living conditions

As there has been no significant changes in terms of the site's relationship with surrounding dwellings, it remains the case that a bungalow can be sited sufficient distance from the two dwellings on Oswald Road and 205 and 209 Rugby Road to avoid any potential overlooking or overshadowing and in accordance with the Council's Residential Design Guide.

Renewable energy:

A Sustainable Buildings Statement demonstrating how 10% of the predicted energy requirement of the proposed building will be provided on site through renewable energy has not been submitted. However, as the application is in outline only, it is considered appropriate for this requirement to be secured by condition.

Parking & highway safety:

The size of the plot and its access has not significantly changed since the original grant of planning permission and remains capable of accommodating off street parking in accordance with the requirements of the Vehicle Parking Standards SPD and without detriment to the safety of traffic on Conway Road.

Objections have been received regarding the current state of repair of Conway Road and in particular the fact that it has deteriorated since the 2009 & 2012 permission for the approval of a bungalow on the site. Whilst there may have been some material change to the state of the road, the road is not considered to be so sub-standard as to be unacceptable for use by future occupiers of the proposed dwelling on grounds of safety. Furthermore, and having regard to the fall back position where vehicular access to a garage served from Conway Road currently exists, any additional impact from the proposed bungalow is not considered to be so excessive to cause harm to the amenity of the area or residents. The Highway Authority have not objected to the application.

### Open Space

The proposal would create a two bedroom dwelling and therefore, in accordance with Policy SC13 in the Local Plan and with the Council's adopted SPD on Open Space, it is considered appropriate to attach a condition requiring open space contributions. This would equate to £628.00 x 2 = £1,256.

### **Summary/Conclusion**

In the opinion of the District Planning Authority, the development respects surrounding buildings, does not adversely affect the amenity of nearby residents, will not prejudice highway safety and is considered to comply with the policies listed.

### **CONDITIONS**

- 1 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).
- 2 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).
- 3 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.

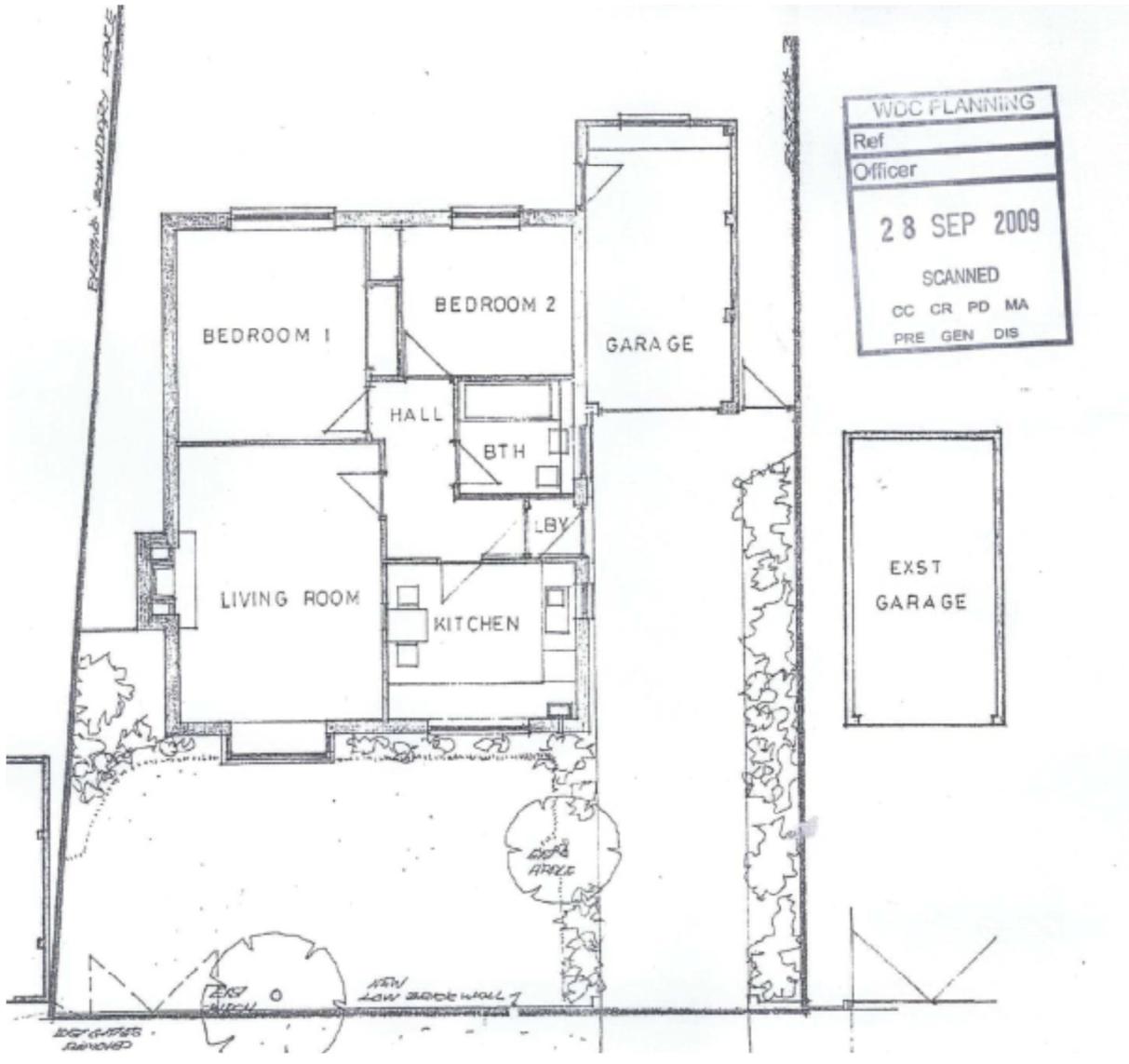
- 4 The development hereby permitted shall be carried out in strict accordance with details of surface and foul water drainage works that shall have been submitted to and approved in writing by the local planning authority. **REASON:** To ensure that adequate drainage facilities are available for the satisfactory and proper development of the site in accordance with Policy DP11 of the Warwick District Local Plan 1996-2011.
- 5 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.
- 6 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 ..... 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.

- 7 The vehicular access to the site shall not be less than 3 metres wide for a distance of 7.5 metres into the site, as measured from the near edge of the adjacent highway. **REASON:** In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011.
- 8 The low wall indicated on the illustrative layout plan should be a maximum 600mm in height to ensure visibility of pedestrians using Conway Road. **REASON:** In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011.
- 9 In the case of the reserved matters specified in relation to the layout, scale and appearance of the proposed bungalow, there shall be no windows or accommodation above ground floor level. **REASON:** To protect the living conditions of users and occupiers of nearby properties and to satisfy the requirements of Policy DP2 of the Warwick District Local Plan 1996-2011.
- 10 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no further development shall take place within the curtilage of any dwellinghouse hereby permitted without the prior written approval of the local planning authority. **REASON:** That due to the restricted nature of the application site and its relationship with adjoining properties it is considered important to ensure that no additional development is carried out without the permission of the local planning authority in accordance with Policies DP1 & DP2 of the Warwick District Local Plan 1996-2011.

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**ARLINGTON PLANNING SERVICES LLP**

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ILLUSTRATIVE SKETCH OF CURRENT  
PROPOSAL

APS/542/Plan 3

Scale 1:200

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