

**Planning Committee:** 12 July 2005

**Item Number:** 04

**Application No:** W 05 / 0582

**Registration Date:** 11/04/2005

**Town/Parish Council:** Leamington Spa

**Expiry Date:** 06/06/2005

**Case Officer:** Fiona Blundell

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**1 The Maltings, Leamington Spa, CV32 5FF**

Installation of 1 metre high railings along The Maltings (Amended description)  
FOR Mr A Silver

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This application was considered by the Planning Committee at the meeting on 22nd June 2005 when it was resolved to defer determination to enable a Members site visit to be undertaken on Saturday, 9th July 2005. The report which follows is that presented to the meeting on 22nd June 2005.

**SUMMARY OF REPRESENTATIONS**

**Town Council:** No objection

**Neighbours:** Ten objections have been received together with a petition containing 60 signatures, which are centred around the following grounds:

- The application site forms part of an awarding winning development and the proposed enclosure of the open space would be out of character and balance with the open aspect of the estate, spoiling the 'park like' landscaping, and have a subsequent adverse impact on the Conservation Area.
- The proposal is located close to the junction of Lillington Road and could be a hazard to drivers by restricting drivers' view when turning left into the estate from Lillington Road.
- A civil covenant prohibits the erection of railings or planting of hedges, and the proposed works would be a direct contravention of the agreement.
- Concerns were expressed about the potential detrimental impact to the estate, if this application was granted and future similar applications were submitted, resulting in unwelcome change of the character and external appearance to the estate.

**WCC Highways:** *'There are no highway objections to the erection of the 1.5m railings and 2m high hedge as shown on the artist's impression, subject to the following: The post to be not less than 2m from the nearer edge of vehicular access.'*

**CAAF:** *'This was felt to be an improvement to the Conservation Area which should be welcomed'*. The proposal is to be fully presented with slides before CAAF again on 9th June 2005, following a request by Cllr Eithne Goode. These comments will be recorded in the addendum to the agenda.

## **RELEVANT POLICIES**

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)  
(DW) ENV6 - Protection and Enhancement of Conservation Areas (Warwick District Local Plan 1995)  
(DW) ENV8 - New Development within Conservation Areas (Warwick District Local Plan 1995)  
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 First Deposit Version)  
DP2 - Amenity (Warwick District Local Plan 1996 - 2011 First Deposit Version)  
DAP10 - Protection of Conservation Areas (Warwick District 1996 - 2011 First Deposit Version)  
DAP11 - Unlisted Buildings in Conservation Areas (Warwick District 1996 - 2011 First Deposit Version)

## **PLANNING HISTORY**

The site forms part of a residential development which was the conversion of the former malt house and brewery buildings (W841251 and W841252)

## **KEY ISSUES**

### **The Site and its Location**

The site comprises a detached residential property, formerly one of the brewery buildings, which is sited on a corner plot at the junction of the entrance to The Maltings and Lillington Road. The property is set back from the public highway and has an area of open landscaping to the side to the property. The site is partially enclosed by railings to the front of the property, which forms part of the boundary treatment to the entrance to the residential estate.

The surrounding residential properties comprise modern dwelling houses whose design, style and external appearance echoes the traditional 19th century converted brewery buildings. The development has been landscaped with some mature planting with an overall open aspect throughout the estate. The site also forms part of the Leamington Spa Conservation Area.

### **Details of the Development**

The original proposal sought permission to erect 1.5 metre high railings, which would run approximately 16.0 metres along the edge of the public footpath, returning at right angles to the footpath by approximately 5.0 metres, featuring a corner brick pier.

### **Assessment**

Following negotiations, the applicant has amended the scheme to reduce the height of the railings from 1.5 metres to 1.0 metres and would run approximately 10 metres along the edge of the pavement and return in a

curved direction. The amended scheme would thereby reduce the amount of enclosed garden area by approximately 35%, thereby addressing the Highways comments. Whilst I note the neighbours comments about a covenant restricting the use of additional boundary treatment, I consider that this is a civil matter and not within the remit of a planning application. With regard to the impact on highway safety of the proposal, there are no objections from the Highway Authority and the amended scheme would now comply with their additional advice.

Whilst I am mindful of the neighbours' objections that this estate was laid out to have an open planned approach, I am of the opinion that the amended change as now proposed would not result in an unacceptable loss of openness to the site or significant harm to visual amenity or the wider Conservation Area and as such I do not consider a refusal could be sustained.

### **REASON FOR RECOMMENDATION**

The proposal is considered to comply with the policies listed above.

### **RECOMMENDATION**

GRANT subject to the following conditions :

- 1 The development hereby permitted must be begun not later than the expiration of five years from the date of this permission. **REASON** : To comply with Section 91 of the Town and Country Planning Act 1990.
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing(s) as amended, and specification contained therein, submitted on 8th June 2005 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 Local Plan Policy ENV3.
- 3 No development shall be carried out on the site which is the subject of this permission until large scale details of the railings 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 ENV8 of the Warwick District Local Plan.

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