

**Planning Committee:** 15 August 2017

**Item Number:** 17

**Application No:** [W 17 / 1091](#)

**Town/Parish Council:** Leamington Spa  
**Case Officer:** Helena Obremski

**Registration Date:** 12/06/17  
**Expiry Date:** 07/08/17

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**47 Cubbington Road, Lillington, Leamington Spa, CV32 7AA**

Demolition of numbers 43-47 Cubbington Road, Leamington Spa and erection of 1no. replacement residential dwelling together with demolition of an existing garage block and the erection of a two-storey garage block (amendments to planning approval ref: w/16/0286). FOR Mr & Mrs Scale

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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 the conditions listed in the report.

**DETAILS OF THE DEVELOPMENT**

The application seeks planning permission for the demolition of numbers 43- 47 Cubbington Road and the erection of one replacement dwelling. The proposal also includes the demolition of the existing garage block to the rear of the site and erection of a two storey garage block. The proposed garage block will house a workshop/garage on the ground floor, with games room and guest bedroom above.

The scheme is in principle very similar to that which was approved under application W/16/0286, in that the scale and design of the development will remain the same. Further to the previous application being granted, structural analysis revealed that additional strengthening will be required in order to ensure that the new dwelling is structurally sound. This requires the demolition and rebuilding of the properties, for which planning permission is now sought under this application.

It should be noted that the current application is the same as the previous submission in terms of scale, footprint, volume and design, apart from a small alteration to the design of the garage block.

**THE SITE AND ITS LOCATION**

The site comprises of a terrace of four hexagonal shaped two storey dwellings, set back from the highway and situated within the designated Conservation Area boundary. There is a private access drive off Cubbington Road which leads to a garage block comprising of 4 concrete panel garages. To the rear is an open

grassed area. Running along the boundary separating the driveway and numbers 41 and 41a Cubbington Road is a 1.8 metre high fence. Mature trees and grass separate the properties from Cubbington Road which means that the site is reasonably well screened. The application relates specifically to three of the four hexagon houses, and one will remain under separate ownership.

43-49 Cubbington Road are prefabricated houses on hexagonal plans, constructed in 1967. The system, a modular design by John B Thorne of Thorne and Barton architects, had been developed in 1964, when a group of three demonstration houses were built in Lock Lane, Warwick. Their construction, which featured in a contemporary Pathé newsreel, was designed to take only a few hours, using prefabricated components. Their low cost - £1950 for a two-bedroomed house; about £2,500 with the land on which to build - and the simple construction, which didn't require the use of cranes or scaffolding.

In 1967, four linked hexagonal units were constructed in Lillington on a plot previously owned by the nearby parish church. A new suburb was growing up as part of post-war expansion as a large area of social housing was constructed. The Warwick demonstrator units are no longer extant, meaning that the Lillington houses are the only ones to survive. Despite the optimism in the Sphere article, the design was never commercially developed, so it is likely that no further examples were constructed.

## **PLANNING HISTORY**

W/16/0286 - application approved for extensions and alterations to Nos. 43-47 Cubbington Road (to reduce to one dwelling) together with demolition of an existing garage block and the erection of a two storey garage/workshop and ancillary accommodation.

## **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)
- DAP3 - Protecting Nature Conservation and Geology (Warwick District Local Plan 1996 - 2011)
- DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
- DAP9 - Unlisted Buildings in Conservation Areas (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (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)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (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)
- 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)

### Guidance Documents

- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Vehicle Parking Standards (Supplementary Planning Document)

## **SUMMARY OF REPRESENTATIONS**

**Royal Leamington Spa Town Council:** No objection.

**WCC Ecology:** Objection, an updated initial bat survey is required.

**WCC Highways:** No objection.

**Tree Officer:** No objection following submission of updated arboricultural statement. The recommendations of the report should be implemented and adhered to for the duration of the works.

**CAF:** Objects to the proposed demolition of this twentieth century building, which is of innovative construction and special historic and architectural significance.

**Twentieth Century Society:** Objection to the demolition of the properties which are an imaginative solution to the type of small family housing that is in high demand across the country, and are remarkable in their ingenuity and technical innovation. They survive extremely well and make a highly positive contribution to the local townscape, and the Society considers that they are of strong local interest in the very least.

**6 Public Responses:** Objections, concern focuses on the fact that the properties will be demolished and that they are of historic interest and merit. The properties are unique, considered as a landmark and should be protected. The properties have community value. Requests for a photographic record of the internal and external structure if the application is approved. Other request that the original structures are moved to a museum if approved.

## **ASSESSMENT**

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

- Principle of the development
- Impact on the character and appearance of the area
- Impact on landscape and heritage assets
- Impact on living conditions of nearby dwellings
- Parking and highway safety
- Sustainability
- Open space contributions
- Ecological and tree issues
- Health and Wellbeing

### Principle of the development

Adopted Local Plan policy DAP9 states that

*"Alterations or extensions to unlisted buildings which will adversely affect the character, appearance or setting of a Conservation Area will not be permitted. There will be a presumption in favour of the retention of unlisted buildings that make a positive contribution to the character and appearance of a Conservation Area. Consent for total demolition of unlisted buildings will only be granted where the detailed design of the replacement can demonstrate that it will bring about a genuine qualitative improvement to the Conservation Area and to the setting of adjacent buildings."*

Under the previously approved scheme (W/16/0286) the extensions and alterations to the dwellings and garage block were approved. This application has only been submitted owing to the fact that the existing dwellings are not structural sound enough to be converted to one dwelling and therefore need demolishing and rebuilding. The properties will be rebuilt to exactly the same dimensions and specification as the previous application, and therefore, there will be no material change to the finished structure. The existing site is dilapidated - the existing dwellings are in need of refurbishment and the site is cluttered and untidy. By carrying out this work, the overall site will be vastly improved and will enhance the Conservation Area. Whilst the properties will be demolished, they will also be rebuilt to the same dimensions and design, and in this sense will not be lost.

There have been a number of objections from members of the public, the Twentieth Century Society and the Conservation Area Forum to the demolition of the properties. They state that the dwellings are of innovative construction and special historic and architectural significance. They also contend that they make a highly positive contribution to the local townscape that they are of strong local interest. These comments are acknowledged. However, there were no objections of this nature to the previous application, and ultimately there will be no material change in terms of the impact which the proposed development will have. The hexagon houses are simply to be taken down and reconstructed so that they can meet current Building Regulation standards. It is not considered that there will be a material loss of the overall appearance of the dwellings which currently add to the Conservation Area, providing an overall enhancement to the

site and Conservation Area. Therefore the development is not considered to conflict with the spirit of adopted Local Plan policy DAP9.

#### Impact on the character and appearance of the area

The National Planning Policy Framework (NPPF) places significant weight on ensuring good design which is a key aspect of sustainable development and should positively contribute towards making places better for people. The NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving character, the quality of an area and the way it functions. Furthermore, Warwick District Council's Local Plan 1996 - 2011 policy DP1 reinforces the importance of good design stipulated by the NPPF as it requires all development to respect surrounding buildings in terms of scale, height, form and massing. The Local Plan calls for development to be constructed using the appropriate materials and seeks to ensure that the appearance of the development and its relationship with the surrounding built and natural environment does not detrimentally impact the character of the local area. Finally, the Residential Design Guide sets out steps which must be followed in order to achieve good design in terms of the impact on the local area; the importance of respecting existing importance features; respecting the surrounding buildings and using the right materials.

There would be no change to the street scene from the application which was previously approved. There will be a small design change to the proposed garage block to the rear of the site which is considered to be acceptable. Therefore, the development is considered to be acceptable in principle from a design point of view and accords with the NPPF and adopted Local Plan policy DP1.

#### Impact on landscape and heritage assets

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.

Warwick District current Local Plan policy DAP8 requires development to preserve or enhance the special architectural and historic interest and appearance of Conservation Areas. It goes on to state that development should respect the setting of Conservation Areas and should not impact on important views or groups of buildings from inside and outside of the boundary.

As previously mentioned, there have been a number of objections to the demolition of the dwellings. However, as discussed, their demolition is acceptable in principle. An objector requested that if the application is approved, could a photographic record of the internal and external structure be taken prior

to commencement of works on site. The Case Officer has discussed with the agent who has confirmed that the applicant would be happy to do this as a gesture of good will and is prepared to accept a condition to the application to ensure that this is carried out.

During the course of the application, a submission was made to nationally list the hexagon houses to Historic England. However, they determined that the dwellings were not recommended for listing owing to their lack of architectural interest (as there were many pre-fabrication properties built in the 1960s, they use typical elevational treatments of the 1960s and have already undergone alterations which have had a disproportionate effect on the character of the exterior), and lack of historic interest (the design was not widely taken up or put into commercial production). Historic England do note that they are of local interest.

Therefore, as the proposed development will result in an overall enhancement to the site and there will be no alteration to views of the Conservation Area in comparison to the previously approved scheme, it is considered that there would be no harm caused to the Conservation Area as a result of the proposed development. The development is considered to comply with the NPPF and adopted Local Plan policy DAP8.

#### Impact on neighbours

Warwick District Local Plan policy DP2 requires all development to have an acceptable impact on the amenity of nearby users or residents and to provide acceptable standards of amenity for future users or occupiers of the development. There is a responsibility for development not to cause undue disturbance or intrusion for nearby users in the form of loss of privacy, loss of daylight, or create visual intrusion. The Residential Design Guide provides a framework for policy DP2, which stipulates the minimum requirements for distance separation between properties and that extensions should not breach a 45 degree line taken from a window of nearest front or rear facing habitable room of a neighbouring property.

Under the previous application an assessment was made on the impact which the proposed development would have on neighbouring residential amenity. It was concluded that subject to a condition restricting the use of the outbuilding for ancillary purposes only and a condition to restrict the installation of windows facing towards neighbouring properties, that the development would not have a detrimental impact on the occupiers of neighbouring dwellings.

There will be no change to the scale of the proposed dwelling or garage block. However, there are some additional windows proposed to the northwest elevation - these are high level and would not overlook any residential properties. There are full length windows proposed to the ground and first floor of the southwest elevation which could potentially cause a perception of overlooking towards 41a Cubbington Road. However, the agent proposes slatted shutters which are able to open at angle such that the occupiers would only have an obscure view from these areas which would not overlook the neighbouring property. The agent has confirmed that he is prepared to accept a condition requiring the shutters to be installed prior to occupation, to remain in perpetuity,

and to ensure that they cannot be fully opened. Furthermore, it should be noted that the shutters do not serve habitable rooms to this elevation which is closest to the neighbouring property.

There will also be a window serving the southeast elevation at first floor which will be served by the shutters. Without the shutters there would only have been a very obscure view of 49 Cubbington Road, however, shutters are also proposed to this window which will be conditioned to remain in perpetuity.

It is concluded that as planning permission would be required to use the garage block as a separate dwelling that a condition limiting the use to ancillary purposes is not reasonably necessary. The development is considered to accord with the NPPF, adopted Local Plan policy DP2 and the Residential Design Guide.

#### Parking and highways

There is sufficient space within the curtilage for the parking of vehicles in connection with the proposal as well as garaging being provided. WCC Highways have no objection to the proposed development. It is considered that the scheme would meet the requirements of the Council's adopted SPD on Vehicle Parking Standards and adopted Local Plan policy DP8.

#### Sustainability

It is considered that a condition could be attached to any approval requiring either details of a renewables scheme or details of a fabric first approach, in accordance with the Council's adopted SPD on Sustainable Buildings and Policy DP13 in the Local Plan.

#### Open space contributions

As the development will reduce the number of residential units, it is considered that this requirement does not apply in this instance.

#### Ecological and tree issues

A bat survey was submitted as part of the application, however, WCC Ecology considered that as this was completed in 2015 that it is out of date and a updated survey is required. The applicant has submitted an updated survey accordingly and Officers are awaiting a response from WCC Ecology with the relevant recommendations which are expected prior to the Planning Committee meeting.

The Council's Tree Officer initially objected to the proposal because the Arboricultural Method Statement had not been updated from the previous application. An amended statement has now been submitted which the Tree Officer is satisfied with, subject to the recommendations of the report being followed, which can be secured by condition.

## Health and Wellbeing

The proposed development will ensure that the amenity areas of the site are enhanced, bring wellbeing benefits.

## **CONCLUSION**

It is considered that the proposal would not have a detrimental impact on the streetscene or character of the Conservation Area. The development would have no adverse impact on neighbours. The application is thereby considered to adhere to the objectives of the local plan policies listed and should be approved.

## **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 drawings 700284-PL-004C, 700284-PL-005C, 700284-PL-006C, 700284-PL-007C and 700284-PL-008B, and specification contained therein, submitted on 12th June 2017. **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 No works shall take place unless a programme to photographically record the internal and external building fabric to be demolished as part of the approved works has been submitted to and approved in writing by the local planning authority and the approved programme has been implemented. **REASON:** To ensure the appropriate recording of features or buildings before development commences that are Important to the understanding of the Districts historical development in accordance with Policy DAP4 & DP3 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 colour finishes) 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.
- 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<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.

- 6 If an air source heat pump is chosen as the method to comply with the requirement for renewable energy, noise arising from the air source heat pump(s) permitted, when measured one metre from the facade of any noise sensitive premises, shall not exceed the background noise level by more than 3dB (A) measured as LAeq (5 minutes). If the noise in question involves sounds containing a distinguishable, discrete, continuous tone ( whine, screech, hiss, hum etc.) or if there are discrete impulses (bangs, clicks, clatters, thumps etc.) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level. **REASON:** To protect the amenities of the occupiers of nearby properties in the locality in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011.
  
- 7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no additional windows or doors shall be inserted at ground or first floor level in the ancillary accommodation/garage/workshop. **REASON:** Due to the nature of the development and its relationship with adjoining properties it is considered important to ensure that no additional windows or doors are provided without the permission of the local planning authority in accordance with Policies DP1 & DP2 of the Warwick District Local Plan 1996-2011.
  
- 8 No development or other operations (including demolition, site clearance or other preparatory works) shall commence unless the tree protection measures identified in the approved application documentation (*Updated Tree Report for 43-47 Cubbington Road, Leamington Spa, Warwickshire, CV32 7AA* completed by Cotswold Wildlife Surveys and submitted to the Local Authority on 2nd August 2017) have been put into place in full accordance with the approved details and thereafter shall remain in place during any such construction work unless otherwise agreed in writing by the local planning authority. **REASON:** In order to protect and preserve existing trees within the site which are of amenity value in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011.

- 9 The hereby approved shutters serving the garage block shall be installed prior to occupation, and shall be installed in such a way that they cannot open fully, providing an obscure view from the garage. The shutters shall remain in perpetuity unless otherwise agree in writing by the Local Authority. **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.
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