

Planning Committee: 20 July 2021

Item Number: 9

Application No: [W 20 / 2144](#)

Town/Parish Council: Leamington Spa
Case Officer: Lucy Hammond

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Registration Date: 16/03/21

Expiry Date: 11/05/21

24 Kenilworth Road, Leamington Spa, CV32 6JB

Proposed demolition of rear two storey and single storey wings together with detached two storey cottage and erection of replacement three storey and two storey extensions together with detached building at rear of site to provide increased number of studio flats and bedsit accommodation (increase from 30no. to 33no.) plus all associated works. FOR Cloister Living LLP

This application is being presented to Committee due to the number of support letters that have been received and the application is recommended for refusal.

RECOMMENDATION

That Planning Committee refuse planning permission for the reasons set out at the end of this report.

DETAILS OF THE DEVELOPMENT

Planning permission is sought to demolish a substantial part of the existing building; not just the modern existing flat roof single storey element that runs to a significant plan depth at the rear of the building but also the two storey historic service wing which forms an original element of the Regency villa at the rear. In place of the demolished elements of the buildings, it is proposed to erect three storey and two storey (both including basements) rear extensions that would accommodate new bedsit and studio flat accommodation. For the avoidance of doubt, although the submitted application form states that this would result in an increase in the existing number of such accommodation at the premises from 30no. to 32 no. the proposed number of studio flats resulting from this development as illustrated on the submitted plans and confirmed on a schedule of accommodation submitted during the course of the application is in fact 33no.

The proposals also seek permission to demolish the existing one and a half storey detached property which sits at the end of the plot along the rear wall of the site and replace it with a new build two storey building that would accommodate 5no. studio flats internally. All associated works; landscaping, drainage, etc form part of the proposal for which permission is being sought.

For the avoidance of doubt however, no external changes are sought to the front elevation of the villa and in terms of the use, while the existing internal configuration of the building is laid out as a HMO, the proposals would result in self contained accommodation (studio flats and bedsits).

THE SITE AND ITS LOCATION

The application property is a detached Regency villa, dating from the 1830s, referred to as Ashley Lodge. While it is located in the Royal Leamington Spa Conservation Area, the property itself is unlisted. The house undoubtedly contributes positively to the appearance and character of the conservation area to the extent that it can be considered as a non-designated heritage asset. The property is also located in the direct setting of Grade II listed buildings (20, 22, 26 and 28 Kenilworth Road), all of which date from the same period and are constructed in the same style as the application site. Since the last application (which was subsequently withdrawn) the building has been considered for addition to the Council's Local List of Heritage Assets, the outcome of which is pending approval by the Head of Development Services.

The property is located along the eastern side of the Kenilworth Road at a point near to the junction with A452/Lillington Avenue which crosses west/east to the south. This area is noted for its imposing large detached villas, many of which have since been converted from their original single dwelling use, into flats, HMO's and other alternative uses such as care homes. However, aesthetically, the street scene still reads very much as one characterised by the original historic detached villas, with large and imposing frontages, some with in/out driveways, all with a sense of spaciousness.

The villas are characterised by historic service wings; two storey in height, which sit at the rear, though they do not run quite the full width of the main building, leaving a traditional 'infill' corner behind the main villa, to one side of the service wing. The depth of the service wing is uniform across the villas though it is evident from aerial photography and planning history records that some of these have been given permission for modest extensions to their rear. Many of these are historic and would appear to pre-date the Council's electronic database records (1974) and/or were possibly constructed under permitted development under previous legislation at a time when the building(s) was still in use as a single dwellinghouse.

No.24 Kenilworth Road is currently in use as student accommodation. There is a single point of access and egress off Kenilworth Road where there is a substantial area of hardstanding to the front already, providing an area of existing parking which serves the current use. None of this would be affected by the proposals. An access drive along the northern side of the property leads to the rear, though areas of additional hardstanding for parking are limited due to the extent of the existing built form which projects along the depth of the plot and how the rear of the site can be accessed by vehicles. The drive along the northern side of the site also leads to 'Cariad Cottage'; a detached one and a half storey residential property at the rear most part of the application site. This property lies against the rear (eastern) boundary of the application site, between two other residential buildings in similar positions at the end of their respective plots which form the neighbouring sites to the application site. These are the adjacent properties, Nos. 22 Kenilworth Road to the south and 26 to the north. 'Cariad Cottage' has its own curtilage, hardstanding, parking and amenity space but is all within the site edged red as part of this application.

PLANNING HISTORY

W/20/0264 - Proposed demolition of rear two storey and single storey wings together with detached two storey cottage and erection of replacement three storey and two storey extensions together with detached building at rear of site to provide increased number of studio flats and bedsit accommodation (increase from 30no. to 33no) plus all associated works - **Withdrawn**

W/08/1117 - Erection of new external door to lower ground floor with steps down - **Approved**

W/08/0202 - Conversion of lower ground floor to 4 additional habitable rooms with new external entrance door with steps leading down together with enlarged lightwells - **Refused**

W/00/0674 - Change of use from Nursing Home to student accommodation - **Approved**

W/91/1461 - Erection of a first floor rear extension to provide four additional bedrooms and a lounge - **Refused**

W/91/0948 - Erection of a first floor rear extension to provide four additional bedrooms and a lounge - **Refused**

RELEVANT POLICIES

- National Planning Policy Framework
- Royal Leamington Spa Neighbourhood Plan 2019-2029
- RLS1 - Housing Development Within the Royal Leamington Spa Urban Area
- RLS2 - Housing Design
- RLS3 - Conservation Area
- RLS12 - Air Quality
- Warwick District Local Plan 2011-2029
- DS5 - Presumption in Favour of Sustainable Development
- H0 - Housing
- H1 - Directing New Housing
- SC0 - Sustainable Communities
- BE1 - Layout and Design
- BE3 - Amenity
- TR1 - Access and Choice
- TR3 - Parking
- HS1 - Healthy, Safe and Inclusive Communities
- HS4 - Improvements to Open Space, Sport and Recreation Facilities
- FW2 - Sustainable Urban Drainage
- HE1 - Protection of Statutory Heritage Assets
- HE2 - Protection of Conservation Areas
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- NE4 - Landscape
- NE5 - Protection of Natural Resources
- Guidance Documents
- Residential Design Guide (Supplementary Planning Document- May 2018)

- Air Quality & Planning Supplementary Planning Document (January 2019)
- Parking Standards (Supplementary Planning Document)
- Open Space (Supplementary Planning Document - April 2019)

SUMMARY OF REPRESENTATIONS

Royal Leamington Spa Town Council: Holding objection subject to the provisions of comments from Conservation, WCC Highways, Private Sector Housing and Environmental Health

Ward Councillor Syson: Objection on the following grounds:

- Proposal is of inappropriate design, height, mass given it is sited in a conservation area with adjacent listed buildings
- It will have a harmful amenity impact on neighbouring properties
- The redevelopment of the property to the rear will have a harmful amenity impact on neighbouring properties and may contravene the Article 4 Direction on HMOs
- No.24 is one in a line of villas from No.20 to No.38 all of which are Grade II listed with the exception of Nos. 24, 32 and 34; notes on the listing refer to them as an architectural group
- The applicant's reference to No.31 and the permission that was approved is noted, however, it is also noted that there was a recent refusal which was subsequently dismissed at appeal for No.28 for a shorter rear extension than is proposed at No.24
- While alterations have been made to the previously withdrawn scheme for No.24, I still consider the height and length of the two storey building to be out of keeping in this conservation area and detrimental to the amenity of the neighbouring residents, particularly to the house at the rear of 22 Kenilworth Road
- The proposal would not accord with Local Plan policies BE1, BE3 and HE2 nor would it accord with Leamington NDP Policy RLS3
- The Planning Inspector's comments in determining the appeal for No.28 Kenilworth Road are also relevant
- Would the proposal contravene the Article 4 Direction on HMOs?
- While the efforts are appreciated to minimise the impact on neighbouring dwellings with smaller height and footprint than the previous proposal, a new garden space will replace the existing car park located at ground level between the rear extension and detached building; will the use of this space result in excess noise and disturbance particularly in the summer, to the immediate neighbours in the detached buildings to the rear of the adjacent properties?

WDC Conservation: In response to the revised Heritage Statement (May 2021) the original objection is maintained. The site makes an important contribution towards both the conservation area and the setting of Grade II listed buildings, which form an important architectural and historic group of Regency era Villas. In line with previous advice (in relation to both the previously withdrawn scheme and an earlier pre-application enquiry) the demolition of the two storey rear wing is opposed due to its historic interest and contribution towards the conservation area and setting of listed buildings, highlighting further the regularity in form and pattern of two storey rear service wings on this section of Kenilworth Road are

important and quintessential characteristics of this character area of the Leamington Spa Conservation Area, and that any new additions should remain entirely proportionate and subservient to the original house.

Safer Communities, Health & Community Protection: Holding objection maintained; although additional information regarding daylight/sunlight assessments has been received, the details used in the calculations and the calculation results have not been included within the report. On this basis it is not possible to corroborate the results. In other respects, there are no objections (in relation to road noise and/or amenity as a result of construction) subject to conditions in these regards in the event that planning permission is forthcoming.

Historic England: No comments to make; defer to WDC Conservation Officer

Waste Management: Comments made in relation to future bin provision requirements from August 2022

[Officer note: there is no policy basis or requirement on which to base these comments and as such this is taken as a 'no objection' until such times as an updated guidance document or SPD is published]

WCC Ecology: No objection subject to recommended conditions and notes in the event planning permission is forthcoming

LLFA: No objection subject to conditions in the event planning permission is forthcoming

WCC Landscape: Neutral; would like to see full details of the proposed landscaping (could be secured by condition in the event planning permission is forthcoming)

Open Space team: No objection

Private Sector Housing: No objection

WCC Highways: No objection

Public Response:

26 letters of objection raising the following comments:-

- This will lead to additional parking, particularly at the frontage since parking at the rear will be lost
- Demolition of the 20th century buildings might be acceptable but their replacement with large blocks for student accommodation is not
- This villa is a handsome building in a row of similar buildings in the conservation area
- The original extension should be retained and locally listed
- The proposal will detract from the enjoyment of neighbouring properties
- Proposal will cause noise and disturbance
- Proposal is overdevelopment
- The extensions are disproportionate in size to the existing building and a much smaller extension at No.28 Kenilworth Road was refused

- Proposals will intensify the use of the site and potentially impact on landscape and conservation aesthetics
- Proposed basement properties will not provide adequate daylight/air circulation to residents
- There will be a loss of privacy for existing neighbouring properties
- Proposals are overbearing
- There will be an impact on surrounding listed buildings
- The proposals do not accord with Leamington NDP (in particular RLS1 and RLS3)

51 letters of support raising the following comments:-

- The proposal is sympathetic to the surrounding area
- This would enhance the existing building
- The development would fit into the conservation area and street scene
- The proposal responds to a need for additional accommodation in the town
- Kenilworth Road is a key road into the town and it is imperative that the large substantial properties such as this are maintained and brought up to date
- These proposals are an improvement on the previously withdrawn scheme
- Development is proportionate as it does not vastly increase numbers above existing
- Added green spaces on the roof and around the site will greatly improve the minimal landscaping that exists currently
- This is on a main bus route so parking should not be a problem
- This development would have a significant effect on the local economy

Conservation Advisory Forum (CAF): Objection based on the following:-

- overdevelopment of the site;
- increase in bulk and mass;
- impacts on neighbouring listed buildings,
- impact on the street scene by reason of bins and car parking;
- loss of the building to the rear would have an impact on the Conservation Area since it makes a positive contribution and should therefore be retained; and
- the overall scheme is out of character with the area and would form a serious precedent
- The only benefit however would be the removal of the existing single storey addition

ASSESSMENT

Principle of development

Policy H1 of the Warwick District Local Plan 2011-2029 sets out where in the District new housing development will be permitted. H1a) allows such development within the Urban Areas, as identified in the policy and on the Policies Map.

Policy RLS1 of the Royal Leamington Spa Neighbourhood Plan (RLSNDP) supports proposals for new housing development within the Royal Leamington Spa Urban Area for certain types of development, including the re-use of previously

developed land and buildings when not in conflict with other development plan policies.

The site is within the Urban Area of Royal Leamington Spa and seeks to erect extensions and a replacement outbuilding for the purposes of accommodating new studio apartments, which is acceptable in accordance with the aforementioned policies. The proposal is therefore acceptable in principle, subject to an assessment of the other material considerations which are set out below.

Impact on heritage assets

Considerable importance and weight should be given to the duties set out in the Planning (Listed Buildings and Conservation Areas) Act 1990, when making decisions that affect listed buildings and conservation areas respectively. These duties affect the weight to be given to the factors involved.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, "In the exercise, with respect to any buildings or other land in a conservation area...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."

Policy HE1 of the Local Plan expects development proposals to have appropriate regard to the significance of designated heritage assets. Where any potential harm may be caused, the degree of harm must be weighed against any public benefits of the proposal. Policy HE2 sets out the presumption in favour of the retention of unlisted buildings that make a positive contribution to the character and appearance of a Conservation Area, stating that consent for total demolition of unlisted buildings will only be granted where the detailed design of the replacement can demonstrate that it will preserve or enhance the character or appearance of the conservation area.

Policy RLS3 of the RLSNDP requires development proposals that are within or directly affecting a Conservation Area to assess and address their impact on their heritage significance. Proposals must demonstrate attention to particular criteria (as specified in the policy) where relevant.

Paragraph 193 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, while para.194 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting) should require clear and convincing justification. Paragraph 196 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.

As has been set out from the description of the site and surroundings, the application property is a detached Regency villa which, although unlisted, is within the Royal Leamington Spa Conservation Area, to whose character and appearance it undoubtedly makes a positive contribution, to the extent that it can be considered a non-designated heritage asset. The property is also located in the direct setting of a number of Grade II listed buildings (20, 22, 26 and 28

Kenilworth Road), all of which date from the same period and are constructed in the same style as the application site. Since the last application (which was subsequently withdrawn) the building has been considered for addition to the Council's Local List of Heritage Assets, the outcome of which is pending approval by the Head of Development Services.

Prior to any applications formally being submitted on the site, pre-application advice was sought from the Local Planning Authority and the advice from the Conservation Officer summarised that any forthcoming proposal should retain the historic rear wing which bears historic interest and demolition of this element would require strong justification. The first submission, which was subsequently withdrawn, proposed the demolition of the historic service wing and conservation advice reiterated an objection to the principle of demolition of the two storey service wing as well as the proposed bulk and mass of the proposed replacement scheme for the site.

This revised scheme, which does illustrate some reduction in the height of the proposed development, still proposes the loss of the historic service wing however. The Conservation Officer has once again highlighted the site's contribution towards both the conservation area and the setting of Grade II listed buildings, which form an important architectural and historic group of Regency era Villas. In line with previous advice, there is objection to the demolition of the two storey rear wing due to its historic interest and contribution towards the conservation area and setting of listed buildings, highlighting further that the regularity in form and pattern of two storey rear service wings on this section of Kenilworth Road are important and quintessential characteristics of this character area of the Leamington Spa Conservation Area, and that any new additions should remain entirely proportionate and subservient to the original house.

The revised Heritage Statement claims that the resubmitted scheme has sought to address concerns raised during the previous application, however the conservation advice has been consistent from the outset insofar as advising that any application that proposes to demolish the two storey historic service wing will be objected to.

There are elements within the Heritage Statement that officers do not disagree with; for example, that the most significant element of the existing building stems from its front façade, however it cannot be doubted that the existing rear wing holds significance that contributes towards the conservation area and setting of listed buildings. As set out above, the regularity in form and pattern of two storey rear service wings on this section of Kenilworth Road is a quintessential characteristic of this particular character area that should be retained and preserved. The existing two storey service wing also contributes towards the setting of adjacent listed buildings by retaining the regular rhythm of prominent villas with their original two storey rear extensions. The historic Regency Villas along the eastern side of Kenilworth Road form an architectural group and alterations that seek to undermine this character, including demolition of original rear wings, will inevitably cause harm to the setting of these listed buildings, their significance and the conservation area as a whole. It is noted that the Heritage Statement alludes to potential impact on designated heritage assets somewhat in point 3.27: *'there are a number of Listed Buildings which are located within close proximity to the application site, whose settings (and potentially also consequentially significance) may be susceptible to impact by proposals.'*

It is agreed that rear service wings are '*not a visually prominent component of the building*' – the very nature of a rear service wing means that they do not tend to be located on principal or prominent elevations, but this does not necessarily erode their significance or contribution towards the setting of heritage assets. In addition, whilst it is noted that views are an important consideration of the potential impact of proposals on heritage assets, as the Heritage Statement points out, setting is largely defined as the surroundings in which a heritage asset is experienced, which is therefore not limited to visibility or key visuals. Therefore, the existing historic service wing, which is very much legible in terms of its original appearance, contributes towards the overall rhythm and historic pattern of development to the eastern side of Kenilworth Road. This combined with the survival of historic fabric contributes towards the significance of these buildings as an architectural group, which should be preserved in order to preserve the character and appearance of the conservation area and setting of listed buildings.

Finally, whilst there may be some benefit associated with refurbishment works, the existing façade is not considered dilapidated and any benefits arising from this element of work does not outweigh the harm, which is considered less than substantial, caused via the demolition of the historic service wing and erection of a substantial structure of considerable depth to the rear. In terms of harm arising from the proposal and in reference to appendix 1 ('Scale of Harm'), it is likely that the proposal lies between high level and medium level harm. However, in either case, no additional public benefits have been presented in the revised Heritage Statement.

Taking all of the above into account, and together with the fact that the proposed scheme for redevelopment would neither be subservient nor proportionate in scale and massing to the original main house, officers consider the proposal fails to comply with the tests set out in the NPPF and fails to comply with the provisions of the relevant policies of the Development Plan. No public benefits have been identified to outweigh the level of harm and consequently the proposals are contrary to Policies HE1 and HE2 of the Warwick District Local Plan 2011-2029 as well as Policy RLS3 of the Royal Leamington Spa Neighbourhood Development Plan 2020-2029.

In making this assessment, officers have had regard to the weight that should be given to the desirability of preserving the special interest and setting of the heritage assets.

Visual impact / character of area

Policy BE1 of the Local Plan requires new development to positively contribute to the character and quality of its environment through good layout and design. Certain ways through which this can be achieved are (inter alia) for development proposals to harmonise with, or enhance, the existing settlement in terms of physical form, to reinforce or enhance the established urban character of streets, reflect, respect and reinforce local architectural and historical distinctiveness, enhance and incorporate importance existing features into the development, respect surrounding buildings in terms of scale, height, form and massing; and to adopt appropriate materials and details. This is reinforced by over-arching design

rationale and a number of guiding principles which are set out within the Council's adopted Residential Design Guide (2018).

Policy RLS2 of the RLSNDP encourages development proposals to adopt higher environmental standards of building design and energy performance. The use of 'Building for Life' or an equivalent assessment framework, should be demonstrated in the justification of proposals.

The rear extensions now proposed have been reduced in height from the earlier submission. However, the plan depth remains broadly the same and this is proposed to be substantially taller than the flat roof single storey element that occupies the site presently. Notwithstanding the heritage concerns surrounding the proposals, there are also concerns from a general design and layout point of view, having regard to Policy BE1 and the general principles contained within the RDG, which expect extensions to be subservient and proportionate in scale and nature.

While the issue of subservience, in the first instance, is intended for proposals to the sides of original dwellings to ensure that extensions are read as extensions and do not compete with or dominate the original property and/or lead to a potential terracing effect in the street scene, it is equally important that extensions to the rear, particularly in sensitive areas such as this, respect the original character of the building and have regard to the overall scale and massing of the building being extended.

While the reduction in height is acknowledged in this resubmission, it is still of an overall scale, mass and bulk which, when considered with the overall plan depth, is substantial when read against the original form and context of the main house.

The proposed rear extension, as illustrated in the submitted plans, would appear disproportionate in scale, and imbalanced having regard to its plan depth when compared to the original villa. Notwithstanding the reduction in height from the earlier withdrawn scheme, the extent of the plan depth which proposes a substantial increase in height over and above the built form which presently occupies the site would result in harm to the character of the site and surrounding area by reason of the cumulative impact arising from increased scale, mass and bulk. Overall, officers consider the development would be visually harmful to the general character of the area and for these reasons consider the proposal fails to comply with Policy BE1 of the Local Plan as well as the Residential Design Guide.

The replacement detached building is, on balance, considered acceptable in visual terms, given that the scheme has been reduced in form and is now not dissimilar in overall scale, mass and bulk to the building it seeks to replace, albeit it is of a different design.

Notwithstanding the above considerations in respect of the extensions, no objection is raised to the proposed materials annotated on the submitted plans and in the event planning permission were forthcoming it would be appropriate to impose a materials samples condition given the site's location in the conservation area.

Impact on neighbouring / residential amenity

Policy BE3 of the Local Plan requires development not to have an unacceptable adverse impact on the amenity of nearby uses and residents as well as providing acceptable standards of amenity for future users and occupiers of the development.

Impact on existing neighbouring properties

Nos. 22 and 26 (to the south and north respectively) are the closest neighbouring properties. While it is acknowledged that the replacement extensions would breach the 45° line taken from the rear facing window of No. 26 which is closest to the proposals, the point at which the breach occurs is more than 8 metres away and is therefore considered acceptable in terms of the level of impact with regard to overbearing and loss of light in accordance with the guidance contained in the RDG. The same applies to No.22, where the point at which the breach occurs also exceeds 8 metres so while there may be some impact resulting from the increased scale, mass and bulk of the proposals, this is considered acceptable from a neighbour amenity perspective.

In the case of the replacement detached building, consideration has been given to any *increased* impacts that might occur over and above the existing situation in view of the fact there is already a dwelling in this location which has a similar height and width and is positioned on broadly the same footprint. Since the revised proposals have reduced the overall scale and massing of this element of the proposals to a degree which is now not dissimilar to the existing, officers are of the view that there would be no additional or harmful impacts to neighbouring amenity as a result of the development proposals.

Provision of acceptable living conditions for future occupiers

The development proposes 33 studio flats within a purpose-built extension and a replacement detached outbuilding. The distance separation guidelines require two storey buildings where the first floor comprises habitable accommodation other than bedrooms to be 27 metres from another two storey dwelling. In the case of the proposal, the distance between the end of the extension (where a window would face towards the replacement detached building) and the replacement building measures less than 15 metres. This is significantly below the required standard and consequently officers are of the view this would lead to an unacceptable impact for future occupiers by reason of overlooking and loss of privacy as well as a loss of outlook and a sense of overbearance for occupiers of both buildings.

The proposed extensions to the main building include a basement. This application was accompanied by a daylight and sunlight amenity study to appraise the development in accordance with current guidance. For the avoidance of doubt, daylight is defined as the amount of natural light entering a building to provide satisfactory illumination of internal accommodation, whereas sunlight refers to direct sunshine on the outside face of the window.

The submitted report has been assessed by the Environmental Health Officer (EHO) who acknowledged all the information received but concluded that since the lower ground floor rooms would only be served by one window, further information would be needed to demonstrate that natural light can penetrate to the depth of the room to enable normal domestic tasks to be completed without

reliance on artificial lighting during typical daylight hours. A Room Depth test was therefore requested for the lower ground floor rooms, and further documentation in this regard was subsequently submitted.

However, the EHO, having assessed this, confirmed that while the submitted document confirmed compliance with the light ingress criteria, the details used in the calculations and the calculation results had not been included within the report and as such could not be corroborated. While the calculation inputs were requested so that EHO could verify them and formally remove their holding objection to the proposals, this information has not been forthcoming as part of the application process and accordingly officers are not satisfied that there is sufficient information provided with the application to demonstrate that future occupiers would have a satisfactory living environment in terms of daylight and sunlight to the basement level of accommodation.

Having regard to the above, while there are some elements of the scheme to which no objection is raised, officers do not consider the proposals wholly comply with the provisions of Policy BE3 of the Warwick District Local Plan and the Residential Design Guide.

Access and parking / Highway safety

The existing access would be utilised to serve the development. There is already hardstanding to the frontage where a number of vehicles can be accommodated though this is not marked out formally. No objection has been raised to the development from the Highway Authority who make reference to the Technical Note submitted with the previously withdrawn scheme that included a Parking Survey which demonstrated to the satisfaction of the Highway Authority that sufficient on street parking availability exists within a reasonable distance to accommodate any increased demand from the proposal. Moreover, nothing has materially changed in the intervening time, either at the site, or in respect of the on-street parking within the area. The response of the Highway Authority therefore remains one of no objection.

Overall officers do not consider there would be any detriment to highway safety and as such are satisfied the proposals comply with Policies TR1 and TR3 of the Local Plan as well as the adopted Parking Standards SPD.

Other matters

Affordable Housing

Policy H2 states that residential development on sites of 11 or more dwellings or where the combined gross floor space is more than 1,000 sq.m will not be permitted unless provision is made for 40% affordable housing. Planning permission will not be granted until satisfactory arrangements have been made to secure affordable housing as determined by principles which are set out within the policy.

The building is currently used as a HMO providing student accommodation but since the redevelopment would result in the building being laid out as 33no. individual and self contained studio flats, Policy H2 is applicable and the proposal would trigger the requirement for affordable housing. The proposal makes no provision for affordable housing and as such, officers do not consider the

development makes sufficient provision for the inclusive and mixed communities which the policy and its purposes seek to encourage. To that end, the development is considered contrary to Policy H2 of the Local Plan.

Drainage and Flooding

There are no flooding and drainage concerns with the development. The LLFA raised no objection to the scheme subject to two conditions which could be imposed in the event planning permission were forthcoming.

Landscaping

The County Landscape Officer noted that the soft landscape proposals seem very minimal and to that end full details should be submitted. In the event permission were forthcoming a landscaping scheme could be conditioned with advisory notes added to draw attention to the particular comments of the Landscape Officer.

Waste Management

Bin storage is proposed to the front of the site, where wheelie bins are currently stored, but in a secure storage area intended to improve the appearance of the site's frontage. No objection is raised to the proposal by the Waste Management team and officers consider the development is acceptable in this regard.

Other

In the event planning permission were forthcoming officers consider it would be appropriate to impose the standard condition requiring the submission of details of electric vehicle charging points in accordance with the Air Quality and Planning SPD. This would be a pre-occupation condition.

No objections were raised to the development from the County Ecologist who recommended conditions in the event planning permission were forthcoming, as well as an advisory note.

It is noted also, that in the event that planning permission were forthcoming, EHO recommended a condition for a Construction Management Plan due to the close proximity of the development to existing residential dwellings that could be adversely impacted by the demolition of the existing structures and the construction of the proposals.

SUMMARY/CONCLUSION

The proposal to create new dwellings in this location is acceptable in accordance with Policy H1 of the Local Plan and RLS1 of the Royal Leamington Spa Neighbourhood Development Plan. However, notwithstanding the principle of development being acceptable, this is subject only to the other material planning considerations also being considered acceptable. In this case in particular, the subject building, though unlisted, is located within the Royal Leamington Spa Conservation Area to whose character and appearance it undoubtedly makes a positive contribution, to the extent that it can be considered a non-designated heritage asset.

The building makes its positive contribution to the character and appearance of the conservation area through the regularity in form and pattern of two storey rear service wings on this section of Kenilworth Road, which is a quintessential

characteristic of this particular character area of the conservation area. Moreover, while the building itself is unlisted, the two storey service wing contributes towards the setting of adjacent listed buildings by retaining the regular rhythm of prominent villas with their original two storey rear extensions. Though demolition is sought of the historic service wing and not the building in its entirety, this would still cause less than substantial harm to the significance of the conservation area. No public benefits have been identified to outweigh this harm and accordingly the development would be contrary to Policies HE1 and HE2 as well as the relevant provisions of the NPPF and Policy RLS3 of the Neighbourhood Development Plan.

The proposed extensions to the main building, by reason of their scale, mass and bulk are considered to be disproportionate in scale and imbalanced having regard to their plan depth when compared to the original villa, resulting in harm to the character of the site and surrounding area. The development is therefore considered contrary to Policy BE1 and the Residential Design Guide. It should be noted however that officers raise no objection in design terms to the proposed replacement building at the rear of the site.

The proposal would fail to provide a satisfactory living environment by reason of overlooking, loss of outlook and a sense of overbearance through substandard distance separation being achieved internally within the development, particularly having regard to the relationship between the east facing end elevation of the proposed extension and the west facing elevation of the proposed replacement detached building at the end of the plot (presently known as 'Cariad Cottage'). The development is therefore considered contrary to Policy BE3 and the Residential Design Guide.

Insufficient information has been provided (that can be corroborated by EHO) to satisfactorily demonstrate that future occupiers would have a suitable living environment in terms of daylight and sunlight to the basement level of accommodation. The development is therefore considered contrary to Policy BE3 and the Residential Design Guide.

The proposal also conflicts with Local Plan Policy H2 due to the lack of provision for affordable housing.

Matters related to highway safety, parking, drainage, bin storage and ecology are all considered acceptable and in the event planning permission were forthcoming conditions and advisory notes in these respects could be attached to any decision notice. However, for the reasons set out above, it is recommended that planning permission be refused.

REFUSAL REASONS

- 1 Policy HE2 of the Warwick District Local Plan 2011-2029 states that there is a presumption in favour of the retention of unlisted buildings that make a positive contribution to the character and appearance of a conservation area and that consent for total demolition of unlisted buildings will only be granted where the detailed design of the replacement can demonstrate that it will preserve or enhance the character or appearance of the conservation area.

Policy HE1 of the Warwick District Local Plan 2011-2029 and the NPPF states that, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. In addition, Neighbourhood Plan Policy RLS3 requires development proposals that are within a Conservation Area to assess and address their impact on their heritage significance, demonstrating attention in particular, to the proposed building type and style in relation to the character area in which it is located and its distinguishing features; building height and scale sympathetic to the local setting and how the development interfaces with and respects the significance of listed buildings and non-designated heritage assets.

In the opinion of the Local Planning Authority the building makes a positive contribution to the character and appearance of the conservation area by reason of the regularity in form and pattern of two storey rear service wings on this section of Kenilworth Road, which is a quintessential characteristic of this particular character area of the conservation area. Moreover, while the building itself is unlisted, the two storey service wing contributes towards the setting of adjacent listed buildings by retaining the regular rhythm of prominent villas with their original two storey rear extensions. Though demolition is sought of the historic service wing and not the building in its entirety, this would still cause less than substantial harm to the significance of the conservation area.

Furthermore, the proposed replacement extension, by reason of its scale, mass and bulk, is considered to be disproportionate in scale and imbalanced having regard to its plan depth when compared to the original villa, resulting in further harm to the character and appearance of the conservation area.

No public benefits have been identified to outweigh the harm that has been identified.

The proposals would thereby be contrary to the aforementioned policies.

- 2 Policy BE1 of the Warwick District Local Plan 2011-2029 states that development will only be permitted which positively contributes to the character and quality of the environment through good layout and design. Furthermore the Residential Design Guide SPD provides a detailed framework which should be followed in order to achieve good design.

The 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.

In the opinion of the Local Planning Authority the proposed extensions to the main building, by reason of their scale, mass and bulk are considered to be disproportionate in scale and imbalanced having regard to their plan

depth when compared to the original villa, resulting in harm to the character of the site and surrounding area.

The development is thereby considered to be contrary to the aforementioned policies.

- 3 Policy BE3 of the Warwick District Local Plan 2011-2029 states that development will not be permitted that does not provide acceptable standards of amenity for future users and occupiers of the development. Furthermore, the Residential Design Guide Supplementary Planning Document provides more detailed guidance.

In the opinion of the Local Planning Authority the proposal would fail to provide a satisfactory living environment by reason of overlooking, loss of outlook and a sense of overbearance through substandard distance separation being achieved internally within the development, particularly having regard to the relationship between the east facing end elevation of the proposed extension and the west facing elevation of the proposed replacement detached building at the end of the plot (presently known as 'Cariad Cottage').

The proposal is thereby considered to be contrary to the aforementioned policies.

- 4 Policy BE3 of the Warwick District Local Plan 2011-2029 states that development will not be permitted that does not provide acceptable standards of amenity for future users and occupiers of the development. Furthermore, the Residential Design Guide Supplementary Planning Document provides more detailed guidance.

In the opinion of the Local Planning Authority insufficient information has been provided to satisfactorily demonstrate that future occupiers would have a suitable living environment in terms of daylight and sunlight to the basement level of accommodation.

The proposal is thereby considered to be contrary to the aforementioned policies.

- 5 Policy H2 of the Warwick District Local Plan 2011-2029 states that residential development on sites of 11 or more dwellings will not be permitted unless provision is made for 40% affordable housing.

In the opinion of the Local Planning Authority the redevelopment of the site would result in the creation of 33no. studio flats without making any provision for affordable housing, thus failing to provide for inclusive and mixed communities.

The development is thereby considered to be contrary to the aforementioned policy.
