Planning Committee: 27 May 2014 **Item Number:** 16

Application No: W 14 / 0533

Registration Date: 10/04/14
Town/Parish Council: Leamington Spa **Expiry Date:** 05/06/14
Case Officer: Rob Young
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16 Arlington Avenue, Leamington Spa, CV32 5UD
Demolition of house and garages; construction of 6 flats with ancillary site management office and new garaging; widening of existing access and provision of additional parking spaces; and siting of 26 solar panels on new building and on existing garage roofs FOR Binswood Mansions Trust
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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 conditions.

DETAILS OF THE DEVELOPMENT

Planning permission is sought for the demolition of No. 16 Arlington Avenue, a two-storey dwellinghouse, and the erection of a two and three-storey apartment building consisting of six flats (two 1-bedroom units and four 2-bedroom units) and an estate manager's office. The scheme will include a communal garden, cycle store, drying area and bin store.

The application is accompanied by a Design and Access Statement (DAS), Heritage Statement, Sustainable Buildings Statement and Bat Survey.

The DAS states that the objective is to build high quality residential flats in an attractive, well-proportioned building that will complement others on Arlington Avenue. The DAS notes that the street's architectural character is mixed with no strong unifying theme. Binswood Mansions is a relatively undistinguished 1960s/70s style 3-storey block with part rendered/part brick walls and low pitched roofs. The replacement for Parmiter House, on the opposite side of the street, will be a very substantial rendered building, taking some design cues from Norwood House, just to the south, including the use of projecting gables to break up its massing.

The DAS goes on to state that the proposed new build would be of traditional form and proportions but with contemporary touches to keep it from appearing as a pastiche. Projecting gables, bays, balconies and deep (75mm) window and door reveals will reduce massing and create interplay of light and shadow. This will present a balanced, formal frontage to the street to complement the

building's neighbours and add interest to the streetscene. The building line is respected.

The existing garage block to the eastern boundary is to be retained, with one of those garages altered to create a cycle store. Another block of 3 existing garages is to be demolished. Nine new surface parking spaces will be created, together with 2 new garages. A total of 18 off-street spaces will serve the site, including Binswood Mansions.

The proposal will include 8 sq m of solar thermal panels to the main building and 18 solar PV panels on brackets on top of the remaining flat-roofed garage block.

The scheme proposed in the current application differs from the scheme that was refused planning permission in the following respects:

- the revised scheme is for 2 no. 1 bedroom flats and 4 no. 2 bedroom flats, whereas the previous scheme was for 3 no. 1 bedroom flats and 3 no. 2 bedroom flats;
- the revised scheme has 12% less floorspace;
- the bulk of the northern side and north-eastern corner of the building has been reduced;
- the section attached to Binswood Mansions has been changed from 2 garages with an office over to a 2 bedroom maisonette, with the office moving to the second floor of the main new building in place of one of the flats there;
- the frontage parking has been reconfigured;
- with the omission of 2 of the new garages, the overall parking provision has reduced by 2, although surface parking numbers remain unchanged; and
- first and second floor bedroom windows in the rear elevation closest to Coach House Mews have been omitted.

THE SITE AND ITS LOCATION

The application relates to a two storey house and garage court situated on the eastern side of Arlington Avenue, to the north of Binswood Mansions. Binswood Mansions is a three-storey apartment block which is also within the applicant's ownership. The site is within the urban area of Royal Leamington Spa and close to the Town Centre boundary. The application site straddles the boundary of the Leamington Spa Conservation Area, with the southern part of the site (Binswood Mansions and the southern part of the garage court) being situated within the Conservation Area and the northern part of the site (No. 16 Arlington Avenue) falling outside of the Conservation Area. The locality is residential in character.

PLANNING HISTORY

In January 2014, Planning Committee refused planning permission for "Demolition of house and garages; construction of block of 6 flats and new garaging with accommodation over including ancillary site management office, closure of 1 existing access and widening of another with provision of additional parking spaces, siting of 26 solar panels on new building and existing garage roofs" (Ref. W13/1643). The reason for refusal was as follows:

"The proposed development is located within an existing residential area comprising a mix of dwelling types and designs including single storey bungalows and 2 storey dwelling houses immediately adjacent to the site. Part of the site is also located within the Royal Leamington Spa Conservation Area.

That development by reason of its scale, bulk, massing, positioning and design comprises an overbearing and intrusive feature which provides an unsympathetic design solution which is detrimental to the visual and residential amenities and character of the surrounding area and Conservation Area contrary to the National Planning Policy Framework and to policies DP1, DP2 and DAP8 of the Warwick District Local Plan 1996-2011."

RELEVANT POLICIES

- The 45 Degree Guideline (Supplementary Planning Guidance)
- Distance Separation (Supplementary Planning Guidance)
- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
- DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
- SC1 - Securing a Greater Choice of Housing (Warwick District Local Plan 1996 - 2011)
- SC13 - Open Space and Recreation Improvements (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)
- Open Space (Supplementary Planning Document - June 2009)
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- Vehicle Parking Standards (Supplementary Planning Document)
- National Planning Policy Framework
- The emerging Warwick District Local Plan 2011 – 2029.

SUMMARY OF REPRESENTATIONS

Town Council: Comments awaited.

Public response: 16 neighbours have objected on the following grounds:

- the amendments have not addressed the previous reason for refusal;
- development is out of character/overdevelopment/overbearing/unoriginal;
- detrimental to the character and appearance of the Conservation Area;
- proposal is garden grabbing/loss of green space and reduces drainage areas;
- object to demolition of family home/loss of family home;
- object to loss of oldest house on road which should be preserved;
- parking issues/traffic chaos/air and noise pollution;
- more rented flats would lead to a transient population upsetting community balance;
- additional noise/disturbance from six flats;
- bats have been witnessed entering the property;
- position of flats and loss of light/privacy; and
- potential for combined construction noise/traffic as redevelopment of Parmiter House is underway.

WCC Highways: Initially objected to the application due to concerns about the width of the new garages. However, following the receipt of amended plans showing the garages increased in size, raise no objection, subject to conditions.

WCC Ecology: No objection, subject to notes relating to bats and nesting birds.

ASSESSMENT

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

- the principle of development;
- the impact on the character and appearance of the Conservation Area;
- the impact on the living conditions of neighbouring dwellings;
- health and well-being;
- car parking and highway safety; and
- the landscape and ecological impact of the proposals.

Principle of development

The proposals would be contrary to Local Plan Policy UAP1 because residential gardens are not considered to be previously developed land. However, the Council is unable to demonstrate a 5 year supply of housing land. Therefore, given that Policy UAP1 is a policy for the supply of housing, paragraph 49 of the NPPF dictates that it should be considered out of date and consequently the test in paragraph 14 of the NPPF should be applied, i.e. whether any adverse impacts of granting permission would "significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole". Therefore, given the pressing need for housing within the District, garden plots such as this are considered to be suitable for development, provided the proposals do not cause unacceptable harm to the living conditions of neighbouring dwellings or the character and appearance of the area and provided that suitable provision can be made for parking.

With regard to the loss of the existing dwelling, this is not listed and does not fall within the Conservation Area and is not of such historic or architectural merit to warrant its retention. The buildings that are to be demolished on the parts of the site that fall within the Conservation Area are flat roofed garages of no historic or architectural merit.

Impact on the character and appearance of the area

The siting of the proposed buildings will respect the existing pattern of development on the eastern side of Arlington Avenue. The overall proportions/height of the buildings are considered to be acceptable and the forward projecting bays will add relief to the principle elevation of the three storey building and will break up the bulk and mass of the building. This section of the street has a number of existing two and three-storey apartment buildings with large footprints and the proposed development will not therefore appear incongruous within the streetscene.

The building design drops to two-storey to create a visual break between the existing three-storey Binswood Mansions building and the proposed three-storey block. The design does not seek to replicate Binswood Mansions and windows and bay features create a strong vertical emphasis.

In order to address the reason for refusal of the previous application, the mass and bulk of the northern end of the building has been reduced. This has involved reducing the length of this part of the building by 3.8m at first floor and by 9.5m at second floor. The amendments have also pulled the rearmost part of the first floor 2m in from the northern boundary. These amendments have significantly reduced the mass and bulk of the northern end of the building and it is considered that this has addressed the reason for refusal of the previous application.

The proposals also include solar panels which will sit in six rows 1.1 metres above the existing garage block roof adjacent to the eastern boundary. Given the existing context of the site the positioning of solar panels on the flat roof garage block is considered to be appropriate, subject to a condition to require details of the colour coating of the metal framework to be submitted for approval. Solar panels are also proposed on the roof of the main building and these are also considered to be appropriate.

Policy DAP8 requires development to preserve or enhance the special architectural and historic interest and appearance of the Conservation Area. Only the garage court falls within the Conservation Area, however Policy DAP8 also expects development to respect the setting of Conservation Areas and important views both in and out of them. As detailed above, the demolition of the existing buildings is considered to be acceptable and the proposed development will assimilate well into the streetscene, preserving the Conservation Area and respecting its setting.

Impact on the living conditions of neighbouring dwellings

The proposals will not infringe a 45-degree sight-line in relation to any of the neighbouring dwellings. Furthermore the separation distances from neighbouring dwellings will comply with the Council's Distance Separation Standards. It is suggested that first and second floor windows to the north elevation are conditioned to be obscure glazed to avoid any overlooking/perception of overlooking to No. 18 Arlington Avenue, set on the opposite side of a vehicular access way. It is also recommended that a condition is imposed to require the first and second floor bathroom windows in the east elevation (facing Coach House Mews) to be obscure glazed.

Solar panels will sit in a metal framework set 1.1 metres above the existing flat roof garage block roof adjacent to the eastern boundary. The panels are set in 800mm from the roof edge and any visual impact to the occupiers of adjoining properties is likely to be minor in nature.

The residential scheme is compatible with other adjoining residential properties and associated noise/comings and goings from this residential development of six apartments would remain appropriate within the context of this residential setting.

The scheme is not therefore considered to result in any significant impact on the living conditions of surrounding properties in terms of light, outlook or privacy.

Health and well-being

Local residents' concerns are noted in terms of the proposed rented flats creating a transient population that will negatively impact upon the existing community. In terms of national policy, Paragraph 50 of the National Planning Policy Framework (NPPF) requires the Council to plan to create inclusive and mixed communities. A mix of house types within a residential area is appropriate and while the Council seeks to avoid concentrations of single house types such as student accommodation/HMOs this scheme proposes self-contained flats. There is no reason to believe that these flats would generate an unacceptably high turnover of tenants/occupiers. Furthermore, there is no evidence to suggest that any such turnover would result in an adverse impact upon the living conditions of surrounding residents, any more than would be the case elsewhere in the town. The development for six self-contained apartments is not therefore considered to result in an unacceptable adverse impact on community cohesion.

Concerns raised by local residents with regard to the construction of the development coinciding with the redevelopment of Parmiter House opposite are not material to the consideration of this application. Nevertheless a condition is suggested to secure a construction method statement to agree parking for site operatives together with details of how the unloading of plant and materials and storage areas will be managed. This will help to reduce the impact of the construction phase of the development on local residents and the free flow of traffic.

Car parking and highway safety

The parking arrangements have been amended to address the concerns of the Highway Authority. The Highway Authority have now raised no objection to the amended proposals.

The proposals will require the demolition of a block of 3 existing garages and the partial demolition of another garage, all of which currently serve Binswood Mansions. However, 7 additional surface parking spaces are proposed on site as well as 2 new garages. It is considered that surface parking spaces are more likely to be used than the existing garages, which are of insufficient width to be counted as parking spaces under the Council's Parking Standards. In contrast, the 2 new garages within the proposed development have been increased in width to enable the Highway Authority to count these as parking spaces against the Council's Parking Standards (these new garages would be significantly wider than the substandard garages that are to be demolished). Consequently, there would be a net increase of 9 usable parking spaces at the site. Furthermore, the proposals include the provision of a covered cycle store.

The Council's Parking Standards require a total of 8 spaces for the proposed flats. As the number of usable parking spaces is proposed to increase to 9, the proposals are considered to be in accordance with the Council's Parking Standards. In view of the comments of the Highway Authority, the proposals are therefore considered to be acceptable in terms of car parking and highway safety.

A condition is suggested to ensure that parking spaces are available prior to occupation and to ensure that garage spaces are retained in perpetuity.

Landscaping and ecology

There is no mature landscaping on site that merits retention and the new development will be subject to a soft landscaping scheme, which can be controlled by condition. A condition is also suggested to ensure that any new hardstanding is permeable or surface water run-off is provided to a porous area within the site.

The County Ecologist notes that no evidence of bats were found in the supporting bat survey and raises no objection to the scheme.

Other matters

The application proposes that solar panels will be used to generate renewable energy in order to meet the Council's 10% requirement. This can be secured through condition.

The applicant has agreed in principle to make a contribution of £4,972 towards the provision or enhancement of public open space. This would meet the requirements of Local Plan Policy SC13. A condition is recommended to deal with this issue.

<u>SUMMARY/CONCLUSION</u>

The design of the development is considered to be appropriate for this location and would preserve the character and appearance of the Conservation Area. Furthermore, the proposals would not harm the living conditions of neighbouring dwellings and would be acceptable in terms of car parking and highway safety. Therefore it is recommended that planning permission is granted.

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 drawing(s) ra 182.31, ra 182.32A, ra 182.33, ra 182.34, ra 182.35, ra 182.36A, ra 182.37, ra 182.40, & ra 182.41, and specification contained therein, submitted on 10 April 2014 & 13 May 2014. **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 Unless the Local Planning Authority certifies that suitable alternative provision has been made for the provision or improvement of open space within the catchment area of the application site in accordance with Policy SC13 of the Warwick District Local Plan 1996-2011:

(i) no development shall commence unless or until a scheme for such provision or improvement (identifying the size/extent, location and specification of the space and works) has been submitted to and approved in writing by the Local Planning Authority; and

(ii) the dwellings hereby permitted shall not be occupied until the scheme so approved has been implemented.

REASON: To ensure the necessary infrastructure and facilities are provided in accordance with Policy SC13 of the Warwick District Plan 1996 – 2011.

4 The development hereby permitted shall not be first occupied unless and until the renewable energy scheme submitted as part of the application has been wholly implemented in strict accordance with the approved details. The works within this scheme shall be retained at all times thereafter and shall be maintained strictly in accordance with manufacturers specifications. Microgeneration equipment no longer needed for microgeneration shall be removed as soon as reasonably practicable. **REASON** : To ensure that adequate provision is made for the generation of energy from renewable energy resources in

accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011.

5 The development shall be carried out only in full accordance with sample details of the elevational and roofing materials, which shall have been submitted to and approved in writing by the local planning authority. **REASON:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policies DP1 and DAP8 of the Warwick District Local Plan 1996-2011.

6 The development hereby permitted shall be carried out in strict accordance with the 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.

7 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 apartment building 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, DP3 and DAP8 of the Warwick District Local Plan 1996-2011.

8 The development (including any works of demolition) shall proceed only in strict accordance with a construction method statement which has been submitted to and approved in writing by the local planning authority. The approved statement shall be strictly adhered to throughout the construction period and shall provide for: the parking of vehicles of site operatives and visitors; the loading and unloading of plant and materials; the storage of plant and materials used in constructing the development; and wheel washing facilities and other measures to ensure that any vehicle, plant or equipment leaving the application site does not carry mud or deposit other materials onto the public highway. **REASON:** In the interests of highway safety and the amenities of the occupiers of nearby properties, and the free flow of traffic in accordance with Policies DP2, DP6, DP8 & DP9 of the Warwick District Local Plan 1996-2011.

9 Within one month of the installation of the metal louvered bin store doors and metal frame mounts for the solar PV panels these shall have been colour coated in full accordance with details to be submitted to and approved in writing by the local planning authority. Any replacement or modification shall be colour coated to match within one month of being carried out. **REASON:** To ensure that metal-work is colour coated in the interests of the visual amenities of the locality in accordance with Policies DP1 & DAP8 of the Warwick District Local Plan 1996-2011.

10 The development hereby permitted shall not be occupied unless and until the means of vehicular and pedestrian access to the development has been laid out and constructed in accordance with the standard specification of the Highway Authority and the existing access has been closed and the kerb and footway have been reinstated in accordance with the standard specification of the Highway Authority. **REASON:** In the interests of highway safety and the free flow of traffic in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011.

11 The development shall not be occupied unless and until the car parking areas, including new garage spaces, and associated manoeuvring areas indicated on the approved drawings have been provided and thereafter those areas shall be kept marked out and available for such use at all times. **REASON:** To ensure that a satisfactory provision of off-street car parking and turning facilities are maintained at all times in the interests of the free flow of traffic and highway safety in accordance with Policies DP6 & DP8 of the Warwick District Local Plan 1996-2011.

12 Prior to the occupation of the development hereby permitted, the following windows shall be permanently glazed with obscured glass to a degree sufficient to conceal or hide the features of all physical objects

from view and shall be non-opening unless the parts of the window that can be opened are more than 1.7 metres above the floor of the room in which the window is installed:

- the first and second floor windows and rooflights to be formed in the north facing elevation; and
- the first and second floor bathroom windows to be formed in the east elevation.

The obscured glazed windows shall be retained and maintained in that condition at all times.

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.

13 The development hereby permitted shall not be occupied unless and until the external refuse storage areas for the development have been constructed or laid out, and made available for use by the occupants of the development and thereafter those areas shall be kept free of obstruction and be available at all times for the storage of refuse associated with the development. **REASON:** To ensure the satisfactory provision of refuse storage facilities in the interests of amenity and the satisfactory development of the site in accordance with Policy DP1 of the Warwick District Local Plan 1996-2011.

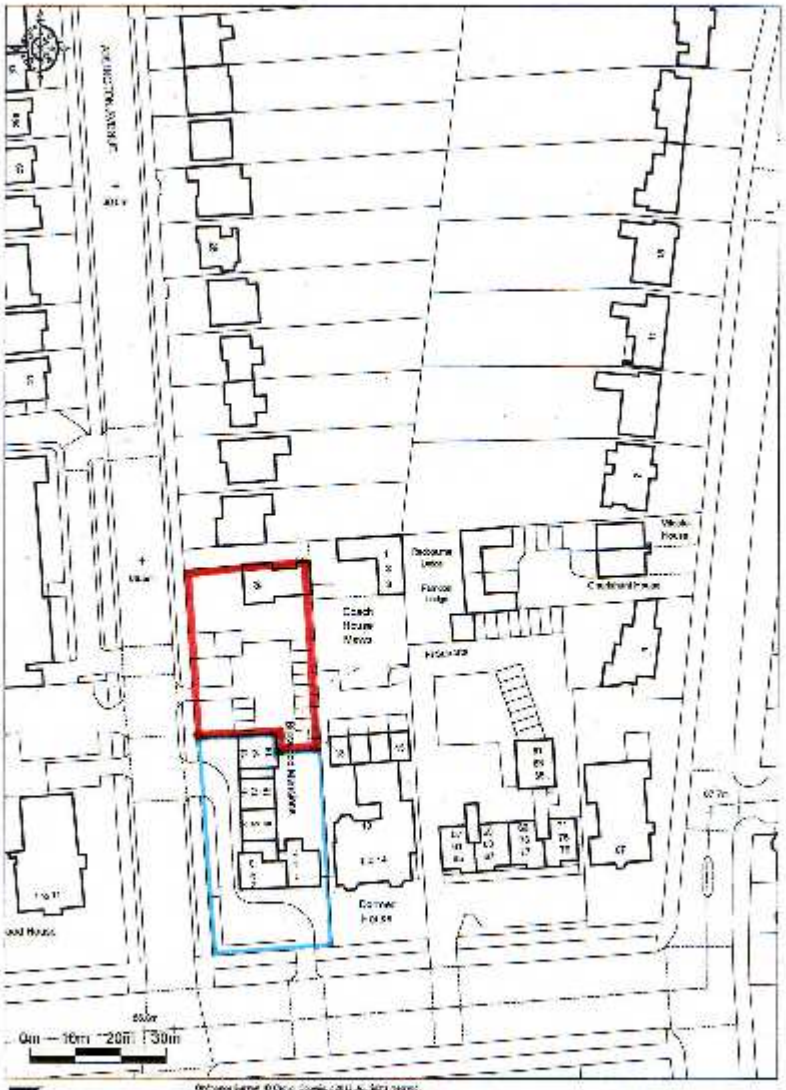
14 None of the dwellings hereby permitted shall be occupied unless:

(a) details of the design and layout of the cycle store have been submitted to and approved in writing by the local planning authority; and
(b) the cycle store has been constructed and laid out in strict accordance with the details approved under (a).

The cycle store shall be retained at all times thereafter unless alternative measures have been approved by the local planning authority.

REASON: In the interests of encouraging the use of alternative modes of transport with the aim of creating a more sustainable development in accordance with Policies SC4 & DP8 of the Warwick District Local Plan 1996-2011.

The Coach House, Arlington Avenue
Leamington



Promap

Proposed external materials:

Walls (ground and first floors.....Red stock brick
except bays to West Elevation)
Walls (second floor and bays.....Coloured render
to West Elevation)
Roofs.....Natural slate
Windows and doors.....Powder coated aluminium set in min.60mm from face of brickwork
Rooflights.....Velux rooflights to be built in as flush as possible with slates
Rainwater goods.....Powder coated aluminium
Handrails and Balustrades.....Powder coated steel handrails
Structural glass balustrades

ra

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16 Arlington Avenue, Leamington Spa
Six new flats proposed for The Binswood Mansions Trust
West Elevation facing Arlington Avenue
Scale 1:100. March 2014. Drawing ra182.38