

Planning Committee: 19 July 2016

Item Number: 13

Application No: [W 16 / 0793](#)

Town/Parish Council: Leamington Spa
Case Officer: Jo Hogarth
01926 456534 jo.hogarth@warwickdc.gov.uk

Registration Date: 29/04/16
Expiry Date: 24/06/16

The Limes, 21 Guys Cliffe Avenue, Leamington Spa, CV32 6LZ

Demolition of existing dwelling and construction of 6 apartments and 1 town house with associated parking FOR Housestyle Countrywide Ltd

This application is being presented to Committee due to the number of objections received.

RECOMMENDATION

Planning Committee are recommended to grant planning permission.

DETAILS OF THE DEVELOPMENT

The proposal is for the erection of a two and three storey building to provide 6no three bedroomed apartments and 1no four bedroomed town house, together with an underground parking area for 14no off street parking spaces, bin storage and cycle storage. This would replace an existing two storey five bed house. The proposed building would measure 9.5 metres at its highest point, dropping down to 8 metres for the town house. A previous application was withdrawn earlier this year and was 2.3 metres higher. The design of the building is such that the second floor accommodation is largely within the roof space and the materials proposed comprise of a mix of render and brick with plain roof tiles.

The access to the site would utilise the existing access onto Coniston Road which is off Guys Cliffe Avenue and this would lead to the underground parking area.

The Design and Access Statement states that the proposal addresses both Coniston Road and Guys's Cliffe Avenue and respects the original layout as the proposal would have a double frontage which is an important aspect. It states that the proposal has been designed so as to accommodate a three storey development more in keeping with neighbouring properties as opposed to a flat roofed apartment block which is on the opposite side of Guys Cliffe Avenue. Further, the presence of a property frontage to Guys Cliffe Avenue is increased through the provision of two pedestrian access points. It goes on to state that landscaping has been the forefront of the design due to the current mature hedgerows and trees which run along all four boundaries and it is intended for these to be retained as it enhances the character and appearance of the site entrance.

THE SITE AND ITS LOCATION

The site relates to a two storey dwelling house situated on the corner of Guys Cliffe Avenue and Coniston Road. The site is not within the designated Conservation Area which runs along the opposite corner of Guys Cliffe Avenue.

There are two access onto Coniston Road, one which leads to garaging. The boundary along Guys Cliffe Avenue comprises of 1.8 metre high close boarded fencing at the back of the footpath and well established beech hedging. The property is set back from the road and is not largely visible from Guys Cliffe Avenue, but more so from Coniston Road.

The area is predominantly residential in character albeit there is a tennis club along Guys Cliffe Avenue and Trinity School beyond the site.

PLANNING HISTORY

In 2004 planning permission was granted for a first floor side extension (ref: W/04/2277).

A previous application for a similar scheme to that which is now being proposed was withdrawn (ref: W16/0043) due to concerns in relation to the height of the development, overlooking and highways with regards to access and visibility splays.

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)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- SC13 - Open Space and Recreation Improvements (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)
- TR1 - Access and Choice (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- 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)

Guidance Documents

- Sustainable Buildings (Supplementary Planning Document - December 2008)

- Open Space (Supplementary Planning Document - June 2009)
- Vehicle Parking Standards (Supplementary Planning Document)

SUMMARY OF REPRESENTATIONS

Royal Leamington Spa Town Council: No objection but comment that the Council agrees with WCC Highways objections from the previous application in terms of increased use of the access/egress having detrimental effect on highway safety for all users, and the poor visibility for drivers exiting the site onto the road.

WCC Ecology: No objection subject to conditions.

WCC Landscape Team: No objections subject to condition on landscaping.

WCC Highways: No objection subject to conditions.

WDC Green Space: No objection subject to open space contributions of £10,676.00

Public response: 47 letters of objection on the grounds that the proposal is over development and harmful to the established character of the area and would be overbearing. It would result in noise and disturbance, overlooking into gardens and loss of privacy. It is an extremely busy junction with a school nearby where children walk to and this development would result in a safety issue. Parking is already a problem which is exacerbated by those using the tennis club and this proposal will cause more problems.

ASSESSMENT

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

- The Principle of the Development
- The impact on the character and appearance of the area
- The impact on the living conditions of nearby dwellings
- Car parking and Highway Safety
- Renewable Energy
- Ecological impact
- Health and Wellbeing

The Principle of the Development

As the proposal involves developing on part of the garden area serving The Limes, the proposal would be contrary to Local Plan Policy UAP1 because residential gardens are not considered to be previously developed land. However, the NPPF states that policies should seek to support dwellings on garden land where it would not result in harm to the character and appearance of the area.

Furthermore, 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 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.

The impact on the Character and Appearance of the Area

It is considered that the design of the development is such that it would not appear as an incongruous feature within the streetscene and has picked up detailing such as render and brickwork as well as chimney features and bay windows. These features reflect some of the houses which are in the Conservation Area further along Guys Cliffe Avenue. It steps down from three storey to the two storey town house which is positioned adjacent to number 51 Guys Cliffe Avenue and would be 0.5m higher than this property. The road starts to slope downwards and therefore this element of the scheme would not be over dominant within the streetscene. As there is accommodation within the roofspace the appearance of the apartments is one of a two and half storey building. It would be well screened as the beech hedging is to remain and it would be set back from Guys Cliffe Avenue by 6 metres at its nearest point. The length of the development which would front Guys Cliffe Avenue would be 37.5 metres whereas the depth of the proposal would be 20 metres.

In terms of the impact on the streetscene and the character of the area, it is considered that the proposal has been carefully considered and relates to other buildings in the surrounding area. It is situated within a large plot but would still maintain an open feel on the corner and would not be significantly closer to Coniston Road such that it would result in unacceptable harm to the area.

The impact on the living conditions of nearby dwellings

With respect to the impact on neighbouring residents, the original scheme had habitable room windows on the first and second floors of the rear elevation. It was felt that while the distance separations were acceptable, these windows would result in potential overlooking into private rear gardens, leading to a perceived loss of privacy. As such the scheme has been amended to address these objections raised by neighbours and therefore there are no habitable room windows in the rear elevation of the first and second floors of the apartments. With regards to the town house, there are two bedroom windows in the rear elevation, however these would be situated in excess of 31 metres away from the rear elevation of number 1 Derwent Close. It is considered that these alterations represent an improvement to the scheme and would protect garden areas from potential overlooking.

There is a tall mature hedge along the boundary with number 51 Guys Cliffe Avenue together with a fence which generally obscures any views into and out from the site towards 51 Guys Cliffe Avenue. There are side facing windows to the proposed town house which would be located 4.6 metres from the shared

boundary. At first floor these windows would be obscure glazed, serving a landing and ensuite, whereas on the ground floor, there would be secondary windows to the family/living room would look out onto the fence and landscaping/hedging. It is considered that this relationship between the proposal and number 51 Guys Cliffe Avenue is acceptable and would not result in unacceptable harm through overlooking or over bearing impact such that a refusal of permission could be sustained.

Number 4 Coniston Road has secondary side facing windows to habitable rooms, set approximately 18 metres from the nearest part of the rear of the proposed development. As stated above, there are no habitable rooms proposed along this rear elevation in the development and as such it is considered that the proposal would not be so significantly harmful as to render the scheme unacceptable in terms of impact on neighbours and the enjoyment of their properties. In this respect it is considered that the application meets the requirements set out in Policy DP2 in the Local Plan.

Car Parking and Highway Safety

Highways have assessed the impact the proposal would have on highway safety and are satisfied that the visibility splays required from the access are achieved when measured 2.4 metres back from the edge of the carriageway. The proposed access would be modified to ensure that the width would be 5 metres for the first 7.5 metres to enable vehicles to pass at this point. The access would lead to an underground parking area to accommodate 14 off street spaces. This would be in line with the Council's adopted Vehicle Parking Standards SPD. Each space is shown to be 3 metres in width which would accord with the guidelines for spaces which are bound by solid walls. This enables the vehicle doors to be opened and allows for manoeuvring into and out of the spaces. The parking area is to be accessed via a ramped entrance. The other vehicular access which is situated nearer the junction with Guys Cliffe Avenue is to be permanently closed.

Within the underground parking area, it is proposed to have a secure cycle store area, together with a separate storage area for each of the apartments. Access to the ground floor would be by lift or stairs which are situated opposite the cycle store. Pedestrian access to the new development would be via Guys Cliffe Avenue, with the town house having a choice of either accessing the property from Guys Cliffe Avenue or via a private staircase leading from the parking area.

Renewable Energy

It is anticipated that the development would be served through ground source heat pumps and heat recovery systems to provide a reduction in CO² emissions in accordance with Policy DP13 in the Local Plan and the Council's adopted SPD on Sustainable Buildings. As no details of these have been submitted with the application, it is considered appropriate to attach a condition requiring full details to be submitted.

Ecological Impact

Subject to conditions requiring the destructive works to be undertaken in the presence of a qualified bat worker and roofing materials to be removed by hand, it is considered that in terms of impact on protected species, no objection is raised. Additionally it is considered appropriate for bat boxes to be erected,

details of which could be secured through conditions. In accordance with the advice from the County Ecologist, notes on nesting birds, hedgehogs, indigenous planting and lighting should be attached to any approval.

Health and Wellbeing

With regards to health and wellbeing, it is considered that this development will offer people a greater choice of where they chose to live within the District.

Other Matters

In order to secure public open space contributions it is considered appropriate to attach a pre-commencement condition

SUMMARY/CONCLUSION

The proposal is considered to be acceptable and would not result in substantial harm to nearby residents or to the character and appearance of the streetscene. It is considered that the application meets the objectives of the aforementioned Local Plan Policies and Supplementary Planning Documents.

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 numbers 250D; 451C; 1 (tree protection measures); 115A 450E and 251E and specification contained therein, submitted on 28 April 2016; 3 June 2016 and 1 July 2016. **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 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 CO² emissions would be reduced through the initial construction methods and materials has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until all the works within the approved scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications. **REASON:** To ensure that adequate provision is made for the generation of energy from renewable energy

resources or to achieve carbon savings in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011.

- 4 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.

- 5 Samples of the external facing materials to be used for the construction of the development hereby permitted, shall be submitted to and approved by the District Planning Authority before any constructional works are commenced. Development shall be carried out in accordance with the approved details. **REASON:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011.

- 6 No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority and Local Highway Authority. The Construction Management Plan must include details to prevent mud and debris being passed onto the highway; wheel washing facilities; vehicle routing plan; and parking and loading/unloading of staff/construction/delivery vehicles. **REASON:** In the interest of Highway safety and to satisfy the requirements of Policy DP6 in 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 development hereby permitted; and all planting shall be carried

out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of similar size and species, unless the local planning authority gives written consent to any variation. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations. **REASON:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies DP1, DP2 and DP3 of the Warwick District Local Plan 1996-2011.

- 8 No part of the development hereby permitted shall be commenced until a scheme for the provision of at least 2 bat boxes, bricks or access tiles to be erected on trees or buildings within the site, has been submitted to and approved in writing by the District Planning Authority. The scheme to include details of box type, location and timing of works. Thereafter, the boxes shall be installed and maintained in perpetuity. **REASON:** In accordance with the NPPF, ODPM Circular 2005/06 and to meet the objectives of Policy DAP3 in the Warwick District Local Plan 1996-2011.
- 9 The development shall not be occupied until all parts of the existing access within the public highway not included in the permitted means of 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 interest of Highway safety and to satisfy the requirements of Policy DP6 in the Warwick District Local Plan 1996-2011.
- 10 The development shall not be occupied until the existing vehicular access to the site has been widened/remodelled so as to provide an access of not less than 5 metres in width, for a minimum distance of 7.5 metres as measured from the near edge of the public highway carriageway. **REASON:** In the interest of Highway safety and to satisfy the requirements of Policy DP6 in the Warwick District Local Plan 1996-2011.
- 11 The access to the site for vehicles shall not be used in connection with the development until it has been surfaced with a bound material for a minimum distance of 7.5 metres as measured from the near edge of the public highway carriageway. **REASON:** In the interest of Highway safety and to satisfy the requirements of Policy DP6 in the Warwick District Local Plan 1996-2011.

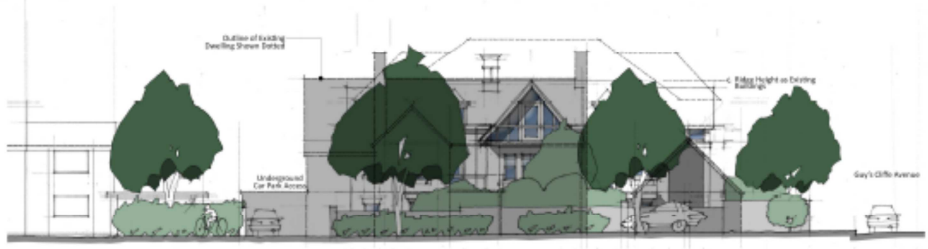
- 12 The access to the site shall not be constructed/reconstructed/widened in such a manner as to reduce the effective capacity of any drain or ditch within the limits of the public highway. **REASON:** In the interest of Highway safety and to satisfy the requirements of Policy DP6 in the Warwick District Local Plan 1996-2011.
- 13 The development shall not be occupied until visibility splays have been provided to the vehicular access to the site passing through the limits of the site fronting the public highway with an 'x' distance of 2.4 metres and 'y' distances of 43 metres to the near edge of the public highway carriageway. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway. **REASON:** In the interest of Highway safety and to satisfy the requirements of Policy DP6 in the Warwick District Local Plan 1996-2011.
- 14 Gates/barriers/doors erected at the entrance to the site for vehicles shall not be hung so as to open to within 6 metres of the near edge of the public highway carriageway. **REASON:** In the interest of Highway safety and to satisfy the requirements of Policy DP6 in the Warwick District Local Plan 1996-2011.
- 15 Prior to the first occupation of the development hereby permitted the car parking area shown on drawing number 250D shall be laid out and made available and retained as such at all times thereafter. **REASON:** To ensure that adequate parking facilities are made available for the development, in accordance with Policy DP8 in the Warwick District Local Plan 1996-2011.
- 16 The development hereby permitted shall be undertaken in the presence of a qualified bat worker appointed by the applicant to supervise all destructive works to the potential access features identified in the report entitled 'Preliminary Ecological Appraisal for Bats The Limes, Leamington' produced by Dr. Stefan Bodnar and dated October 2015. All roofing material around these features is to be removed carefully by hand. Appropriate precautions must be taken in case bats are found, such as the erection of at least one bat box on a suitable tree or building. Should evidence of bats be found during this operation, then work must cease immediately while Natural England and WCC Ecological Services are consulted for further advice. Any subsequent recommendations or remedial works will be implemented within the timescales agreed between the bat worker and the Local Authority Ecologist/Natural England. Notwithstanding any requirement for remedial work or otherwise, the qualified bat worker's report shall be submitted to the local planning authority within 1 month following completion of the supervised works to summarise the findings. **REASON:** To ensure that protected species are not harmed by the development in accordance with Policy DAP3 in the Warwick District Local Plan 1996-2011.
-





Proposed Front Elevation Facing Coniston Road
 (Scale 1:100)

Date: 14/05/08



Proposed Street Scene Along Coniston Road
 (Scale 1:100)

Date: 14/05/08



Proposed Rear Elevation
 (Scale 1:100)





Proposed Front Elevation Facing Guy's Cliffe Avenue
(Scale 1:100)

06-Jan-18-20



Proposed Street Scene Along Guy's Cliffe Avenue
(Scale 1:100)

06-Jan-18-20



Proposed Side Elevation
(Scale 1:100)

