Planning Committee: 14 January 2014 **Item Number: 8**

Application No: W 13 / 1643

Registration Date: 21/11/13
Town/Parish Council: Leamington Spa **Expiry Date:** 16/01/14
Case Officer: Liam D'Onofrio
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16 Arlington Avenue, Leamington Spa, CV32 5UD
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. FOR Binswood Mansions Trust
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This application is being presented to Committee due to the number of objections and an objection from the Town Council having been 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 (three 1-bedroom units and three 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 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 but present a balanced, formal frontage to the street in keeping with the character and best local architecture to complement the building's neighbours and add interest to the streetscene. The building line is respected.

The proposal seeks to retain the existing garage block to the eastern boundary and create four new garages and six parking spaces. Nine new off-street parking spaces will be created and a total of 20 off-street spaces will serve the site, including Binswood Mansions.

The proposal will include 8sq.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 SITE AND ITS LOCATION

The application site relates to a garage court and dwellinghouse (No.16 Arlington Avenue) located on the eastern side of the highway and north of Binswood Mansions, a three-storey apartment block, 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 conservation area boundary with the northern part of the site (No.16 Arlington Avenue) falling outside of the conservation area. The locality is residential in character.

PLANNING HISTORY

None relevant.

RELEVANT POLICIES

- 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

SUMMARY OF REPRESENTATIONS

Royal Leamington Spa Town Council - Objection for the following reasons: 1. The plans are considered to be unclear and misleading. 2. The proposed development is overbearing, creates massing and is out of keeping with the surrounding area, contrary to DP1 in the Warwick District Local Plan. 3. The demolition of the Coach House will result in a loss of an historic property, contrary to DP3 in the Warwick District Local Plan. 4. The proposed development adversely affects the appearance of the streetscene and does not respect the setting of the Conservation Area, contrary to DAP8 in the Warwick District Local Plan. 5. The proposed development provides virtually no garden for the residents and is therefore contrary to DP2 in the Warwick District Local Plan. 6. The proposed design will create an unacceptable loss of privacy and light to neighbouring properties. 7. There are inadequate parking provisions. 8. The Council recommends that a site visit is made by the District Council which should include observation of the conservatory at No. 18 Arlington Avenue.

WCC Highways - No objection, subject to conditions.

WCC Ecology - No objection, bat note/nesting bird note suggested.

Conservation Advisory Forum (CAF) - The proposal contains some traditional vernacular features but is not in the Leamington Regency style, e.g. the second floor balcony and the hipped roof side extensions. The design needs to be simplified. The red brick colour is too harsh as nearby examples are a softer red.

Public response

Eleven objections received raising the following concerns.
- Development is out of character/overdevelopment/overbearing/unoriginal.
- Site is within a 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.
- Potential for combined construction noise/traffic as redevelopment of Parmiter House is scheduled for Spring 2014.

ASSESSMENT

The main considerations in assessing this application are as follows;
- Principle;
- Layout/Design;
- Neighbours' amenity/Health and well-being;
- Highway Safety;
- Landscaping/Ecology.

Principle

The site is within the urban area where Local Plan Policy UAP1 applies, which permits residential development on previously developed land and buildings within the confines of the urban area. Furthermore, the National Planning Policy Framework (NPPF) 2012 states (para.49) that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites against their housing requirement. In terms of the most recent evidence of housing need, the Council cannot demonstrate a five year supply. Accordingly, only limited weight can be afforded to Policy UAP1, and in these circumstances the NPPF requires applications to be considered in the context of the presumption in favour of sustainable development. This states at paragraph 14 that where the development plan policies are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF. The scheme will contribute towards helping the Council meet its five year requirement, result in more efficient use of urban land and, as set out below, is not considered to create any other significant adverse effects that would warrant refusal of the scheme. The existing dwellinghouse (No.16 Arlington Avenue) is not listed and does not fall within the conservation area and has no historic or architectural merit sufficient to warrant its retention. Structures being demolished within the conservation area relate to garage buildings that have no historic or architectural merit sufficient to warrant their retention.

The proposal is therefore considered to constitute sustainable development, in compliance with the NPPF and is acceptable in principle.

Layout/design

The proposed building will be sited within the existing pattern of development, fronting the eastern side of the highway and respecting the established building line. The overall proportions/height of the building are considered to be acceptable and the forward projecting bays will add relief to the principle elevation and break up the bulk and mass of the building. This section of the street has other existing two and three-storey apartment buildings with large footprint areas and the proposed development will not therefore appear incongruous within the streetscene.

The building design drops to two-storey creating 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. The scheme originally proposed horizontal brick banding and square stone features to the principle elevation, which created a 'fussy' detail. This has been visually simplified (as suggested by CAF) to brick with rendered elements, which creates a more sympathetic design solution and accentuates the vertical emphasis of the building. All external facing and roofing materials can be controlled by condition.

Solar panels will sit in six sets of metal framework 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 agree and securing the colour coating of the metal framework that will support the panels.

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 existing buildings is considered acceptable and the proposed development will assimilate well into the streetscene preserving the conservation area and respecting its setting.

Neighbours' amenity

The proposed development will sit within the 45-degree sightline when measured from all surrounding properties and all necessary separation and window-to-window separation distances are met in accordance with the Council's Residential Design Guide SPD. It is suggested that first and second floor windows to the north elevation are conditioned to obscure glaze to avoid any overlooking/perception of overlooking to No.18 Arlington Avenue, set on the opposite side of a vehicular access way.

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 the residential setting.

The scheme is not therefore considered to result in any significant impact upon the light, outlook, privacy or amenities of the occupiers of surrounding properties.

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 why these flats would generate a high turnover of tenants/occupiers, or why this would result in an adverse impact upon the amenities of surrounding residents. The development for six self-contained apartments is not therefore considered to result in an unacceptable adverse impact on the amenities of surrounding residents in terms of 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, the unloading of plant and materials and storage areas to help reduce the impact of the construction phase of the development upon the amenities of local residents and the free flow of traffic.

Highway safety

The County Highway Engineer has commented that the proposal will replace the existing single residential property with a block of 6 one and two bedroomed flats. In developing the site, a block of 3 existing garages will be lost. However from the Design and Access statement, overall, the development will result in the provision of 9 additional spaces on site, 4 of which will be garage spaces. The Highway Authority note that the proposal includes the closure of the existing vehicular access to the current residential dwelling and the widening of the existing access serving the Binswood Mansions parking and garage area. The scheme will not therefore result in any loss of on-street parking and accords with the Council's Supplementary Planning Document Parking (November 2007).

The Highway Authority have commented at the time of the site inspection it was noted that whilst there was on-street parking along Arlington Avenue, there were spaces available for on-street parking. However, the site is in a sustainable location, being within recommended walking distance of the town centre, local services and public transport links.

The Highway Authority have therefore raised no objection to the scheme.

The Highway Authority had originally asked for a aisle width of 7.3 metres between the garages to ensure drivers are able to enter and exit easily. The minimum distance is typically 6 metres and it is agreed that the 6.7m aisle width is therefore sufficient for vehicle manoeuvring.

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

Landscaping/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 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 applicant has indicated 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.

An open space contribution will be required to meet Policy SC13 requirements to enable enhancements and improvements to existing public open space within the locality.

SUMMARY/CONCLUSION

In the opinion of the Local Planning Authority, the proposed development is of an acceptable layout and design, which respects surrounding buildings in terms of scale, height, form and massing and the character and setting of the conservation area. The development does not adversely affect the amenity of nearby residents or highway safety. The proposal is therefore considered to comply with the policies listed.

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 182.21A, ra 182.22A, ra 182.23A, ra 182.24A, ra 182.25A, ra 182.26A, ra 182.27A, ra 182.28A, ra 182.29A, and specification contained therein, submitted on 30th December 2013. **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 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 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.

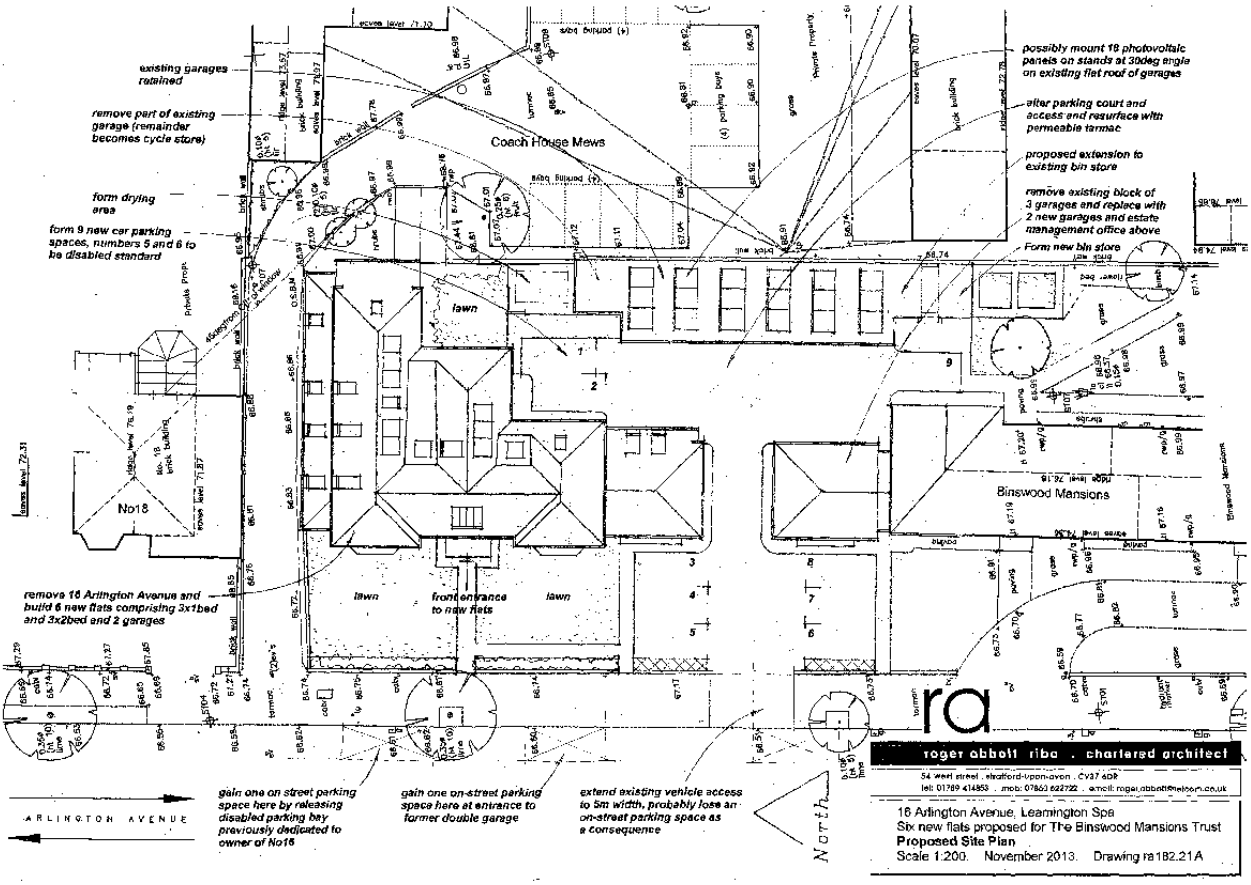
11 The development shall not be occupied unless and until the car parking areas, including new garage spaces, and associated manoeuvring areas indicated on the approved drawings have been provided and thereafter those areas shall be kept marked out and available for such use at all times. **REASON:** 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.

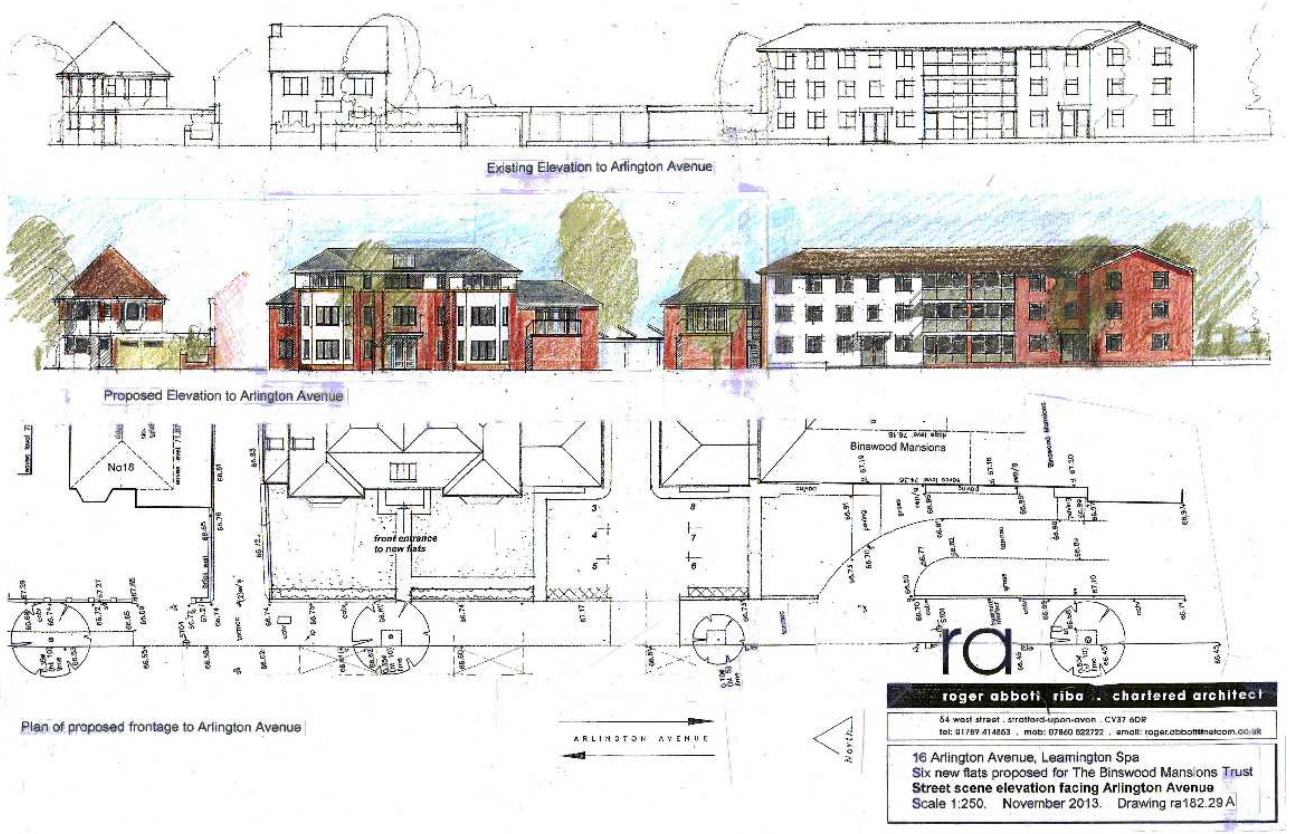
12 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification) the first and second floor windows and rooflights to be formed in the north facing elevation of the development hereby permitted adjacent to No.18 Arlington Avenue shall only be glazed or re-glazed with obscure glass and any opening part of any window shall be at least 1.7m above the floor of any room in which the window is installed. **REASON:** In the interests of the amenities of the occupiers of nearby properties in accordance with Policies DP1 & 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.

The Coach House, Arlington Avenue
Leamington

Promap


existing garages retained
remove part of existing garage (remainder becomes cycle store)
form drying area
form 9 new car parking spaces, numbers 5 and 6 to be disabled standard
remove 16 Arlington Avenue and build 6 new flats comprising 3x1bed and 3x2bed and 2 garages
possibly mount 18 photovoltaic panels on stands at 30deg angle on existing flat roof of garages
alter parking court and access and resurface with permeable tarmac
proposed extension to existing bin store
remove existing block of 3 garages and replace with 2 new garages and estate management office above
Form new bin store
Coach House Mews
lawn
front entrance to new flats
Binswood Mansions
No18
ARLINGTON AVENUE
gain one on street parking space here by releasing disabled parking bay previously dedicated to owner of No16
gain one on-street parking space here at entrance to former double garage
extend existing vehicle access to 5m width, probably lose an on-street parking space as a consequence
North
ra
roger abbott riba . chartered architect
54 west street . stratford-upon-avon . CV37 6DR
tel: 01789 414853 . mob: 07860 622722 . email: roger.abbott@nelson.co.uk
16 Arlington Avenue, Leamington Spa
Six new flats proposed for The Binswood Mansions Trust
Proposed Site Plan
Scale 1:200. November 2013. Drawing ra182.21A


Existing Elevation to Arlington Avenue
Proposed Elevation to Arlington Avenue
No18
Binswood Mansions
front entrance to new flats
Plan of proposed frontage to Arlington Avenue
ARLINGTON AVENUE
NORTH
ra
roger abbott riba . chartered architect
54 west street . stratford-upon-avon . CV37 6DR
tel: 01789 414663 . mob: 07860 622722 . email: roger.abbott@netcom.co.uk
16 Arlington Avenue, Leamington Spa
Six new flats proposed for The Binswood Mansions Trust
Street scene elevation facing Arlington Avenue
Scale 1:250. November 2013. Drawing ra182.29 A