

**Application No:** W 12 / 0520

**Town/Parish Council:** Leamington Spa  
**Case Officer:** Jo Hogarth

**Registration Date:** 03/05/12

**Expiry Date:** 28/06/12

01926 456534 jo.hogarth@warwickdc.gov.uk

**1 Guys Cliffe Road, Leamington Spa, CV32 5BZ**

Erection of two new houses FOR Aveley Homes Ltd

-----

This application is being presented to Committee due to 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**

The purpose of this report is to consider the above application which proposes to construct two houses. This is a revised planning application as the site does benefit from an extant permission for two houses (ref: W/10/0976).

**THE SITE AND ITS LOCATION**

The application site relates to no. 1 Guys Cliffe Road which is mainly a single storey commercial building with some two-storey elements to the rear on the south- west side of Guys Cliffe Road, which was an electrical retail business and has now closed. The neighbouring property at 34 Warwick Place (Tuscany House) has been both extended and converted into apartments. The site is situated within a predominantly residential part of the Royal Leamington Spa Conservation Area.

Within the Design and Access Statement, the applicant states that the houses have been designed to relate to the natural building line of adjacent buildings on either side; the architectural form of the area is one of old Leamington buildings and although planning permission has been granted for two modern houses it is felt that the street scene would look more appropriate with a traditional design. Furthermore, the heights of the houses step up naturally towards the adjoining buildings to the southern side of the site and the height of the property adjoining number 9 Cross Road is reduced to allow the existing property to read clearly in its existing form.

**PLANNING HISTORY**

Planning permission has been granted for two dwellings following the demolition of the building. Conservation Area Consent has been granted for the demolition, ref: W/10/0977CA.

**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)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DAP8 - Protection of Conservation Areas (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)
- UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
- Vehicle Parking Standards (Supplementary Planning Document)
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Open Space (Supplementary Planning Document - June 2009)
- National Planning Policy Framework
- Residential Design Guide (Supplementary Planning Guidance - April 2008)

## **SUMMARY OF REPRESENTATIONS**

**Leamington Spa Town Council:** An objection is raised for the following reasons: The height and design of these properties are intrusive and not in keeping with the neighbouring properties. The 3-storey house intrudes on Tuscany House causing a loss of light and privacy.

**WCC Highways:** No objection subject to conditions.

**WCC Ecology:** Recommend pre-determinative bat survey.

**Public response(s):** 3 letters of objection have been received on grounds of lack of parking, loss of privacy, out of keeping with the area.

## **ASSESSMENT**

It is considered that the main issues relating to this proposal to be as follows:

- Principle of development
- Design and effect on the Conservation Area
- The impact on neighbours
- Parking
- Renewables
- Bats
- Bin storage
- Public Open Space

### Principle of development

The application site constitutes previously developed land and therefore the proposed development accords with Policy UAP1 of the Warwick District Local Plan 1996-2011 which seeks to direct new residential development to previously developed land. Notwithstanding this, there is an extant planning permission for the construction of two dwellings on this site which could be implemented any time before March 2014. Therefore it is considered that the principle of this development is acceptable.

## Design and effect on the Conservation Area

The previous design of the two dwellings were contemporary and incorporated modern aluminium glazed screens and louvered cladding. The scheme as now submitted has been the subject of negotiations to increase the set back from the footpath by 1.3 metres (originally it would have been set back by 0.8 metres) which is considered to be acceptable and would allow for some planting in order to soften the brickwork. The existing building which is to be demolished is currently situated at the back of the footpath. In terms of impact on the Conservation Area it is considered that the design of the dwellings would be in keeping with the Regency style property, number 9 Cross Road. The dwelling which would be attached to number 9 Cross Road is set down at a lower height and would not appear as a dominant feature. The design of the second property is three storey and would relate to Tuscany House (34 Warwick Place) which is also three storey but with a two storey rear wing extension. It is considered that the proposal would be acceptable within the streetscene and wider Conservation Area such that it would not conflict with the objectives of Policy DAP8 in the Local Plan.

## Impact on neighbours

There are no side facing windows in the new dwelling nearest to Tuscany House and therefore there is no loss of privacy. Whilst there is a first floor bedroom window in the rear wing of the extension to Tuscany House which would look out onto the three storey dwelling, it is not considered that the proposal would result in such unacceptable harm to justify refusal of permission. The distance from the rear wing of Tuscany House and the side elevation of the new dwelling would be 7.2 metres. Whilst this is below the Council's adopted Supplementary Planning Guidance on Distance Separations of 16 metres it does specifically state that the provisions of this guidance will not be directly applied within Conservation Areas and it is noted that the extant permission is for a three storey dwelling of similar scale. Furthermore, the window in Tuscany House is north facing and it is considered that there would be no material harm to the living conditions of the occupier of this flat through overlooking or loss of privacy.

## Parking

Two off street parking spaces are proposed for each of the new dwellings and would be accessed from Cross Road. This would meet the Council's adopted Vehicle Parking Standards for both two and three bedroomed properties. It is considered that this is acceptable.

## Renewables

The installation of solar panels are proposed in order to provide 10% of the predicted energy requirement of the dwellings. As part of the application and energy report has been submitted which demonstrates that Policy DP13 in the Local Plan is met. Two panels would be situated on the side facing (south) roof on the three bedroomed house and one panel on the west (rear) of the two storey, middle property. It is considered that this form of renewable energy is acceptable.

## Bats

As part of the Conservation Area Consent application to demolish the building a bat survey was carried out and the County Ecologist was satisfied that this was acceptable. Given that there is a scheme in place which could be implemented it is considered unreasonable to require a further survey, however bat notes should be attached to any approval of permission.

## Bin storage

To the rear of the site in the parking area, provisions have been made for the storage of wheelie bins and recycling boxes. It is considered this to be acceptable and would be screened from the public highway.

## Public Open Space

As part of the previous approval for two dwellings, public open space contributions were paid towards the enhancement of nearby open spaces. It is considered that as this is a revised application for the design of the houses it would be unreasonable to require the applicant to pay contributions again and therefore it is considered that the application meets the requirements contained in Policy SC13 in the Local Plan.

## **CONCLUSION/SUMMARY OF DECISION**

In the opinion of the District Planning Authority, the development would not cause unacceptable harm to the architectural and historic character of the Conservation Area within which the site is located. Furthermore, the proposal would not adversely affect the amenity of nearby residents. The proposal is therefore considered to comply with the policies listed.

## **CONDITIONS**

- 1 The development hereby permitted must be begun not later than the expiration of three years from the date of this permission. **REASON** : To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the application form, site location plan and approved drawing numbers 1373/01D; 1373/06B; 1373/07B; 1373/09A; 1373/10; 1373/11; 1373/13A; 1373/14A and 1373/100L and specification contained therein, submitted on 25 July 2012 and 30 July 2012. **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 commence until space has been provided within the site for the parking/loading/unloading of vehicles in accordance with the details first submitted to and approved in writing by the Local Planning Authority. **REASON:** To ensure that adequate space is available within the site for vehicle manoeuvres and

in the interest of highway safety in accordance with Policy DP6 in the Warwick District Local Plan 1996-2011.

- 4 A landscaping scheme for the whole of those parts of the site not to be covered by buildings shall be submitted to and approved by the District Planning Authority before the development hereby permitted is commenced. Such approved scheme shall be completed, in all respects, not later than the first planting season following the completion of the development hereby permitted, and any trees removed, dying, being severely damaged or becoming seriously diseased within five years of planting, shall be replaced by trees of similar size and species to those originally required to be planted. **REASON** : To protect and enhance the amenities of the area, and to satisfy the requirements of Policies DP1 and DP3 of the Warwick District Local Plan 1996-2011.
- 5 The development hereby permitted shall not be occupied unless the vehicular access to the rear parking area is available at all times. **REASON:** To ensure that adequate parking facilities are available for the development and to satisfy Policy DP6 in the Warwick District Local Plan 1996-2011.
- 6 The development hereby permitted shall not commence until a turning area has been provided within the site so as to enable the largest vehicle anticipated on site to leave and re-enter the public highway in a forward gear. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011.
- 7 All window and door frames shall be constructed in timber and shall be painted and not stained. **REASON** : To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011.
- 8 All rainwater goods for the development hereby permitted shall be metal. **REASON** : To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011.
- 9 The railings hereby permitted shall be metal and painted black and retained as such at all times thereafter. **REASON** : To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011.

-----