

Planning Committee: 03 August 2005

Item Number: 13

Application No: W 05 / 0887

Registration Date: 27/05/05

Town/Parish Council: Leamington Spa

Expiry Date: 22/07/05

Case Officer: John Beaumont

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2A-2B Guy's Cliffe Avenue, Leamington Spa, CV32 6LY

Erection of 14 apartments and boundary wall (after demolition of 2 houses).

FOR A.C. Lloyd Ltd & Warks. Police Authority

This application is being presented to Committee due to an objection from the Town Council having been received and from Ward Member Councillor Gifford.

SUMMARY OF REPRESENTATIONS

Town Council: Objection. Density represents overdevelopment of the site contrary to policies of the Local Plan in terms of harmony and enhancing the existing settlement. No provision of social housing. Significant increase in vehicle movements in the vicinity of 2 schools. Site visit suggested.

Neighbours: Four letters of objection have been received from local residents on grounds of loss of privacy/light, increased traffic congestion on Guys Cliffe Avenue, noise/air pollution, reduction in security of adjacent properties, detrimental to pedestrian safety on Guys Cliffe Road, loss of outlook/unneighbourly.

C.A.A.F.: It was felt that the proposed would create a terracing effect along Guys Cliffe Avenue which would not be in line with the traditional villas along this site. Some attraction was felt to the existing houses although it was generally felt these could be removed. It was felt that the quality of the individual villas should be repeated here, without a linking block which was not architecturally successful. It was felt that generally the design was not successful in this location. It was felt this does not at present enhance the Conservation Area.

WCC (Ecology): No objection subject to bat survey/bird notes.

WCC (Highways): No objection subject to access conditions.

Warwickshire Police: No objection. Works should be to secure by design guidelines to enable development of a sustainable and secure building.

WCC (Fire and Rescue): No objection subject to conditions on water supply/fire hydrants.

(N.B. The above consultation response relates to the application as originally submitted).

RELEVANT POLICIES

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)
(DW) ENV6 - Protection and Enhancement of Conservation Areas (Warwick District Local Plan 1995)
(DW) ENV7 - Demolition of Non-Listed Buildings within Conservation Areas (Warwick District Local Plan 1995)
(DW) ENV8 - New Development within Conservation Areas (Warwick District Local Plan 1995)
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 First Deposit Version)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011 First Deposit Version)
DAP10 - Protection of Conservation Areas (Warwick District 1996 - 2011 First Deposit Version)

PLANNING HISTORY

There is no relevant planning history.

KEY ISSUES

The Site and its Location

The site is located in the Conservation Area and presently contains two detached, two storey dwellings linked by a screen wall and garages. Each property has a vehicular access onto Guys Cliffe Avenue which contains a number of roadside trees. The site is adjoined by other housing.

Details of the Development

This is an amended scheme for the erection of 14 flats. The scheme contains the following main elements:-

- The demolition of the existing 1960's dwellings and the clearance of the site.
- The erection of two three storey buildings, each containing 6, two bedroomed flats with a single storey rear 'link' building containing 2 one bedroomed flats. The design of this building has been amended and includes projecting gable and balcony details. The rear 'link' building would be partially screened from views from Guys Cliffe Avenue by a screen wall and pedestrian gate.
- The creation of a single point of vehicular access off Guys Cliffe Avenue with a parking area for the cars. The parking area would be screened from Guys Cliffe Avenue by a new boundary wall some 2m in height designed to reflect the traditional boundary walls fronting this side of Guys Cliffe

Avenue. The layout plan also indicates the siting of a bin store, recycling area and cycle store.

The applicant has submitted planning and design statements in support of the application; these confirm that the site density proposed would be 66 dwellings per hectare.

Assessment

The consideration of this application raises the following issues:-

- The demolition of the existing building:- The existing buildings are 1960's houses which are not listed of special architectural or historic interest. They are located in the Conservation Area where there is a presumption that permission will not normally be granted for the demolition of non-listed buildings which contribute to the overall character or appearance of the Conservation Area. In this instance, I do not consider the design of the existing buildings makes a significant contribution to the overall character or appearance of the Conservation Area and hence I consider objection to their demolition in the context of their replacement by an acceptable new development could not be sustained.
- The impact of the new development on the character/appearance of the Conservation Area:- This scheme has been amended to seek to address the concerns expressed by CAAF and in my opinion, subject to appropriate conditions to require the approval of the details of its design, I consider it would be an attractive development which would enhance the appearance of this part of the Conservation Area. It would secure the rebuilding of the front boundary wall to reflect the more enclosed character of development on the eastern side of Guys Cliffe Avenue and in my opinion it would 'read' as two detached properties with the now single storey linking element being largely screened by a wall and pedestrian gate running between the two properties; I do not consider therefore that it would have a 'terracing' effect as described by CAAF. Some existing trees on the site will be lost but this loss has to be balanced against what I consider will be an improvement to the appearance of the site and in my opinion this scheme would therefore be acceptable.
- The impact on neighbouring properties:- Clearly the scheme as proposed would have a greater bulk than the existing houses and hence will be more visible to the neighbouring properties which adjoin the site. With regard to the 3 storey flats in Cliffe Court to the south, it will not breach the Council's 45° Code (the nearest windows on the rear elevation being bathroom windows) and I do not consider it will have an unacceptable impact on their outlook.

The rear elevation of the 3 storey element of the proposed development will be some 39m at its closest from the rear elevation of dwellings fronting Cliffe Road, with the single storey link block being some 32m away; this exceeds the District Councils distance separation standard and

the rear boundary of the development site is heavily planted which will not be affected by the proposed development.

There are side facing windows on Chestnut Court looking towards the gable of the proposed building but these are generally secondary/kitchen windows with dormer roof windows. Whilst the proposed development will have an impact on the light and outlook from their windows and itself contains bedroom and kitchen windows on its side elevation, I do not consider that a refusal on either an overbearing effect or loss of privacy would be justified.

- Highway safety/parking:- No objection has been raised to the proposed development by WCC (Highways) and given the location of this site, I consider a provision on-site of 16 spaces would be acceptable on this site to meet the needs of the 14 flats; the applicant has also indicated the provision on-site of a cycle store.

In conclusion, whilst being conscious of the objections received to this proposal, I am of the opinion that as amended this development would be an acceptable addition to the Conservation Area.

REASON FOR RECOMMENDATION

The proposal is considered to comply with the policies listed above.

RECOMMENDATION

GRANT, as amended, subject to the following conditions :

- 1 The development hereby permitted must be begun not later than the expiration of five years from the date of this permission. **REASON** : To comply with Section 91 of the Town and Country Planning Act 1990.
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing nos. 1136/07a, 10a, 11a, 12a and 13a, and specification contained therein, submitted on 13th July 2005 unless first agreed otherwise in writing by the District Planning Authority. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Local Plan Policy ENV3.
- 3 Samples of all 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 ENV3 of the Warwick District Local Plan.
- 4 The roofing material for the development shall be natural slate, a sample of

which has been submitted to and approved in writing by the District Planning Authority. The development shall be carried out in accordance with the approved details. **REASON** : To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy ENV8 of the Warwick District Local Plan.

- 5 All rainwater goods for the development hereby permitted shall be metal and no development on site shall take place until a sample of the rainwater goods has been submitted to and approved by the District Planning Authority. **REASON** : To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy ENV8 of the Warwick District Local Plan.
- 6 No development shall be carried out on the site which is the subject of this permission, until large scale details of cycle/bin/recycling stores, gable barge boards, balconies, conservation rooflights, doors, windows (including a section showing the window reveal, heads and cill details), eaves, verges and rainwater goods at a scale of 1:5 have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. **REASON** : To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy ENV8 of the Warwick District Local Plan.
- 7 A landscaping scheme, incorporating existing trees and shrubs to be retained and new tree and shrub planting 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. Existing trees which are shown as being retained shall be dealt with in accordance with BS 5837:1991. In particular, before any materials are brought on the site or any demolition or development commenced, stout protective fencing should be erected to enclose the perimeter of the branch spread of each tree or shrub to be retained, together with the branch spread of any tree growing on adjoining land which overhangs the site. Such fencing shall be satisfactorily maintained until all development has been completed. **REASON** : To protect and enhance the amenities of the area, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan.
- 8 The development hereby permitted shall not be commenced until a scheme for the provision of adequate water supplies and fire hydrants, necessary for fire fighting purposes at the site, has been submitted to and approved in writing by the District Planning Authority. The development shall not then be occupied until the scheme has been implemented to the satisfaction of the District Planning Authority. **REASON** : In the interests of fire safety.

- 9 Before any works for demolition are first commenced, a survey of the premises by a qualified bat surveyor shall be undertaken to demonstrate the presence, absence or usage of the premises by bats. In the event that the survey demonstrates the presence or usage of the premises by bats, a report recommending mitigation measures to ensure any bats will be protected during the demolition works shall be submitted to and approved in writing by the District Planning Authority before the demolition works are commenced. The approved mitigation measures shall be wholly implemented strictly as approved. **REASON:** To ensure the protection of bats and compliance with Policy ENV27 of the Warwick District Local Plan 1995.
- 10 The development hereby permitted shall not be commenced until the existing vehicular access to the site from Guys Cliffe Avenue has been widened to 5 metres for a distance of 7.5 metres into the site, as measured from the near edge of the public highway carriageway. **REASON :** In the interests of highway safety, in accordance with the requirements of Policy ENV3 of the Warwick District Local Plan.
- 11 The development hereby permitted shall not be brought into use until all parts of existing accesses to Guys Cliffe Avenue, not included in the proposed means of access, have been permanently closed and reinstated in accordance with details approved in writing by the District Planning Authority. **REASON :** In the interests of highway safety, in accordance with the requirements of Policy ENV3 of the Warwick District Local Plan.
- 12 The vehicular access to the site shall not be used until visibility splays have been provided to the public highway carriageway with an 'x' distance of 2.4 metres and 'y' distances of 4.2 metres. No structure, erection, trees or shrubs exceeding 0.6 metres in height above the adjoining highway carriageway shall be placed, allowed to grow or be maintained within the visibility splays so defined. **REASON :** In the interests of highway safety, in accordance with the requirements of Policy ENV3 of the Warwick District Local Plan.
- 13 Gates/doors provided at the entrance to the site shall not be hung so as to open to within 5 metres of the near edge of the public highway footway. **REASON :** In the interests of highway safety, in accordance with the requirements of Policy ENV3 of the Warwick District Local Plan.