

Planning Committee: 22 May 2019

Item Number: 11

Application No: [W / 19 / 0596](#)

Town/Parish Council: Leamington Spa
Case Officer: Angela Brockett

Registration Date: 01/04/19

Expiry Date: 27/05/19

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Land off Leam Street, Leamington Spa, CV31 1DY

Demolition of front part of existing brick wall to allow for a wider access into the site to the rear. FOR Ballinger Properties

This application has been requested to be presented to Committee by Councillor Barbara Weed.

RECOMMENDATION

Planning Committee is recommended to GRANT planning permission, subject to the conditions listed at the end of this report.

DETAILS OF THE DEVELOPMENT

Demolition of front part of existing brick wall to allow for a wider access into the site to the rear.

THE SITE AND ITS LOCATION

The wall subject of this application is sited at the eastern end of Leam Street and runs along part of the front boundary of an area of land that once formed part of the amenity/ parking area for Albert Court. The site is surrounded by residential properties on three sides and immediately to the front of the site is the access and parking areas to Nos. 27 and 29 Leam Street.

PLANNING HISTORY

W/18/1963 - Erection of 2no. dwellings with associated works and car parking - Refused

RELEVANT POLICIES

- National Planning Policy Framework
- [The Current Local Plan](#)
- HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)

SUMMARY OF REPRESENTATIONS

Leamington Town Council - No objections

Cllr Barbara Weed - Several neighbours have already objected on grounds of loss of amenity, particularly for the residents of Albert Court, and also the impact that the loss of this historic wall would have on views into and across the Conservation Area.

Public Response - 7 objections have been received on the following grounds:

- The wall is a historic wall in a Conservation Area and its removal will cause harm to the character of this area.
- The wall is an old and established feature of the housing surroundings in a Conservation Area and the reasons for removing it are not strong enough.
- It is unclear whether permission has been given for change of use. Until recently the land has been used as garden and drying area of the properties on Leam terrace which back onto it.
- There is no need for further parking in this already very busy and cramped street. There is ample parking at 27 and 29 Leam Street.
- No valid reason is given for the removal of the wall which has an age and appearance matching the surrounding Victorian properties.
- The loss of this wall will adversely affect the outlook down Leam Street and from Leam Street properties, contrary to Local Plan Policy HE2.
- This is a Conservation Area and the wall is composed of Leamington brick. There is no reason to demolish the wall and it should be preserved.
- The wall was part of a light industrial or possibly agricultural building that stood on the site before it was development to build the flats at Albert Court.
- The wall is entirely in keeping and makes a positive contribution to the Victorian vernacular.
- There is no proposal offered to replace the wall with an alternative that preserves or enhances the appearance of the area
- On the basis that no application has been made to replace the wall one must assume that this view will be replaced by one of a large open graveled area and cheap timber fences with Albert Court behind (built in 1995-6 in new brick), all of which will have an adverse effect on the Conservation Area.
- A previous application under W/18/1963 was refused and the applicant has not provided any reason for demolishing the wall as part of this application.

- If approved the application would facilitate the loss of amenity space and lowering of the built environment

ASSESSMENT

Impact on the character and setting of the Conservation Area

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a duty when exercising planning functions to pay special attention to the desirability of preserving or enhancing the character of a conservation area.

Policy HE2 of the Warwick District Local plan (201-2029) states that there is a presumption in favour of the retention of unlisted buildings that make a positive contribution to the character and appearance of a Conservation Area and that consent for the total demolition of unlisted buildings will only be granted where the detailed design of the replacement can demonstrate that it will preserve or enhance the character or appearance of the Conservation Area.

The wall is a prominent structure at the end of Leam Street and is highly visible in the street scene and its demolition would open up the site to the rear. However, the wall is not as old as some of the objectors have indicated. The applicant has confirmed in his submission that it was erected in the 1950's and states that it can only have been constructed after the row of dwellings known as Pearson's Cottages were demolished, probably in the 1950's, when the adjacent land was used as a builder's yard by Harris Builders of Leamington Spa. It was used as such until it was sold to Ponderosa Developments (now Court Residential) in 1995, for the flats known as Albert Court to be built. The applicant goes on to confirm that the wall is free standing, one brick thick, of relatively modern construction with a 65mm blue brick top course, meaning it was applied after 1965, and is not bonded in at the northern most point and states that it is clear that over the years the wall has degraded and is in poor condition, hence possibly why it might be construed as older than it is.

The Conservation Officer has not raised any objection to the demolition of the wall. He considers that the wall makes a positive contribution to the Conservation Area and does not bear any historical significance. The wall includes several types of brickwork including modern interventions as well as no consistent bond. It is therefore considered that the removal of the wall would not conflict with Policy HE2 of the Warwick District Local Plan (2011-2029).

Other matters

Some local residents have expressed concern about the possible use of the land behind the wall. Change of use of this land is not being applied for under the current application and a separate planning application would be required for a

change of use and the merits of whether or not this would be acceptable would be assessed at that time on its own merits. The loss of views over an application site from nearby residential properties is not a material planning consideration that can be assessed as part of this application.

CONCLUSION

The wall is not a historic feature in the Conservation Area and the Conservation Officer does not have any objections to its removal. It is therefore considered that the removal of the wall would preserve the character and appearance of the Conservation Area and would accord with Policy HE2 of the Warwick District Local Plan (2011-2029).

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 plans submitted on 30th April 2019 and 01st April 2019 **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
 - 3 Within one month of the demolition of the wall hereby permitted, the remaining section of wall where it adjoins shall be made good using materials and mortar to match the type, texture and colour of the existing. **REASON:** To safeguard the character and appearance of the conservation area in accordance with Policies HE2 and BE1 of the Warwick District Local Plan (2011-2029).
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