

Application No: W 12 / 1382

Town/Parish Council: Leamington Spa
Case Officer: Emma Spandley

Registration Date: 08/11/12
Expiry Date: 03/01/13

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Rear of 207, Rugby Road, Leamington Spa

Renewal of planning permission W09/1188 for outline application for the erection of bungalow on land rear of 207 Rugby road with access onto Conway Road FOR Mr & Mrs Hyde & Medwell

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 proposal is for an extension of time to implement an extant planning permission. The extant outline planning permission provides for the erection of a detached bungalow with access onto Conway Road. Drawings have been submitted accompanying the application outlining the footprint and layout of the proposed bungalow. Such drawings, however, are submitted for illustrative purposes only. The indicative eaves and ridge heights provided are 3.5 metres and 6.5 metres respectively. The application has been made in outline with all matters reserved for future consideration.

THE SITE AND ITS LOCATION

The application site forms part of the rear garden of 207 Rugby Road, fronting onto the north side of Conway Road. Two semi-mature trees are situated within the application site and are visible within the streetscene of Conway Road.

The streetscene is mixed in character with approximately one third of the frontage of the north side of the road remaining as part of the gardens of dwellings fronting onto Rugby Road, together with some outbuildings/ garages used in association with those dwellings. The remainder of the frontage of the north side of the road is characterised by detached bungalows, and Westgrove Terrace which is designated as part of the Royal Leamington Spa Conservation Area. The south side of the road is less developed than the north side, with a pair of semi-detached bungalows situated opposite the application site and two detached bungalows to the rear of 54 Warwick Place. The remaining frontage onto the south side of Conway Road largely comprises the rear gardens of properties fronting Warwick New Road or Warwick Place. The south side of the Conway Road frontage extending from the rear of 54 Warwick Place to the end of the road is all situated within the Royal Leamington Spa Conservation Area.

Conway Road is only 3.6 metres wide for the first 30 metres from its junction with Oswald Road. However, the road then widens significantly for the remainder of the length of the road and is approximately 8.6 metres wide in front of the application site itself. Conway Road is currently unadopted, unsurfaced and in a poor state of repair.

PLANNING HISTORY

Outline planning permission (ref: W91/1307) for 'Erection of a bungalow and garage fronting Conway Road' to the rear of 207 Rugby Road was granted by the Planning Committee in 1991. This permission lapsed but was renewed in 1995 (ref: W95/0710). The plans submitted indicated that a bungalow could be situated at the bottom of the garden of no. 207 and would leave approximately 26 metres between the rear of number 207 and the rear of the new property which itself would have a garden depth of 12 metres.

Outline planning permission (ref: W09/0623) for 'Erection of a bungalow with rooms in roofspace' was refused by Planning Committee in July 2009. It was clarified after the meeting that there was only one reason for the refusal that being the loss of privacy to neighbours arising from the incorporation of rooms in the roofspace. The application was subsequently withdrawn by the applicant before the decision was issued. Outline planning permission (ref W/09/1188) was subsequently granted for the 'Erection of a bungalow' by Planning Committee as the reference to the rooms in the roof were omitted.

RELEVANT POLICIES

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- Distance Separation (Supplementary Planning Guidance)
- DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
- DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- Vehicle Parking Standards (Supplementary Planning Document)
- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
- DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
- National Planning Policy Framework
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)

SUMMARY OF REPRESENTATIONS

Leamington Town Council - Object on the grounds that an additional property will have an adverse impact on the current state of repair of Conway Road which is poor and which will have an adverse impact on existing residents. The road has deteriorated since the 2009 outline planning application was granted.

Ecology - No objections

Public Response - One objection has been received on the grounds of loss of privacy, impact on Conservation Area, traffic and access, problems with Conway Road, and unsuitability of backland development.

Assessment

The main considerations in the determination of this application are:

1. The principle of residential development.
2. Loss of trees.
3. The effect of the proposal on the character and appearance of the area and the setting of the Conservation Area.
4. The effect of the proposal on the living conditions of the occupiers of the neighbouring properties.
5. Renewable Energy.
6. Parking & Highway Safety.
7. Open Space

Principle:

There have been no significant change in development plan policies or other material considerations since the original grant of planning permission in 2009, and therefore the principle of development is considered acceptable.

Trees:

The proposed development would potentially result in the loss of two semi-mature trees which are visible from within Conway Road. However, the Council's Arboricultural Officer has advised that their amenity value is not sufficient to secure a Tree Preservation Order and therefore their loss remains acceptable in accordance with Local Plan policy.

Character and appearance/ setting of conservation area/ living conditions

The size of the plot and its context has not significantly changed since the original grant of planning permission and therefore the erection of a bungalow remains compatible with existing dwellings fronting onto Conway Road and can satisfactorily be accommodated on the site, whilst preserving the setting of the Conservation Area.

Living conditions

Furthermore, as there has been no significant changes in terms of the site's relationship with surrounding dwellings, it remains the case that a bungalow can be sited sufficient distance from the two dwellings on Oswald Road and 205 and 209 Rugby Road to avoid any potential overlooking or overshadowing and in accordance with the Council's Residential Design Guide.

Renewable energy:

A Sustainable Buildings Statement demonstrating how 10% of the predicted energy requirement of the proposed building will be provided on site through renewable energy has not been submitted. However, as the application is in outline only, it is considered appropriate for this requirement to be secured by condition.

Parking & highway safety:

The size of the plot and its access has not significantly changed since the original grant of planning permission and remains capable of accommodating off street parking in accordance with the requirements of the Vehicle Parking Standards SPD and without detriment to the safety of traffic on Conway Road.

Objections have been received regarding the current state of repair of Conway Road and in particular the fact that it has deteriorated since the 2009 permission for the approval of a bungalow on the site. Whilst there may have been some material change to the state of the road, the road is not considered to be so sub-standard as to be unacceptable for use by future occupiers of the proposed dwelling on grounds of safety. Furthermore, and having regard to the fall back position where vehicular access to a single garage served from Conway Road currently exists, any additional impact from the proposed bungalow is not considered to be so excessive to cause harm to the amenity of the area or residents.

Open space

The Council attached no conditions to the previous outline planning permission requiring contributions towards open space. The view of the Green Spaces Manager have been sought to establish whether there is now a requirement for such contribution towards improving off site open spaces to meet increased demands arising from the development. This will be reported in the addendum to Committee.

CONCLUSION/SUMMARY OF DECISION

In the opinion of the District Planning Authority, the development respects surrounding buildings, does not adversely affect the amenity of nearby residents, will not prejudice highway safety and is considered to comply with the policies listed.

CONDITIONS

- 1 This permission is granted under the provisions of Article 3(1) of the Town and Country Planning (General Development Procedure) Order 1995, on an outline application and the further approval of the District Planning Authority shall be required to the undermentioned matters hereby reserved before any development is commenced:-
 - (a) the layout, scale and appearance of the proposed bungalow,
 - (b) details of the access arrangements,
 - (c) details of landscaping.

REASON: To comply with Section 92 of the Town and Country Planning Act 1990 as amended .

- 2 In the case of the reserved matters specified above, application for approval, accompanied by all detailed drawings and particulars, must be made to the District Planning Authority not later than the expiration of three years beginning with the date of this permission. **REASON:** To comply with Section 92 of the Town and Country Planning Act 1990.
- 3 The development to which this permission relates must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved. **REASON :** To comply with Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 4 The development hereby permitted shall not be commenced unless and until a scheme showing how 10% of the predicted energy requirement of this development will be produced on site, or in the locality, from renewable energy resources, has been submitted to and approved in writing by the District Planning Authority. The development shall not be first occupied until all the works within this scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturers specifications. **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 Details of the means of disposal of storm water and foul sewage from the development shall be submitted to and approved by the District Planning Authority before the development hereby permitted is commenced and the development shall not be carried out other than in strict accordance with such approved details. **REASON :** To ensure satisfactory provision is made for the disposal of storm water and foul sewage and to satisfy Policy DP11 of the Warwick District Local Plan 1996-2011.
- 6 Prior to commencement of the development hereby approved, details of a porous surface treatment for the drive or where a non-porous surface treatment is proposed, details of the provision to be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwellinghouse, shall have been submitted to and approved by the District Planning Authority. The drive shall be constructed and surfaced, in full accordance with the approved details. **REASON:** To reduce surface water run-off and to ensure that the development does not increase the risk of flooding elsewhere, in accordance with Policy DP11 of the Warwick District Local Plan.
- 7 The off street car parking area to serve the development hereby permitted shall be constructed, surfaced, laid out and available for use prior to the first occupation of the development hereby permitted. **REASON:** To ensure that adequate parking facilities are available, in accordance with the requirements of Policy DP8 and the Vehicle Parking Standards SPD of the Warwick District Local Plan 1996-2011.

- 8 The vehicular access to the site shall not be less than 3 metres wide for a distance of 7.5 metres into the site, as measured from the near edge of the adjacent highway. **REASON:** In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011.
 - 9 In the case of the reserved matters specified in relation to the layout, scale and appearance of the proposed bungalow, there shall be no windows or accommodation above ground floor level. **REASON:** To protect the living conditions of users and occupiers of nearby properties and to satisfy the requirements of Policy DP2 of the Warwick District Local Plan 1996-2011.
 - 10 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), no development shall be carried out which comes within Parts 1 and 2 of Schedule 2 of this Order. **REASON:** This site is of a restricted size and configuration and is in close proximity to other dwellings. It is considered appropriate therefore to retain control over future development to ensure that the residential amenity of this locality is protected in accordance with the provisions of District-Wide Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.
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