

Planning Committee: 11 July 2006

Item Number:

Application No: W 06 / 0661

Registration Date: 20/04/06

Town/Parish Council: Leamington Spa

Expiry Date: 15/06/06

Case Officer: John Beaumont

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**Archway House & Droskyn, Kenilworth Road, Leamington Spa, CV32
5TL**

Amended design to rear apartments 3, 4, 7, 8, 11 and 12 and rear coach house, together with alterations to site layout and an amendment to approved plans W04/2143 FOR Milcel Ltd

This report is being presented to Committee due to 5 local residents having raised objection and at the request of the Ward Member, Councillor Copping.

SUMMARY OF REPRESENTATIONS

Town Council: No objection.

Neighbours: 5 letters of objection have been received, reiterating objections to the previous proposals (approved on appeal) and to the present application on the grounds of unacceptable additional car parking reducing landscaping and amenity (with additional noise/fumes), unacceptable unneighbourly increase in length of rear wing with undesirable overlooking from increased balconies/windows on both rear wing and Coach House. (N.B. These objections relate to this application as originally submitted).

Two further letters relating to the amended scheme have been received, noting the changes referring to inconsistencies on the plans and drawing attention to previously stated objections. One letter states the objection to the loss of landscaping on the northern boundary has been rectified; site levels queried and concern expressed that subsequent working drawings may not accurately reflect approved plans.

RELEVANT POLICIES

- (DW) ENV3 - Development Principles (Warwick District Local Plan 1995)
- (DW) ENV6 - Protection and Enhancement of Conservation Areas (Warwick District Local Plan 1995)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Distance Separation (Supplementary Planning Guidance)
- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 Revised Deposit Version)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011 Revised Deposit Version).
- DAP10 - Protection of Conservation Areas (Warwick District 1996 - 2011 Revised Deposit Version)

PLANNING HISTORY

Planning permission for the demolition of the two existing dwellings (Archway House and Droskyn) and the erection of 13 apartments and 1 house was refused (W042143) by the Planning Committee after a site visit on 31st May 2005. An appeal against this refusal was allowed on 14th October 2005.

KEY ISSUES

The Site and its Location

The site presently comprises 2 no. detached 2 storey houses known as Archway House and Droskyn that stand on the eastern side of Kenilworth Road within a predominantly residential area adjoining the Conservation Area. The gardens of these properties contain a number of mature trees and shrubs, including a Scots Pine tree, the subject of a Tree Preservation Order. The site is adjoined to the south by the properties 14a/14b with Clive House to the north; the gardens of properties fronting Lillington Avenue and Arlington Avenue also backs onto the site. The main entrance to No. 14 is on the north elevation of the building which overlooks the application site; this elevation contains a large staircase window.

Details of the Development

This is an amended scheme. As now amended the proposal is for development of an identical siting and design to the scheme approved on appeal with the following proposed changes:-

- The rear wing to the main building is proposed to be 1 m longer giving larger kitchen/lounges to the rearmost 6 flats;
- On the rear elevation of the rear wing to the main building, 2 rooflights and 2 combination rooflights/rear windows have been replaced by a single dormer containing 2 windows, each with 2 opening casements.
- On the rear elevations of the main building, 5 ground floor windows have been replaced by doors to give direct access from the rooms they serve to the rear garden.
- The car parking layout to the rear has been amended to include 2 additional car parking spaces.

Assessment

The key issue to consider in the determination of this application is whether these changes now proposed to the scheme approved on appeal (W04/2143), either individually or cumulatively, adversely affect either the amenity of neighbours or the design and appearance of this scheme (and the setting of

the Conservation Area) or the generation of traffic, to a degree which would justify refusal.

Clearly the increased length of the extension will increase the impact of this development on the adjoining properties. However, I do not consider that this degree of change, given the distance of the extension off the side boundaries (some 10 m to Clive House and 9 m to Nos. 14/14a Kenilworth Road) and the fact it would not breach the 45° Code, would be unacceptable.

Similarly, whilst noting the changes to the window design on the rear elevation, I do not consider that these would result in the potential for additional overlooking which would justify refusal.

The number of car parking spaces on site for the 13 flats would be increased from 12 and a disabled space to 14 and a disabled space. Whilst this reduces an element of landscaping on site (siting car parking closer to the southern boundary and to the proposed flats), increasing the potential for vehicular movements, I do not consider that the degree of change would be such as to cause unacceptable harm.

Given, therefore, the realistic 'fallback' position that the current planning permission W04/2143 would be implemented if this amended application were to be refused, I do not consider the changes now proposed to the approved scheme would cause such additional harm as to justify refusal.

RECOMMENDATION

GRANT, subject to the conditions listed below.

- 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 approved drawing numbers 1099/04B, /05F, /06H, /09F, /12, /14, /100L and /200E, and specification contained therein, 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 No development shall be carried out until large scale details of doors, windows (including a section showing the window reveal, heads and cill details), rooflights, eaves, verges and rainwater goods have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out otherwise than in accordance with the approved details. **REASON** : To secure an acceptable standard of design

and appearance in accordance with Local Plan Policy ENV3.

- 4 No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted, including natural slate roofs, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. **REASON** : To secure an acceptable standard of design and appearance in accordance with Local Plan Policy ENV3.

- 5 The development hereby permitted shall not be brought into use until all parts of existing accesses to Kenilworth Road not included in the proposed means of access have been permanently closed and the public highway features, including the kerb line, reinstated in accordance with details to be agreed in writing by the Local Planning Authority. **REASON** : In the interests of highway safety in accordance with Local Plan Policy ENV3.

- 6 No development shall take place until details of finished site and ground floor levels in relation to the existing site levels have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. **REASON** : To secure an acceptable standard of design and appearance in accordance with Local Plan Policy ENV3.

- 7 The car parking areas shown on drawing no. 1099/03i shall be constructed prior to occupation of any part of the development and shall thereafter remain available for parking solely by occupiers of this development and their visitors. **REASON** : In the interests of highway safety in accordance with Local Plan Policy ENV3.

- 8 No development or demolition shall commence until a method statement, including details of fencing and other protective measures for the retained trees, and the timing and phasing of operations has been submitted to and approved in writing by the Local Planning Authority. All works undertaken thereafter shall be carried out in accordance with the approved details. Nothing shall be stored, erected or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority. **REASON** : To protect trees on the site in accordance with Local Plan Policies ENV3 and ENV27.

- 9 No development shall take place until a landscape scheme, showing full details of both hard and soft landscape works, including boundary treatment and surfacing, has been submitted to and approved in writing by the Local Planning Authority, and these works shall be carried out as approved within the first planting season following the first occupation of the development. Any trees or shrubs which, within a period of five years from the completion

of the development, die, are removed or become seriously diseased or damaged, shall be replaced in the next planting season with others of similar size and species. **REASON** : To secure an acceptable standard of site layout and appearance and to protect neighbours amenity in accordance with Local Plan Policy ENV3.

10 No development shall be carried out until a bat survey has been carried out and a report of findings submitted in writing to the Local Planning Authority, such report to include, where the presence of bats or bat roost is established, appropriate measures to safeguard the protected species. Such measures shall be carried out in accordance with a programme to be incorporated in the report. **REASON** : To protect any Bats present within the site in accordance with Local Plan Policy ENV3.

11 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 on the proposed detached dwelling which would come within Parts 1 and 2 of Schedule 2 to that order. **REASON** : To protect neighbours amenity in accordance with Local Plan Policy ENV3.

INFORMATIVES

For the purposes of Article 22 of the Town and Country Planning (General Development Procedure) (England) (Amendment) Order 2003, the following reason(s) for the Council's decision are summarised below:

In the opinion of the District Planning Authority the proposed development would not unacceptably impinge on the amenity of neighbours, the setting of the Conservation Area or cause unacceptable traffic generation. The proposal as amended is, therefore, considered to comply with the policies listed.
