Planning Committee: 22 June 2021 **Item Number: 7**

Application No: W 20 / 2126

Registration Date: 16/03/21
Town/Parish Council: Leamington Spa **Expiry Date:** 11/05/21
Case Officer: Dan Charles
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27 Eastfield Road, Leamington Spa, CV32 4EX
Demolition of existing dwellinghouse and of erection of replacement dwellinghouse together with associated hard & soft landscaping works FOR Mr & Mrs Darling

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This application is being presented to Planning Committee because more than 5 objections have been received.

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

The application is for the erection of a replacement dwelling at the property known as 27 Eastfield Road, Leamington Spa.

The proposal is for the demolition of an existing modern two storey dwelling and the erection of a two storey, five-bedroom contemporary dwelling. In addition to the first-floor accommodation, mezzanines are provided within the roof space above 4 of the bedrooms to provide living space served by rooflights.

The design of the dwelling is very contemporary utilising four separate two-storey blocks, each with a dual pitched roof. The blocks are set slightly apart from each other and connected by a flat roof covered with a wildflower-based biodiverse extensive green roofing system.

The proposed house has a gross internal floor area of 353 square metres compared to 197 square metres for the existing house including the double garage.

In terms of materials, it is proposed to use a combination of white painted render and light grey facing brick together with the use of timber cladding. The existing brick boundary wall is to be retained and repaired where necessary.

Construction of the house will provide for a high level of sustainability and will be built to lifetime homes standards.

THE SITE AND ITS LOCATION

27 Eastfield Road is a modern detached two-storey dwelling consisting of single and two storey elements with areas of flat and pitched roofs. The dwelling is

located at the east end of Eastfield Road. The existing property has a parking area served from a vehicular access with space for multiple vehicles.

The road is a quiet residential cul-de-sac which appears to be a former service road serving the rear of a range of traditional properties fronting Newbold Terrace East to the South and Upper Holly Walk to the north.

The site is a substantial approximately rectangular site extending to around 90 metres east to west and 18 metres north to south.

To the north of the site are the large grounds of the modern apartment block known as Whittle Court. The rear element of the northern boundary is flanked by the rear gardens of residential properties known as The Grange, Upper Holly Walk.

To the east is the substantial rear garden area of the property, measuring approximately 65 metres from the rear elevation of the dwelling, stretching towards the rear of the properties forming a cul-de-sac of 9 dwellings on Newbold Terrace East.

To the south are the rear elevations of other properties that also front the main highway of Newbold Terrace East. Two of these properties (Nos.37 and 38) are Grade II Listed Buildings.

To the west is the carriageway of Eastfield Drive. The road has a range of modern properties that front onto the road together with outbuildings associated with the older dwellings that front onto adjacent streets.

The property is on the very edge of the Leamington Spa Conservation Area. The Conservation Area boundary seems to cut across the centre of the site with the existing house inside the boundary and the rear garden outside.

PLANNING HISTORY

W/80/1131: Erection of first floor lounge extension - Granted 13.10.1980

W/77/0243: Erection of sunlounge - Granted 24.03.1977

RELEVANT POLICIES

- National Planning Policy Framework
- DS1 - Supporting Prosperity
- DS3 - Supporting Sustainable Communities
- DS5 - Presumption in Favour of Sustainable Development
- SC0 - Sustainable Communities
- BE1 - Layout and Design
- BE3 - Amenity
- TR1 - Access and Choice
- TR3 - Parking
- CC1 - Planning for Climate Change Adaptation
- HE1 - Protection of Statutory Heritage Assets
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- NE3 - Biodiversity

- NE5 - Protection of Natural Resources
- Guidance Documents
- Parking Standards (Supplementary Planning Document)
- Residential Design Guide (Supplementary Planning Document- May 2018)
- Royal Leamington Spa Neighbourhood Plan 2019-2029
- RLS1 - Housing Development Within the Royal Leamington Spa Urban Area
- RLS2 - Housing Design
- RLS3 - Conservation Area
- RLS12 - Air Quality
- RLS13 - Traffic and Transport

SUMMARY OF REPRESENTATIONS

Royal Leamington Spa Town Council: No objection - subject to no objection from Conservation. It would be preferable, if possible, to retain the existing boundary wall.

WDC Conservation Officer: Concern over use of bronze coloured window and door frames throughout. Recommend that a more appropriate material or finish be used for proposed finish of the timber clad bike store. Would seek a more traditional form to some elements of design to more reflect the form of buildings within the surrounding area in order to preserve the character and appearance of the conservation area. I would also recommend that the flat roofed windows/dormers to the north elevation adopt a more traditional form, or at least be reduced in scale to limit their prominence and visibility within the street scene particularly the dormer window. Recommended conditions for all external facing and roofing materials are first agreed in writing with the district planning authority to ensure an acceptable material, colour and texture is used. In addition, a condition is suggested to ensure that the large-scale details of doors, windows, eaves, verges and rainwater goods are also submitted for approval to ensure that architectural detailing is appropriate to the style and character of the host building.

WDC Arboricultural Officer: No objections in principle. Satisfied that trees to be removed offer little public amenity because of location. Given that there will be no trees within influencing distance of the proposed development there will be no need for any further arboricultural information.

WCC Landscape: No objection - I recommend that details of landscape proposals to mitigate against the loss of the trees are secured by a condition. I recommend that details of the green roof, including access for maintenance and a management plan, are secured by a condition.

WCC Ecology: Preliminary Roost Assessment submitted found property to be of negligible suitability for bats and no evidence of bats was found internally or externally. Satisfied development can continue without further survey work. Recommend Bat and Nesting Bird Notes.

Public Response: A total of 6 objections have been received making the following comments:

- Loss of privacy to rear gardens and properties due to overlooking from windows and rooflights.

- Building is significantly bigger than existing.
- Out of character with local area.
- Contrary to residential design guide.
- Harm to local wildlife.
- Proposed pedestrian access has potential to cause issues.
- Potential for harmful glare from solar panels.
- Has potential to cause access issues during construction.

ASSESSMENT

Principle of Development

Demolition of Unlisted Building in the Conservation Area

Local Plan Policy HE2 states that there will be a presumption in favour of the retention of unlisted buildings that make a positive contribution to the character and appearance of a Conservation Area. Consent for 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 existing building is not considered to make a positive contribution towards the Conservation Area; the existing building is a relatively modern addition within the street scene, which is characterised by more traditional development, including the listed villas neighbouring the site.

The existing building is not considered to hold any particular architectural or historic quality which would warrant its retention. Therefore, the principle of the demolition is accepted, where the replacement can demonstrate that it will preserve or enhance the character and appearance of the Conservation Area. This is discussed in more detail below.

Replacement Dwelling

The application site is located within the urban area of Leamington Spa and already benefits from an existing, lawful dwelling, which would be replaced as a result of the proposed development. It is therefore considered that a replacement dwelling in this location is acceptable in principle having regard to Policy H1 directs new dwellings to the urban areas and allows for replacement dwellings.

Royal Leamington Spa Neighbourhood Development Plan (RLSNDP) Policy RLS1 states that new housing development within the Royal Leamington Spa Urban Area will be supported for custom and self-build housing provision that are acceptable when assessed against Warwick District Local Plan Policy H15.

The proposal would represent a proposal for custom build housing and as such would comply with Local Plan Policy H1.

Design and impact on visual amenity and the character of surrounding area and impact on character of the Conservation Area

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

Section 12 of the National Planning Policy Framework (NPPF) places significant weight on ensuring good design which is a key aspect of sustainable development and should positively contribute towards making places better for people. The NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving character, the quality of an area and the way it functions.

Warwick District Local Plan Policy HE1 (Protection of Heritage Assets) states development will be expected to respect the setting of conservation areas and important views both in and out of them.

Policy BE1 of the Local Plan reinforces the importance of good design stipulated by the NPPF as it requires all development to respect surrounding buildings in terms of scale, height, form and massing. The Local Plan expects development to be constructed using appropriate materials and seeks to ensure that the appearance of the development and its relationship with the surrounding built and natural environment does not detrimentally impact the character of the local area.

The Residential Design Guide SPD sets out steps which must be followed in order to achieve good design in terms of the impact on the local area; the importance of respecting existing important features; respecting the surrounding buildings and using the right materials.

Neighbourhood Plan Policy RLS3 states that development proposals that are within or directly affect a conservation area must assess and address their impact on their heritage significance.

The design ethos of the proposal is based upon the service buildings located within the immediate area that are smaller scale with multiple pitched roofs with each element of a differing scale. The proposal is for a modern dwelling that provides accommodation on two floors together with second floor mezzanines areas serving the bedrooms.

The scheme design is the provision of four x two storey pitched roof structures connected by a two-storey flat roof infill element. The flat roof element creates a lightweight element that creates a visual break between the pitched roof elements to reduce the visual bulk of the dwelling. The flat roof element is also proposed to utilise a green roof to enhance the sustainability credential of the dwelling.

The Conservation Officer's comments regarding a desire for more traditional elements is noted. However, significant weight must be given to the existing dwelling which does not make a positive contribution to the conservation area. Officers consider that the proposed form of design works well in this location where the character is very mixed with no particular street scene character and the dwelling complements this varied character. The site will be visible from the length

of Eastfield Road due to the orientation of the property within the road. The design is a contemporary dwelling that has been designed to a very high standard that will offer a significantly improved street presence compared to the dwelling it replaces. Whilst a larger building in terms of footprint, the design of the building is the creation of four blocks of pitched roof accommodation linked by a two-storey flat roof infill section. The resultant appearance visually reduces the bulk when viewed from the public domain.

In terms of materials, the use of predominantly white render for the external walls of the building is considered to tie in with other properties within the local area. Whilst there is a high level of red brick usage, Officers consider that due to the unique location of the building, there is no strong precedent to match the red brick of nearby properties and a light grey brick as proposed is acceptable. It is also noted that the boundary wall will remain in red brick that ties into the local area.

The Conservation Officer has raised concern regarding reference to bronze window frames and use of timber cladding. However, the agent has confirmed that the colour of the windows is a dark grey finish and not a traditional bronze effect and has provided details to Officers to allay any concerns. Officers are therefore satisfied that this is acceptable. Officers have considered the comments regarding the cladding and having assessed the proposal are satisfied that the use is acceptable subject to the cladding being high quality.

For the avoidance of doubt, conditions are proposed to secure large scale details of all doors and windows together with materials samples of all facing materials.

Overall, the scheme is considered to represent a positive impact to the character of the area and Canal Conservation Area. The scheme is therefore considered to accord with Policies BE1 and HE1 of the Local Plan and Policy RLS3 of the Neighbourhood Plan.

Impact on the setting of the adjacent Listed Buildings

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a duty to have special regard to the desirability of preserving a listed building or its setting when considering whether to grant a planning permission which affects a listed building or its setting.

Paragraph 132 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

Warwick District Local Plan Policy HE1 (protection of statutory heritage assets) states that permission will not be granted to alter or extend a listed building where those works will adversely affect its special architectural or historic interest, integrity, or setting.

The application site is set to the rear of the Listed Buildings and is further separated by the carriageway of Eastfield Road. As the property is set to the rear of these buildings, Officers are satisfied that the proposed dwelling would not result in any significant impact to the character or setting of the Listed Buildings as due to the orientation and layout of the area, the buildings would not be read

together and the new dwelling would not be competing for prominence with the character of the Listed Buildings that front onto Newbold Terrace East.

Officers are therefore satisfied that the development is acceptable having regard to Policy HE1 of the Local Plan.

Impact on adjacent properties

Policy BE3 of the Warwick District Local Plan states that new development will not be permitted that has an unacceptable adverse impact on the amenity of nearby uses and residents.

The proposed building sits in a fairly unique position within the street and does not share a traditional relationship with its neighbours.

To the north, the side elevation will face onto the open grounds of Whittle Court. As this is communal space and not private garden area, Officers consider that the impact of overlooking is minimal and would not result in demonstrable harm as it is noted that the existing properties of Whittle Court already overlooks this area and the land area is significant. To the north west are the rear garden areas of properties known as The Grange, set within the grounds of Whittle Court. Due the distance separation between the proposed dwelling and these properties, Officers are satisfied that the proposal is acceptable.

To the east is the deep rear garden of the application property and the separation distance to the properties to the rear is greatly in excess of the required separation standards. Officers are therefore satisfied that this relationship is acceptable. To the west of the property is the carriageway of Eastfield Road. There are no properties along the road that would be affected by the proposal.

To the south of the site is the rear of multiple properties that front Newbold Terrace East. The distance from the boundary of the site to the rear walls of these properties is 21 metres. The first-floor side facing window is proposed to be obscure glazed to prevent overlooking. There is a full height landing window set 6 metres off the boundary which gives a total separation distance of 27 metres. Officers are satisfied that the separation distance is acceptable, and it would not be necessary to obscure glaze the window.

Concern has been raised by neighbouring residents regarding the proposed cabrio rooflights serving the mezzanine level. These form of rooflights could be installed under permitted development. It is noted that the use is also likely to be very intermittent. Considering this, Officers are satisfied that the proposal is acceptable.

Overall, Officers are satisfied that the development is acceptable having regard to Policy BE3 of the Local Plan.

Amenity of future occupiers

Policy BE3 of the Warwick District Local Plan states that new development will not be permitted that does not provide acceptable standards of amenity for future occupiers of a development.

All bedrooms are provided with appropriate windows provided an acceptable level of light and outlook for all occupiers. In addition, the communal areas are also provided with adequate windows for light and outlook. The room sizes are also in accordance with the requirements for HMO's.

The Environmental Health Officer has recommended a range of conditions to ensure an appropriate environment is provided for future occupants of the development.

The private external amenity space is significantly in excess of the minimum requirements set out in the SPD.

The scheme is therefore considered acceptable having regard to Policy BE3 of the Local Plan.

Parking and Highway Safety

Policy TR1 of the Warwick District Local Plan requires all developments provide safe, suitable and attractive access routes for all users that are not detrimental to highway safety. Policy TR3 requires all development proposals to make adequate provision for parking for all users of a site in accordance with the relevant parking standards.

The site benefits from an existing vehicular access from the highway and this is to be retained as part of the new dwellinghouse. The site contains sufficient space for vehicles to enter, manoeuvre and exit in a forward gear. Sufficient parking is available for at least 3 vehicles as required by the parking standards SPD.

The proposal is considered acceptable having regard to Policies TR1 and TR3 of the Local Plan.

Impact on Ecology/Protected Species

Policy NE3 of the Warwick District Local Plan states that development proposals will be expected to protect, enhance and/or restore habitat biodiversity and where this is not possible, mitigation or compensatory measures should be identified accordingly.

The application was submitted with a comprehensive assessment of Ecological features. This has been assessed by the County Ecologist who notes and agrees that the buildings were found to offer limited opportunities to roosting bats and no evidence of bats or nesting birds was found. The ecologist is satisfied that no further survey work is required but recommends notes relating to bats and nesting birds.

Based on the above Officers consider that the proposal is acceptable having regard to Policy NE3.

Impact on Trees

The application was submitted with an Arboricultural Assessment of the Trees within the site. A single tree has been identified to be removed and this has been considered by the Council's Arboricultural Officer who has raised no objection to its removal and has recommended no further arboricultural work is required.

Officers consider that due to the Conservation Area location, a condition for the planting of a replacement tree on the site is appropriate to mitigate for the loss of the tree.

Sustainability

One of the key benefits of the replacement dwelling is the maximisation of the sustainability credentials of the new property,

The sustainability of the development is to be improved through the reduction of cement use through the use of a timber construction method. In addition to the main structure, it is proposed to incorporate photovoltaic solar panels and battery storage to provide renewable electricity generation on site, the use of ground source or air source heat pumps for heating & hot water and a heat recovery system within the dwelling.

Charging points are also proposed for electric vehicles.

A condition will be added to ensure compliance with Policy FW3 -Water Conservation.

The applicants envisage that the energy use and sustainability credentials of the development will substantially exceed the standard set by the Code for Sustainable Homes Level 4 benchmark.

Waste Management

The property is already served by the District Councils waste collection service and this will continue without change.

CONCLUSION

The principle of development is considered acceptable for the erection of a one for one replacement dwelling within the urban boundary of Leamington Spa.

The design and appearance of the dwelling is considered to have an acceptable impact on the character and appearance of the local area and Royal Leamington Spa Conservation Area. There is no impact on highway safety or ecological features as a result of the development and details can be controlled by appropriate conditions.

The impact on the amenity of neighbouring properties has been assessed taking into consideration the comments received from third parties and Officers are satisfied that the proposal is acceptable.

Based on the above, subject to the conditions identified within the report, the application is recommended for approval.

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 plan and approved drawing(s) 235-090 Rev B, 235-091 Rev A, 235-092 Rev A, 235-095 Rev A, 235-096 Rev A, 235-097, 235-098 and 235-099, and specification contained therein, submitted on 21 December 2020. **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 No development shall be carried out above slab level unless and until samples of the external facing materials to be used have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details. **Reason:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policies BE1 and HE1 of the Warwick District Local Plan 2011-2029.

4 No development shall be carried out above slab level unless and until large scale details of doors, windows (including a section showing the window reveal, heads and cill details), eaves, verges and rainwater goods at a scale of 1:5 (including details of materials) have been submitted to and approved by the Local Planning Authority. The development shall not be carried out otherwise than in strict accordance with such approved details. **Reason:** To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy HE1 of the Warwick District Local Plan 2011-2029.

5 Prior to the first occupation of the development hereby permitted, details of at least one appropriate replacement tree species shall be submitted to and approved in writing by the Local Planning Authority to mitigate for the loss of the tree to be removed as part of the development and the location shall be identified on a layout plan. Thereafter, the tree shall be planted within the first planting season following the first occupation of the dwelling. Should the tree) fail within the first five years after planting, they shall be replaced with an equivalent species. **REASON:** To protect and enhance the amenity of the area and in the interests of Biodiversity.

6 The development hereby permitted shall not be occupied unless and until a scheme showing how a water efficiency standard of 110 litres per person per day based on an assumed occupancy rate of 2.4 people

per household (or higher where appropriate) will be achieved has been submitted to and approved in writing by the Local Planning Authority. The dwelling shall be first occupied until the works within the approved scheme have been completed in strict accordance with the approved details and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications.
Reason: To ensure the creation of well-designed and sustainable buildings and to satisfy the requirements of Policy FW3 of the Warwick District Local Plan 2011-2029.