

Application No: [W 23 / 1775](#)

Town/Parish Council: Leamington Spa
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24 Kenilworth Road, Leamington Spa, CV32 6JB

Refurbishment and internal reconfiguration of the original villa and service wing to provide 1no. 12-bed house in multiple occupation (HMO) and 2no. 3-bed HMOs. Proposed demolition of flat roof single storey rear projection and replacement with a one and a half storey extension to provide 8no. studio units. Extension to coach house to rear to provide 2no. 3-bed HMOs. FOR Cloister Living 2023 LLP

This application is being presented to Committee due to the number of objections received.

RECOMMENDATION

That Planning Committee grant planning permission subject to the recommended conditions set out at the end of this report.

DETAILS OF THE DEVELOPMENT

Planning permission is sought to demolish the existing modern addition to the building which runs to a significant plan depth at the rear and replace it with a new single storey rear extension, to the same overall depth at the rear but connected to the rear of the original villa and service wing by a glazed link with a flat roof. This new extension would provide a total of 8no. 1-bed studio units; each self contained but which, as a cluster, share an additional kitchen/dining space.

It is also proposed to extend the detached coach house at the rear of the site, known as Cariad Cottage, through the addition of a first floor side extension above an existing ground floor flat roof side extension. This would provide a total of 2no. 3-bed Houses in Multiple Occupation (HMO's).

The planning application also involves the complete refurbishment of the original villa and its rear service wing, which, in this latest application, is to be retained and not wholly or partly demolished. The original villa would provide one single 12-bed HMO while the historic service wing would provide a further 2no. 3-bed HMO's. All associated works; landscaping, drainage, etc form part of the proposal for which permission is being sought.

For the avoidance of doubt, all of the proposed works combined are to facilitate the continued use of the site as student accommodation; providing a total of 32no. bedrooms within a combination of HMO's (5no.) and studio style bedsits (8no. 1-

bed units). No external changes are sought to the front elevation of the villa. Furthermore, in the interests of clarity, it should also be noted that the floor plans have been revised through the course of this application. Flat 4 was originally proposed as another HMO providing 8no. bedrooms. Following some comments from the Private Sector Housing team as well as some concerns raised about standards of amenity for future occupiers, the internal configuration of Flat 4 has been amended to show that whilst still providing 8no. bedrooms the cluster flat is no longer a HMO in its true sense as it now proposes 8no. 1-bed studio flats, each one being self sufficient with the provision of a bedroom, living room, kitchenette and bathroom. A shared dining/kitchen space at one end is still proposed for communal use by residents of Flat 4 but this would not be relied upon to provide cooking facilities to those 8no. residents who would instead each have their own kitchenette.

THE SITE AND ITS LOCATION

The application property is a detached Regency villa, dating from the 1830s, referred to as Ashley Lodge. While it is located in the Royal Leamington Spa Conservation Area, the property itself is unlisted. The house undoubtedly contributes positively to the appearance and character of the conservation area to the extent that it can be considered as a non-designated heritage asset. The property is also located in the direct setting of Grade II listed buildings (20, 22, 26 and 28 Kenilworth Road), all of which date from the same period and are constructed in the same style as the application site.

During the consideration period of an earlier planning application in 2020, the building was considered for addition to the Council's Local List of Heritage Assets. It was subsequently added to the List and is now considered a locally listed historic asset, further elevating its significance within the surrounding historic context. The Local List describes the building as a detached villa dating from the 1830s, constructed from pinkish-brown brick with a painted stucco front facade, brick and stucco stacks and Welsh slate roof. The villa is an integral part of a distinctive row of listed buildings on Kenilworth Road. It is defined under Category 1 as both 'A1' for architectural, aesthetic and artistic merit and also 'A2' for its historic merit. This means that the asset has importance due to its architectural design, decoration, construction or craftsmanship either on its own or as part of a group, demonstrating important local architectural styles, types of buildings, materials, building techniques, or local human artistic endeavour and also that the asset illustrates an important element of the area's history, development, and/or can be associated with an important local historic figure or event. Under Category 2 the building is defined as 'B' which relates to its rarity or representativeness; the asset is an unusual or unique surviving example of its type, or is an exceptional example of a particular asset type.

The property is located along the eastern side of the Kenilworth Road at a point near to the junction with A452/Lillington Avenue which crosses west/east to the south. This area is noted for its imposing large detached villas, many of which have since been converted from their original single dwelling use, into flats, HMO's and other alternative uses such as care homes. However, aesthetically, the street scene still reads very much as one characterised by the original historic detached

villas, with large and imposing frontages, some with in/out driveways, all with a sense of spaciousness.

The villas are characterised by historic service wings; two storey in height, which sit at the rear, though they do not run quite the full width of the main building, leaving a traditional 'infill' corner behind the main villa, to one side of the service wing. The depth of the service wing is uniform across the villas though it is evident from aerial photography and planning history records that some of these have been given permission for modest extensions to their rear. Many of these are historic and would appear to pre-date the Council's electronic database records (1974) and/or were possibly constructed under permitted development under previous legislation at a time when the building(s) was still in use as a single dwellinghouse.

No.24 Kenilworth Road is currently vacant but was last in use as student accommodation which offered a total of 32no. bedrooms across both the villa, its service wing and modern rear projection together with the coach house at the back of the site. There is a single point of access and egress off Kenilworth Road where there is a substantial area of hardstanding to the front already, providing an area of existing parking which serves the current use. None of this would be affected by the proposals, other than to upgrade and seek to improve the appearance of the frontage. An access drive along the northern side of the property leads to the rear, though areas of additional hardstanding for parking are limited due to the extent of the existing built form which projects along the depth of the plot and how the rear of the site can be accessed by vehicles. The drive along the northern side of the site also leads to 'Cariad Cottage'; the detached one and a half storey coach house at the rear most part of the application site. This property lies against the rear (eastern) boundary of the application site, between two other residential buildings in similar positions at the end of their respective plots which form the neighbouring sites to the application site. These are the adjacent properties, Nos. 22 Kenilworth Road to the south and 26 to the north. 'Cariad Cottage' currently has its own curtilage, hardstanding, parking and amenity space but is all within the site edged red as part of this application. It is noted that the proposals seek to incorporate Cariad Cottage into the rest of the site so there would no longer be two separate curtilages nor any physical delineation or boundary dividing the two parts of the site.

PLANNING HISTORY

W/20/2144 - Proposed demolition of rear two storey and single storey wings together with detached two storey cottage and erection of replacement three storey and two storey extensions together with detached building at rear of site to provide increased number of studio flats and bedsit accommodation (increase from 30no. to 33no.) plus all associated works - **Refused** (July 2021) **Appeal Dismissed** (June 2022)

Reasons for refusal related to the loss, in principle, of a substantial part of an unlisted building in a conservation area, which is also locally listed and which makes a positive contribution to the conservation area and as such was contrary to Policies HE1 and HE2. Moreover, the proposed scale, mass and bulk of the

replacement sought was not found to be of an appropriate scale and nature nor was it proposing to use traditional detailing or materials in accordance with Policy HE3. No public benefits had been identified sufficient to outweigh the level of harm identified. The design and visual impacts were deemed unacceptably harmful and contrary to Policy BE1 and insufficient standards of amenity for future occupiers were identified, contrary to Policy BE3.

When considering the appeal, the Planning Inspector upheld all reason for refusal and subsequently dismissed the appeal.

W/20/0264 - Proposed demolition of rear two storey and single storey wings together with detached two storey cottage and erection of replacement three storey and two storey extensions together with detached building at rear of site to provide increased number of studio flats and bedsit accommodation (increase from 30no. to 33no) plus all associated works - **Withdrawn**

RELEVANT POLICIES

- National Planning Policy Framework

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

Warwick District Local Plan 2011-2029

- DS5 - Presumption in Favour of Sustainable Development
- H0 - Housing
- H1 - Directing New Housing
- H6 - Houses in Multiple Occupation and Student Accommodation
- SC0 - Sustainable Communities
- BE1 - Layout and Design
- BE3 - Amenity
- TR1 - Access and Choice
- TR3 - Parking
- HS1 - Healthy, Safe and Inclusive Communities
- HS4 - Improvements to Open Space, Sport and Recreation Facilities
- FW2 - Sustainable Urban Drainage
- HE1 - Protection of Statutory Heritage Assets
- HE2 - Protection of Conservation Areas
- HE3 - Locally Listed Historic Assets
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- NE4 - Landscape
- NE5 - Protection of Natural Resources

Guidance Documents

- Residential Design Guide (Supplementary Planning Document- May 2018)
- Air Quality & Planning Supplementary Planning Document (January 2019)
- Parking Standards (Supplementary Planning Document- June 2018)
- Open Space (Supplementary Planning Document - April 2019)

SUMMARY OF REPRESENTATIONS

Royal Leamington Spa Town Council: Previous objection withdrawn following further consideration of the application and on the basis of latest comments from WCC Highways and Waste Management.

Councillor Syson: Comments summarised below:

- The layout of proposed Flat 4 is puzzling since there seems to be no internal access to the communal area which can only be reached by going outside;
- Would the use of the proposed amenity areas give rise to noise and disturbance to neighbouring properties?
- The level of parking proposed seems to be inadequate;
- Is the cycle storage and parking provision adequate?
- Concerns regarding potential overlooking to neighbouring properties; and
- It is noted that the Air Quality report provided refers to an earlier version of the government's air quality strategy; since there is now a more recent version, does this make a difference to the application?

WDC Conservation: No objection to this revised development but seek further information in relation to proposed materials and finishes on the elevations. A further schedule of materials has resulted in no objection subject to a condition requiring samples of materials.

Health & Community Protection - Environmental Sustainability: No objection subject to condition

Private Sector Housing: Initial comments sought points of clarification. On receipt of further information concerns in respect of lightwells and basement accommodation are satisfied however some concern is raised with respect to Flat 4 and room sizes.

Waste Management: No objection

WCC Highways: No objection

LLFA: No objection

WCC Ecology: No objection subject to conditions and advisory notes

Public Response:

6 objections received raising the following material planning considerations:

- Loss of light to neighbouring properties and gardens;

- Loss of privacy to neighbouring windows and gardens;
- Insufficient parking for the development;
- Proposed works to the coach house at the rear would be imposing for neighbouring properties;
- Concern about noise and disturbance;
- Overdevelopment of the site;
- Impact on trees and ecology;
- Proposed density is not in keeping with surrounding character;
- Proposed amenity spaces are not adequate; and
- Harm to the heritage assets (neighbouring listed buildings and conservation area)

Other non-material considerations were raised.

2 support comments raising the following:

- Good design;
- Brings a presently empty building back into use;
- Small bespoke student developments in this area of Leamington should be welcomed;
- This latest revision to the plans results in far less impact on neighbours and the environment surrounding the property;
- The site has been an HMO since 2001 and this should be recognised;
- Parking for cars has not, to date, caused an issue nor has it exacerbated parking on street; and
- This should be approved without delay, bringing new tenants to the area to contribute to the local economy

Conservation Advisory Forum (CAF): Objection to the application; the proposal is felt to exacerbate an already dense site. While the footprint is similar the height has increased and the coach house is to be further extended. While not listed in its own right, it is still considered to contribute to the setting of the neighbouring listed buildings and conservation area. The proposals to the coach house at the rear are deemed to be unsympathetic and out of character. CAF acknowledge this proposal is a slight improvement on the previously refused scheme however this is not considered to be a good scheme, with small bedrooms, lack of external space and overall uncharacteristic in nature.

ASSESSMENT

The key issues relevant to the consideration of this application are as follows:-

- Principle of development;
- Impact on heritage assets;
- Visual impact / character of area;
- Impact on neighbouring/residential amenity;
- Access and parking;
- Impact on ecology;
- Drainage;
- Waste Management;
- Sustainability; and

- Management of the site.

Principle of development

Policy H1 of the Warwick District Local Plan 2011-2029 sets out where in the District new housing development will be permitted. H1a) allows such development within the Urban Areas, as identified in the policy and on the Policies Map. The site proposes one cluster flat to comprise 8no. individual studio units which are considered acceptable in principle in accordance with Policy H1 given the site's location within the Urban Area of Royal Leamington Spa.

Policy H6 states that planning permission will only be granted for Houses in Multiple Occupation, including student accommodation, where:

- a) The proportion of dwelling units in multiple occupation (including the proposal) within a 100m radius of the application site does not exceed 10% of total dwelling units;
- b) The application site is within 400m walking distance of a bus stop;
- c) The proposal does not result in a non-HMO dwelling being sandwiched between two HMOs;
- d) The proposal does not lead to a continuous frontage of three or more HMOs; and
- e) Adequate provision is made for the storage of refuse containers whereby –
 - i) The containers are not visible from an area accessible by the general public, and
 - ii) The containers can be moved to the collection point along an external route only.

While the proposal would result in a total of 5no. HMOs within the site it is important to note that this would only equate to a net gain of 3no. due to the fact there are already 2no. HMOs at the site. Historically, the original villa, service wing and rear projection has been in use as one large HMO providing 28no. bedrooms while Cariad Cottage has also been in use as a single HMO providing 4no. bedrooms. In total therefore, the existing number of bedrooms present at the site totals 32no.

The proposed development would refurbish the original villa and coach house and provide a replacement rear extension in lieu of the modern rear projection and in so doing would reconfigure the internal layouts such that there would be an additional three HMO's, however this would not affect the total number of bedrooms available, which is to remain at 32no.

In accordance with Policy H6, and in view of the fact that there are already 2no. HMOs within the application site, the 10% calculation undertaken for the purposes of assessing this application has concluded that the proposed HMO concentration percentage within a 100m radius would be 3.18%. This falls below the 10% requirement as set out in H6(a) and is therefore considered acceptable.

The two nearest bus stops to the site are located approximately 115m to the north and a little over 60m to the south, with another one a total of 220m from the site

to the south. These are all well within the recommended 400m walking distance set out in H6(b).

The proposal would not result in a non-HMO dwelling being sandwiched between two HMOs, nor would the proposal lead to a continuous frontage of three or more HMOs, thereby satisfying both H6(c) and (d). The last point of H6 is also satisfied given that refuse bins are proposed to be stored within an enclosure located within the site's curtilage to the front, thereby neither visible nor accessible by the general public. As such, bins can be moved along an external route.

Officers are satisfied that the proposals comply fully with Policy H6 of the Local Plan, although in making this assessment and reaching this conclusion it should be kept in mind that the site already has an established use as student accommodation, delivered through 2no. HMOs. Notwithstanding the net gain of 3no. HMOs the proposals neither intensify nor exacerbate the use of the site to such a degree that it no longer complies with the relevant policy.

Policy RLS1 of the Royal Leamington Spa Neighbourhood Plan (RLSNDP) supports proposals for new housing development within the Royal Leamington Spa Urban Area for certain types of development set out within the policy. Amongst the list is the re-use of previously developed land and buildings when not in conflict with other development plan policies which this development proposal predominantly falls under and to a lesser degree proposals for purpose-built student accommodation when positively assessed against all related development plan requirements and guidance. Officers consider this latter point not wholly applicable on the basis that the development does not propose 'purpose built' student accommodation in its true sense for the proposals involve the refurbishment and extensions of two existing buildings with a view to continuing to provide student accommodation on a site where this is already the established use.

Overall, and having regard to all of the above, the proposal to refurbish, improve and extend the existing buildings on site to continue to provide a total of 32no. student bedrooms through a combination of HMOs and studio units is considered to be acceptable in principle, subject to an assessment of the other material considerations which are set out below.

Impact on heritage assets

Considerable importance and weight should be given to the duties set out in the Planning (Listed Buildings and Conservation Areas) Act 1990, when making decisions that affect listed buildings and conservation areas respectively. These duties affect the weight to be given to the factors involved.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, "In the exercise, with respect to any buildings or other land in a conservation area...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."

Policy HE1 of the Local Plan expects development proposals to have appropriate regard to the significance of designated heritage assets. Where any potential harm

may be caused, the degree of harm must be weighed against any public benefits of the proposal.

Policy HE2 sets out the presumption in favour of the retention of unlisted buildings that make a positive contribution to the character and appearance of a Conservation Area, stating that 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.

Policy HE3 states that development that would lead to the demolition or loss of significance of a locally listed historic asset will be assessed in relation to the scale of harm to loss and the significance of the asset. Change to locally listed historic assets should be carried out using traditional detailing and using traditional materials.

Policy RLS3 of the RLSNDP requires development proposals that are within or directly affecting a Conservation Area to assess and address their impact on their heritage significance. Proposals must demonstrate attention to particular criteria (as specified in the policy) where relevant.

Paragraph 205 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, while para.206 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting) should require clear and convincing justification. Paragraph 208 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage assets, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

As has been set out from the description of the site and surroundings, the application property is a detached Regency villa which, although unlisted, is within the Royal Leamington Spa Conservation Area, to whose character and appearance it undoubtedly makes a positive contribution, to the extent that it was, to begin with, considered a non-designated heritage asset. Since the building was added to the Council's Local List of Heritage Assets following the previous consideration of the 2020 application that was refused, this now means it is treated as a heritage asset and is accordingly afforded the same regard, albeit attracting lesser weight, as a designated heritage asset (e.g. a listed building or conservation area) in policy terms.

Though not statutorily listed in its own right, the property is located in the direct setting of a number of Grade II listed buildings (Nos. 20, 22, 26 and 28 Kenilworth Road), all of which date from the same period and are constructed in the same style as the application site.

In light of the recent planning history at the site including a previously withdrawn and then a refused application, subsequently dismissed at appeal, pre-application advice has previously been sought from the Local Planning Authority prior to the

submission of an application and the advice from the Conservation Officer, in a consistent manner with previous advice, has summarised that any forthcoming proposal should retain the historic rear wing which bears historic interest and that any demolition of this element would require strong justification.

By way of a brief summary, the first application, which was subsequently withdrawn, proposed the demolition of the historic service wing and conservation advice reiterated an objection not only to the principle of demolition of the historic service wing but to the proposed bulk and mass of the replacement scheme for the site. The subsequent revised scheme, though slightly reducing the height of the proposed development at the rear, still retained the element of demolition of the historic service wing in its entirety, to which a heritage objection was maintained in principle. The application was duly refused and later dismissed at appeal; the Inspector's decision upheld all heritage related reasons for refusal.

In light of this background and context, pre-application advice was once again sought prior to the third submission being made. As is evident in these latest plans, the proposals no longer include any elements of demolition of historic fabric of the building and instead propose to remove only more modern additions in the form of the single storey rear projection which is understood to have been added at some point in the latter half of the 20th century. This aspect of the building is not considered to be of any architectural merit nor is it considered to make a positive contribution to the setting of either the conservation area or the setting of the locally listed historic asset. Objection is therefore not raised to the principle of its loss, though any proposed replacement should be policy compliant insofar as its detailed design and overall scale is concerned.

Now that the proposals seek to retain the original historic service wing and further seek to replace the dilapidated single storey addition with a 1.5 storey building and glazed link which would connect the new extension to the service wing, the combination of the retained elements together with the reduced bulk and mass of new additions is an improvement on previous submission and there is no longer any objection on heritage grounds. Through the course of the application, further information has been sought in relation to the proposed materials and finishes on the elevations. These have been confirmed as brick and natural slate (for the service wing where needed) to match the existing, and brick with zinc or aluminium for the new extension together with aluminium for the windows following conservation advice and recommendations.

The coach house to the rear, which is to be retained and further extended to the side, whilst creating additional built form is very much isolated to the rear of the site and as such is not considered to impose on the character of the conservation area. Proposed materials are brick and natural slate to match the existing, with aluminium windows.

Overall, when comparing this latest scheme to earlier proposals which were refused on heritage grounds, this application presents a significant improvement in terms of the heritage impacts arising from the proposed works. The scheme, when taken as a whole, with the retention of the wing and the siting of the coach house, is therefore considered to have a neutral impact on the character,

appearance and setting of the relevant heritage assets. In such circumstances, it is not necessary to engage the public benefits test.

Policies HE1, HE2 and HE3 are all considered to be complied with along with the Neighbourhood Plan and the NPPF and in making this assessment, officers have had regard to the weight that should be given to the desirability of preserving the special interest and setting of the heritage assets.

Visual impact / character of area

Policy BE1 of the Local Plan requires new development to positively contribute to the character and quality of its environment through good layout and design. Certain ways through which this can be achieved are (inter alia) for development proposals to harmonise with, or enhance, the existing settlement in terms of physical form, to reinforce or enhance the established urban character of streets, reflect, respect and reinforce local architectural and historical distinctiveness, enhance and incorporate importance existing features into the development, respect surrounding buildings in terms of scale, height, form and massing; and to adopt appropriate materials and details. This is reinforced by over-arching design rationale and a number of guiding principles which are set out within the Council's adopted Residential Design Guide (2018).

Policy RLS2 of the RLSNDP encourages development proposals to adopt higher environmental standards of building design and energy performance. The use of 'Building for Life' or an equivalent assessment framework, should be demonstrated in the justification of proposals.

This latest scheme has addressed all of the primary areas of concerns in earlier refused schemes. Not only is the bulk and mass significantly reduced by reason of replacing only a single storey element with a new 1.5 storey projection, but the site's frontage is now proposed with additional soft landscaping, less hard surfacing for parking and a secure bin store which has been designed in response to planning and conservation recommendations. The front of the original villa remains unchanged and the resulting side views of the building, when glimpsed through gaps from Kenilworth Road would be altogether far less prominent and more subservient by reason of leaving the historic service wing in situ, similar to the other neighbouring buildings. The coach house is barely visible from the road and in any event the side being extended is screened entirely from public view by the main villa.

With the reduced scale, mass and bulk of the replacement rear extension, its degree of subservience to the main villa and proposed materials, together with the scope of works proposed to the coach house, which is not publicly visible, officers are satisfied that the visual impacts arising from the development would be limited. The resulting building would be visually in keeping with and sympathetic to the character and appearance of the main villa and moreover, would remain characteristic of other neighbouring sites.

Overall, the development is considered to be visually appropriate in terms of both scale, mass and bulk, as well as design, materials and finish and is in accordance with the relevant policies in this regard.

Impact on neighbouring / residential amenity

Policy BE3 of the Local Plan requires development not to have an unacceptable adverse impact on the amenity of nearby uses and residents as well as providing acceptable standards of amenity for future users and occupiers of the development.

Impact on existing neighbouring properties

Nos. 22 and 26 (to the south and north respectively) are the closest neighbouring properties. While it is acknowledged that the replacement extension would breach the 45° line taken from the rear facing windows of both properties, the point at which the breach occurs is more than 8 metres away on both sides and is therefore considered acceptable in terms of the level of impact with regard to overbearing and loss of light in accordance with the guidance contained in the RDG.

It is important also to acknowledge that the replacement extension would extend to the same depth as the existing extension already in situ. While the overall height may be increasing, it is noted that the existing flat roof height of 3.1m is to be replaced with a structure which has a lower eaves height of 2.5m and a relatively shallow dual pitched roof measuring just under 5m to the ridge. Accordingly, any impacts resulting from the development, whether perceived or actual, would be no greater than is currently felt by the existing built form.

The replacement rear extension proposes mezzanine bedrooms internally and each unit would have its own rooflight. These are positioned partly over the mezzanine and partly over the void down to the ground floor. While someone may be able to look out of the rooflight to some limited extent, any views afforded would mostly be upwards and over the neighbouring properties rather than outwards and directly down into neighbouring gardens. In any event, consideration has been given to any additional or directly harmful overlooking that may be afforded when compared to the existing windows located in the north facing side of the historic service wing which look directly towards the south facing side of No. 26 and vice versa. Officers are satisfied that this aspect of the development would not result in demonstrable harm to the amenity of neighbouring properties.

With regard to the proposed extension of the coach house at the rear of the plot, this would result in the southern side facing gable of the existing building being brought closer to the neighbouring coach house to the south known as 'The Garden House' located to the rear of No.22. Concerns have been raised by the neighbouring property that the proposed extension would lead to increased overbearing and overshadowing effects as well as direct overlooking resulting from the proposed rooflights in the rear extension of the main villa. Overlooking has been dealt with in the preceding paragraph, therefore, in terms of increased overbearing and overshadowing officers have carefully considered the siting, orientation and relationship between the two buildings in question.

It is noted that the existing side gable of the application building contains a first floor window in it which looks directly towards the neighbour. The new south facing gable wall is proposed to be blank, with no windows. While this would be brought closer to the neighbour to the south, officers note the layout and orientation of the neighbour to the south. Closest to the shared boundary is a single storey 'L-shaped' element which connects on its western side to the double garage (also single storey), and which is arranged around an external courtyard. It is noted that this is not the only outdoor amenity space associated with the neighbour which also has external amenity space to the south (side) and to the west (front) of the property. The courtyard is located on the northern side of the neighbour and while it is accepted that the closer proximity of the first floor extension would make the new gable end more visible from these north facing windows, above the single storey roof of the neighbouring property, this in itself does not automatically equate to material harm. Given the orientation and the relationship between the two buildings, officers do not consider that the proposed addition of the first floor extension would impinge on the amenity of the neighbour to such a degree as to justify a reason for refusal.

Other concerns have been raised by other neighbouring occupiers about potential overlooking arising from new side facing windows within the historic service wing of the application building. However, having considered the two new first floor windows proposed, one in each of the north and south facing sides of the service wing, it is noted that these would each face a blank aspect in the respective side facing walls of both neighbouring properties, therefore leading to no increased direct overlooking in officers' opinion.

If anything, the proposed fenestration in the development as a whole represents a significant improvement over and above the existing situation. Regrettably the building has had a number of windows which are inappropriate in design terms added in the 20th century, which the proposals seek to either replace with windows of a more traditional style, design and size or remove altogether and reinstate the brickwork. Overall, officers therefore do not consider there is any material harm by reason of overlooking resulting from the proposed development.

In considering Policy H6 and the potential for impacts by way of noise and disturbance, it is a material consideration to note the existing use of the buildings on site. Officers do not consider the proposals to reconfigure the internal layouts of the villa, plus extension, and the coach house, would give rise to any additional noise and disturbance over and above the existing situation because it would still provide the same number of bedrooms as existing and to that end would not intensify the use of the site.

Provision of acceptable living conditions for future occupiers

The development seeks to retain the existing number of bedrooms (32no.) through a combination of HMOs and studio flats. Distance separation has been considered against the existing situation i.e. the proposals would provide a very similar development in terms of layout and outlook to the existing set-up and while the rear extension is to be replaced it is still effectively treated as a single storey element. There are no concerns in relation to distance separation and previous

concerns resulting from the earlier proposed layout and the relationship it would have with both the replacement coach house within the site as well as the neighbours either side have been overcome through the revised design.

Comments from Private Sector Housing regarding Flat 4 are noted, however, officers are mindful that Flat 4 comprises individual studio units which are not the same in terms of how they will be occupied and used as typical bedrooms within an HMO. To that end, consideration has been given to the 2024 HMO Landlords Guide which sets out guidance in relation to minimum room sizes, however, it is also noted that there are separate requirements under different legislation (e.g. licensing and environmental health standards) and the relevant material planning considerations should not be clouded by these separate matters.

Having regard to the Landlords Guide it is noted that the communal area still proposed for Flat 4, despite the fact Flat 4 is no longer an HMO, exceeds the 1.9sq.m. per tenant. Accordingly, the bedrooms are not required to satisfy the minimum size. That being said, these are not typical bedrooms in the true HMO sense; rather they are self-contained studio units comprising a living area, kitchenette and en-suite as well as a bedroom and officers are satisfied that Flat 4 affords all the appropriate standards of amenity for future occupiers. Overall, the remaining HMOs illustrate bedrooms and communal living/dining areas which are considered acceptable for future occupiers.

There are no prescribed standards for outdoor amenity space for developments of this nature. The Residential Design Guide refers to a requirement of 10sq.m. per bedroom for flats and apartments but this development comprises predominantly HMOs with a small number of studio units. The applicants have nonetheless applied this standard to their development and accordingly provided in excess of 360sq.m. external space made up of a mix of grassed and paved areas, the majority of which is located to the side and rear of the building. This exceeds the 320sq.m. that would be required if the Residential Design Guide standards were strictly applied however, as stated, this is the standard applicable to flats and apartments and as such it is officers' opinion that the amount of external space proposed is more than sufficient for the type and nature of development proposed.

Having regard to all of the above, officers consider the proposals wholly comply with the provisions of Policy BE3 of the Warwick District Local Plan and the Residential Design Guide with respect to impacts on both existing and future occupiers.

Access and parking / Highway safety

The existing access would be utilised to serve the development. There is already hardstanding to the frontage together with an access drive along the northern side of the building leading to additional hardstanding and capacity for parking to the rear of the villa. Historically, the Highway Authority's response to earlier applications has been one of no objection, with regard had to the transport and technical notes submitted with previous schemes. Since the most recent application was dismissed at appeal the recent highway improvement works along Kenilworth Road are noted, including the provision of a widened footpath and new

cycleway on the same side of the road as the application site. Moreover, it is noted that whereas previous schemes proposed individual studio units, this latest application seeks to continue the established use of the site as student accommodation through HMOs and one flat containing studio units. Accordingly, in making an assessment of parking and highway safety, this proposal considers the total number of bedrooms against the existing number of bedrooms and whether or not the current application should lead to an intensification of the use of the access and/or any increased demand for on-site parking.

The starting point in this regard is therefore whether or not the proposals would increase the number of bedrooms at the site which in turn would likely lead to an intensification of the use of the existing access into the site from Kenilworth Road. The existing development, though currently vacant, provides a total of 32no. bedrooms. The proposed development which seeks to reconfigure some of the internal layouts, still seeks to provide a total of 32no. bedrooms and as such there is no intensification of the use of the site or in turn the access.

While the parking standards require one space for every two bedrooms in an HMO which would necessitate a total of 16no. parking spaces at the site, it is a material consideration to which significant weight should be attributed to consider the existing situation which could resume use at any point in time. This would allow 32no. bedrooms to be occupied with a total of 8no. parking spaces across the entire site. When compared to the proposals there is no difference; 8no. parking spaces are to continue being provided in an improved layout to both the front and rear of the site which would serve the total 32no. bedrooms and since there is no material difference between the existing and the proposed uses, no objections are raised to this element of the development. This position has been confirmed by the Highway Authority.

In the initial response from the Highway Authority however, potential concern was raised about the access to the north alongside the building and whether or not vehicles would be able to safely access the site and safely manoeuvre to be able to exit in a forward gear. Additional tracking information was therefore requested for a delivery van which could demonstrate utilising the turning head while other vehicles are occupying all parking spaces at the rear of the site.

Further information has since been submitted by the applicant which not only demonstrates that a delivery van can safely access the site, safely manoeuvre and exit in a forward gear, but also tracking for a car has been revised to an MPV which alleviates any concerns previously held by the Highway Authority.

With regard to cycle parking, the Parking Standards require a total of 16no. cycle parking spaces which are provided as part of the application, in a secure cycle store located towards the rear of the site. Both Planning and Highways officers are satisfied that the cycle store is sufficiently large enough to accommodate the number of cycles shown on the plans.

Overall, a full appraisal of the proposed development and all information provided with the application has resulted in a response of no objection from the Highway Authority.

Overall officers do not consider there would be any detriment to highway safety and the parking situation remains acceptable as per the existing situation which could be brought back into use at any point with no further permission required. As such the proposals are considered to comply with Policies TR1 and TR3 of the Local Plan as well as the adopted Parking Standards SPD.

Impact on ecology

An updated ecological survey was submitted with the application, the recommendations and conclusions of which the County Ecologist was in agreement. No further survey work is deemed necessary at this time comments made on previous submissions remain the same. No objection is raised to the development subject to some recommended conditions requiring a supervised hand strip due to the small number of features which could become occupied between the survey work being undertaken and the destructive works commencing. It is also recommended that two bat boxes be incorporated into the proposals. Officers are satisfied that the proposals will result in no harm to protected species and the development is acceptable in this regard.

Drainage

There are no flooding and drainage concerns with the development. The LLFA raised no objection to the scheme with regard to flood risk and surface water drainage and no conditions are recommended or deemed necessary. The development is therefore considered acceptable in this regard.

Waste management

Bin storage is proposed to the front of the site, where wheelie bins are currently stored, but in a secure storage area intended to improve the appearance of the site's frontage. No objection is raised to the proposal by the Waste Management team, plans have been revised to demonstrate that the bin store is large enough to accommodate all necessary wheelie bins and food caddies and officers consider the development is acceptable in this regard.

Sustainability

The latest proposals for this site involve limited new build elements, with the majority of the historic building now being retained and refurbished internally. The proposals overall have been designed with the intention of improving the building's performance; particular aspects include replacement windows throughout, improved ventilation and improved wall specification with additional insulation. Materials are to be locally sourced, and a green roof is proposed on the new link connecting the rear extension to the original service wing. Officers are satisfied, given the scale and nature of the proposals, that the development is acceptable in this regard.

Management of the site

Some concerns have been articulated by local residents about the potential for antisocial or undesirable behaviour from future occupiers. In considering this,

officers have had regard to the fact that this site has been in use as student accommodation for over twenty years and has been in the same ownership for some time. Nevertheless, in seeking to alleviate any potential concerns about the future management of the site, even though the use will not be intensifying as a result of the development, the applicant has submitted a Site Management Plan.

The Plan sets out how the site is to be managed, including reference to refuse, parking, security and general upkeep. It states that regular inspections will be undertaken throughout the term of the tenancy, with a full investigation carried out of any complaints. It also refers to the comprehensive tenant vetting process as well as the clauses within the tenancy agreement which set clear boundaries for behaviour together with expectations and sanctions for any inappropriate behaviour.

It is unusual to be in receipt of a Management Plan for such a small-scale development since they are principally associated with the larger scale purpose-built student accommodation proposals. The fact that one has been produced at all and submitted as part of the planning application demonstrates the continued commitments of the applicant in managing the site effectively and endeavouring to mitigate against any inappropriate behaviours. Officers consider it reasonable to impose a condition on any forthcoming permission requiring the development to be operated in accordance with the Management Plan. This in turn should alleviate any potential neighbouring concerns especially when considering the existing use, and management, of the site.

SUMMARY/CONCLUSION

The proposal to refurbish the historic villa, replace the poor quality single storey rear extension and add a first floor side extension to the coach house at the rear of the site would result in a total of 5no. HMOs and 8no. studio units. Having regard to the existing use of the site, this would result in a net gain of 3no. HMOs but most importantly, the total number of bedrooms across the entire site would remain unchanged, at 32no. The principle of development is considered to be acceptable in accordance with both Policies H1 and H6 of the Local Plan as well as RLS1 of the Royal Leamington Spa Neighbourhood Development Plan.

The building, though unlisted, is locally listed and accordingly treated as a heritage asset. It is also located within the Royal Leamington Spa Conservation Area to whose character and appearance it undoubtedly makes a positive contribution. Unlike earlier submissions at the site which sought to demolish a significant part of the historic building, the revised proposals now seek to retain the original villa and its historic service wing and refurbish them internally. The only demolition proposed involves a later 20th century rear extension which is to be replaced with something of the same footprint and a similar scale, mass and bulk overall. The scale, design and appearance of the works to the rear are acceptable from a heritage point of view and the heritage impacts are considered to be neutral given the amount of retention of historic fabric now proposed and the limited demolition. Moreover, the coach house to the rear is effectively screened from public view and the proposed extension would have a limited impact on the character and appearance of the conservation area.

It is not necessary to engage the public benefits test set out in the NPPF on the basis that harm has not been identified to the setting of any particular heritage asset.

In general design and visual terms, the proposals are considered acceptable. So too, are the impacts on residential amenity, with regard to both existing and future occupiers.

Matters related to highway safety, parking, ecology, drainage, bin storage and sustainability are all considered acceptable and in light of the fact a Management Plan has been produced for the site's future management it is proposed to condition that the site be operated in accordance with that.

Overall, officers are satisfied that these revised proposals for the site are now acceptable in all respects and subject to the relevant conditions and notes being attached to any forthcoming permission, it is recommended that planning permission be granted.

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 drawings 173-TAA-01-B1-DR-A-1200 Rev.P02, 173-TAA-01-ZZ-DR-A-1300 Rev.P01, 173-TAA-01-ZZ-DR-A-1400 Rev.P02, 173-TAA-01-ZZ-DR-A-1401 Rev.P01, 173-TAA-02-00-DR-A-1210 Rev.P01, 173-TAA-02-01-DR-A-1211 Rev.P01, 173-TAA-02-ZZ-DR-A-1310 Rev.P01 and 173-TAA-02-ZZ-DR-A-1402 Rev.P01, and specification contained therein, submitted on 07 December 2023; approved drawings 173-TAA-XX-ZZ-DR-A-1701 Rev.P01, 173-TAA-01-00-DR-A-1201 Rev.P04, 173-TAA-01-01-DR-A-1202 Rev.P03 and 173-TAA-XX-ZZ-DR-A-1100 Rev.P06, and specification contained therein, submitted on 08 February 2024; and approved drawing 173-TAA-02-ZZ-DR-A-1403 Rev.P01, and specification contained therein, submitted on 08 April 2024. **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 The development hereby permitted shall not commence unless and until a Construction Management Plan (CMP) has been submitted to and approved in writing by the local planning authority. The CMP shall provide for: the parking of vehicles of site operatives and visitors; site working hours and delivery

times; the loading and unloading of plant and materials; the storage of plant and materials used in constructing the development; the erection and maintenance of a security hoarding including decorative displays and facilities for public viewing where appropriate; wheel washing facilities and other measures to ensure that any vehicle, plant or equipment leaving the application site does not carry mud or deposit other materials onto the public highway; measures to control the emission of dust and dirt during construction, together with any details in relation to noise and vibration; and a scheme for recycling / disposing of waste resulting from demolition and construction works. A model CMP can be found on the Council's website (https://www.warwickdc.gov.uk/downloads/file/5811/construction_management_plan) or by searching 'Construction Management Plan'. The development hereby permitted shall only proceed in strict accordance with the approved CMP. **Reason:** In the interests of highway safety and the amenities of the occupiers of nearby properties, the free flow of traffic and the visual amenities of the locality in accordance with Policies BE3, TR1 and NE5 of the Warwick District Local Plan 2011-2029.

- 4 No part of the development hereby permitted shall be commenced until a scheme for the provision of two bat boxes/bat roosting features to be erected on buildings within the site, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of box type, location, and timing of works. Thereafter, the boxes shall be installed and maintained in perpetuity. **Reason:** To ensure that protected species are not harmed by the development in accordance with Policy NE2 of the Warwick District Local Plan 2011-2029 as well as the NPPF and ODPM Circular 2005/06.
- 5 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 Policy BE1 of the Warwick District Local Plan 2011-2029.
- 6 Notwithstanding the details submitted with the application, no development shall be carried out above slab level unless and until further details of the proposed cycle store (to include elevations and proposed 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 Policy BE1 of the Warwick District Local Plan 2011-2029.

- 7 The development hereby permitted shall not be occupied unless and until the car parking and manoeuvring areas indicated on the approved drawings have been provided and thereafter those areas shall be kept marked out and available for such use at all times. **Reason:** To ensure adequate off-street car parking and servicing facilities in the interests of both highway safety and visual amenity in accordance with Policies BE1 and TR3 of the Warwick District Local Plan 2011-2029.
- 8 The development hereby permitted shall not be occupied unless and until the approved cycle parking facilities have been provided and made available for use in accordance with the details on the approved plans and thereafter those facilities shall remain available for use at all times. **Reason:** In the interests of encouraging the use of alternative modes of transport with the aim of creating a more sustainable development in accordance with Policies TR1 and TR3 of the Warwick District Local Plan 2011-2029.
- 9 The development hereby permitted shall not be occupied unless and until the refuse and recycling storage areas for the development have been constructed or laid out in strict accordance with the approved plans and made available for use by the occupants of the development. Thereafter those areas shall be kept free of obstruction and be available at all times for the storage of refuse and recycling associated with the development.

No dwelling shall be occupied unless and until it has been provided with the appropriate refuse containers necessary for the purposes of refuse, recycling and green waste, in accordance with the Council's specifications.

Refuse and recycling storage containers must be stored within the refuse and recycling storage area shown on the approved plans, unless when being presented on street for collection facilities.

Reason: To ensure the satisfactory provision of refuse and recycling storage facilities in the interests of amenity and the satisfactory development of the site in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029.

- 10 Prior to the occupation of the dwellings hereby permitted, a minimum of one 16amp (minimum) electric vehicle recharging point shall be installed in accordance with details first submitted to and approved in writing by the Local Planning Authority (LPA). Once the electric vehicle recharging point(s) has(ve) been installed, the following verification details shall be submitted to and approved in writing by the LPA: (1). Plan(s)/ photograph(s) showing the location of the electric vehicle

recharging points; (2). A technical data sheet for the electric vehicle recharging point infrastructure; and (3). Confirmation of the charging speed in kWh. Thereafter the electric vehicle recharging points shall be retained in accordance with the approved details and shall not be removed or altered in any way (unless being upgraded). **Reason:** To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan and the Air Quality and Planning Supplementary Planning Document.

11 The development hereby permitted shall be undertaken in the presence of a qualified bat worker appointed by the applicant to supervise all destructive works to the roof of the main and of all single storey extensions to the building. All roofing material is to be removed carefully by hand. Appropriate precautions must be taken in case bats are found, including the erection of at least one bat box on a suitable tree or building. Should evidence of bats be found during this operations, then work must cease immediately while Natural England and WCC Ecological Services are consulted for further advice. Any subsequent survey work, recommendations or remedial works will be implemented within the timescales agreed between the bat worker and the Local Authority Ecologist/Natural England. Notwithstanding any requirement for remedial work or otherwise, the qualified bat worker's report (to include any evidence found of presence or absence) shall be submitted to the Local Planning Authority within 1 month following completion of the supervised works to summarise the findings. **Reason:** To ensure that protected species are not harmed by the development in accordance with Policy NE2 of the Warwick District Local Plan 2011-2029.

12 The development hereby permitted shall be operated in accordance with the details set out within the 'Site Management Plan: 24 Kenilworth Road' produced by Cobo Living and received by the Local Planning Authority on 08 February 2024. **Reason:** To protect the amenity of neighbouring properties and to safeguard existing and proposed occupiers against any unacceptable impacts by reason of noise and disturbance in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
