

**Planning Committee:** 16 August 2016

**Item Number:** 8

**Application No:** [W 16 / 0921](#)

**Town/Parish Council:** Leamington Spa

**Registration Date:** 19/05/16

**Case Officer:** Jo Hogarth

**Expiry Date:** 14/07/16

01926 456534 jo.hogarth@warwickdc.gov.uk

**1 New Street, Leamington Spa, CV31 1HP**

Retention of alterations to lightwell to provide access to storage area on lower ground floor. FOR Mr Dhesi

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This application is being presented to Committee due to the number of objections and an objection from the Town Council having been received.

**RECOMMENDATION**

Planning Committee are recommended to grant planning permission.

**DETAILS OF THE DEVELOPMENT**

This is partly a retrospective application for the retention of metal, 1.1 metre high black painted front railings at the back of the footpath and the proposed replacement of an existing door and window. The application has been amended in order to clarify that the railings on the submitted plan extend along the frontage and that they would not 'open' up the frontage. Furthermore, the existing upvc window and door are to be replaced with timber.

**THE SITE AND ITS LOCATION**

The site relates to a three storey corner building on the junction of New Street and Mill Street within the designated Conservation Area. The building benefits from an authorised use as a House in Multiple Occupation.

**PLANNING HISTORY**

In 2011, (ref: W/11/1536) planning permission was granted by Planning Committee for "Conversion and change of use of office building to a 10 bedroom house in multiple occupation (HMO) (Sui Generis) and two new parking spaces plus cycle storage after demolition of existing double garage; Erection of two dormer windows on Mill Street elevation to replace existing dormer window".

In 2015 (ref: W/15/1558) planning permission was granted by Planning Committee for alterations to the parking arrangements which were originally granted under the permission above.

## **RELEVANT POLICIES**

- National Planning Policy Framework

### The Current Local Plan

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)

### The Emerging Local Plan

- BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

## **SUMMARY OF REPRESENTATIONS**

**Royal Leamington Spa Town Council:** Objects to this application, and strongly supports the comments made regarding the removal of historic railings and the appearance of a brick pier and gate. The installation of plastic windows and doors at the property have also impacted negatively upon the appearance of the Conservation Area.

**Public response:** 7 letters of objection have been received on the grounds that the alterations cause harm to the appearance of the Conservation Area and the removal of the railings and use of plastic windows is not appropriate.

## **ASSESSMENT**

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

- The impact on the character and appearance of the streetscene and Conservation Area
- The impact on the living conditions of nearby dwellings
- Health and Wellbeing

### **The impact on the Character and Appearance of the streetscene and Conservation Area**

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

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. Paragraph 134 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.

It is considered that the clarified plans which show the railings along the frontage of Mill Street address concerns raised in relation to the opening up of the lightwell. The railings as installed match the existing ones on the adjoining property and would not thereby be out of character with the area such that a refusal of permission could be sustained. The existing window and door which are situated within the lightwell and are currently upvc are considered to be an inappropriate modern material within the Conservation Area . As such, as part of the proposal, permission is sought to alter these to timber, which would represent an improvement and enhancement to the appearance of the streetscene and wider Conservation Area and meet the objectives of Policy DAP8 in the Local Plan.

**The impact on the living conditions of nearby dwellings**

It is considered that the railings would not result in harm to occupiers of nearby dwellings or indeed the occupiers of the HMO. The proposal would thereby meet the objectives of Policy DP2 in the Local Plan.

**Health and Wellbeing**

The application is not considered to raise any significant adverse impact in terms of health and wellbeing.

**SUMMARY/CONCLUSION**

The application is considered to be acceptable in terms of meeting the objectives of the aforementioned Local Plan Policies and would not result in adverse harm to the character or appearance of the streetscene or Conservation Area.

**CONDITIONS**

- 1 The development hereby permitted shall be retained strictly in accordance with the details shown on the site location plan and approved drawing number 2072/4/A and specification contained therein, submitted on 27 July 2016. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.

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