

# Planning Committee

Tuesday 8 April 2014

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A meeting of the above Committee will be held at the Town Hall, Royal Leamington Spa on Tuesday 8 April 2014 at 6.00pm.

Councillor Rhead (Chairman)

Councillor MacKay (Vice Chairman)

Councillor Boad

Councillor Kirton

Councillor Brookes

Councillor Weber

Councillor Mrs Bunker

Councillor Wilkinson

Councillor Ms De-Lara-Bond

Councillor Williams

Councillor Doody

## Agenda

### Part A – General

#### 1. **Emergency Procedure**

At the commencement of the meeting the emergency procedure for the Town Hall will be displayed on screen for information.

#### \*2. **Substitutes**

To receive the name of any Councillor who is to act as a substitute, notice of which has been given to the Chief Executive, together with the name of the Councillor for whom they are acting.

#### \*3. **Declarations of Interest**

Members to declare the existence and nature of interests in items on the agenda in accordance with the adopted Code of Conduct.

Declarations should be entered on the form to be circulated with the attendance sheet and declared during this item. However, the existence and nature of any interest that subsequently becomes apparent during the course of the meeting must be disclosed immediately. If the interest is not registered, Members must notify the Monitoring Officer of the interest within 28 days.

Members are also reminded of the need to declare predetermination on any matter.

If Members are unsure about whether or not they have an interest, or about its nature, they are strongly advised to seek advice from officers prior to the meeting.

**\*4. Site Visits**

The Chairman to report the location of the planning application sites visited and the names of the Committee Members who attended.

**Part B – Planning Applications**

To consider the following reports from the Head of Development Services:

- \*5. W/13/1793, Ramada Warwick, Leamington Road, Chesford Bridge, Kenilworth** (Item 5/Page 1)
- \*6. W/14/0163 - Land between 12-14 Station Road, Kenilworth** (Item 6/Page 1)
- \*7. W14/0183 - 1 Chapel St, Royal Leamington Spa** (Item 7/Page 1)

**Part C – Other matters**

**None**

**(\*Denotes those items upon which decisions will be made under delegated powers, as previously granted by Council).**

Please note:

- (a) the background papers relating to reports on planning applications are open to public inspection under Section 100D of the Local Government Act 1972 and consist of all written responses to consultations made by the Local Planning Authority in connection with the planning applications referred to in the reports, the County Structure Plan Local Plans and Warwick District Council approved policy documents.
- (b) all items have a designated Case Officer and any queries concerning those items should be directed to that Officer.
- (c) in accordance with Council's Public Speaking Procedure, members of the public can address the Planning Committee on any of the planning applications being put before the Committee. If you wish to do so, please call 01926 353362 (Monday to Thursday 8:00am to 7:00pm, Friday 8:00am to 6:00pm and Saturday 9:00am to 1pm) or email [committee@warwickdc.gov.uk](mailto:committee@warwickdc.gov.uk), anytime after the publication of this agenda, but before 12 noon on the working day before the day of the meeting and you will be advised of the procedure.
- (d) please note, that the running order for the meeting may be different to that published above, in order to accommodate items where members of the public - Have registered to address the Committee.
- (e) occasionally items are withdrawn from the agenda after it has been published. In this instance, it is not always possible to notify all parties interested in the application. However, if this does occur, a note will be placed on the agenda via the Council's web site, and where possible, the applicant and all registered speakers (where applicable) will be notified via telephone.

Published Monday 31 March 2014

General Enquiries: Please contact Warwick District Council, Riverside House, Milverton Hill, Royal Leamington Spa, Warwickshire, CV32 5HZ.

Telephone: 01926 353362

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For enquiries about specific reports, please contact the Case Officer named in the reports.

You can e-mail the members of the Planning Committee at

[planningcommittee@warwickdc.gov.uk](mailto:planningcommittee@warwickdc.gov.uk)

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The agenda is available in large print on request, prior to the meeting, by Telephoning (01926) 353362

**Planning Committee:** 8 April 2014

**Item Number:** 5

**Application No:** W 13 / 1793

**Town/Parish Council:** Blackdown  
**Case Officer:** Penny Butler

**Registration Date:** 21/01/14  
**Expiry Date:** 22/04/14

01926 456544 penny.butler@warwickdc.gov.uk

**Ramada Warwick, Leamington Road, Chesford Bridge, Kenilworth, CV8 2LN**  
Ground floor extension to ballroom and new reception area with internal alterations  
FOR Mr Johal

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This application is being presented to Committee due to an objection from the Parish Council having been received.

### **RECOMMENDATION**

Planning Committee are recommended to grant permission subject to the conditions listed.

### **DETAILS OF THE DEVELOPMENT**

Planning permission is sought for ground floor extensions to create a new reception area and increase the size of the ballroom within the site.

The reception extension will provide approximately 100sq.m of new reception area incorporating a new lift and stairwell to upper floors and a new modern facade and glazed entrance focal point of 7m in height to the principle elevation of the hotel facing the highway. The existing Porte Cochere will be demolished.

The ballroom extension and associated entrance lobby and storage area will provide some 520sq.m of additional space by extending the existing front, side (northwest) and part rear elevations. The ballroom extension will have a flat roof reaching 4m in height and the rear lobby entrance will provide a focal point reflecting the design of the main entrance with a total height of 6.8m.

Existing parts of the building will be clad above the extensions to complement the new extensions and create a more modern appearance.

The application is accompanied by a Design and Access Statement (DAAS) which states that the improvements sought include:

- a better main entrance/reception;
- an extended function room;
- improved internal circulation;
- new cladding to transform the currently tired and uninviting building; and
- an external landscaped terrace.

An addendum to the DAAS includes a case for very special circumstances to justify inappropriate development within the Green Belt. The application is also accompanied by a bat survey.

## **THE SITE AND ITS LOCATION**

The application site comprises the Ramada Hotel and its immediate environs, which includes a large field to the rear that adjoins the River Avon. The hotel is essentially a two-storey extended building that has a frontage onto the A452 and which is visible on approach from either direction. The site is situated in the West Midlands Green Belt and Special Landscape Area where it occupies an open and prominent site on the southern side of the A452, close to the A46 junction to the south-east of Kenilworth. The general character of the area is of open countryside and woodland within the River Avon valley. To the west is the River Avon, beyond which is the Chesford Grange Hotel. To the northwest is Chesford Bridge, which is the A452 Kenilworth-Leamington Road which forms the northern boundary of the site. There is open countryside beyond it on the opposite side of the road and to the east, together with a bungalow known as 'Quest Avon'.

Vehicular access to the site was improved a number of years ago by the provision of a roundabout approximately 100 metres to the east of the site at the junction with the main A429 and Bericote Road, which connects to Cubbington and the northern part of Leamington Spa. Vehicular access to the hotel is now by means of a dedicated road from this roundabout.

The Ramada website states that the Ramada Kenilworth offers 4 Meeting Rooms. The largest room is for a maximum of 350 persons. The total capacity of all meeting rooms is 470 people. The banqueting capacity is 500 people. The applicant has confirmed that there are spaces for 140 cars and 5/6 coaches within the site.

## **PLANNING HISTORY**

W/13/0814 - Ballroom extension/ new reception area: Withdrawn 13th August 2013

W/07/0584 - Alterations to frontage & car park; Erection of a single storey extension to provide a new porch, cloakroom and cellar for a function room; single storey extensions to existing restaurant; first floor extension to create a board room; and amendments to previously approved extensions (W04/0141) comprising of a revised design of dormer windows and revised elevations: Granted 15<sup>th</sup> June 2007.

W/04/0141 - Extensions to hotel to provide additional bedrooms and a new leisure facility following demolition of existing bungalow, change of use of meadow from agriculture to woodland/ leisure, and replacement sewage treatment works (Resubmission of W/2002/0736 including submission of updated Tourism Study): Granted 1<sup>st</sup> August 2005.

W/04/1860 - Extension of existing plant room to create storeroom with interior access: Granted 8<sup>th</sup> December 2004.

W/02/0344 - Erection of replacement conference room extension: Granted 27<sup>th</sup> May 2002.

W/02/0736 - Erection of a two-storey extension to south-eastern side elevation to provide 12no. new bedrooms; demolition of existing bungalow and erection of a two-storey extension to north-western elevation to provide a leisure centre comprising a swimming pool, gymnasium, sauna, steam room and jacuzzi and 12 No. new

bedrooms on the ground floor and 19 no. new bedrooms on the first floor; change of use of meadow from agriculture to woodland incorporating picnic area, erection of replacement sewage treatment plant, children's play area, creation of an otter holt and woodland/riverside footpath; alterations to car park layout and provision of 2 No. bus stops on either side of Kenilworth Road: Withdrawn 8<sup>th</sup> October 2003.

W/00/0947 - Erection of single storey office extension: Granted 1<sup>st</sup> September 2000.

W/00/1153 - Erection of a pitched roof over tank room in lieu of existing flat roof: Granted 29<sup>th</sup> September 2000.

W/96/1397 - Erection of extension to function room and dining room: Granted 28<sup>th</sup> February 1997.

W95/0237 - Alterations to elevations, construction of new path and landscaping incorporating water jets at front of hotel after removal of car parking: Granted 10<sup>th</sup> May 1995.

W89/1086 - Erection of extension and refurbishment and alteration to existing property to form bedroom and leisure area: Granted 10<sup>th</sup> December 1991.

### **RELEVANT POLICIES**

- National Planning Policy Framework
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- Vehicle Parking Standards (Supplementary Planning Document)
- Warwickshire Landscape Guidelines SPG
- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)
- DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
- DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- DP15 - Accessibility and Inclusion (Warwick District Local Plan 1996 - 2011)
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- National Planning Policy Framework

### **SUMMARY OF REPRESENTATIONS**

#### **Old Milverton and Blackdown Joint Parish Council - Objection**

The property, situated in the Green Belt adjacent to a flood plane, has had 7 extensions granted since 1991 (evidence from records in Planning Department) resulting in a large rambling hotel with a vastly increased floor area.

The proposed work would serve to increase even the current area disproportionately and it will bear little relation with that of the original building.

The land to the north west of the hotel, next to Chesford Bridge, is flood land which should not be built on as it accommodates flood water reducing that on the nearby road.

It should be noted that since February 2013, flood land at the back of the hotel next to the river has had its levels raised and has been converted into a car park extension without planning consent. The neighbouring 'small farmer' is concerned that her fields flood more to accommodate the flood water.

In view of the publicity concerning flooding and flood plain development it would be irresponsible for the Parish Council and Warwick District Council to fail to give full consideration to the potential impact of these planning considerations.

**Highways (WCC) -** No objection

**Ecology (WCC) -** Request for bat, reptile & amphibian and nesting bird notes.

**Environment Agency:** No objection.

## **Assessment**

The main issues for consideration in this case are as follows:

- Whether the proposal amounts to inappropriate development in the Green Belt;
- Its effect on the openness and the general character and appearance of the Green Belt;
- If the proposal is considered to comprise inappropriate development, whether the harm by reason of inappropriateness, along with any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.
- Highways considerations;
- Floodplain considerations;
- The effect on the amenities of any nearby properties.

## **Principle**

The application relates to a hotel which is located within the Green Belt. The National Planning Policy Framework (NPPF) indicates that the extension or alteration of a building is not inappropriate development in the Green Belt provided that it does not result in disproportionate additions over and above the size of the *original* building. The planning history of this site indicates that the building has been extended and altered considerably on several occasions.

The current scheme proposes significant extensions in excess of 600sq.m, which alone are considered to be a disproportionate addition to the original building, however, this impact is exacerbated further when factoring in the cumulative impact of numerous previous extensions. The scheme cannot therefore be reasonably described as being proportionate to the size of the original building. As such, it amounts to inappropriate development which is, by definition, harmful to the Green Belt. The NPPF sets out that in such circumstances, substantial weight should be given to such harm and inappropriate development should not be approved except in very special circumstances the benefits of which must be considered to outweigh the harm identified.

Following the refusal of the previous scheme (W/13/1335) the applicant was advised that extensions and alterations of the scale proposed would be unlikely to be supported unless very special circumstances sufficient to outweigh the harm by reason of inappropriateness could be identified.

The resubmitted scheme provides an addendum to the DAAS which seeks to provide a case for very special circumstances, including the following matters:

- The existing hotel does not cater for disabled access, except the ramped access to the reception area. The main function room is also seven steps lower than the main ground floor and the dining area/breakfast room is five steps lower than the main ground floor and is simply not accessible to disabled patrons. The proposal includes improvements for disabled access.
- The hotel has been rescued from administration and requires investment to remain a viable business.
- Business has been lost as the function room is too small to take on weddings and conferences. The hotel is currently non-viable and it is absolutely essential that the function area is increased in size to attract new business.
- The existing Porte Cochere (50sq.m) is to be removed offsetting space against extended areas.

The applicant has submitted financial and accounting information in support of some of the above matters.

In view of above benefits arising from the proposed scheme, its provision for economic growth and the provision of additional conference and banqueting facilities within the area assisting the retention of local employment for 30 jobs, it is considered that very special circumstances sufficient to outweigh the harm to the Green Belt have been demonstrated.

### **Siting/Design**

The scheme provides an acceptable design solution with focal entrance points and a side function room extension. The proposed extensions have been reduced in overall scale from the previous application. The scheme also seeks to improve the overall appearance of the building by providing a modern cladding solution, which is appropriate. A condition would be necessary to ensure that samples of external materials are submitted for approval to ensure that the building, as extended, assimilates into the landscape.

### **Neighbours' amenity**

The proposed works will be set well away from adjoining nearby properties and are not considered to result in any significant impact upon amenity.

The hotel is an existing and established use located off a main road and despite any increase in capacity for the ball room it is considered that associated comings and goings are unlikely to result in any significant disturbance to surrounding neighbours.



## **Ecology**

A bat survey has been submitted with the scheme. The Country Ecologist has no objection to the scheme but has requested bat, reptile/ amphibian, nesting bird and great crested newt notes be applied.

## **Highway matters**

No changes are proposed to the access and no highway safety issues are raised with the scheme. After clarification of parking availability the Highway Authority are satisfied that there is sufficient parking on the site to serve the development.

## **Other matters**

The extension will not be within the flood plain as the land levels rise up from the river bank and the hotel sits in an elevated position above the river. The Environment Agency have sought to clarify the location of the extension and its proximity to the flood plain and have raised no objection to the scheme.

In accordance with Policy DP13 and the associated SPD, the Council requires 10% of the predicted energy requirement to be produced on site or in the locality from renewable energy resources. The applicant has provided no information in this regard however further details can be secured through condition.

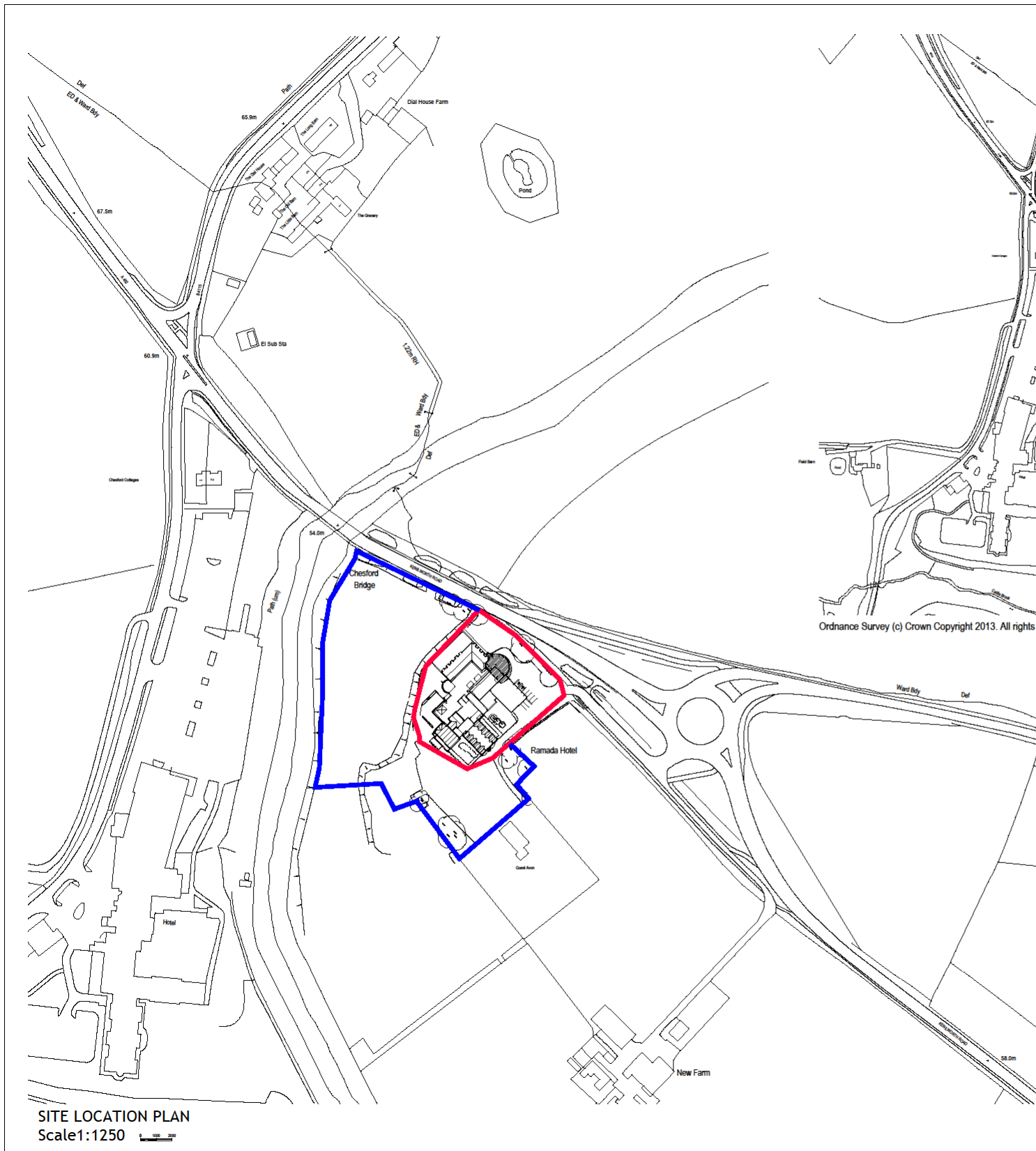
## **Summary/Conclusion**

The application site lies within the Green Belt where policies of restraint apply. The application proposes substantial extensions that will increase the overall prominence of built development. The development proposed would therefore be harmful to the Green Belt as it is inappropriate; diminishes openness and conflicts with the purpose of including land in the Green Belt by encroaching upon the countryside. However, it is considered that very special circumstances have been demonstrated sufficient to outweigh that harm and that there are no other objections to the scheme so as to justify the refusal of the proposed scheme.

## **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 No. 1414-011; 1414-013B; 1414-014A, 1414-015A, 1414-016A, 1414-017A, 1414-018A, 1414-019B, 1414-020B and specification contained therein, submitted on 27th December 2013. **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.

- 3 The development hereby permitted shall not be commenced unless and until a scheme showing how 10% of the predicted energy requirement of this development will be produced on or near to the site, from renewable energy resources, has been submitted to and approved in writing by the District Planning Authority. The development shall not be first occupied until all the works within this scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturers specifications. Microgeneration equipment no longer needed for microgeneration shall be removed as soon as reasonably practicable.  
**REASON :** To ensure that adequate provision is made for the generation of energy from renewable energy resources in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011.
- 4 The development shall be carried out only in full accordance with sample details of the facing and roofing materials and treatment which have been submitted to and approved in writing by the local planning authority. **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 DP1 of the Warwick District Local Plan 1996-2011.
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**Application No:** W 14 / 0163

**Town/Parish Council:** Kenilworth  
**Case Officer:** Sandip Sahota  
01926 456554 sandip.sahota@warwickdc.gov.uk

**Registration Date:** 04/02/14  
**Expiry Date:** 01/04/14

**Land between 12 and 14 Station Road, Kenilworth, CV8 1JJ**

Erection of 5no. two bedroom flats after demolition of existing two storey and single storey former car sales building. FOR Virgate Properties Ltd

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This application is being presented to Committee due to an objection from the Town Council having been received and a request from Councillor Illingworth that it be considered by the Committee.

**RECOMMENDATION**

Planning Committee are recommended to GRANT planning permission, subject to conditions.

**DETAILS OF THE DEVELOPMENT**

Following the withdrawal of the previous application, the current proposal has been reduced to 5no. two bedroomed flats. The current application has also been amended to secure the removal of the existing car sales building in its entirety rather than just the single storey element as originally proposed. In addition, the application has been further amended to secure design improvements including the provision of an additional chimney, a curved arch feature, pillar detailing and a more traditional appearance for the front elevation over the underpass.

The proposed building is to infill the gap between the two adjacent villas (nos. 12 & 14) fronting Station Road and provide vehicular and pedestrian access to the rear of the site for car parking and access to existing premises via an arched underpass.

The proposed building aligns with the frontages of the adjacent properties leaving a gap of 2m from the blind gable of the property to the East (no.14) and a nominal gap of 200mm to the gable of no.12 to the West.

One two bedroomed flat is proposed on the ground floor accessed directly from the pavement alongside the access way. A kerbside safety barrier is to be installed to separate pedestrian and vehicular movements. Access is provided to a common stair serving 2no. flats at first floor and 2no. flats at second floor

**THE SITE AND ITS LOCATION**

The application site is located close to the North of Station Road close to its junction with Priory Road. The site has a frontage to Station Road of 12.3m forming a gap between two large detached villas (numbers 12 and 14). The site is currently vacant but was until recently used as a car sales business (Charnwood Cars) which has relocated to Warwick. The building used for the car sales business is a two storey and single storey building located towards the rear of the site.

To the North of the application site are a terrace of properties which front onto Priory Road. To the East of the site are commercial uses which front onto Priory Road.

A vehicular access from Station Road into the site gives access to the rear of a number of premises including a tile showroom and an Indian Restaurant. These businesses have a right of way through the site and are to retain their existing car parking spaces which fall outside of the site edged red.

Station Road forms part of the Kenilworth Conservation Area and is generally characterised by large detached and semi-detached Victorian dwellings of brick and tile construction. Station Road is predominantly residential in character, while the wider area is of mixed character including a variety of commercial uses.

## **PLANNING HISTORY**

Planning permission (ref: W/76/0880) was granted in 1976 for "Change of use of builders merchants showroom and yard to motor vehicle showrooms and display area" at 82-92 Priory Road and 12A Station Road.

Planning permission (ref: W/86/1164) for "Change of use of new building to office/studio" at 82-92 Priory Road.

Planning permission (ref: W/89/0697) for "Use of premises for the sale of motorcycles, preparation for sales and retail sales of spares and accessories" at 82-92 Priory Road.

Application (ref: W/13/1621) for "proposed construction of eight one bedroom flats and removal of small modern single storey showroom of former car sales business" was submitted in November 2013. However, the application was considered by the Local Planning Authority to be unacceptable in terms of design and scale and was subsequently withdrawn by the applicant in January 2014.

## **RELEVANT POLICIES**

- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- Vehicle Parking Standards (Supplementary Planning Document)
- UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- Distance Separation (Supplementary Planning Guidance)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)
- Open Space (Supplementary Planning Document - June 2009)
- DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
- National Planning Policy Framework
- DAP9 - Unlisted Buildings in Conservation Areas (Warwick District Local Plan 1996 - 2011)

- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)

## **SUMMARY OF REPRESENTATIONS**

### **Kenilworth Town Council:**

Original scheme: "Members OBJECTED to the tunnel/underpass effect created by building flats over the entranceway. By producing a terracing and shoehorning effect, this feature did not blend with the pleasing layout and design of the surrounding properties. Similarly, the miniscule gap between the proposal and the adjoining building does not respect the street scene. Consequently, the current design does not value either the extant buildings in the existing plan or elevation, or the Conservation Area. Additionally, since much of the existing area is retained in use, Members again sought reassurance that the proposed access and parking arrangements were workable and adequate. This concern was emphasised by the proposal now being focused on two-bedroom flats. Whilst the showroom was to be removed, Members remained unclear over the future of the car sales business as the extant permission remained, whilst businesses would still appear to be serviced through this area and competing for space. Overall, Members felt that the design required amendment to blend with the existing structures and to complement the improvements effected on the opposite side of the road".

Amended scheme: "Members reviewed the changes and welcomed the general improvements to the plans, but maintained their OBJECTION. They drew attention to the close proximity with the neighbouring building and the relationship of the new and existing structures. The position and correlation of the chimney breast with the new building was portrayed inconsistently and required proper agreement. The villa is within a Conservation area and Members did not consider the proposals appropriate or complementary to the other buildings, nor does it respect the Conservation area".

**Cllr Illingworth:** Request to call application to Planning Committee as it is a key application in the Conservation Area which has aroused local concern and the objectors should be heard. Request also to register to speak as Ward Councillor.

**WCC Ecology:** Recommend that notes relating to bats and nesting birds are attached to any approval granted.

**Public Response:** Four objections have been received on the following grounds:-

- 1.The proposed building does not blend in with the surrounding conservation area.
- 2.Development will impose on the neighbour's property & traffic flow will increase on to the already busy road.
3. There is no lift in the flats, so disabled access is very limited.
4. Emergency vehicle access would be difficult & bin wagons would have a problem manoeuvring.
- 5.The proposed tunnel wall is built too close for neighbour to be able to gain access for maintenance of their wall, drain pipes, guttering, roof, etc. There will not be sufficient gap to allow moisture (rain water ingress) to evaporate
6. The proposed tunnel will cover and block light and fresh air from the ground floor window of the neighbouring property towards the rear of that wall which will affect the amenity and environment for the occupants of the affected room
5. Insufficient gap with the neighbouring property giving the appearance of a semi-detached building when the street scene is characterised by detached grand villas.
7. The 'floating' effect of the first floor created by the tunnel is out of context with the street scene.



8. Extant planning exists for the remaining existing buildings in the yard to be used as a car sales lot when there would be substantially reduced parking available.
9. There is insufficient parking remaining for the existing businesses and potential businesses in the remaining yard.
10. The construction process of the proposed development will cause a lot of noise, vibration and dust and disruption to tenants of neighbouring property. Could cause damage to neighbouring property.
11. The plans and elevations appear to be incorrectly drawn in that they don't appear to take into account the chimney breasts on neighbouring wall.
12. Tunnel will be a hindrance to the access of the area behind the building.

**CAF:** It was generally felt that the revised scheme was well detailed and as it was set back from the adjacent gable it allowed maintenance of this property and also articulated the property quite well. Generally the detailing was felt to be good and the scheme appropriate for the site now revisions had been made to it.

**WDC Waste Management:** "Each property will be issued with 1 x grey wheeled bin for refuse, 1 x green wheeled bin for organic waste and approx. 2 red boxes and 2 bags for recycling. Adequate storage space should be provided for these containers. The current plans do not provide enough space for the required containers and need to be amended accordingly. All properties will be required to present their containers at the kerbside (on Station Road) for collection as the low archway will prevent the vehicles entering the development. Alternatively, the bin storage area must be within 25 metres of the collection vehicle in order for us to collect bins from the storage area. If the site has different levels of elevation then sloped access should be provided to allow residents to easily wheel bins to the kerbside for collection. The sizes of the containers are as follows: Grey 180litre bin - 110cm(h) x 75.5cm(d) x 50.5cm(w) Green 240litre bin - 110cm(h) x 74cm(d) x 58cm(w) Red 55litre recycling box - 35cm(h) x 39cm(d) x 58.5cm(w) Recycling bag - 55cm(h) x 32cm(d) x 36cm(w) (this has handles so could be hung from a hook above the box to take up less space)".

## **Assessment**

The main issues in the consideration of this application are:

Principle

Design and the impact on the character and appearance of the Conservation Area  
Whether the proposal would provide adequate living conditions for future occupiers and the impact on the living conditions of occupiers of neighbouring properties.

Parking

Open Space

Renewables

Refuse

### Principle

Policy UAP1 of the Local Plan states that residential development will be permitted on previously developed land and buildings within the confines of the urban area. The proposal complies with this policy and is considered to be acceptable in principle.

## Design and Conservation Area

Policy DAP8 of the Warwick District Local Plan states development will be required to preserve or enhance the special architectural and historic interest and appearance of Conservation Areas. Policy DAP9 goes on to state 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.

The existing gap in the streetscene and the visibility of the yard area within the public realm is considered to do little to add to the special architectural character and appearance of this part of the conservation area and indeed is considered to be an area which could be improved to provide an enhancement. The car sales building is not considered to make a positive contribution to the character and appearance of the Conservation Area and its demolition is therefore considered acceptable.

The proposed development, as amended, is considered to sit relatively comfortably in the streetscene. The development is to be finished in facing brickwork with a slate tiled roof in keeping with the established character and appearance of the area. The ridge height is consistent with other buildings and features similar elements such as steep gables, bay windows, chimneys, etc). The development also picks out architectural detailing from adjacent properties and has a villa like scale and appearance. The proposed building will close a gap which is seen as out of keeping in the streetscene. While the 200mm gap between the neighbouring property at number 12 is less than ideal, the fact is that the width of the access is a requirement in terms of parking and highway safety. A gap of 2m would mean the number of units would be reduced to 3, which is likely to make the scheme unviable. It is considered that the inclusion of a chimney to the right hand side helps to differentiate between the two buildings and overall, the proposal is considered to be an enhancement compared to the existing situation. The proposal is therefore considered to comply with Policy DAP8 of the Local Plan.

## Living Conditions

Policy DP2 of the Warwick District Local Plan states that development will not be permitted which has an unacceptable adverse impact on the amenity of nearby uses and residents. It must therefore be considered if this application is contrary to this policy.

The proposal would not breach a 45 degree line taken from the neighbouring properties. The proposal would also accord with the Council's Distance Separation standards.

At the rear of the existing gable wall of No.12 Station Road is a small window to a cloakroom. It is proposed to create an opening in the underpass side wall to marry up with the existing opening so as not to unnecessarily deprive the window of light or ventilation.

The proposal is therefore considered not to harm the living conditions of neighbouring occupiers and provide adequate levels of amenity for future occupiers. The proposal is therefore considered to accord with Policy DP2

## Parking & Highway Safety

Eight parking spaces are provided in the car park area to the rear to serve the development together with secure bicycle storage which is in accordance with the requirement set out in the Council's Vehicle Parking Standards SPD. In addition to the car parking designated for the proposed development, the rear yard also provides parking for the retained office unit, the tile warehouse and the Indian restaurant. The proposal is therefore considered to accord with Policy D8 of the Local Plan.

The Highways Authority usually require an access to be 5m wide to allow two cars to pass one another without having to manoeuvre within the limits of the highway. The proposal has been amended to improve the detailing of the pillars and the appearance of the building which has reduced the width of the access to approximately 4.8m. However, it is considered that the width proposed is still sufficient to allow two vehicles to pass one another and the improvement in the design is considered to justify a small shortfall from the standard requirement. The proposal is therefore considered to comply with Policy DP6 of the Local Plan.

## Open Space

The applicant has agreed to pay monies towards the Council's adopted Public Open Space contribution requirements in the sum of (5 x £1300 = £6500.00) as a condition to the planning permission. It is considered that this would be acceptable in meeting the Council's requirements set out in the adopted SPD and Policy SC13 in the Local Plan.

## Renewables

The application was accompanied by a Sustainable Buildings Statement which shows that at least 10% of the predicted energy requirement of the proposed development will be provided on site through the provision of air source heat pumps and solar photovoltaic panels positioned on the flat roof. This can be secured by condition. The proposal is therefore considered to comply with Policy DP13 and the associated SPD.

## Refuse

A screened off area is to be provided to the rear of the site for refuse storage, which has been amended in size to accord with the recommendations made by the Council's Waste Management department. The archway is too low to permit refuse collection vehicles to enter. However, the proposed refuse store is within 25 metres of the highway and therefore the bins can be collected from the storage area.

## Summary/Conclusion

This would be an appropriate site for new residential development. The proposals would have an acceptable impact on the living conditions of neighbouring dwellings and on the character and appearance of the Conservation Area. Furthermore, the proposals are considered to be acceptable in terms of car parking, highway safety. Therefore it is recommended that planning permission is granted, subject to conditions.

## **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 (drawing numbers 5080/03C, 5080/04C, 5080/05C, 5080/06C and 5080/07B) and specification contained therein. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1, DP2 and DAP8 of the Warwick District Local Plan 1996-2011.
- 3 No development shall be carried out on the site which is the subject of this permission, 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 have been submitted to and approved by the Local Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. **REASON:** To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011.
- 4 The development hereby permitted shall be carried out only in full accordance with samples of all external facing materials which have been submitted to and approved in writing by the local planning authority. **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 DP1 and DAP8 of the Warwick District Local Plan 1996-2011.
- 5 Unless the Local Planning Authority certifies that suitable alternative provision has been made for the provision or improvement of open space within the catchment area of the application site in accordance with Policy SC13 of the Warwick District Local Plan 1996-2011:
  - (i) no development shall commence unless or until a scheme for such provision or improvement (identifying the size/extent, location and specification of the space and works) has been submitted to and approved in writing by the Local Planning Authority; and
  - (ii) the dwellings hereby permitted shall not be occupied until the scheme so approved has been implemented.

**REASON:** To ensure the necessary infrastructure and facilities are provided in accordance with Policy SC13 of the Warwick District Plan 1996 – 2011.
- 6 The development hereby permitted shall only be undertaken in strict accordance with details of both hard and soft landscaping works which have been submitted to and approved in writing by the local planning authority. Details of hard landscaping works

shall include boundary treatment, including full details of the proposed boundary walls, railings and gates to be erected, specifying the colour of the railings and gates; footpaths; and hard surfacing which shall be made of porous materials or provision shall be made to direct run-off water from the hard surface to a permeable or porous area. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of the ..... hereby permitted; and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of similar size and species, unless the local planning authority gives written consent to any variation. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations. **REASON:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies DP1, DP2 and DP3 of the Warwick District Local Plan 1996-2011.

- 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 DP1, DP2 & DP8 of the Warwick District Local Plan 1996-2011.
- 8 The development hereby permitted shall not be occupied unless and until the external refuse storage areas for the development have been constructed or laid out, and made available for use by the occupants of the development and thereafter those areas shall be kept free of obstruction and be available at all times for the storage of refuse associated with the development. **REASON:** To ensure the satisfactory provision of refuse storage facilities in the interests of amenity and the satisfactory development of the site in accordance with Policy DP1 of the Warwick District Local Plan 1996-2011.
- 9 All window and door frames shall be constructed in timber and shall be painted and not stained. **REASON:** To ensure a high standard of design and appearance for this Listed Building, and to satisfy Policy DAP4 of the Warwick District Local Plan 1996-2011 / To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011.

- 10 The development hereby permitted shall not be first occupied unless and until the renewable energy scheme submitted as part of the application has been wholly implemented in strict accordance with the approved details. The works within this scheme shall be retained at all times thereafter and shall be maintained strictly in accordance with manufacturers specifications. Microgeneration equipment no longer needed for microgeneration shall be removed as soon as reasonably practicable. **REASON** : To ensure that adequate provision is made for the generation of energy from renewable energy resources in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011.
  - 11 The roofing material for the development shall be natural slate. **REASON**: To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011.
  - 12 All rainwater goods for the development hereby permitted shall be metal. **REASON** : To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011/ To ensure a high standard of design and appearance for this Listed Building, and to satisfy Policy DAP4 of the Warwick District Local Plan 1996-2011.
  - 13 The development hereby permitted shall not be occupied unless and until the existing car sales building shown on the approved drawings to be demolished is removed in its entirety. **REASON**: To provide a satisfactory form of development and to accord with Policy DP2 of the Warwick District Local Plan 1996-2011.
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**Planning Committee:** 08 April 2014

**Item Number:** 7

**Application No:** W 14 / 0183

**Town/Parish Council:** Leamington Spa

**Case Officer:** Rob Young

01926 456535 rob.young@warwickdc.gov.uk

**Registration Date:** 10/02/14

**Expiry Date:** 07/04/14

**1 Chapel Street, Leamington Spa CV31 1EJ**

Redevelopment of vacant offices following demolition of existing buildings and erection of 9 no. three storey 4 bed town houses (Use Class C3) FOR Crucian Residential Ltd

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

**RECOMMENDATION**

Planning Committee are recommended to GRANT planning permission, subject to conditions.

**DETAILS OF THE DEVELOPMENT**

The application proposes the demolition of the existing office building and the erection of a terrace of 9 three storey dwellings. These would be single dwelling houses falling with Use Class C3. Each of the proposed dwellings would be provided with 2 parking spaces within the existing rear car park, which would be accessed from Clinton Street as existing. Cycle storage and refuse / recycling storage would be provided alongside the eastern end of the terrace, accessed from Chapel Street.

The application has been amended to incorporate minor changes to the design of the elevations.

**THE SITE AND ITS LOCATION**

The application relates to a two storey office building situated on the northern side of Chapel Street. The site is situated within a predominantly residential part of Leamington Town Centre and the Leamington Spa Conservation Area. The offices have a car park to the rear, accessed off Church Terrace / Clinton Street. The offices are currently vacant.

The existing office building is bounded by the Salvation Army hall to the west and a funeral directors to the east. The rear car park is bounded by dwellings in Church Street, George Street and Clinton Street.

The existing office building is a modern structure and is mostly set back from Chapel Street behind frontage parking spaces. The surrounding area contains a mix of 2 and 3 storey buildings, although the adjacent Salvation Army building is single storey, as is the adjoining part of the adjacent funeral directors. Part of the site is situated within Flood Zone 2.

## **PLANNING HISTORY**

In 2012 conservation area consent was granted for "Demolition of existing office building and partial demolition of rear workshop" (Ref. W12/0469CA).

In 2012 planning permission was refused for "Demolition of existing office building and partial demolition of rear workshop and erection of 3 storey student accommodation block fronting Chapel Street and 2 storey student accommodation block to the rear off Clinton Street together with associated car and cycle parking and landscaping" (Ref. W12/0468). A subsequent appeal against this refusal was dismissed. The reason for refusal was as follows:

*"The Council have recognised that the over-concentration of student accommodation is an issue of concern in South Leamington Spa that should be addressed in planning decisions and have made an Article 4 Direction restricting Class C4 houses in multiple occupation (HMOs). The report to the Council's Executive Committee on 26 January 2011 in relation to the Article 4 Direction identified a particular problem with the concentration of student accommodation in South Leamington Spa, resulting in problems with noise and anti-social behaviour, increased crime, a negative impact on the physical environment, lower levels of community involvement and pride in the area and impact on local services. The report on the Article 4 direction was supported by information from the Council's Private Sector Housing team showing that a high proportion of HMOs are concentrated in South Leamington Spa and crime statistics showing significantly higher rates of anti-social behaviour, criminal damage and domestic burglary in South Leamington Spa than in other parts of the District. The HMO statistics demonstrate that there is a particular concentration of HMOs in the area around the application site.*

*In assessing the current application against this policy background, it is important to have regard to the significant scale of the proposed development, which would have a much greater impact than an individual HMO. The site is also closely adjoined by a significant number of dwellings. Therefore, in the opinion of the District Planning Authority, the proposals would cause unacceptable harm to the living conditions of nearby residents due to the harmful concentration of HMOs and student accommodation in this area and the significant scale and concentration of additional student accommodation that the application proposes. In reaching this conclusion, significant weight has been attached to the contents of Appendix 1 of the report on the Article 4 Direction which provides a detailed assessment of the problems associated with the concentration of student accommodation in South Leamington."*

In October 2013 a planning application was submitted for "Demolition of existing buildings and erection of 9 dwellings (Use Class C3)" (Ref. W13/1313). This was subsequently withdrawn.

## **RELEVANT POLICIES**

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
- DP11 - Drainage (Warwick District Local Plan 1996 - 2011)

- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
- SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)
- TCP9 - Protecting Employment Land and Buildings (Warwick District Local Plan 1996 - 2011)
- TCP10 - Protecting the Residential Role of Town Centres (Warwick District Local Plan 1996 - 2011)
- DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
- DAP9 - Unlisted Buildings in Conservation Areas (Warwick District Local Plan 1996 - 2011)
- Vehicle Parking Standards (Supplementary Planning Document)
- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Distance Separation (Supplementary Planning Guidance)
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Open Space (Supplementary Planning Document - June 2009)
- National Planning Policy Framework

## **SUMMARY OF REPRESENTATIONS**

**Town Council:** No objection, but make the following comments. This is an important site in this historical area of the town. The new buildings need to retain congruity with adjacent buildings particular with respect to window design. Comment was also made with regard to the potential of nuisance noise from the usage of the mechanical gate to the car parking area to the rear off Clinton Street.

**Public response:** 12 objections have been received, raising the following concerns:

- detrimental to the character and appearance of the Conservation Area;
- the design of the dwellings is not keeping with traditional buildings in the area;
- the buildings would be unduly massive and not in keeping with the scale of buildings on this side of Chapel Street;
- the proposals would have an overbearing impact on Chapel Street due to the height of the dwellings and the proximity to the street;
- the layout of the dwellings indicates that they will be HMOs, which would not be appropriate due to the existing concentrations in this area;
- loss of privacy;
- loss of light and outlook;
- detrimental to highway safety;
- increased traffic congestion on Clinton Street and surrounding streets;
- Clinton Street is too narrow and is not suitable as an access to this development;
- cars parked along Clinton Street mean that this is too narrow for two cars to pass;
- loss of existing on-street parking on Clinton Street if it is deemed necessary to restrict parking to allow a suitable width access to the site;
- there is no pavement on Clinton Street;
- increased noise and disturbance;
- the use of the existing car park for the offices was restricted to office hours, with employees tending to arrive and depart at the same time each day;
- vehicular access should be provided from Chapel Street;
- insufficient parking;
- the existing dropped kerb to Chapel Street should be removed and reinstated as a flat pavement;
- details of cycle parking and refuse / recycling storage need to be provided;

- refuse collection should be from Chapel Street rather than Clinton Street;
- this would be an overdevelopment of the site; and
- the street light currently on the wall of the office building should be reinstated on the proposed building.

A further 2 residents have submitted comments advising that they would object to the application unless it can be confirmed that the properties will not be HMOs.

**Conservation Advisory Forum:** There was concern about the rear access from Clinton Street and the fact that this is already shared by a number of other properties. There was concern that further damage would be caused to Leamington's only cobbled street. It was proposed that a central access through an archway to the car parking would be the most appropriate way of dealing with the car parking access. This it was felt would possibly mean losing one or two dwellings. The design of the dwellings was felt to be lacking in imagination. It was felt that certain detailed improvements could be made to the window arrangements and some concerns were expressed at the scale of the buildings. It was felt the buildings on the opposite side of the road were not good design and not to be copied on this side. It was generally felt that by reducing the number of properties, improved design both of the layout and the internal arrangements could be achieved. Concern was expressed at the rear elevation where the window detailing does not reflect the graduated approach which has to an extent been followed on the front elevation. It was considered the scheme needed more detailed thought particularly in terms of access to the parking.

**Leamington Society:** Object on the following grounds:

- the scale and design of the dwellings is not appropriate for this part of the Conservation Area;
- the proposals will increase the use of Clinton Street and this will not be appropriate due to the narrowness of this street, the presence of parked cars, the accesses to the properties either side and the poor visibility of the junction with Church Terrace;
- vehicular access should be provided from Chapel Street and splitting the houses into two blocks either side of this would address the question of the street scene;
- providing access from Clinton Street would create a new mews street which is typical of Leamington; and
- the layout of the houses might lead one to think that they will be HMOs.

**Environment Agency:** No objection. The floor level provides approximately 750mm of freeboard above the 1 in 200 year flood level; (a 150-200 event year is considered broadly similar to the 100 year plus Climate Change design flood level). The minimum we would normally require is 600mm so this is acceptable.

**Severn Trent Water:** No objection, subject to a condition to require drainage details.

**WCC Ecology:** Accept the findings of the bat survey and recommend a condition to require further bat surveys. Also recommend an informative note in relation to nesting birds.

**WCC Highways:** No objection.

**WDC Waste Management:** No objection.

## **ASSESSMENT**

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

- the principle of permitting the redevelopment of the site for residential purposes;
- the impact on the living conditions of neighbouring dwellings;
- the impact on the character and appearance of the Conservation Area;
- car parking and highway safety;
- flood risk; and
- protection of bats.

### **The principle of permitting the redevelopment of this site for residential purposes**

The application site comprises previously developed land situated within the urban area and therefore a redevelopment for residential purposes would be in accordance with Local Plan Policy UAP1. With regard to the loss of the existing offices, as the site is situated within the town centre and not within a Town Centre Employment Area, the proposals would be in accordance with Local Plan Policy TCP9. The existing building on the site does not make a positive contribution to the character and appearance of the Conservation Area and consequently there are no conservation objections to the redevelopment of the existing building (and consent has previously been granted for the demolition of the existing building - Ref. W12/0469CA). Therefore a redevelopment for residential purposes would be acceptable in principle.

### **Impact on the living conditions of neighbouring dwellings**

The proposed dwellings are situated far enough away from the existing dwellings in Church Street and George Street to ensure that they would not cause unacceptable loss of light, loss of outlook or loss of privacy for the existing dwellings in those streets. The separation distance from the flats on the opposite side of Chapel Street would be less than the minimum set out in the Council's Distance Separation Supplementary Planning Document (SPG). However, the SPG states that, within Conservation Areas, where the overriding need is to preserve or enhance the character or appearance of the area, the provisions of the guidance will not be directly applied. In this case, the proposed dwellings would have to be set back a considerable distance into the site to comply with the distances set out in the SPG. This would not be in keeping with the traditional pattern of development in this part of the Conservation Area, which is characterised by buildings positioned close to the back of the pavement. Therefore, the separation distance to the flats on the opposite side of Chapel Street is considered to be appropriate considering the fact that this is across a public street and is similar to the prevailing separation distances across other streets in the locality.

For the above reasons it is concluded that the proposals would have an acceptable impact on the living conditions of neighbouring dwellings.

### Impact on the character and appearance of the Conservation Area

As amended, it is considered that the proposals would preserve the character and appearance of the Conservation Area. The amendments have addressed the concerns of the Council's Conservation Architect. The amendments have not addressed all of the concerns of the Conservation Advisory Forum or other objectors, however it is not considered that there are sufficient conservation grounds for refusing planning permission in respect of the scheme now proposed. The 3 storey height of the dwellings would be in keeping with the height of other buildings along Chapel Street and the dwellings have a traditional design that would be in keeping with surrounding traditional development. Furthermore there are no conservation grounds for requiring the creation of a new mews street into the site or splitting the terrace in two, as has been suggested by objectors.

### Car parking and highway safety

Each of the proposed dwellings would be provided with 2 parking spaces in the rear car park. This would be in accordance with the Council's Parking Standards. The Highway Authority have raised no objection to the application and therefore the proposals are considered to be acceptable from a highway safety point of view.

A condition will require the existing dropped kerb to Chapel Street to be reinstated, as has been requested by one of the residents.

Residents have raised concerns about the loss of on-street parking due to parking restrictions potentially being imposed on Clinton Street. However, the Highway Authority have not advised that this would be necessary. Furthermore, the reinstatement of the dropped kerb on the Chapel Street frontage would create additional on-street parking spaces and consequently there would be no net loss of on-street parking, even if restrictions were to be imposed on Clinton Street.

Residents' concerns about increased use of the Clinton Street access are noted. However, the Highway Authority have confirmed that the proposed development will result in less vehicle movements along Clinton Street compared with the former office use. Whilst it is true that vehicular movements would be more spread out throughout the day and at weekends, there is no reason why this dispersal of vehicular movements should cause increased harm to highway safety.

Taking the above factors into account, there are no highway safety grounds for requiring a new access to be provided from Chapel Street.

### Flood risk

Part of the Chapel Street frontage of the site is situated within Flood Zone 2. The finished floor levels of the proposed buildings are at least 600mm above the design flood event and therefore the Environment Agency have raised no objection to the proposals. Therefore the proposals are considered to be acceptable from a flood risk point of view.

### Protection of bats

A bat survey has been carried out and this did not find any evidence of bats using the buildings on the application site. The County Ecologist has accepted the results of the survey and has recommended that further bat surveys are carried out. A condition is

recommended accordingly. Subject to this condition, it is considered that the proposals would not cause harm to bats.

### Other matters

The bin storage arrangements have been agreed by the Council's Waste Management team. Refuse collections are proposed to take place from Chapel Street. Therefore it is considered that the proposals make adequate provision for the storage of refuse and recycling.

It would not be appropriate to require porous hard surfaces due to the unsuitable ground conditions and the fact that the development introduces significant soft landscaped areas and therefore run-off from the site will decrease following the development.

The applicant has agreed in principle to make a contribution of £22,608 towards the provision or enhancement of public open space. This would meet the requirements of the Council's Open Space Supplementary Planning Document and a condition is recommended to deal with this issue.

The concerns about potential noise from the access gate that have been raised by the Town Council would not justify a refusal of planning permission. There are existing gates in this location and if an issue were to arise in terms of noise, this would be a matter for Environmental Health to deal with.

With regard to the concerns about the properties being used as houses in multiple occupation, the application proposes single dwelling houses falling within Use Class C3 and that is the basis on which the proposals must be assessed. A further planning application would be required if any of the properties were to be used as a house in multiple occupation in the future. The Council would have the power to refuse any such applications if this was considered unacceptable.

### **SUMMARY/CONCLUSION**

This would be an appropriate site for new residential development. The proposals would have an acceptable impact on the living conditions of neighbouring dwellings and on the character and appearance of the Conservation Area. Furthermore, the proposals are considered to be acceptable in terms of car parking, highway safety, flood risk and ecological impact. Therefore it is recommended that planning permission is granted.

### **CONDITIONS**

- 1 The development hereby permitted must be begun not later than the expiration of three years from the date of this permission. **REASON :** To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing(s) 101, 302, 303D, 304D, 305D, 306D & 2004, and specification contained therein, submitted on 7 February 2014 and 20 March 2014. **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.

- 3 No development (other than demolition) shall be carried out on the site which is the subject of this permission, until large scale details of doors, door casings, windows (including a section showing the window reveal, heads and cill details), parapets, rainwater goods, gates and railings at a scale of 1:5 (including details of materials) have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. **REASON** : For the avoidance of doubt, and to ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011.
- 4 Samples of all external facing materials to be used for the construction of the development hereby permitted, shall be submitted to and approved by the District Planning Authority before any constructional works are commenced. Development shall be carried out in accordance with the approved details. **REASON** : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011.
- 5 Details of the means of disposal of storm water and foul sewage from the development shall be submitted to and approved by the District Planning Authority before the development hereby permitted (other than demolition) is commenced and the development shall not be carried out other than in strict accordance with such approved details. **REASON** : To ensure satisfactory provision is made for the disposal of storm water and foul sewage and to satisfy Policies DP9 and DP11 of the Warwick District Local Plan 1996-2011.
- 6 Unless the Local Planning Authority certifies that suitable alternative provision has been made for the provision or improvement of open space within the catchment area of the application site in accordance with Policy SC13 of the Warwick District Local Plan 1996-2011:
  - (i) no development (other than demolition) shall commence unless or until a scheme for such provision or improvement (identifying the size/extent, location and specification of the space and works) has been submitted to and approved in writing by the Local Planning Authority; and
  - (ii) the dwellings hereby permitted shall not be occupied until the scheme so approved has been implemented.

**REASON:** To ensure the necessary infrastructure and facilities are provided in accordance with Policy SC13 of the Warwick District Plan 1996 – 2011.
- 7 The development hereby permitted shall only be undertaken in strict accordance with details of both hard and soft landscaping works which have been submitted to and approved in writing by the local planning authority. Details of hard landscaping works shall include boundary

treatment, including full details of the proposed boundary walls, railings and gates to be erected, specifying the colour of the railings and gates; footpaths; and hard surfacing. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of any of the dwellings hereby permitted; and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of similar size and species, unless the local planning authority gives written consent to any variation. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations. **REASON:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies DP1, DP2 and DP3 of the Warwick District Local Plan 1996-2011.

- 8 The development hereby permitted (other than demolition) shall not commence until details of the finished floor levels of the dwellings, together with details of existing and proposed site levels on the application site and the relationship with adjacent land and buildings have been submitted to and approved in writing by the local planning authority. The development shall be carried out in strict accordance with these approved details or any subsequently approved amendments. **REASON:** To ensure sufficient information is submitted to demonstrate a satisfactory relationship between the proposed development and adjacent land and buildings in the interests of amenity in accordance with Policies DP1 & DP2 of the Warwick District Local Plan 1996-2011.
- 9 No development (including demolition) shall commence unless and until a further survey for the presence of bats (to include appropriate activity surveys) has been carried out by a qualified surveyor, and has been submitted to and approved in writing by the local planning authority. Should the presence of bats be found then no demolition shall take place until full details of measures for bat migration and conservation have been submitted to and approved by the local planning authority. The works shall be implemented in strict accordance with the approved details and timing of works, unless otherwise approved in writing by the local planning authority and once undertaken the works shall not be removed or altered in any way without the prior written approval of the local planning authority. **REASON:** To safeguard the presence and population of a protected species in line with UK and European Law, the National Planning Policy Framework and Policy DAP3 of the Warwick District Local Plan 1996-2011.
- 10 The development hereby permitted shall not be commenced (other than demolition) unless and until either:  
  
(a) a scheme showing how 10% of the predicted energy requirement of the dwellings will be produced on or near to the site, from renewable

energy resources, has been submitted to and approved in writing by the District Planning Authority; or

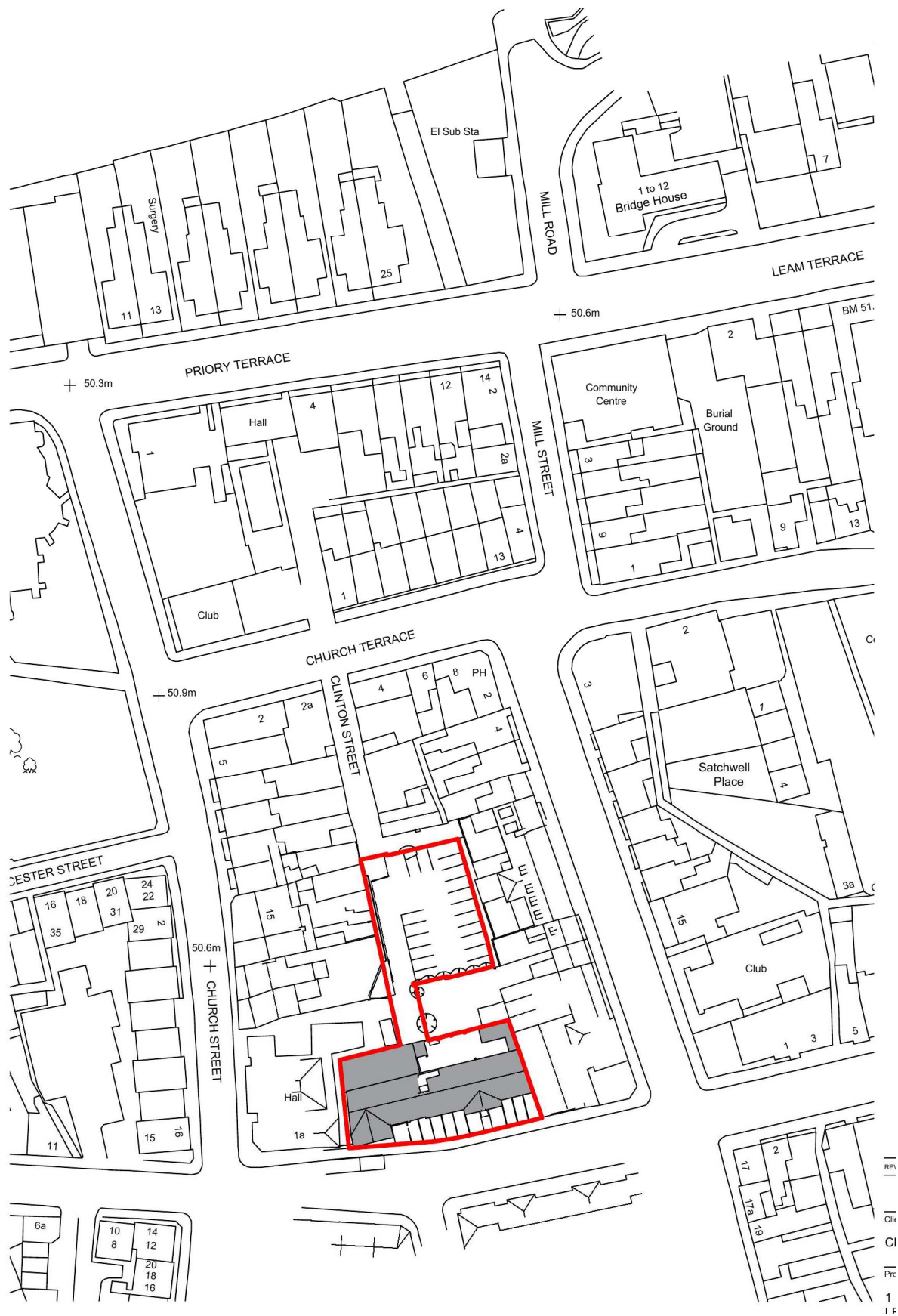
(b) a scheme showing how the fabric of the buildings will be designed to ensure that the dwellings achieve a 10% reduction in energy consumption compared with the minimum requirements of the building regulations at the time the dwellings are constructed, has been submitted to and approved in writing by the District Planning Authority.

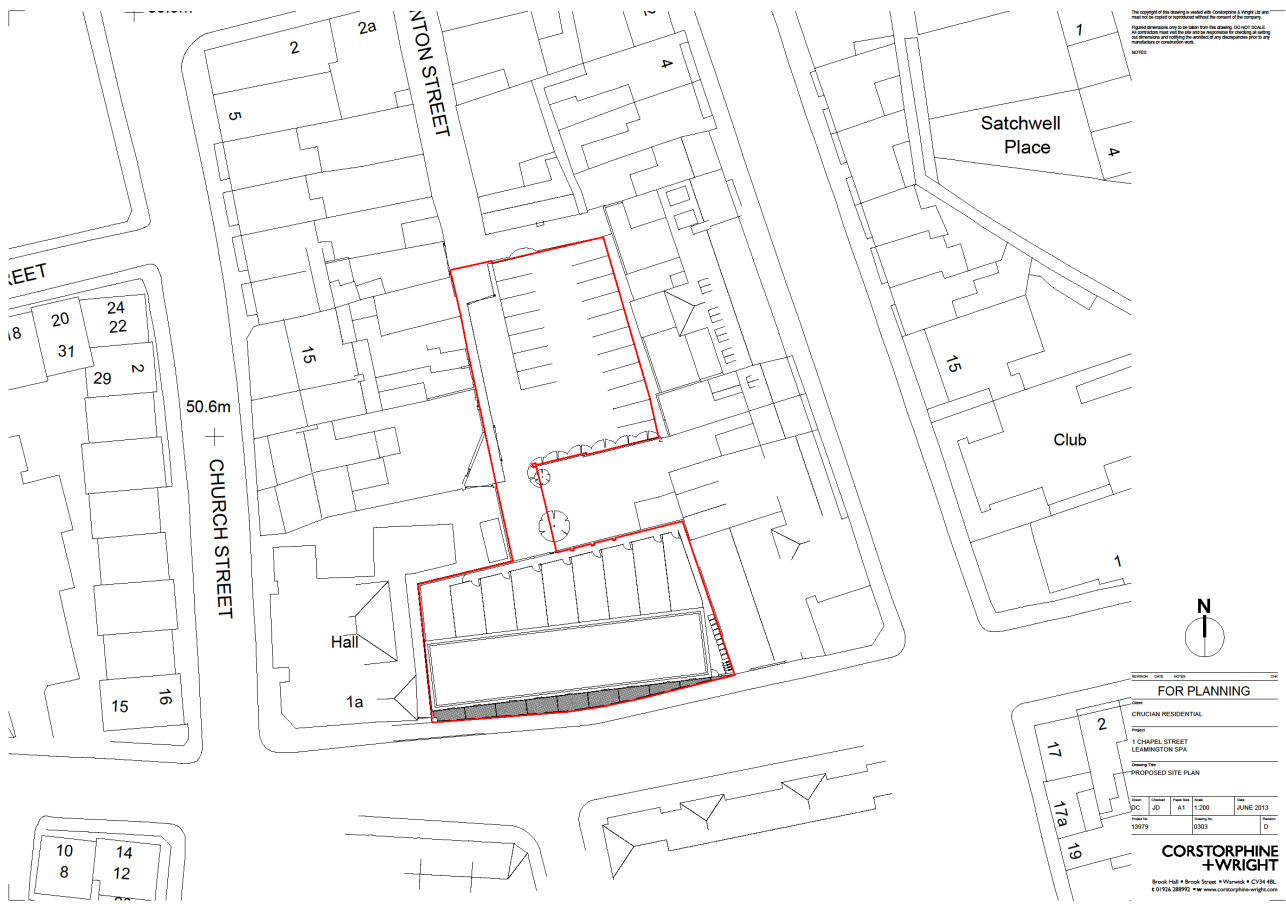
The development shall not be first occupied until all the works within this scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturers specifications. Microgeneration equipment no longer needed for microgeneration shall be removed as soon as reasonably practicable.

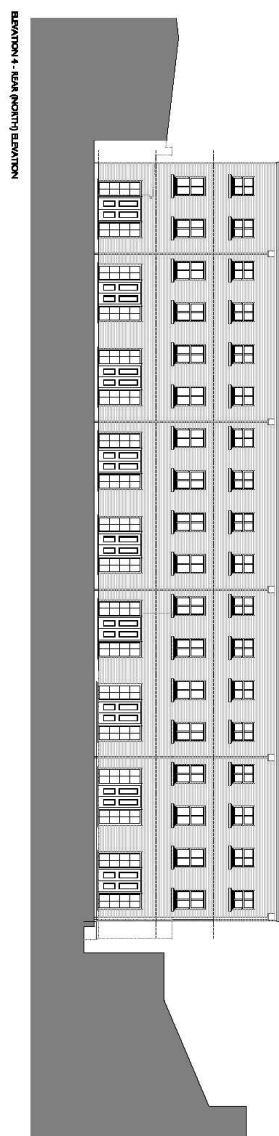
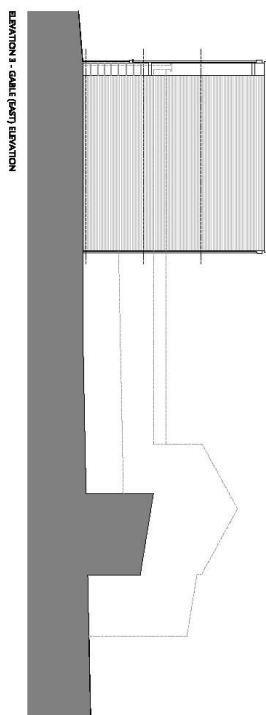
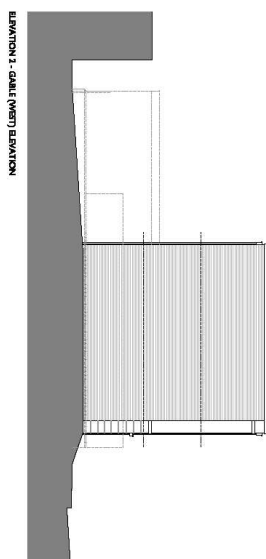
**REASON** : To ensure that adequate provision is made for the generation of energy from renewable energy resources or the reduction in energy consumption, in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011.

- 11 The proposed car parking area for the development hereby permitted shall be constructed, surfaced, laid out and available for use prior to the first occupation of the development hereby permitted, in full accordance with the approved plan. The car parking area shall be retained at all times thereafter and shall be kept free of obstruction and be available for parking for occupants of the development hereby permitted, unless agreed otherwise in writing by the District Planning Authority. **REASON** : To ensure that adequate parking facilities are available, in accordance with the requirements of Policy DP8 of the Warwick District Local Plan 1996-2011.
- 12 Gates provided at the entrance to the site shall not be hung so as to open to within 7.5 metres of the near edge of the public highway carriageway. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011.
- 13 All window and door frames shall be constructed in timber and shall be painted and not stained. **REASON** : To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011.
- 14 All rainwater goods for the development hereby permitted shall be metal. **REASON** : To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011.
- 15 The roofing material for the development shall be natural slate. **REASON** : To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011.

- 16 None of the dwellings hereby permitted shall be occupied unless and until the bin store has been provided in strict accordance with the approved plans. **REASON** : To protect the amenities of occupiers of the site and the character and appearance of the locality, in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.
  - 17 None of the dwellings hereby permitted shall be occupied until all parts of existing accesses to Chapel Street have been permanently closed and reinstated in accordance with details approved in writing by the District Planning Authority. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011.
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PERMIT NO.	DATE	ISSUED	BY
<b>FOR CONSTRUCTION</b>			
PROJECT			
CRUICKSHANK RESIDENTIAL			
PROPERTY			
1 CHAPPEL STREET LEAMINGTON SPA			
Drawing Title			
ELEVATIONS			
DATE	BY	DATE	BY
DC	JD	A1	11:00
DATE ISSUED		JUNE 2013	
10/07/13	2004	2004	

**CORSTORPHINE  
+WRIGHT**