

**Planning Committee:** 10 January 2017

**Item Number: 9**

**Application No:** [W/16/1762](#)

**Town/Parish Council:** Leamington Spa  
**Case Officer:** Helena Obremski

**Registration Date:** 18/10/16  
**Expiry Date:** 13/12/16

01926 456531 Helena.Obremski@warwickdc.gov.uk

**Lawrence House, 1A Morrell Street, Leamington Spa, CV32 5SZ**

Change of use from Offices (Use Class B1) to 7no. Residential Apartments (Use Class C3), together with internal and external alterations. FOR Mr Wong

-----

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

**RECOMMENDATION**

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

**DETAILS OF THE DEVELOPMENT**

The proposal seeks planning permission for a change of use of offices to residential units to include: 3no. two bedroomed flats and 4no. one bedroomed flats. The scheme provides 7no. off street car parking spaces.

The scheme includes the increase in the ridge height of the building to facilitate the first floor accommodation and includes the installation of dormer windows. As originally submitted, the proposal also included the rendering of the property, which has subsequently been amended to matching brickwork to ensure preservation of the Conservation Area and street scene, along with other minor amendments. The scheme has also been reduced in terms of the number of bedrooms provided by the development to ensure that site is not overdeveloped.

**THE SITE AND ITS LOCATION**

The application site is located to the east of Morell Street and south of Morton Street on a corner plot within the Conservation Area. The existing property has been most recently used as offices and is a modern development which attempts to incorporate traditional features such as curved arches above the window frames to ensure a sensitive development within the Conservation Area. The existing offices provide 7 off street car parking spaces which are accessed via an undercroft area accessed from Morton Street.

**PLANNING HISTORY**

There is no relevant planning history relating to this site.

## **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)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (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)
- CC2 - Planning for Renewable Energy and Low Carbon Generation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR4 - Parking (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)
- Guidance Documents
- Distance Separation (Supplementary Planning Guidance)
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Residential Design Guide (Supplementary Planning Guidance - April 2008)

## **SUMMARY OF REPRESENTATIONS**

**Royal Leamington Spa Town Council:** No objection.

**Waste Management:** No objection, the bin store should accommodate 7 x 180 litre grey bins.

**WCC Ecology:** No objection, subject to the inclusion of bat and nesting bird notes.

**WCC Highways:** No objection.

**Open Space:** No objection, subject to provision of contribution of £7,432 towards improvements to local open spaces.

**Public Response:** 6 objections have been received on the following grounds:

- Loss of privacy in terms of increased number of occupants,
- loss of light,
- car parking,
- increased hours of occupation of the property, and

detrimental impact on the Conservation Area.

## **ASSESSMENT**

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

- The Principle of the Development
- Impact on the character and appearance of the area
- Impact on Landscape and Heritage Assets
- Impact on living conditions of nearby dwellings and future occupants of the proposed dwellings
- Car Parking and Highway Safety
- Drainage and Flood Risk
- Sustainability
- Waste
- Open Space
- Ecological Impact
- Health and Wellbeing

### The Principle of the Development

The site is located within a Primarily Residential Area on the proposal map therefore, the change of use of the site from office to residential is considered to be acceptable.

### Impact on the character and appearance of the area

The National Planning Policy Framework (NPPF) places significant weight on ensuring good design which is a key aspect of sustainable development and should positively contribute towards making places better for people. The NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character of the area, its quality and the way it functions. Furthermore, Warwick District Council's Local Plan 1996 - 2011 policy DP1 reinforces the importance of good design stipulated by the NPPF as it requires all development to respect surrounding buildings in terms of scale, height, form and massing. The Local Plan calls for development to be constructed using the appropriate materials and seeks to ensure that the appearance of the development and its relationship with the surrounding built and natural environment does not detrimentally impact the character of the local area. Finally, the Residential Design Guide sets out steps which must be followed in order to achieve good design in terms of the impact on the local area; the importance of respecting existing importance features; respecting the surrounding buildings and using the right materials.

The proposed development would require an increase in ridge height of the existing building and insertion of dormer windows. As the existing property is already slightly higher than both of the adjoining properties and the proposed height increase is marginal, this is not considered to be harmful to the street scene. The proposed dormer windows relate to the curved arches above the existing windows and matching brickwork will be used to ensure that the development sits comfortably within the street scene.

The proposed development will not significantly impact on the existing street scene and all of the proposed external alterations, as amended, are considered to be acceptable and would preserve the street scene. The proposal is considered to be in accordance with the NPPF, Local Plan policy DP1 and the Residential Design Guide.

#### Impact on Landscape and Heritage Assets

Warwick District current Local Plan policy DAP8 requires development to preserve or enhance the special architectural and historic interest and appearance of Conservation Areas. It goes on to state that development should respect the setting of Conservation Areas and should not impact on important views or groups of buildings from inside and outside of the boundary. 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.

There have been objections from members of the public that the proposed conversion of the offices to flats would be harmful to the Conservation Area. However, the proposed design is considered to be sympathetic to the Conservation Area, replicating traditional features from the existing building and using appropriate, matching materials to those of the existing property. The modest increase in roof height will sit comfortably against the adjoining properties which are already lower than the application property. The design of the roof has been amended so that there is a gable to each end of the building, which provides symmetry and balance.

Officers requested some minor alterations to the proposed design which have been accommodated and are now satisfied that the proposal will not be harmful to the Conservation Area. Large scale architectural details will be conditioned to ensure that a high standard of design is provided. The development is considered to be in accordance with the NPPF and local plan policy DAP8.

#### Impact on living conditions of nearby dwellings and future occupants of the proposed dwellings

Warwick District Local Plan policy DP2 requires all development to have an acceptable impact on the amenity of nearby users or residents and to provide acceptable standards of amenity for future users or occupiers of the development. There is a responsibility for development not to cause undue disturbance or intrusion for nearby users in the form of loss of privacy, loss of daylight, or create visual intrusion. The Residential Design Guide provides a framework for policy DP2, which stipulates the minimum requirements for distance separation between properties and extensions should not breach a 45

degree line taken from a window of the nearest front or rear facing habitable room of a neighbouring property.

There have been objections from members of the public who have concerns regarding loss of privacy in terms of increased number of occupants and a loss of light.

The proposed dwellings and nearby occupants are located within the Conservation Area and therefore, the Council takes a more flexible approach towards the application of the adopted minimum distance separation guidance. The scheme has been amended so that the only additional window serving a habitable room which could impact the neighbours to rear of the site is a first floor rear facing window serving a bedroom. The other windows facing the rear of the site towards the neighbouring residents serve non habitable rooms at the second floor; owing to a high level brick wall to the edge of the site boundary, the rear facing ground floor windows do not present any opportunity for overlooking.

11 Clarendon Avenue is located directly behind the application site, and benefits from first floor and second floor windows which serve habitable rooms to their rear elevation which could be impacted as a result of the proposed development. The distance between this neighbour's windows and the first floor window to the proposed conversion is 27.4 metres. According to the Council's adopted distance separation guidance, this distance should be 32 metres. It is acknowledged that this distance is short of the minimum requirement, however, as the built form is no closer to the rear neighbour, it is not considered that the development would be overbearing or that there would be a loss of light as a result of the proposal. Furthermore, it is not uncommon within this part of the Conservation Area to find distance separations of much less than this. Therefore, on balance, it is considered that this rear facing window serving a habitable room to the proposed development would not represent a reason for refusal of the application in this location. The remaining windows which do not serve habitable rooms will be conditioned to be permanently obscure glazed to reduce the perception of overlooking from these rooms.

The proposed development provides adequate outlook and privacy for the future occupants of the properties. Whilst there is no outside amenity space, this is a traditional arrangement for flats and there is local open space within walking distance of the site.

The proposed development is considered to provide an adequate level of amenity for the future occupants of the site and does not cause an unacceptable level of harm to the living conditions of the occupiers of nearby properties which would warrant reason for refusal of the application. The development is therefore considered to comply with the NPPF, Local Plan policy DP2 and the Residential Design Guide.

#### Car Parking and Highway Safety

There have been a number of objections from members of the public that the development provides inadequate parking.

Paragraph 2.3.2 of the Council's adopted Vehicle Parking Standards states that a lower provision of parking is acceptable if it '*should not unacceptably worsen the situation*'. The existing offices are located in a high accessibility area and based on the gross internal floor area of the existing offices, which is 520sqm, they require 8.66 spaces (1 space per 60 sq m). However, there are currently only 7 car parking spaces provided on site. For the proposed development, a total of 8.5 spaces are required. Therefore, there would be no additional parking pressure as a result of the proposal which would warrant refusal of the application.

Furthermore, WCC Highways have no objection to the proposal and therefore, it is considered that there would be no harm to vehicular or pedestrian safety as a result of the proposed development. Adequate cycle storage has also been provided which meets the Council's adopted Vehicle Parking Standards.

#### Drainage and Flood Risk

The application site is not located within a flood risk zone and therefore, there is no risk posed to safety as a result of the proposed development through flooding. It is considered that the additional floorspace to the second floor would not create an additional need for surface water drainage.

#### Sustainability

The agent has provided a sustainable buildings statement which details that a fabric first or renewable energy forms will be used to meet the Council's sustainability requirements. Further information is required in order to ascertain whether the Council's minimum requirements will be met, which can be secured by condition.

#### Waste

Waste Management's storage requirements will be met on site for 7no. 180 litre grey bins. The waste storage facilities are therefore considered to be acceptable.

#### Open Space

Open Space have no objection to the proposal, subject to the provision of a contribution towards the improvement of local open spaces. They recommend a contribution of £7,432 which would go towards the improvement of Villiers Street or Clarendon Square and can be secured by condition.

#### Ecological Impact

WCC Ecology have commented on the application and have no objection to the proposed development subject to the inclusion of nesting bird and bat notes.

#### Health and Wellbeing

The proposed development would provide 7 additional residential units for which provides housing for members of the public.

## **CONCLUSION**

The proposed development would provide additional housing in a suitable location. The proposal provides a sympathetic design which is respectful to the Conservation Area. The proposed dwellings are not considered to have a harmful impact on neighbouring residential amenity which would warrant reason for refusal and there would be no increase in the requirement for parking as a result of the proposal. The development provides adequate waste and cycle storage and therefore should be approved.

## **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 amended drawings 700301-PL-009-B, 700301-PL-012A, 700301-PL-013A, 700301-PL-011A, 700301-PL-010A, 700301-PL-014A, 700301-PL-015A and 700301-PL-008A, and specification contained therein, submitted on 20th December 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.
- 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 (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 :** 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 not be commenced unless and until a scheme showing how either a). at least 10% of the predicted energy requirement of the development will be produced on or near to the site from renewable energy resources, or b). a scheme showing how at least 10% of the energy demand of the development and its CO<sup>2</sup> emissions would be reduced through the initial construction methods and materials has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until all the works within the approved scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications. **REASON:** To ensure that adequate provision is made for the generation of energy from renewable energy resources or to achieve carbon savings in accordance with the provisions of Policy DP13 in 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 All external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **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.

- 7 If an air source heat pump is chosen as the method to comply with the requirement for renewable energy, noise arising from the air source heat pump(s) permitted, when measured one metre from the facade of any noise sensitive premises, shall not exceed the background noise level by more than 3dB (A) measured as LAeq (5 minutes). If the noise in question involves sounds containing a distinguishable, discrete, continuous tone ( whine, screech, hiss, hum etc.) or if there are discrete impulses (bangs, clicks, clatters, thumps etc.) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level. **REASON:** To protect the amenities of the occupiers of nearby properties in the locality in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011.

- 8 Prior to the occupation of the development hereby permitted, all of the windows in the first and second floors to the rear elevation, apart from that which serves a bedroom to the first floor shall be permanently glazed with obscured glass to a degree sufficient to conceal or hide the features of all physical objects from view and shall be non-opening unless the parts of the window that can be opened are more than 1.7 metres above the floor of the room in which the window is installed. The obscured glazed window(s) shall be retained and maintained in that condition at all times. **REASON :** To protect the privacy of users and occupiers of nearby properties and to satisfy the requirements of Policy DP2 of the Warwick District Local Plan 1996-2011.



- 9 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.