

Application No: W 11 / 1536

Town/Parish Council: Leamington Spa
Case Officer: Jo Hogarth

Registration Date: 12/12/11
Expiry Date: 06/02/12

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Conversion and change of use of office building to a 10 bedroom house in multiple occupation (HMO) (Sui Generis); Provision of bin store and two new parking spaces plus cycle storage after demolition of existing double garage; Erection of two dormer windows on Mill Street elevation to replace existing dormer window; Erection of parapet wall over existing single storey structure; Formation of new doorway in rear elevation; Replacement of existing first floor and roof level doors and fire escapes on rear elevation with two new windows and two dormer windows; Insertion of two new windows at the north-eastern end of the existing flat roof section; bricking up of the existing doorway in the boundary wall on the New Street frontage FOR Mr D Hine

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

SUMMARY OF REPRESENTATIONS

Royal Leamington Spa Town Council: "An objection is raised for the following reasons: (1) Inadequate parking provision which will create a highway danger as cars compete for limited parking spaces. (2) Inadequate communal space relative to the number of bedrooms particularly shared bathroom facilities".

CAAF: "Concerns were expressed at the high concentration of student houses in this area. It was felt that the front dormers should be omitted and replaced with roof-lights. Concerns were still expressed about the lack of parking. It would be more appropriate as a family house or two flats".

Private Sector Housing: (Original comments for a 12 bed HIMO) "My initial reservation was that the proposed basement lounge will not provide sufficient natural light, for a habitable room, due to the external staircase wall the window will look onto. However, as the proposed bedrooms all appear to exceed the minimum size for a bed-sitting room (10m²), it would not be a requirement to provide an additional communal lounge.

Public Response: 7 letters of objection have been received on the following grounds: Insufficient parking provision which will cause harm to on street parking in neighbouring streets; the area is already saturated with student accommodation which has resulted in parking, noise and refuse problems in the area; the local demography is already unnaturally balanced with the consequence of noise issues and anti-social behaviour concentrated into a small area of the town and this development will make the situation worse; overdevelopment of the site.

RELEVANT POLICIES

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
- DAP9 - Unlisted Buildings in Conservation Areas (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- TCP10 - Protecting the Residential Role of Town Centres (Warwick District Local Plan 1996 - 2011)
- DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Vehicle Parking Standards (Supplementary Planning Document)
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PLANNING HISTORY

In 2008 (ref: W/08/0131) planning permission was refused by Members, contrary to officer recommendation for " Change of use of offices to a house in multiple occupation (HIMO) (10 beds); Erection of pitched roofs over existing single storey rear extension; erection of 1 no dormer window after removal of existing and installation of 1 no rooflight to rear elevation; Creation of two parking spaces and erection of 1.8 metre high close boarded timber gates and boundary fence after demolition of existing garage" The reason for refusal was on grounds of inadequate off street parking and the increase in demand for on-street parking, thereby making it more difficult to resist similar proposals.

In 2011 (ref: W/11/0172) an application was submitted for a 12 bed HIMO, however this was not determined as it was withdrawn.

KEY ISSUES

The Site and its Location

The application site relates to a large three storey end of terrace property with a single storey flat roofed rear extension situated on the corner of Mill Street and New Street within the town centre boundary and also within the designated Royal Leamington Spa Conservation Area.

Details of the Development

The proposal is for a change of use from offices (Class B1) to a 10 bed house in multiple occupation (Class C4) together with alterations to the roof to provide 4no dormer windows and 2no off street parking spaces following demolition of the double garage. The key differences between this proposal and the application submitted in 2008 relate to the size of the rear extension and the double garage. The 2008 scheme was for a smaller single storey extension and the double garage was not within the ownership of the applicant. This proposal as submitted is for a larger kitchen extension and now the garage is within the same ownership, it is proposed to demolish it.

Assessment

The key issues relating to this application are:

- Principle of the proposed development and the effect on occupiers of nearby properties;
- Impact on the Conservation Area and streetscene;
- Parking, and
- Renewables

Principle of use and impact on neighbours

It is considered that a change of use from offices to a house in multiple occupation would not conflict with Policy TCP10 which requires proposed uses within the predominantly residential areas of the town centre as defined on the proposals map to maintain the residential character of the area. Therefore it is considered that a change of use from offices to a house in multiple occupation would accord with the principle of this policy. Whilst the objections have been noted, it is not considered that the proposal represents an intensification of the use of the building that would result in harm to the general area in terms of integrating with existing surrounding residential uses.

Impact on the Conservation Area and Streetscene

In terms of the physical alterations to the exterior of the property these include the removal of 2no external doors at first and second floor, dormer window, together with a fire escape staircase. These would be replaced with smaller dormer windows on the front and rear roofslopes, insertion of new timber framed sash windows and it is considered that these changes would be a marked improvement to the appearance of the building and would enhance the character and appearance of the Conservation Area. No alterations are proposed to the basement. It is considered that the proposal is acceptable and meets the objectives set out in Policy DAP8 in the Local Plan.

Parking

The Council's adopted Supplementary Planning Document 'Vehicle Parking Standards' for the current office use requires 3 off street parking spaces. Currently there is no off street parking available. As a 10 bed house in multiple occupation, the requirement would be for 5 off street parking spaces. The proposal incorporates 2 off street parking spaces which is considered acceptable as the shortfall of 3 spaces would be the same as the current situation, thereby not increasing the demand for on street parking. Furthermore, as the double garage is to be demolished, no on street parking spaces are being lost as there is no parking in front of these at the present time. Bicycle racks are proposed and these would be located behind a 1.2m high brick wall at the back of the parking bays. As such it is considered that the demand for on-street parking would not be exacerbated by the proposed use such that planning permission should be refused on these grounds.

Renewables

The scheme proposes to use 9no solar thermal panels which would meet the Council's requirement to provide 10% of the predicted energy generated by the proposal. It is considered that this is acceptable and would meet the objectives

set out in Policy DP13 in the Local Plan and the Council's adopted Supplementary Planning Document on 'Sustainable Buildings'.

Other matters

Provision within the curtilage has been made for the storage of bins and these would be located beside the bicycle rack, behind a 1.2 metre high brick wall and would therefore not be visible from New Street.

RECOMMENDATION

GRANT, subject to the conditions listed below.

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 application form, site location plan and approved drawing numbers 7655/2A; 5A; 6A and 7 and specification contained therein, submitted on 12 December 2011 unless first agreed otherwise in writing by the local planning authority. **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 new windows (including a section showing the window reveal, heads and cill details), and dormer windows at a scale of 1:5 (including details of materials) have been submitted to and approved by the local planning authority. The development shall not be carried out otherwise than in full accordance with such approved details (or any subsequently approved amendments) and thereafter shall not be removed or altered in any way without the prior written approval of the local planning authority. **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 The proposed car parking area for the development hereby permitted shall be constructed, surfaced and laid out together with the bicycle racks 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 kept free of obstruction and be kept available for those purposes at all times thereafter unless otherwise agreed in writing by the local planning authority. **REASON**: To ensure that adequate parking facilities are provided and retained for use in connection with the development, in accordance with the requirements of

Policy DP8 of the Warwick District Local Plan 1996-2011.

- 5 All new window frames shall be constructed in timber and shall be painted on the external face and shall not be stained unless otherwise agreed in writing by the local planning authority.
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.

- 6 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 contained within the Sustainable Buildings Statement and drawing number 7655/2A submitted on 12 December 2011. The works within this scheme shall be retained at all times thereafter and shall be maintained strictly in accordance with manufacturers specifications and shall not be removed or altered in any way without the prior written approval of the local planning authority. **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.

- 7 All hard surfaces hereby approved shall be made of porous materials unless otherwise agreed in writing by the local planning authority.
REASON : To reduce surface water run-off and to ensure that the development does not increase the risk of flooding elsewhere, in accordance with Policy DP11 of the Warwick District Local Plan.

- 8 The property shall not be occupied unless and until the bin storage area has been laid out in strict accordance with the approved plans unless otherwise agreed in writing by the local planning authority. **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.

INFORMATIVES

For the purposes of Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, the following reason(s) for the Council's decision are summarised below:

In the opinion of the District Planning Authority, the development would not cause unacceptable harm to the architectural and historic character of the Conservation Area within which the site is located. Furthermore, the proposal would not adversely affect the amenity of nearby residents. The proposal is therefore considered to comply with the policies listed.
