

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

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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