

Planning Committee: 23 July 2013

Item Number: 6

Application No: W 13 / 0611

Town/Parish Council: Leamington Spa
Case Officer: Liam D'Onofrio

Registration Date: 14/06/13

Expiry Date: 09/08/13

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3 George Street, Leamington Spa, CV31 1ET

Demolition of existing shop/showroom and construction of three dwellings FOR
Building & Plumbing Supplies Limited

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

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

Planning permission is sought for the demolition of an existing shop/showroom and erection of three new dwellinghouses.

The two new dwellings to the south of the site will be 2.5-storey 3-bedroomed units and the dwelling occupying the corner plot to the north will be a three-storey 4-bedroomed unit.

The application is accompanied by a Parking Survey, Flood Risk Assessment, Sustainability and Energy Assessment, Ecology Survey and Design and Access Statement.

THE SITE AND ITS LOCATION

The application site relates to a building occupying a fairly prominent corner plot on the eastern side of George Street and south of New Street. The building is unlisted and the site falls within Leamington Town Centre and conservation area. The site is located within Flood Zone 2.

PLANNING HISTORY

W/13/0612CA Demolition of existing shop/showroom: Granted 1st July 2013 (conservation area consent submitted concurrently with this planning application).

W/11/1347 Demolition of existing shop/showroom and construction of three dwellings:W/D 27/06/12

W/11/1348/CA Demolition of existing shop/showroom: W/D 10/07/12

W/04/1910/CA Demolition of all buildings on site: Granted 24/02/05

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)
- DP8 - Parking (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)
- DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
- DAP9 - Unlisted Buildings in Conservation Areas (Warwick District Local Plan 1996 - 2011)
- SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)
- DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Vehicle Parking Standards (Supplementary Planning Document)
- Open Space (Supplementary Planning Document - June 2009)
- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- National Planning Policy Framework

SUMMARY OF REPRESENTATIONS

Royal Leamington Spa Town Council - Objection to overdevelopment of the site, particularly the corner property and insufficient parking provision, which will exacerbate current on-street parking issues.

WCC Highways - No objection, subject to condition.

WCC Ecology - No objection, subject to condition.

Community Protection - A Flood Risk Assessment was requested and subsequently submitted. Community Protection's comments are awaited and will be reported to Members accordingly.

Public response - nine objections from local residents have been received raising the following issues:

- Car parking concerns/existing on street parking pressure within the area.
- Concerns raised regarding reliability of parking survey and date/times it was taken (i.e. during Warwick University half term break).
- Inadequate parking provision contrary to Council's SPD.
- Site is on a dangerous/limited visibility junction.
- The second hand furniture retailer is a valuable asset to local community.

ASSESSMENT

The main considerations in assessing this application are as follows:

- Principle;
- Siting and design, including the impact upon the conservation area;
- Residential amenity;
- Highway safety/parking;
- Other matters of ecology, flood risk and sustainability.

Principle

The proposed residential element would accord with Policy UAP1, which seeks to direct residential development on previously developed land and buildings within the confines of urban areas. The existing retail use is not within a primary retail frontage and there would be no policy objection to the loss of the retail use. The scheme is therefore acceptable in principle.

In terms of the existing building Policy DAP9 states 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 the Conservation Area. Although the building is of some interest, it is undistinguished and has been subject to an earlier approval for demolition in 2005. With no objection to the removal of the existing building the Conservation Area Consent W/13/0612/CA has therefore been approved. The Town Council were clear that they had no objection to the demolition of the building, subject to first securing an appropriate replacement scheme.

Siting/design

The proposed scheme will closely reflect the existing streetscene elevation south of the site on George Street following the plot widths, form, fenestration and architectural motifs of existing buildings and continuing the rhythm of the streetscene. The northern plot steps up to three-storey to address the corner and will have a curved elevation that sweeps from George Street onto New Street. Unlike the current building the proposal will create a much stronger landmark building that better relates to the three-story building on the opposite corner of the highway (The Town House PH) and the three-storey building to the east on New Street.

The new buildings are considered to be of an appropriate design and layout to provide a positive addition that will respect the local distinctiveness of the area. Some minor alterations have been undertaken to the roof and window details to improve the overall design. The scheme is considered to enhance the character and setting of the conservation area. The external materials, architectural details and use of timber windows can be controlled through condition to ensure that the buildings will assimilate into the streetscene.

The scheme provides small yard areas for sitting out, hanging washing etc. Given the confined nature of the scheme combined with its conservation area location it is considered prudent to remove permitted development rights to control further house extensions (Class A) and garden buildings (Class E). Dormer windows (Class B) are already restricted within conservation areas.

Neighbours' amenity

The proposal will largely occupy the same footprint as the existing building and although elements of the new buildings will be higher the scheme will provide adequate separation distances to surrounding buildings ensuring that the development does not result in any significant loss of light or outlook to surrounding occupiers. No.2 New Street to the east of the site does have small windows in the west elevation facing the application site, however these are secondary units and already look onto a two-storey building.

Whilst the development does not meet modern window-to-window separation standards set in SPD the gaps between buildings will remain commensurate to those within the existing locality. The SPD also notes that within Conservation Areas where the overriding need is to preserve or enhance the character of the area the provisions of SPD guidance will not directly apply.

The scheme is not therefore considered to create any significant impact upon the amenities of the occupiers of surrounding properties.

Highway matters

A significant amount of neighbours' objections relate to concerns around parking and the fact that the survey was completed outside of Warwick University term time. The Vehicle Parking Standards Supplementary Planning Document states that the parking standards required for 3 and 4 bedroomed dwellinghouse are 2 spaces, and the development should therefore require 6 off-street parking spaces. No parking spaces are provided with the scheme. The applicant has provided a parking survey in support of the scheme to demonstrate that on-street parking is available.

The Highway Authority notes that the parking survey was undertaken outside Warwickshire University term time and accepts that there is likely to be an impact on the on-street parking however, this impact is difficult to assess without

statistics to inform how many students living in the surrounding area benefit from residential car park permits. Each of the three dwellings proposed would be eligible for 3 parking permits plus an additional visitor permit.

The Highway Authority also notes that there is likely to have been some level of parking requirement associated with the shop/showroom therefore some demand generated by the new development will replace a demand that was associated with the previous development.

The roads surveyed as part of the parking survey were George Street, Church Street, Mill Street & New Street. The survey was undertaken during periods that were likely to reflect the requirement for residential on-street parking. Again it is acknowledged that demand for on-street parking may increase during Saturday shopping hours for example, however parking associated with this type of demand is time limited. It should also be noted that zone L6 parking consists of the following roads: Church Street, Church Terrace, Forfield Place, George Street, Leam Terrace, Mill Road, Mill Street, Priory Terrace, Radford Road, Russell Terrace & Station Approach. Residents with zone L6 permits are permitted to park anywhere within this zone. The permit does not however entitle residents to park within their home street. The submitted parking survey demonstrates that there is parking available for residents within George Street, Church Street, Mill Street & New Street however, even if demand for on-street parking does increase during University term time, the Highway Authority considers that the additional level of resident parking required in association with the development proposed can be accommodate with parking zone 6.

Warwick District Council's Vehicle Parking Standards Supplementary Planning Document does address possible parking restrictions for new residential developments in residents' parking zones stating: "In RPZs where the existing take up of parking permits is high in relation to the parking capacity, a restriction may be placed on the eligibility for parking permits of occupiers of new 'self-contained' residential dwellings (including in conversions). The District Council will liaise with the County Council and District Council parking enforcement team to find out whether this is the case". In this instance the Highway Authority considers that given the existing take up of parking permits, it is reasonable to restrict each new property to 2 residential parking permits and 1 visitor permit in accordance with Warwick District Councils maximum parking standards.

The Highway Authority therefore raise no objection to the scheme, subject to a condition restricting the number of parking permits available to future occupiers.

Other matters

The Ecologist has no objection to the bat survey and has confidence in its findings that no evidence of bats were found. Sections of the roof could not be accessed at the time the survey was carried out and the Ecologist agrees with report recommendations that further activity surveys should be undertaken,

which will inform any mitigation deemed appropriate. The Ecologist has suggested a condition accordingly to secure a further survey report.

The applicant has opted to provide an air source heat pump to meet the Council's 10% renewable energy requirement. This technology can be secured and controlled by condition.

An open space contribution will be required for the new residential units, which may be successfully controlled through condition.

SUMMARY/CONCLUSION

In the opinion of the Local 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 or significantly increase on-street parking demand. The proposal is therefore considered to comply with the policies listed.

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 drawing(s) 2122/10 Rev B, 2122/11 Rev B, 2122/03 Rev B, 2122/08 Rev B, and specification contained therein, submitted on 08/05/13 and 09/07/13. **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 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.

- 5 No development shall commence unless and until a scheme and appropriate details have been submitted and approved in writing by the Local Planning Authority to provide for a mechanism for the applicant/future owner/tenant to restrict each property to a maximum of two residential parking permits and one visitor parking permit only.

Reason : To ensure the scheme does not result in an increase in on-street parking pressure in an area with already high demand to the detriment of highway safety in accordance with Policy DP8 of the Warwick District Local Plan 1996-2011 and SPD Vehicle Parking Standards 2007.

- 6 The development hereby permitted (including demolition) shall not commence until further bat survey of the site, to include appropriate activity surveys in accordance with BCT Bat Surveys – Good Practice Guidelines, has been carried out and a detailed mitigation plan including a schedule of works and timings has been submitted to and approved in writing by the Local Planning Authority. Such approved mitigation plan shall thereafter be implemented in full. **Reason:** To ensure that protected species are not harmed by the development in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011 and the NPPF 2012.

- 7 The development shall be carried out only in full accordance with sample details of the elevational 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.

- 8 Before development hereby approved commences details must be submitted to and approved in writing by the Local Planning Authority showing: (a) 1:10 drawings of moulded bricks and cill, arch, porch and chimney details, (b) 1:10 drawings of all external frames and associated joinery sections; (c) traditional cast iron rain water goods; and (d) decorative finishes and colours to be used externally. Thereafter the development shall be carried out in accordance with the approved details. **REASON:** To ensure an appropriate character and appearance that will enhance the conservation area in accordance with Policies DP1 and DAP8 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 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 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking and re-enacting that Order with or without modification), no development shall be carried out which comes within Classes A or E of Part 1 of Schedule 2 of this Order without the prior permission of the Local Planning Authority. **REASON :** To retain control over future development of the premises in the interests of residential amenity, and to help meet the objectives of Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011
- 11 The development (including any works of demolition) shall proceed only in strict accordance with a construction method statement which has been submitted to and approved in writing by the local planning authority. The approved statement shall be strictly adhered to throughout the construction period and shall provide for: wheel washing facilities and other measures to ensure that any vehicle, plant or equipment leaving the application site does not carry mud or deposit other materials onto the public highway; measures to control the emission of dust and dirt during construction. **REASON:** In the interests of highway safety and the amenities of the occupiers of nearby properties, the free flow of traffic and the visual amenities of the locality in accordance with Policies DP2, DP6, DP8 & DP9 of the





