Planning Committee: 09 June 2010 **Item Number:**

Application No: W 10 / 0129

Registration Date: 18/02/10

Town/Parish Council: Leamington Spa **Expiry Date:** 15/04/10

Case Officer: Sandip Sahota
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18 Augusta Place, Leamington Spa, CV32 5EL

Erection of 4 bed mews dwelling after demolition of existing rear storage building; Change of use of ground and first floors from offices (Use Class B1) and pilates studio (Use Class D1) to 2no. 4 bed flats FOR RLCS Limited

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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: Object for the following reasons:- "The parking provision for 3x4 bedroom units is totally inadequate and is contrary to the provisions for residential parking contained in the District Council's Supplementary Planning Document".

Public Response: 7 letters of objection have been received from neighbours at nos. 33, 39, 41 & 43 Portland Street and 20 Augusta Place, on the following grounds:- overdevelopment; intensity of proposed occupation and consequent potential for noise and disturbance; parking; security concern relating to increased use of alleyway to side of site thereby compromising the discipline with which the existing gate is currently used and opening up this area to potential crime and anti-social behaviour; condition of alleyway not suitable for use as main access to and from proposed dwelling; design of proposed dwelling lacking detail and not of sufficient quality for conservation area location; inadequate living conditions for future occupiers of the development; inadequate cycle storage facilities; object to student occupation of proposed development due to concerns relating to noise, litter and general disturbance; impact on living conditions of neighbouring properties during construction period;

CAAF: "Councillor Gifford declared an interest as he lives in Augusta Place and left the room. It was felt the new build to the rear was a poor design which did not reflect the quality of the original Victorian building. It was felt that the two flats were in fact designated as houses in multiple occupation rather than two family units. It was felt that this was not the best use of the building and that it would be better to remain as a studio or offices".

Environmental Health: "I have no objection to the application but have concerns regarding potential noise nuisance affecting bedrooms 4,5 and 6 of the house (and possibly bedroom 1 first floor flat) which overlook the rear of the Willoughby. The potential noise sources are refrigeration plant/ air conditioning plant at the rear of The Willoughby together with general noise from the commercial kitchen at the rear of The Willoughby. There is also potential of noise nuisance from the kitchen extractors of The Willoughby and Snappy Tomato

Pizza. I would therefore recommend a condition requiring a noise survey, preferably covering a Friday or Saturday night (likely to be the busiest at both adjoining premises) for the period 7pm to 7am with a suitable scheme of noise insulation submitted for approval - should the report indicate the need for such treatment. If a scheme of noise insulation is required it must ensure suitable ventilation to the bedrooms which does not compromise the noise insulation".

Cllr Crowther: "In view of the objections, including the Town Council, will this now go to committee for decision if the officers are minded to grant permission. If this is not the case, I would like to request that the decision is taken by the committee unless it is refusal. The reasons would be concern about car parking and potential impact of such high density residential development on amenities of neighbouring residents."

Waste Management: "The development needs a minimum external storage capacity of 1100 litres for waste and needs to purchase 7 x 240 litre wheelie bins for recycling. The basic requirements are that the refuse and recycling collection vehicles should be able to get within 25m of collection points (Manual for Streets - Department for Transport 2007) and that operatives should not have to move four wheeled containers no more than 10 metres (British Standard BS 5906:2005 Waste Management in Buildings - Code of Practice). Finally the collectors should not be required to move wheeled waste storage containers over surfaces that may hinder the smooth passage of the container".

WCC Ecology: "As this proposal involves demolition of an outbuilding and conversion of existing buildings, I would recommend a note relating to bats, as protected species, is added to any approval granted, in particular as we have 6 bat records in the surrounding area, of which two 2008 records are both just outside the application site".

RELEVANT POLICIES

- DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
- DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)
- DP14 - Crime Prevention (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- Vehicle Parking Standards (Supplementary Planning Document)
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- 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)
- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)

PLANNING HISTORY

Planning permission (ref: W78/1262) for change of use from vacant warehouse to nightclub was refused in 1978.

Planning permission (ref: W79/0295/ W79/0459) for conversion of vacant warehouse to offices and stores was granted in 1979.

Planning permission (W06/1073) for change of use of first floor from office to health studio/ pilates clinic was granted in 2006.

Planning permission (ref: W08/0660) for change of use of ground and first floors from offices and pilates studio to restaurant and cafe was refused in 2008. This application was subsequently dismissed at appeal because the Inspector felt that "*the proposal would result in an undesirable over-provision of restaurant type uses in the area*", which would "change the mixed character of Augusta Place for the worse" and "not preserve or enhance the character or appearance of the Conservation Area.

KEY ISSUES

The Site and its Location

The application property consists of a three-storey building, with a single storey building at the rear, situated on the western side of Augusta Place within the Royal Leamington Spa Conservation Area. Augusta Place is on the fringe of the Royal Leamington Spa Town Centre, in a location where the land uses are in transition between the central mainly commercial area and the predominantly residential area to the west. The character of Augusta Place is mixed but there is a predominance of restaurants, cafes and similar premises. A hot food take-away (no.16) is situated next to the application property to the north with a Public House (The Willoughby, nos 12-14)) situated next to that. The application site is also close to dwellings in Portland Street to the west and to the south in Augusta Place. The application site does not form part of a Town Centre Employment Area or part of a Primary/ Secondary Retail Frontage.

There are no windows in the north or west elevations of the application property. The building has ground and first floor windows and rooflights in the south elevation, facing the shared access, and ground and first floor windows and a front door onto the east elevation facing onto Augusta Place.

There is a gated vehicular access along the south side of the application site that has historically been used by the application property and some of the dwellings to the rear in Portland Street. Whilst the boundaries of the application site are drawn tightly around the building and it does not include the gated access area, the applicant indicates that the application site has established rights of access over this land which would be used to access the mews dwelling and the refuse and cycle stores.

The ground and first floor of the property are vacant and were last in use as offices and a pilates studio respectively. The second floor of the property is currently in use as an office. The single storey storage building which is attached to the rear of the main building also has a mezzanine level.

Details of the Development

Erection of 6 bed mews dwelling after demolition of existing rear storage building; Change of use of ground and first floors from offices (Use Class B1) and pilates studio (Use Class D1) to 2no. 4 bed flats.

Assessment

The main considerations in the determination of this application are:

1. The principle of development.

2. The effect of the proposal on the character and appearance of the Royal Leamington Spa Conservation Area.

3. The effect of the proposal on the living conditions of the occupiers of the neighbouring properties and whether it would provide adequate living conditions for the future occupiers of the proposed development.

4. Parking.

5. Drainage.

6. Renewable Energy.

7. Refuse storage.

8. Parking.

Principle:

Policy UAP1 of the Warwick District Local Plan 1996-201 states that residential development will be permitted on previously developed land and buildings within the confines of the urban area subject to other policies. Policy TCP9 of the Warwick District Local Plan 1996-2011 states that redevelopment or change of use of existing employment land and buildings for other uses will be permitted except within the Town Centre Employment Areas, as defined on the Proposals Map. The application site is situated within the Royal Leamington Spa Town Centre but not within a designated Town Centre Employment Zone. The principle of the change of use of this commercial building to a residential use and the erection of a new dwelling in this location is therefore considered to be acceptable.

Conservation Area:

There are no external changes proposed to the main three storey building fronting Augusta Place except for the solar panels incorporated onto the south facing roof slope and the infilling/ removal of the fire exit/ escape to the rear. The solar panels will be spaced out evenly along the roof slope and will maintain the sectioned arrangement of this elevation which is created by the narrow windows and buttress peers. The removal of the fire exit will constitute an enhancement of the rear elevation of the existing building.

The proposal also includes the demolition of the rear stores building and the erection of a replacement building on the same footprint built in traditional materials. The design of this building has been amended to address the concerns raised by the Council's Principal Architect Planner and is now considered to be in character with the Victorian steep pitched/ narrow window character of the main existing building fronting Augusta Place. The replacement building will be built on the footprint of the existing building which is in a poor state of repair and will constitute a significant enhancement of this part of the Conservation Area in design terms.

Living conditions:

The mews house at the rear includes an enclosed external courtyard space approx. 25 sq. metres. Whilst the area available would be relatively small and certain activities would be restricted, I see this as a matter of personal choice. Given that this is a town centre location and in the absence of specific amenity space standards, I am of the view that the proposed space is acceptable and that it would be difficult to argue that the proposed development constitutes overdevelopment or that there is a failure to meet Development Plan objectives.

As a result of the amended design to meet conservation requirements, the building to the rear will be approximately 1 metre higher to the ridge than the existing building. However, this additional mass will be broken up by the central valley. The window to bedroom one will be in the rear elevation of the main building. However, the existing separation distance, which is in accordance with the Council's standards set out in the Residential Design Guide, would be maintained. I am therefore of the view that the impact of the development will not so harmful to the living conditions of the occupiers of properties to the rear of the site on Portland Street such as to justify a refusal of planning permission.

As part of the site visit, an internal inspection of the property was carried out. Whilst most of the windows to the habitable rooms are in the south elevation which looks out over the access way onto the side elevation of the neighbouring Christian Society property, given that the neighbouring property is relatively squat and the side elevation is blank and approximately 4 metres away, the presence of the large tall windows at ground floor of the application property and the fact that the first floor of the building is elevated above the neighbouring property, I am of the view that the living conditions of the future occupiers of the development in terms of light and outlook would be acceptable.

I note the proximity of the application site to a hot food take-away and a Public House and that Environmental Health have concerns regarding potential noise nuisance affecting some of the bedrooms. However, they are of the view that mitigation measures would be sufficient to overcome these concerns. I am therefore satisfied that, subject to the implementation of the recommended conditions, adequate living conditions can be secured for the future occupiers of the proposed development.

I note the comments raised by neighbours in respect of security and the fact that an Alligate was installed to the alley running along the side of application site at the expense of local residents and businesses with WDC grant aid to curb incidents of theft and anti-social behaviour which had previously occurred. The

pedestrian access to the main three-storey building is accessed directly off Augusta Place. The storage building is accessed off the vehicular access along the south side. The proposals do not alter these access arrangements. I acknowledge that the proposed development would lead to increased usage of the side alley for access, however, I consider that it is reasonable to assume that future occupiers of the development would also wish to maintain the existing security and that the previous situation will not resurface.

I note that comments have been made by local residents who consider that the proposed development may become a HMO. The application, as submitted is for a house and two flats and must be determined as such. Use of the development as a HMO will require planning permission and would have to be the subject of a separate planning application, which would then be considered on its own merits.

Drainage:

The proposed drawings indicate that the courtyard paving is to be laid in permeable block paving. I am therefore satisfied that the proposal accords with the requirements of Policy DP11 of the Warwick District Local Plan 1996-2011.

Renewables:

The Sustainable Buildings Statement submitted with this application indicates that 9no. solar collectors fixed to the south facing roof slope would provide a minimum of 10% of the predicted energy requirement of the proposed dwelling.

Refuse:

A refuse store which meets the requirements set out by the Council's Waste Management Team has been designed into the scheme.

Parking:

The application property does not benefit from the provision of any off street parking facilities. In accordance with the Council's Vehicle Parking Standards SPD, the existing uses (offices and pilates studio) would require the provision of 11no. off street parking spaces. The proposed development would require 8no. parking spaces which constitutes a reduction in demand for on-street spaces. However, as the site is situated within a Resident's Parking Zone, the occupiers of the 3no. proposed dwellings would be entitled to up to 12no. parking permits which the users of the existing commercial uses would not be entitled to. In my view, this would lead to an adverse impact on on-street parking through increased entitlement to limited spaces. However, Council's Vehicle Parking Standards SPD states that in such circumstances a Section 106 agreement can be put in place to waive the residents' rights to parking permits, in which case it would be expected that the development would only appeal to those households without the need for a private car. It is also noted that a secure cycle store for 6 bicycles is also proposed as part of the development. I am therefore satisfied that subject to a Section 106 agreement as described, the proposed development will not have an adverse impact on on-street parking.

RECOMMENDATION

GRANT, subject to the conditions listed below and a Section 106 agreement to waive the residents' rights to parking permits.

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 drawings (drawing numbers 732-03 Rev B & 732-04A), and specification contained therein, submitted on 25 May 2010 unless first agreed otherwise in writing by the District 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 the results of a noise survey conducted between 7pm and 7am on a Friday or Saturday night together with, if necessary, satisfactory details of a noise insulation scheme including suitable ventilation to the bedrooms which does not compromise noise insulation 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**: In the interests of the amenities of future occupiers of the building, in accordance with the objectives of Policy DP2 of the Warwick District Local Plan 1996-2011.

4 Prior to commencement of the development hereby approved, details of a porous surface treatment for the courtyard shall have been submitted to and approved by the District Planning Authority. The courtyard shall be constructed and surfaced, in full accordance with the approved details. **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.

5 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.

6 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**: 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.

7 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.

8 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.

9 All window 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 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. **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.

INFORMATIVES

For the purposes of Article 22 of the Town and Country Planning (General Development Procedure) (England) (Amendment) Order 2003, 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 and would be acceptable in terms of highway safety. Furthermore, the proposal would not adversely affect the amenity of nearby residents and would provide a satisfactory living environment for future occupants. The proposal is therefore considered to comply with the policies listed.
