

Planning Committee: 10 January 2017

Item Number: 8

Application No: [W/16/1676](#)

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

Registration Date: 21/11/16
Expiry Date: 16/01/17

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Internal and external alterations to facilitate conversion of the roof-space to provide 7no. additional bedrooms to an existing 7no. bedroomed house in multiple occupation (HMO) to be used as student accommodation. FOR AT Architects Ltd

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

RECOMMENDATION

Planning Committee are recommended to grant planning permission.

DETAILS OF THE DEVELOPMENT

The proposal seeks planning permission for internal and external alterations, and conversion of the roofspace to provide 7no. additional bedrooms to an existing 7no. bedroomed house in multiple occupation (HMO) to be used as student accommodation.

THE SITE AND ITS LOCATION

The application site is located to the north of High Street, which is located within a mixed use area to the south of the town centre. The ground floor of the property is currently used as a retail store, with a 7 bedroomed HMO above to the first floor. The application site is located within the Conservation Area.

PLANNING HISTORY

W/97/0907 - application granted for the conversion of the first floor accommodation into a HMO.

W/04/1348 - application granted for the conversion of roof space to form new flat and insertion of 7no. rooflights.

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)
- BE2 - Developing Strategic Housing Sites (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)
- H6 - Houses in Multiple Occupation and Student Accommodation (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
- Guidance Documents
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Vehicle Parking Standards (Supplementary Planning Document)

SUMMARY OF REPRESENTATIONS

Royal Leamington Spa Town Council: Object. The proposal represents overdevelopment of the site and is harmful to the Conservation Area. The proportion of HMOs exceeds the Council's 10% maximum within a 100 metre radius. Query how the roof space will work in the bedrooms to the second floor and whether the chimney needs to be removed.

Waste Management: Objection. A dedicated storage area should be provided to ensure that the waste storage does not become a health and safety issue.

WCC Ecology: No objection, recommends that roof tiles are removed by hand and bat and nesting bird notes.

CAF: No objection, concern raised regarding doubling the occupancy of the HMO with no waste management plan and visual impact of rooflights. The loss of the chimney stack seems unnecessary. It is doubtful that the proposed scheme can be constructed as the proposed pitch of the roof suggests there would be no head room. Lack of clarity on some of the plans.

Open Space: No objection, subject to contribution of £4,396 towards open space improvements.

WCC Highways: No objection.

ASSESSMENT

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

- Principle of the Development - whether the proposals would cause or add to a harmful over-concentration of HMO accommodation in this area
- Living conditions of the occupiers
- Car parking and highway safety
- Impact on Landscape and Heritage Assets
- Sustainability
- Open Space
- Ecological Impact
- Health and Wellbeing

Principle of the Development - whether the proposals would cause a harmful over-concentration of HMO accommodation in this area

There has been an objection from the Town Council that the proposal represents overdevelopment of the site and that the proportion of HMOs exceeds the Council's 10% maximum within a 100 metre radius.

Emerging Local Plan Policy H6 for Houses in Multiple Occupation states that planning permission will only be granted for Houses in Multiple Occupation, including student accommodation, where:

- a) the proportion of dwelling units in multiple occupation (including the proposal) within a 100 metre radius of the application site does not exceed 10% of total dwelling units;
- b) the application site is within 400 metres walking distance of a bus stop;
- c) the proposal does not result in a non-HMO dwelling being sandwiched between 2 HMO's;
- d) the proposal does not lead to a continuous frontage of 3 or more HMOs; and
- e) adequate provision is made for the storage of refuse containers whereby - the containers are not visible from an area accessible by the general public, and the containers can be moved to the collection point along an external route only.

Exceptions to (a) may be made where the application site is located on a main thorough fare in a mixed use area where the proposal would not lead to an increase in activity along nearby residential streets (for example, by way of pedestrian movements between the application site and the town centre or car parking). In recent appeals, Inspectors have afforded this policy weight.

As the development would provide an additional 7no. bedrooms, which if applied for independently of this application, would need planning permission for a new large HMO, it was considered necessary to calculate the percentage of existing HMOs within a 100 metre radius. The proportion of HMOs within a 100 metre radius of the application site represents 21%. However, the site is located on a main through fare in a mixed use area consisting of retail units, cafes, hair dressers and various other uses. It is highly unlikely that there would be an increase in activity along nearby residential streets in terms of pedestrian movements or car activity as all local amenities are accessed via High Street and Bath Street, which leads directly to the town centre.

Therefore, whilst the proposed development exceeds the 10% limit, the development is considered to meet the exceptions to point 'a' of this policy.

Furthermore, the property is located within 400 metres of a bus stop, does not lead to sandwiching of a non HMO property between two HMOs and does not lead to a continuous frontage of 3 or more HMOs.

Waste Management objected to the proposed development as they considered that a dedicated storage area should be provided to ensure that the waste storage does not become a health and safety issue. However, the plans have been amended to provide a waste storage area which can easily be accessed by all of the existing and future occupiers of the property.

In conclusion, the principle of the development is considered to be acceptable and conforms with the NPPF and emerging local plan policy H6.

Living conditions of occupiers

The agent has provided the floor areas of each of the rooms for the student accommodation, all of which are more than 6.5sqm. Therefore, each room is considered to provide adequate living space for the future occupants of the site. The Town Council and CAF raised queries whether the bedrooms to the second floor were achievable in terms of the proposed pitch of the roof, however, the plans have been amended and highlighted to show that the required amount of floor space can be achieved.

No outdoor amenity space is provided as part of the development, however, this is a traditional arrangement for HMOs. Furthermore, there are local open spaces within walking distance of the site.

Car parking and Highway Safety

Policy DP8 states development will only be permitted that makes provision for parking and does not result in on-street car parking detrimental to highway safety. The Supplementary Planning Document (SPD) *Vehicle Parking Standards* sets out Warwick District Council's detailed parking standards for developments.

No off street car parking has been provided and there is insufficient car parking within the wider area to accommodate the parking requirement for the site. Therefore, a unilateral undertaking has been provided between the applicant and Highways Authority for an agreement for a Traffic Regulation Order for the site. This will prevent any permits from being issued for the site and therefore, there will be no increased pressure on local parking as a result of the proposed development.

It is noted that the Highway Authority have no objection to the proposal as there would be no harm caused to vehicular or pedestrian safety as a result of the proposed development.

Impact on Heritage Assets

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 has been an objection from the Town Council that the development would have a detrimental impact on the Conservation Area and query why the chimney stack is to be removed, which the CAF also note, along with concern regarding the number of rooflights. The scheme has been amended so that the chimney stack will remain and the number of rooflights have been reduced, which is considered to have overcome these concerns. The pitch of the roof will also now remain the same, and the Officer's view is that development will not be harmful to the Conservation Area. A condition is to be imposed to ensure that conservation style roof lights are used.

The development is therefore considered to comply with the NPPF and Local Plan policy DAP8.

Renewables/ Fabric First

The increase in number of rooms means that the sustainability requirements of the Council will need to be addressed. No information has been provided in reference to what measures the applicant will take to conform with the Council's sustainable buildings requirements, however, this can be secured by condition.

Open Space

Open Space have no objection to the proposed development, subject to contribution of £4,396 towards local open space improvements. It is likely that the funds will be put towards improvements to Eagle Rec, Elephant Walk and the Spa Gardens. This can be secured by condition.

Ecological Impact

WCC Ecology have commented on the application and recommend a condition to ensure that roof tiles are removed by hand and the inclusion of bat and nesting bird notes, which will be implemented.

Health and Wellbeing

It is considered that this proposal will provide much needed accommodation in a sustainable location which contributes to the health and wellbeing agenda.

CONCLUSION

The proposed additional bedrooms to the existing HMO within this area adheres to the criteria set out within the Draft Local Plan and more specifically Policy H6. There would be no additional harm to nearby uses or residents as a result of the proposal and the parking concerns have been addressed through the unilateral undertaking. Adequate waste storage has been provided and therefore the application should be granted.

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 drawing 1197-0501-04, and specification contained therein, submitted on 16th 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 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.
- 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 CO² 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 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.
- 6 The development hereby permitted shall not commence unless and until two weeks notice in writing of the start of works has been given to a suitably qualified bat worker appointed by the applicant to supervise all destructive works to the roof. All roofing material is to be removed carefully by hand. Should bats be found during this operation, then work must cease immediately while Natural England are consulted for advice and no further works shall be undertaken at the site unless and until full details of measures for bat migration and conservation have been submitted to and approved in writing by the local planning authority. The development shall then proceed in full accordance with the approved details and any required mitigation works shall be complete in full accordance with the approved details and shall not be removed or altered in any way without the prior written approval of the local planning authority. Notwithstanding any requirement for remedial work or otherwise, the qualified bat worker's report shall be submitted to the local planning authority within 1 month following completion of the supervised works to summarise the findings. **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.
- 7 The rooflights hereby approved shall be "conservation style" so that there are installed in line with the roof slope and do not protrude past the roof tiles. **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 The development hereby permitted shall not be occupied unless and until the refuse storage areas for the development have been constructed or laid out, and made available for use by the occupants of the development in accordance with the approved details 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.

- 9 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.