

**Planning Committee:** 28 February 2017

**Item Number: 10**

**Application No:** [W/16/2129](#)

**Registration Date:** 21/11/16

**Town/Parish Council:** Leamington Spa

**Expiry Date:** 16/01/17

**Case Officer:** Helena Obremski

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**38 High Street & 1 Court Street, Leamington Spa, CV31 1LW**

Erection of second floor extension and alterations to the first floor to provide  
4no. 1 bedroom flats FOR Mr H Biran

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

**RECOMMENDATION**

Planning Committee are recommended to grant planning permission, subject to the conditions listed at the end of this report.

**DETAILS OF THE DEVELOPMENT**

The proposal seeks planning permission for a second floor extension and alterations to the first floor to provide 4no. one bedroomed, affordable flats. No on street parking is provided as part of the proposal, however, a parking survey has been submitted which shows that there is sufficient capacity on street within the wider area to accommodate the additional parking requirement. An existing external shed provides waste storage.

**THE SITE AND ITS LOCATION**

The application site is positioned on a corner plot to the south of High Street and east of Court Street, and is identified on the proposal maps as being within a Retail Area, although the wider area is mixed use and also forms part of the Royal Leamington Spa Conservation Area. The application relates to an existing two storey property, with ground floor retail unit and an existing one bedroom flat above.

**PLANNING HISTORY**

There are a number of previous permissions on the site, however, only the following is considered relevant to the assessment of the application:

W/16/0555 - Erection of a first floor and second floor extension to create 5no. two bedroomed flats - Withdrawn.

**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)
- Guidance Documents
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Vehicle Parking Standards (Supplementary Planning Document)

## **SUMMARY OF REPRESENTATIONS**

**Royal Leamington Spa Town Council:** Object on grounds of lack of parking provision.

**Waste Management:** No objection, subject to adequate waste storage.

**Health & Community Protection – Environmental Sustainability Section:** No objection, subject to conditions.

**WCC Highways:** No objection.

**Open Space:** No objection, subject to open space contribution of £4,580.

**WCC Ecology:** No objection, subject to inclusion of bat and nesting bird notes.

**Cllr Quinney:** Objection. Welcomes the proposed addition of one bedroomed accommodation, but has concern regarding the additional pressure it will create to on-street parking. Adequate waste storage should be provided.

## **ASSESSMENT**

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

- Principle of the Development
- 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

The application site is located within a retail area and town centre; adopted Local Plan policy TCP2 aims to protect retail uses in this area. As the retail unit to the ground floor will be retained, it is not considered that the proposal would be harmful to the vitality of the town centre. Furthermore, adopted Local Plan Policy TCP11 encourages the use of upper floors for residential purposes. Policy UAP1 directs new residential units to previously developed sites in the urban areas. Therefore, the development is considered to be acceptable in principle.

### Living conditions of occupiers

Warwick District Local Plan Policy DP2 requires all development to have an acceptable impact on the amenity of nearby users or residents and to provide acceptable standards of amenity for future users or occupiers of the development. There is a responsibility for development not to cause undue disturbance or intrusion for nearby users in the form of loss of privacy, loss of daylight, or create visual intrusion. The Residential Design Guide SPG provides a framework for Policy DP2, which stipulates the minimum requirements for distance separation between properties and that extensions should not breach a 45 degree line taken from a window of nearest front or rear facing habitable room of a neighbouring property.

The outlook for the majority of the rooms serving the flats would be overlooking either High Street or Court Street which is considered to be acceptable. However, there are habitable rooms which face the rear of the site onto the brick wall which forms part of the railway line. As the proposed residential accommodation will be on the first and second floors only, and owing to the relative height of the railway line to the rear of the site, this would be similar to the occupants looking out onto a single storey structure, which the Council has no minimum distance separation guide for. It is also noted that there are other residential properties along High Street which have a similar outlook. Therefore, the outlook for the proposed residential units is considered to be acceptable.

A noise report with mitigation measures has been provided by the agent. Environmental Health have been consulted on the application and have no objection to the proposal, subject to conditions to ensure that the mitigation measures proposed in the report will be secured and to ensure that a construction management plan will be provided to protect the living conditions of nearby residential properties.

It is considered that the proposed development will have no impact on nearby uses, subject to appropriate construction methods.

No outdoor amenity space is provided as part of the development, however, this is a traditional arrangement for flats. 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.

Leamington Spa Town Council and Councillor Quinney have objected to the proposed development on grounds of lack of parking provision and potential impact on parking in the wider area.

No off street car parking has been provided and four spaces would be required by the development. As there is an existing one bedroom flat already provided within the property, the overall net increase in parking would be 3 spaces. The Council's adopted Vehicle Parking Standards Guidance SPD states that for residential development, car parking below the standard will only be allowed where there will be no adverse impact on on-street parking arising from the development and identifies criteria which would need to be met. One of those criteria is that there is sufficient capacity for on-street parking (whether within a Resident's Parking Zone or not) without detrimentally affecting the safety and convenience of other residents and occupiers.

A car parking survey has been provided which shows that there is sufficient on-street parking capacity within walking distance of the application site to accommodate this additional parking requirement. The survey was completed independently and in accordance with the Council's requirements, therefore it is considered to be reliable. 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. The proposal is therefore considered acceptable in terms of parking and highway safety and accords with Policy DP8.

### 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.

The scheme has been negotiated between the Conservation Officer and agent to ensure that an acceptable design can be achieved that would not be harmful to

the Conservation Area. The design of the windows has been amended to replicate the existing windows and provide uniformity, and development will be no higher than the property next to the site. The proposal is now considered to be sensitive to the wider context and would not be harmful to the street scene or Conservation Area. The Conservation Officer has no objection to the proposal as amended.

Large scale details of the doors and windows will be conditioned to ensure a high quality design with the Conservation Area, along with sample materials.

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

#### Renewables/Fabric First

The proposal will result in a material increase in the energy demand of the building and it is therefore appropriate to require the provision of renewables/fabric first approach in accordance with Policy DP13 and the associated SPD. This can be secured by condition.

#### Open Space

The Open Space team have no objection to the proposed development, subject to contribution of £4,580 towards local open space improvements. It is likely that the funds will be put towards improvements to Eagle Rec and the Spa Gardens. This can be secured by condition.

#### Ecological Impact

WCC Ecology have commented on the application and recommend the inclusion of bat and nesting bird notes, which will be implemented.

#### Waste

Councillor Quinney has expressed concerns regarding the waste storage for the proposed residential units. This has been addressed by the agent who has provided a plan to show that the existing timber shed can be used for waste storage purposes. Waste Management have no objection to the development, subject to adequate waste storage, which has been provided. A condition will be imposed to ensure that the shed will remain a waste storage area in perpetuity to ensure that there is no waste storage on street.

#### Health and Wellbeing

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

### **CONCLUSION**

The proposed residential units within this area adheres to the criteria set out within the adopted Local Plan. There would be no additional harm to nearby uses

or residents as a result of the proposal and the parking survey submitted shows that parking can be accommodated on street. 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 drawings 1107/1a and 1107/5 submitted on 7th February 2017, and 1107/2d and 1107 / 4d submitted on 15th February 2017, and specification contained therein. **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 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:** 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.
- 5 Other than site clearance and preparation works no works shall commence on the construction of the development hereby permitted until samples of the external facing materials to be used have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved

details. **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 Policy DP1 of the Warwick District Local Plan 1996-2011.

- 6 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 CO<sup>2</sup> 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.
- 7 The development (including any works of demolition) shall proceed only in strict accordance with a construction method statement which shall have 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: measures to control the emission of dust and dirt during construction; measures to limit noise and disturbance. **REASON:** In the interests of the amenities of the occupiers of nearby properties in accordance with Policies DP2 of the Warwick District Local Plan 1996-2011.
- 8 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.
- 9 The development hereby permitted shall not be occupied unless and until the refuse storage scheme has 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 DP2 of the Warwick District Local Plan 1996-2011.

- 10 The development hereby permitted shall be constructed strictly in accordance with the Environmental Noise Survey and Assessment prepared "noise.co.uk" submitted on 21st November 2016. **REASON:** In the interest of protection nearby amenity and the satisfactory development of the site in accordance with Policy DP2 of the Warwick District Local Plan 1996-2011.