

Planning Committee: 18 July 2017

Item Number: 8

Application No: [W 17 / 0913](#)

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

Registration Date: 17/05/17
Expiry Date: 12/07/17

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Landlord Furniture, 104 Trinity Street, Leamington Spa

Part demolition of warehouse building, change of use of coach house and erection of two storey extension to form 3no. student cluster flats comprising 9 units, 10 units and 4 units. FOR Landlord Furniture Ltd

This application is being presented to Committee due to the number of objections received.

RECOMMENDATION

Planning Committee is 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 the retention and conversion of the two storey coach house at the front of the existing site, part demolition of the existing warehouse to the rear of the site together with the erection of a two storey rear extension and change of use of the site to provide 1no. 4 bedroomed House in Multiple Occupation (HMO), 1no. 9 bedroomed HMO and 1no. 10 bedroomed HMO, providing a total of three cluster flats.

The existing building comprises of a main single storey steel framed building with a profile sheet pitched roof and red brick walls. The steel frame extends into the adjacent site of the vacant warehouse at 25 Beauchamp Avenue with a brick party wall separating the two buildings. The steel frame runs into the two storey coach house fronting Trinity Street. Part of the ground floor of the coach house extends under the adjacent first floor flat with a flying freehold.

A change of use of the site is proposed as the applicant states that the existing premises are no longer viable for commercial use. They identify issues with limited access for deliveries, the dilapidated nature of the building and cost of repairs as reasons for the site no longer being viable as a commercial premises. The applicants have also submitted a report prepared by an estate agent (eHB Commercial) which concludes that the property only offers limited interest by reason of its age and specification. The future expenditure on repairs and maintenance is argued to be prejudiced by the fact that it would not increase the value of the building sufficiently to warrant the initial expenditure.

The existing coach house with access to the site will be retained, along with original features such as the large timber doors and archways. The windows

facing Trinity Street will be replaced with traditional timber casements and existing openings to the ground floor will be used for access to the bin store/ filled in and rendered to match the existing elevation. Concrete roof tiles will be replaced with slate.

The warehouse to the rear of the site will be demolished, however, the external boundary walls will be retained. A contemporary two storey courtyard extension will be constructed in its place which links to the coach house. The external appearance of the side elevations will not significantly alter - the ridge height will be reduced by 1.5 metres and the eaves line to the north of the boundary wall facing 36 Binswood Avenue will be retained.

The courtyard development has been designed such that the bedrooms will all overlook the internal courtyard. The external walls will be finished with smooth white render to match the coach house which the agent states will provide a light reflective surface to the courtyard. The courtyard provides a central paved area with no seating, and landscape buffers in front of the bedrooms, with a pathway to lead the way to the rear of the site.

The development has been amended following refusal of planning application ref: W/16/0818 and its subsequent dismissal at appeal by the Planning Inspectorate. The Inspector in that case concluded that the proposed development did not provide adequate living conditions for the future occupiers of the properties due to a lack of privacy and outlook for some of the bedrooms by reason of the proposed angled design of the windows. Following negotiations to ensure adequate living conditions for the future occupiers of the site are provided, the proposal has been amended to reduce the number of bedrooms from 26 to 23 bedrooms. The design of the courtyard and elevations have also been amended so that the bedrooms no longer have angled windows and a more traditional arrangement is proposed.

THE SITE AND ITS LOCATION

The application property is situated on the north side of Trinity Street, close to the junction with Beauchamp Road. The site is within the Royal Leamington Spa Conservation Area and adjacent to Leamington Town Centre. The town centre boundary runs along the centre of Trinity Street.

The application property fills the whole of the application site, with no external yard area. The application relates to the existing two storey coach house, where the ground floor is currently vacant, but was last used as a plumber's merchants. The first floor is used as an accountant's office, and the large warehouse behind is currently used by 'Landlord Furniture' to store furniture who now wish to move to a bigger, more suitable premises.

The surrounding area is predominantly residential, although there is a cluster of commercial premises around the junction with Beauchamp Road. This includes the application property, a motor parts retailer adjoining to the east, and a tyre fitters opposite. However, planning permission was recently granted on appeal for the demolition of the existing warehouse and erection of 7no. dwellings and 3no. apartments to 25 Beauchamp Road, which adjoins the site, although works are yet to commence on site. The site also abuts the boundary of residential

properties in Binswood Avenue to the north and west. The application premises are situated close to the adjacent dwellings in Binswood Avenue. There are no dwellings fronting onto this part of Trinity Street. This part of the street provides rear vehicular access to the dwellings in Binswood Avenue and Beauchamp Avenue.

PLANNING HISTORY

W/87/1340 - Alterations to elevations and formation of a separate access to first floor accommodation - granted 22nd December 1987.

W/99/0133 - Display of 1no. 3000mm x 900mm x 30mm non-illuminated fascia sign - granted 12th April 1999.

W/06/1070 - Change of use to dance school - refused 11th October 2006.

W/16/0818 - Part demolition of existing warehouse building, erection of two storey extension and change of use to 2no. 6 bedroomed Houses in Multiple Occupation (HMO) and 2no. 7 bedroomed Houses in Multiple Occupation (HMO) (Sui Generis) - refused 13th January 2017 and dismissed at appeal.

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)
- SC2 - Protecting Employment Land and Buildings (Warwick District Local Plan 1996 - 2011)
- SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)
- UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)

The Emerging Local Plan

- BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE3 - Amenity (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)

- CC2 - Planning for Renewable Energy and Low Carbon Generation (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)
- HS4 - Improvements to Open Space, Sport and Recreation Facilities (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

- The 45 Degree Guideline (Supplementary Planning Guidance)
- Distance Separation (Supplementary Planning Guidance)
- Open Space (Supplementary Planning Document - June 2009)
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- Vehicle Parking Standards (Supplementary Planning Document)

SUMMARY OF REPRESENTATIONS

Royal Leamington Spa Town Council: No objection, subject to the comments of the Conservation Officer regarding the use of appropriate materials being adopted; provision of appropriate and accessible bin store on site; provision of requisite number of cooking facilities for planned number of HMO residents. The Town Council would like to see provision of on-site management to prevent potential noise, waste and parking issues.

Open Space Team: No objection, subject to contribution of £19,366 towards the improvement of local open spaces.

Community Protection - Environmental Sustainability Section: No objection, subject to conditions.

Private Sector Housing: No objection, subject to the provision of adequate amenity standards and facilities.

Waste Management: No objection, subject to adequate waste storage facilities and condition to ensure that bin store is retained.

Crime Prevention Officer: No objection.

WCC Highways: No objection.

Public Response: 11 objections have been received, on the following grounds:-

- student accommodation and the proposed density is not in keeping with the character of the wider area leading to overdevelopment of the site;
- the development is harmful to the Conservation Area, by reason that it is out of scale and disproportionate to the existing properties;

- the development would have an adverse impact on the setting of Listed Buildings;
- the development will generate noise disturbance, particularly from the courtyard where residents will congregate; future occupants may smoke, which will impact nearby residents;
- the development will be overbearing for neighbouring properties;
- the development will result in a loss of privacy from overlooking, and overshadowing to neighbouring properties;
- the development will exacerbate existing parking and access problems, and the parking survey is not reflective of the actual parking situation;
- future occupants will cause increased littering.

However, there is support for the renovation of the existing building.

ASSESSMENT

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

- The Principle of development
- Impact on the character and appearance of the area
- Impact on heritage assets
- Impact on living conditions of nearby dwellings and future occupants of the proposed dwellings
- Car parking and highway safety
- Drainage and flood risk
- Sustainability
- Waste
- Open space
- Ecological impact
- Health and wellbeing
- Other matters

The Principle of the Development

Whether a change of use from employment to other uses would be harmful to employment opportunities:

The application site is located on the very edge of the Leamington Spa Town Centre boundary as identified on the proposals map in the adopted Local Plan immediately next to an area designated to be primarily in residential use. The existing use is a warehouse and offices and the lawful use falls within the definition of employment uses under Policy SC2 of the Local Plan, which seeks to protect existing employment sites. The property have been actively marketed by eHB Commercial for 18 months, starting in June 2014, but despite numerous viewings it was concluded that the space was not fit for purpose. A lack of parking and poor thermal performance means that the building is not desirable to potential users. The applicant has identified that the warehouse to the rear of the site is extremely constrained by the single access through the coach house, making deliveries and loading very difficult. They also state that there are a number of maintenance issues in the warehouse which are uneconomical to repair. It is clear that both the coach house and the warehouse would need to be extensively refurbished or rebuilt to be brought back into use.

In this case it is considered that the location of the site is such that alternative employment uses could have an unacceptable adverse impact upon nearby residential uses and therefore the change of use to a non-employment use in this case would not be contrary to Policy SC2. It would also bring about benefits in terms of removing commercial deliveries and collections from Trinity Street which is narrow and difficult to manoeuvre. Furthermore, this was not a reason for refusal under the previous application and the Inspector did not disagree with the Council's decision that the principle of the loss of an employment site was acceptable.

Whether the proposals would cause a harmful over-concentration of HMO accommodation in this area:

Whilst objections received state that the principle of residential development in this location is acceptable, these comments also state that the principle of a HMO in this area would be inappropriate and harmful to the residential character of the area and the Conservation Area. Objections state that the proposal would lead to an over-concentration of HMO properties within the area.

The development is for 3 cluster flats comprising 1no. 4 bedroomed HMO, 1no. 9 bedroomed HMO and 1no. 10 bedroomed HMO, and therefore the impact of this use has to be assessed against emerging Local Plan Policy H6 for Houses in Multiple Occupation which 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.

This policy has been given significant weight by Inspectors at appeal.

The proportion of HMOs within a 100 metre radius of the application site represents 4.9% (including the proposal as 3 HMOs), therefore falling within the limitations of emerging Policy H6.

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 have been consulted and have no objection to the proposal, subject to adequate waste storage containers and a condition to ensure that the area for bin storage remains in perpetuity. There have been objections from members of the public that the proposal will cause littering. However, adequate storage space has been provided to allow for 2 x 1100ltr general waste storage

bins and for 2 x 1100ltr recycling bins which are in accordance with the recommendations from Waste Management. Therefore, it is not considered that the proposal will result in an increase in littering.

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

Whether the part demolition of a non-listed building in the Conservation Area is acceptable:

In accordance with Policy DAP9 the demolition of unlisted buildings in the Conservation Area is considered to be acceptable where the detailed design of the replacement can demonstrate that it will bring about a genuine qualitative improvement to the Conservation Area and the setting of the adjacent buildings. The coach house, which is considered to make a positive contribution to the character and appearance of the Conservation Area will be retained, and the external walls of the warehouse will also be retained. Therefore, there will be very little change to the external appearance of this property. The warehouse will be partly demolished, with the introduction of a new roof to be constructed from slate, rather than concrete tiles, which is considered to be an improvement to the Conservation Area. Officers are of the view that the proposed development will bring about a genuine qualitative improvement to the Conservation Area and the setting of the nearby listed buildings. There have been objections from members of the public that the proposed development is out of character and harmful to the Conservation Area and setting of nearby Listed Buildings which will be discussed below.

Impact on the character and appearance of the area

The National Planning Policy Framework (NPPF) places significant weight on ensuring good design which is a key aspect of sustainable development and should positively contribute towards making places better for people. The NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving character, the quality of an area and the way it functions. Furthermore, Warwick District Council's Local Plan 1996 - 2011 policy DP1 reinforces the importance of good design stipulated by the NPPF as it requires all development to respect surrounding buildings in terms of scale, height, form and massing. The Local Plan calls for development to be constructed using the appropriate materials and seeks to ensure that the appearance of the development and its relationship with the surrounding built and natural environment does not detrimentally impact the character of the local area. Finally, the Residential Design Guide sets out steps which must be followed in order to achieve good design in terms of the impact on the local area; the importance of respecting existing importance features; respecting the surrounding buildings and using the right materials.

There have been objections from members of the public that the proposals constitute overdevelopment of the site; the development will be overbearing and that the development is out of scale and character with the wider area.

However, the coach house at the front of the development is to be retained, and therefore, there is no significant visual change in appearance at the front of the

property. Original features will be retained, and more appropriate timber casement windows will be introduced. For these reasons, the proposed development is not considered to be overbearing and is not considered to be harmful to the wider character of the area. The development will have little impact on the existing street scene and is considered to be acceptable.

The proposal is considered to be in accordance with the NPPF, Local Plan Policy DP1 and the Residential Design Guide SPG.

Impact on Heritage Assets

Warwick District's adopted Local Plan Policy DAP8 requires development to preserve or enhance the special architectural and historic interest and appearance of Conservation Areas. It goes on to state that development should respect the setting of Conservation Areas and should not impact on important views or groups of buildings from inside and outside of the boundary. 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. Section 66 of the same Act imposes a duty to have special regard to the desirability of preserving a listed building or its setting when considering whether to grant a planning permission which affects a listed building or its setting.

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 have been objections from members of the public that the development is out of character and harmful to the Conservation Area and setting of nearby Listed Buildings. They consider that the development does not represent a qualitative improvement to the Conservation Area and setting of adjacent buildings.

The existing warehouse is of poor quality and the proposed development is considered to be of an acceptable design which would not be harmful to the street scene. The improvements to the roof materials and timber casement windows which are appropriate for this part of the Conservation Area are considered to enhance the appearance of the building. The Town Council have stated that they have no objection to the proposed development, subject to the use of appropriate materials, which is considered to have been accommodated by the agent. The development is considered to be in accordance with the NPPF and Policies, DAP8 and DAP9.

Impact on living conditions of nearby dwellings and future occupants of the proposed dwellings

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.

There have been objections from members of the public in relation to the impact which the proposed development would have on neighbouring residential amenity. Concerns focus on the potential for loss of privacy, loss of light, the potential for overlooking and that the development would be overbearing.

As the proposed warehouse replacement structure has a lower ridge height than the existing building and all of the external walls are retained, it is not considered that the proposed development would be overbearing or would result in a loss of light. The proposal does not contain outward facing windows towards nearby residential properties and therefore it is considered that there would be no increase overlooking or loss of privacy as a result of the proposed development.

Any late night noise produced by the future occupiers of the site will be primarily limited to the front where the entrance is to the HMO which faces a commercial, not residential property. Furthermore, in the appeal decision for the previous application, the Inspector noted that the courtyard had been designed with planting so that the potential for residents to loiter in the courtyard and generate noise would be limited. The amount of planting has been increased from this previous scheme so that there is only a single pathway which leads to each cluster flat, with no designated "communal" areas. Therefore, it is unlikely that the development would cause any undue noise disturbance to the occupiers of nearby residential properties.

The proposal has been amended from the previously refused scheme to omit the angled windows; the Inspector concluded that they provided inadequate living conditions for the future occupiers of the site, by virtue that the occupiers would have experienced inadequate privacy as some windows looked directly at each other over substandard distances and there was a sense of enclosure caused by the courtyard and lack of outlook.

The proposed development now includes traditional windows, all of which face onto the courtyard (apart from those with a front facing outlook). Four of the proposed bedrooms fall below the Council's minimum distance separation guidance of 12 metres, two of which have a distance separation of 9.7 metres and two have a distance separation of 11.4 metres from the nearest blank elevation. The bedrooms which are 9.7 metres away from the nearest blank elevation overlook the stair well, which is only 3.2 metre deep and 2.9 metres wide, with the main wall facing the bedroom being 13 metres away. Therefore, whilst technically the elevation directly facing them would be closer than the distance required by the Council's adopted guidance, it is not considered that this would be harmful to the living conditions of the future occupiers of these bedrooms because the main outlook is onto the open courtyard. The occupiers of

the bedrooms which have a distance separation from the nearest blank elevation of 11.4 metres only fall slightly below the Council's adopted guidance. Again, these bedrooms will face onto the small stairwell projection, and their main outlook will be onto the open courtyard and boundary wall which is 14.3 metres away from the windows. Furthermore, the Council's adopted guidance states that within Conservation Areas, the provisions of the guidance should not directly apply, where the character of the Conservation is to be maintained. It is therefore considered that the proposed development provides adequate privacy, outlook and light for the future occupiers of all of the bedrooms.

The EHO considers that subject to suitably worded conditions, the development is acceptable. He has recommended that a condition is imposed to ensure that the recommendations in the noise assessment submitted to the Local Authority are followed. Furthermore, he acknowledges that the contamination report provided as part of the application suggests that there could be potential exposure to harmful substances. He therefore suggests a condition which requires further investigation and remedial works in relation to this matter, to be agreed in advance by the Local Authority. Finally, in order to protect the living conditions of neighbouring properties, a condition is also recommended to restrict construction methods which control noise, dust and lighting. These conditions are considered to be reasonable and necessary for the protection of nearby residential amenity, and will therefore be added to any approval granted.

The development is therefore considered to comply with the NPPF and Local Plan Policy DP2.

Car Parking and Highway Safety

There have been a number of objections from members of the public that lack of car parking provision on site would result in a detrimental increase in on-street parking in the adjoining streets, causing potential for increased danger to pedestrian and vehicular safety. Public objectors comment that the parking survey provided is not representative of the actual parking situation.

The parking survey provides a detailed representation of the parking in the area over a week long period at various intervals of the day and shows that there is adequate on street unrestricted parking to accommodate the required number of spaces for the scheme (12 spaces). It has to be noted that the planning application for the adjoining site was recently allowed at appeal for 25 Beauchamp Road - W/16/1823 (APP/T3725/W/17/3170951. Due to the close proximity of the site and likelihood that the scheme will be implemented it is deemed necessary by Officers to assess whether the local unrestricted parking could accommodate the parking requirement for the proposed development (12 spaces) and the approved development at 25 Beauchamp Road (14.5 spaces).

It is highly likely that parking spaces would be required by future occupants of the sites outside of traditional working hours, when it is assumed that the occupants of the dwellings and HMOs would be at work or university. The parking survey provided clearly shows that there is a lack of spaces during the daytime, presumably when commuters working in the town centre or those wishing to use facilities within the town centre who live elsewhere park in these spaces to avoid paying for parking in the town centre. Therefore, outside of

working hours it is likely that these commuters or users of the town centre would not park in these areas, which is supported by the parking survey. The survey shows that there would be sufficient parking spaces for both the proposed development under consideration of this application, and for the residential development allowed at appeal. Furthermore, it should be noted that the existing parking requirement for the application site is 11 spaces, and therefore as 12 spaces are required by the proposed development, this is only an overall net increase in the need for 1 parking space. The net increase for parking at 25 Beauchamp Road is 6.5 above the existing use. Therefore, it is considered that the additional demand for the proposed development is small.

The applicant has also commented that the development will be marketed as limited parking and in reality there are likely to be 2 - 5 car parking spaces required by the development, which is much less than the existing requirement of 11 spaces, or there could be a "no car policy" with the students. Whilst this cannot be controlled by planning and is not a material reason for approving the scheme, this does highlight the low impact of the development in terms of parking.

The survey was completed in detail over a week long period which is considered to show a sufficient representation of the parking arrangements near to the site. It would be unfair and onerous to ask the applicant to pay for an additional parking survey when the document provided shows a clear image of nearby parking provision. Therefore, the survey provided is considered to be acceptable.

Furthermore, the Highways Authority has raised no objection to the proposal and therefore, it is considered that there would be no harm to vehicular or pedestrian safety as a result of the proposed development.

The NPPF requires development to promote sustainable transport which supports wider health objectives, and reduce the reliance on the car. Local Plan Policy DP8 states that development will only be permitted where it takes into account the parking needs of cyclists, which should be in accordance with the Council's adopted Vehicle Parking Standards SPD. The Vehicle Parking Standards guidance does not stipulate the number of cycle storage spaces for HMOs, however, it is considered reasonable to assess a House in Multiple Occupation as a "House", which the guidance states that cycle storage provision should be 'considered on its own merits'. In order to accord with the NPPF and Local Plan Policy DP8, the Council considers that a similar requirement to the car parking standards for the development would also be a reasonable requirement for the cycle storage, therefore 12 spaces are required. A dedicated area for the secure storage of 12 cycles has been provided as part of the proposal.

The development is therefore considered to comply with the NPPF, Local Plan policy DP8 and the Vehicle Parking Standards SPD.

Drainage and Flood Risk

The application site is not located within a flood risk zone and therefore, there is no risk posed to safety as a result of the proposed development through flooding.

The agent has submitted details which state that due to the reduced footprint of the development as a result of the proposal and the additional permeable block paving and soft landscaping, this will reduce the amount of storm water entering the existing system by 29%. As there will be an improvement to the drainage provided, it is considered that there is no need for further information in reference to this matter.

Sustainability

The agent has provided a Sustainable Buildings Statement which details that a fabric first method will be used to provide towards the Council's sustainability requirements in accordance with Policy DP13 and the associated SPD. Further information is required in order to ascertain whether the Council's minimum requirements will be met, which can be secured be condition.

Waste

As detailed above, adequate waste storage has been provided and therefore, the proposal is not likely to cause an increase in littering. Waste Management have no objection to the proposal subject to the bin store remaining for this use in perpetuity and sufficient storage, which is provided.

Open Space

Local Plan Policy SC13 requires public open space to be provided as part of the developments. Where this is not possible, contributions need to be provided to enhance appropriate open space, sport or recreational facilities in the local area. No public open space is to be provided as part of the proposal. The Council's Open Space Team have no objection to the proposal, subject to the provision of a contribution towards the improvement of local open spaces. They recommend a contribution of £19,366 which would go towards the improvement of Clarendon Square, relating specifically to the provision of footpaths throughout the site. The proposed contribution is higher than the contribution requested under the previous application because the Council have reviewed the contribution rates since the previous application. Open Space have confirmed that Clarendon Square only scored "average" in the latest Parks Audit (2016), with some aspects being "poor". The Council's Green Space Strategy sets out the objective of having our public open spaces rated as "good" or better. At the time of responding, the Open Space team note that there are only two S106 agreements assigned to various projects within the park.

Under the appeal for the previous scheme, the Inspector criticised the Council for a lack of evidence of the existing facilities in the open spaces which the Open Space team recommended the funds could be put towards, or whether they would be unable to meet the additional demands placed on them by the occupiers of the development unless improvements were made. The Inspector also noted that it had not been suggested that less than five contributions had already been made towards these projects and therefore, they considered that it had not been demonstrated that the obligation to make the development acceptable was necessary. However, as all off the above points made by the Inspector have been addressed by the Open Space team's comments, and therefore it is considered necessary to require the developer to make a financial contribution towards the improvement of Clarendon Square, which would not be

able to cope with additional demands placed upon it as a result of the proposed development. No information has been provided in reference to this matter by the applicant, however, this can be secured by condition.

Ecological Impact

WCC Ecology did not comment on the application. However, for the previous submission which was similar in scale to the proposed development, they recommended the inclusion of nesting bird and bat notes. They recommended that if additional planting required, indigenous shrub species should be used, preferably of local provenance. These notes are considered to be reasonable and will be added.

Health and Wellbeing

There has been an objection that the development could create increased levels of noise disturbance and odours such as smoking from future residents. Objectors also comment that student accommodation would be at odds with the character of the surrounding area which is occupied by families. Leamington Town Council have requested the provision of an on-site management to prevent potential noise, waste and parking issues.

However, the Crime Prevention have commented on the application and raise no objection to the proposal. They have liaised with the agent who has agreed to adopt measures to design out crime, which the Crime Prevention Officer is satisfied with. Therefore, it is not considered necessary to require on-site management for this development.

Leamington Spa Town Council have supported Private Sector Housing's request for the provision of adequate cooking facilities and note that the development should comply with LACORS & Building Regulations Standards. Whilst these comments are acknowledged, the cooking facilities cannot be controlled through planning conditions as these matters are dealt with under separate legislation. It would be unreasonable to impose conditions requiring further information in relation to this matter. The applicants will be required to apply for a HMO licence for the proposed cluster flats and for Building Regulations compliance.

CONCLUSION

The proposal would provide additional housing for students, and is considered to meet the Council's emerging Local Plan Policy H6 for HMO and student housing. The proposal would provide acceptable living conditions for the future occupiers of the site, without a harmful impact on the living conditions of the occupiers of nearby dwellings. Furthermore, the proposal is not considered to have a harmful impact on highway or pedestrian safety, or ecology, and would provide adequate waste and cycle storage. The proposed development should therefore be approved.

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 drawings 941 - 09 Rev A submitted on 13th June 2017, and 941 - 10 Rev B and 941 - 08 Rev A submitted on 15th June 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 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.
- 4 The roofing material for the development shall be natural slate, a sample of which shall have been submitted to and approved in writing by the District Planning Authority. The development shall be carried out in accordance with the 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 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, which shall be made of porous materials or provision shall be made to direct run-off water from the hard surface to a permeable or porous area. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of the development 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.

- 6 The development hereby permitted shall only be undertaken in strict accordance with a scheme of site investigation of the nature and extent of contamination within the application site that has been undertaken in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any development begins. If any contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The site shall not be occupied until remediation measures have been carried out in full accordance with such approved details and a soil validation report has been submitted to and approved in writing by the local planning authority. **REASON:** To safeguard health, safety and the environment in accordance with Policies DP3 & DP9 of the Warwick District Local Plan 1996-2011.

- 7 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.

- 8 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: the delivery and working hours; the parking of vehicles of site operatives and visitors; the loading and unloading of plant and materials; the storage

and use of plant and materials used in constructing the development; 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; details of lighting; and a scheme for recycling / disposing of waste resulting from demolition and construction works, unless otherwise agreed in writing by the local planning authority. **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 Warwick District Local Plan 1996-2011.

- 9 The development hereby permitted shall not be occupied unless and until the building has been insulated in strict accordance with the scheme of works detailed in the Clover Acoustic Noise Assessment submitted to the Local Planning Authority on 8th May 2017. **REASON:** To ensure that the level of noise emanating from the building is confined to levels which would not cause unacceptable disturbance to the detriment of the amenities of the occupiers of nearby properties in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011.
- 10 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.
- 11 The development hereby permitted shall not be occupied unless and until the external refuse storage areas for the development have been constructed or laid out, and made available for use by the occupants of the development 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.
- 12 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.

- 13 The development hereby permitted shall not be occupied unless and until the approved cycle parking facilities have been provided and made available for use in accordance with the details on the approved drawings and thereafter those facilities shall remain available for use at all times. **REASON:** In the interests of encouraging the use of alternative modes of transport with the aim of creating a more sustainable development in accordance with Policies SC4 & DP8 of the Warwick District Local Plan 1996-2011.
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