

Planning Committee:

Item Number:9

Application No:W13 / 0239

Town/Parish Council: Leamington Spa
Case Officer: David Edmonds

Registration Date:26/02/13

Expiry Date:23/04/13

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Willoughby, 12 Augusta Place, Leamington Spa, CV32 5EL

Change of Use from A4 public house to Sui Generis 16 bedroom House in Multi Occupation, including demolished part of building, second floor side extension, rear first floor extension, internal & external alterations, new bin and cycle stores. FOR Mr JO'Sullivan

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

RECOMMENDATION

Planning permission be granted subject to conditions

DETAILS OF THE DEVELOPMENT

The revised proposal is for a change of use from A4 public house with second floor residential to an 16 bedroom house in multiple occupation (HMO) including demolishing part of the building, second floor side and first floor rear extensions, internal and external alterations, new bin and cycle store. This had been amended from the 18 originally the subject of the application to address environmental health issues.

It is proposed to retain the original main 3 storey building with minimal external alterations to the windows at the ground floor. All the windows to habitable rooms are to be replaced with double glazed units and some with secondary glazing to improve the sound insulation. All the new windows will match the existing.

The glass and steel frontage to the two storey modern side extension is to be removed back to the main wall and extended at the second floor, to provide a new traditional render frontage with timber sash windows and slate pitched roof. The second floor side extension would be set back by 1.5 metres with a ridge height set down by 1.1 metres thereby being subservient to the main traditional part of the building. The first storey rear extension would form a gable ended wing projecting 2.8 metres. The ground floor single storey rear wing would be converted into bedrooms.

It is proposed to have solar panels on the rear facing roof plane of the existing building

THE SITE AND ITS LOCATION

The Willoughby public house, is an unlisted building which is situated on the eastern side of Augusta Place a street with a variety of uses set within the Leamington Spa Conservation Area. It is a traditional three storey building with a modern two storey extension and rear extensions. The second floor provides residential accommodation.

PLANNING HISTORY:

Application W/12/1338 for a similar development for a 20 bedroom house in multiple occupation was withdrawn in January 2013 to enable the carrying out of additional noise assessments and address objections from Environmental Health.

RELEVANT POLICIES

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)
- SC14 - Community Facilities (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DP14 - Crime Prevention (Warwick District Local Plan 1996 - 2011)
- SC9 - Telecommunications (Warwick District Local Plan 1996 - 2011)
- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- Vehicle Parking Standards (Supplementary Planning Document)
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- National Planning Policy Framework, particularly paragraph 50 and 58
- Warwick District Local Plan 2011 to 2020, Preferred Options; Preferred option - PO6
- DAP6 - Upper Floors within Listed Buildings and Conservation Areas (Warwick District Local Plan 1996 - 2011)
- DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
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- DAP9 - Unlisted Buildings in Conservation Areas (Warwick District Local Plan 1996 - 2011)

SUMMARY OF REPRESENTATIONS

Royal Leamington Spa Town Council- No objection.

Environmental Health Department: - No objection to the revised scheme which includes a sound baffle to the existing extraction flue and subject to other conditions.

Green Space Infrastructure Manager: The proposal would give rise to extra demand for leisure facilities requiring a contribution of £9429 for open space improvements to comply with policy SC13.

Community Recycling Officer: No objection.

WCC Ecology: Whilst there are records of bats in the area the proposed extension would not impact on an existing roof space or area that was considered to provide roosting opportunities for bats.

WCC Development Group (Highways). Situated in the town centre, the site is within a sustainable location with numerous sustainable transport options and nearby public car parks. Augusta Place is subject to a Residents Parking Zone (RPZ) established with Pay and Display - 2 hour parking. Subject to the removal of the property from the Traffic Regulation Order to prevent occupants seeking car parking permits, there are no objections.

WDC Private Sector Housing: The proposed development would result in bedroom sizes and kitchen and lounge facilities which are sufficient for the number of occupants.

Cllr. Jerry Weber: ward member making the following comments

- The exacerbation of the over concentration of HMO's in the town centre.
- A less dense development converted to apartments would be preferable.
- Concerns regarding overcrowding and anti-social behaviour.
- The emerging HMO policy should be taken into account.

Neighbours: 7 letters of objection which can be summarised as follows:

- Most are supportive of the principle of a residential use of the site;
- However, one objector raises the loss of an established public house use and considers that there is insufficient evidence that the public house use is unviable;
- The overdevelopment of the site;
- Inadequate internal living space and facilities;
- Concern regarding the design including roof lines and fenestration;
- Noise and disturbance from the occupiers including during the summer months;
- Concerns about public health risks;
- Concerns about the fire risk of densely occupied dwellings including the lack of a proposed external fire escape;
- On street parking is already tight particularly with the popular nights at the Apollo cinema.
- The absence of parking permits would push residents and visitors parking beyond the limit of the traffic regulation order.
- The impact of waste recycling bins in the surrounding area;
- Security concerns regarding communal use of an alleyway;
- High levels of internal noise that would result in the likely opening of windows;

- Concerns that due to inclusion of non-opening windows, the use of air conditioning units would be requested;
- Sewerage capacity;
- The impact on bats which are seen in the area.

ASSESSMENT

The application gives rise to the following main issues for consideration:

- The principle of the use of the site including whether it results in an unacceptable concentration of HMO's in the vicinity;
- On-street parking and highway safety;
- The character and appearance of the unlisted building and conservation area;
- Waste disposal;
- The living conditions of future occupant of the property and occupants of neighbouring properties;
- The use of sustainable energy in accordance with the Council's guidance;
- The extent of any impact on protected species;
- Open space requirement;
- Whether it would result in any unacceptable loss of community facilities.

Issue 1 Principle of Development/ Concentration of HMO uses

The scale of this proposed development is such that planning permission would have been required even before the recent adoption of the article 4 direction which was targeted at small houses in multiple occupancy (HMO's). However, it is appropriate to take account of the reasoning for extending control to small HMO's as set out in the report the Council's Executive on 26th June 2011 in assessing this application. These issues relate to noise and anti-social behaviour, increased crime, impact on the physical environment including inadequate attention to waste disposal, lower levels of community involvement and pride in the area, impact on local services and pressure on spaces for on-street parking.. There are also the general policies DP1 and DP2 relating to good design and to the affect on living conditions of the occupants of both neighbouring properties and the future occupants of the development itself

The National Planning Policy Framework (NPPF), at paragraph 50 requires the Council to plan to create inclusive and mixed communities. Meanwhile, paragraph 58 requires the Council to ensure that developments create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion. These NPPF provisions are reflected in Preferred Option PO6 of the Local Plan Preferred Options that were published in May 2012. This states that new student accommodation / HMOs will be required to meet locational criteria to ensure that they are not located in areas which already have a high concentration of such accommodation.

There are various ways to assessing over-concentration, with a percentage within a 100 metre radius being the most comprehensive measure. This is the one which is currently being actively used in the assessment of other applications, with over 10% of properties in HMO used being deemed to be an overconcentration. Applying this analysis to this case shows that out of 110

residential properties there are 5 HMO's, representing 4.5%. None of these are in Augusta Place . The nearest concentration is three properties on the south side of Regent Street between Portland and Augusta Place. In comparison with the clear concentrations in certain blocks and areas in southern Leamington the addition of this relatively large HMO would not lead to an unacceptable concentration.

Issue 2: On Street Parking and Highway Safety

The Council's Parking Standards specify a standard for HMO's of 1 parking space for every 2 bedrooms. An 18 bed HMO would result in a parking need for 9 spaces. This compares with the existing need for parking for a public house and associated residential flat of this size of 10 spaces.

There is no car parking provision within the site. The applicants have agreed to the imposition of a planning condition to ensure that no development would commence unless or until a traffic regulation order has been made to take the property outside the existing Traffic Regulation Order thereby preventing the residents from applying for parking permits in the surrounding streets The reasoning for this is to ensure that the development does not result in an increase in on-street parking pressure in the immediate area where there is already high demand.

In view of the above and the sustainable location of the site where a number of alternative transport options are available, there are no objections to the proposal on highway safety and parking grounds.

Issue 3 – The character and appearance of the unlisted building and the conservation area.

The building is a mid 19th century property, probably built as a public house. The interior has been significantly altered and a contemporary extension was added about 10 years ago. Although this is an interesting design its removal would not cause unacceptable harm.

The proposed extensions comprise simple Leamington Vernacular and are acceptable in design terms. Generally, the scheme is sympathetic to the building subject to need to secure control over details of materials and windows. The scheme is therefore considered to be acceptable in design terms and is not considered to materially impact upon the character or appearance of the conservation area.

Issue 4 - Waste disposal.

The proposed bin store is considered to be of appropriate size for the development and would now be discretely sited, internally incorporated into the proposed extension.

Issue 5. Impact on the living conditions of occupants of the proposed development and neighbouring properties.

It is considered that revised proposals would secure acceptable living conditions for the future occupants of the property. This has been satisfactorily addressed by means of the internal redesign of the scheme and use of double glazed windows throughout. In terms of the rear facing rooms which are located in close proximity to extraction and air conditioning units for other properties, this would be achieved by means of a combination of the construction of a step curtain wall to act as a baffle to the existing extraction flue to property occupied by Snappy Tomato pizza. Also there would be mechanical ventilation, acoustic trickle openable roof lights on some bedrooms and upgraded glazing.

In terms of the living conditions of the occupants of neighbouring residential properties the proposed extensions would not result in an unacceptable loss of light, outlook or privacy. The properties abutting the side boundaries are both in commercial use. Also the side and rear extensions would not lead to unacceptable distance separation from properties on Portland Place.

Issue 6 - Sustainable Energy:

The application is accompanied by sustainable building statement which demonstrates that more than 10% of the future energy needs of the development would be generated on site using renewable energy generating apparatus. The proposed solar panels are set on rear facing roof plans not open to wider public view. This satisfies the requirements of WDLP policy DP13 and the SPD on sustainable buildings

Issue 7 – Ecology/Protected Species:

The previous application was the subject of a predetermination bat survey and WCC Ecology have advised that bats are not a constraint to the development as proposed. Therefore I consider that the development complies with WDLP policy DP3.

Issue 8 - Open Space :

The additional habitable accommodation proposed, generates a requirement for a contribution of £9,420 (£628 per person) towards the enhancement of open space within 500 metres of the development site which will be secured by condition.

Issue 9- Loss of community facilities:

The public house seems to be open in the evenings and at weekends. There are a number of other public houses within walking distance of the site, including 3 within about 100 metres of the site. In this context it is not considered that the permanent loss of this facility within the town centre is an issue on which the application turns.

Conclusions and Summary

In conclusion, the development is considered to be acceptable in principle and achieves acceptable standards of layout and design. It does not give rise to unacceptable harm in terms of parking provision, highway safety, living conditions, refuse facilities, the integrity of the unlisted building and character and appearance of the conservation area, ecology, sustainable energy, open space and loss of community facilities.

It is therefore sustainable development which is therefore considered to comply with the policies listed.

CONDITIONS

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) 835-01, 835-02b and the photomontage of aluminium bike shelter, dated 26th February 2013 and 835-09 835-07, Rev c, 835-08, Rev c dated on 19th April 2013 and specification contained therein except where amended by the condition 3 which requires the construction of the noise baffle. **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 proposed bedroom no's 13, 14, 15, 16 and 7 shall not be occupied unless or until the proposed stepped curtain wall to provide sound attenuation to the existing extraction flue at the no 16 Augusta Place has been substantially completed in accordance with the extracts of the ground floor, south and west elevations plans submitted with the e-mail from Richard Noonan dated 09/05/13. **Reason:** To ensure that the living conditions of the future occupants are acceptable.
- 4 No facing and roofing materials shall be used other than materials similar in appearance to those used in the construction of the exterior of the existing building. **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.
- 5 The development hereby permitted shall not be occupied unless or until a Traffic Regulation Order has been made by the Highway Authority to remove the application property from the existing Traffic Regulation Order thereby securing the removal of the rights of the applicant/ future owner/ tenants of the application property to apply for residents parking

permits. **REASON:** To ensure the proposed development does not result in an increase in on-street parking pressure in an area with already high demand to the detriment of highway safety and residential amenity in accordance with Policies DP8, DP2 and the Vehicle Parking Standards SPD of the Warwick District Local Plan 1996-2011.

- 6 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.

- 7 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 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 a high standard of design and appearance for this Listed Building, and in this conservation area and to satisfy Policy DAP4 and DAP 8 of the Warwick District Local Plan 1996-2011.
- 8 All window and door frames shall be constructed in timber and shall be painted and not stained. **REASON:** To ensure a high standard of design and appearance for this Listed Building, and to satisfy Policy DAP4 of the Warwick District Local Plan 1996-2011 / 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 The mitigation measures specified in the Environmental Noise Assessment report submitted by noise.co.uk dated 19th April 2013 shall be fully implemented before the use hereby permitted is brought into use. **Reason:** To ensure that future occupants of the proposed bedrooms have acceptable living condition in accordance with Warwick District Local Plan policy DP2.

- 10 The development hereby permitted shall not be first occupied unless and until the renewable energy scheme submitted as part of the application prepared by J.E. Turner has been wholly implemented in strict accordance with the approved details including the installation of the proposed solar panels on the west elevation shown on plan 835-08, Rev C. The works within this scheme shall be retained at all times thereafter and shall be maintained strictly in accordance with manufacturers specifications. Microgeneration equipment no longer needed for microgeneration shall be removed as soon as reasonably practicable. **REASON** : To ensure that adequate provision is made for the generation of energy from renewable energy resources in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011.
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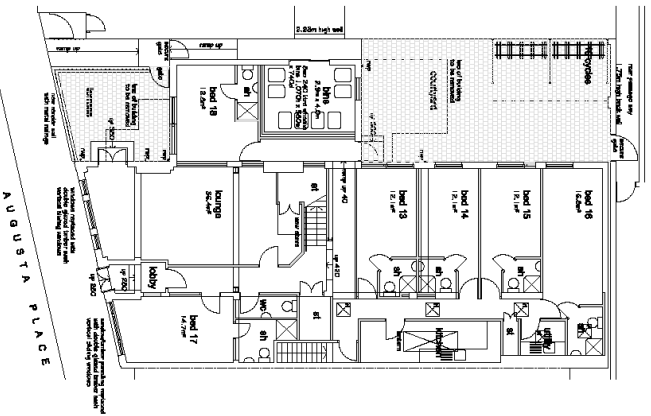
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project : HIMO - The Willoughby

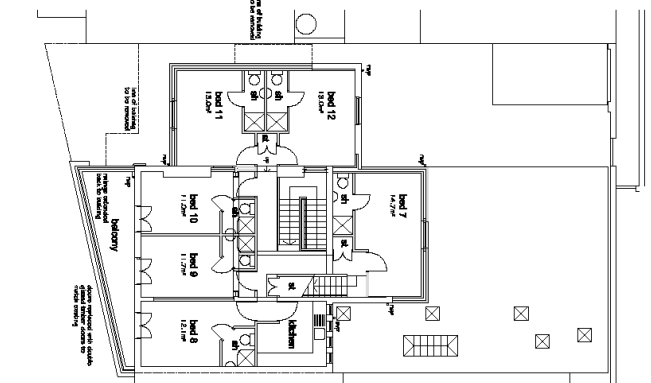
12 Augusta Place, Leamington Spa, CV32 5EL

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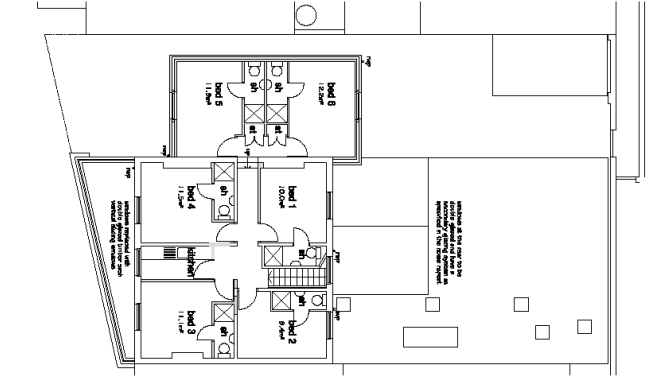
835 - 01



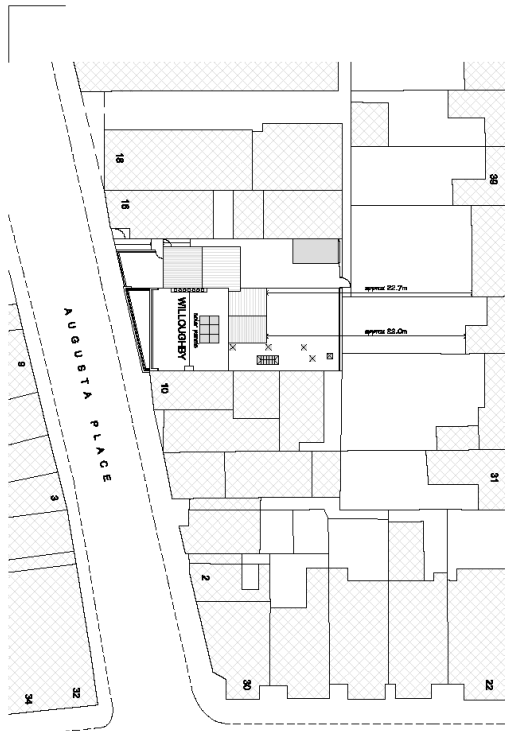
GROUND FLOOR PLAN 1:100



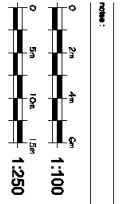
FIRST FLOOR PLAN 1:100



SECOND FLOOR PLAN 1:100



BLOCK PLAN 1:250



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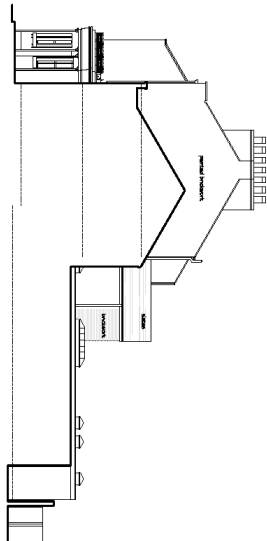
NO. 835-07

CLIENT: Mr O'Sullivan
PROJECT: HIMO - The Willoughby
 12 Augusta Place
 Leamington Spa CV32 5EL

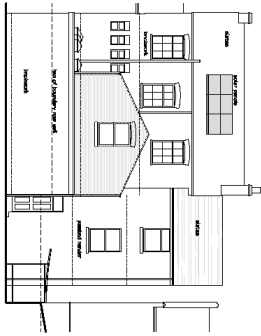
DESIGNER: Richard Nooran
 Architectural Consultant
 405 High Road
 Leamington Spa
 CV32 5EL
 01927 835077
 E: rnooran@richardnooran.com



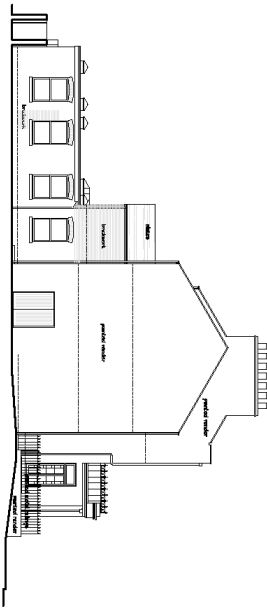
EAST ELEVATION - AUGUSTA PLACE



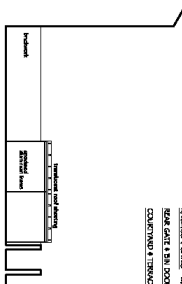
NORTH ELEVATION



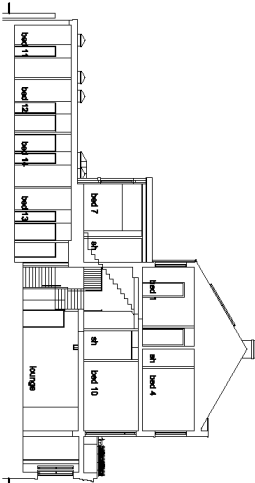
WEST ELEVATION



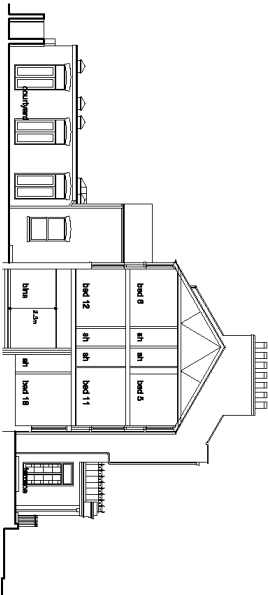
SOUTH ELEVATION



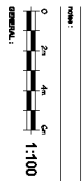
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SECTION A



SECTION B



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- MATERIALS:**
- FLOORING - CERAMIC TILE
 - WALLS - BRICK
 - CEILING - GYPSONUM BOARD
 - ROOFING - ASPHALT/FLYSHALE
 - EXTERIOR WALLS - BRICK
 - EXTERIOR ROOFING - METAL
 - EXTERIOR FINISHES - PAINTED BRICK
 - EXTERIOR DOORS - WOOD
 - EXTERIOR WINDOWS - WOOD
 - INTERIOR WALLS - GYPSONUM BOARD
 - INTERIOR ROOFING - GYPSONUM BOARD
 - INTERIOR FINISHES - PAINTED BRICK
 - INTERIOR DOORS - WOOD
 - INTERIOR WINDOWS - WOOD
 - EXTERIOR LIGHTING - LED
 - EXTERIOR VENTILATION - MECH
 - EXTERIOR SECURITY - ALARMS
 - EXTERIOR ACCESSIBILITY - RAMP
 - EXTERIOR SLOPE - 1:10
 - EXTERIOR GRADE - 100mm
 - EXTERIOR FINISHES - PAINTED BRICK
 - EXTERIOR ROOFING - METAL
 - EXTERIOR FINISHES - PAINTED BRICK
 - EXTERIOR DOORS - WOOD
 - EXTERIOR WINDOWS - WOOD
 - EXTERIOR LIGHTING - LED
 - EXTERIOR VENTILATION - MECH
 - EXTERIOR SECURITY - ALARMS
 - EXTERIOR ACCESSIBILITY - RAMP
 - EXTERIOR SLOPE - 1:10
 - EXTERIOR GRADE - 100mm

DRAWN BY: **Mr. O'Sullivan**
 CHECKED BY: **Mr. O'Sullivan**
 PROJECT: **H/M/O - The Willoughby**
12 Augusta Place
Leamington Spa CV32 9EL
 DRAWN FOR: **Proposed Elevations & Sections**
 DATE: **11/10/2023**
 DRAWING NO: **835-08**
 SCALE: **1:100**
 PROJECT NO: **12 AUGUSTA PLACE**
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