

Application No: W 11 / 1249

Town/Parish Council: Leamington Spa
Case Officer: Rob Young

Registration Date: 09/03/12

Expiry Date: 04/05/12

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Flat 1, 61 Clarendon Street, Leamington Spa, CV32 4PN

Removal of Condition 3 (requirement for on-site renewable energy production) of planning permission W11/0192 for the conversion of basement, ground and first floor offices into 3 no. self-contained apartments (in addition to existing 3 no. self-contained apartments on first, second and third floors); demolition of rear conservatory and construction of rear lightwell; installation of new windows and doors in rear elevation; and installation of new entrance door to basement via light well. FOR Joe Richards Property Ltd.

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

SUMMARY OF REPRESENTATIONS

Town Council: Object. It is considered that insufficient reasons have been given by the applicant to justify the removal of this condition which is a specific planning policy requirement.

Conservation Area Advisory Forum: Part II item, no comment.

WDC Conservation: No objection.

RELEVANT POLICIES

- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- Sustainable Buildings (Supplementary Planning Document - December 2008)

PLANNING HISTORY

In 2006 planning permission was granted for "Conversion to form 3 no. offices and 3 no. self-contained apartments including formation of front and rear lightwells, installation of new bay windows to front elevation, new doors and windows, extensions and roof alterations to rear wing" (Ref. W05/1967).

In 2010 planning permission was granted for "Conversion of basement, ground and first floor offices into 3 no. self-contained apartments (in addition to existing 3 no. self-contained apartments on first, second and third floors); demolition of rear conservatory and construction of new rear lightwell; and installation of new window and door in rear elevation (part retrospective application)" (Ref. W09/0939).

In 2011 planning permission was granted for "Conversion of basement, ground and first floor offices into 3 no. self-contained apartments (in addition to existing

3 no. self-contained apartments on first, second and third floors); demolition of rear conservatory and construction of new rear lightwell; installation of new windows and doors in rear elevation; and installation of new entrance door to basement via lightwell (retrospective application) (revised scheme following planning permission no. W09/0939)" (Ref. W11/0192).

KEY ISSUES

The Site and its Location

The application relates to a mid-terraced building situated on the eastern side of Clarendon Street. The application property has 4 storeys, including a basement. The application property is a traditional Victorian building that is set within a terrace of similar properties that form part of the Leamington Spa Conservation Area.

The application relates to the basement and part of the ground and first floors. These parts of the building have recently been converted to flats. There are further flats on the upper floors. The property has a small rear yard with pedestrian access through to Lansdowne Street to the rear.

The application property is situated towards the eastern edge of Leamington Town Centre, within an area that is designated for primarily residential use in the local plan. This part of Clarendon Street contains a mix of commercial and residential properties.

Details of the Development

This is an application to remove Condition 3 from the planning permission for the conversion of the basement, ground and part of the first floor to 3 flats (Ref. W11/0192). Condition 3 required the submission of a scheme to show 10% renewable energy production for the flats and read as follows:

*"Within 1 month of the date of this permission, a scheme showing how 10% of the predicted energy requirement of this development will be produced on site, or in the locality, from renewable energy resources, shall be submitted to and approved in writing by the District Planning Authority. Within 1 month of the date of such approval, all the works within this scheme shall have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturers specifications. **REASON:** To ensure that adequate provision is made for the generation of energy from renewable energy resources in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011."*

Assessment

The main issue relevant to the consideration of this application is whether or not it would be practical to achieve 10% renewable energy production for this development.

The applicant has submitted a supporting report which examines all of the options for on-site renewable energy production. This reaches the following conclusions in relation to the various options:

- solar panels - discounted due to all roofs being in separate ownership;
- wind turbines - discounted due to all roofs being in separate ownership;

- ground source heat pump - insufficient ground area in courtyard;
- CHP - no base load to justify the installation of CHP;
- biomass boilers - discounted due to limited size of apartments and lack of storage space for fuel; and
- air source heat pumps - given the enclosed nature and limited size of the rear courtyard and the fact that other flats have windows onto the courtyard in close proximity to the site of any heat pump, there is likely to be an issue with noise.

The Town Council's concerns about compliance with Local Plan Policy DP13 are noted, however, in this particular case, the constraints of the site as listed above make the installation of any form of renewable energy technologies impractical. The most likely solution would have been air source heat pumps, but following discussions with Environmental Health it is accepted that noise is likely to be an issue for the reasons stated in the supporting report. Therefore, it is considered that it would not be practical to achieve 10% on-site renewable energy production in this case. Nevertheless, the applicant has confirmed that the flats have been insulated to achieve a 14% reduction in energy consumption over and above the requirements of the Building Regulations.

RECOMMENDATION

GRANT, subject to the condition listed below.

CONDITIONS

- 1 The permission hereby granted shall relate strictly to the details shown on the approved drawing(s) 204-101A, 204-102A & 204-103A, and specification contained therein, submitted on 11 February 2011 under planning application no. W11/0192, unless first agreed otherwise in writing by the District Planning Authority. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.

INFORMATIVES

For the purposes of Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, the following reason(s) for the Council's decision are summarised below:

In the opinion of the District Planning Authority, this would be an appropriate location for new dwellings and the development would not cause unacceptable harm to the architectural and historic character of the Conservation Area within which the site is located. The proposal is therefore considered to comply with the policies listed.
