

**Application No:** [W 22 / 0623](#)

**Town/Parish Council:** Leamington Spa  
**Case Officer:** Rebecca Compton  
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**Registration Date:** 08/04/22  
**Expiry Date:** 03/06/22

**32-34 Clarendon Street, Leamington Spa, CV32 4PG**

Proposed remodel/reconfiguration of existing single storey entrance, fenestration alterations, replacement front boundary railings & rear external terrace balustrading. FOR Housestyle Countrywide Ltd

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

**RECOMMENDATION**

Committee are recommended to grant planning permission.

**DETAILS OF THE DEVELOPMENT**

The proposal seeks alterations to modernize the Clarendon Street elevations comprising new modern cladding to the ground floor and render. To the rear the proposal seeks to replace an existing ground floor window with a larger window and to the second floor the proposal includes new obscure glass balustrading to the existing terrace area.

The proposals also show painting to all existing UPVC windows to the front and rear of the site to grey, these works do not require planning permission and have therefore not been assessed.

**THE SITE AND ITS LOCATION**

The application site relates to an existing 3 storey modern building situated on the western side of Clarendon Street, Leamington Spa, towards the junction with Willes Road. The site has previously been in use as an office building and benefits from permission for a change of use to residential. The site is situated within a Conservation Area.

**PLANNING HISTORY**

**W/22/0057** - Prior approval under Class MA for proposed change of use from commercial services (Use Class E) to 9no. apartments (1 x 3 bed, 3 x 2 bed and 5 x 1 bed) (Use Class C3) as shown on drawings 02d, 03b and 04 submitted on 14th January 2022 - **Granted 28.03.2022**

**RELEVANT POLICIES**

- National Planning Policy Framework

#### Warwick District Local Plan 2011-2029

- BE1 - Layout and Design
- BE3 - Amenity
- HE1 - Protection of Statutory Heritage Assets

#### Royal Leamington Spa Neighbourhood Plan 2019-2029

- RLS3 - Conservation Area

### **SUMMARY OF REPRESENTATIONS**

**Royal Leamington Spa Town Council:** No comments.

**WDC Conservation:** No objection.

**WDC Waste Management:** No objection.

**Public response:** 8 objection comments have been received on the following grounds:

- Conversion works are being undertaken outside hours of work permitted by WDC
- Overlooking and loss of privacy caused to neighbouring properties
- Existing fire escape installed in breach of planning permission
- The properties are being marketed with rear roof terrace prior to obtaining permission
- Additional noise caused by roof terrace
- Original application stated that external appearance would not be changed but a number of copper pipes have been installed
- Addition of flats will increase public disturbance

### **ASSESSMENT**

#### Design and impact on the character of the area and street scene, including the character and appearance of the Conservation Area

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 193 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 195 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.

Policy HE1 of the Warwick District Local Plan states that development will not be permitted if it would lead to substantial harm to or total loss of the significance of a designated heritage asset, unless it is demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh the harm or loss, or if criteria listed within the policy have been satisfied. Where development would lead to less than substantial harm to the significance of a designated heritage asset, this harm will be weighed against the public benefits of the proposal, including securing its optimum viable use.

Neighbourhood Plan policy RLS3 requires developments within or that directly affect a Conservation Area to be of a design that is sympathetic to the local context including designated heritage assets.

The proposals seek alterations to the front elevation of the building to provide a more modern finish to an existing modern building. The proposal seeks to apply render to entire front elevation, the majority of the existing building is rendered to the front and to render the entire front elevation is considered in keeping with the existing building and the immediate street scene.

The proposal also includes alteration to the front entrance comprising metal cladding to the ground floor, officers consider the cladding acceptable in design terms and would provide a modern appearance to the frontage. Externally to the front of the site, the proposal seeks to provide replacement metal railings adjacent to the public footpath. The site currently benefits from metal railings in this location and the replacement railings are of a comparable height and design which would not cause harm to the character and appearance of the street scene.

To the rear, the proposal seeks to replace an existing ground floor window with a larger window, the proposed window has been designed to match the existing fenestration in terms of size and design and would not appear out of place to the rear elevation. To the second floor the proposals include glass balustrading to the existing rear terrace, officers are satisfied that the glass balustrading would not have a harmful impact on the character and appearance of the property and the wider Conservation Area. It should also be noted that the Council's Conservation Team have raised no objection to the proposals.

As originally proposed, the scheme did include the provision of a bin store and boundary wall to the front of the site adjacent to the public highway, officers considered this to be out of keeping with the street scene which is predominantly characterised by low boundary walls and railings. Therefore, this element of the scheme has been omitted.

As the site is within a Conservation Area it is considered appropriate to request sample materials of the proposed modern framing to the front entrance to ensure the finish is of a high quality design, these will be secured via condition. Subject to conditions, Officers are satisfied that the proposals will not result in harm to

character and appearance of the street scene nor the Conservation Area, the proposal therefore complies with Local Plan policies BE1, HE1 and Neighbourhood Plan Policy RLS3.

#### The impact on the living conditions of the occupiers of the neighbouring properties

Warwick District Local Plan Policy BE3 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 proposed external alterations to the Clarendon Street (front) elevation do not involve increasing the size of the existing built form and therefore there are no concerns over loss of light or outlook to any nearby properties. In addition the rear ground floor window would not afford any views across to neighbouring residential properties and is considered acceptable.

The proposal would introduce glass balustrading the existing second floor terrace area. The site currently benefits from second floor access onto the existing flat roof however officers are mindful that in granting permission for glass balustrading this would enable a more meaningful use of this space for future occupiers which could have an impact on the amenity of nearby residential properties.

Officers are also aware of a number of objections that have been received from local residents raising concerns over loss of privacy as a result of the rear terrace. The proposal does seek to provide 1.8m obscure glazing to the rear and sides of the terrace to avoid overlooking to nearby neighbouring properties, in particular the properties to the rear of the site along Alveston Place that are set at a lower level to the terrace and benefit from private balcony areas.

Subject to a condition requiring a suitable level of obscurity for the glazing and to secure the glazing in perpetuity, officers are satisfied the balustrading would be sufficient to not cause a negative impact on the amenities of neighbouring residential properties.

The proposal is therefore considered to comply with Local Plan policy BE3.

#### **Conclusion**

The proposal has been sensitively designed to compliment the surrounding buildings and the Conservation Area whilst not causing harm to the amenity of neighbouring residential buildings.

#### **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) 02g, 03g, 04g, and specification contained therein, submitted on 08th April 2022 and 12th July 2022. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
  - 3 No development shall be carried out above slab level unless and until samples of the external facing materials to be used have been submitted to and approved in writing by the Local Planning Authority. The development shall only 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 BE1 of the Warwick District Local Plan 2011-2029.
  - 4 Prior to the occupation of the development hereby permitted, the glazed balustrading to the north, west and south elevations shall be permanently glazed with obscured glass to a degree sufficient to conceal or hide the features of all physical objects from view. The glazed balustrading shall be retained and maintained in that condition at all times. **Reason:** To protect the privacy of users and occupiers of nearby properties and to satisfy the requirements of Policy BE3 of the Warwick District Local Plan 2011-2029.
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