

**Application No:** W 11 / 0974

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

**Registration Date:** 15/12/11  
**Expiry Date:** 09/02/12

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**Cambridge House, 3 Newbold Street, Leamington Spa, CV32 4HN**

Erection of a single and two storey side and rear extension to the existing 8 bedroom house in multiple occupation to provide a self-contained 4 bedroom house in multiple occupation FOR WAC Investments

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This application is being presented to Committee due to an objection from the Town Council having been received and because it is recommended that planning permission be granted subject to the completion of a legal agreement. Failure to complete the agreement by 30 June 2012 would result in refusal of the application.

**SUMMARY OF REPRESENTATIONS**

**Town Council:** Object on grounds of poor design and out of keeping with character and appearance of Listed Building and Conservation Area.

**Public Response:** 2 neighbours have objected on the following grounds:

- parking;
- noise and disturbance;
- the proposals would not harmonise with the adjacent office accommodation;
- noise transmission through the party wall with the adjacent offices; and
- the possibility of imposing conditions to control noise.

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

**Severn Trent Water:** No objection, subject to a condition to require drainage details.

**WCC Ecology:** Requested that a bat survey be carried out. Following the completion of a bat survey, the following comments were made.

The bat survey undertaken by Cotswold Wildlife Surveys in November 2011 takes the form of a diurnal inspection of the building, both externally and internally to investigate its potential suitability for use by bats.

Externally the building was in the main found to be in sound condition, and although a small number of crevices was identified around the ridge tiles, close inspection of these areas found no evidence of bats and they were heavily cobwebbed. The inspection of the roof void also failed to record any evidence of bats. The report concludes that no further survey effort is required regarding bats, and based upon the results of the survey work Ecological Services would agree with such an approach. However, as a precaution, and taking into account

nearby bat records and the presence of suitable bat foraging habitat, it is advised that an informative bat note is attached to any permission Warwick DC may be minded to grant. A further informative note concerning breeding birds is also recommended.

**WDC Cultural Services:** Recommend to apply the Open Space SPD to this planning application for an offsite capital contribution. The address for the planning application site has several green spaces within a 500m accessibility threshold that could be considered local green spaces and strategic greenspaces. These include Jephson Gardens, Mill Gardens, Welches Meadow and Newbold Comyn. In the most recent quality assessment many of these sites scored average or below the Warwick District average for quality. Each of these green spaces have development plans for enhancements and therefore require further funding. An offsite contribution will support the improvements to any one of these sites. It is intended that these improvements would be completed within the next 5 years, and therefore when the contribution will be spent.

**WDC Private Sector Housing:** The proposal appears to be for an extension to provide a 12 bed house in multiple occupation (4 beds having en-suite facilities), 2 kitchens, 2 lounges, 2 shared bathrooms and wc facilities. The rooms all appear to meet the space standards. Subject to Building Control Regulations approval;, the property is therefore suitable for HMO purposes.

**WDC Waste Management:** The bin store is by some allocated parking spaces, the only access for this property is the parking by the bin store accessed via William Street. If so as long as it is within 25 metres from the road and the access can fit the bins through this is fine.

**WDC Environmental Health:** No objection.

### **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)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (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)
- DAP4 - Protection of Listed Buildings (Warwick District Local Plan 1996 - 2011)
- DAP7 - Restoration of Listed Buildings (Warwick District Local Plan 1996 - 2011)
- DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
- Vehicle Parking Standards (Supplementary Planning Document)
- DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Open Space (Supplementary Planning Document - June 2009)
- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- The 45 Degree Guideline (Supplementary Planning Guidance)

- Distance Separation (Supplementary Planning Guidance)

## **PLANNING HISTORY**

In 2009 planning permission was granted for "Conversion from offices to an 8 bedroom House in Multiple Occupation (HIMO)" (Ref. W09/1062).

## **KEY ISSUES**

### **The Site and its Location**

The application relates to a two storey Grade II Listed Building situated on the north-eastern side of Newbold Street, within the Leamington Spa Conservation Area. The application property is situated at the end of a terrace of buildings that includes a mix of commercial and residential uses. The application site is also bounded by offices to the north-west and north-east. The application property has a parking area to the rear with vehicular access from William Street. There is a further driveway providing parking to the front of the site, accessed from Newbold Street.

### **Details of the Development**

The application proposes the erection of a single and two storey extension to provide an additional self-contained 4 bedroom house in multiple occupation.

The following amendments have been made to the application:

- alterations to design of extension;
- cycle parking increased in size, relocated and cover provided; and
- design of bin store amended.

### **Assessment**

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

- the impact on the character and appearance of the Listed Building and the Conservation Area;
- the impact on neighbouring properties;
- car parking; and
- protection of bats.

### **Impact on the character and appearance of the Listed Building and the Conservation Area**

The concerns of the Town Council are noted. However, as amended, it is considered that the proposals would preserve the character and appearance of the Listed Building and the Conservation Area. The minor alterations that have

been made to the design will ensure that the extension would respect the existing building and would be in keeping with surrounding traditional development. The amendments have addressed the concerns of the Council's Conservation Architect and a large scale details condition will ensure that the design details are appropriate.

#### Impact on neighbouring properties

Whilst there are residential properties nearby the site, notably in Newbold Street, the immediate neighbouring buildings are all in office use. The proposed extension would adjoin the boundary with the neighbouring offices at Nos. 40 and 42 Holly Walk. The single storey part of the extension would be largely screened from the windows in the side of No. 42 by the existing boundary wall. The first floor part of the extension would be set off the boundary with No. 42 and therefore would not cause undue loss of light or loss of outlook for the office accommodation in that property. With regard to the offices at No. 40 Holly Walk, that property has a largely blank side elevation facing the application site, although there is one small side window that would be affected by the proposals. The extension has been designed to stop short of this window and taking into account the fact that this is a small window in a side elevation, it is not considered that the proposals would cause undue loss of light or loss of outlook for the office accommodation as a result of the impact on that window.

The proposed extension would be well away from the nearest dwellings and would be largely screened from those properties by the existing bulk of the application property and surrounding offices. Therefore the proposals would not have a significant impact on the living conditions of neighbouring dwellings. It is also considered that the proposals would have an acceptable relationship with the existing residential accommodation within the application property.

The owner of the adjacent offices at No. 40 Holly Walk has raised concerns about noise transmission through the party wall. However, there has been no objection from Environmental Health and residential development does not normally give rise to issues of unacceptable noise transmission to neighbouring properties. Furthermore, the wall of the proposed extension on the boundary with No. 40 is shown to be constructed inside the existing wall of that property and this will provide added noise insulation between the two properties.

Another neighbour has raised the issue of noise in general from occupants of the proposed development, with particular reference to student houses. However, in this case the application relates to an established house in multiple occupation and would not result in the loss of a family home. Furthermore, this is a mixed commercial / residential area, with the site surrounded by commercial properties. Therefore it is hard to argue in this particular case that an additional house in multiple occupation would cause an unacceptable over-concentration of such uses.

#### Car parking

The proposals would result in a reduction in the number of parking spaces on the application site from 5 to 4 and the resulting parking provision would not meet the Council's Parking Standards. The resulting 8 bedroom and 4 bedroom houses

in multiple occupation would require a total of 6 off-street parking spaces. Nevertheless, the Council's Parking Standards do allow for parking provision below the standard where the site is situated within a Resident's Parking Zone and a Section 106 agreement is put in place to waive the residents' rights to parking permits. The applicant has agreed to enter into a Section 106 agreement to secure this restriction. Furthermore, the application also includes covered cycle storage for 4 cycles, which would amount to one space for each of the bedrooms to be created. Parking is controlled on surrounding streets and therefore, subject to the proposed restrictions on resident's parking permits, it is considered that the proposals would be in accordance with the provisions of the Council's Parking Standards and would have an acceptable impact on parking on surrounding streets.

#### Protection of bats

A bat survey has been carried out and this did not find any evidence of bats using the application property. The County Ecologist has accepted the results of this survey and therefore it is considered that the proposals would not cause harm to bats.

#### Other matters

The applicant has agreed in principle to make a contribution of £2,512 towards the provision or enhancement of public open space. This would meet the requirements of Local Plan Policy SC13. This would be secured by a Section 106 agreement.

The Council's Waste Management team have agreed that the proposed bin storage arrangements would be appropriate.

The application proposes the installation of solar thermal panels to meet 10% of the predicted energy requirements of the development. This would meet the requirements of Local Plan Policy DP13. The proposed panels would be located in a discrete location on the side roofslope of the proposed extension and therefore would have an acceptable impact on the character and appearance of the Listed Building and the Conservation Area.

### **RECOMMENDATION**

GRANT, subject to the completion of a Section 106 agreement to secure a contribution of £2,512 towards the provision or enhancement of public open space and to waive the rights of future occupants of the development to apply for resident's parking permits, and subject the conditions listed below.

### **CONDITIONS**

- 1 The development hereby permitted must be begun not later than the expiration of three years from the date of this permission. **REASON :** To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The development hereby permitted shall be carried out strictly in

accordance with the details shown on the application form, site location plan and approved drawing(s) 768-A1-110-B & 768-A3-111, and specification contained therein, submitted on 1 August 2011 & 2 May 2012, 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.

- 3 Details of the means of disposal of storm water and foul sewage from the development shall be submitted to and approved by the District Planning Authority before the development hereby permitted is commenced and the development shall not be carried out other than in strict accordance with such approved details. **REASON** : To ensure satisfactory provision is made for the disposal of storm water and foul sewage and to satisfy Policies DP9 and DP11 of the Warwick District Local Plan 1996-2011.
- 4 No development shall be carried out on the site which is the subject of this permission, until large scale details of doors, windows (including a section showing the window reveal, heads and cill details), eaves, parapets, rainwater goods and the lantern light at a scale of 1:5 (including details of materials) have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. **REASON** : For the avoidance of doubt, and 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.
- 5 All external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **REASON** : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011.
- 6 The roofing material for the development shall be natural slate. **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.
- 7 All rainwater goods for the development hereby permitted shall be metal. **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.
- 8 All window and door frames and the bin store 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.
- 9 The residential accommodation hereby permitted shall not be occupied until the bin store has been constructed in strict accordance with the approved plans. The bin store shall be retained and kept available for the storage of refuse and recycling associated with the development at all times thereafter, unless agreed otherwise in writing by the District

Planning Authority. **REASON** : To protect the amenities of occupiers of the site and the character and appearance of the locality, in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.

- 10 The cycle store shown on the approved plans shall be completed before the residential accommodation hereby permitted is first occupied and thereafter shall be kept free of obstruction and be available at all times for the parking of cycles associated with the development, unless otherwise agreed in writing by the Local Planning Authority. **REASON** : To ensure that there are adequate cycle parking facilities to serve the development, in accordance with the requirements of Policy DP8 of the Warwick District Local Plan 1996-2011.
- 11 The car parking areas shown on the approved plans shall be constructed prior to occupation of the development and thereafter be permanently retained for parking purposes for the development hereby permitted. **REASON** : To ensure that adequate parking facilities are retained for use in connection with the development, in accordance with the requirements of Policy DP8 of the Warwick District Local Plan 1996-2011.
- 12 The development hereby permitted shall not be first occupied unless and until the renewable energy scheme submitted as part of the application has been wholly implemented in strict accordance with the approved details. The works within this scheme shall be retained at all times thereafter 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.

### **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, the proposed development does not adversely affect the historic integrity, character or setting of the listed building, is of an acceptable standard of design and detailing and preserves the character and appearance of the Conservation Area within which the property is situated. Furthermore, the proposals would have an acceptable impact on surrounding properties and on car parking in surrounding streets. The proposal is therefore considered to comply with the policies listed.

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