

Planning Committee: 18 July 2017

Item Number: 6

Application No: W 17 / 0465

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

Registration Date: 24/03/17
Expiry Date: 19/05/17

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3 George Street, Leamington Spa, CV31 1ET

Conversion of existing building and erection of new second floor to provide 4no. 2 bedroom flats and 2no. 1 bedroom flats, with new shop front to ground floor.
FOR Mr Dhesi

This application is being presented to Committee due to the number of objections received and an objection from the Town Council.

RECOMMENDATION

Planning Committee is recommended to grant planning permission, subject to the conditions listed at the end of this report and a unilateral undertaking to remove the rights of future occupiers of the development to parking permits.

DETAILS OF THE DEVELOPMENT

Planning permission is sought for the erection of first and second floor extensions over the existing retail unit and part conversion of the existing retail unit, to create 6 apartments which comprise of: 4no. two bedroomed apartments and 2no. one bedroom apartments. A new shop front is also proposed.

The development will comprise of a three storey "bookend" which addresses the corner between George Street and New Street, with a two storey elevation which steps down along George Street. All of the elevations fronting onto public spaces will be rendered, with white painted timber sash windows. The rear of the site will benefit from facing brickwork. The elevation facing George Street benefits from a parapet wall which hides a mansard roof behind providing a concealed third floor. The three storey part of the development will have a hipped roof.

The existing ground floor shop will be retained, and a bin and cycle store to the ground floor are also proposed to the ground floor. However, no on site parking is provided.

The design of the proposed apartments has been carefully negotiated Officers following the withdrawal of previous schemes to ensure a sensitive design for this prominent corner position.

THE SITE AND ITS LOCATION

The application relates to an existing part single and part two storey building, positioned on a prominent corner plot within the Conservation Area. The existing

property fronts both New Street and George Street, which forms part of Leamington Town Centre. The application site is located within Flood Zone 1 and is also identified as being in a Primarily Residential Area on the proposal maps. There are Grade II listed buildings which adjoin the site along George Street.

PLANNING HISTORY

W/04/1910/CA - application granted for the demolition of all buildings on the site.

W/13/0611 & W/13/0612/CA - applications granted for the demolition of existing shop/showroom and construction of three dwellings.

W/15/2118 - application withdrawn for the conversion of existing retail unit to 6no. flats with associated extensions.

W/16/1136 - application withdrawn for resubmission of W/15/2118: for the conversion of existing retail unit to 6no. flats with associated extensions.

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)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
- DAP9 - Unlisted Buildings in Conservation Areas (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)
- CC1 - Planning for Climate Change Adaptation (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)
- 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)
- H1 - Directing New Housing (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- Guidance Documents

- The 45 Degree Guideline (Supplementary Planning Guidance)
- Distance Separation (Supplementary Planning Guidance)
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Vehicle Parking Standards (Supplementary Planning Document)
- Open Space (Supplementary Planning Document - June 2009)
- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- Design Advice on Shopfronts & Advertisements in Royal Leamington Spa (Supplementary Planning Guidance).

SUMMARY OF REPRESENTATIONS

Leamington Town Council: Objection on grounds of lack of parking.

Cllr Quinney: Objection on lack of provision for off street parking. Queries the reliability of the parking survey provided. Unclear regarding the waste and cycle storage. Comments that there are concerns about the future viability of the ground floor retail unit and whether this would be converted to residential use.

Cllr Western: Objection on grounds that there is insufficient car parking capacity on street.

WCC Ecology: Recommend a condition which requires the provision of an additional bat survey prior to commencement of works.

Waste Management: No objection, subject to adequate waste storage measures.

Open Space: No objection, subject to a contribution of £9,192 towards the improvement of local open spaces.

Private Sector Housing: Objection on grounds that the flats at second floor have a poor internal layout, the internal rooms do not facilitate a proper means of escape in the event of a fire.

WCC Highways: Initial objection withdrawn, subject to unilateral undertaking being acceptable.

CAF: The scheme approved in 2013 is more appropriate and in keeping with the character, scale, massing and design of the area. The proposed design does not enhance the area as the creation of a higher density of apartments has led to an increase in elements such as the height of the three storey end which creates a sharp disjuncture between the main and corner elevations.

Public Response: 10 objections have been received on grounds of lack of off street parking provision; reliability of parking survey provided; increased littering and inadequate waste storage; inappropriate as there are already too many HMOs in the area; overdevelopment of the site; the roof line will be inappropriately higher than the neighbouring buildings which is out of character with the street scene; the development is not of a high enough quality design for the prominent corner position in the Conservation Area; there is no cycle storage; viability of the retail unit without the storage area.

ASSESSMENT

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

- Principle of the Development
- Impact on the Character and Appearance of the Area
- Impact on Heritage Assets
- Impact on Nearby Uses
- Highway Safety and Parking
- Waste
- Sustainability
- Open Space
- Ecological Impact
- Health and Wellbeing
- Other Matters

Principle of the Development

The proposed residential development would accord with Policy UAP1, which seeks to direct residential development to previously developed land and buildings within the confines of urban areas. Furthermore, the application site is located within a primarily residential area on the proposals maps.

The development also includes the retention of the ground floor retail unit. However, there have been objections from members of the public and a local Councillor that the loss of the storage area for the shop (at first floor) could cause the retail unit to close due to lack of viability. The existing shop is of a similar size to other retail units within the nearby area which do not have storage areas at first floor. Furthermore, whilst the Council would not wish to see a retail unit fail, the loss of a retail unit in this area would not be unacceptable in policy terms because it is not a primary or secondary retail frontage, and is located within a primarily residential area. The concerns of local residents are noted, however, this is not considered to represent a reason for refusal.

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. Although the building is of some interest, it is undistinguished and has been subject to an earlier approval for demolition in 2005 and would have been demolished as a result of a previous approval for the site in 2013. The impact of the proposed design on the Conservation Area and setting of Listed Buildings 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.

The proposed scheme has been carefully designed to reflect the character and appearance of the existing street scene facing towards George Street in terms of the form, fenestration and architectural motifs of existing buildings. Whilst the proposed development will contain apartments, as a result of the fenestration the proposed development appears as two storey dwellings which are similar to those which abut the application site along George Street. The proposal will however provide an additional floor, through the provision of a mansard roof, which is concealed behind a parapet wall.

The three storey element of the proposed development provides a bookend style development within the street scene. The application site fronts onto a cross roads, where there are already three storey properties which have a similar "bookend" form, sitting directly opposite to the application site. Therefore, the proposed development is not considered to appear out of keeping or incongruous within the street scene. It is noted that there have been objections from members of the public on grounds that the proposed roof line will be inappropriately higher than the neighbouring buildings which is out of character with the street scene. However, the proposed development is considered to appropriately step down from the three storey, down to a two storey, with a concealed mansard roof. The parapet wall is in line with the existing parapet wall of the residential properties which abut the site. The proposed three storey element will be of a similar height to the modern three storey development next to the application site along New Street. Therefore, it is considered that the proposed ridge height is acceptable and will not be harmful to the street scene.

There have also been objections from members of the public on grounds that the proposal represents overdevelopment of the site. However, the proposed development is considered to respect the character of the existing street scene, and subject to the development providing adequate living conditions for the future occupiers of the site, which is discussed below, the proposal is not considered to represent overdevelopment of the site.

The proposed development is considered to comply with the NPPF, adopted Local Plan Policy DP1 and the Residential Design Guide SPG.

Impact on Heritage Assets

Warwick District 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. Adopted Local Plan policy DAP4 stipulates that works must not adversely affect the listed buildings special architectural or historic interest, integrity or setting.

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 on grounds that the development is not of a high enough quality design for the prominent corner position in the Conservation Area. Furthermore, the Conservation Area Forum have made comments on the application; they consider that the scheme approved in 2013 is more appropriate and in keeping with the character, scale, massing and design of the area. They state that the proposed design does not enhance the area as the creation of higher density apartments has led to an increase in elements such as the height of the three storey end which creates a sharp disjuncture between the main and corner elevations.

The proposal has been amended from previous designs which were considered to be harmful to the Conservation Area and setting of listed buildings. The proposal has been negotiated with the Officers who are satisfied that the development would enhance the Conservation Area and would not be harmful to the setting of nearby listed buildings. The fenestration has been carefully designed to follow in line with the Grade II listed buildings which is considered to respect and enhance the setting of these listed properties. Furthermore, the development will also appropriately respect the higher three storey properties fronting the cross roads and along New Street, by stepping up at the corner. The proposal will create a stronger landmark building which relates much more appropriately to the corner, and existing buildings.

The CAF comments are noted, however, the proposed scheme is not considered to represent a significant departure from the previously approved 2013 scheme. The proposed design is not considered to be harmful to the listed buildings or Conservation Area. The proposed development would provide an improvement to the existing building which would enhance the Conservation Area. Therefore, the proposal is considered to comply with the NPPF, adopted Local Plan Policy DAP4 and DAP8.

Impact on Nearby Uses and Living Conditions of Future Occupants

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.

The proposal will largely occupy the same footprint as the existing building and although elements of the new buildings will be higher, the scheme will provide adequate separation distances to surrounding buildings ensuring that the development does not result in any material loss of light or outlook to surrounding occupiers. 2 New Street to the east of the site does have small windows in the west elevation facing the application site, however, these are secondary units and already look onto a two-storey building.

Whilst the development does not meet modern window-to-window separation standards set in SPD the gaps between buildings will remain commensurate to those within the existing locality. It is important to note that the SPG does specify that within Conservation Areas where the overriding need is to preserve or enhance the character of the area the provisions of SPG guidance will not directly apply. Therefore, it is considered that the proposal accords with the SPG and this would not warrant a reason for refusal of the application.

The proposed apartments would not have any private external amenity space. However, this is considered to be acceptable for flats which do not traditionally benefit from external garden areas. Furthermore, there is outside amenity space available to the future occupants of the site within easy walking distance. It is considered that the proposed development provided adequate amenity for the future occupiers of the site.

It is considered that the proposed development complies with the NPPF, adopted Local Plan DP2 and the Residential Design Guide SPG.

Highway Safety and Parking

There have been various public objections, an objection from the Town Council and objections from local Councillors regarding the fact that the development provides no off street parking. They have concerns that the proposed development would put additional strain on nearby on-street parking which is already at capacity. There are also concerns regarding the reliability of the parking survey provided.

The parking requirement for the proposed development in accordance with the adopted standards is 8 spaces and the parking survey provided shows that there would be capacity within nearby on street parking to meet this demand. However, it is acknowledged that this only provides a snapshot regarding the

parking situation. Furthermore, the parking survey was carried out two years ago, and there is likely to have been an increase in on street parking demand owing to more recent approvals for residential development in the nearby area. Moreover, the high number of local objections and concern shown by local Councillors also suggests that the parking survey is out of date.

The Highway Authority have commented on the application and originally objected to the development. They have made a visit to the area, as did the Case Officer who both noted that the surrounding roads were heavily parked. The Highway Authority concluded that the proposed development would add on-street parking to areas which could not cope with the additional demand, potentially leading to an adverse impact on highway safety and possibly restricting access for emergency vehicles. This would also be harmful to residential amenity by reason of parking stress.

Therefore, in order to overcome these concerns, the applicant has agreed to sign a unilateral undertaking for a Traffic Regulation Order which would remove the rights of the future occupiers of the development to apply for parking permits. The Council has been informed that this is being prepared by the applicant's solicitor and is expected imminently. The Highway Authority have withdrawn their objection, subject to the unilateral undertaking being signed.

A dedicated cycle store has been provided to the ground floor which can accommodate 6 cycles. This is considered to meet the requirements of the Council's relevant supplementary planning document.

Subject to an appropriate unilateral undertaking, the development is considered to comply with the NPPF, adopted Local Plan policy DP8 and Vehicle Parking Standards SPD.

Waste

Concern has been expressed by members of the public and a local Councillor regarding the waste storage for the site and potential for increased littering. However, the Council's Waste Management team have been consulted and have no objection to the proposed development, subject to adequate waste storage. They originally queried whether the door to the bin store was wide enough to allow bins to pass through, and this has been amended to address their concerns. Adequate waste and recycling storage is considered to have been provided to the ground floor, and a condition will be attached to the application to ensure that the bin store will remain in such use in perpetuity.

Sustainability

Due to the scale of the proposed development it is considered that a requirement to provide 10% of the predicted energy requirement of the development through renewables or a 10% reduction in CO₂ production through a fabric first approach would be appropriate. No details have been provided in reference to this matter, however, this information can be secured by condition.

The proposed development is therefore considered to comply with adopted Local Plan Policies DP12 and DP13 and the associated SPD.

Open Space

The Open Space team have commented on the application and have no objection to the proposed development, subject to a contribution of £9,192 towards the improvement of local open spaces. They have confirmed that the contribution would be put towards the development objectives of Jephson Gardens, relating specifically to the provision of improved signage and way finding as set out in the Green Flag Management Plan for the site. At the time of responding, Open Space note that there are no Section 106 agreements assigned to the various projects within the park. No contribution has been provided by the applicant, however, this can be secured by condition.

The proposed development is therefore considered to comply with the NPPF, adopted Local Plan policy SC13 and the Open Space SPD.

Ecological Impact

WCC Ecology have commented on the application and confirm that their comments remain the same as for the previous application (W/16/1136). Under this application they recommended a condition which requires the provision of an additional bat survey prior to commencement of works. This is considered to be reasonable and will be added to any approval granted.

The proposed development is therefore considered to comply with the NPPF and adopted Local Plan Policy DP3.

Health and Wellbeing

The proposed development would provide 6no. additional residential units in a sustainable town centre location.

Other Matters

There has been an objection from Private Sector Housing on grounds that the internal rooms of the second floor flats do not facilitate a proper means of escape in the event of a fire. Whilst this concern is acknowledged, this is a matter dealt with by Building Control and is not a material planning consideration. Nevertheless, the Case Officer has made the applicant's agent aware of Private Sector Housing's comments and the agent has confirmed that a sprinkler system could be installed to the second floor to overcome this issue. The Case Officer has checked this suggestion with Building Control who have confirmed that if a properly functioning sprinkler system was installed throughout the second floor, then this would meet Building Regulation Standards.

There have been comments from members of the public that the development is not appropriate for the area, because there are already too many Houses in Multiple Occupation (HMO) within the wider area. However, the development, as proposed, is for 6no. apartments, not HMOs. The site is located within the Article 4 direction, and therefore, if the applicant wanted to use the properties as HMOs accommodating 3 or more unrelated people per unit, then planning permission

would be required, and an assessment of the impact on the area would be made at this time.

CONCLUSION

The proposal would provide a sensitively designed redevelopment of a prominent corner plot in Leamington Spa Town Centre which would provide 6no. additional residential units. The proposed development is considered to provide a bookend style development which better reflects the architectural design at the cross roads, whilst enhancing the Conservation Area and respecting the character of nearby listed buildings. The proposed development provides adequate waste and cycle storage, and subject to a unilateral undertaking would not put any additional strain on nearby on street parking. 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 3075-03 C submitted on 14th March 2017 and 3075-02K submitted on 19th 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 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 (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:** 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.
- 4 Other than site clearance and preparation works no works shall commence on the construction of the development hereby permitted until samples of the external facing materials to be used have been submitted to and approved in writing by the local planning authority. Development shall 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 DP1 of the Warwick District Local Plan 1996-2011.
- 5 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.

- 6 The development hereby permitted (including demolition) shall not commence until a bat survey of the building, including appropriate building inspection and activity surveys in accordance with BCT Bat Surveys – Good Practice Guidelines, has been carried out and a detailed mitigation plan including a schedule of works and timings has been submitted to and approved in writing by the District Planning Authority. Such approved mitigation plan shall thereafter be implemented in full.

REASON: To ensure that protected species are not harmed by the development.

- 7 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.

- 8 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.

- 9 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.
 - 10 The development hereby permitted shall not be occupied unless and until the cycle storage for the development has 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 cycles associated with the development. **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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