

**Planning Committee:** 08 December 2015

**Item Number:** 12

**Application No:** [W 15 / 1558](#)

**Town/Parish Council:** Leamington Spa  
**Case Officer:** Jo Hogarth

01926 456534 jo.hogarth@warwickdc.gov.uk

**Registration Date:** 04/11/15

**Expiry Date:** 30/12/15

**1 New Street, Leamington Spa, CV31 1HP**

Change of use from offices to 10 bed HMO and alterations to rear to provide  
2no. off street parking spaces (amendment to planning permission ref:  
W/11/1536) FOR Mr Dhesi

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

**RECOMMENDATION**

Planning Committee are recommended to grant planning permission, subject to conditions.

**DETAILS OF THE DEVELOPMENT**

The proposal seeks to amend the previously approved scheme for a 10 bed HMO by re siting the two off street parking spaces.

**THE SITE AND ITS LOCATION**

The application site relates to a large three storey end of terrace property with a single storey flat roofed rear extension situated on the corner of Mill Street and New Street within the Royal Leamington Spa Town Centre boundary. It is also within the designated Royal Leamington Spa Conservation Area.

**PLANNING HISTORY**

In 2011, (ref: W/11/1536) planning permission was granted by Planning Committee for "Conversion and change of use of office building to a 10 bedroom house in multiple occupation (HMO) (Sui Generis) and two new parking spaces plus cycle storage after demolition of existing double garage; Erection of two dormer windows on Mill Street elevation to replace existing dormer window". As part of the planning approval a condition was attached which required the two off street parking spaces to be made available prior to the first occupation of the HMO.

**RELEVANT POLICIES**

- National Planning Policy Framework

### The Current Local Plan

- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP1 - Layout and Design (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)
- DAP8 - Protection of Conservation Areas (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)
- TR1 - Access and Choice (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)
- H6 - Houses in Multiple Occupation and Student Accommodation (Warwick District Local Plan 2011-2029 Publication Draft April 2014)

### Guidance Documents

- Vehicle Parking Standards (Supplementary Planning Document)

## **SUMMARY OF REPRESENTATIONS**

**Leamington Spa Town Council:** The proposal for the provision of 2 off-street parking spaces appears to require the demolition in part of previously identified and agreed communal living space and will therefore cause an unacceptable reduction in size and provision for a 10-bed HMO.

**WCC Highways:** Object as no parking survey has been undertaken to determine whether the proposed HMO will create further demand for parking and whether this additional demand can be accommodated safely.

**WCC Ecology:** Recommend bat note.

**Private Sector Housing:** The revised ground floor plan shows a good sized kitchen/diner with an additional first floor kitchen and the facilities (including washing facilities) appear to be in order for a 10 bed HMO.

**Public Response:** 4 letters of objection on grounds that this should be restricted on HMO density; off street parking here would remove on street parking, the communal room would be removed. No details of a dropped kerb are submitted and two spaces is inadequate for a 10 bed HMO.

2 letters of support have also been received on grounds of the improvements to the area through the removal of the fire escape and reinstatement of original sash windows and original slates. Sufficient communal areas and off street parking would reduce dangerous congestion.

## **ASSESSMENT**

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

- The Principle of development
- Parking and highway safety
- The impact on the character and appearance of the Conservation Area
- Renewables / CO2
- Health and Wellbeing

### The principle of the development

The principle for a change of use from offices to a HMO has already been assessed and established through the granting of planning permission ref: W/11/1536. The objections in relation to the amended living accommodation are noted, however, the proposed internal layout has been assessed by the Council's Private Sector Housing Officer who is of the view that it is acceptable. The main issue to consider in this current application is therefore limited to the re-siting of the two off street parking spaces.

### Car Parking and Highway Safety

As previously approved, the parking spaces were to be located where the garage to the East is situated, but now the parking spaces are to be located further to the West, next to the main building, after the demolition of the single storey flat roofed rear extension.

The reason for the amendment is that the application site has been sold to a new owner without the benefit of the garage. As a result, the off street parking spaces need to be provided in an alternative position in order to comply with the original planning permission for the change of use.

The approved scheme provided two off street spaces and the current proposal provides the same. The length and width of the two spaces comply with the Council's adopted SPD on Vehicle Parking Standards in that they would be 3 metres wide and 4.8 metres long. Furthermore, the relocation of the two parking spaces would still enable the provision for cycle racks and it is considered that the proposal would meet the criteria set out in Policy DP8 in the Local Plan. It is considered that the revised location would have no greater visual impact on New Street than the approved development.

The objections raised in respect of parking are noted as is the Highway Authority's request for a parking survey. However, the fundamental point to note is that planning permission has already been granted for a 10 bed HMO with two

parking spaces and therefore to refuse the application on grounds of parking or highway safety would be unreasonable.

The proposal is therefore considered to accord with Policy DP8 of the Local Plan.

#### The impact on the Character and Appearance of the Area

It is considered that the repositioning of the two off street parking spaces which require the removal of a section of wall which is situated at the back of the footpath would not result in significant adverse harm to the character and visual appearance of the streetscene and wider Conservation Area in which the property is located. The character of this section of New Street is mixed in so far as there are low walls with planting, openings for driveways and some fencing. As such it is considered that the proposal would not be visually detrimental to the Conservation Area or conflict with the objectives of Policy DAP8 in the Local Plan.

#### Renewables / CO2

The approved development was conditioned to secure the provision of a renewables scheme comprising of 9no. solar thermal panels to meet the Council's requirement to provide 10% of the predicted energy generated by the proposal. This can be secured by condition as part of the current application. The proposal is therefore considered to meet the objectives set out in Policy DP13 in the Local Plan and the Council's adopted Supplementary Planning Document on 'Sustainable Buildings'.

#### Health and Wellbeing

The application is not considered to raise any significant adverse impact in terms of health and wellbeing.

### **SUMMARY/CONCLUSION**

The application is considered to be acceptable in terms of impact on the surrounding area and the visual appearance of the Conservation Area and would not result in material harm to the living conditions of nearby residents and the proposal is considered to comply with the aforementioned policies.

### **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 numbers 2072/2, 2073/3 and large scale details shown on 2060/1 and specification contained therein, submitted on 25 September 2015 and 10 November 2015. **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 car parking area for the development hereby permitted shall be constructed, surfaced and laid out together with the bicycle racks and available for use prior to the first occupation of the development hereby permitted, in full accordance with the approved plan. The car parking area shall be kept free of obstruction and be kept available for those purposes at all times thereafter unless otherwise agreed in writing by the local planning authority. **REASON:** To ensure that adequate parking facilities are provided and retained for use in connection with the development, in accordance with the requirements of Policy DP8 of the Warwick District Local Plan 1996-2011.
- 4 The development hereby permitted shall not be first occupied unless and until the renewable energy scheme submitted as part of the application under W/11/1536 has been wholly implemented in strict accordance with the approved details contained within the Sustainable Buildings Statement and drawing number 7655/2A. The works within this scheme shall be retained at all times thereafter and shall be maintained strictly in accordance with manufacturer's specifications and shall not be removed or altered in any way without the prior written approval of the local planning authority. **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
- 5 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.

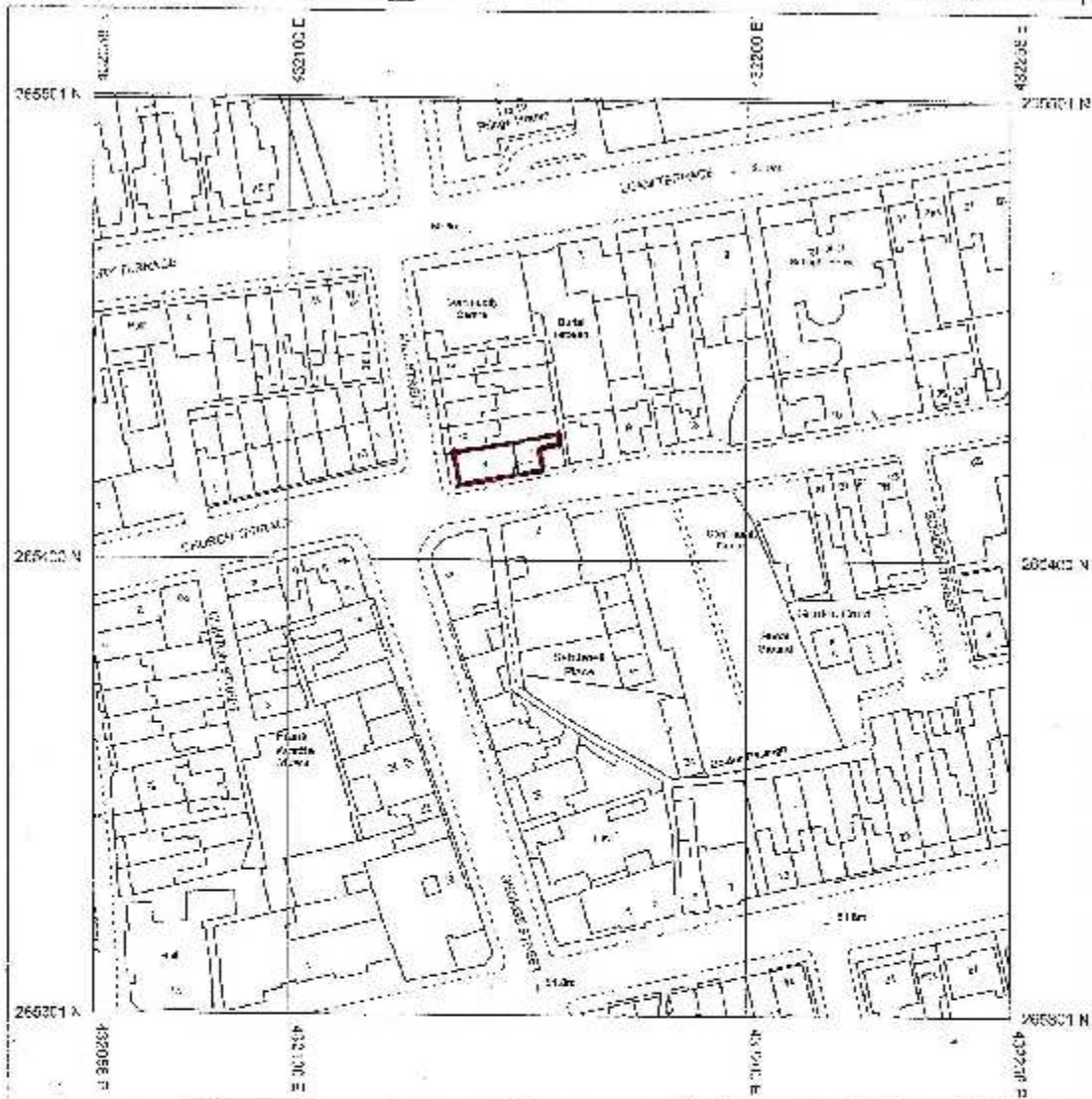


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Location Map



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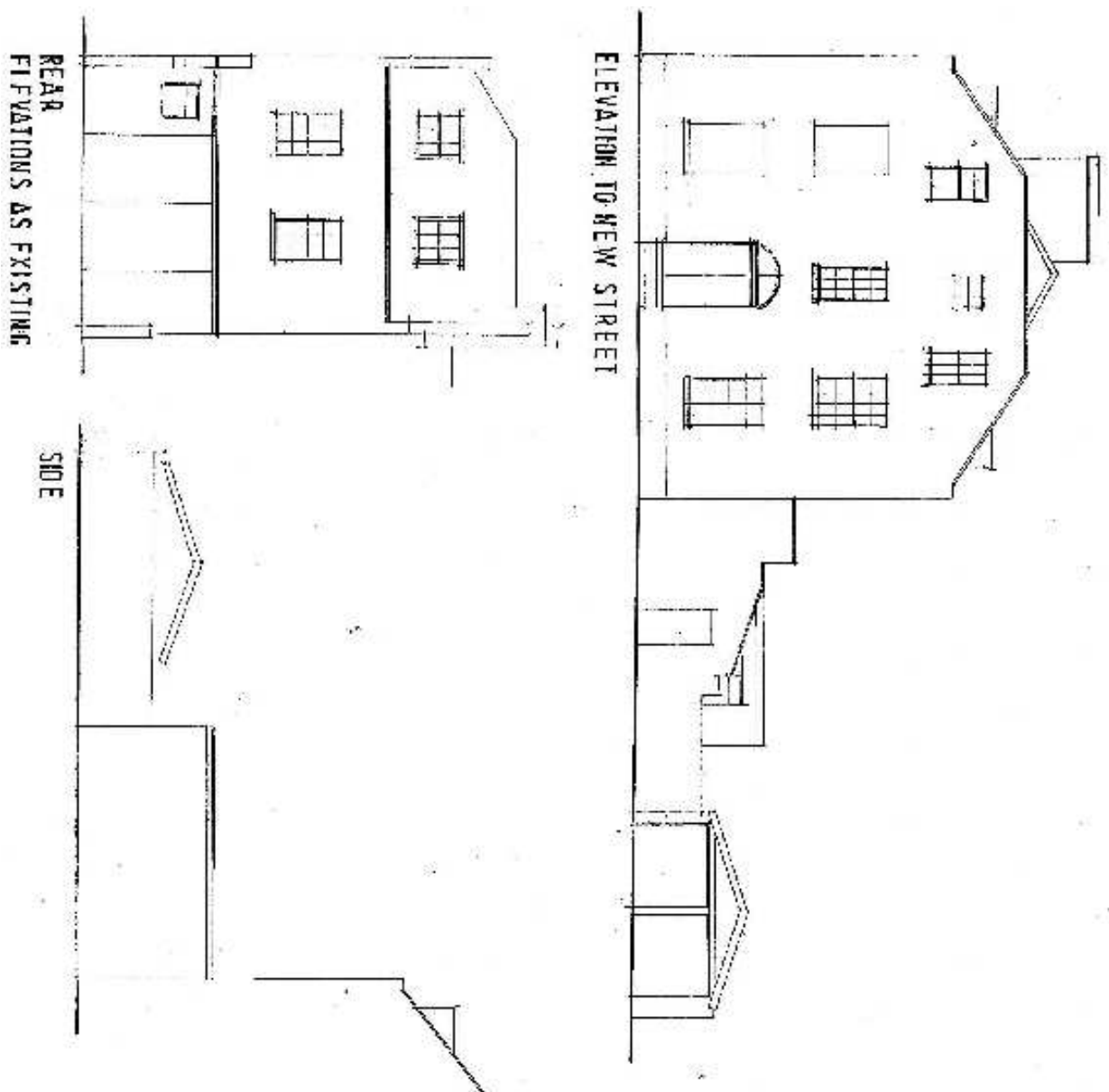


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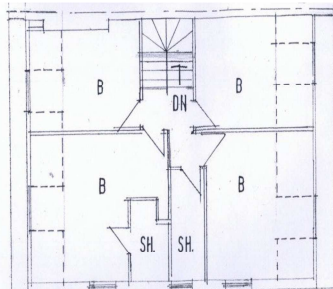
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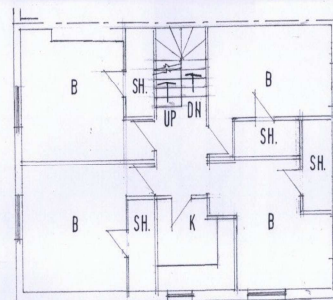


PROPOSED CHANGE OF USE TO  
 10 NO BEDROOMS OF NO.1 NEW STREET  
 LEAMINGTON SPA  
 1100 2072/14

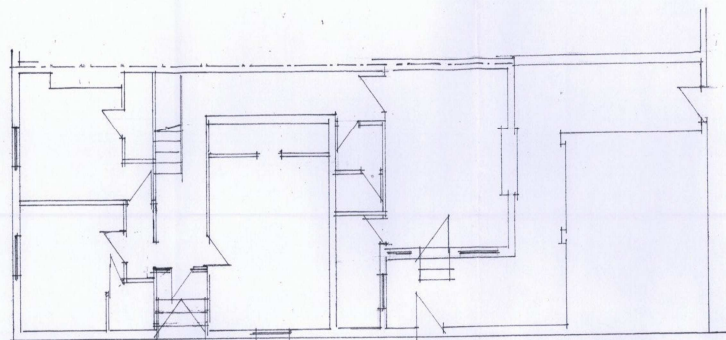




SECOND FLOOR



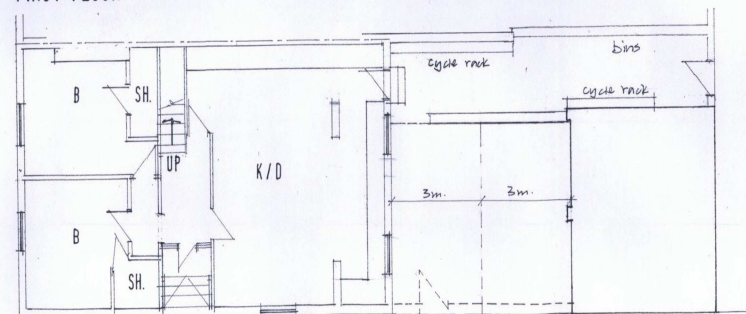
FIRST FLOOR



GROUND FLOOR

**AMENDED**

PLANS AS EXISTING



GROUND FLOOR PLAN AS PROPOSED

10/11/15.

PROPOSED CHANGE OF USE TO  
10 NO. BEDROOMS OF NO.1 NEW STREET  
LEAMINGTON SPA

1:100

2072/2