

Application No: [W 15 / 1664](#)

Town/Parish Council: Leamington Spa
Case Officer: Liam D'Onofrio

Registration Date: 09/10/15

Expiry Date: 04/12/15

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120 Shrubland Street, Leamington Spa, CV31 2AR

Proposed conversion of Bakery into 4 number two-bedroomed town houses. FOR
Mr Kerr

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

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

Planning permission is sought for the conversion and extension of a commercial building into four 2-bedroomed town houses. This will include raising the height of the building from 1.5-storeys to 2.5-storeys to provide a third floor. The supporting information notes the following:

- The revised scheme has taken into consideration comments made by the planning officer in reducing the number of units and providing a better rhythm to fenestration on the eastern elevation of the building.
- The proposed residential function is wholly appropriate for the area.
- The new design for the development is sympathetic to its surroundings and will provide much needed residential units.
- These town houses will provide properties that can be rented to families and professional couples who will benefit from the town centre location.
- The proposal offers an excellent opportunity to regenerate an existing brown field site and will rejuvenate a building which has been allowed to degrade into its current state over a long period of time. The building is no longer fit for use in its original form and needs to be reinvented if it is to survive.
- The proposal complies with both local and national planning policies.

THE SITE AND ITS LOCATION

The application site relates to a commercial unit occupying a corner plot located on the western side of the highway and fronting a pedestrianised area to the north. The scheme includes an adjoining dwellinghouse, also fronting this pedestrian area. The site is within a residential area largely characterised by terraced dwellinghouses, however Shrubland Primary School is located opposite the site to the east. The site is within the built up area of Leamington Spa.

A local resident has advised that the old bakery business at No.120 dates back to 1911 but has been a theatrical costume supplier since the 1990's.

PLANNING HISTORY

W/15/0680 Proposed conversion of Bakery into 6 self contained flats (no. 120). Proposed alterations to existing dwelling (no. 118) and loft conversion: W/D 29/06/15.

W/15/0219 Proposed conversion of Bakery into 6 self contained flats (no. 120). Proposed alterations to existing dwelling (no. 118) and loft conversion: W/D 13/04/15.

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)
- DAP3 - Protecting Nature Conservation and Geology (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
- DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- SC1 - Securing a Greater Choice of Housing (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)
- H1 - Directing New Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
- TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

Guidance Documents

- Vehicle Parking Standards (Supplementary Planning Document)
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- Open Space (Supplementary Planning Document - June 2009)

SUMMARY OF REPRESENTATIONS

Royal Leamington Spa Town Council: Objection for the following reasons:

- (i) The proposed conversion is out of keeping with the street scene.
- (ii) The height of the conversion is disproportional.
- (iii) The Town Council reiterates its comment on the previous application, that the traffic survey is misleading as it was undertaken during University holidays when parking levels were not at their seasonal maximum.'

Councillor Naimo: Objection. This is the third time the applicant has submitted plans for this site within a 12 month period. Each time the application fails to take into account the concerns of local residents. The car parking issue is a major objection as has been pointed out several times - the survey was conducted during the holidays when there were fewer cars around. Therefore residents feel it is not an accurate representation of how busy the area can be. The map accompanying the survey indicates many areas in green as 'unrestricted' however these are already reaching capacity and in some places (such as the area between the site and Brunswick Street) it is too narrow to park on both sides of the street. In this particular case they have labelled this area as 'unrestricted' however it would be impossible for cars to park on the other side of the street. There is concern that other areas on the map have made similar assumptions about car parking spaces where it is not practical to do so. The height and scale of the building is also of concern as it would overshadow neighbouring properties restricting light. It is believed that residents would welcome the conversion of this property into one or two houses but not four 2-bedroom flats.

Councillor Chilvers: Objection. Despite the change from six 1-bedroom flats to two 2-bedroom flats the issues raised before have not been addressed:

- There is no off street car parking
- The car parking survey was completed in University Vacation time when there are less cars around.
- The car parking survey still demonstrated that there was limited on street parking available and is almost at capacity.
- The area is very close to Shrubland Street School - bringing more cars to the area in this busy cul-du-sac goes against the aims of Warwickshire County Council to make walking and cycling to school safer and a more attractive option. Whilst not against the redevelopment of the property into a single residence or two residences, there is an objection to the outlined plans.

Councillor Davison: This third application does not address the overwhelming concerns of local residents. There are just as many people and just as many cars. Whilst in favour of the property being turned into residential accommodation an objection is raised to this scheme, as there is already a high density of houses in multiple occupation, windows overlook Shrubland Street School/neighbouring properties and there are issues with parking.

WCC Highways: No objection. On-street parking may not necessarily be available in close proximity to the site, however on-street parking spaces are available within an acceptable walking distance of 250 metres.

WCC Ecology: No objection.

Public response:

22 objections from local residents raising the following concerns:

- Already limited parking, especially in term time, scheme provides insufficient parking.
- Traffic hazards.
- Parking survey conducted out of term time during University Easter leave.
- Insufficient bike/bin stores.
- Congestion in the area.
- Pedestrian hazards, especially children from the local school.
- Building height (3-storey)/massing is out of character.
- Poor design.
- Overlooking/loss of privacy.
- Overdevelopment.
- Noise disturbance.
- Possibility of HMO use.
- Security concerns regarding use of back alley.

A petition with 83 signatures against the renovation plans for No.118 and 120 Shrubland Street has been submitted via Councillor Naimo.

ASSESSMENT

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

- The principle of the development;
- The impact upon the character/appearance of the area;
- The impact upon the living conditions of nearby dwellings;
- Car parking/highway safety;
- Renewable Energy;
- Ecology;
- Health and Wellbeing;
- Other matters.

The Principle of the Development

The site is within the urban area where the Local Plan Policy UAP1 applies, which states that residential development will be permitted on previously developed land and buildings within the confines of the urban area. However, the National Planning Policy Framework (NPPF) 2012 states (para.49) that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites against their housing requirement. In terms of the most recent evidence of housing need, the Council cannot demonstrate a five year supply. Accordingly, only limited weight can be afforded to Policy UAP1, and in these circumstances the NPPF requires applications to be considered in the context of the presumption in favour of sustainable development. This states at paragraph 14 that where the development plan policies are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF. The scheme will contribute towards helping the Council meet its five year requirement, result in more efficient use of urban land, and as set out below would have no other significant adverse effects. On this basis the proposal is considered to constitute sustainable development, and would comply with the NPPF.

The impact on the Character and Appearance of the Area

The proposed extensions/alterations are considered to be acceptable in terms of bulk and mass. The gable of the application property fronting Shrubland Street runs contrary to the design of the other properties within the residential terrace, however this is an existing situation and the current building forms an individual structure within the streetscene. The additional height proposed is not considered to be prominent and may be considered to link better with the adjoining residential property. It is considered appropriate to have a bolder corner building to emphasise the corner plot, however the ridge height of the proposed building will be no higher than the adjoining terraced property. It is also noted that there are other end gables fronting the highway within this section of streetscene.

The previous scheme proposed a number of different sized window units and cill heights to the eastern elevation and this application was subsequently withdrawn. The current design has been improved to provide a stronger rhythm of fenestration to the eastern elevation facing Grove Place, which better reflects the character and rhythm of other terraced properties in the locality. The scheme is therefore considered to provide a sympathetic design solution.

The scheme is therefore considered to provide an acceptable scale and design and will not unacceptably affect the visual amenity of the streetscene.

The impact on the living conditions of nearby dwellings

The concerns expressed by local residents with regard to high levels of parking demand have been carefully considered. The site has zero off-street parking provision. The existing requirement for the retail unit (A1 Use class) would be four parking spaces. The parking requirement for the proposed residential development would be six spaces, as set within the Council's Vehicle Parking Standards. The proposed development will be located within a densely populated residential neighbourhood comprising terraced housing, where the majority of properties do not benefit from off-street parking and demand for on-street parking is high. Furthermore whole sections of street in the locality have also been pedestrianised.

The proposal would intensify the use of the site and is likely to result in car parking demand in excess of the existing (albeit currently vacant) retail use on site, where associated parking demand is likely to be predominantly in the daytime, causing less conflict with residential parking demand in the evening. Notwithstanding the concerns that have been expressed about the parking survey it nevertheless indicates a high demand for parking within the immediate area of the site. Four new residential units would lead to increased pressure on the limited on-street parking in the immediate vicinity, however it appears from residents' comments that there is already a high demand for parking in the locality. The Highway Authority is satisfied that there is sufficient capacity for on-street parking spaces within 250m of the site, which they consider to be a reasonable distance for residents without the benefit of off-street parking to seek a parking space. The impact upon residents amenity as a result of this scheme is not considered to be so significant as to warrant refusal of the application.

Build development currently extends across the existing plot, albeit not at the same height as the proposed scheme. The building has however been carefully designed with a single storey element to the west boundary with a minimal height increase of some 400mm compared with the existing single storey structure. The positioning of the 2.5-storey element is 5.1 metres from the common boundary. There will be a minor breach of the 45-degree sightline from the rear elevation of the neighbouring property No.116 Shrubland Street, however this will be at 12 metres distance and is not therefore considered to result in any significant impact to the occupiers of this property.

No.118 (also within the ownership of the applicant but not forming part of the application site) has no existing outlook to the rear at ground floor as the former bakery building wraps around the plot. The 45-degree sightline measured from the rear first floor windows in this property are already breached by the former bakery building and given this existing situation the proposed changes are not considered to be so significant as to warrant refusal of the scheme.

Proposed windows in the western elevation at the application property relate to roof lights or non-habitable bath/landing windows that are proposed to be conditioned to obscure glazing with top opening lights only. The distance between the second floor bedroom window in the south elevation and the neighbour to the south is 19m, however this distance is not considered so significant as to warrant refusal as it largely reflects separation distances within the locality. Other windows face onto public areas and minimum separation distances are met.

The scheme is not therefore considered to result in any significant loss of light, outlook, privacy or amenity to the occupiers of surrounding dwellinghouses or the local school.

The scheme has been designed to include a largely single aspect with main windows in the front (east) elevation and non-habitable obscure glaze windows/roof lights to the rear (west) elevation to protect the amenities of those adjoining residents. The proposed ground floor layout is therefore open plan and whilst the rear kitchen/diner relies on the living room window for outlook, large roof lights are proposed to the single storey roof over this ground floor area to provide natural light. Cycle parking and bin storage is provided within the scheme. The development is therefore considered to provide a good quality residential environment for future occupiers.

Car Parking and Highway Safety

The concerns of local residents regarding parking pressures have been carefully considered. The applicant has submitted a parking survey, however residents have been critical of its timing. The Highway Authority have carried out their own parking survey during University term time to enable a more detailed response to the scheme.

Members are advised that undercroft parking was discussed at pre-application stage, however visibility splays could not be achieved for vehicles reversing out of the parking bays and the scheme could not therefore be supported by the Highway Authority. The revised scheme has also reduced the number of units

from six one-bedroomed units (requiring one space per unit = six spaces) to four two-bedroomed units (requiring 1.5 spaces per unit = six spaces).

The Highway Authority note that, as part of the application, off-street parking has not been provided therefore, future residents would have to park on-street. There is currently a high demand for on-street parking within the area therefore, the applicants have carried out a parking survey, to establish the existing demand for on-street parking on roads within 250 metres of the site. The results of the survey and the Highway Authority's own assessment indicates that there is a high demand for on-street parking on the streets immediately around the site however, there appears to capacity on roads further from the site but within an acceptable walking distance. Therefore, although on-street parking may not necessarily be available in close proximity to the site, space is available within an acceptable walking distance, so that unsafe parking practices do not occur and have a detrimental impact on public highway safety.

The additional parking generated by the proposed development may result in existing parking being displaced along nearby roads however, the Highway Authority consider this to be an amenity issue and for the Local Planning Authority to determine whether the impact would be acceptable/detrimental to existing residents. In terms of parking provision and highway safety the Local Highway Authority have no objection to the scheme.

Renewable Energy

The applicant has opted for solar PV to meet the Council's 10% renewable technology requirement, which can be secured by condition.

Ecology

The County Ecologist has confidence in the findings of the submitted bat survey, which considered the building to be of limited/moderate potential for bats, with no evidence of bats recorded. The County Ecologist has raised no objection to the scheme, subject to a bat and nesting bird notes.

Health and Wellbeing

The scheme is not considered to raise any health of wellbeing issues.

Other Matters

The scheme will trigger the need for an appropriate open space contribution, which can be secured by the standard planning condition.

SUMMARY/CONCLUSION

In the opinion of the Local Planning Authority, the development respects surrounding buildings in terms of scale, height, form and massing and does not adversely affect the amenity of nearby residents or highway safety. The proposal is therefore considered to comply with the policies listed.

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) 319-06H, 319-07H, 319-11B, 319-12C, 319-13B, 319-14C and specification contained therein, submitted on 09/11/15, except as required by Conditions 3-5 below. **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 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.
- 4 The development shall be carried out only in full accordance with sample details of the facing and roofing materials which shall have been submitted to and approved in writing by the local planning authority. **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 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.

- 6 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.
 - 7 The scheme hereby permitted shall not be occupied until the bin and cycle stores have been constructed in strict accordance with approved plans. These facilities shall be kept available for the use of occupiers at all times thereafter. **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.
 - 8 Prior to the occupation of the development hereby permitted, all windows and rooflights in the western elevation shall be permanently glazed with obscured glass to a degree sufficient to conceal or hide the features of all physical objects from view and shall be non-opening unless the parts of the window that can be opened are more than 1.7 metres above the floor of the room in which the window is installed. The obscured glazed window(s) 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 DP2 of the Warwick District Local Plan 1996-2011.
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EXISTING MATERIALS:

Walls Existing brickwork
 Roof Slate roofing and painted leadings
 Windows & Doors White painted frames and upper units
 Rainwater goods Black gutters and downpipes

PROPOSED MATERIALS:

Walls Existing brickwork to match existing
 Roof Slate roofing to match existing
 Windows & Doors White painted frames and upper units
 Rainwater goods Black gutters and downpipes

