

Planning Committee: 01 March 2016

Item Number: 7

Application No: [W 15 / 2139](#)

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

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Registration Date: 23/12/15

Expiry Date: 17/02/16

113 Radford Road, Leamington Spa, CV31 1JZ

Conversion of existing outbuildings into a single dwelling (Use Class C3) FOR Mr G Ballinger

This application is being presented to 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 application proposes the conversion of the existing outbuildings into a single dwelling (Use Class C3). In terms of physical alterations, the application proposes the installation of rooflights, the provision of a slate roof in place of an existing section of corrugated roof and the installation of replacement timber windows and doors within existing window and door openings. There would also be some minor internal alterations.

THE SITE AND ITS LOCATION

The application relates to the rear wing of the former Red House Public House. The main part of the building fronting onto Radford Road has recently been converted into a dwelling on the ground floor with an established dwelling on the first floor. The rear wing is now disused, as is the former beer garden to the rear. The site is situated within Flood Zone 2 and within the Royal Leamington Spa Conservation Area. The site is surrounded by dwellings.

PLANNING HISTORY

In 2012 a planning application was submitted for "Proposed change of use from public house to residential. Demolition of two outbuildings and conversion of building to create three new dwelling units. Erection of two further dwelling units at rear of site" (Ref. W12/1530). This application was subsequently withdrawn.

In 2013 planning permission was refused but subsequently granted on appeal for the conversion of the ground floor of the public house to a dwelling (Ref. W/13/0337). This planning permission only related to the front part of the

former public house. The rear wing and rear garden were not included in that application.

In 2014 planning permission was refused for "Conversion of annexe into a self contained residential unit and erection of two semi-detached dwellings" (Ref. W14/0728). The "annexe" referred to in that application was the rear wing of the former public house that is the subject of the current application. The reasons for refusal related solely to the two semi-detached dwellings on the beer garden and not the proposals to convert the rear wing of the former public house. An appeal against this refusal was dismissed in 2015. In dismissing the appeal, the Inspector shared the Council's concerns about the impact of the two dwellings on the former beer garden, but did not raise any issues with the new dwelling in the rear wing of the former public house.

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)
- DP5 - Density (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
- SC13 - Open Space and Recreation Improvements (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)
- DS2 - Providing the Homes the District Needs (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS3 - Supporting Sustainable Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS5 - Presumption in Favour of Sustainable Development (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS6 - Level of Housing Growth (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS7 - Meeting the Housing Requirement (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- H0 - Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
- H1 - Directing New Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)

- SC0 - Sustainable Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR1 - Access and Choice (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR2 - Traffic Generation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR4 - Parking (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)
- CC3 - Buildings Standards Requirements (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- FW2 - Sustainable Urban Drainage (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)
- Guidance Documents
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Vehicle Parking Standards (Supplementary Planning Document)
- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Distance Separation (Supplementary Planning Guidance)
- Open Space (Supplementary Planning Document - June 2009)

SUMMARY OF REPRESENTATIONS

Town Council: Object on the following grounds: 1. The lack of adequate parking provision; 2. The Town Council queries the relevance of some information/results provided by the independent traffic survey particularly with regard to the timing of the survey.

Public Response: 4 objections have been received, raising the following concerns:

- inadequate parking;
- the parking survey carried out by the applicant is flawed;
- the parking survey underestimates existing levels of parking congestion because it was carried out at a time when both the local pub and the local convenience store are closed;
- residents already struggle to park anywhere near their homes;
- double parking already occurs and will increase, to the detriment of highway safety;
- overlooking of neighbouring properties;
- contrary to the Council's Distance Separation Guidelines;
- contrary to the Council's 45 Degree Guideline;
- thermal insulation will reduce the size of the rooms and the viability of the design;
- there will be insufficient light to the living area of the proposed dwelling; and
- no provision is made for the future use of the former pub beer garden, which will become an eyesore if left disused - this should be returned to community use.

WCC Highways: No objection.

WCC Ecology: No objection, subject to a condition in relation to bats.

WDC Environmental Health: No objection, subject to a condition to restrict the use of the yard alongside the building.

WDC Community Protection: No objection, subject to conditions.

ASSESSMENT

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

- the principle of development;
- the impact on the living conditions of neighbouring dwellings;
- the impact on the character and appearance of the Conservation Area;
- car parking and highway safety;
- flood risk; and
- health and wellbeing.

Principle of development

The application site comprises previously developed land within the urban area. Therefore a residential development would be in accordance with Local Plan Policy UAP1. With regard to Local Plan Policy SC8, the loss of the public house has already been accepted by the Inspector in relation to the previous proposals for the main part of the public house building and this part of the building has already been converted to residential use. The same conclusions would apply to the rear wing and consequently the current proposals are considered to be in accordance with Policy SC8. As a result, the proposed change of use is considered to be acceptable in principle.

Impact on the living conditions of neighbouring dwellings

The greatest impact would be on the adjacent dwelling at No. 111 Radford Road. No new windows are proposed in the side elevation facing the side of that property. However, there are a number of existing windows in that elevation, including one first floor window. The change of use would result in increased overlooking from this first floor window because it would now serve a habitable room when previously this was an area of the public house that was disused or used for storage purposes. However, this window is proposed to be obscure glazed and non-opening and a condition is recommended to secure this. This would be sufficient to prevent an unacceptable increase in overlooking. The other windows in this elevation are considered to have an acceptable relationship with No. 111 taking account of their position at ground floor level and due to the screening provided by the wall on the boundary.

The proposals would not have a significant impact on any other neighbouring dwellings. The proposals would also have an acceptable relationship with the residential accommodation within the remainder of the former public house premises.

An objector has suggested that the proposals would contravene the Council's Distance Separation Guidelines. However, none of the scenarios included in the Guidelines would apply to the development that is proposed. As a result there would be no contravention of the Guidelines.

An objector has also suggested that the proposals would contravene the Council's 45 Degree Guideline. However, as no extensions or new buildings are proposed, this Guideline is not applicable.

Impact on the character and appearance of the Conservation Area

The application proposes only limited external alterations to the building, including the installation of new rooflights, replacement windows and doors and a new slate roof to replace the existing section of corrugated roof. These alterations are all in keeping with the traditional character of the public house building. Indeed, some of these changes would result in the replacement of non-traditional elements on the existing building, including the section of corrugated roof and plastic windows. For these reasons it is considered that the proposals would enhance the character and appearance of the Conservation Area. The Conservation Officer has not objected to the proposal.

Car parking and highway safety

The Council's Parking Standards SPD would require 2 parking spaces for the proposed dwelling. However, it is not possible to provide any off-street parking due to the absence of a suitable vehicular access into the site. Paragraph 2.3.2 of the Parking Standards SPD specifies certain situations where development will be allowed without compliance with the Standards. This includes situations where there is sufficient capacity for on-street parking without detrimentally affecting the safety and convenience of other residents and occupiers.

In this regard, the applicant has undertaken a Parking Beat Survey of on-street parking within 200m and 500m of the application site. This demonstrates that there is more than enough on-street parking available to accommodate the additional demand for parking that would be generated by the proposed development, with a total of 87-89 spaces available on the days surveyed.

The Town Council and other objectors have argued that the methodology used in the survey was flawed, with particular concerns about the surveys not been undertaken at a time when the local pub and convenience store are open (The New Inn and Sainsbury's Local). However, the survey was carried out to a recognised methodology (the Lambeth Methodology) and this approach has been accepted by the Highway Authority. Given the high number of available spaces that the surveys identified, it is unlikely that any additional parking associated with the pub or convenience store would have resulted in there being insufficient spaces available. It is also important to bear in mind that the former use of the application premises as a public house would have impacted on parking on surrounding streets. It is further of note that the Inspector in relation to the previous appeal concerning the conversion of the remainder of the public house to residential use did not raise any concerns in relation to car parking. That scheme did not include any off-street parking.

On the related issue of highway safety, it is notable that there has been no objection from the Highway Authority. Therefore, all things considered it has been concluded that the methodology used for the Parking Beat Survey was appropriate and that the proposals would not have an unacceptable impact on parking on nearby streets.

Flood Risk

The site is situated within Flood Zone 2. The proposed development is categorised as "More Vulnerable" and consequently is an appropriate form of development in Flood Zone 2, in accordance with the NPPF. In the event of a flood occupants would be able to take refuge on the upper floor or evacuate to the south as the site immediately adjoins the lower risk Flood Zone 1. WDC Community Protection have raised no objection to the application and therefore it is considered that the proposals would be acceptable from a flood risk point of view.

Health and wellbeing

Not applicable.

Other matters

The applicant has agreed to make a contribution of £1,884 towards the provision or enhancement of public open space. This would meet the requirements of Local Plan Policy SC13 and the associated SPD.

An objector has raised concerns about the lack of windows to the living room of the proposed dwelling. However, this open plan living / dining / kitchen area has a number of sources of light and ventilation, including a window, a glazed door and two rooflights. This is considered to provide an adequate amount of light and ventilation. Furthermore, the provision of windows for the proposed dwelling must be balanced against a desire to limit the amount of window openings so as to guard against loss of privacy for the neighbouring dwellings.

There is adequate space within the site to provide for the storage of refuse and recycling.

A condition is recommended to require details of on-site renewable energy production or energy efficiency measures to be submitted for approval. This would meet the requirements of Local Plan Policy DP13.

The Council's Environmental Health Officer has suggested that a condition should be imposed to control the use of the yard area to the side of the proposed dwelling. However, this is not considered to be necessary. It is likely that this area would be used solely as the garden of the proposed dwelling regardless of whether a condition was imposed. Even if not, it is not uncommon for dwellings to face out onto communal outdoor spaces within developments such as this and consequently the suggested restriction is not considered to be justified.

An objector has raised concerns about the development not providing for the future use of the adjacent former beer garden. However, this does not form part of the current application site. The proposals for the application site are

considered to be acceptable in their own right and consequently a refusal of planning permission would not be justified on the grounds of what may or may not happen with the adjacent beer garden in the future. The Inspector dealing with the 2013 appeal reached a similar conclusion on this issue.

SUMMARY / CONCLUSION

The proposed change of use would be in accordance with Local Plan Policies UAP1 and SC8 and is therefore considered to be acceptable in principle. The proposals would have an acceptable impact on the living conditions of neighbouring dwellings and on the character and appearance of the area. Furthermore the proposals are considered to be acceptable in terms of car parking and the impact on highway safety and in terms of flood risk. Therefore it is recommended that planning permission is granted.

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) 1131-0500-02, and specification contained therein, submitted on 17 February 2016. **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) and rooflights 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 strict accordance with such approved details. **REASON:** For the avoidance of doubt, and 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 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.

- 5 The development hereby permitted shall not be commenced unless and until either:

(a) a scheme showing how 10% of the predicted energy requirement of the dwelling will be produced on or near to the site, from renewable energy resources, has been submitted to and approved in writing by the District Planning Authority; or

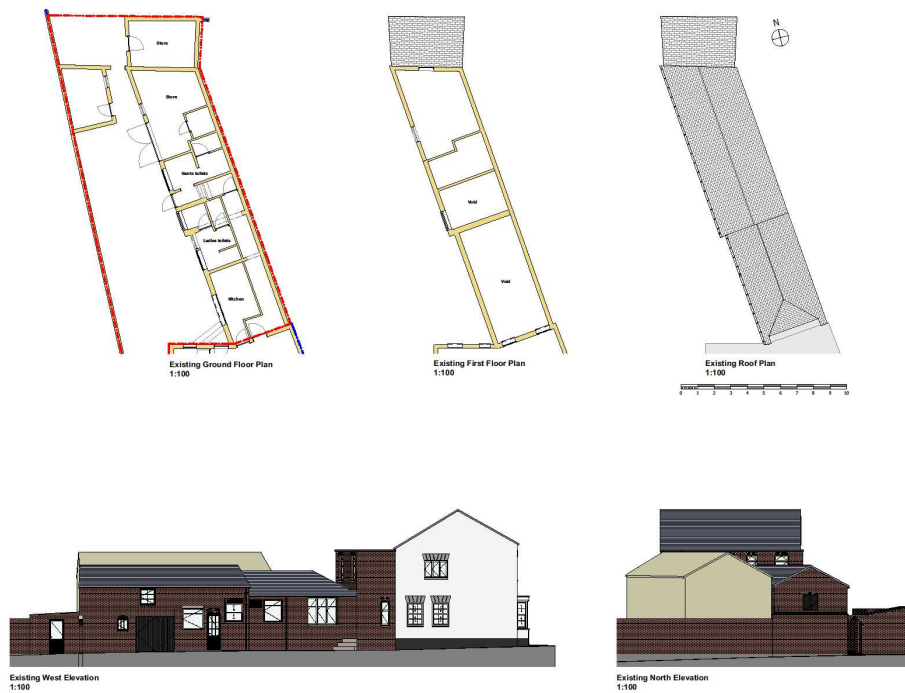
(b) a scheme showing how the fabric of the building will be designed to ensure that the dwellings achieve a 10% reduction in energy consumption compared with the minimum requirements of the building regulations at the time the dwelling is converted, has been submitted to and approved in writing by the District Planning Authority.

The development shall not be first occupied until all the works within this 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. Microgeneration equipment no longer needed for microgeneration shall be removed as soon as reasonably practicable.

REASON: To ensure that adequate provision is made for the generation of energy from renewable energy resources or the reduction in energy consumption, in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011.

- 6 The development hereby permitted shall be carried out in strict accordance with details of surface and foul water drainage works that shall have been submitted to and approved in writing by the local planning authority. **REASON:** To ensure that adequate drainage facilities are available for the satisfactory and proper development of the site and to mitigate flood risk, in accordance with Policy DP11 of the Warwick District Local Plan 1996-2011.
- 7 All window and door frames shall be constructed in timber and shall be painted and not stained. **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.
- 8 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.

- 9 The development hereby permitted shall be undertaken in the presence of a qualified bat worker appointed by the applicant to supervise all destructive works to the roof of the building and associated structures to be affected. All roofing material is to be removed carefully by hand. Appropriate precautions must be taken in case bats are found, such as the erection of at least one bat box on a suitable tree or building. Should evidence of bats be found during this operation, then work must cease immediately while Natural England and WCC Ecological Services are consulted for further advice. Any subsequent recommendations or remedial works will be implemented within the timescales agreed between the bat worker and the Local Authority Ecologist/Natural England. Notwithstanding any requirement for remedial work or otherwise, the qualified bat worker's report shall be submitted to the local planning authority within 1 month following completion of the supervised works to summarise the findings. **REASON:** To safeguard the presence and population of a protected species in line with UK and European Law, the National Planning Policy Framework and Policy DAP3 of the Warwick District Local Plan 1996-2011.
- 10 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development shall take place under Part 1 (Classes A, B and E) of Schedule 2 of this Order. **REASON:** That due to the restricted nature of the application site and its relationship with adjoining properties it is considered important to ensure that no additional development is carried out without the permission of the local planning authority in accordance with Policies DP1 & DP2 of the Warwick District Local Plan 1996-2011.
- 11 Prior to the occupation of the development hereby permitted, the first floor window in the west facing 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 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.



Disclaimer:
The drawings are prepared by the architect for the client and are not to be used for any other purpose without the written consent of the architect. The drawings are not to be used for any other purpose without the written consent of the architect.

Client:
TM

Project:
Conversion of existing building

Location:
113 Bedford Road, Leamington Spa, CV31 1JZ

Survey:
18/12/2015

Scale:
1:100

Sheet:
A1

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Conversion of existing building

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113 Bedford Road, Leamington Spa, CV31 1JZ

Survey:
18/12/2015

Scale:
1:100

Sheet:
A1

AT&P ARCHITECTS

Existing



Client:
The property is owned by Mr. & Mrs. J. Smith, who are the sole owners of the property. They are seeking planning permission for the conversion of the out-buildings into a residential dwelling.

Drawn by:
TH

Scale:
1:1250, 1:500, 1:100

Notes:
North arrow shown on all plans. All dimensions are in metres. The drawings are for information only and do not constitute a contract. The client is responsible for obtaining all necessary permissions and consents. The drawings are the property of the architect and are not to be reproduced without written permission.

Rev	Date	By	Check	Notes
1	1/12/2016	TH		Initial design
2	1/12/2016	TH		Revised design
3	1/12/2016	TH		Final design

Project:
Conversion of out-buildings
Rear of 113 Radford Road
Leamington Spa
CV31 1JZ

Client:
Ballinger Properties

Drawn by:
Proposed Planning
Drawing
Proposed Plans &
Elevations

Date:
1/12/2016

Project No.:
Planning

Scale	Sheet	Total
1:1250, 1:500, 1:100	A1	1

Project No.:
1131-0500-02

AT Architects
Planning

Proposed