**Planning Committee:** 29 March 2016 **Item Number:** **6**

**Application No:** W 15 / 1611

**Registration Date:** 15/01/16
**Town/Parish Council:** Leamington Spa **Expiry Date:** 11/03/16
**Case Officer:** Rob Young
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**Villiers House, Clarendon Avenue, Leamington Spa**
Retention of roof plant and installation of screening. FOR Spitfire Properties LLP
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This application is being presented to Committee due to the number of objections received.

## RECOMMENDATION

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

## DETAILS OF THE DEVELOPMENT

The application proposes the retention of air handling plant that has been installed on the roof of the building. This is a retrospective application. The application proposes to paint the plant dark grey to match the colour of the roof and to install additional panels to give the plant the appearance of a section of roof.

## THE SITE AND ITS LOCATION

The application relates to a four/five storey building situated on the southern side of Clarendon Avenue. The property was formerly used as offices but has recently been converted into apartments. The application property occupies a prominent corner position at the junction of Clarendon Avenue with Guy Street. The front elevation of the building faces Clarendon Avenue, while the side elevation faces Guy Street.

The application site is situated on the edge of the commercial core of Leamington Town Centre, with predominantly commercial development to the south in Guy Street and residential properties to the west on Parade and to the east in Clarendon Avenue. The site is situated within the Royal Leamington Spa Conservation Area and adjacent to a number of listed buildings.

## PLANNING HISTORY

In October 2013 an application for prior approval was submitted under the Town and Country Planning (General Permitted Development) Order 1995 (as amended) for a conversion to 44 apartments (Ref. W/13/1400). In November

2013 it was decided that prior approval was not required, based on the details that were submitted with the notification.

In January 2014 a revised application for prior approval was submitted for a conversion to 40 apartments (Ref. W14/0027). In March 2014 it was decided that prior approval was not required, based on the details that were submitted with the notification.

In February 2014 planning permission was granted for "Installation of replacement windows; erection of 2 no. garden room extensions at roof level; formation of 2 no. recessed balconies within existing rear roofslope; construction of replacement roof over lift shaft; installation of rooflights; installation of glass guarding to roof terraces and balconies; and redecoration of external render" (Ref. W13/1743).

In July 2014 planning permission was granted for "Alterations to window transoms and mullions and installation of an additional dormer window (amendment to planning permission no. W13/1743)" (Ref. W14/0851).

Prior to the above notifications and applications there had been a number of previous planning applications relating to the application site but none of these are relevant to the consideration of the current proposals.

**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)
- DP9 - Pollution Control (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)

The Emerging Local Plan

- DS5 - Presumption in Favour of Sustainable Development (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- SC0 - Sustainable Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- 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)

- HE1 - Protection of Statutory Heritage Assets (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)
- NE5 - Protection of Natural Resources (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

Guidance Documents

- Residential Design Guide (Supplementary Planning Guidance - April 2008)

## SUMMARY OF REPRESENTATIONS

**Town Council:** No objection.

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

- this is an unsightly addition to the roofline that is prominent in views from a key approach into the town (Kenilworth Road);
- harm to the character and appearance of the conservation area;
- harm to the setting of adjacent listed buildings;
- no such equipment has been installed on the roofs of other nearby buildings;
- the application does not include all of the alterations that have been made to the roof, including railings, further plant, bird netting and the retention of the pyramidal roof above the lift shaft;
- the plans and other information that has been submitted by the applicant are ambiguous, conflicting and misleading;
- important information is missing from the application; and
- the applicant should have known what plant was required before they submitted the original application for the development.

**Leamington Society:** Object. This is a prominent building and the details of screening are not sufficient to show exactly what is proposed to ameliorate the intrusive impact of the roofscape. The applicant should have known what plant was required before they submitted the original application for the development.

**WDC Environmental Health:** No objection, subject to a condition to limit noise levels.

## ASSESSMENT

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

- the impact on the living conditions of neighbouring dwellings; and
- the impact on the character and appearance of the conservation area.

Impact on the living condition of neighbouring dwellings

The plant is situated far enough away to ensure that it has not had an overbearing impact on the outlook from the windows to any neighbouring dwellings. Similarly it does not have any implications in terms of loss of light for neighbours. With regard to noise, there has been no objection from Environmental Health, subject to a condition to limit noise levels. Therefore it has been concluded that the proposals have had an acceptable impact on the living conditions of neighbouring dwellings.

Impact on the character and appearance of the conservation area

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.

The site occupies a prominent position within the conservation area, at one of the main gateways into the town centre and alongside a number of listed buildings. The plant that has been installed is a substantial feature that is visible from some distance along Kenilworth Road to the north and from the Guy Street and the Chandos Street car park to the south-east. The plant is utilitarian in appearance, having a bare metal finish and a shape that is at odds with the traditional pitched roof of the building. However, it is important to note that there was plant in this position associated with the former office use, although this was smaller. This former plant included air handling equipment as well as railings and bird netting. Nevertheless, with its larger size and bare metal finish the replacement plant that has been installed looks more stark and incongruous than the previous plant.

The first consideration is whether the plant could be installed in a more discrete location on site. In this regard the applicant advises that this is the only feasible position for the plant because it sits above the common riser shaft for air supply and extract in the centre of the building. Hence the location of the previous plant in this same position. It is therefore accepted that realistically there is no alternative position for the plant.

The applicant has proposed alterations to mitigate the visual impact of the plant that has been installed. This includes painting it dark grey to match the colour of the roof. It is also proposed that panels will be added to the plant to give it the appearance of a section of roof when viewed from the nearest public vantage points. In considering the effectiveness of this, it is important to bear in mind that the nearest public views of the plant are from some distance away on Kenilworth Road / Christchurch Gardens and from Guy Street / Chandos Street car park (due to its location high up on the roof of a tall building). From this distance the modifications would effectively give the plant the appearance of an

additional section of roof. On a building of this size, with a variety of pitched roofs, dormer windows, gables and a pyramidal lift shaft, this additional feature would not appear so out of place as to cause material harm to the character and appearance of the conservation area.

For the above reasons, subject to the implementation of the proposed mitigation measures, it has been concluded that the proposals would preserve the character and appearance of the conservation area. For the same reasons it has been concluded that the proposals would not harm the setting of nearby listed buildings.

Other matters

An objector has raised concerns about the retention of the pyramidal roof to the lift shaft, which was shown to be removed on an earlier planning application. This does not form part of the current planning application. In any case, as there was no condition on the earlier permission requiring it to be removed, the retention of this feature does not represent a breach of planning control. There are no planning grounds to require its removal.

An objector has raised concerns about the application not including other alterations that have been made to the roof. However, the Council can only deal with the application has submitted by the applicant. The other matters will be dealt with separately by the Council's Planning Enforcement Team. In any case, it is important to bear in mind that various plant, railings and bird netting was already in place on the roof of the building prior to the commencement of the current development.

**Summary/Conclusion**

The proposals would have an acceptable impact on the living conditions of neighbouring dwellings and on the character and appearance of the conservation area and the setting of nearby listed buildings. Therefore it is recommended that planning permission is granted.

**CONDITIONS**

1 Within 1 month of the permission hereby granted, the plant shall be modified in strict accordance with drawing nos. M307, 2624-30, 2624-31, 2624-32 & 2624-33 and the whole of the exterior of the plant shall be painted a colour to match that of the roof of the building. The plant shall be maintained in accordance with these drawings and the requirements of this condition at all times thereafter. **REASON** : To protect the character and appearance of the conservation area, in accordance with Policy DAP8 of the Warwick District Local Plan.

2 Noise arising from any plant or equipment, when measured one metre from the façade 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 occupants of nearby properties in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011.

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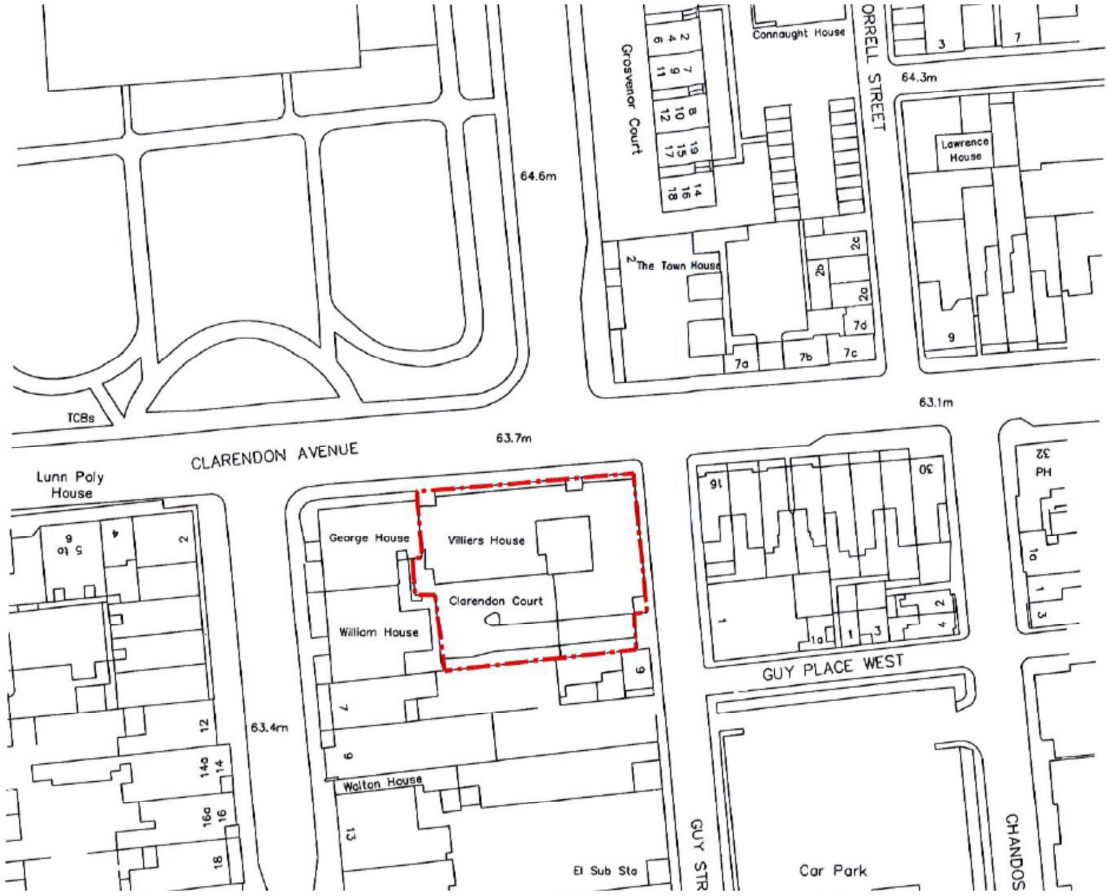
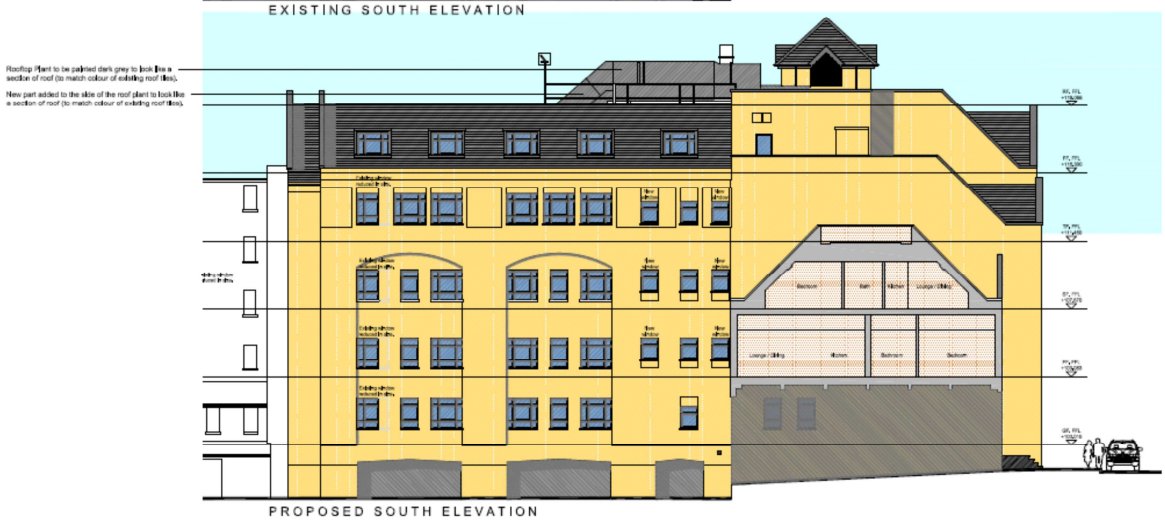


EXISTING SOUTH ELEVATION




PROPOSED SOUTH ELEVATION

EXISTING CLARENDON AVENUE ELEVATION

PROPOSED CLARENDON AVENUE ELEVATION