Planning Committee:30 April 2013 **Item Number: 11**

Application No:W13 / 0231

Registration Date:26/02/13
Town/Parish Council: Leamington Spa **Expiry Date:**23/04/13
Case Officer: Jo Hogarth
01926 456534jo.hogarth@warwickdc.gov.uk

60 Clarendon Avenue, Leamington Spa, CV32 4SA
Conversion of existing 14 bed nursing home to a 14 bed student (HIMO) accommodation with 5 off street parking spaces to the rear accessed off Clarendon Street (resubmission of W/13/0033) FOR MrNijjar

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This application is being presented to Committee due to an objection from the Town Council having been received. Furthermore Cllr Jerry Weber has requested that the application be determined by the Planning Committee.

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

The purpose of this report is to consider the above application which proposes to change the use of the property from a 14 bedroomed nursing home into a 14 bedroomed House in Multiple Occupation.

THE SITE AND ITS LOCATION

The site relates to a large property which is currently vacant and was last used as a nursing home which falls within Use Class Order C2. The building is situated on the south side of the road within the designated Conservation Area. There is rear access to the site from Clarendon Street to the east and this leads to a private parking area. This particular stretch of Clarendon Avenue has restricted parking up to 2 hours and falls within the Residents Parking Zone L2.

PLANNING HISTORY

There have been no recent planning applications submitted for this site except for a withdrawn application for a similar proposal (ref: W/13/0033 - withdrawn due to ownership issues).

RELEVANT POLICIES

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (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)
- DAP9 - Unlisted Buildings in Conservation Areas (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Vehicle Parking Standards (Supplementary Planning Document)
- National Planning Policy Framework paragraphs 50 & 58

SUMMARY OF REPRESENTATIONS

Leamington Spa Town Council: Objection is raised for the following reason: There is insufficient parking provided for the number of bedrooms, and the applicant should be requested to enter a Section 106 agreement that prohibits residents of the proposed dwelling to obtain resident parking permits.

Cllr Jerry Weber: Requests the application to be presented to Planning Committee.

WCC Highways: No objection on the basis that the applicant enters into a unilateral undertaking to prohibit residents of the proposed HMO to obtain resident parking permits.

WDC Private Sector Housing: The building is suitable for HMO purposes.

Public response(s): 3 letters have been received raising objection on the following grounds:
- no designated space for refuse; high density occupancy will generate considerable waste;
- noise and disturbance;
- parking, on street parking is at capacity and any increase in parking will make the problem worse. Pedestrians are not aware of an access off Clarendon Street and cars waiting to enter will have to wait if there are vehicles exiting which will cause danger.

Detrimental to the appearance and character of one of the most prestigious and oldest roads in the town; the boundary wall at the rear should not be removed as this could lead to cars causing obstruction in the narrow alley.

ASSESSMENT

It is considered that the main issues relating to this application to be as follows:

- Whether the proposals would cause a harmful over-concentration of such accommodation in this area;
- Impact on the Conservation Area and streetscene
- Impact on neighbours
- Parking and highways
- Bin storage

- Renewables

Whether the proposals would cause a harmful over-concentration of such accommodation in this area

Clarendon Avenue is within the Town Centre and is near to Clarendon Street and Kenilworth Road which are thoroughfares through the town. Within a 100 metre radius taken from the centre of the application property there are 172 properties, 28 of which are shared houses. This equates to 16.2% of the total amount being HMO's. In terms of national policy, Paragraph 50 of the National Planning Policy Framework (NPPF) requires the Council to plan to create inclusive and mixed communities. Meanwhile, Paragraph 58 requires the Council to ensure that developments create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion. There are other Houses in Multiple Occupation within the vicinity, the nearest being on the opposite site of the road. This application would be the first HMO within this stretch of 10 buildings on the south side of Clarendon Avenue. It is therefore considered the proposed change of use will not lead to an over concentration of HMOs within the area and therefore will not have an adverse impact on the amenity of nearby uses in accordance with Policy DP2 in the Local Plan.

Impact on the Conservation Area and streetscene

No external alterations are proposed to the building and in terms of impact on the character and visual appearance of the Conservation Area and wider streetscene it is considered that the proposed conversion of the building would not represent an inappropriate use within the Conservation Area which would conflict with Policies DAP8 or DAP9 in the Local Plan.

Impact on neighbours

No additional windows are proposed to serve the property and therefore it is considered that the conversion is unlikely to give rise to additional overlooking into neighbouring properties such that a refusal of planning permission could be sustained on these grounds. The internal layout will not alter considerably from when the building was used as a nursing home, with the exception of a shower in lieu of a WC at first floor level. It is not considered that the proposed use would result in unacceptable harm to adjoining neighbours and the proposal thereby meets the objectives of Policy DP2 in the Local Plan.

Parking and Highways

The Vehicle Parking Standards for a 14 bedroomed House in Multiple Occupation would be 7 off street parking spaces. With the site curtilage it is proposed to provide 5 off street parking spaces utilising the existing access off Clarendon Street. This would represent a shortfall of 2 spaces. However, as Clarendon

Avenue has restricted on street parking it is considered that it is reasonable to condition the proposal to restrict the occupants of the building from applying for Residents Parking Permits. The applicant has agreed to enter into a unilateral undertaking to amend the Traffic Regulation Order and pay monies to the County Council Highways to do so. Within the curtilage, it is also proposed to provide cycle storage facilities. The site is located within the Town Centre, close to bus stops and facilities and therefore, subject to conditions and the signing of the unilateral undertaking, it is considered that the proposal is acceptable and meets the advice contained in the Council's adopted Supplementary Planning Document (Vehicle Parking Standards, paragraph 2.3.11) and Policy DP8 in the Local Plan.

Bin storage

The amended plan shows an enlarged bin storage and recycling area located at the rear of the property and it is considered that this is acceptable in meeting the standards required by Waste Management.

Renewables

As part of the submission, the applicant has submitted an energy statement which, in accordance with the guidance contained in the Council's adopted Supplementary Planning Document on Sustainable Buildings, demonstrates that the use of solar photovoltaic panels on the rear (south facing) roofslope will provide in excess of 10% of the predicted energy requirements of the building. The application thereby meets Policy DP13 in the Local Plan and is therefore acceptable.

SUMMARY/CONCLUSION

In the opinion of the Local Planning Authority, the proposed development is of an acceptable standard which would harmonise with its surroundings and does not result in an unacceptable adverse impact on the amenity of nearby residents. The proposal is therefore considered to comply with the policies listed.

CONDITIONS

1 The development hereby permitted shall be carried out only in strict accordance with the details shown on the approved plans and in the application documentation or any subsequently approved amending documents.

2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing number 912-A1-011-B, and specification contained therein, submitted on 15 April 2013. **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 development hereby permitted shall not be occupied unless or until

a Traffic Regulation Order has been made by the Highway Authority to remove the application property from the existing Traffic Regulation Order thereby securing the removal of the rights of the applicant / future owner/ tennants of the application property to apply for residents parking permits. **REASON:** To ensure the proposed development does not result in an increase in on-street parking pressure in an area with already high demand to the detriment of highway safety in accordance with Policy DP8 of the Warwick District Local Plan 1996-2011 and SPD Vehicle Parking Standards 2007.

4 No development shall be carried out on the site which is the subject of this permission, until large scale details of the bin storage and recycling area have been submitted to and approved by the local 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.

5 The development hereby permitted shall not be first occupied unless and until the renewable energy scheme submitted as part of the application has been wholly implemented in strict accordance with the approved details. The works within this scheme shall be retained at all times thereafter and shall be maintained strictly in accordance with manufacturers 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 in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011.

6 None of the rooms hereby permitted shall be occupied unless and until the car parking provision for this House in Multiple Occupation has been constructed or laid out, and made available for use by the occupants and / or visitors to the property and thereafter those spaces shall be retained for parking purposes unless otherwise agreed in writing by the local planning authority. **REASON:** To ensure the satisfactory provision of off-street vehicle parking facilities in accordance with the local planning authority's standards and in the interests of highway safety and the satisfactory development of the site in accordance with Policies DP1 & DP8 of the Warwick District Local Plan 1996-2011.

N
Scale
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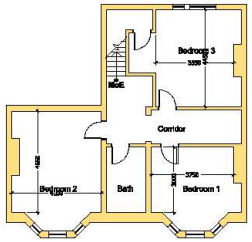
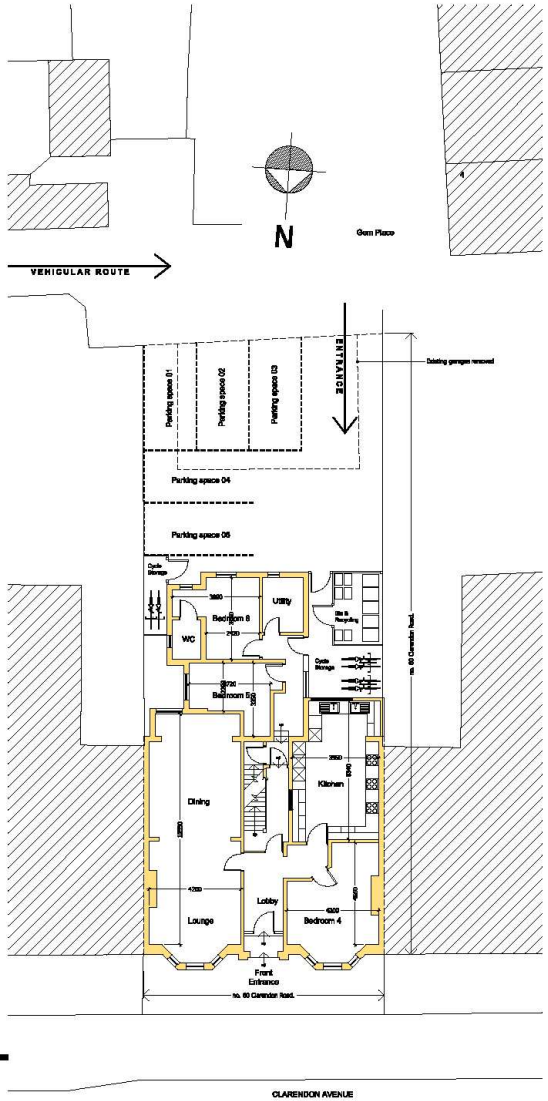
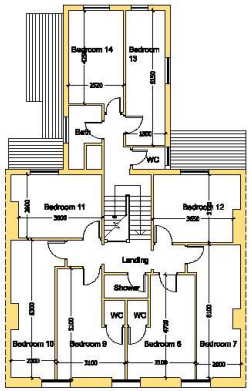


Basement floor plan
(1:100)



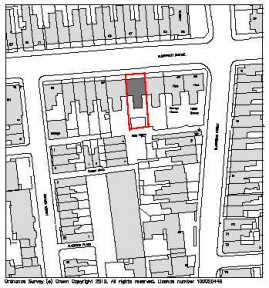
Ground floor plan
(1:100)



First floor plan
(1:100)

0 5 10
Metres

Site location plan 1:500



Site location plan 1:1250

Nursing home conversion
60 Clarendon Road
Leamington Spa

Mr P Nijjer

A1 DNB Varies

Site plan
Proposed plans

Approval
912-A1-011-B

B 12/04/13 Amended bin store

Architects