Planning Committee: 06 December 2016 **Item Number:** 8

Application No: W 16 / 1204

Registration Date: 07/07/16
Town/Parish Council: Leamington Spa **Expiry Date:** 06/10/16
Case Officer: Rob Young
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79 Bedford Street, Leamington Spa, CV32 5DN
Demolition of existing nightclub and erection of a 4 storey building containing 8no. multiple occupancy apartments FOR Smith

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This application is being presented to Committee as 5 comments in support have been received and it is recommended for refusal.

RECOMMENDATION

Planning Committee are recommended to refuse planning permission for the reasons listed at the end of this report.

DETAILS OF THE DEVELOPMENT

The application proposes the demolition of the existing nightclub building and the erection of a 4 storey building containing 8no. multiple occupancy apartments. The building will contain a total of 46 bedrooms, arranged in 8 clusters. Each cluster would share a kitchen / living / dining room.

Pedestrian access to the building is provided from Bedford Street. This leads into a small courtyard that contains the main stair core as well as the bin store.

No parking is included on site, but a unilateral undertaking has been submitted which will secure the removal of the property from the residents' parking zone covering this area. Therefore future occupants of the development will not be entitled to residents' parking permits. The unilateral undertaking also secures an open space contribution of £30,144.

In terms of supporting information the application was accompanied by a bat survey, a design and access statement and the unilateral undertaking.

The following amendments have been made to the application:

- entrance arrangements and internal layout amended to provide an entrance direct from the street rather than from the side alleyway;
- bin store relocated;
- fire escape to Victoria Chambers to the rear of the application site shown to be relocated (outside of the site);
- new bin store shown for Victoria Chambers to the rear of the application site (outside of the site);
- certain windows shown to be partially obscure glazed;

- amendments to the external appearance of the building;
- cycle parking relocated and increased in size;
- increase in size of internal courtyard and reduction in size of the part of the building fronting onto Bedford Street to improve the outlook and light for the windows facing onto the courtyard; and
- changes to the internal layout to reduce the number of windows facing onto the internal courtyard, resulting in additional windows in the south elevation facing onto the side alleyway and adjacent land.

THE SITE AND ITS LOCATION

The application relates to the Rio's nightclub building situated on the east side of Bedford Street. The site is situated within a predominantly commercial part of the Royal Leamington Spa Town Centre, although there are residential properties on the upper floors of adjacent premises, including Victoria Chambers and No. 138 Parade immediately to the east of the site. Part of the site falls with the town centre retail area, as defined in the Local Plan (the northern two-thirds of the site). The site is situated within the Royal Leamington Spa Conservation Area and adjoins a number of Grade II listed buildings that front onto Parade.

PLANNING HISTORY

There have been a number of previous applications for changes of use, extensions and alterations relating to the use of the premises as a nightclub, but none which are directly relevant to the determination of this application.

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)
- 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)
- DP14 - Crime Prevention (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)
- TCP2 - Directing Retail Development (Warwick District Local Plan 1996 - 2011)
- DAP3 - Protecting Nature Conservation and Geology (Warwick District Local Plan 1996 - 2011)
- DAP4 - Protection of Listed Buildings (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

- 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)
- 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)
- H6 - Houses in Multiple Occupation and Student Accommodation (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)
- 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)
- HS1 - Healthy, Safe and Inclusive Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HS4 - Improvements to Open Space, Sport and Recreation Facilities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HS6 - Creating Healthy Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HS7 - Crime Prevention (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)
- FW3 - Water Conservation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- FW4 - Water Supply (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)

- NE1 - Green Infrastructure (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- NE3 - Biodiversity (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

- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Vehicle Parking Standards (Supplementary Planning Document)
- Open Space (Supplementary Planning Document - June 2009)
- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- Distance Separation (Supplementary Planning Guidance)
- The 45 Degree Guideline (Supplementary Planning Guidance)

SUMMARY OF REPRESENTATIONS

Leamington Town Council: Object. The Town Council welcomes a proposed redevelopment of this site but has an objection on the grounds of a lack of parking provision. Whilst the Town Council notes the unilateral undertaking, occupiers of these flats will have cars and the lack of any parking provision on site will only serve to exacerbate the existing problem of parking availability in surrounding streets, thus impacting on highway safety.

Public Response: One resident has welcomed the conversion from a nightclub to residential use but has raised the following concerns:

- this is too dense a development;
- light will be minimal to the bedrooms facing the light-well;
- the bedrooms are too small for their intended use;
- lack of external amenity space; and
- occupants of the development should be prohibited from applying for residents' parking permits.

5 comments in support have been received, making the following points:

- the removal of the nightclub will improve the area;
- the nightclub causes issues with anti-social behaviour and noise;
- the design of the new building will be an improvement to the street scene; and
- occupants of the development should be prohibited from applying for residents' parking permits.

Conservation Advisory Forum: In principal CAF accepts the redevelopment of the site, and discussion was largely focused on the appropriateness of the proposed design. Elements such as the Crittall windows were supported; though the vertical bay of larger windows without glazing bars (serving lounges) needs to better match other windows and the street scene.

Concern was raised regarding the shape of the roofline, the height, density, and massing of the proposed design, and materials for the façade. It was suggested the scheme would be improved by reducing it to three storeys, changing to a horizontal parapet roofline, changing to a rendered façade with a rusticated (or brick) ground floor, and addition of a prominent entrance at the front (possibly replacing the window to the lounge) to link to the courtyard behind, where a larger area for cycle parking and bin storage is likely to be needed. The currently proposed entrance down an alleyway is considered too hidden, undignified and potentially unsafe. Concern was also raised about the number of proposed bedrooms, with potential for up to 96 people (if there is double occupancy), and the knock-on effect for the Conservation Area due to lack of car and cycle parking, storage, refuse bin storage etc.

WCC Ecology: No objection, subject to conditions.

WCC Highways: No objection.

WDC Green Space: Request a contribution of £30,144 towards the provision or enhancement of public open space in the local area.

WDC Private Sector Housing: The room sizes and layout are all adequate and comply with the Council's adopted standards. If 2 cookers are being provided in each unit, they should be separated rather than adjacent to each other.

WDC Waste Management: The bin store would need to be big enough to accommodate 6 x 1,100 litre bins as well as allowing enough space for the movement of these bins on collection day.

ASSESSMENT

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

- the principle of development;
- impact on the character and appearance of the conservation area;
- impact on the setting of the adjacent listed buildings;
- impact on the living conditions of neighbouring dwellings;
- provision of a satisfactory living environment for future occupants of the proposed development;
- provision for the storage of refuse and recycling;
- car / cycle parking and highway safety;
- protection of bats; and
- health and wellbeing.

Principle of development

The application site comprises previously developed land situated within the urban area. Therefore a redevelopment for residential purposes would be in accordance with Local Plan Policy UAP1.

Whilst the site is situated within the retail area of the town centre, the existing use of the premises does not fall within any of the "A" Use Classes. Therefore the proposed redevelopment would not contravene Local Plan Policy TCP2.

There is quite a concentration of houses in multiple occupation in the vicinity of the application site, including the upper floors of the adjoining buildings on Parade (Victoria Chambers and 138 Parade). However, the site is situated on a main thoroughfare within the commercial core of the town centre. This is the type of location where Draft Local Plan Policy H6 indicates that there would be an exception to the normal saturation restrictions. The lack of objections to the principle of a development for multiple occupancy dwellings in this location further indicates that this is not the type of area where concentrations of such development are likely to cause problems. Therefore the proposals are considered to be in accordance with Local Plan Policy H6 and will not cause a harmful over-concentration of HMOs in this area.

For the above reasons it has been concluded that a redevelopment of the site for multiple occupancy dwellings would be acceptable in principle.

Impact on the character and appearance of the conservation area

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. Paragraph 134 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage assets, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

The existing building is not of any particular architectural merit and consequently there can be no objection to its demolition, subject to securing a suitable replacement building. Looking at the proposed replacement building, this would be significantly larger than the existing building, being taller and extending this increased height across the whole width and depth of the site. As a result the proposed building would have a substantial bulk and mass and would be significantly larger than the buildings to either side in Bedford Street.

Looking at this in context, this section of Bedford Street is a mews street that is fronted by predominantly low-rise buildings. For the most part buildings do not exceed two storeys in height. Exceptions to this can be found at either end of the street, where the three and four storey side elevations of the buildings in the adjoining non-mews roads (Regent Street and Dormer Place) turn the corner into Bedford Street. Given their relationship with the adjacent non-mews streets, these taller buildings do not detract from the mews character of this section of Bedford Street. There is also a collection of larger three storey buildings towards the southern end of the street, comprising the rear of the Premier Inn premises and the adjacent offices. These do detract somewhat from the mews character of the street, however, this is mitigated to a degree by them being sited towards one end of the street, adjacent to the higher buildings in Dormer Place. The St. Peter's Car Park is a further anomaly, standing taller than other buildings in the street. However, that is an inevitable consequence of its function.

Focusing on the eastern side of the street where the application site is situated, the majority of this is fronted by buildings that are two storey in scale, and this includes a continuous section from No. 47 down to No. 85 (some 130 metres). This side of the street would originally have formed the rear boundaries of the listed buildings that front onto Parade. These Regency townhouses would traditionally have had small scale coach houses fronting onto Bedford Street. The existing low rise nature of this section of the street reflects this historic character. This gives an indication of the historical development of the conservation area, with an interesting contrast with the slightly taller buildings on the opposite side of the street, which is perhaps not surprising given that the western side of the street never formed the rear curtilage of Regency townhouses.

The application site is situated entirely within the continuous low-rise section of Bedford Street. It is separated from the taller buildings at the southern end of the street by a collection of particularly small scale buildings (No. 85 Bedford Street). As a result, the proposed building would dwarf the other buildings in this section of the street, being a full four storeys in height. Not only would the proposed building be taller, but it would also have a significantly greater bulk and mass due to the full four storey height being extended across almost the whole of the plot. When approaching the site from the south along Bedford Street the bulk and mass of the proposed building would be particularly apparent because the substantial flank elevation would be visible above the small-scale buildings to the south of the site.

There are also a number of concerns relating to the detailed design of the building. This includes, firstly, the use of stained brick as the main facing material, which is not in keeping with the existing buildings on this side of the street which are predominantly faced with painted render or painted brickwork. Secondly the ground floor windows do not align with the windows on the upper floor and this gives the building an unbalanced appearance that is at odds with the more regular appearance of other buildings in the street. Thirdly, the proposed entrance does not have sufficient presence for the size of building proposed, having an appearance more akin to that of a side access gate than the main entrance to a large residential block.

Taking the above considerations into account, the conclusion has to be that the proposals would cause significant harm to the character and appearance of the conservation area. This is due to the scale of the building appearing incongruous in relation to the small scale of development in this section of the street, and also due to the scale being at odds with the traditional character of this mews street. The concerns relating to the detailed design of the building add to this harm. This is judged to be "less than substantial harm" in relation to Section 12 of the NPPF. However, the level of harm is considered to be significant, and towards the upper end of this category of "less than substantial harm".

Paragraph 134 of the NPPF states that, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. On the one side of this balancing exercise, a significant level of harm has been

identified. As a result a similarly significant level of public benefits would need to exist to outweigh this harm.

Looking at the potential public benefits, the proposals would contribute to meeting housing needs at a time when the Council are unable to demonstrate a 5 year supply of housing land within the District. Supporters of the scheme have also cited benefits associated with the removal of the existing nightclub. Whilst these benefits do weigh in favour of the development, they do not amount to the type of significant public benefits that would be necessary to outweigh the significant harm that has been identified in this case.

Therefore the proposals are contrary to paragraph 134 of the NPPF and Local Plan Policy DAP8.

It is important to note here that Policy DAP8 should be considered "out of date" under paragraph 49 of the NPPF due to the fact that the Council are currently unable to demonstrate a 5 year supply of housing land. This limits the weight that can be attached to it. However, the proposals are clearly in conflict with paragraph 134 of the NPPF and this alone is sufficient to justify a refusal of planning permission on conservation grounds, particularly considering the weight given to the protection of designated heritage assets by footnote 9 to paragraph 14 of the NPPF. This footnote dictates that the presumption in favour of sustainable development should not apply where a development conflicts with NPPF policies relating to designated heritage assets.

Impact on the setting of the adjacent listed buildings

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 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.

As referred to in the previous section, the application site would traditionally have formed the rear curtilage of the adjacent listed buildings on Parade and would have been occupied by a small-scale mews building. Whilst the existing building on the site is a little larger than other buildings along this side of Bedford Street, it is still significantly smaller than the listed buildings on Parade. Therefore it retains a suitably subservient relationship to the listed buildings, reflecting to some extent the traditional relationship between a mews building and a Regency town house.

In contrast, by reason of its significant bulk and mass, the proposed building would represent a significant intrusion into the setting of the rear of these listed buildings. In terms of overall height, the highest part of the proposed building would be approximately level with the ridge of the listed buildings. This would be significantly higher than the rear eaves line of the listed buildings. Given that this height extends across the full width and depth of the plot, the bulk and mass of the building would be significantly greater than that of the listed buildings. The listed buildings have a 14m deep four storey element, whereas the four storey bulk of the proposed building would be 27m deep.

As a result, it is considered that the proposed building would dominate the setting of the adjacent listed buildings, harming their character and appearance. This is judged to be "less than substantial harm" in relation to Section 12 of the NPPF. However, the level of harm is considered to be significant, and towards the upper end of this category of "less than substantial harm".

Applying the test in paragraph 134 of the NPPF, the public benefits are the same as those referred to in the preceding section of this report. As a result, the balancing exercise in relation to the setting of the listed buildings is similar. The benefits of the scheme do not amount to the type of significant public benefits that would be necessary to outweigh the significant harm that has been identified to the setting of the listed buildings.

Therefore the proposals are contrary to paragraph 134 of the NPPF and Local Plan Policy DAP4.

As with Policy DAP8, it is important to note here that Policy DAP4 should be considered "out of date" under paragraph 49 of the NPPF due to the fact that the Council are currently unable to demonstrate a 5 year supply of housing land. This limits the weight that can be attached to it. However, again as with Policy DAP8, the proposals are clearly in conflict with paragraph 134 of the NPPF and this alone is sufficient to justify a refusal of planning permission on conservation grounds, particularly considering the weight given to the protection of designated heritage assets by footnote 9 to paragraph 14 of the NPPF. This footnote dictates that the presumption in favour of sustainable development should not apply where a development conflicts with NPPF policies relating to designated heritage assets.

Impact on the living conditions of neighbouring dwellings

The main impact in this regard would be on the residential accommodation on the upper floors of the adjacent buildings on Parade (Victoria Chambers and 138 Parade). Looking first at Victoria Chambers, the windows in the rear of those premises that face the application site serve hallways. As a result there are no concerns about loss of light, loss of outlook or loss of privacy for those windows.

There are further rear facing windows in Victoria Chambers that sit alongside the northern boundary of the application site but which do not directly face the site. The proposed building would infringe a 45-degree sight-line in relation to these windows, but this infringement would be at a distance of 8m, and the existing building already infringes a 45-degree sight-line in relation to these windows. Therefore, whilst the impact would be increased due to the increased size of the new building, when the distance from the affected windows is taken into account, as well as the town centre location, it is not considered that the proposals would cause unacceptable loss of light or loss of outlook for these windows.

Turning to the residential accommodation at No. 138 Parade, this building includes a first floor bedroom window facing the rear elevation of the proposed building. This would face directly onto windows in the proposed building at a distance of just 6m. This separation distance is seriously substandard. The Council's Distance Separation SPG requires a separation distance of 27m. In

view of this severely restricted separation distance, it is considered that the proposals would cause unacceptable loss of light, loss of outlook and loss of privacy for the rear bedroom window of No. 138 Parade.

In reaching this conclusion regard has been had to the proposals to obscure glaze the bottom two thirds of the windows in the rear of the proposed development. However, bearing in mind the extreme close proximity of the proposed windows, it is considered that there would still be a significant "perception of overlooking" and general sense of intrusion for occupants of the affected room in No. 138.

Therefore the proposals are considered to be contrary to Local Plan Policy DP2.

Provision of a satisfactory living environment for future occupants of the proposed development

There are a number of areas of concern with the proposed development when it comes to the living environment of future occupants. Firstly, whilst the amendments to the scheme have reduced the number of windows relying on the internal courtyard / lightwell for light and outlook, there remain 3 bedrooms whose only source of light and outlook is this courtyard / lightwell. It is noted that the courtyard has been opened up a little, with a narrow passageway affording some limited views to the front at upper floor level. However, given that these windows would still be enclosed to the front and side by a four storey building, the availability of light and outlook would remain very restricted.

Secondly, the proposed layout includes bedroom windows in the south elevation facing onto the alleyway and the adjacent site to the south. These windows would have a very restricted outlook, particularly those at ground floor level which face directly onto the alleyway and then the brick boundary wall beyond. In addition to concerns about outlook, there are concerns about privacy for these windows because they face directly onto a shared alleyway which is used by occupants of the adjacent buildings. The upper floor windows in this elevation would also have a very restricted outlook if a similar development were to be constructed on the adjacent site to the south.

Thirdly, a large number of the bedroom windows are proposed to be obscure glazed. As a result these rooms would not be provided with a satisfactory standard of outlook. This is a particular concern given the small size of the rooms in question and the fact that occupants are likely to spend more time in the bedrooms than would be the case with bedrooms in a conventional dwelling (due to this being a multiple occupancy development).

Fourthly, the obscure glazing of the lower two thirds of the windows in the rear elevation of the proposed building will not adequately mitigate the impact of overlooking from the windows in Victoria Chambers and No. 138 Parade. This is because the windows in Victoria Chambers and No. 138 Parade would look down into the ground and first floor windows in the rear of the proposed development, allowing views through the upper clear glazed sections of those windows. Given the severely substandard separation distance (6m from Victoria Chambers and 7.5m from No. 138 Parade), the affected bedrooms in the proposed development would not be provided with an appropriate level of privacy.

Fifthly, even if the windows in the rear elevation of the proposed development were to be clear glazed, they would still have a very poor outlook. The applicant has suggested that the Victoria Chambers fire escape will be relocated, but this will only address part of the issue. The rear facing rooms in the development would still have a very restricted outlook onto a 3 storey building at just 7.5m away. The separation from the rear of No. 138 Parade is even closer, at just 3.5m. Add to this the fact that this restricted area contains the bins and other paraphernalia associated with the adjacent commercial and residential premises, and it is clear that this would not provide the type of outlook that is expected by Local Plan Policy DP2. The associated comings and goings in this restricted area would further affect the living conditions of any rooms facing onto it, both due to the lack of privacy and the general intrusion and disturbance that this would cause.

Only part of the area that the rear windows face onto is within the application site and consequently the developer and future operator of the site would have limited control over what happens to this area. The same is true of the Victoria Chambers fire escape. There is no guarantee that this will be relocated because it falls outside of the application site. Consequently the application must be assessed on the basis that the fire escape will remain, in which case it would severely compromise the outlook and privacy for a number of the windows at the rear of the development as its current position is directly in front of proposed windows.

Drawing the above considerations together, it is clear that there are a number of issues with the proposed layout in terms of providing adequate levels of light, outlook and privacy for a significant number of the windows in the proposed development. Therefore the proposals would not provide a satisfactory living environment for future occupants, contrary to Local Plan Policy DP2 and the Council's Distance Separation Guidelines.

Provision for the storage of refuse and recycling

The Council's Waste Management team have advised that 6 x 1,100 litre bins would be required for refuse and recycling for a development of this size. However, the proposed bin store only includes space for 2 such bins. The applicant has suggested that a private refuse and recycling collection service would be arranged to address this issue, but no details of how this would work have been provided. Nevertheless, even if a private collection was accepted as a solution, providing only 2 bins compared to a normal requirement for 6 would still be a very restricted allowance for such a large development. Therefore it has been concluded that the proposals make inadequate provision for the storage of refuse and recycling, contrary to the requirements of Local Plan Policy DP1.

Car / cycle parking and highway safety

The proposals do not include any off street parking. However, the applicant has submitted a unilateral undertaking that will ensure that the site is excluded from the residents' parking zone. Therefore future occupants of the development would not be entitled to residents' parking permits. This will ensure that the proposals do not have an adverse impact on parking in the locality.

The Highway Authority have raised no objection to the application. Therefore the proposals are considered to be acceptable from a highway safety point of view.

With regard to cycle parking, the revised plans indicate that 24 cycle parking spaces will be provided. However, the layout provides insufficient space to accommodate the amount of cycle parking that is indicated. The Council's Parking Standards require an area of 1 square metre per stand and a minimum distance of 1 metre to be maintained between each stand. The proposed layout does not meet these space requirements. Therefore the proposals do not make adequate provision for cycle parking, contrary to Local Plan Policy DP8 and the Vehicle Parking Standards Supplementary Planning Document.

Protection of bats

A bat survey has been carried out and this did not find any evidence of bats using the existing building. WCC Ecology have accepted the findings of the survey. Therefore it has been concluded that the proposals are unlikely to cause harm to bats.

Health and wellbeing

The proposals do not raise any significant implications for health and well-being.

Other matters

The unilateral undertaking submitted by the applicant would secure an open space contribution of £30,144. This would meet the requirements of Local Plan Policy SC13.

If this had been a recommendation for approval then a condition could have been imposed to secure 10% renewable energy production or energy efficiency measures in accordance with the requirements of Local Plan Policy DP13.

SUMMARY/CONCLUSION

The proposals would cause unacceptable harm to the character and appearance of the conservation area and to the setting of the adjacent listed buildings. Furthermore the proposals would cause unacceptable harm to the living conditions of the residential accommodation at No. 138 Parade and would not provide a satisfactory living environment for future occupants of the proposed development. In addition the proposals fail to make adequate provision for cycle parking or for the storage of refuse and recycling. Therefore it is recommended that planning permission is refused.

REFUSAL REASONS

1 Policy DAP8 of the Warwick District Local Plan 1996-2011 states that development will be required to preserve or enhance the special architectural and historic interest and appearance of conservation

areas.

The proposed building would be significantly larger than the existing building on the application site and would have a significantly greater bulk and mass than the buildings to either side in Bedford Street. The site is situated within a distinctive section of Bedford Street that is characterised by small scale development, reflecting the historic character of this part of the conservation area (i.e. this section of Bedford Street being fronted by mews buildings associated with the larger buildings on Parade). The proposed building would dwarf the other buildings in this section of the street and therefore it has been concluded that the proposals would be at odds with the character and appearance of this part of the conservation area.

The detailed design of the proposed building is also considered to be inappropriate for a number of reasons, including the fact that the facing materials are not in keeping with the locality, the fact that the ground floor windows do not align with the upper floor windows and the fact that the proposed entrance does not have sufficient visual presence for the size of building proposed.

For the above reasons it has been concluded that the proposals would cause significant harm to the character and appearance of the conservation area. Whilst there are benefits that weigh in favour of the development, including the contribution towards meeting housing needs, these do not amount to the type of significant public benefits that would be necessary to outweigh the significant harm that has been identified in this case.

Therefore it is considered that the proposals are contrary to the aforementioned policy.

2 Policy DAP4 of the Warwick District Local Plan 1996-2011 states that development will not be permitted that will adversely affect the setting of a listed building.

The application site would traditionally have formed the rear curtilage of the adjacent listed buildings on Parade and would have been occupied by a small-scale mews building. Whilst the existing building on the site is a little larger than other buildings along this side of Bedford Street, it is still significantly smaller than the listed buildings on Parade. Therefore it retains a suitably subservient relationship to the listed buildings, reflecting to some extent the traditional relationship between a mews building and a Regency town house.

In contrast, by reason of its significant bulk and mass, the proposed building would represent a significant intrusion into the setting of these listed buildings, dominating the area immediately to the rear. As a result it has been concluded that the proposals would cause significant harm to the setting of the listed buildings. Whilst there are benefits that weigh in favour of the development, including the contribution towards meeting housing needs, these do not amount to the type of significant

public benefits that would be necessary to outweigh the significant harm that has been identified in this case.

Therefore it has been concluded that the proposals are contrary to the aforementioned policy.

3 Policy DP2 of the Warwick District Local Plan 1996-2011 states that development will not be permitted which has an unacceptable adverse impact on the amenity of nearby uses and residents. The Council have also adopted Distance Separation Guidelines as Supplementary Planning Guidance.

The adjacent building at No. 138 Parade includes residential accommodation on its upper floors. This includes a first floor bedroom window facing the rear elevation of the proposed building. This would face directly onto windows in the proposed building at a distance of just 6m. This separation distance is seriously substandard. The Council's Distance Separation Guidelines require a separation distance of 27m. In view of this severely restricted separation distance, it is considered that the proposals would cause unacceptable loss of light, loss of outlook and loss of privacy for the rear bedroom window of No. 138 Parade.

Therefore it has been concluded that the proposals are contrary to the aforementioned policies.

4 Policy DP2 of the Warwick District Local Plan 1996-2011 states that development will not be permitted which does not provide acceptable standards of amenity for future users / occupiers of the development. The Council have also adopted Distance Separation Guidelines as Supplementary Planning Guidance.

There are a number of areas of concern with the proposed development when it comes to the living environment of future occupants. This includes the lack of light and outlook for the bedrooms facing onto the internal courtyard / lightwell and the side alleyway, the lack of outlook for the bedrooms with obscure glazed windows, overlooking from the windows in the rear of Victoria Chambers and No. 138 Parade and the poor outlook for the bedrooms facing onto the shared rear yard. Therefore it has been concluded that the proposals would not provide a satisfactory living environment for future occupants of the rooms in question.

The proposals are therefore considered to be contrary to the aforementioned policies.

5 Policy DP1 of the Warwick District Local Plan 1996-2011 states that development proposals will be expected to demonstrate that they make sufficient provision for sustainable waste management (including facilities for kerbside collection, waste management and minimisation where appropriate) without adverse impact on the street scene, the local landscape or the amenities of neighbours.

The Council's Waste Management team have advised that 6 no. 1,100 litre bins would be required for refuse and recycling for a development of this size. However, the proposed bin store only includes space for 2 such bins. The applicant has suggested that a private refuse and recycling collection service would be arranged to address this issue, but no details of how this would work have been provided. Nevertheless, even if a private collection was accepted as a solution, providing only 2 bins compared to a normal requirement for 6 would still be a very restricted allowance for such a large development. Therefore it has been concluded that the proposals make inadequate provision for the storage of refuse and recycling.

Therefore it has been concluded that the proposals are contrary to the aforementioned policy.

6 Policy DP8 of the Warwick District Local Plan 1996-2011 states that development will only be permitted that makes provision for parking which, amongst other requirements, takes account of the parking needs of cyclists. The Council have also adopted Vehicle Parking Standards as a Supplementary Planning Document.

The proposed plans indicate that 24 cycle parking spaces will be provided. However, the layout provides insufficient space to accommodate the amount of cycle parking that is indicated. The Council's Parking Standards require an area of 1 square metre per stand and a minimum distance of 1 metre to be maintained between each stand. The proposed layout does not meet these space requirements. Therefore the proposals do not make adequate provision for cycle parking.

The proposals are therefore considered to be contrary to the aforementioned policies.