Planning Committee: 01 February 2022 **Item Number: 7**

Application No: W 21 / 1084

Registration Date: 11/06/21
Town/Parish Council: Leamington Spa **Expiry Date:** 06/08/21
Case Officer: Dan Charles
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Southfields, 57 Lillington Road, Leamington Spa, CV32 6NS
Proposed 8no. 1 bedroom apartments to be formed within the existing roof space with external alterations including dormer windows and solar panels (plus the reconfiguration of the existing accommodation at Southfields providing 38no. apartments (22 x 2 bed & 16 x 1 bed) units - which involves internal alterations only and is not development within the meaning of Section 55 of the Act), resulting in a total of 46no. apartments; alterations to existing car park layout; provision of external covered bicycle shelter; external alterations to include cladding and render and Juliet balconies. FOR La Cala Homes Ltd

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This application is being presented to Committee due to the number of objections received.

RECOMMENDATION

Planning Committee is recommended to grant planning permission, subject to the conditions listed at the end of this report.

DETAILS OF THE DEVELOPMENT

The proposal is for the creation of 8 x one-bedroom apartments within the roof space at second floor level of the existing residential building. To facilitate the creation of the apartments, dormer windows are proposed within the existing roof slope to create adequate light and outlook for future occupiers. Internal alterations are also proposed to provide access to the new apartments (for which planning permission is not required). Externally, hard landscaping works are proposed to create additional parking to serve the new apartments.

THE SITE AND ITS LOCATION

Southfields is a substantial hexagonal shaped building with an internal courtyard area to the centre. It is two storey with a large pitched roof affording some accommodation at second floor level.

The property sits within substantial grounds formed of car parking areas to the front and one side and landscaped gardens to the rear and opposite side. Within the site are a number of mature trees.

The most recent use of the site has been as sheltered accommodation with all apartments being self-contained and falling within the C3 use class. There is no planning restriction on the occupation of the units.

The site lies adjacent to the Royal Leamington Spa Conservation Area that abuts the north and eastern boundaries but is not within the Conservation Area.

PLANNING HISTORY

W/11/0854: Alteration to car parking, disabled access ramp and entrance to suit the provision of a new scooter storage facility – Granted 31.08.2011

W/05/1541: Display of non-illuminated sign, 1.43m by 0.85m adjacent to central pedestrian access off Lillington Road – Granted 25.11.2005

W/05/0767: Change of use from warden accommodation to staff offices – Granted 01.07.2005

W/79/0291: Erection of two storey block of 54 flats and one wardens house - Granted 01.05.1979.

W/78/0223: Erection of two storey block of 56 self-contained flats for elderly people (category 2) – Granted 08.06.1978.

W/77/1136: Residential development on a cleared site to provide category 2 sheltered housing accommodation for the elderly - Granted 21.12.1977

W/77/0830: Demolition of existing buildings and erection of an hotel – Granted 15.12.1977.

W/77/0829: Demolition of existing buildings and erection of 3 storey flats - Granted 16.01.1978.

RELEVANT POLICIES

- National Planning Policy Framework
- Warwick District Local Plan 2011-2029
- DS1 - Supporting Prosperity
- DS5 - Presumption in Favour of Sustainable Development
- PC0 - Prosperous Communities
- H0 - Housing
- H1 - Directing New Housing
- SC0 - Sustainable Communities
- BE1 - Layout and Design
- BE3 - Amenity
- TR1 - Access and Choice
- TR2 - Traffic generation
- TR3 - Parking
- HS7 - Crime Prevention
- CC1 - Planning for Climate Change Adaptation
- FW2 - Sustainable Urban Drainage
- FW3 - Water Conservation
- NE3 - Biodiversity
- NE4 - Landscape
- NE5 - Protection of Natural Resources
- Guidance Documents

- Residential Design Guide (Supplementary Planning Document- May 2018)
- Parking Standards (Supplementary Planning Document- June 2018)
- Air Quality & Planning Supplementary Planning Document (January 2019)
- Royal Leamington Spa Neighbourhood Plan 2019-2029
- RLS1 - Housing Development Within the Royal Leamington Spa Urban Area
- RLS2 - Housing Design
- RLS3 - Conservation Area
- RLS4 - Housing Character Outside the Conservation Areas
- RLS12 - Air Quality
- RLS13 - Traffic and Transport
- RLS14 - Cycling

SUMMARY OF REPRESENTATIONS

Royal Leamington Spa Town Council: No objection but make the following observations.

- Parking whilst improved, is below the Parking Standards.
- Has need for affordable housing been considered?

WDC Health and Community Protection: No objection, subject to Low Emission Strategy condition.

WDC Arboricultural Officer: Concern about loss of trees due to parking areas. Recommend tree protection and method statement conditions be imposed.

WCC Highways: No objection.

WCC Ecology: Recommend Preliminary Ecological Assessment carried out.

Public Response: A total of 11 comments of objection have been received citing the following concerns:

- Increased traffic.
- Increased demand for parking.
- Loss of privacy due to dormer windows facing neighbouring properties.
- Increased noise disturbance due to cars parking on boundary.
- Loss of trees will diminish character of the area.
- Harm to conservation area due to installation of dormer windows and solar panels.
- Over-development of the site.

ASSESSMENT

History/Background

Planning permission (ref: W/79/0291) was granted in 1979 for the erection of a block of 54 flats and 1 warden's house. There were no restrictions on the occupation of the units and for the purposes of planning, the units are classified as self-contained flats within the C3 Use Class.

The current proposal relates to the conversion of the second floor into 8 x one-bedroom flats facilitated by the installation of dormer windows within the existing roof plane. External works are also proposed within the grounds to provide additional parking spaces within the site.

The submitted drawings also indicate internal works to reconfigure the existing 54 1-bedroom units into 38no. 1- and 2-bedroom units. Members should note that the internal works to reconfigure the units does not constitute development for the purposes of planning as set out within Section 55 of the Town and Country Planning Act 1990. Section 55(2) of the Act states:

"The following operations or uses of land shall not be taken for the purposes of this Act to involve development of the land—

(a)the carrying out for the maintenance, improvement or other alteration of any building of works which—

(i) affect only the interior of the building, or
(ii) do not materially affect the external appearance of the building"

Therefore, these internal works cannot be assessed as part of this application and the assessment is solely based upon the provision of the 8 units at second floor level together with the external alterations and the formation of additional parking spaces.

Principle of Development

Policy RLS1 of the NDP states that proposals for new housing development within the Royal Leamington Spa Urban Area, will be supported for the following:

1. Re-use of previously developed land and buildings when not in conflict with other development plan policies.
2. Infill development that is of an appropriate scale and that does not lead to the loss of residential gardens (unless in accordance with Policy H1 of the Warwick District Local Plan), overdevelopment, or have a
significant adverse impact on the amenity of adjacent existing occupiers and uses.
3. Proposals for custom and self-build housing provision that are acceptable when assessed against Warwick District Local Plan Policy H15.
4. Proposals for purpose-built student accommodation when positively assessed against all related development plan requirements and guidance.

The application site lies within the urban boundary of Royal Leamington Spa.

Policy H1 of the Local Plan sets out a hierarchy of locations where new housing is acceptable. Development located within the urban boundary of Royal Leamington Spa is identified as highly sustainable and is therefore appropriate for new residential development as defined by Policy H1.

Officers therefore consider that the development is acceptable in principle having regard to Policy H1 of the Local Plan and Policy RLS1 of the Neighbourhood Plan.

Design and impact on visual amenity and the character of surrounding area and adjacent Conservation Area

Section 12 of the National Planning Policy Framework (NPPF) places significant weight on ensuring good design which is a key aspect of sustainable development and should positively contribute towards making places better for people. The NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving character, the quality of an area and the way it functions.

Policy BE1 of the Local Plan reinforces the importance of good design stipulated by the NPPF as it requires all development to respect surrounding buildings in terms of scale, height, form and massing. The Local Plan calls for development to be constructed using appropriate materials and seeks to ensure that the appearance of the development and its relationship with the surrounding built and natural environment does not detrimentally impact the character of the local area.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

Policy RLS3 states that development proposals that are within or directly affect a conservation area must assess and address their impact on their heritage significance.

Warwick District Local Plan Policy HE1 (Protection of Heritage Assets) states development will be expected to respect the setting of conservation areas and important views both in and out of them.

The Residential Design Guide SPD sets out steps which must be followed in order to achieve good design in terms of the impact on the local area; the importance of respecting existing important features; respecting the surrounding buildings and using the right materials.

The site is flanked on two sides (the eastern and northern boundaries) by the Royal Leamington Spa Conservation Area. No part of the site falls within the boundary of the conservation area.

The proposed development is limited externally to the provision of dormer windows within the roof plane to create the accommodation at second floor. The proposed dormers are of a modern, flat roof design that suits the character of the existing building and also ensures that the overall scale of the dormers within the roof slope does not result in a top-heavy appearance. In addition, the installation of the dormer windows is considered to "break up" the current mass of the roof that is substantial in comparison to the scale of the building. With the inclusion of dormers, the roof slope would appear more appropriately scaled with rooms in the roof space. The design of the dormers provides appropriate outlook for future occupants.

Overall, the design of the proposed dormer windows actively assists in diminishing the visual mass of the roof structure whilst retaining the overall shape and form of the building.

Externally, additional parking is proposed to the rear of the building where not visible from the public domain. The parking area has been reduced following Officer feedback to minimise the incursion into the planted areas to ensure that only minimal trees are lost as a result of the works. Where any trees are lost, it is proposed to include a condition to secure replacement trees to mitigate for the loss.

The revised car parking area has been designed to retain as much boundary planting as possible to maintain the soft edge between the development and its neighbours.

Overall, the development is considered to have a neutral impact on the character of the local area or adjacent conservation area.

Officers are satisfied that the scheme is acceptable having regards to Policies BE1 and HE1 of the Local Plan and Policy RLS3 of the Neighbourhood Plan.

Impact on adjacent properties

Policy BE3 of the Warwick District Local Plan states that new development will not be permitted that has an unacceptable adverse impact on the amenity of nearby uses and residents.

The proposal is for the provision of dormer windows to the existing roof slopes only and there is no physical extension to the footprint of the building that would bring it closer to neighbouring properties and Officers are therefore satisfied that the development would not result in any harmful overshadowing or overbearing impact as a result of the development.

The key area insofar as neighbouring amenity is concerned is the potential for overlooking from the new windows at second floor level. The proposed dormer windows are on the front and rear elevations and on the inner and outer roof slopes.

With regards to the internal roof slopes, the separation distances remain predominantly the same as the existing ground and first floor window separation distances, albeit slightly greater due to the windows being set back within the roof slope. Officers are satisfied that this general arrangement follows the character of the existing building and is considered acceptable.

With regard to the external roof slopes, the front elevation would result in the dormer windows fronting onto the public highway of Lillington Road and this results in a significant separation distance from the properties opposite the site.

To the rear, the site bounds onto residential properties on Almond Avenue. The location of the windows would also result in new windows having an oblique relationship with properties at Cloisters Crofts to the south and 1 and 2 The Coachhouse, 59a Lillington Road to the north.

With regards to the properties at The Coach House, Officers are satisfied that the oblique angle of the proposed windows compared to these properties is such that

there would not be any resultant direct overlooking as a result of the development due to the angle of separation.

With regards to the properties fronting onto Cloisters Crofts, the application property is set approximately 30 metres from the boundary of the nearest property. At this point, it is located at the bottom of a large garden area. Due to this separation, Officers are satisfied that the scheme would not result in any demonstrable harm to the amenity of these properties.

Moving to the properties at Almond Avenue, these properties share a closer relationship with the application site. There are 4 key properties that share a direct relationship.

Moving from North to South, the closest facing window to No.57 Almond Avenue would have a separation distance of approximately 36 metres. At the nearest point, the building is approximately 17.5 metres away from the boundary of No. 57 Almond Avenue. Taking into account these separation distances, Officers are satisfied that the proposed relationship is acceptable.

At 59 Almond Avenue, the window-to-window distance is approximately 29 metres with a distance to boundary of approximately 12.5 metres.

The Residential Design Guide SPD states that where a proposal is for a 3-storey property that has accommodation at second floor level, which faces onto a two storey property, the separation distance should be 32 metres. Officers have considered this area of the proposal and note that the physical structure is already in situ and the overall scale of the building already exists. The provision of the dormer window, which is set back into the roof slope of the proposed building would introduce a habitable room window to the roof plane. Having considered this element, Officers are of the opinion that the relationship would be acceptable when taking into account the site conditions, intervening boundary and bulk of the existing building.

Overall, Officers consider, on balance, the scheme would have an acceptable relationship with neighbouring properties and as a result would be acceptable having regard to Policy BE3 of the Local Plan.

Amenity of future occupiers

Policy BE3 of the Warwick District Local Plan states that new development will not be permitted that does not provide acceptable standards of amenity for future occupiers of a development.

The proposed rooms within the roof space have been designed to ensure that all habitable rooms have adequately sized windows to provide acceptable levels of light and outlook for future occupants.

In terms of external amenity, all future occupants would have access to the existing grounds offering open green space.

Officers are satisfied that the scheme is acceptable having regards to Policy BE3 of the Local Plan.

Parking and Highway Safety

Policy RLS13 of the Neighbourhood Plan requires all development to support measures for sustainable transport methods to make Royal Leamington Spa a cleaner, safer and healthier town.

Policy TR1 of the Warwick District Local Plan requires all development to provide safe, suitable and attractive access routes for all users that are not detrimental to highway safety. Policy TR3 requires all development proposals to make adequate provision for parking for all users of a site in accordance with the relevant parking standards.

The application site benefits from an existing well-made access affording acceptable visibility in both directions and the access is of sufficient width for two vehicles to pass without having to stop within the limits of the public highway.

In terms of parking, the site currently benefits from a total of 12 car parking spaces. The elements which are considered development within this proposal is limited to the 8 x one-bedroom apartments being created at second floor level.

Having considered the site and sought legal advice, it is confirmed that the scheme only needs to provide a total of 8 additional spaces to meet the requirements of the new one-bedroom apartments. Whilst the remaining units are proposed to be reduced from 54 to 38 units, as these works are not development as defined under the Planning Act, no spaces are required to be provided.

Notwithstanding the above, the proposed external areas are to be reconfigured to the rear of the building to provide a total of 35 parking spaces. Taking into consideration the existing 12 spaces together with the need for 8 spaces as a result of this development, the scheme results in a significant betterment of 15 off-street parking spaces to serve the site.

The proposal also provides for secure cycle parking within the site to provide appropriate facilities for sustainable transport options.

A condition has been included to secure the provision of electric vehicle charging points to comply with the requirements of the Air Quality SPD.

The scheme is therefore considered acceptable having regard to Policies TR1 and TR3 of the Local Plan and Policy RLS13 of the Neighbourhood Plan.

Impact on Ecology/ Protected Species

Policy NE3 of the Warwick District Local Plan states that development proposals will be expected to protect, enhance and/or restore habitat biodiversity and where this is not possible, mitigation or compensatory measures should be identified accordingly.

The County Ecologist has recommended that a Preliminary Ecological Appraisal is carried out prior to determination. The site lies within an urban area and the roof appears to be in good condition. On this basis, Officers consider that the works

can be secured by condition to require checks be made before any invasive works are proposed. This can be supplemented by explanatory notes as necessary.

I therefore consider that the proposal is acceptable having regard to Policy NE3.

Trees/ Hedgerows

The proposal does involve the removal of some smaller ornamental trees within the site to create the additional parking areas. An amended plan was received reducing the extent of the proposed parking area to allow for the retention of more trees. As a result, the loss is minimal and replacement trees can be secured by condition to ensure no net loss across the site.

A condition is proposed to secure appropriate protective fencing to all retained trees together with a method statement for any proposed ground works within the vicinity of retained trees to ensure that they are not harmed by the development works.

Waste Storage

The site contains adequate facilities for storage of waste. As there is a reduction in overall units, the existing waste management facilities are considered acceptable.

Affordable Housing

As the scheme is for the provision of 8 residential units only, there is no trigger to require the provision of 40% affordable units.

Water Conservation

A condition has been added to ensure compliance with Local Plan Policy FW3.

Conclusion

The development is considered acceptable in principle having regard to Policy H1 of the Local Plan as the site lies within a sustainable area within the Urban Boundary of Royal Leamington Spa.

The proposal is considered to have an acceptable impact on the character and amenity of the local area and adjacent Conservation Area.

Residential amenity of both existing residents and future occupants of the premises is considered to be acceptable.

The scheme is not considered harmful to highway safety and a range of conditions can mitigate site specific matters.

For the above reasons and subject to conditions, the application is recommended for approval.

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) 21-837-29-P1, 21-837-30-P1 and 21-837-31-P1, 21-837-32-P1, and specification contained therein, submitted on 1 June 2021 and approved drawing 21-837-33-P4, and specification contained therein, submitted on 13 October 2021. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.

3 No development shall be carried out above slab level unless and until samples of the external facing materials to be used have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details. **Reason:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029.

4 No development or other operations (including demolition, site clearance or other preparatory works) shall commence unless the approved tree protection measures have been put into place in full accordance with BS:5837 (2012) and thereafter shall remain in place for the full duration of any such construction work. In addition, no excavations, site works, trenches or channels shall be cut or pipes or services laid, no fires shall be lit within 10 metres of the nearest point of the canopy of any tree(s); no equipment, machinery or structure shall be attached to or supported by a tree(s); no mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area or any other works carried out in such a way as to cause damage or injury to the tree(s) by interference with their root structure and that no soil or waste shall be deposited on the land in such a position as to be likely to cause damage or injury to the tree(s). **Reason:** In order to protect and preserve existing trees within the site in accordance with Policies BE1 and NE1 of the Warwick District Local Plan 2011-2029.

5 No external works affecting any areas of soft landscaping shall commence unless and until an Arboricultural Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Method Statement shall demonstrate how works will proceed without harming all trees to be retained on the site to include appropriate methodology for works located within the vicinity of any trees. Thereafter, all works shall be carried out strictly in accordance with the approved details. **Reason:** In order to protect and preserve

existing trees within the site in accordance with Policies BE1 and NE1 of the Warwick District Local Plan 2011-2029.

6 No works to the external areas of the building shall commence unless and until a soft landscaping scheme has been submitted to and approved in writing by the local planning authority. The soft landscaping plan shall indicate details of all proposed planting works together with new tree planting to mitigate for the loss of trees shown to be removed within the site boundary. Thereafter, all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of the same size and species as that originally planted. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 - Transplanting Root-balled Trees and BS4428 - Code of Practice for General Landscape Operations. **Reason:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1, BE3 and NE4 of the Warwick District Local Plan 2011-2029.

7 No dwelling hereby permitted shall be occupied unless and until the car parking provision for that dwelling has been constructed or laid out and made available for use by the occupants and / or visitors to the dwelling and thereafter those spaces shall be retained for parking purposes for the development at all times. **Reason:** To ensure the satisfactory provision of off-street vehicle parking facilities in the interests of highway safety and the satisfactory development of the site in accordance with Policies BE1 and TR3 of the Warwick District Local Plan 2011-2029.

8 No works to the roof shall commence until two weeks' notice in writing prior to the commencement of the works has been given to a suitably qualified bat worker appointed by the applicant to supervise all destructive works to the roof. All roofing material is to be removed carefully by hand. Should bats be found during this operation, then work must cease immediately while Natural England are consulted for advice and no further works shall be undertaken at the site unless and until full details of measures for bat migration and conservation have been submitted to and approved in writing by the local planning authority. The development shall then proceed in full accordance with the approved details and any required mitigation works shall be completed in full accordance with the approved details. 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 NE2 of the Warwick District Local Plan 2011-2029.

9 The development hereby permitted shall not be occupied unless and until a scheme showing how a water efficiency standard of 110 litres per person per day based on an assumed occupancy rate of 2.4 people per household (or higher where appropriate) will be achieved has been submitted to and approved in writing by the Local Planning Authority. No dwelling/ unit shall be first occupied until the works within the approved scheme have been completed for that particular dwelling / unit in strict accordance with the approved details and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications. **Reason:** To ensure the creation of well-designed and sustainable buildings and to satisfy the requirements of Policy FW3 of the Warwick District Local Plan 2011-2029.

10 Prior to the occupation of the dwelling(s) hereby permitted, one 16amp (minimum) electric vehicle recharging point (per dwelling) shall be installed in accordance with details first submitted to and approved in writing by the Local Planning Authority (LPA). Once the electric vehicle recharging point(s) has been installed, the following verification details shall be submitted to and approved in writing by the LPA: (1). Plan(s)/ photograph(s) showing the location of the electric vehicle recharging point(s); (2). A technical data sheet for the electric vehicle recharging point infrastructure; and (3). Confirmation of the charging speed in kWh. Thereafter the electric vehicle recharging point(s) shall be retained in accordance with the approved details and shall not be removed or altered in any way (unless being upgraded). **Reason:** To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan and the Air Quality and Planning Supplementary Planning Document.