Planning Committee: 14 October 2015 **Item Number:** 14

Application No: W 15 / 1404

Registration Date: 18/08/15
Town/Parish Council: Leamington Spa **Expiry Date:** 13/10/15
Case Officer: Rob Young
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34 Lillington Road, Leamington Spa, CV32 5YY

Conversion from school into 9no. flats; demolition of existing rear extension; erection of two and three storey rear/side extensions; installation of replacement windows and new window and door openings; excavation of front and rear lightwells FOR Mangat Properties Ltd

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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 following development:

- conversion from school into 9 flats;
- demolition of existing rear extension;
- erection of two and three storey side and rear extensions;
- installation of replacement windows and new window and door openings; and
- excavation of front and rear lightwells.

This is an amended scheme following the refusal of planning application no. W14/1744. The main changes from that refused scheme are as follows:

- pair of semi-detached houses omitted from rear of site;
- two storey rear extension to existing building added (to include 2 flats);
- number of parking spaces increased from 9 to 10; and
- alteration to window arrangement to side and rear elevations.

THE SITE AND ITS LOCATION

The application relates to a detached property situated on the eastern side of Lillington Road. The property occupies a corner plot at the junction of Lillington Road and Wathen Road. Wathen Road runs along the side boundary of the site. The property has a rear boundary onto Waller Street. The rear of the site is laid out as a car park that is accessed from Wathen Road.

The property is a two storey detached Victorian Villa and is situated within the Royal Leamington Spa Conservation Area. There have been previous rear extensions and alterations to the rear roofslope that are not in keeping with the historic character of the property. The property is currently vacant and was last used as a school. The surrounding area is predominantly residential in character.

PLANNING HISTORY

In 2012 planning permission was granted for "Change of use from residential children's home for 8 young people aged 10 - 17 years within use Class C2 of the Town and Country Planning (Use Classes) Order 1987 to non-residential education centre use within Use Class D1 of the Order (non residential institution). (Retrospective application)" (Ref. W12/1229).

In March 2015 planning permission was refused for "Conversion from school into 7 flats; demolition of existing rear extension; erection of two storey side extension; installation of replacement windows and new window and door openings; excavation of front and rear lightwells; and erection of 2 no. semi-detached dwellings to the rear" (Ref. W14/1744). The reason for refusal was as follows:

"This part of the Conservation Area is characterised by large Victorian Villas fronting onto Lillington Road and occupying large plots that extend through to Waller Street. As a result the western side of Waller Street has historically been fronted by rear boundary walls or single storey garages serving the Villas in Lillington Road. The section of Waller Street between Campion Road and Wathen Road has preserved this historic character to date.

In this context, the proposed two storey dwellings would stand out as an incongruous feature situated at the end of the exclusively single storey development / garden walls along the western side of Wathen Road. This would be starkly at odds with the historic pattern and function of development on this side of Waller Street. As a result the proposals would cause substantial harm to the character and appearance of the Conservation Area. The development would not generate substantial public benefits to outweigh this harm and therefore the proposals are contrary to the paragraph 133 of the NPPF and Local Plan Policy DAP8."

Prior to the above 2 applications there had been a number of other planning applications submitted in relation to the application property over the years but none of these are relevant to the consideration of the current proposals.

RELEVANT POLICIES

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)

- DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- SC8 - Protecting Community Facilities (Warwick District Local Plan 1996 - 2011)
- SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)
- UAP1 - Directing New Housing (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

- BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS2 - Providing the Homes the District Needs (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS3 - Supporting Sustainable Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS5 - Presumption in Favour of Sustainable Development (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS6 - Level of Housing Growth (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS7 - Meeting the Housing Requirement (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- H0 - Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
- H1 - Directing New Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
- SC0 - Sustainable Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR1 - Access and Choice (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR2 - Traffic Generation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- CC1 - Planning for Climate Change Adaptation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- CC3 - Buildings Standards Requirements (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HE2 - Protection of Conservation Areas (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)
- DM1 - Infrastructure Contributions (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

Guidance Documents

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

SUMMARY OF REPRESENTATIONS

Town Council: Comments awaited.

Public Response: 10 objections have been received, raising the following concerns:

- insufficient car parking;
- Lillington Road should not be relied upon to provide parking because it is a busy through road;
- detrimental to highway safety;
- increased pollution;
- the extension is not an appropriate feature for the Conservation Area;
- harm to the character and appearance of the Conservation Area; and
- overdevelopment.

WCC Highways: No objection, subject to a condition.

WCC Ecology: No objection, subject to a condition to require a further bat survey.

WDC Waste Management: No objection.

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

- the impact on the character and appearance of the Conservation Area;
- the impact on the living conditions of neighbouring dwellings;
- car parking and highway safety;
- protection of bats;
- the principle of the proposed change of use, and
- health and well-being.

Impact on the character and appearance of the Conservation Area

The two semi-detached dwellings that were the subject of the reason for refusal for the previous application have been omitted from this revised scheme. The revised proposals now include a two storey extension on the rear of the existing building to provide two flats in lieu of the two semi-detached houses. This extension would replace an existing two storey rear extension on a similar footprint. The existing extension is particularly incongruous in appearance, having a flat roof and various other non-traditional design features. The design of this existing extension pays little regard to the design of the main building

and causes significant harm to the character and appearance of the Conservation Area. In contrast, the proposed replacement extension would have a pitched roof and would incorporate traditional design features that would be in keeping with the main building and surrounding traditional development within the Conservation Area. Therefore it is considered that the proposed extension would enhance the character and appearance of the Conservation Area.
The other alterations to the building are considered to be in keeping with the traditional character of the application property and surrounding development. The proposed front lightwells would be limited in size and would follow the form of the angled bay windows. The construction of 3 small pitched roof dormer windows in the rear roofslope is considered to be appropriate in this location given that these would allow for the removal of 2 non-traditional box dormers. The changes to the windows would retain a traditional pattern and design of fenestration. Therefore it is considered that the proposals would preserve the character and appearance of the Conservation Area.

Impact on the living conditions of neighbouring dwellings

The proposed two storey rear extension would infringe a 45-degree sight-line in relation to the nearest window in the rear of the adjacent dwelling at No. 32 Lillington Road. However, this infringement would be some distance from the affected window (11m) and the proposed extension would replace an existing extension which already infringes this 45-degree sight-line. Therefore it is not considered that the proposals would result in a material increase in loss of light or loss of outlook for No. 32 Lillington Road. The proposed extension is situated further away from other neighbours and therefore would not have any significant implications in terms of loss of light or loss of outlook for other neighbours.

In terms of privacy, the side facing windows in the proposed extension would face adjacent dwellings. However, the existing extension has windows in similar positions and consequently there would be no material increase in overlooking as a result of the proposals. As at present there would be no first floor windows facing No. 32 Lillington Road. Therefore, the proposals would not cause unacceptable loss of privacy for neighbouring dwellings.

Drawing the above considerations together, it has been concluded that the proposals would have an acceptable impact on the living conditions of neighbouring dwellings.

Car parking and highway safety

The Council's Parking Standards SPD requires a total of 10.5 spaces (rounded up to 11) for the proposed dwellings. The proposed layout includes 10 spaces and consequently there would be shortfall of one space in relation to the Standards. The applicant has submitted a Transport Statement incorporating a Parking Survey that demonstrates that there is sufficient on street parking capacity in the locality to meet this slight shortfall.

Objectors have raised safety concerns about the fact that the Parking Survey relies on parking on Lillington Road. However, there has been no objection from the Highway Authority and therefore it is not considered that these concerns are justified from a highway safety point of view. The flats would have a front

entrance onto Lillington Road and therefore it is reasonable to take account of the availability of parking on that road. Therefore, in accordance with Paragraph 2.2.2(i) of the Council's Parking Standards SPD, it is not considered that a refusal of planning permission is justified on parking grounds.

In view of the fact that there has been no objection from the Highway Authority, the proposals are considered to be acceptable from a highway safety point of view.

Protection of bats

A bat survey has been carried out and this did not find any evidence of bats using the application property. The County Ecologist has accepted the findings of the bat survey and has advised that a condition should be attached to any planning permission to require further survey work. Therefore, subject to this condition it is considered that the proposals will not harm bats.

Principle of the proposed change of use

This is a rather unusual case because, whilst the existing building is technically a community use that is protected by Local Plan Policy SC8, this community use was only lawful for a very short period of time prior to the premises becoming vacant. Retrospective planning permission was granted for the building to be used as a non-residential education centre in December 2012, but this use ceased just 6 months later in June 2013. Prior to that the building was used as a residential care home and this would not have been protected by Policy SC8. Given the very limited time that the community use existed for, it is not considered reasonable for Policy SC8 to be applied in this case as this short term use did not represent an established community facility that warranted protection under Policy SC8. The site is situated within a predominantly residential area and therefore a conversion to residential use is considered to be acceptable in principle.

Health and well-being

Not applicable.

Other matters

The proposals include a suitable refuse and recycling store to the rear of the property. This meets the requirements of the Council's Waste Management team.

The application proposes the installation of an air source heat pump to meet 10% of the predicted energy requirements of the proposed extension. This would meet the requirements of Local Plan Policy DP13.

The applicant has agreed in principle to make a contribution of £9,264 towards the provision or enhancement of public open space. This would meet the requirements of Local Plan Policy SC13 and the associated SPD. A condition is recommended to secure this.

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. Furthermore the proposals are considered to be acceptable in terms of car parking, highway safety and the impact on bats. Therefore it is recommended that planning permission is granted.

CONDITIONS

1 The development hereby permitted must be begun not later than the expiration of three years from the date of this permission. **REASON** : To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing(s) 1053-0518-A, 1053-0519-A, 1053-0520-A, 1053-0521-A, 1053-0522, 1053-0523, 1053-0524 & 1053-0525, and specification contained therein, submitted on 18 August 2015. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.

3 No development shall be carried out on the site which is the subject of this permission, until large scale details of doors, windows (including a section showing the window reveal, heads and cill details), eaves, verges, rainwater goods, gates, walls and railings at a scale of 1:5 (including details of materials) have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. **REASON**: For the avoidance of doubt, and to ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011.

4 Unless the Local Planning Authority certifies that suitable alternative provision has been made for the provision or improvement of open space within the catchment area of the application site in accordance with Policy SC13 of the Warwick District Local Plan 1996-2011:

(i) no development shall commence unless or until a scheme for such provision or improvement (identifying the size/extent, location and specification of the space and works) has been submitted to and approved in writing by the Local Planning Authority; and

(ii) the dwellings hereby permitted shall not be occupied until the scheme so approved has been implemented.

REASON: To ensure the necessary infrastructure and facilities are provided in accordance with Policy SC13 of the Warwick District Plan 1996 – 2011.

5 The development hereby permitted shall only be undertaken in strict accordance with details of both hard and soft landscaping works which have been submitted to and approved in writing by the local planning authority. Details of hard landscaping works shall include boundary treatment, including full details of the proposed boundary walls, railings and gates to be erected, specifying the colour of the railings and gates; footpaths; and hard surfacing. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of any of the dwellings hereby permitted; and 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 similar size and species, unless the local planning authority gives written consent to any variation. 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 DP1, DP2 and DP3 of the Warwick District Local Plan 1996-2011.

6 The development hereby permitted shall not commence until a further bat survey has been carried out, to include appropriate activity surveys in accordance with BCT Bat Surveys - Good Practice Guidelines, and a detailed mitigation plan including a schedule of works and timings has been submitted to and approved in writing by the District Planning Authority. Such approved mitigation plan shall thereafter be implemented in full. **REASON:** To safeguard the presence and population of a protected species in line with UK and European Law, the National Planning Policy Framework and Policy DAP3 of the Warwick District Local Plan 1996-2011.

7 The proposed car parking area and cycle store for the development hereby permitted shall be constructed, surfaced, laid out and available for use prior to the first occupation of the development hereby permitted, in full accordance with the approved plan. The car parking area and cycle store shall be retained at all times thereafter and shall be kept free of obstruction and be available for parking for occupants of the development hereby permitted, unless agreed otherwise in writing by the District Planning Authority. **REASON** : To ensure that adequate parking facilities are available, in accordance with the requirements of Policy DP8 of the Warwick District Local Plan 1996-2011.

8 All window and door frames shall be constructed in timber and shall be

painted and not stained. **REASON** : To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011.

9 All rainwater goods for the development hereby permitted shall be metal. **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.

10 The roofing material for the development shall be natural slate. **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.

11 None of the dwellings hereby permitted shall be occupied unless and until the bin store has been provided in strict accordance with the approved plans. **REASON** : To protect the amenities of occupiers of the site and the character and appearance of the locality, in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.

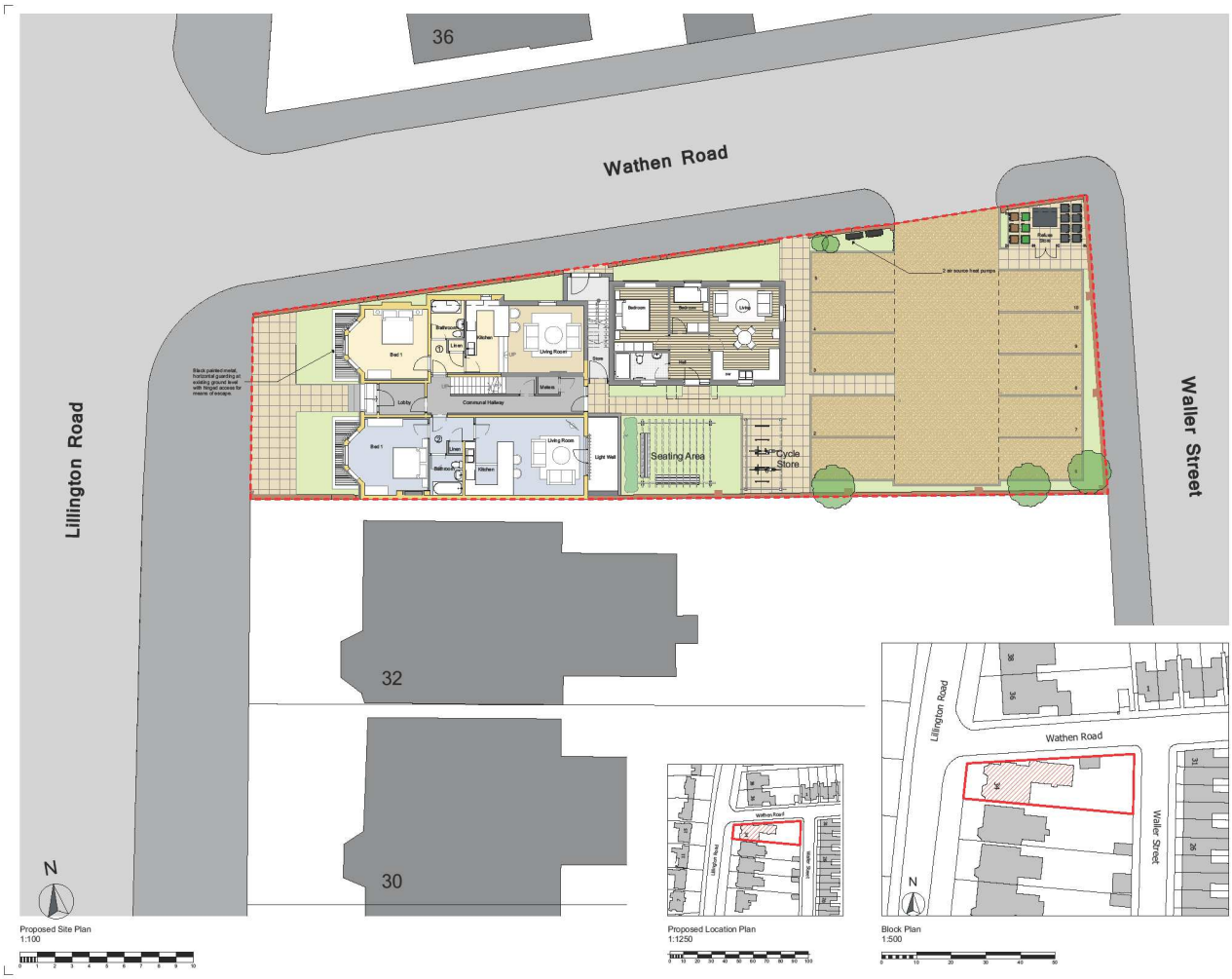
12 The development hereby permitted shall not be first occupied unless and until the renewable energy/fabric first scheme submitted as part of the application has been wholly implemented in strict accordance with the approved details. The works within this scheme shall be retained at all times thereafter and shall be maintained strictly in accordance with manufacturers specifications. **REASON**: To ensure that adequate provision is made for the generation of energy from renewable energy resources or to achieve carbon savings in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011.

13 No railings or other protective guard shall be installed on or around the front lightwells hereby permitted unless agreed otherwise in writing by the District Planning Authority. **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.

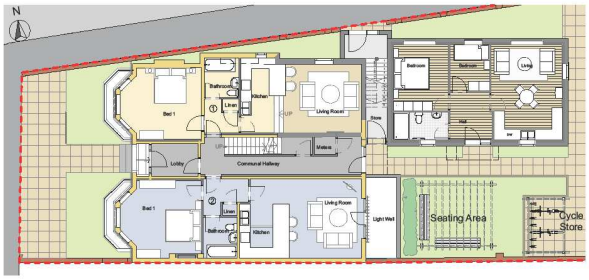
14 All external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **REASON :** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011.

15 Noise arising from the air source heat pumps hereby permitted, 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 the occupiers of nearby properties in the

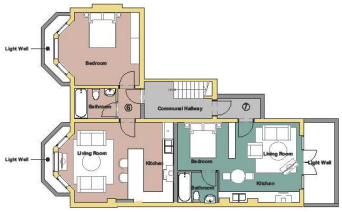
locality in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011.


36
Wathen Road
Lillington Road
Waller Street
Seating Area
Cycle Store
32
30
N
Proposed Site Plan
1:100
Proposed Location Plan
1:1250
Block Plan
1:500

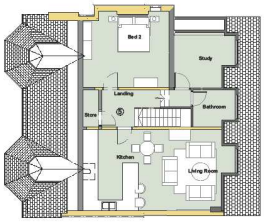
Proposed First Floor
1:100



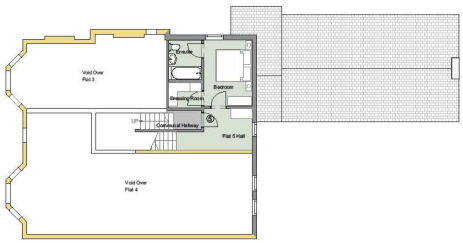
Proposed Ground Floor Plan
1:100



Proposed Basement Floor
1:100



Proposed SecondFloor
1:100



Proposed Mezzanine Floor - Above First Floor
1:100

Proposed North Elevation
1:100

Proposed East Elevation
1:100

Proposed South Elevation
1:100

Proposed West Elevation
1:100