

**Planning Committee:** 15 August 2023

**Item Number:** 7

**Application No:** [W 23 / 0900](#)

**Town/Parish Council:** Leamington Spa

**Case Officer:**

Jack Lynch

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**Registration Date:** 28/06/23

**Expiry Date:** 23/08/23

**Tennis Pavilion, Victoria Park, Archery Road, Leamington Spa**

Proposed change of use from Tennis Pavilion in Victoria Park to permit first floor of the building to be used as office space from current use (storage). FOR  
Warwick District Council

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This application is being presented to Planning Committee as the District Council is the applicant.

**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 applicant seeks planning permission for the proposed change of use from Tennis Pavilion in Victoria Park to permit the first floor of the building to be used as office space [Class E] from the current use (storage [Class B8]).

There will be no alterations to the ground floor or externally.

**SITE AND LOCATION**

The application site relates to the "Tennis Pavilion", located in the centre of Victoria Park, with walking access off Archery Road and Avenue Road. The application site is in the Leamington Spa Conservation Area. It is a two-storey building currently largely underutilised with the first floor being used for storage for council owned leisure equipment. The site was originally used as a pavilion for the former cricket pitch.

**PLANNING HISTORY**

**Application site:**

No relevant planning history

**Neighbouring history relevant to this application:**

W/19/1559 - Victoria Lodge, Park Drive, Leamington Spa, CV31 3PJ - "Refurbishment, change of use and extension of existing C3 dwelling house to B1 office space with associated car parking." **Granted**

## **RELEVANT POLICIES**

### The Current Local Plan

- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029)
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
- TR2 - Traffic generation (Warwick Local Plan - 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- HE1 - Protection of Statutory Heritage Assets (Warwick District Local Plan 2011-2029)
- HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029)

### Royal Leamington Spa Neighbourhood Plan 2019-2029

- HE1 - Protection of Statutory Heritage Assets
- HE2 - Protection of Conservation Areas

### Guidance Documents

- Parking Standards (Supplementary Planning Document)

## **ASSESSMENT**

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

- Principle of the Development
- Design and Impact on Heritage Assets
- Impact on Amenity
- Parking and Highway Safety

### Principle of the Development

Local Plan policy EC1 states that new office development will be permitted within the town centres. Outside of town centres, office development will be permitted in accordance with the following criteria:

- i. Within the employment land allocated in policy DS9;
- ii. Within established and committed employment areas in policy EC3;
- iii. Within town centres, subject to the town centre policies or any subsequent area action plan coming into effect after this plan.

Proposals for office development in locations at the edge of the town centres will also be considered if no suitable sites are available in any of the preferred locations above. Only if no suitable sites are available in an edge-of-centre location will out-of-centre locations be considered.

The policy seeks to support the retention of existing and committed employment areas, to prioritise the reuse of previously developed land and promote sustainable

patterns of development. It ensures that employment areas are well distributed within the urban areas, close to existing and future housing development and accessible by public transport.

This application is submitted by Warwick District Council who own the site. The development will provide office space for Bowls England, who are currently located at Riverside House. The National Bowls Championships, International Matches and Test Matches are all held at Victoria Park. A review by Warwick District Council, following the inaugural joint National Championships in 2014, showed that circa 30,000 visitors to the annual event delivered £1.7 million into the local economy during the period – almost double its own initial estimates. The Council also commissioned a number of surveys for park users and households close to Victoria Park during the event, the results of which showed significant levels of support for the National Championships due to the benefits that it brings to the town and wider district.

Bowls England need to be located within easy reach of the park because during August when the annual National Bowls Championships take place over 4 weeks, most staff and management are required to spend parts of each working day at the championship and also at their offices.

The current offices serving Bowls England are located outside of the town centre in Riverside House. Although the application site is located outside of the town centre and is not an employment site as identified on the proposal's maps, there is clear justification why this particular office development needs to be in this area, with this site being particularly well-placed, and the application property has been underutilised for some time.

The area within closest reach of Victoria Park within the town centre boundary is predominantly residential and it is unlikely that any of these sites would come forward for office use, and in any event is unlikely to be supported because the Local Plan seeks to protect residential uses within the town centre in such areas. Any town centre sites further away from Victoria Park would be further away than the current offices, thus rendering them unsuitable.

Furthermore, the site is just over 200 metres from the town centre boundary and is therefore not a significant distance from public transport and other services which are in walking distance. Local Plan policy EC1 seeks to prioritise the reuse of previously developed land, which this would constitute.

Owing to the close proximity of the site to the town centre, the use of sustainable transport could be easily achieved. The site is also in walking distance of existing housing development. Moreover, policy EC1 does not preclude office development from being permitted outside of the town centre and there is clear justification in this instance why office use would be suitable for this site.

It is therefore considered that the change of use and the small scale of the proposed change of use would not prejudice the aims of Local Plan policy EC1 and is acceptable under these specific circumstances.

## Design and Impact on Heritage Assets

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. Furthermore, Warwick District Council's Local Plan 2011 - 2029 policy BE1 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 1990 imposes a duty when exercising planning functions to pay special attention to the desirability of preserving or enhancing the character of a Conservation Area.

Paragraph 193 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 196 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.

Policy HE1 of the Local Plan states that development will not be permitted if it would lead to substantial harm to the significance of a designated heritage asset. Where the development would lead to less than substantial harm to the significance of a designated heritage asset, this harm will be weighed against the public benefits of the proposal. The explanatory text for HE1 clarifies that in considering applications relating to Conservation Areas, the Council will require that proposals do not have a detrimental effect upon the integrity and character of the building or its setting, or the Conservation Area.

No external works are proposed within this application.

It is therefore considered the proposed change of use would not cause harm to, and would preserve the setting of the Conservation Area and the Registered Park and Garden. The proposal is therefore considered to be in accordance with Local Plan policies BE1 and HE1.

## Impact on Amenity

Warwick District Local Plan policy BE3 requires all development to have an acceptable impact on the amenity of nearby users or residents and to provide acceptable standards of amenity for future users or occupiers of the development. There is a responsibility for development not to cause undue disturbance or

intrusion for nearby users in the form of loss of privacy, loss of daylight, or create visual intrusion.

The application site is relatively isolated from other residential properties, being located within Victoria Park. It is not considered that the change of use would cause harm to amenity.

The proposal is therefore considered to be in accordance with Local Plan policy BE3.

### Parking and Highway Safety

The access arrangements to the site remain unaltered as part of the proposal. The existing parking requirement for the site is 1 space. The proposed office use generates a need for 3 spaces.

The existing car park used by Bowls England is on Adelaide Road. As per the Design and Access Statement, the intention of Bowls England is to use the same car park on Adelaide Road due to its proximity to the application site. The application site is easily accessible from this car park and is a short walk away.

Further to this, there are easily accessible car parks nearby if needed including Victoria Park Car Park.

It is also noted that the application site is located just outside the town centre and as such is in a central location with good access to alternative sustainable transport means.

It is considered that adequate parking provision is available for the proposed change of use and that the development would be in accordance with Royal Leamington Spa Neighbourhood Plan Policy RLS13 and Local Plan policy TR3.

### **CONCLUSION**

The specific circumstances associated with the nature of this application means that the change of use from first floor storage to office accommodation in this location is acceptable in principle.

The proposed development is therefore 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 drawings 001 REV A, and specification contained therein, submitted on 28/07/2023.

**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.

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