

Planning Committee: 21 May 2024

Item Number: 4

Application No: [W 23 / 1560](#)

Town/Parish Council: Leamington Spa
Case Officer: Millie Flynn
01926 456140 millie.flynn@warwickdc.gov.uk

Registration Date: 14/11/23
Expiry Date: 09/01/24

Gospel Hall, 2 Priory Terrace, Leamington Spa, CV31 1BA

Erection of single storey rear extension and associated hard landscaping, external works, internal layout changes and formation of a basement FOR Christ Church

This application is being presented to Planning 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 application seeks permission for the erection of a single storey rear extension and associated hard landscaping, external work, internal changes and formation of a basement.

THE SITE AND ITS LOCATION

The application site relates to Christ Church (formerly Gospel Hall) situated on Priory Terrace in close proximity to the junction with Church Street, within the Royal Leamington Spa Conservation Area and Leamington Town Centre boundary as defined by the Warwick District Local Plan Proposal Maps.

The main original building dates back to 1848 and originally served as the Vicar's Grammar School. Its architecture is of interest with typical ecclesiastical features including decorative buttresses, arched doors and windows and decorative arches just below the eaves, aligning with the building's original purpose. The site's history and architectural interest are such that the building is considered of local interest and is a non-designated heritage asset. A modern single-storey rear extension is situated to the south of the site. The surrounding area is mixed commercial and residential in character. The adjoining properties at Nos. 4 & 6 Priory Terrace and 3 Church Street are all Grade II* Listed Buildings. The whole of the application site falls within Flood Zone 2.

PLANNING HISTORY

No relevant planning history.

RELEVANT POLICIES

- National Planning Policy Framework
- Warwick District Local Plan 2011-2029
- BE1 - Layout and Design
- BE3 - Amenity
- HE1 - Protection of Statutory Heritage Assets
- HE2 - Protection of Conservation Areas
- FW1 - Development in Areas at Risk of Flooding
- TR1 - Access and Choice
- TR3 - Parking
- Net Zero Carbon Development Plan Document
- NZC4 - Existing Buildings
- Guidance Documents
- Residential Design Guide (Supplementary Planning Document- May 2018)
- Parking Standards (Supplementary Planning Document- June 2018)

SUMMARY OF REPRESENTATIONS

Royal Leamington Spa Town Council: No objection.

WCC Highways: No objection.

WCC Lead Local Flood Authority: No objection.

WCC Ecology: No objection, subject to advisory notes.

WDC Conservation: No objection.

Public Response:

14 support comments received on the following grounds:

- The proposals will facilitate the growth of the church
- The proposals are sympathetic to the surrounding character
- The proposals will allow for the continuation of community services

12 objections received on the following grounds:

- The proposal does not consider the impacts of flooding
- The proposed excavation works will impact neighbouring uses
- The proposal represents over-development of the site
- The proposal will impact parking
- The proposal will impact the surrounding conservation area
- The proposal will reduce light the adjacent properties
- Lack of cycle parking
- Construction impacts

ASSESSMENT

Design and Impact on the character of the surrounding Conservation Area

Section 72 of the Planning (Listed Buildings and Conservation Areas) 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 205 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 207 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, 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.

Policy HE2 states that consent for total demolition of unlisted buildings will only be granted where the detailed design of the replacement can demonstrate that it will preserve or enhance the character or appearance of the conservation area. This policy seeks to retain the integrity and form of unlisted buildings in conservation areas and recommends resisting alterations which would have an adverse effect upon the overall character of the conservation area.

Policy BE1 states that new development will be permitted where it positively contributes to the character and quality of its environment through good layout and design. Development proposals should demonstrate that they harmonise with, or enhance, the existing settlement in terms of physical form so that the established character of the streetscene is respected. BE1 states that in order to do this the development should adopt appropriate materials and details and respect the surrounding buildings in terms of scale, height, form, and massing.

Policy RLS3 of the Royal Leamington Spa Neighbourhood Plan requires proposals that are within or directly affect the Conservation Area to demonstrate that they harmonise with the existing character of the area in terms of design, scale, and external facing materials. The policy supports the retention, restoration, and reinstatement of period details.

Objections have been received stating that the proposed works will negatively impact the surrounding conservation area. Others refer to the proposals as over-development of the site.

Since the initial submission of the application, the proposal has been amended. Officers considered that the hipped roof design as originally proposed was an incongruous feature within the context of the existing glazed gable end. Therefore, the proposal was amended to include a gable roof design, with glazing to match an existing extension at application property. The proposals have also been amended to ensure the works are constructed of matching brick, as the Conservation Officer considered the use of timber cladding to also be an incongruous feature within the streetscene and surrounding conservation area which would fail to preserve its appearance and character.

The Conservation Officer has been consulted on the amended drawings and raises no objection.

As amended, the proposed development is considered to sit as a comfortably as a well-designed addition to the existing building and its plot and would not result in harm to the character and appearance of the conservation area. The development is therefore considered to be in accordance with the NPPF and Local Plan Policies BE1, HE1 and HE2 and Neighbourhood Plan Policy RLS3.

The impact on the living conditions of nearby dwellings

Warwick District Local Plan Policy BE3 requires all development to have an acceptable impact on the amenity of nearby users or residents. Development should not cause undue disturbance or intrusion for nearby users in the form of loss of privacy, loss of daylight, or create visual intrusion. The Residential Design Guide SPD provides a framework for Policy BE3, which stipulates the minimum requirements for distance separation between properties and that extensions should not breach a 45-degree line taken from a window of nearest front or rear facing habitable room of a neighbouring property.

With regard to the objections regarding impact on neighbouring uses during the construction phase, Officers note that the works proposed are minor development and these matters are considered to be short lived and not reasonable grounds to withhold planning permission. The decision notice would include guidance on good working practices and separate legislation exists to address a statutory nuisance.

An objection has also been received raising concerns regarding the impact of the proposal on light availability to habitable rooms to the west of the site. Whilst the proposed extension will result in breaches of the 45-degree line from the neighbouring property, the breaches occur at 9.10m and 8.80m and since the Residential Design Guide SPD explicitly states that a breach of the 45-degree line at a distance of over 8.0m is not considered to result in harm to light and outlook, in this case Officers therefore consider this relationship to be acceptable. It is therefore considered the proposal complies with Local Plan Policy BE3.

Parking and Highway Safety

Policy TR1 of the Warwick District Local Plan requires all developments 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 Parking Standards SPD seeks to ensure that sufficient parking is provided for the existing and proposed use(s) within the curtilage of the site.

Objections have been received with concerns regarding the impact on parking.

Officers note that there is an existing vehicular access arrangement from Church Terrace to the rear of the site and adjoining properties. It is also noted that there are double access gates that lead to the rear yard, where the proposed single-storey extension is to be sited.

The Parking Standards SPD sets out a standard of 1 space/ 10sqm or 5 seats/ person spaces for places of worship. The existing church and community hall are situated within a mixed commercial and residential area with very limited parking within the curtilage of the site. However, Officers note that the SPD states that a lower provision of parking can be accepted in town centre locations. The application site is a commercial use situated within a highly sustainable location in Leamington Town Centre with good public transport accessibility as well as the provision of public car parks within a reasonable walking distance. It is therefore considered that the proposal is acceptable in terms of parking. The County Highways Authority have been consulted and raise no objection to the proposal.

Objections have also been raised with concerns regarding the lack of cycle provisions proposed. The Parking Standards SPD states that cycle provision for places of worship is to be considered on their own merits and Officers note that the application property is located within the Town Centre, where there are ample opportunities for cycle parking within walking distance to the site.

It is considered that the proposal is not detrimental to highway safety and therefore accords with Policies TR1 and TR3 and the Parking Standards SPD.

Ecological Impacts

Policy NE2 of the Local Plan seeks to protect designated areas and species of national and local importance for biodiversity and geodiversity. Policy NE3 of the Local Plan states that new development will only be permitted where it protects, enhances and/or restores habitat biodiversity. Policy NE3 of the Local Plan states that new development will only be permitted where it protects, enhances and/or restores habitat biodiversity.

The County Ecologist has raised no objection to the proposals.

It is recommended that any vegetation that may be impacted by works, is checked for nesting birds immediately prior to works commencing. Should nesting birds be found, work should stop immediately, and further notice given.

It is also recommended that due to hedgehogs being recorded in the area, particular care should be taken when clearing the ground and/or storing material on site (materials should be stored on pallets).

WCC Ecology recommend advisory notes be attached to any planning permission to ensure the protection of nesting birds and hedgehogs affected by the proposed development. The Case Officer agrees with the recommendations and considers the imposition of informative notes regarding the protection measures to be appropriate.

Therefore, subject the imposition of explanatory notes, the proposed development is considered to be in accordance with Policies NE2 and NE3 of the Local Plan.

Drainage/ Flood Risk

An objection has been received with concerns regarding the information that has been considered by the LLFA.

The application site is located within Flood Zone 2 which has a medium probability of flooding from rivers.

The Local Lead Flood Authority objected to the application due to the lack of information submitted in order to assess the application. Additional information has since been submitted and the LLFA have been re-consulted. The LLFA raise no objection to the proposals.

Planning for Climate Change Adaptation

As required by the Council's Net Zero Carbon Development Plan Document (DPD) Policy NZC4, an Energy Statement has been submitted which demonstrates a consideration to sustainable construction and design, in accordance with Local Plan Policy CC1 – Planning for Climate Change Adaptation. The applicant has demonstrated how the requirements for the policy have been complied with, as well as including justification as to why certain measures have not been incorporated.

In addition, alternatives to conventional fossil fuel boilers have not been explored owing to the scale of the development being such that a new heating system will not be necessary.

In light of the above, the proposal is therefore considered to comply with DPD Policy NZC4.

CONCLUSION/SUMMARY

In the opinion of the Local Planning Authority, the amended proposal is considered to be a good standard of design that would preserve the character and appearance of the conservation area. The proposal will not result in an unacceptable adverse impact on the amenity of neighbouring uses by reason of overbearing effect, loss of light or privacy. The development does not pose risk to highway safety or flooding. The proposal is therefore considered to comply with the aforementioned and 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) 3347_s3_300_d, 3347_s3_400_c and 3347_s3_500_e, and specification contained therein, submitted on 16th January 2024. **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 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 BE1 of the Warwick District Local Plan 2011-2029.