

Application No: W 12 / 0358

Town/Parish Council: Warwick

Registration Date: 02/04/12

Case Officer:

Liam D'Onofrio

Expiry Date: 28/05/12

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20-24 High Street, and 2-8 Swan Street, Warwick, CV34 4AP

Change of use of first and second floors from office use to 9 residential flats, alteration to windows to first and second floors, construction of wall and gate across vehicular access. Construction of garage and 3-bay carport FOR Gidney Holdings Ltd

This application has been requested to be presented to Committee by Councillor Illingworth.

This application is being reported to Planning Committee because the deadline for the completion of a Section 106 legal agreement has expired.

RECOMMENDATION

Planning Committee are recommended to change the resolution to grant planning permission subject to a Section 106 legal agreement being completed by 31st August 2012 or give delegated authority to refuse the application if the legal agreement has not been signed after this time.

DETAILS OF THE DEVELOPMENT

Planning permission was granted at Planning Committee on 22nd May 2012 for the change the use of the building's two upper floors from offices to nine residential flats (5 No. two bedroom flats, 1 No. one bedroom flat and 3 No. three bedroom flats). The ground floor will remain within existing retail use class. Alterations will be made to the building to facilitate the conversion, including layout changes to the car parking area.

The WCC Highway Engineer indicated concern that insufficient off-street parking was provided with the scheme and that there was a shortage of on-street parking spaces within the locality if further residents' parking permits would need to be issued. The item was GRANTED in accordance with the recommendation in the report plus a Section 106 agreement to be completed by the end of June 2012 waiving residents' rights to parking permits.

Due to unforeseen circumstances the applicant has been able to meet this deadline and is seeking an extension to the time limit for completion of the Section 106 legal agreement until 31st August 2012.

THE SITE AND ITS LOCATION

The application site relates to a prominent corner plot located on the northwest side of High Street and northeast side of Swan Street within the Warwick Conservation Area. The building forms a three-storey block that wraps around

the corner with the third storey located within a mansard roof with dormer windows (to the road fronts). There is an open car park and service yard accessed from Swan Street to the rear of the building, which also provides access route to other properties.

PLANNING HISTORY

The site was redeveloped for shops and offices in 1973 and there have been a number of subsequent applications relating to shop front changes, a microwave antenna, and roof alterations for air conditioning equipment. The most recent and relevant application prior to the current scheme relates to:

W/11/1339 Change of use of first and second floors from office to 9 residential flats, alteration to windows and second floors, construction of wall and gate across vehicular access, construction of garage and 3-bay car port: Refused 27th March 2012

RELEVANT POLICIES

- 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)
- DP15 - Accessibility and Inclusion (Warwick District Local Plan 1996 - 2011)
- SC1 - Securing a Greater Choice of Housing (Warwick District Local Plan 1996 - 2011)
- UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
- DAP4 - Protection of Listed Buildings (Warwick District Local Plan 1996 - 2011)
- DAP6 - Upper Floors within Listed Buildings and Conservation Areas (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)
- National Planning Policy Framework
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Vehicle Parking Standards (Supplementary Planning Document)

SUMMARY OF REPRESENTATIONS

Not applicable

ASSESSMENT

In terms of background, the applicant had discussed the proposed scheme with the adjoining occupier, who has a right of way across the yard area, and significant improvements were made to the layout of the parking area to ensure a vehicular access route through the site is maintained. A dedicated pedestrian route was also provided, improving the safe passage of pedestrians through the

site, thus avoiding unacceptable pinch points between vehicles and boundary treatments, which pedestrians would have had to negotiate in the previous layout scheme. These amendments were considered to have overcome the previous refusal reason under W/11/1339, regarding safety and the formal layout will be an improvement overall.

In terms of parking provision the scheme provides seven parking spaces and a garage space, tandem to one of the parking bays. The adopted SPD would normally require 14.5 spaces, due to the number and type of residential units, although this is less than the 18 parking spaces that would usually be required for the existing office use and the change of use could be seen as an 'improvement' to the existing parking situation. The current parking area has no formal layout and the proposed scheme was considered to provide allocated parking bays and also storage for wheelie bins, which are currently positioned around the yard area. It was noted that the application site is also located within a sustainable town centre location with good public transport links and future occupiers will not be reliant on the private motor car for transport.

The WCC Highway Engineer raised concern that residents could apply for parking permits and that there is a shortage of available on-street permit spaces within the locality. Permission was therefore granted by Members at Planning Committee on 22nd May 2012 subject to the completion of a Section 106 legal agreement waiving residents' rights to parking permits to avoid exacerbating a shortage of on-street spaces by providing an over-supply of parking permits.

SUMMARY/CONCLUSION

The scheme granted on 22nd May 2012 remains unaltered and in accordance with relevant policies listed. The extension of the time limit will allow sufficient time to complete the required legal agreement, however it is recommended that failure to sign the legal agreement before 31st August 2012 would result in the application being refused under delegated powers due to the potential increase in demand for existing on-street permit parking spaces to the detriment of existing permit holders in the locality.

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 in accordance with the details shown on the application form, site location plan and approved drawings No.1816-16; 1816-10 Rev N; 1816-11 Rev D; 1816-13 Rev K; 1816-14 Rev B; 1816-15 Rev D, and specification contained therein, except as required by condition No.3 below and unless first agreed otherwise in writing by the District Planning Authority. **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 The development hereby permitted shall not commence unless and until

details of all new external facing materials and window/door frames and access gate colours have been submitted to and approved in writing by the District Planning Authority. Development shall be carried out in strict accordance with the approved details. **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.

- 4 The development hereby permitted shall not be first occupied unless and until the renewable energy 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 in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011.
- 5 The proposed car parking, manoeuvring and access areas for the development hereby permitted shall be laid out and available for use prior to the first occupation of the development hereby permitted, in full accordance with the approved plan No.1816-10 Revision N and these areas shall be kept available for use thereafter. **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.
- 6 The cycle provision shown on the approved plan 1816-10 revision N shall be completed before residential development is first occupied and thereafter shall be kept free of obstruction and be available at all times for the parking of cycles associated with the development, unless otherwise agreed in writing by the Local Planning Authority. **REASON** : To ensure that there are adequate cycle parking facilities to serve the development, in accordance with the requirements of Policy DP8 of the Warwick District Local Plan 1996-2011.
- 7 The residential apartments hereby permitted shall not be occupied until the bin store has been constructed in full accordance with the details shown on approved drawing no. 1816-10 revision N and 1816-13 revision K. **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.
