

Application No: W 11 / 1339

Town/Parish Council: Warwick
Case Officer: Steven Wallsgrove
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Registration Date: 24/10/11
Expiry Date: 19/12/11

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 is being presented to Committee due to an objection from the Town Council having been received.

SUMMARY OF REPRESENTATIONS

Warwick Town Council: The Town Council does not object to the change of use, but are concerned regarding the alterations to the windows on the first and second floors, the impact of the alterations to the elevations of the buildings, the construction of the wall and gated vehicular access and refuse storage area.

The site is within the Conservation Area and current policies require that development should preserve or enhance the appearance of the Conservation Area seeking to be in keeping with the architectural and historic appearance of the area.

In the opinion of the Town Council the balconies and new balustrades do not meet that criteria, introducing a new element not in keeping with the appearance of the Conservation Area.

English Heritage: No comments.

CAAF: As this is an early 1970 building it was felt to be a building of its time which made a contribution to the Conservation Area and had been designed to take account of the widths of traditional buildings that it had originally replaced. Comments were first made about the gap between this building and the Building Society in Swan Street which is a large gap and ideally would be better with an additional building, which it was suggested could have a carriage arch through the centre to gain vehicular access. The positioning of the bin store in this position and the provision of gates created a very suburban appearance and was out of character with the Town Centre location. It was suggested that the bin stores could certainly be located elsewhere and a better use made of this space. In terms of the changes to the buildings significant concern was expressed at the alterations made at roof level to the dormers. The present building has a rhythm of dormers which works well with the style of building. The proposal to combine some dormers introduced terracotta tiling and set back some of the openings into the roof created an altogether different roof appearance together with a glazed balcony which will be visible and change completely the roof line of

the building. This was felt to be out of character with this very sensitive location in the centre of Warwick and it was felt that this part of the building should be completely reconsidered. It was felt that as the dormers do contribute to the original design of the building it would be preferable to leave the roof level as it is. Concerns were also expressed at the change of window pattern which is currently a sash type window to casements which were of an unequal framing and also included Juliet balconies which again were out of character with this sensitive location in the centre of Warwick. Generally it was felt that the change of use to flats of a significant size was acceptable however the external treatment of the building needed to be completely reconsidered.

Conservation: Raised objections to the original plans due to concerns about the gates and bin store, and the introduction of 'Juliette' balconies.

Raises no objection to the amended plans (which have revised the gates and bin store detailing, and have omitted the Juliette balconies).

Cultural Services: Based on the evidence, no contribution is required.

WCC (Highways): In order to address the concerns of the Highway Authority, the proposed access has been further amended to enable large delivery vehicles to reverse into the site for the purpose of servicing of the retail units by these vehicles (when required) to be undertaken outside the limits of the public highway. The plan also indicates revisions to provide pedestrian visibility at the site access. Therefore the Highway Authority withdraw their objection to the proposed development and would recommend no objection subject to the following conditions;

1. The development shall not be occupied until the existing access has been remodelled in general accordance with the details as indicated on drawing no.1816-10K.
2. The access to the site for vehicles shall not be used unless the existing bellmouth has been laid out and constructed within the public highway in accordance with the standard specification of the Highway Authority.
3. The access to the site shall not be reconstructed in such a manner as to reduce the effective capacity of any drain or ditch within the limits of the public highway.

Warwick Chamber of Trade:

I am submitting this objection on behalf of the Warwick Chamber of Trade as approving this development as it currently is proposed will have a detrimental effect on several businesses in the town. The problem is the proposed restriction to the access for goods vehicles. Currently goods vehicles can access the rear of the businesses easily and can turn and then exit safely. This will not be the case if this plan is approved. Delivery vehicles will be forced to stop in the carriageway causing obstruction to traffic many times a day. This continual congestion and potential gridlock is not conducive to the economic wellbeing of the town. Also one of the businesses affected is a major employer in the town and those employees add to the economic wellbeing of the town. If this business was forced to move out of the town this would be a further blow to the other businesses in the town at a time when all small businesses are struggling. The District Council should be putting all its efforts into supporting these businesses not putting obstructions in their way.

Public Response: Objections have been received from one local resident, one local company, and three shops in Swan Street. The resident objects on grounds of lack of parking and considers that the residents should be excluded from the residents parking scheme. The company objects to restrictions to their access to their car park, in particular for large goods vehicles, while the shop keepers object to impact on their private rights of access, unacceptable sense of enclosure, and odours from the bin store.

The managing agents for the application premises support the proposal due to tenants complaints about anti-social behaviour and illegal parking in the yard. They also confirm that the majority of their tenants use small goods vehicles.

RELEVANT POLICIES

- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)
- SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)
- TCP9 - Protecting Employment Land and Buildings (Warwick District Local Plan 1996 - 2011)
- UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
- Vehicle Parking Standards (Supplementary Planning Document)
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- 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)
- DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DAP9 - Unlisted Buildings in Conservation Areas (Warwick District Local Plan 1996 - 2011)
- DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
- DAP6 - Upper Floors within Listed Buildings and Conservation Areas (Warwick District Local Plan 1996 - 2011)
- DAP4 - Protection of Listed Buildings (Warwick District Local Plan 1996 - 2011)

PLANNING HISTORY

The site was redeveloped for shops and offices following a consent of 1973. The only subsequent applications have been for shop front changes, a microwave antenna, and roof alterations for air conditioning equipment.

KEY ISSUES

The Site and its Location

The property forms a single building of modern design with two storeys and a second floor within a mansard roof (to the road fronts). There is an open car park and service yard fronting Swan Street, which gives access to the rear of two other properties. The whole site lies in the middle of the Conservation Area.

Details of the Development

The proposal is to convert the two upper floors (offices) into 9 flats (5 two bedroom flats, 1 one bedroom flat, 3 three bedroom flats) with alterations to the dormer windows to link some of them together, and glazed balustrades to the existing parapets. All the windows would be replaced with aluminium frames. (The originally proposed Juliette balconies, to the first floor, have now been omitted, although some of the windows have been retained in their recesses, but with a safety bar on the outside.) The flat roof would be partially covered with rack mounted solar panels.

The presently open gap onto Swan Street is to be infilled with wooden gates for the vehicle access and a separate pedestrian access, with the remaining width being infilled with a brick wall behind which would be a tiled roof bin store. Within the yard area there would be 9 parking spaces (3 being covered carports), and a garage. Six cycle stands are also shown. The access points to the two private rights of way are shown as being retained. The layout has been changed from that originally submitted on two occasions, the most recent taking into account the objections of the County Council as Highway Authority.

The application forms specify brickwork to match the existing, grey terracota cladding, lead clad dormers, and aluminium windows and doors (as with the existing windows on the upper floors). The application was accompanied by a Design and Access Statement, a Vehicle Parking Statement, a Sustainable Buildings Statement, a Renewable Energy Statement, and a Planning Statement.

Assessment

This application raises a number of issues, namely the use of upper floors in this part of the town centre, parking, impact on the Conservation Area (and the setting of Listed Buildings), the need for open space contributions, and renewable energy.

The relevant town centre policy for the use of the upper floors (TCP9) states that "Redevelopment or change of use of existing employment land and buildings for other uses will be permitted except within the Town Centre Employment Areas, as defined on the Proposals Map". Since this site is not within the 'defined area', there is a general presumption in favour of the proposal in accordance with Policy UAP1, unless material considerations indicate otherwise. These "other considerations" are generally the impact the proposal would have on other planning interests.

The proposal, as originally submitted, included 9 parking spaces, which is one for each unit, and a garage. This is contrary to the objection of the local resident, who says there is 'no provision for parking'. However, the adopted SPD would normally require 14.5 spaces, due to the number and type of units. This is less than the 18 spaces needed for the present office use and, therefore, could be seen as an 'improvement' to the parking situation. The provision of these 9 spaces (and a garage) is considered to be an acceptable level of provision since the site lies in the town centre in a sustainable location. Moreover, there is no additional space for parking and to refuse this application on these grounds would deny a beneficial use for the premises, which have been empty for some two years.

Similarly, in terms of the Open Space SPD, the applicant considers that no contribution to off-site provision needs to be made. This is based on a study which shows that the employment density for general offices, such as this, is normally 19 sq. m. per employee, which means that typically 39 employees could be accommodated in these offices. The proposed flats, would typically have a total population of some 21 people and therefore would generate significantly less demand for open space than the existing office use.

In terms of the use of renewable energy, this is being provided by the installation of a significant number of roof mounted solar panels, which should provide substantially in excess of the 10% renewable energy requirement.

The remaining issue is the impact of the proposal on the Conservation Area, and the setting of nearby (and adjoining) Listed Buildings. In this context, the building is of a modern design and is broken up into small, grouped, elements by the use of brick and render with long rows of square, lead covered, dormers to both the High Street and Swan Street elevations. The proposal includes linking up some of these small dormers in a way which, it is considered, still protects the character of the building while enabling more efficient use to be made of the second floor as flats.

The other alterations to the building, including the replacement window frames, the inset safety railings, the glazed balustrades at parapet level, and the roof top solar panels, are also considered to respect the character of this contemporary building and, thereby, protect or preserve the character of the Conservation Area and the setting of surrounding Listed Buildings while creating a beneficial use for the upper floors of the building.

Concern has been expressed about the visual closing off of the entrance to the car park and service yard, by the Town Council and by CAAF. It is considered, however, that the present open gap in the frontage, as a car park and service yard, is not appropriate and that some sort of enclosure or infill would enhance the character of the Conservation Area. The originally submitted details, showing open tops between piers for the wall, and plain metal gates, were considered to be inappropriate but the amended plans, which now show solid wooden gates and a full height brick wall, reflect the details on the west side of Swan Street (at the bank and Radio House opposite) and, therefore, are an acceptable and appropriate form of enclosure in the Conservation Area. The only difference is then the tiled roof over the bin store area behind the wall, but this is also considered to be an appropriate design solution for this small structure, which needs to be provided close to the access for reasons of refuse access.

The issue of the impact on the private right of way, raised by various objectors, is not a planning issue but is, instead, a private, civil law, issue to be resolved between the parties.

The applicant has submitted amended plans, following discussions with the Highway Authority, which show a turning area within the site, and appropriate access arrangements, including access gates set back from the carriageway. The Highway Authority has now raised no objection (subject to conditions) on the amended plans. Condition 2 below ensures the existing access is remodelled in accordance with the plans, the other conditions are covered by the relevant highway legislation.

RECOMMENDATION

GRANT, subject to the conditions listed below.

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 application form, site location plan and approved drawing nos. 1816-10 Rev K, -11 Rev. D, -13 Rev G, -14 Rev B, -15 Rev C and -16, and specification contained therein, received on 24/10/11, 16/12/11 and 29/2/12 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 No development shall be carried out on the site which is the subject of this permission, until details of the side and rear elevations of the bin store, the colour of the aluminium window frames in the converted building, and the safety railings on the front of the first floor flats 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** : To protect the character of the Conservation Area.
- 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 area 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. **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 dwellings hereby permitted shall not be occupied until the bin store has been constructed 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.

INFORMATIVES

For the purposes of Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, the following reason(s) for the Council's decision are summarised below:

In the opinion of the District Planning Authority, the development achieves acceptable standards of layout and design and does not give rise to any harmful effects in terms of impact on the Conservation Area, parking, or other impacts which would justify a refusal of permission. The proposal is therefore considered to comply with the policies listed.
