

**Planning Committee:** 18 March 2014

**Item Number:** **7**

**Application No:** W 14 / 0120

**Town/Parish Council:** Leamington Spa

**Case Officer:**

Rob Young

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**Registration Date:** 27/01/14

**Expiry Date:** 24/03/14

**36 Warwick Street, Leamington Spa, CV32 5JZ**

Proposed change of use of basement, ground floor and first floor of private club premises to eight self-contained flats and one mews dwelling; external alterations; and alterations to existing second floor flat FOR Yarnold Properties Ltd

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This application is being presented to Committee because previous applications for the conversion of the property to flats were determined by Committee.

**RECOMMENDATION**

Planning Committee are recommended to GRANT planning permission, subject to conditions.

**DETAILS OF THE DEVELOPMENT**

Planning permission is sought to change the use of the basement, ground and first floors from the Conservative Club premises to 8 self-contained flats and 1 mews dwelling. There is an existing flat on the second floor which will remain as a separate flat.

The scheme proposes various internal and external alterations to facilitate the change of use which are specified in greater detail within the report. The application for listed building consent for these alterations is the subject of a separate item on this agenda (Ref. W14/0121LB).

The application is accompanied by a Design and Access Statement, Heritage Statement, Sustainable Buildings Statement and an Energy Report.

**THE SITE AND ITS LOCATION**

The application site relates to a three-storey plus basement Regency style building located on the southern side of Warwick Street on the corner with Windsor Street. The building is Grade II Listed and is located within Leamington Town Centre and the Royal Leamington Spa Conservation Area.

## **PLANNING HISTORY**

In 1986 planning permission was granted for "Demolition of kitchen and erection of a replacement kitchen" (Ref. W86/0942).

In February 2013 planning permission and listed building consent were granted for "Change of use of club premises and second floor flat to a ground floor restaurant (Use Class A3), ancillary basement function suite and six self-contained flats on first and second floor levels. Works to include associated internal and external alterations" (Refs. W12/1595 & W12/1596LB)

In September 2013 planning permission was refused for "Proposed change of use of private club premises at basement and ground floor level to 5 residential flats and one mews type dwelling. Development to include internal and external alterations" (Ref. W13/0977). An associated application for listed building consent was approved at the same time (Ref. W13/0978LB).

In December 2013 planning permission was refused for "Proposed change of use of private club premises at basement and ground floor levels to 5no. residential flats and 1no. mews type dwelling. Development to include internal and external alterations" (Ref. W13/1437). The reasons for refusal were: (1) Failure to provide any affordable housing; and (2) Failure to provide on-site renewable energy production.

## **RELEVANT POLICIES**

- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- Affordable Housing (Supplementary Planning Document - January 2008)
- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DAP6 - Upper Floors within Listed Buildings and Conservation Areas (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
- DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
- DP11 - Drainage (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)
- UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
- SC11 - Affordable Housing (Warwick District Local Plan 1996 - 2011)
- SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)
- DAP4 - Protection of Listed Buildings (Warwick District Local Plan 1996 - 2011)
- DAP5 - Changes of Use of Listed Buildings (Warwick District Local Plan 1996 - 2011)

- DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
- DAP7 - Restoration of Listed Buildings (Warwick District Local Plan 1996 - 2011)
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Vehicle Parking Standards (Supplementary Planning Document)
- Open Space (Supplementary Planning Document - June 2009)
- National Planning Policy Framework

## **SUMMARY OF REPRESENTATIONS**

**Town Council:** No objection, but make the following comments. The Town Council concurs with the comments of the Conservation Officer that further discussions are necessary and, in addition, the applicant should be requested to enter into a Section 106 agreement that prohibits residents of the proposed dwelling to obtain resident parking permits.

**WCC Ecology:** No objection.

**WCC Highways:** No objection, subject to a condition to restrict the eligibility of occupants of the flats to apply for resident's parking permits.

**WDC Waste Management:** No objection.

## **ASSESSMENT**

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

- the principle of development;
- the impact on the character and appearance of the Listed Building and the Conservation Area;
- the impact on the living conditions of neighbouring dwellings;
- car parking and highway safety;
- ecological impact;
- provision for affordable housing;
- provision for public open space; and
- provision for on-site renewable energy production.

### **Principle of development**

The conversion / alteration of the building to provide new residential units would accord with Policy UAP1 which seeks to direct residential development to previously developed land and buildings within the confines of urban areas. Therefore the proposed change of use is considered to be acceptable in principle.

### **Impact on the character and appearance of the Listed Building and the Conservation Area**

The proposed conversion will require elevational changes and replacement sash windows, which are specified as timber and will make a positive enhancement to

the principle elevation of the building, which currently has UPVC units. New sash windows are also proposed at basement level. A new sash window and doorway will be inserted in the Warwick Street elevation to provide a level threshold into the building for Flats 4 and 5. Several window apertures to the side and rear elevations will be bricked up or reduced in size and new windows will be inserted following the style and layout of the original fenestration. The rear flat roof link will be demolished to create an external terrace area and separation between flats within the main building and the rear mews dwelling.

The proposals also include a number of significant internal changes including alterations to the layout of parts of the building, the sub-division of rooms and insertion of new staircases. Where significant rooms are proposed to be sub-divided (i.e. by forming bathrooms and / or hallways) the partitions will not be full height to ensure that the original proportions of these rooms remain evident. This is considered to strike an appropriate balance between securing a viable layout and preserving the historic character of the building.

It is therefore considered that the proposed internal and external alterations required to facilitate the change of use would not harm the character and appearance of the Listed Building or the Conservation Area. These alterations have previously been approved under listed building consent nos. W12/1596LB and W13/0978LB and have been agreed with the Council's Conservation Architect.

The proposed use is considered to be sympathetic to the special architectural / historic interest of the Listed Building. Securing a new use for this vacant Listed Building would represent a significant benefit of the proposed scheme. The fact that the building is going back to its original use as a residential property is also to be welcomed.

The scheme is therefore considered to preserve the character and appearance of the Listed Building and the Conservation Area.

### **Impact on the living conditions of neighbouring dwellings**

The proposed change of use is not considered to give rise to any significant loss of amenity to surrounding residents in this town centre location. The proposed residential use will be compatible with nearby residential uses.

### **Car parking and highway safety**

The site has no off-street parking provision and therefore fails to meet the standards set out in the Council's adopted Vehicle Parking Standards SPD. However, the site is located within a sustainable town centre location with ready access to shops and services and public transport. The Highway Authority have raised no objection but note that there is already a significant demand for on-street parking within Leamington Spa due to the existing town centre residences and the limited opportunity for off-street parking these offer. The potential number of requests for resident's parking permits as a consequence of the proposed additional flats are likely to further exacerbate this demand and the

capacity for parking in Windsor Street and the immediate surrounding area, which are already over-subscribed.

The above issue can be resolved by removing the property from the Traffic Regulation Order governing the Residents' Parking Scheme. This can be secured by condition. It is also noted that cycle parking is proposed to serve the development. Taking these matters into account, it is considered that the proposals would not have an adverse impact on parking in the locality and would be acceptable in terms of highway safety.

### **Ecological impact**

The County Ecologist has raised no objections to the scheme. Therefore it is considered that the proposals would have an acceptable ecological impact.

### **Provision for affordable housing**

The previous planning applications relating to the residential conversion of the basement and ground floor areas of this property when added to the permission already granted for other floors resulted in a total of 12 residential units and were refused for reasons including the absence of provision for affordable housing. The current scheme for the whole building now proposes a reduced number of flats, such that the proposals are now below the minimum threshold for triggering the affordable housing requirements of Local Plan Policy SC11 (only 9 new flats are now proposed). Consequently, as there is no policy requirement for affordable housing to be provided as part of the scheme that is now proposed, this reason for refusal has been addressed.

### **Provision for public open space**

Local Plan Policy SC13 and the Council's Open Space Supplementary Planning Document require the development to make a contribution of £9,264 towards the provision or enhancement of public open space. The applicant has agreed in principle to make this contribution and therefore this can be secured by condition.

### **Provision for on-site renewable energy production**

The second reason for refusal of the previous planning application related to the failure to provide on-site renewable energy production. Since that decision was made the applicant has submitted a further report by renewable energy consultants which supports their argument that the property is not suitable for the application of renewable energy technologies. The Local Carbon Project Development Officer and Energy Manager at Coventry City Council have been appointed by the Council to provide independent advice on this issue. They have confirmed that the property is not suitable for renewable energy technologies.

There are a combination of constraints affecting the installation of renewable energy technologies on this particular building, including the Grade II Listed status, the lack of external space and the shading from adjacent buildings.

Therefore, taking account of the further energy report submitted by the applicant and the independent advice from Coventry City Council, it is considered that it would not be appropriate to require on-site renewable energy production in this case.

### **Other matters**

Waste Management have confirmed that the proposed waste storage provision is adequate.

### **SUMMARY/CONCLUSION**

A conversion to flats would be acceptable in principle in this location. The proposals would preserve the character and appearance of the Listed Building and the Conservation Area and would have an acceptable impact on the living conditions of neighbouring dwellings. Furthermore, the proposals are considered to be acceptable in terms of car parking, highway safety, ecological impact and provision for public open space. The proposed development is below the threshold for triggering the affordable housing requirements of Local Plan Policy SC11 and it would not be appropriate to require on-site renewable energy production due to the constraints of this site. Therefore it is recommended that planning permission is granted.

### **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) 821-05A, 821-06B, 821-07B & 821-08B, and specification contained therein, submitted on 27 January 2014, except as required by other conditions below. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1, DP2, DAP4 and DAP8 of the Warwick District Local Plan 1996-2011.
- 3 The development hereby permitted shall not be occupied unless or until a Traffic Regulation Order has been made by the Highway Authority to remove the application property from the existing Traffic Regulation Order thereby securing the removal of the rights of the applicant / future owners / tenants of the application property to apply for residents parking permits. **REASON:** To ensure the proposed development does not result in an increase in on-street parking pressure in an area with already high demand to the detriment of highway safety and residential amenity in accordance with Policies DP8, DP2 and the Vehicle Parking Standards SPD 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 Prior to commencement of the development hereby permitted and notwithstanding the details shown on the approved plans, details must be submitted to and approved in writing by the Local Planning Authority showing: (a) full details of the new ground floor foyer entrance and enclosure walls / glazed screen; (b) 1:10 drawings of all external frames and associated joinery sections for new doors and windows; (c) 1:5 drawings and 1:20 sections for new staircases; (d) 1:10 drawings of all new internal timber mouldings (skirting, handrails, architrave etc.) and ceiling coving; (e) 1:10 drawings of external ironmongery and rainwater goods; and (f) details of decorative finishes and colours to be used externally. Thereafter the development shall be carried out in accordance with the approved details. **REASON:** To ensure the character and appearance of the building is preserved in accordance with Policies DP1 and DAP4 of the Warwick District Local Plan 1996-2011.

- 6 All window and door frames shall be constructed in timber and shall be painted and not stained. **REASON:** To ensure a high standard of design and appearance for this Listed Building and conservation area and to satisfy Policies DAP4 and DAP8 of the Warwick District Local Plan 1996-2011.

- 7 In relation to blocking existing windows or making good any sections where new apertures are created, no facing materials shall be used other than materials similar in appearance to those used in the construction of the exterior of the existing building. **REASON:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policies DP1 and DAP4 of the Warwick District Local

Plan 1996-2011.

- 8 The development hereby permitted shall not be occupied unless and until the approved bin store facilities have been provided and made available for use in accordance with the details on drawing number(s) 821-05A (or in any subsequently approved amendments) and thereafter those facilities shall remain available for use at all times. **REASON:** To ensure adequate facilities to serve the development in accordance with Policies DP1 & DP2 of the Warwick District Local Plan 1996-2011.
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36 Warwick Street, Leamington Spa, CV32 5JZ



# LOCATION PLAN



Ordnance Survey

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Proposed change of use of basement, ground floor and first floor club premises to eight self-contained flats and one mews dwelling and alterations to existing second floor flat at 36 Warwick Street, Leamington Spa

27 January 2014





