

Planning Committee: 23 August 2005

Item Number: 03

Application No: W 05 / 0428

Registration Date: 17/03/05

Town/Parish Council: Leamington Spa

Expiry Date: 12/05/05

Case Officer: Alan Coleman

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Lunn Poly House, Clarendon Avenue, Leamington Spa, CV32 5PS

Erection of a fifth floor extension and conversion of upper floors to provide 54 no. self-contained flats, erection of a first floor roof terrace to inner courtyard and external alterations to building facades FOR Alburn Limited

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

SUMMARY OF REPRESENTATIONS

Town Council: raise objection and consider application has detrimental impact on street scene and conservation area. they also express concern about adequacy of parking provision.

English Heritage: do not wish to make representations.

CAAF: Concerns were still expressed that from the tennis courts within Beauchamp Square Gardens the house would be clearly visible as the existing plant room at the back of the building is clearly visible from this location. Whilst the cutting back of the Penthouse was welcomed on the Parade elevation it was still felt that this would be seen as, significant addition to the building in the Conservation Area and, therefore, should not form part of the scheme. Concerns were expressed about there being no parking for the property and it was still felt that some of the bedrooms would provide substandard accommodation.

WCC Highways: raise objection for the following reasons:-

1. An inadequate level of car parking is being proposed, the impact of which would be to increase pressure on existing levels of on-street parking in the area with the potential resultant effects of:-

- a. increasing vehicle movements/trips with residents searching for scarce on-street spaces
- b. indiscriminate parking

both of which are viewed as being detrimental to highway safety.

2. Given that no parking is being offered, the applicant has not demonstrated how the development would encourage non-car use, protect existing uncontrolled parking areas or encourage other modes of transport.

3. The development fails to provide pedestrian access facilities, and in particular does not cater for the elderly and for people with disabilities.

4. The applicant has not demonstrated how servicing of the development will be carried out from the public highway.
5. The applicant has not demonstrated how household waste is to be collected from the site.
6. The development makes no provision for adequate secure cycle storage.

Neighbours: 2 representations have been received from nearby occupiers. issues raised are:-

- potential for smell nuisance to flats from nearby restaurant
- proximity of nightclub premises
- introduction of noise sensitive residences is incompatible with existing uses.
- lack of any parking provision is contrary to policy DP8 which requires development to make provision for parking to avoid detriment to highway safety. The lack of parking will mean more congestion in surrounding streets and difficulties of access for existing businesses.

WDC Housing Development officer: has considered the applicants offer for 12 affordable units and considers this acceptable.

WDC Environmental Health: have requested a noise report from the applicant. They consider it important that the proposed roof garden feature has a restricted use and that there is a need to render bass beat noise from the nearby nightclub inaudible in habitable rooms.

RELEVANT POLICIES

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)
(DW) ENV6 - Protection and Enhancement of Conservation Areas (Warwick District Local Plan 1995)
(DW) ENV8 - New Development within Conservation Areas (Warwick District Local Plan 1995)
(DW) H5 - Infilling within the Towns (Warwick District Local Plan 1995)
DP8 - Parking (Warwick District Local Plan 1996 - 2011 First Deposit Version)
SC9 - Affordable Housing (Warwick District Local Plan 1996 - 2011 First Deposit Version)
SC12 - Community Facilities (Warwick District Local Plan 1996 - 2011 First Deposit Version)
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 First Deposit Version)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011 First Deposit Version)
DAP10 - Protection of Conservation Areas (Warwick District 1996 - 2011 First Deposit Version)
DAP11 - Unlisted Buildings in Conservation Areas (Warwick District 1996 - 2011 First Deposit Version)

PLANNING HISTORY

This site was redeveloped in the 1960's for shops on ground floor with offices above. Office use of the upper floors continued until Lunn Poly moved out approx. two years ago, since when the building has remained vacant.

KEY ISSUES

The Site and its Location

The site occupies an important position at the northern end of Parade, on its western side, fronting Parade itself (upper floors above no's 2-10), extending along 4-9 Clarendon Avenue and along Tavistock Street. Along Parade, the 1960's redevelopment provided a replica 'regency' building style at upper floor level, with modern shop fronts below. Along Clarendon Avenue, the building has an obvious 1960's appearance. The building has four storeys along Parade, with five storeys along Clarendon Avenue. There is a vehicle entrance off Tavistock Street, leading to a yard area for service vehicles and parking spaces for the shops.

Details of the Development

The proposal is to use the vacant upper floors for 54 residential apartments, comprising 50 x 2 bed and 4 x 1 bed units. There would be 13 units on each of floors 1,2 and 3; 11 units on floor 4 and 4 units on floor 5 which is a new penthouse floor added to the building. Other than this extra accommodation at roof level, there is very little external alteration to the building fabric.

The roof top extension would be set back from both the Clarendon Avenue frontage (by 5.5 metres approx.) and Parade frontage (by 11.5 metres approx.) so as to reduce its visibility from street level.

The main entrance to the flats would be off Clarendon Avenue in the position of the existing office entrance.

The scheme includes a new garden terrace at first floor level so as to provide an amenity feature for the flats.

Assessment

I consider the application raises the following issues:-

- The principle of residential use
- The compatibility of the proposed residential use with surrounding commercial uses.
- The impact on the character and appearance of the Conservation Area.
- Access and parking considerations
- Affordable Housing and Infrastructure Contributions.

The principle of residential use

The proposals relate to "previously developed land" and will secure the full and beneficial use of vacant upper floors within the town centre, giving occupiers good access to a range of services and public transport. In policy terms, the proposed use is consistent with both national and development plan policies and

will add to the diversity and vitality of the town centre . The site is within the commercial core of the town centre but is not a designated office site and there is therefore no conflict with employment policies.

The compatibility of the proposed residential use with surrounding commercial uses.

The apartments will be relatively close to an operational restaurant on Clarendon Avenue and to a nightclub premises on Tavistock Street.

In relation to the nightclub, the agents have sought to demonstrate that the flats will be protected from noise from bass music from the night club and have submitted proposals for secondary glazing and mechanical ventilation to Environmental Health, who have confirmed that they are now satisfied with the proposals from a noise mitigation point of view.

As regards the extraction system from the restaurant, this goes up one of the walls onto the proposed flats courtyard and terminates above roof level. Environmental Health have not reported any odour problems with this system.

Environmental Health had concerns about the appropriateness of the garden terrace and the extent to which this would be subject to noise nuisance, but I am of the opinion that this will be an amenity feature for the flats during hours when commercial uses are not operating and will act as a buffer between the flats and the ground floor service area, thereby increasing the overall attractiveness of the development to future occupiers.

The impact on the character and appearance of the Conservation Area.

Reuse of the vacant upper floors will have a positive impact on the Conservation Area which will secure the future use of this prominent large building. The garden terrace will also be a positive feature through the introduction of greenery into an otherwise currently unattractive courtyard area with a tarmaced service yard at ground level..

The main issue is the visual impact of the additional accommodation at roof level. This has been amended since the original submission to achieve a greater set back from the street elevations and I am satisfied that the extension proposed will not be an unduly prominent feature such that the character and appearance of the conservation area is not harmed. From close by at street level, the extension will not be visible, whilst from longer views, especially across Christchurch Gardens, its impact will be reduced because of the distance involved. The extension will be clad in materials to complement the building, for which samples will need to be submitted.

Access and parking considerations

Following receipt of a holding objection from the County Council based on their concerns about the appropriateness of a residential scheme without any parking provision, discussions have taken place with the developers about ways of meeting their concerns. This has resulted in the County withdrawing points 4,5 and 6 of their objection as set out in the representations section of this report. They have retained their objection, however, on the grounds of inadequate

parking, lack of demonstration as to how non-car use will be encouraged and lack of facilities for the elderly or people with disabilities.

In assessing the weight to be attached to this objection, I consider the following factors are relevant:-

- The "Fallback" position of the established office use of the premises. This office use operated for many years without any car parking provision with consequent demand for parking spaces both on and off street during day-time hours when competition for spaces is generally more acute. Given the office floorspace involved, a potential occupancy of up to 250 employees is not unrealistic. The parking demand associated with a residential use must be compared with this situation in order to determine whether the likely impact is more harmful to traffic safety. With a residential use, demand is likely to be greater during evening hours when levels of both on and off street parking are likely to be less than during day time hours.

In addition, the developer has entered into discussions with the Town Centre Manager to explore the possibility of a number of spaces being made available in the Covent Garden Car Park located close to the site and has offered to enter into a S106 Agreement to secure up to 104 spaces for occupants of the flats for a period of five years through a leasing arrangement.

The Town Centre Manager has stated that the current usage of the car park is in the region of 45%, with on average 200 of the 500 spaces in use during the day. The peak usage recorded is 300 spaces and it is therefore considered that the additional use of the car park by up to 104 vehicles associated with proposed flat occupiers does not pose a threat to its overall use.

- Notwithstanding the objection of the County Council, national planning policy as expressed in PPG 3 Housing and PPG 13 Transport provides encouragement for this type of application and para 60 of PPG 3 states that developers should not be required to provide more car parking than they, or potential occupiers might want. Given the applicants endeavours to secure parking spaces within the Covent Garden car park, I consider that a reasonable response has been made to mitigate the parking impact on surrounding streets.
- The premises are a large prominent building, and the upper floors subject of the application have now been vacant for two years. The proposals will secure a beneficial use for these upper floors, will strengthen the residential role of the town centre and will represent a sustainable future use for the building.

Affordable Housing and Infrastructure Contributions.

The applicant has agreed to provide 12 affordable housing units, together with contributions for education and travel packs.

Conclusion

I am conscious that the planning decision on this particular application has to have regard to the highway objection issued by the County Council, but given the factors outlined in the section above on Access and Car Parking and the

benefits of securing a sustainable use for this large and prominent building , I am satisfied that a recommendation to grant is reasonable in all the circumstances of the case.

REASON FOR RECOMMENDATION

The proposal is considered to comply with the policies listed above.

RECOMMENDATION

GRANT after completion of a S106 agreement to secure affordable housing, education contributions, travel packs for flat occupants and provision of an agreed number of parking spaces within Covent Garden car park, and subject to the following conditions:

- 1 The development hereby permitted must be begun not later than the expiration of five years from the date of this permission. **REASON** : To comply with Section 91 of the Town and Country Planning Act 1990.
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing(s) *****, and specification contained therein, submitted on ***** 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 Local Plan Policy ENV3.
- 3 No development shall be carried out on the site which is the subject of this permission, until satisfactory details of a noise insulation scheme to minimise transmission of airborne noise have been submitted to and approved by the District Planning Authority and the development shall not be carried out otherwise than in full accordance with such approved details. **REASON** : In the interests of the amenities of future occupiers of the building.
- 4 Prior to the commencement of the development hereby permitted a plan to show the layout and surface treatment of a cycle parking area for use in association with the development shall have been submitted to and approved by the District Planning Authority. The cycle parking area 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 there are adequate cycle parking facilities to serve the development.
- 5 No development shall be carried out on the site which is the subject of this permission, until details of provision for storage of refuse have been submitted to and approved by the District Planning Authority and the development shall not be carried out otherwise than in full accordance with such approved details. **REASON** : To protect the amenities of occupiers of the site and the character and appearance of the locality, in accordance with Policy ENV3 of the Warwick District Local Plan.

- 6 Samples of all external facing materials to be used for the construction of the development hereby permitted, shall be submitted to and approved by the District Planning Authority before any constructional works are commenced. Development shall be carried out in accordance with the approved details. **REASON** : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan.
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