

**Planning Committee:** 06 November 2012

**Item Number: 12**

**Application No:** W 12 / 1004

**Town/Parish Council:** Leamington Spa  
**Case Officer:** Liam D'Onofrio

**Registration Date:** 09/08/12  
**Expiry Date:** 08/11/12

01926 456527 liam.donofrio@warwickdc.gov.uk

**York Road Centre, Formerly The Old Library, Avenue Road, Leamington Spa, CV31 3PR**

Conversion of former library (D1 Use Class) into 28 residential apartments, including extensions/alterations to building and associated parking and landscaping. FOR TAG Exclusive Properties Ltd

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This application is being presented to Committee due to the number of objections received.

**RECOMMENDATION**

Planning Committee are recommended to grant planning permission, subject to conditions and the completion of a Section.106 Legal Agreement. Failure to complete the agreement by 8 November 2012 may result in planning permission being refused.

**DETAILS OF THE DEVELOPMENT**

The purpose of this report is to consider the above application, which seeks planning permission to change the use of the building from a D1 Use Class (Non-residential institutions) to a C3 Use Class (dwellinghouses) to form 28 apartments, split into 4 No. one-bedroom units, 19 No. two-bedroom units and 5 No. three-bedroom units

Internally the building will be sub-divided to create four apartments within the basement area accessed individually from the rear (north) elevation, 10 apartments occupying the ground floor and 14 apartments occupying the first floor. To facilitate the conversion a number of fenestration changes are also proposed. These include lowering existing window sill heights on the north elevation to provide access to apartments at basement level, and the introduction of new first floor windows to the south (Avenue Road) elevation and west (York Road) elevation and ground and first floor window alterations to the east elevation. A central atrium will be removed to create an open courtyard to the centre of the building requiring some remodelling of the inner facade.

The scheme will include 43 car parking spaces (seven within a tandem layout), 28 cycle parking spaces (one per apartment) and a detached bin store building, all within the existing parking area to the north of the building and accessed from York Road.

The application is accompanied by a Design and Access Statement, a Planning Assessment, a Sustainable Energy Statement, a Bat Survey and an Arboricultural Survey.

## **THE SITE AND ITS LOCATION**

The application site relates to a range of Grade II listed building, originally constructed in the early 20th Century as a library and art and technical school. The building is two-storey with basement and attic and constructed of red brick with terracotta architectural features and a slate roof. The building fronts the northern side of Avenue Road and a former hard-surfaced play ground, now used for car parking, is located to the rear. Beyond the rear boundary to the northeast lies York Walk a pedestrian footpath and beyond which are Manor Court flats, and to the north lies York Walk gardens beyond which is the river. York Road adjoins the western site boundary where the vehicle access is located and a single storey building, occupied as an art gallery, is attached to the east elevation, which does not form part of the scheme. The site is within a largely residential area and Leamington Spa Conservation Area.

## **PLANNING HISTORY**

W/12/1206 LB Alterations and extensions associated with the conversion of a Grade II listed former library building into 28 apartments: Listed Building Consent submitted concurrently with this planning application.

W/07/1883 Conversion of existing listed buildings to form a mixed-use development to include offices (B1 use Class), restaurant/ bar (A3 Use Class) and 6 No. residential units: Granted 1st February 2008

W/07/1878 LB Conversion of existing listed buildings to form a mixed-use development to include offices (B1 use Class), restaurant/ bar (A3 Use Class) and 6 No. residential units: Granted 1st February 2008

Previous applications for the conversion of the buildings to form a mixed use development including offices, restaurant and 33 flats were withdrawn in 2007 under application reference W/07/0041 and W/07/0043 LB.

## **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)
- 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)
- DAP3 - Protecting Nature Conservation and Geology (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)
- SC8 - Protecting Community Facilities (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)
- SC14 - Community Facilities (Warwick District Local Plan 1996 - 2011)
- UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
- DP14 - Crime Prevention (Warwick District Local Plan 1996 - 2011)
- Open Space (Supplementary Planning Document - June 2009)
- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- Vehicle Parking Standards (Supplementary Planning Document)
- National Planning Policy Framework

## **SUMMARY OF REPRESENTATIONS**

**Leamington Spa Town Council:** No objection. Disappointment was expressed that there was no provision for affordable housing.

**English Heritage:** As far as the fabric of the listed building is concerned there is no question that the amended scheme is better than the original. The proposals still include removal of the central glazed area from the courtyard, overall the revised scheme is more conservative with respect to the fabric, particularly in the back part of the building where the earlier version removed corridor walls. The internal courtyard will need appropriate facing, which should be subject to conditions. EH consider that a public function would be preferable in terms of the character of the building utilising current spaces without sub-division or demolition.

**Environment Agency:** No objection.

**Warwickshire Police:** No objection.

**Severn Trent Water:** No objection, subject to condition.

**WCC Highways:** No objection, subject to conditions.

**WCC Archaeology:** No comments.

**WCC Ecology:** No objection.

**Environmental Protection:** No objection.

### **Public response:**

A supporting letter from residents' of Manor Court and three individual letters from Manor Court residents have been received supporting the change of use and improvements to the imposing listed building, which is considered to have been allowed to deteriorate.

312 letters objecting to the change of use. A significant amount of praise and recognition is given for Bath Place Community Venture (BPCV) and the good community work that they do. Further concerns are summarised below:

- Loss of community facility/use.
- Impact upon community/depriving Town of use of building/ loss of actively used public building by a broad range of the community.
- There is no where else for the community group to go.
- Warwickshire College should allow BPCV time to raise funds.

- Internal destruction of historic building.
- Overlooking, loss of tree, noise concerns raised by adjoining neighbour.

A petition submitted with 1056 names within a e-petition style format and 606 signatures have been received objecting to the scheme.

Bath Place Community Venture (BPCV) have objected to the change of use raising the following points:

- Fundamental objection to the loss of a community facility without viable equivalent or better replacement facility.
- Impact upon the Grade II listed building, excessive changes to internal fabric.
- Contrary to National Planning Policy Framework.
- No evidence submitted to demonstrate active marketing for a period of 12 months in line with Policy SC8 of the local plan.
- Procedural objections have also been raised, such as description of development and an allegation that Officers had advised Leamington Town Council that Policy SC8 protecting community facilities was not relevant to the consideration of the scheme.
- Further comments received highlighting BPCV's difficulties in finding suitable premises and whilst a new centre of operations has been found, this does not provide the space for either the community cafe or community meeting spaces and the Old Library is considered to be the only viable community space in the local area which can be used for a variety of community businesses and groups.

Locality 'Communities ambitious for Change' have confirmed their wholehearted support behind the efforts of BPCV as they fight to oppose plans for redevelopment of the Old Library. Locality comment that the Grade II listed building was granted to citizens of Leamington covenanted as a public asset; its loss would be against the wishes of the community. Locality notes that BPCV supports vulnerable groups and with the help of partners BPCV intends to develop and deliver further services based around education and skills; questions are raised over the Council's consultation procedures and interpretation of policy. Locality state that finance to acquire the building is already in place and the Old Library has been rescued by BPCV from the decay it was suffering at the hands of its owners.

In terms of BPCV procedural objections the original description: "*Conversion of former library into 28 residential apartments, including extensions/alterations to building and associated parking and landscaping*" has been updated to include reference to the D1 Use Class within the description, however the Local Planning Authority has resisted BPCV requests for further neighbour notification to be carried out as the changes are not considered to have created any additional clarification for members of the general public who are well aware of the original use of the building. Further notification letters with this change in description are therefore only likely to serve to confuse residents who have already viewed the scheme and taken time to comment.

In terms of BPCV comments that Leamington Town Council were advised not to consider Policy SC8 it is unclear where this accusation has arisen from, however the Local Planning authority have written direct to Leamington Town Council on 19th September 2012 to clarify that Policy SC8 is a relevant consideration to the scheme. The Town Council have re-considered the scheme, again raising no objection to the principle for the change of use.

## **ASSESSMENT**

The main considerations in assessing this application are as follows:

- The Principle for Development;
- Layout/Design;
- Neighbours' Amenity;
- Highway Safety;
- Matters of landscaping, ecology and sustainability;
- Flood risk;
- Developer Contributions.

### **Principle**

A significant amount of local representations have been received objecting to the proposed change of use and the overwhelming majority of these object specifically to the loss of a community facility. Policy SC8 'Protecting Community Facilities' states that redevelopment or change of use of community facilities that serve local needs will not be permitted unless: a) there are other similar facilities accessible to the local community by means other than the car; and either b) the facility is redundant and no other user is willing to acquire and manage it; or c) there is an assessment demonstrating a lack of need for the facility within the local community.

The application site, including the adjoining art gallery, was previously considered under Policy SC8, amongst other policies, and planning permission was granted in February 2008 for the change of use of the building to a mixed-use consisting of offices, a restaurant/bar and six residential units. This scheme was never implemented and permission is no longer extant for the change of use, however this previous permission remains a material consideration to the current scheme, which is considered under the same local policies.

In the context of local opposition to the perceived loss of the community facility the applicant has sought (through the previous owners Warwickshire College) to clarify the history of the site following the 2008 permission, Bath Place Community Venture's occupation of the building and the circumstances leading up to the sale of the building.

Warwickshire College have stated that the vacant building was offered to Bath Place Community Venture (BPCV) in October 2009 on a rent free, short term basis to allow them time to find a new home following the loss of their own building in a fire. One month notice was also agreed on the basis that the College had the building on the market for sale. BPCV indicated early on that they were interested in purchasing the building and Warwickshire College agreed to hold the sale of the building for re-development until October 2010 to allow time for BPCV to secure funding. This was extended until early 2011 however it is understood that BPCV were unsuccessful in gaining funding to purchase the building.

Warwickshire College state that during this time they had pursued parallel opportunities to sell the building, given the need to invest the capital receipt into the College's estate for the benefit of students, which was always communicated to BPCV. In November 2011 BPCV were advised that the building's sale could go through within a few months and a formal notice ending BPCV's short-term occupation of the building was given in February 2012. This was extended until June 2012 on the basis that BPCV were actively seeking new premises and then

extended again until 14th September 2012, as the last possible date for the sale of the premises.

Warwickshire College are keen to clarify that the building was loaned to BPCV with the sole purpose of helping, while new premises was found and ample opportunity was given to BPCV to secure funding to purchase the building.

While the opportunity to secure a new community use for the building was investigated it would appear that planning permission for the proposed mixed-use subsequently lapsed. Nevertheless it is clear that the building was loaned on a temporary basis to a community facility and could have equally remained a vacant building over this period of time if Warwickshire College has chosen not to assist Bath Place Community Venture. Opportunities to have the building retained as a community facility have failed and Warwickshire College have had to complete the sale of the building.

The large scale of the building raises further difficulties in finding a suitable occupier that can take on the whole building and it is important to ensure that this listed building is fully occupied and properly maintained, rather than left vacant or part occupied. It is considered that the refusal of planning permission for the loss of a community facility could not be sustained. The applicant points out that the former library and art gallery have been adequately re-provided for in the Royal Pump Rooms in significantly improved accommodation.

In other respects the proposed residential use will be compatible with surrounding residential uses and will provide an appropriate re-use of the listed building. The site is located within a sustainable location with good access to local public transport, shops and services. Policy UAP1 of the Warwick District Local Plan states that residential development will be permitted on previously developed land and buildings within the confines of the urban areas.

The change of use is recommended for approval accordingly.

### **Layout/design**

The scheme relates to a Grade II listed building and the change of use should remain sympathetic to the special architectural or historical interest and setting of the Listed Building. English Heritage initially raised concerns that the scheme was intrusive and involved substantial change to the internal fabric of the building, including the removal of many primary walls. The applicant has sought to address these concerns by reviewing and revising the internal layout to allow the retention of a greater number of internal features, including the masonry wall forming the corridor and arches to the rear wing, which will now be incorporated into the layout of ground floor units.

Fenestration details have also been amended to allow a better grouping of windows to reflect existing window layouts and rhythms in line with Conservation and CAF comments.

In terms of the courtyard the light coloured render was considered to be out of keeping and this material has been amended to terracotta cladding tiles, which will provide a much more sympathetic solution following the red hue characteristic of the existing building.

English Heritage consider that the revised scheme is improved and in terms of the fabric of the building there would seem to be a reasonably conservative solution for a residential conversion, but the scheme must be controlled through appropriate conditions.

### **Neighbour's Amenity**

The proposed residential use is compatible with surrounding residential properties. Concern has been raised regarding noise from bin collections, however this is likely to be undertaken at the same time as collections to other surrounding residential properties and any additional noise created would therefore be minor in nature. Environmental Protection have asked for additional information relating to the plant room and associated flues and following submission of these details no objection has been raised to the scheme. The building is an existing structure and additional windows inserted in elevations will not give rise to any significant additional opportunity for overlooking.

Community Safety note that York Walk is a popular pedestrian route across the River Leam and through the Pump Room Gardens and used by people walking to and from night time venues within Leamington Town Centre, which has raised noise and security concerns.

In response to Community Safety's comments the applicant has confirmed that the apartments facing York Walk could have secondary glazing installed to assist with limiting noise from passing pedestrians. This remains a residential area and while the actions of individuals in terms of noise or behaviour cannot be controlled the opportunities to affect the amenities of future residents can be alleviated through good design. The applicant has agreed to refurbishing and reinforcing the existing metal railings along York Walk and planting a 'prickly' security hedging behind to deter climbing. The car park will have secure electric gates and secure cycle parking. Improved lighting to this area is also proposed. The alcove where the building and adjoining art gallery meet cannot be straightened or fenced as it does not fall wholly within the application site, however the applicant has confirmed that CCTV could be used in any vulnerable areas to act as a deterrent. It is considered that these matters can be successfully controlled by condition. The Police have raised no objection to the scheme.

### **Highway Safety**

The vehicle access and car parking area is existing. The Highway Engineer has raised no objection to the new parking layout, which provides sufficient space for vehicles to turn within the site and exit in a forward gear. A condition is suggested to ensure that the entrance gates are pushed back as far as possible into the site (5.8 metres) to allow vehicles waiting for gates to open to clear public highway.

In terms of parking provision the scheme will provide 43 parking spaces, including two dedicated disabled parking spaces. The parking provision and cycle parking provision will comply with the Council's Vehicle Parking Standards SPD.

## **Landscape/Ecology**

Much of the existing car parking area to the rear of the site, set between York Walk and York Road, is hardstanding with several mature trees located to the boundaries. An appropriate landscaping scheme has been submitted to provide additional soft landscaping, which will break up the existing hardstanding and improve security to York Walk by introducing 'prickly' security hedging. The existing hardstanding will be finished in a bonded gravel with space makings to be finished in granite sets. The existing hard surface is not permeable, however the additional soft landscaping areas provides greater opportunity for surface water run off to be directed to porous areas within the site. Landscaping is also proposed to the internal courtyard area. Implementation of the landscaping scheme can be successfully controlled through conditions.

WCC Ecology had requested a bat survey be undertaken, which was completed in August 2012. No bats were found during survey work and Ecology have confirmed confidence in the report's findings. No further survey or mitigation work is required for the site.

## **Sustainability**

The submitted Sustainable Energy Statement confirms that the development will provide for renewable energy technologies in accordance with Policy DP13 and the Sustainable Buildings SPD. Solar panels are unlikely to be acceptable given the listed status of the building and the need to protect its character; however a suitable scheme can be successfully agreed and implemented through condition.

## **Flood Risk**

The Environment Agency note that the northern boundary of the site skirts the floodplain of the River Leam, however this is well away from the building and no flood risk assessment is considered necessary in this case.

## **Developer Contributions**

If the scheme is considered to be acceptable a legal agreement would be required to secure the necessary affordable housing contribution in terms of Policy SC11 of the Warwick District Local Plan 1996-2011. The Housing Strategy Development Officer has indicated that an independent viability assessment has been carried out in order to reach the required provision. On-site affordable housing provision is not considered to be feasible and a financial payment is agreed to the amount of £150,000.

In terms of open space contributions, as required by the Council's Open Space SPD June 2009, a total of £36,948 will be required, the breakdown is as follows: 4 x 1 bed = 4 x £916 = £3,664; 19 x 2 bed = 38 x £628 = £23,864; and 5 x 3 bed = 15 x £628 = £9,420.

There has also been a request from NHS Warwickshire for a contribution of £16,651, required under Policy SC14 Community Facilities.

## **CONCLUSION/SUMMARY**

In the opinion of the Local Planning Authority, the proposed development is acceptable in principle and does not adversely affect the historic integrity, character or setting of the listed building, is of an acceptable standard of design



and detailing and preserves the character and appearance of the Conservation Area within which the property is situated. The scheme does not result in an unacceptable adverse impact on the amenity of nearby residents by reason of overbearing effect, loss of light or privacy. The proposal is therefore considered to comply with the policies listed.

## **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 drawing(s) Drg No.P-A (03) 099 REV 01; P-A (03) 100 REV 01; P-A (03) 101 REV 01; P-A (03) 102 REV 02; P-A (03) 103 REV 01; P-A (03) 104 REV 00; P-A (03) 199 REV 01; P-A (03) 200 REV 01; P-A (03) 202 REV 01; P-A (04) 100 REV 01; P-A (04) 101 REV 01; P-A (04) 102 REV 00; P-A (04) 103 REV 00; P-A (04) 104 REV 01; P-A (04) 105 REV 01; P-A (05) 100 REV 02; P-A (05) 101 REV 01; P-A (05) 102 REV 01; P-A (05) 103 REV 00; P-A (05) 120 REV 01; P-A (05) 121 REV 01; P-A (05) 122 REV 01; P-A (05) 130 REV 02; P-A (05) 131 REV 01, and specification contained therein, except as required by conditions 3 to 9 below. **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 Samples of all external facing materials to be used for the construction of the development hereby permitted, shall be submitted to and approved in writing by the Local Planning Authority before any construction 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 DP1 of the Warwick District Local Plan 1996-2011.
- 4 Before development hereby approved commences details must be submitted to and approved in writing by the Local Planning Authority showing: a) 1:10 drawings of new external windows frames and associated arches, cills and mullions; b) 1:10 details of all new internal mouldings, including coving, skirting and architrave; c) details of new entrance doors to each apartment and associated door furniture. **REASON** : To ensure a high standard of design and appearance for this Listed Building, and to satisfy Policy DAP4 of the Warwick District Local Plan 1996-2011.
- 5 The development hereby permitted shall only be undertaken in strict accordance with details of both hard and soft landscaping works which have been submitted to and approved in writing by the Local Planning Authority. Details of hard landscaping works shall include boundary treatment, including full details of the proposed boundary walls, railings and gates to be erected, specifying the colour of the railings and gates;

footpaths; and hard surfacing which shall be made of porous materials or provision shall be made to direct run-off water from the hard surface to a permeable or porous area. The hard landscaping works shall be completed in full accordance with the approved details prior to the first occupation of the apartment building hereby permitted; and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s), shrub(s) or security hedging which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of similar size and species, unless the local planning authority gives written consent to any variation. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations. **REASON** : To protect and enhance the amenities of the area, and to satisfy the requirements of Policies DP1, DP3, DP11 and DP14 of the Warwick District Local Plan 1996-2011.

- 6 Prior to the first occupation of the building under the use hereby approved, satisfactory details for a secondary glazing scheme to minimise transmission of airborne noise from habitable windows in the north and east elevations of the building facing York Walk, shall have been submitted to and approved in writing 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, in accordance with the objectives of Policy DP2 of the Warwick District Local Plan 1996-2011.
  
- 7 Before the first occupation of the use hereby approved, security lighting and CCTV shall be installed at the application site and be fully operational in full accordance with details which have been submitted to and approved in writing by the Local Planning Authority, and once provided the additional security measures shall remain operational and shall not be removed or altered in any way. **REASON** : In the interests of the amenities of future occupiers of the building, in accordance with the objectives of Policies DP2 and DP14 of the Warwick District Local Plan 1996-2011.
  
- 8 Details of the means of disposal of storm water and foul sewage from the development shall be submitted to and approved by the Local Planning Authority before the development hereby permitted is commenced and the development shall not be carried out other than in strict accordance with such approved details. **REASON** : To ensure satisfactory provision is made for the disposal of storm water and foul sewage and to satisfy Policies DP9 and DP11 of the Warwick District Local Plan 1996-2011.
  
- 9 The development hereby permitted shall not be commenced unless and until a scheme showing how 10% of the predicted energy requirement of this development will be produced on or near to the site, from renewable energy resources, has been submitted to and approved in

writing by the District Planning Authority. The development shall not be first occupied until all the works within this scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturers specifications. Microgeneration equipment no longer needed for microgeneration shall be removed as soon as reasonably practicable.

**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.

- 10 Notwithstanding the approved plans the vehicle access gates provided at the entrance to the site shall not open outwards towards the public highway and the gates shall not be hung so as to open to within 5.8 metres of the near edge of the public carriageway. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011.
  - 11 The car park 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 and kept available as such at all times 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.
  - 12 The cycle provision shown on the approved plans shall be completed before the apartments are occupied and kept available as such at all times thereafter. **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.
  - 13 The scheme 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.
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