Planning Committee: 26 November 2013

Application No: W 13 / 1437

		<b>Registration Date:</b> 10/10/13
Town/Parish Council:	Leamington Spa	Expiry Date: 05/12/13
Case Officer:	Liam D'Onofrio	
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### 36 Warwick Street, Leamington Spa, CV32 5JZ

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. FOR Yarnold Properties Ltd

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

#### **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 building from the Conservative Club premises to five residential flats and one mews dwelling at ground floor and within the basement area. The first and second floors gained permission for six self-contained apartments (with a restaurant/ function room previously proposed at lower levels) under a previous application (Ref: W/13/1595).

The scheme proposes various internal and external alterations to facilitate the change of use which are specified in greater detail within the report. The listed building consent for these alterations was granted under delegated powers (ref: W/13/0978/LB).

The application is accompanied by a Design and Access Statement, Heritage Statement, Sustainable Buildings Statement and a viability appraisal.

### 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 located within Learnington Town Centre and the Royal Learnington Spa Conservation Area.

# PLANNING HISTORY

W/13/0977: 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: Refused 9th September 2013. W/13/0978/LB: Concurrent listed building consent: Granted 9th September 2013.

W/12/1595: 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 for associated internal and external alterations: Granted 11th February 2013.

W/12/1596/LB: Concurrent listed building consent: Granted 11th February 2012.

W/86/0942: Demolition of kitchen and erection of a replacement kitchen: Granted 3rd December 1986.

W/13/0978/LB: Internal and external alterations to listed building in association with a proposed change of use of private club premises at basement and ground floor level to 5no. residential flats and one mews type dwelling: Granted 9th September 2013.

### **RELEVANT POLICIES**

- 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

**Royal Leamington Spa Town Council** - Object on grounds that the applicant had provided no valid reason as to why there could not be some financial contribution towards affordable housing.

WCC Ecology - No objection

**WCC Highways -** No objection, subject to a condition to restrict the eligibility of resident's parking permits per unit of the proposed flats/apartment.

**WDC Housing -** Of the 12 proposed dwellings five will be required for affordable housing to meet the 40% requirement of Policy SC11.

**WDC Waste Management** - No objection, subject to bin store remaining in Bedford Street in perpetuity.

# **ASSESSMENT**

The main considerations in the determination of this application are as follows:

- Principle;
- Design/streetscene/Conservation Area;
- Neighbour's amenity;
- Highway matters;
- Ecology;
- Contributions;
- Other matters

# Principle

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.

### Design/Streetscene/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 to 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 internal changes required to facilitate the change of use are acceptable and have been previously approved under listed building consent ref: W/13/0978/LB.

The proposed use is considered to be sympathetic to the special architectural/ historic interest and setting of the listed building. It is considered positive to secure a new use for the vacant listed building, which will enable its refurbishment/ restoration and occupation into the future. The fact that the building is going back to its original use as a residential property is considered to be welcomed. Conditions are suggested to ensure that the works are controlled by conditions to secure large scale details to ensure a high quality development.

The scheme is therefore not considered to harm the special architectural character or historic interest of the listed building or the character and appearance of the Conservation Area.

### Neighbours' Amenity

The change of use is not considered to give rise to any significant loss of amenity to surrounding residents in this town centre location. The residential use will be compatible with residential uses approved to upper floors of the building under W/12/1595.

#### Highways matters

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 has raised no objection but note that there is already a significant demand for on-street parking within Learnington 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 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.

At present, the development site has a minor element of residential use (one flat) and the site may already be entitled to the appropriate level of resident parking permits for a flat/apartment. The Highway Authority are concerned at the further impact on the existing Residential Parking Zone by the potential increase in requests for permits as a consequence of the proposed additional units. It is therefore recommended that eligibility to apply for parking permits are restricted by way of a TRO, in essence providing a car free development. This can be secured by a Grampian condition.

Cycle parking is proposed to serve the development.

## Ecology

The County Ecologist has raised no objections to the scheme. A bat note is suggested.

### Contributions

In conjunction with the existing permission for six units this will create 12 units of accommodation. As a result, the development exceeds the threshold in Local Plan Policy SC11, which requires a minimum of 40% affordable housing on sites of ten or more dwellings. Therefore, of the 12 proposed dwellings, five will be required for affordable housing. The Council's Housing Officer considers that there would be a high demand for such affordable units in Leamington Town Centre but notes the applicant's statement as to why affordable housing cannot be provided on site, including the fact that the units cannot comply with Homes and Communities Agency standards, that management arrangements would be problematic and service charges would be high. There is some validity to these points and the Housing Officer therefore considers that a commuted sum would be an appropriate alternative.

The Affordable Housing Statement submitted with the previous application W/13/0977 provided a case for no affordable housing provision, either on or off site. The information submitted was vague and lacked detailed analysis to sufficiently demonstrate a genuine lack of viability, merely making reference to the fact that the building was listed.

The resubmission has provided a more robust viability assessment, which has been reviewed by the District Council's Senior Project Co-ordinator, who notes that:

- The figures supplied are reasonable throughout the assessment and are benchmarked against other recent scheme figures in Learnington Town Centre.

- If the construction costs were reduced from  $\pounds$ 120/ft2 to  $\pounds$ 110/ft2 this produces an increased developer's profit, but only up to around 15%, which is the market norm.

- The developer is taking the finance costs 'hit' themselves.

- There does not appear to be any scope for an affordable housing commuted sum contribution.

It is therefore considered that the submitted viability assessment provides an accurate economic assessment of the scheme and demonstrates limited profit margins. The costs of refurbishing/converting a listed building are also generally higher than that of an unlisted building given that specific materials, such as timber windows and finishes are specified. There will be a positive benefit to having the listed building refurbished and occupied and based on the site specific evidence

provided it is recommended that the scheme be granted without the requirement to meet the affordable housing contributions.

Open Space contributions in line with Policy SC13 and the Council's adopted Open Space SPD are required. The applicant has agreed that they will meet this contribution, which can be secured by condition.

#### **Other matters**

In terms of renewables to provide 10% of the predicted energy requirement for the conversion in accordance with Policy DP13 and the associated SPD, the applicant has reviewed a number of technologies but has concluded that only solar PV and solar thermal technologies are realistic options. However, their performance would be seriously compromised by shading from adjacent buildings and space availability. In this case it is considered that the installation of renewables will not be appropriate given the limitations of the site and the need to protect the character and setting of the listed building/conservation area.

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

### SUMMARY/CONCLUSION

In the opinion of the Local Planning Authority, the proposed development 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 and does not adversely affect the amenity of nearby residents. The proposal is therefore considered to comply with the policies listed.

### **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) 821-08A, 821-06B, 821-05A, and specification contained therein, submitted on 10/10/13, 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

owner/ 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 approved 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) large scale 1:5 drawings and 1:20 sections for new staircases; (d) 1:10 drawings of all new internal timber mouldings (skirting, handrails, architraves etc.) and ceiling coving; (e) external ironmongery and rainwater goods; (f) 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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#### **BUILDING DESIGN SERVICES**





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