

PRINCIPAL ITEM NO. 1

TOWN: LEAMINGTON SPA

APPLICATION NO. W20030899

DATE OF RECEIPT: 4.6.2003

CASE OFFICER: MR. A. COLEMAN

MAGNOLIA HOUSE, 32-34 KENILWORTH ROAD, LEAMINGTON SPA

Conversion and extension of former nursing home premises for form
19 no. self-contained apartments, for Mr. P. Akhter

This application was deferred at the Planning meeting on 29th September 2003 to enable a site visit to take place on 18th October 2003. The report that follows is that which was presented on the 29th September 2003, but with an "update" section below.

Following the preparation of that report two further letters of objection were received. The first of these raise objections to the loss of a specialist care home. The second of these is a critical response to the conclusions of this report in respect of car parking and the weight attached to Planning Policy Guidance over Local Plan parking standards; the interpretation of Planning Policy Guidance in respect of parking provision; the difference in the level of usage of the forecourt parking area between the existing and proposed use of the premises, and; its corresponding visual impact. The ability of the premises to convert to other named uses within the same use class as the care home is also questioned.

A report on the implications of the adoption of the Warwickshire Structure Plan in August 2001 upon the operation of the current Local Plan was considered by Members in a report to the meeting on 28 January 2002. This report detailed the policies of the Local Plan that no longer conformed with the adopted Structure Plan. In respect of parking standards, the WASP incorporates those set out in PPG13, which supersede those in the Local Plan. Members therefore agreed to follow these standards rather than those in the local plan in accordance with government advice.

The conversion of the premises to other uses within the meaning of Class C2 of the Town and Country Planning (Use Classes) Order 1987 (as amended) without the need for planning permission has also been contested. However, it is a matter of absolute fact that such conversions are permitted under the provisions of this 'Order. I therefore remain of the opinion that the potential intensification in the use of the premises and increase in demand for car parking that may arise from such a permitted change is a legitimate material planning consideration that must be afforded due weight in the assessment of the proposals.

THE SITE AND ITS LOCATION

Magnolia House comprises a pair of detached Regency villas that are located on the eastern side of Kenilworth Road where they are situated within the Leamington Conservation Area. The villas are similar in original design and appearance and stand within a row of 10 similar houses, 7 of which are listed buildings. There are similar villas further along Kenilworth Road to the north. Although not all the properties are similar, they conform to a standard set of design parameters such as height, width, spacing, position and orientation.

The houses have been developed with a rear mews accessible alongside the main house. The driveway alongside No. 32 has been closed and the land enclosed within a single garden area that serves both properties. Access to the mews properties is via the remaining driveway alongside No. 34. Both properties have been extended to the rear under a succession of applications that mostly followed their conversion to a residential care home in 1984 (No. 34) and 1986 (No. 32). Of these, the largest extension is attached to the rear of No. 34 that was granted planning permission in 1986 under application W860542.

Access to Magnolia House is from Kenilworth Road via two openings in the boundary wall that was constructed in 1998 (WDC. Ref. W980163). The openings serve the driveway alongside No. 34, providing access to the mews properties and an unmarked hard-surfaced forecourt parking area.

Magnolia House is currently vacant following its closure in 2002.

DETAILS OF THE DEVELOPMENT

The proposals relate to the conversion of Magnolia House to 22 no. self-contained apartments and comprise a two storey extension (on the originally submitted plans) to the rear of No. 32 and the installation of new/replacement doors and windows to the side and rear elevations of both properties. The existing forecourt parking area would be marked and laid out to provide 15 no. parking spaces utilising the existing access openings.

The scheme has now been amended by reducing the proposed extension to single storey and from 4 no. self-contained apartments to a single apartment, thereby reducing the scheme from 22 no. to 19 no. apartments. Provision has also been made for refuse storage within the grounds and for tree and shrub planting within the forecourt parking area.

PLANNING HISTORY

There have been a succession of applications for the extension and alteration of Magnolia House following its conversion to a residential care home, first in relation to No. 34 (WDC Ref. W84/374) followed by No. 32 in 1986 (WDC Ref. W86/373). Of relevance to the current proposals is the most recent of these for the construction of a basement link and ground and first floor extensions to provide lifts, bedrooms and bathrooms. (WDC Ref. W20020114). Planning permission was refused by the Committee at the meeting on 13th March 2002, contrary to Officer's recommendation on the grounds of harm to the character and appearance of Magnolia House as two detached villas and the Conservation Area. A subsequent appeal was dismissed on 8th November 2002. A copy of the decision letter is attached as an appendix to this report.

RELEVANT POLICIES

The Development Plan includes the Warwickshire Structure Plan of 2001 and the Warwick District Local Plan of 1995. Policy GD4 of the Structure Plan expects local plans to take conservation areas into account. Policy ENV3 of the Local Plan requires development proposals, inter alia, to achieve a high standard of design, to have regard for existing landscape features and to harmonise with their surroundings in terms of design and land use. Policy ENV6 seeks to protect conservation areas from development which would have a detrimental effect on their character or appearance. Policy ENV8 requires development in conservation areas to achieve a high quality of design appropriate to the special historic or architectural character of the area and to

harmonise in scale and form with their surroundings. Policy ENV12 seeks to refuse development which would have an adverse effect on the setting of listed buildings.

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special regard to be paid to the desirability of preserving a listed building or its setting. Section 72(1) of that Act requires special attention be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.

There are no specific Local Plan policies relating to the conversion of residential care homes.

With regard to car parking Policy (DW) TR7 requires development proposals to make provision for vehicle parking in accordance with the Council's approved standards. In relation to flats, provision for 1½ spaces per flat is required. However, these standards have now been superseded by PPG13 : Transport (March 2001) which excludes standards for the provision of car parking in relation to residential development schemes. Pertinent advice and guidance is also contained in PPG3 : Housing (March 2000).

CONSULTATIONS

Town Council - Object on the grounds of insufficient parking provision within the curtilage of the site and increased vehicular movements onto a busy highway to the detriment of highway safety.

CAAF (Original Plans) – Expressed concern at the size, design and appearance of the proposed extension, potential for overlooking between existing and proposed extensions/neighbouring properties, no historical precedent for size of proposed extension, excessive amount of car parking (preferred creation of two separate front gardens to define properties as two distinctive villas) and at the division of ground floor rooms containing original cornices.

Highway Authority – No objection.

Environment Agency – No objection.

Neighbours – A total of 18 no. letters of objection from 11 no. separate addresses to the original and amended plans have been received on grounds relating to: the level of traffic likely to be generated by the proposals and inadequate provision made for off-street parking to serve the development resulting in an increase in demand for on-street parking on Kenilworth Road and the surrounding streets exacerbating existing problems of congestion to the detriment of highway/pedestrian safety and the character and appearance of the conservation area; harm to the setting of Magnolia House/the character and appearance of the conservation area by the use of the forecourt for car parking; harm to neighbouring residents' amenities from noise/disturbance from the movement of vehicles within the site and loss of privacy through overlooking from the proximity of the proposed two storey extension; harm to the character/appearance of Magnolia House, the conservation area and the setting of adjacent listed buildings from the scale and design of the proposed two storey extension, and; harm to the residential character of the conservation area from the number/tenure of the proposed flats.

COMMENTS

In my opinion, the main issues raised by the proposals relate to:-

1. The principle of development;
2. Car parking and highway safety;
3. Site layout, and;
4. The impact on neighbouring/future residents' amenities.

Each of these issues also have implications for the character and appearance of the conservation area and the setting of adjacent listed buildings.

1. The Principle of Development

Magnolia House is located within the Leamington Conservation Area and is allocated within an "Area to be Primarily in Residential Use" as defined by the Local Plan. The authorised planning use of the premises is as a residential care home, which falls within the meaning of Class C2 (Residential Institutions) of the Town and Country Planning (Use Classes) Order 1987 (as amended). The proposed apartments would fall within the meaning of Class C3 (Dwelling houses) of this Order. As such, I consider the proposals are acceptable in principle and constitute appropriate development within the conservation area which I consider would, in land use terms, enhance its character by resuming the original Class C3 use of the premises.

I note neighbouring residents' concerns regarding the density of the proposed development and its impact on the character of the conservation area in comparison with the form and nature of neighbouring residential properties. In this regard, there are clear distinctions between the use of the property as a residential care home and self-contained apartments in terms of the nature of occupation, living environment and site activities. Magnolia House contained 37 no. bedrooms for residents with particular care requirements. In contrast, 19 no. apartments are now proposed comprising 7 no. 2 double bed apartments, 9 no. 1 double bed apartments and 3 no. 1 double/1 single bed apartments providing a maximum of 55 no bed spaces. The implication is therefore whether the activity associated with the residential use proposed is compatible with the character and appearance of the property/conservation area/setting of adjacent listed buildings, the amenity of neighbours/future residents and traffic safety.

In assessing applications for changes of use within conservation areas PPG15 advises that:-

"New uses may often be the key to a building's or area's preservation, and controls over land use, density, plot ratio, day lighting and other planning matters should be exercised sympathetically where this would enable a historic building or area to be given a new lease of life. The Secretary of State is not generally in favour of tightening development controls over changes of use as a specific instrument of conservation policy. He considers that, in general, the same provisions on change of use should apply to historic buildings as to all others. Patterns of economic activity inevitably change over time, and it would be unrealistic to seek to prevent such change by the use of planning controls."

In addition, one of the principal objectives of PPG3 : Housing is to promote wider housing opportunity and choice and encourage the re-use of previously developed land within urban areas, including the conversion of existing buildings, in preference to the development of Greenfield sites.

In my opinion, there are no fundamental policy objections to the proposals and the density of the development in itself is not sufficient grounds for raising an objection. Rather, consideration should be given to the tangible impact of the proposed development when measured in terms of the numerical and visual impact of the proposed car parking arrangements, site layout and relationship with neighbouring properties.

2. Car Parking and Highway Safety

As amended, 19 no. apartments are now proposed and provision is made for 15 no. parking spaces within the existing forecourt to serve them. The Local Plan parking standards require provision to be made for 30 spaces to serve the flats at a ratio of 1½ spaces per flat in accordance with Policy (DW) TR7. However, I consider this policy now has very little, if any, weight in relation to more recent advice in PPG: Transport, which introduces maximum standards for development, excluding housing.

One of the principal objectives of PPG13 is to reduce the need to travel, especially by car and the guidance sets out the circumstances where it is appropriate to change the emphasis and priorities in provision between different transport modes, in pursuit of wider Government objectives (para. 5).

At paragraph 6 it advises that in considering planning applications, local authorities should, inter alia, accommodate housing principally within existing urban areas, planning for increased intensity of development for both housing and other uses at locations which are highly accessible by public transport, walking and cycling, and to use parking policies, alongside other planning and transport measures, to promote sustainable transport choices and reduce reliance on the car for work and other journeys.

In relation to implementing policies on car parking, local authorities are advised not to require developers to provide more spaces than they themselves wish, other than in exceptional circumstances (para. 51).

PPG3 : Housing also promotes the re-use of previously developed land for housing, including the conversion of existing buildings. In order to promote such conversions local authorities are advised to promote such conversions by taking a more flexible approach to development plan standards with regard to densities, car parking, amenity space and overlooking (para. 41). More specific advice is given at para. 60-62 :

- “60. Car parking standards for housing have become increasingly demanding and have been applied too rigidly, often as minimum standards. Developers should not be required to provide more car parking than they or potential occupiers might want, nor to provide off-street parking when there is no need, particularly in urban areas where public transport is available or where there is a demand for car-free housing. Parking policies should be framed with good design in mind, recognising that car ownership varies with income, age, household type, and the type of housing and its location. They should not be expressed as minimum standards.
61. Local authorities should revise their parking standards to allow for significantly lower levels of off-street parking provision, particularly for developments:-
 - in locations, such as town centres, where services are readily accessible by walking, cycling or public transport;

- which provide housing for elderly people, students and single people where the demand for car parking is likely to be less than for family housing; and
- involving the conversion of housing or non-residential buildings where off-street parking is less likely to be successfully designed into the scheme.

62. Car parking standards that result, on average, in development with more than 1.5 off-street car parking spaces per dwelling are unlikely to reflect the Government's emphasis on securing sustainable residential environments. Policies which would result in higher levels of off-street parking, especially in urban areas, should not be adopted."

Although the site is not located within the defined Town Centre of Leamington Spa, nevertheless Kenilworth Road is a well-served public transport corridor providing access to town centre services and facilities, employment areas and the railway network.

I would also draw Members' attention to the fact that in granting planning permission for the use of Magnolia House as a residential nursing home no formal provision for car parking was required under the terms of application W84/374 or W86/373. Instead, Condition 3 of W86/373 merely requires the existing car park on the frontage to be retained for use in conjunction with the development. The authorised planning use of the premises would also allow conversion to other uses within Class C2 of the Town and Country Planning (Use Classes) Order 1987 (as amended), such as an hospital, residential school, college or training centre without the need for planning permission. In my opinion, such uses would be equally likely to generate a high level of demand for car parking in comparison with the proposed apartments. These alternative authorised uses of the premises constitute a "fallback position" which I consider is a material planning consideration of some weight in the assessment of these proposals.

I note the concerns of local residents regarding the shortfall of on-site car parking provision in relation to the number of proposed apartments/potential car users. I also recognise the implications of this for highway safety by increasing demand for on-street parking on Kenilworth Road and surrounding streets, which currently experience problems of congestion. However, no objection to this aspect of the proposals has been raised by the Highway Authority and in light of current government guidance on car parking, I do not consider there are sufficient grounds for raising an objection to this aspect of the proposals.

3. **Site Layout**

The use of the forecourt as a formal parking area has also generated objections from local residents and the CAAF, who have expressed a preference for the reinstatement of front lawns to define the properties as two separate villas. I agree that this would be desirable and would undoubtedly enhance the character and appearance of the properties and appearance of the conservation area. However, the forecourt is currently designated for use as a car park. Whilst it has not been formally laid out as such, I consider the continued use of the forecourt for parking purposes would preserve the character and appearance of the property and the conservation area. As amended, tree and shrub parking is proposed to be introduced to the layout which I consider would soften the visual impact of the proposed layout. For these reasons, I do not consider this aspect of the scheme would cause an unacceptable degree of harm to warrant refusal.

4. **Impact on Neighbouring/Future Residents' Amenities**

The principal objection from adjoining residents is that the siting, size, scale and proximity of the proposed extension would result in a loss of privacy through overlooking. However, as amended, the proposed extension has now been reduced to a single storey development with a smaller footprint than the extension originally proposed. I am therefore satisfied that there would be adequate separation distance between the extension and neighbouring dwellings and that there would be no greater loss of privacy through overlooking from habitable room windows than from the existing authorised use and layout of the site.

The proposal would result in an intensification in the residential use and nature of the site with no corresponding increase in amenity space to serve the development. I accept that this is likely to lead to an increase in noise and disturbance from domestic activity and the unfettered movement of vehicles within the site. However, I do not consider this would be so unreasonable in itself to render the scheme unacceptable.

As amended and in light of the advice given at para 41 of PPG3, I am also satisfied that the layout of the development would not unacceptably compromise the amenities of future residents in terms of the relationship between the habitable room windows of individual flats or the level of amenity space available to serve them.

In my opinion, the extension now proposed would also be acceptable in terms of its size, scale and design which broadly reflects the arrangement of out buildings that were originally attached to the rear of No 32.

In conclusion, I consider the site has sufficient capacity to accommodate the proposed development without causing an unacceptable degree of harm to the character and appearance of the property, conservation area or the setting of the adjacent listed buildings, highway safety or the amenities of neighbouring/future residents' amenities.

RECOMMENDATION

GRANT, as amended, subject to conditions on access, car parking, landscaping, materials and large scale architectural details.
