

Planning Committee: 19 August 2014

Item Number: 17

Application No: W 14 / 0915

Town/Parish Council: Leamington Spa
Case Officer: Emma Spandley

Registration Date: 17/06/14

Expiry Date: 12/08/14

01926 456533 emma.spandley@warwickdc.gov.uk

Hybrid Arts Riverside Adelaide Road, Leamington Spa, CV32 5AH

Change of use of the former Sea Cadets Club House and former Boat House to mixed use (Sui Generis) comprising Education (Use Class D1) and Assembly & Leisure (Use Class D2) and installation of additional external doors (Retrospective Application). FOR Hybrid Arts

This application is being presented to Planning Committee due to the number of objections and an objection from the Town Council having been received.

RECOMMENDATION

Planning Committee is recommended to grant planning permission, subject to the conditions listed below.

DETAILS OF THE DEVELOPMENT

The application proposes to change the use of the former sea cadets building to a mixed use comprising of education (Use Class D1) and a music venue (Use Class D2).

THE SITE AND ITS LOCATION

The application site is the former Sea Cadets Club House and Boat House located adjacent to the River Leam opposite the St Patrick's Club. To the north of the site is a gym, to the east are a number of other clubs including the Naval Club, to the north east is the Adelaide Road public car park and beyond the car park are the properties located in Portland Place West. The site is situated within Flood Zone 3 and within the Royal Leamington Spa Conservation Area.

PLANNING HISTORY

There is no relevant planning history relating to the site.

RELEVANT POLICIES

- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- Vehicle Parking Standards (Supplementary Planning Document)
- National Planning Policy Framework
- SC8 - Protecting Community Facilities (Warwick District Local Plan 1996 - 2011)
- DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
- HS8 - Protecting Community Facilities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- FW1 - Development in Areas at Risk of Flooding (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

SUMMARY OF REPRESENTATIONS

Royal Leamington Spa Town Council: Objection. The change of use is not considered appropriate due to the building being unfit for purpose. The building requires substantive noise insulation and air conditioning works to counter the need to open windows and doors. The Council supports the work of Hybrid Arts but consider that the location of this venue is inappropriate.

Environmental Health: No objection, subject to condition relating to an acoustic scheme and noise levels.

Environment Agency: Holding objection.

Public Response: 33 Objections have been received with regards to noise from inside the venue and outside within the smoking area and noise issues with regards to people leaving the premises late at night. 98 letters of support have been received. The letters of support centre on the benefit of having the facility within the area and how invaluable the venue is for musicians / artists.

ASSESSMENT

Principle of change of use

Policy SC8 of the Warwick District Local Plan 1996 - 2011 and Policy HS8 of the Draft Local Plan 2011 - 2029 seeks to retain existing community uses. The previous use of the building was for the Sea Cadets. The use as an education facility and music venue is considered to be a Community Facility and therefore the change of use is considered to accord with Policy SC8 of the Warwick District Local Plan 1996-2011 as the community use of the building is retained.

Impact on neighbouring properties:

a) Noise

Policy DP9 of the Warwick District Local Plan 1996 - 2011 states that development will only be permitted which does not give rise to noise pollution where the levels could cause harm to sensitive receptors. A large number of objections have been received relating to the noise impacts of the use. Since May 2013, Environmental Health have regularly monitored the Leamington Live Art and Music Project (LAMP) and have worked with the venue to minimise disturbance to local residents by recommending an earlier finish time of 11pm for music performances. The applicant has also been asked to monitor noise levels to ensure they are at an acceptable level.

Environmental Health raised no objection to the application, subject to a condition requiring that noise arising from activities at the venue, when measured one metre from the facade of any noise sensitive premises, does not exceed the background level by more than 3dB(A) and 5dB(A) if sounds from the venue contain whines, screeches, hisses or hums, bangs, clicks, clatters or thumps.

As part of the planning application, the applicant provided a noise survey detailing whether the venue is likely to comply with the recommended condition. Environmental Health have confirmed that they are satisfied with the efficacy of the report as two officers from their team attended the premises on the evening of the assessment to ensure that it was representative of a typical live event at the premises. However, the survey has identified that the premises are unlikely to currently comply with the above criteria and has identified the need for further treatment to the venue. As such, Environmental Health have recommended that a condition requiring the submission of an acoustic scheme be imposed on any planning permission granted.

It is considered that change of use is acceptable, subject to reduced opening hours for live music until a suitable acoustic scheme has been implemented in accordance with Environmental Health's recommendations.

b) Anti-Social Behaviour

Policy DP2 of the Warwick District Local Plan 1996 - 2011 and Policy BE3 of the Draft Local Plan 2011-2029 state that development will not be permitted which has an unacceptable adverse impact on the amenity of nearby uses and residents. 'Amenity' is defined as the extent to which people are able to enjoy public places and their own dwellings without undue disturbance or intrusion from nearby uses. A number of the objections received have raised concerns about noise related anti-

social behaviour which have taken place around the application site and Councillor Bill Gifford has objected to the planning application on these grounds.

Environmental Health have only raised concerns about noise from within the building itself and not as a result of individuals leaving the premises or congregating outside and the Council's Community Safety Team have not raised objection on grounds of anti-social behaviour. It is therefore considered that the proposal is acceptable subject to the condition recommended by Environmental Health.

Flooding

The Environment Agency have issued a holding objection due to the data supplied with the Flood Risk Assessment being out of date. An updated Flood Risk Assessment is awaited and the Environment Agency's comments on this will be presented as part of the additional observations prior to the Committee Meeting.

External Alterations

The additional external doors are considered to be acceptable.

SUMMARY/CONCLUSION

It is considered that subject to conditions restricting hours of operation for live music and the incorporation of an appropriate acoustic scheme, the proposal is acceptable and would accord with the aforementioned policies.

CONDITIONS

- 1 The development hereby permitted relates strictly with the details shown on the site location plan and approved floor plan and elevational drawing and specification contained therein, submitted on 17 June 2014. **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.
- 2 Noise arising from activities at the venue, when measured one metre from the façade of any noise sensitive premises, shall not exceed the background noise level by more than 3dB(A) (measured as LAeq(5 minutes)) [if the noise in question involves sounds containing a distinguishable, discrete, continuous tone (whine, screech, hiss, hum etc.) or if there are discrete impulses (bangs, clicks, clatters, thumps etc.) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level.]. **REASON:** To ensure that the level of noise emanating from the building is confined to levels which would not cause unacceptable disturbance to the detriment of the amenities of the

occupiers of nearby properties in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011.

- 3 Within one calendar month from the date of this permission, an acoustic scheme for the treatment of the venue to mitigate the noise impact on the surrounding residential properties shall be submitted to the Local Planning Authority. The approved scheme shall be installed within two months from the date of approval and shall be retained as such at all times thereafter. **REASON:** To ensure that the level of noise emanating from the building is confined to levels which would not cause unacceptable disturbance to the detriment of the amenities of the occupiers of nearby properties in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011.
 - 4 All live performances shall end by 23:00 until a scheme required under Condition 2 has been agreed and implemented in full to the satisfaction of the Local Authority's Environmental Health department. Thereafter, all live performances shall end by 01:00. **REASON:** To ensure that the level of noise emanating from the building is confined to levels which would not cause unacceptable disturbance to the detriment of the amenities of the occupiers of nearby properties in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011.
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FRA Riverside, Adelaide Road, CV32 5AH
Appendix A: Site Location for change of use



