

**Planning Committee:** 26 July 2011

**Item Number:**

**Application No:** W 11 / 0256

**Town/Parish Council:** Leamington Spa  
**Case Officer:** Rob Young

**Registration Date:** 23/03/11

**Expiry Date:** 18/05/11

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**Regency Business Centre, 81 Warwick Street, Leamington Spa, CV32  
4RR**

Change of use of first, second and third floors from offices to an 8 bedroom  
house in multiple occupation FOR Mr Savage

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This application was deferred at Planning Committee on 5 July 2011, to enable a site visit to take place on 23 July 2011 and to enable Environmental Health to be consulted on the waste bins and air source heat pump. The report which follows is that which was presented previously. Comments from Environmental Health will be included in the addendum report to Committee.

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

This application is also being reported to Planning Committee because it is recommended that planning permission be granted subjected to the completion of a legal agreement.

The report which follows is the same as that given previously, but incorporates the Town Council's additional comments reported in the additional observations report on 5 July 2011.

**SUMMARY OF REPRESENTATIONS**

**Town Council:** Object. The proposed development fails to address the storage of waste and recycling facilities; suitable fire exits; the provision for cycle and car parking.

Following reconsultation on the amended plans, the Town Council made the following further comments:

The previous objection to lack of suitable fire exits and provision for cycle and car parking facilities appears not to have been addressed.

**Conservation Area Advisory Forum:** Part II item, no comment.

**Waste Management:** Initially raised concerns. However, following the receipt of amended plans showing a bin storage area and following discussions with the applicant, raise no objection.

**RELEVANT POLICIES**

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (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)
- DAP4 - Protection of Listed Buildings (Warwick District Local Plan 1996 - 2011)
- SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)
- UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- Vehicle Parking Standards (Supplementary Planning Document)
- Open Space (Supplementary Planning Document - June 2009)
- TCP9 - Protecting Employment Land and Buildings (Warwick District Local Plan 1996 - 2011)

## **PLANNING HISTORY**

There have been a large number of planning applications submitted relating to the application site. A significant number of these relate to signage and alterations to the ground floor retail premises. The following applications are relevant to the consideration of the current proposals.

In 1986 planning permission was granted for "Change of use of upper floors from a maisonette to offices and erection of covered entrance and walkway at ground and first floor level" (Ref. W86/0053).

In 1989 planning permission was granted for "Alterations to existing building to form separate access to upper floors; erection of a new shop front and separate access fronting Oxford Row; internal alterations" (Ref. W89/1385).

In 2005 planning permission was granted for "Change of use of first floor office suite (3 rooms) from office use (B1) to Beauty Therapy (D1)" (Ref. W05/0728).

The current planning application was submitted with an associated application for listed building consent for "Internal alterations including the removal of walls and doors and the insertion of new partitions and doors" (Ref. W11/0257LB). That application is the subject of another item on this agenda.

## **KEY ISSUES**

### **The Site and its Location**

The application relates to a 4 storey, Grade II Listed Building situated on the northern side of Warwick Street. The application property is situated within a terrace of similar properties and is Listed as a group with Nos. 83 and 85 Warwick Street. The application site is situated within a predominantly commercial part of Leamington Town Centre and within the Leamington Spa Conservation Area.

The ground floor of the property is in retail use. The upper floors are used as offices. The adjoining building at No. 79 Warwick Street is currently vacant but was previously in retail use on the ground and first floor with storage above. The adjoining building at No. 83 Warwick Street is in retail use on the ground floor with an employment agency on the first floor and residential on the second and third floors. The application property has a single storey flat roofed rear wing that extends through to Oxford Row to the rear of the site. The rear part of this is used as a hairdressers with a shopfront onto Oxford Row.

## **Details of the Development**

The application proposes a change of use of the first, second and third floors from offices to an 8 bedroom house in multiple occupation.

The following amendments have been made to the application:

- bin store added to rear flat roof;
- air source heat pump added to rear flat roof; and
- partition and door across internal staircase omitted.

## **Assessment**

The main issues relevant to the consideration of this application are as follows:

- the principle of permitting a conversion to a house in multiple occupation in this location;
- the impact on the living conditions of nearby dwellings;
- the impact on the character and appearance of the Listed Building and the Conservation Area; and
- car parking.

### The principle of permitting a conversion to a house in multiple occupation in this location

I am satisfied that a conversion to a house in multiple occupation would be acceptable in principle in this location. The site is not situated within a protected employment area and therefore the loss of the existing offices would be in accordance with Local Plan Policy TCP9. As the proposals are for the conversion of an existing building to residential use the proposals would also be in accordance with Local Plan Policy UAP1.

### Impact on the living conditions of nearby dwellings

I do not consider that the proposals would have a significant impact on the living conditions of nearby dwellings. The proposed residential use would be compatible with nearby dwellings. The proposed bin store and air source heat pump would have an acceptable relationship with adjacent properties.

### Impact on the character and appearance of the Listed Building and the Conservation Area

As amended, I am satisfied that the proposals would preserve the character and appearance of the Listed Building and the Conservation Area. The Council's Conservation Architect raised concerns about a partition and door that were initially proposed across the internal staircase. However, these have now been omitted from the proposals. The remaining internal alterations would not impact on any features of historic importance. With regard to the external alterations, the proposed bin store and air source heat pump would be located on the rear flat roof and would not be readily visible from public vantage points. Therefore I am satisfied that these additions would not harm the character and appearance of the Listed Building or the Conservation Area.

### Car parking

I note the concerns of the Town Council regarding car parking. The application site does not have any off-street parking spaces. Nevertheless, in assessing the impact of the proposals on car parking I am conscious of the fact that the proposals would re-use an existing building and that the existing use of the building would already have an impact on parking. The Council's Parking Standards would require 3.7 spaces for the existing lawful use as offices, and therefore the existing provision is already substandard. The Parking Standards would require 4 spaces for the proposed 8 bed house in multiple occupation and this would be comparable to the requirement for the existing offices. I am also conscious that most of the properties in the surrounding area do not have any parking. Therefore, taking into account the sustainable location of the site within the commercial core of the town centre and within easy reach of a wide range of shops, services and public transport, and considering the fact that there are parking controls on surrounding streets, I do not consider that a refusal could be justified on grounds of parking.

I note that the Town Council have raised concerns about the absence of cycle parking. The application property does not have any space at ground floor level to accommodate a cycle store and therefore it is not possible to provide practical cycle parking in this case.

### Other matters

The application proposes the installation of an air source heat pump to meet 10% of the predicted energy requirements of the development, in accordance with Local Plan Policy DP13.

I note the concerns of the Town Council regarding refuse and recycling storage. However, the application has subsequently been amended to include a bin store on the rear flat roof. The application property does not have any space at ground floor level to accommodate a bin store and therefore the Council's Waste Management team have accepted the proposed arrangement.

I note the concerns of the Town Council regarding suitable fire exits. However, the premises would have two exits and I have checked with the Council's Building Control team and they have advised that, in principle, the proposals would be acceptable in this respect from a Building Regulations point of view. In any case, this is a matter to be dealt with under the Building Regulations rather than Planning.

The applicant has agreed to provide a contribution of £5,024 towards the provision or enhancement of public open space, in accordance with Local Plan Policy SC13.

### **RECOMMENDATION**

GRANT, subject to the conditions listed below and subject to the completion of a Section 106 agreement or Unilateral Undertaking to secure a contribution towards the provision or enhancement of public open space.

### **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 strictly in accordance with the details shown on the approved drawing(s) 1/02/11E, and specification contained therein, submitted on 9 June 2011, 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 Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.
- 3 The development hereby permitted shall not be first occupied unless and until the renewable energy scheme submitted as part of the application has been wholly implemented in strict accordance with the approved details and Condition 4 below. The works within this scheme shall be retained at all times thereafter and shall be maintained strictly in accordance with manufacturers specifications. **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.
- 4 Notwithstanding the details in the renewable energy scheme submitted as part of this application, this permission does not authorise the installation of any solar panels. The approved renewable energy scheme is for the installation of an air source heat pump in accordance with the email from SH Architectural Services dated 9 June 2011. **REASON** : For the avoidance of doubt, and 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.
- 5 The residential accommodation hereby permitted shall not be occupied unless and until the bin store shown on the approved plan has been constructed in strict accordance with the approved details. **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.

## **INFORMATIVES**

For the purposes of Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, the following reason(s) for the Council's decision are summarised below:

In the opinion of the District 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. Furthermore, the proposal would not adversely affect the amenity of nearby residents and would be acceptable in terms of car parking and highway safety. The proposal is therefore considered to comply with the policies listed.

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