

Planning Committee: 16 March 2011

Item Number:

Application No: W 10 / 1644

Town/Parish Council: Leamington Spa

Case Officer: Rob Young

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Registration Date: 12/01/11

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Rear of 46-48 Bedford Street, Leamington Spa

Conversion of former health club building into 3 no. loft-style apartments; demolition of parts of building to create a new communal courtyard and private courtyards; and external alterations including the insertion of new doors, windows and rooflights FOR Mr S Smith

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

SUMMARY OF REPRESENTATIONS

Town Council: No objection.

Public response: The adjoining tennis club have raised concerns about potential noise transmission between their squash and tennis courts and the bedroom of apartment 3.

Conservation Area Advisory Forum: As the front of the building has now been granted permission for residential use, it was felt that the rear would be better as a residential use. The general conversion to three large apartments was felt to be an acceptable way of converting this rather difficult building. One suggestion was that the site could be redeveloped similar to Swan Court in Swan Street, however generally it was felt that these larger apartments would appeal to a certain part of the housing market and therefore would be acceptable.

WCC (Ecology): Although the photos indicate that at part of the existing roof of 46-48 Bedford Street, rooflights exist and no roof void is present, it is still possible that crevice-dwelling bats species may be present within suitable gaps e.g. raised tiles.

The buildings are located within close distance to suitable bat foraging habitat such as the River Leam and adjacent amenity grassland with mature trees. There are also four bat records within the immediate area to 46-48 Bedford Street, in particular a roost record within only c.73 metres.

As part of the existing roof is planned to be demolished and as crevice-dwelling bat species may be present, I strongly recommend that a condition is attached to any approval granted in order for a qualified bat ecologist to supervise the roof demolition works, in accordance with PPS9.

Birds may be nesting in the existing roofspace. I therefore recommend that a note relating to nesting birds, as protected species, is attached to any approval granted.

Private Sector Housing: As a general rule we work on the principle that the window area which provides natural light has to be a minimum of 10% of the floor area of the room (and be unobstructed). Bed 2 of Apartment 2 is a concern. No rooflights and the only window is onto the courtyard which presumably is open to the top but I can't tell how big it is and if it provides sufficient natural light. Bed 3/office of Apartment 2 appears to have no rooflights or windows.

Environmental Health: The rear of 46-48 is shown as a printing works on our 1919 -1943 maps and there is no record of the site being investigated or remediated prior to its change of use to a health club in 1994. The former use of the land area as a printing works could give rise to potential contaminants such as heavy metals, inorganic acids, and VOC's. The proposed use of the site for residential purposes is considered a sensitive receptor and the provision of a courtyard area in particular presents a potential pathway for the contaminants of concern.

I would recommend that any planning approval be conditioned to require a contamination survey/treatment.

The age of the printing works building is such that asbestos materials could have been used in its construction. I would recommend that an asbestos survey and risk assessment should be conducted prior to carrying out any works altering the existing building structure. The enforcing authority for this type of work is the Health and Safety Executive and it is recommended that the applicant contact them directly to discuss their requirements.

Cultural Services: Please could you apply the Open Space SPD to this planning application for an off site capital contribution.

RELEVANT POLICIES

- DAP4 - Protection of Listed Buildings (Warwick District Local Plan 1996 - 2011)
- DAP5 - Changes of Use of Listed Buildings (Warwick District Local Plan 1996 - 2011)
- DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
- 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)
- UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
- SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)
- DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
- DAP9 - Unlisted Buildings in Conservation Areas (Warwick District Local Plan 1996 - 2011)
- Open Space (Supplementary Planning Document - June 2009)
- Vehicle Parking Standards (Supplementary Planning Document)
- Sustainable Buildings (Supplementary Planning Document - December 2008)

PLANNING HISTORY

There have been a large number of previous planning applications relating to the application site and associated buildings on the Bedford Street frontage. The following applications were submitted relating to the previous use of the premises as a health club.

In 1994 planning permission and listed building consent were granted for "Conversion of former printing works to a fitness centre including new flat roof and rooflights over internal courtyard area and formation of new mezzanine floor around pool area after demolition of existing rear outbuildings (retention of existing offices)" (Refs. W94/0700 & W94/0825LB). Amendments to these proposals were granted planning permission and listed building consent in 1995 (Refs. W95/0126 & W95/0127LB).

In 1995 planning permission was granted for "Erection of a conservatory/lounge at first floor, repositioning of rooflight and new spiral staircase with glazed link roof over; conversion of 2 offices to form a new bar area" (Ref. W95/0869).

In 1996 planning permission was granted for "Retention of change of use from offices to form creche and toilet facilities (retrospective application)" (Ref. W96/1369).

In 1999 planning permission and listed building consent were granted for "Demolition and rebuilding of chimney stack on south elevation and front parapet (no. 46); alterations and refurbishment including re-roofing, insertion of rooflights and construction of first floor conservatory" (Refs. W98/1491 & W98/1492LB).

The following applications were submitted following the closure of the health club.

In 2008 applications for planning permission and listed building consent were submitted for "Removal of part of roof (retrospective application)" (Refs. W08/0970 & W08/0971LB). These were subsequently withdrawn and the roof was reinstated.

In June 2009 Planning Committee refused planning permission for "Change of use of part of building to an A4 drinking establishment (retrospective application)" (Ref. W09/0324). Planning Committee also resolved to take Enforcement Action to require the use of the premises as a drinking establishment to cease. Subsequently 2 Enforcement Notices were issued. One alleged that the premises were being used as a nightclub, while the other alleged that the premises were being used as a drinking establishment. The Enforcement Notice referring to a drinking establishment was withdrawn by the Council as being defective on a legal technicality; a new notice is being issued. An appeal against the Enforcement Notice referring to a nightclub was upheld by a Planning Inspector on the grounds that, on a matter of fact, the use that had been taking place could not be considered to be a "nightclub" (NB. This decision has no bearing on whether or not the premises were being used unlawfully as a drinking establishment because the second Enforcement Notice was not considered at the appeal).

Notwithstanding the above appeal, the use as a drinking establishment has ceased at this time.

In October 2010 Planning Committee resolved to grant planning permission subject to a Section 106 agreement for "Conversion of frontage buildings (nos. 46 & 48) to 2 x 6 bed student accommodation together with alterations to existing shopfront" (Ref. W10/0975). This is awaiting the completion of the Section 106 agreement before the permission can be issued.

In March 2011 listed building consent was granted under delegated powers for the reinstatement of the northern wall of the Listed racquets court building and the boarding over of the racquets court and swimming pool (Ref. W10/1645LB).

KEY ISSUES

The Site and its Location

The application relates to part of the former Regency Health Club premises, which are situated on the western side of Bedford Street. The application relates to the buildings to the rear of the site, behind the three storey buildings that front onto Bedford Street. The buildings to the rear are predominantly single storey, but include two and three storey elements. There is a ground floor passageway through the centre of the frontage buildings that provides pedestrian access to the current application site. Part of the building is a Grade II Listed Building because it originally formed part of the adjacent Listed racquets club. The site is situated within the Leamington Spa Conservation Area.

The last authorised use of the application property was as a health club, although the property is now vacant. Part of the buildings were used as a drinking establishment (without planning permission) until recently. The site is situated within a predominantly commercial part of Leamington Town Centre, although there are flats above a number of the nearby commercial premises.

Details of the Development

The application proposes the following development:

- conversion of the former health club building into 3 no. loft-style apartments;
- demolition of parts of the building to create a new communal courtyard and private courtyards;
- external alterations including the insertion of new doors, windows and rooflights; and
- construction of cycle store and bin store in shared courtyard.

The following amendments have been made to the application:

- cycle store and bin store provided in shared courtyard;
- proposed private courtyard between apartments 2 and 3 enlarged;
- position of air source heat pumps shown;
- exposed roof trusses omitted;
- confirmation that the existing swimming pool and racquets court within the Listed Building will be retained and boarded over; and
- additional rooflights added to meet the requirements of Private Sector Housing.

Assessment

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

- the principle of permitting a conversion to residential use;

- the impact on the character and appearance of the Listed Building and the Conservation Area;
- the living conditions of the proposed flats; and
- car parking.

Principle of permitting a conversion to residential use

The site is situated within a part of Leamington Town Centre that is not allocated for any particular use. Therefore I am satisfied that a conversion to residential use would be in accordance with Local Plan Policy UAP1 and would be acceptable in principle.

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 Listed racquets court is already covered over by the existing swimming pool and it is proposed to board over the swimming pool to provide the floor for the living area of apartment 2. The Council's Conservation Architect is happy with this approach and a condition is recommended to require further details of how this will be carried out. The proposed reinstatement of the northern wall of the Listed Building would enhance the character and appearance of the Listed Building. The proposals to retain exposed roof trusses over the new courtyard have now been omitted due to concerns about this giving the building the appearance of being 'half built'.

Living conditions of the proposed flats

As amended, I am satisfied that occupants of the proposed apartments would be provided with a satisfactory living environment. Additional rooflights have been added and clarification has been provided to show that the small courtyard would provide adequate light into the bedroom of apartment 2. These amendments have addressed the concerns of the Council's Private Sector Housing team with regard to the provision of natural light into the apartments.

The apartments would rely on rooflights for natural light to a certain extent, although each apartment would also include windows to the main living areas that would provide a reasonable outlook onto the proposed courtyards. The courtyard between apartments 2 and 3 has been enlarged to provide improved outlook and privacy for those units. Therefore, taking into account the town centre location and the nature and layout of the development as "loft-style" apartments, I am satisfied that this would be an appropriate form of residential development.

I note the concerns of the adjacent tennis club about potential noise transmission through the party wall from their squash and tennis courts. In accordance with their comments, I have recommended a condition to require noise insulation to be provided to this wall. Subject to this condition, I am satisfied that the proposals would be compatible with surrounding uses.

I am satisfied that the proposals would have an acceptable relationship with the student accommodation that is proposed for the buildings on the Bedford Street frontage. A high wall would be retained along the boundary between the two sites and this will ensure that adequate privacy is maintained.

Car parking

The Council's Parking Standards would require a total of 5 car parking spaces for the proposed flats. However, the site is covered by buildings and therefore it is not possible to provide any off-street parking, although cycle parking is proposed. I am also conscious of the fact that the proposals are for the re-use of an existing building and that the lawful use of the site as a health club would have had a significant impact in terms of parking (including evening parking), as would the majority of potential alternative uses for the site. 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 parking is prohibited or restricted on Bedford Street and surrounding streets, I do not consider that a refusal could be justified on grounds of parking. I note that many commercial premises nearby do not have any off-street parking.

Other matters

A condition is recommended to require a contamination report to be submitted, in accordance with the comments of Environmental Health.

The County Ecologist has advised that they have records of bats in close proximity to the application site and has recommended that a condition is imposed to require the demolition works to the roof to be supervised by a qualified bat ecologist. I have recommended a condition accordingly.

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

I am satisfied that the proposals make satisfactory provision for the storage of refuse. A communal bin store is proposed within the shared courtyard.

The applicant has agreed to enter into a Section 106 agreement to secure a contribution of £4,396 towards the provision or enhancement of public open space, in accordance with Local Plan Policy SC13.

RECOMMENDATION

GRANT, subject to the completion of a Section 106 agreement to secure a contribution for the provision / enhancement of public open space and subject to the conditions listed below.

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) 1924.1001 REV P3, 1924.1002 REV P3, 1924.1003 REV P3, 1924.1004 REV P3, 1924.1005 REV P3, 1924.1006 REV P3 & 1924.1007 REV P2, and specification contained therein, submitted on 2 March 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 No development shall be carried out on the site which is the subject of this permission, until details of the covering over of the swimming pool / racquets court in proposed apartment 3 have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. **REASON** : For the avoidance of doubt, and 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.
- 4 No development shall be carried out on the site which is the subject of this permission, until large scale details of doors, windows (including a section showing the window reveal, heads and cill details), eaves, verges and rainwater goods at a scale of 1:5 (including details of materials) have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. **REASON** : For the avoidance of doubt, and to ensure an appropriate standard of design and appearance within the Conservation Area and for this Listed Building, and to satisfy Policies DAP4 & DAP8 of the Warwick District Local Plan 1996-2011.
- 5 Development shall not be commenced until there has been submitted to the District Planning Authority a survey report on the extent to which any part or the whole of the application site is contaminated by toxic or other noxious materials and on the remedial measures required to deal with the hazards. No development shall be commenced until all toxic or obnoxious materials have been removed or otherwise treated in accordance with details which have been approved in writing by the District Planning Authority. **REASON** : To protect the health and safety of future occupiers, and to satisfy the requirements of Policy DP9 of the Warwick District Local Plan 1996-2011.
- 6 No development shall be carried out on the site which is the subject of this permission, until satisfactory details of a noise insulation scheme to minimise transmission of airborne noise between Apartment 3 and the adjacent tennis club have been submitted to and approved 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 The development hereby permitted shall be undertaken in the presence of a qualified bat worker appointed by the applicant to supervise all destructive works to the roof of the buildings to be demolished and affected. All roofing material is to be removed carefully by hand. Should evidence of bats be found during this operation, then work must cease

immediately while Natural England and WCC Ecological Services are consulted for further advice. Any subsequent recommendations or remedial works will be implemented within the timescales agreed between the bat worker and the Local Authority Ecologist/Natural England. Notwithstanding any requirement for remedial work or otherwise, the qualified bat worker's report shall be submitted to the local planning authority within 1 month following completion of the supervised works to summarise the findings. **REASON :** To ensure the protection of bats and compliance with Policy DP3 of the Warwick District Local Plan 1996-2011.

- 8 None of the apartments hereby permitted shall be occupied unless and until the bin store has been constructed in strict accordance with the approved plans. This bin store shall thereafter be kept available at all times for the storage of refuse. **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.
- 9 The cycle provision shown on the approved plans shall be completed before any of the apartments hereby permitted are occupied and thereafter shall be kept free of obstruction and be available at all times for the parking of cycles associated with the development, unless otherwise agreed in writing by the Local Planning Authority. **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.
- 10 No development hereby permitted until details of the proposed treatment of all areas exposed by the demolition hereby permitted have been submitted to and have been approved in writing by the District Planning Authority. Thereafter none of the apartments hereby permitted shall be occupied unless and until the demolition work to create the courtyards shown on drawing no. 1924.1001 REV P3 has been completed. and the approved scheme for the treatment of all areas exposed by the works of demolition has been wholly implemented as so approved. **REASON :** To provide a satisfactory living environment for future occupiers of the development, Policy DP2 of the Warwick District Local Plan 1996-2011.
- 11 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. 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.
- 12 All external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **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.

- 13 All window and door frames shall be constructed in timber and shall be painted and not stained. **REASON** : To ensure an appropriate standard of design and appearance for this Listed Building and within the Conservation Area, and to satisfy Policies DAP4 & DAP8 of the Warwick District Local Plan 1996-2011.

INFORMATIVES

For the purposes of Article 22 of the Town and Country Planning (General Development Procedure) (England) (Amendment) Order 2003, 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 proposals would be acceptable in terms of car parking and would provide a satisfactory living environment for the proposed apartments. The proposal is therefore considered to comply with the policies listed.
