

Planning Committee: 16 March 2011

Item Number:

Application No: W 10 / 1404

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

Registration Date: 10/12/10

Expiry Date: 04/02/11

01926 456535 planning_east@warwickdc.gov.uk

48 Warwick Street, Leamington Spa, CV32 5JS

Change of use of first floor from health spa (Use Class D1) into a self-contained dwelling; conversion of existing ancillary dwelling on second floor into a self-contained dwelling; alteration to shopfront; and alterations to rear elevation.
FOR Mr Bagga

This application is being presented to Committee due to an objection from the Town Council having been received and because it is recommended that planning permission be granted subjected to the completion of a legal agreement.

SUMMARY OF REPRESENTATIONS

This is an amended application; the following comments were made in relation to the original plans. The Town Council have been reconsulted following the receipt of amended plans and any further comments received will be included in the addendum report to Committee.

Town Council: Object. The proposed development has an unacceptable impact on the amenity of any future resident of the bedsit due to inadequate provision of natural light. Entrance to the dwellings appears to be through the bin area of the dwellings and the proposed takeaway.

Conservation Area Advisory Forum: It was felt that it was not good to have another takeaway in this part of the town and it would be preferable to try and retain this in retail use. The flats were felt to be acceptable, although the access using an open metal staircase at the rear with seven flights of steel steps was not a good way to access living accommodation. Concerns were also expressed at the flue that would be needed for the takeaway, which, although indicated on the drawing, was very close to bedroom windows on the new accommodation and also needed to be disguised in some way.

The following comments were made in relation to the amended plans.

Environmental Health: As you are aware, the proposed flats are located smack bang in the middle of the busiest night activity part of town what with KoKo's, The Duke, The Copperpot, The Saint Bar, and Mumbai Bluu directly adjacent to the site.

Forgetting the potential noise nuisance from the street (people movements in the street / loud vehicles / taxi pick up's etc) the noise breakout from the aforementioned clubs is of concern. The current lack of resident complainants within this part of town has resulted in little formal action being taken against the owners / Designated Premises Supervisor of these commercial premises thus far.

However, stating this, there are numerous residential premises above the Saint Bar and the former Slug and Lettuce which, following some interventions from our night noise dept, resulted in the reduction of noise levels from commercial premises to the satisfaction of the local residents.

So, albeit the proposed flats are located directly within the saturation area and one of the busiest parts of Leamington Spa, I cannot see these reasons not to allow the project to be granted permissions.

I therefore state that the Environmental Protection Team has no objections to the amended plans.

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)
- DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- DP14 - Crime Prevention (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)
- Vehicle Parking Standards (Supplementary Planning Document)
- Open Space (Supplementary Planning Document - June 2009)
- Sustainable Buildings (Supplementary Planning Document - December 2008)

PLANNING HISTORY

There have been a number of previous planning applications and applications for advertisement consent relating to replacement shopfronts and signage. None of these are relevant to the consideration of the current proposals.

The current application was submitted with an associated planning application for the conversion of the ground floor to a coffee shop (Ref. W10/1405). That application is the subject of another item on this agenda.

KEY ISSUES

The Site and its Location

The application relates to a 3 storey (plus basement) end-terraced property situated on the southern side of Warwick Street. The site is situated within a predominantly commercial part of Leamington Town Centre and within the Leamington Spa Conservation Area. The building is currently vacant. The last use of the premises was as health spa on the basement, ground and first floors, with an associated flat on the second floor.

The upper floors of the building are currently accessed from Warwick Street, through the ground floor. The application property has a small rear yard with access via an alleyway onto Bedford Street. This alleyway runs between the

restaurant at No. 50 Warwick Street and the dry cleaners at No. 2 Bedford Street.

The adjacent property at No. 46 Warwick Street is in retail use. This is separated from the application property by an alleyway. The adjoining property at No. 50a Warwick Street is in retail use on the ground floor with flats on the first and second floors. To the rear of the site is the Mumbai Bluu Public House.

Details of the Development

The application proposes the following development:

- change of use of first floor from health spa (Use Class D1) into a self-contained dwelling;
- conversion of existing ancillary dwelling on second floor into a self-contained dwelling;
- alteration to shopfront to provide separate entrance to upper floors;
- removal of existing timber porch and rear extension; and
- installation of new windows and doors in rear elevation.

The following amendments have been made to the application:

- basement flat omitted;
- rear staircase omitted and access to flats changed to be direct from Warwick Street; and
- existing timber porch and rear extension removed.

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 Conservation Area;
- the living conditions of the proposed flats;
- car parking; and
- renewable energy/bin storage/public open space contribution.

Principle of permitting a conversion to residential use

I am satisfied that a conversion to residential use would be acceptable in principle in this location, in accordance with Local Plan Policy UAP1. The proposals would not result in the loss of any retail floorspace.

Impact on the character and appearance of the Conservation Area

As amended, I am satisfied that the proposals would preserve the character and appearance of the Conservation Area. The proposed rear external staircase that was of concern has been omitted from the proposals. The external alterations that are now proposed would be in keeping with the application property and surrounding development. The amendments have addressed the concerns of the Council's Conservation Architect and the Conservation Area Advisory Forum.

Living conditions of the proposed flats

As amended, I am satisfied that occupants of the proposed flats would be provided with a satisfactory living environment. The basement flat that was a cause for concern has now been omitted from the proposals. Furthermore, the proposed rear access staircase has been omitted and the remaining flats are now proposed to be accessed direct from Warwick Street. These amendments have addressed the concerns of the Town Council.

The proposed flue that is referred to in the comments from the Conservation Area Advisory Forum has now been omitted from the associated application for a coffee shop on the ground floor.

I note the comments from Environmental Health regarding the night time activity surrounding the application site, although I also note that they have concluded that an objection is not justified on these grounds. I would agree with them that this issue is not of such concern to justify a refusal of planning permission. In reaching this conclusion I have taken into account the fact that the application property does not directly adjoin any licensed premises. I have also taken into account the fact that there are established residential properties adjoining the application site and Environmental Health do not appear to have received noise complaints from these dwellings (although there have been Environmental Health interventions to protect the nearby dwellings above the 'Slug and Lettuce'). Any prospective occupants of the proposed flats would be aware of the nature of the locality and Environmental Health have powers to intervene if problems were to arise in the future.

Car parking

The second floor flat already exists and consequently the proposed alterations to this part of the building would not have a significant impact on parking. With regard to the first floor, this is proposed to be converted from a health spa into a 2 bedroom dwelling. The Council's Parking Standards do not include a specific standard for a health spa, but the closest example would be the standard for consulting rooms (doctors, dentists, vets). The Standards would require up to 8 spaces on this basis, if all of the available rooms were used as separate consulting rooms (2 spaces per consulting room). The Standards would require only 1.5 spaces for the proposed flat. Therefore I do not consider that the proposals would worsen the parking situation which could result from the existing lawful use of these premises. In any case, the site is situated within a sustainable location within the commercial core of the town centre and within easy reach of a wide range of shops, services and public transport. Furthermore, parking is generally prohibited or restricted on Warwick Street and surrounding streets, and therefore for these reasons I do not consider that a refusal could be justified on grounds of parking.

Other matters

The application proposes the installation of solar panels to meet 10% of the predicted energy requirements of the development, in accordance with Local Plan Policy DP13.

The proposed flats would be accessed direct from Warwick Street and therefore they would not have access to an external bin storage area. However, the Council's Waste Management team have accepted this arrangement for similar conversions nearby. Therefore I am satisfied that the proposals would be acceptable in this respect.

The applicant has agreed to enter into a Section 106 agreement to secure a contribution of £1,256 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 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) 733-A1-003-B, and specification contained therein, submitted on 23 February 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 large scale details of doors and windows (including a section showing the window reveal, heads and cill details) 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 to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011.
- 4 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 within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011.
- 5 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.

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 development would not cause unacceptable harm to the architectural and historic character of the Conservation Area within which the site is located. The proposal is therefore considered to comply with the policies listed.
