

Planning Committee: 02 February 2016

Item Number: 14

Application No: [W 15 / 2111](#)

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

Registration Date: 10/12/15
Expiry Date: 04/02/16

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Change of use of the first, second and third floors to a single dwelling house
(Use Class C3) (Resubmission of W/15/1259) FOR Leigh Christou

This application has been requested to be presented to Committee by Councillor Evetts.

RECOMMENDATION

Planning Committee are recommended to refuse planning permission.

DETAILS OF THE DEVELOPMENT

The application seeks to change the use of the upper floors (first, second and third floors) to a single dwelling (Use Class C3). The ground floor and basement will remain as an A2 Use Class.

THE SITE AND ITS LOCATION

The application relates to a 4 storey Grade II Listed Building which is situated within a terrace of similar properties. The property is situated within the Royal Leamington Spa Town Centre and within the Royal Leamington Spa Conservation Area. The site also falls within the Royal Leamington Spa Town Centre Employment Area. The ground floor of the property is currently vacant. The frontage at ground floor includes a modern shop front which projects a short way in front of the main facade of the building, together with a portico. The property benefits from 3 off street parking to the rear of the property.

PLANNING HISTORY

W/15/0753/LB - External alterations: Formation of front light well; formation of steps; installation of railings; installation of a new window to the front elevation at ground floor level and the installation of a window & door to the basement level. Internal alterations: basement level - remove two internal walls to the front room; installation of a partition to the rear wing room. Ground floor level - realignment of the doorway into the principle front room; installation of double doors between the front and rear rooms - granted 10th July 2015.

W/15/0752 - External alterations: Formation of front light well; formation of steps; installation of railings; installation of a new window to the front elevation at ground floor level and the installation of a window & door to the basement

level. Internal alterations: basement level - remove two internal walls to the front room; installation of a partition to the rear wing room. Ground floor level - realignment of the doorway into the principle front room; installation of double doors between the front and rear rooms - granted 10th July 2015.

W/15/1259 - Change of use of the first, second and third floors to a single dwellinghouse (Use Class C3) - withdrawn.

W/15/1260/LB - Removal of redundant internal chimney breast at basement level; insertion of a new internal staircase at ground floor to basement and internal alterations - refused 1st October 2015.

W/15/2003/LB - Painting of the external front facade in smooth Silk Grey (BS 10 A 03) - granted 18th January 2016.

RELEVANT POLICIES

- National Planning Policy Framework

The Current Local Plan

- TCP9 - Protecting Employment Land and Buildings (Warwick District Local Plan 1996 - 2011)
- UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DAP4 - Protection of Listed Buildings (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- DP11 - Drainage (Warwick District Local Plan 1996 - 2011)

The Emerging Local Plan

- H1 - Directing New Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
- TC12 - Protecting Town Centre Employment Land and Buildings (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- CC2 - Planning for Renewable Energy and Low Carbon Generation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HS4 - Improvements to Open Space, Sport and Recreation Facilities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HE1 - Protection of Statutory Heritage Assets (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

Guidance Documents

- Open Space (Supplementary Planning Document - June 2009)
- Vehicle Parking Standards (Supplementary Planning Document)
- Sustainable Buildings (Supplementary Planning Document - December 2008)

SUMMARY OF REPRESENTATIONS

Royal Leamington Spa Town Council: No objection

WCC Highways: No objection

Councillor Evetts - Supports the proposal and has requested it to be referred to Planning Committee if recommended for refusal.

Environment Agency - No objection (commented on previous application)

ASSESSMENT

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

- The principle of the change of use;
- Impact on the Listed Building & Conservation Area;
- Impact on the occupiers of neighbouring properties & future occupiers of the property;
- Sustainability
- Parking
- Open Space

The principle of the change of use

Policy UAP1 of the Local Plan states that residential development will be permitted on previously developed land and buildings within the confines of the urban areas, subject to compliance other policies. The proposal complies with Policy UAP1.

The application property forms part of a terrace of buildings which are all allocated within the Royal Leamington Spa Town Centre Employment Area. Policy TCP9 of the Warwick District Local Plan 1996-2011 states that the redevelopment or change of use of existing employment land and buildings for other uses will be permitted except within the Town Centre Employment Areas. The objective of this policy is to protect designated existing employment areas within the town centres, but otherwise to allow greater flexibility for other existing employment buildings to change to other uses.

Paragraph 22 of the NPPF states that policies should avoid long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses should be treated on their merits having regard to market signals.

The supporting statement submitted with the application states that the property has been vacant since 2013, when the former estate agents vacated the building. It also states that the marketing evidence submitted demonstrates that there is no reasonable prospect of its use for offices, due to the nature of the upper floors, the arrangement of the space and this type of office space is not in high demand.

However, this is at odds with information received from the Council's Economic Development Team which indicates that there is strong demand for offices in the 200-500 sqft bracket. Information from the Investment Team Assisted Searches shows that there have been a number of enquires in this bracket over the last two quarters. Information from this team also shows that similar offices have been successfully let in the same time period, e.g. 26 Hamilton Terrace has 5 out of 7 offices let and the Althorpe Street Enterprise Hub is fully let. Furthermore, the marketing information submitted in support of the application confirms that there was a fund raising company interested in letting the property but terms could not be agreed. The fund raising company ultimately chose a location around the corner from the application site, which has a similar internal arrangement, but a more competitive deal was made.

The District has lost a lot of office stock due to the changes in Permitted Development, where, if a building is not Listed and subject to specific limited planning considerations the offices can change to residential without requiring planning permission. The Economic Development Team have also confirmed that agents locally report a paucity of stock to fulfil requests. Although this is aimed at larger flat floorplate town centre properties, the loss of stock will further reduce the attractiveness of Leamington Town Centre from an occupier perspective. There is also limited stock of properties of this size within the town centre. It is considered that to grant permission for this proposal would set a precedent whereby the Local Planning Authority will find it increasingly difficult to resist similar proposals, particularly within the remainder of this terrace.

It is considered that Policy TCP9 is broadly in accordance with the provisions of the NPPF. Furthermore, the marketing information submitted is insufficient and lacking in any great detail. It is considered that it may well be that the marketing for the property was insufficiently targeted to attract individual lettings of the spaces at 1st, 2nd and 3 floors – as opposed to a letting to one user. No information has been submitted which shows who the targeted audience was; if options were available i.e. renting a floor as opposed the whole building. It may well also be that there has not been enough flexibility/competitiveness on the asking price given the decision by the fund raising company to choose an alternative property around the corner. Overall, given the above, it is considered that it has not been suitably demonstrated that there is no reasonable prospect of the property being used for an employment use and the proposal is contrary to the NPPF and Policy TCP9 of the Warwick District Local Plan 1996 - 2011.

Impact on the Listed Building & Conservation Area

Section 72 of the Planning (Listed Buildings and Conservation Areas) 1990 imposes a duty when exercising planning functions to pay special attention to the desirability of preserving or enhancing the character of a Conservation

Area. Section 66 of the same Act imposes a duty to have special regard to the desirability of preserving a listed building or its setting when considering whether to grant a planning permission which affects a listed building or its setting.

Paragraph 132 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 134 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage assets, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Policy DAP4 states that consent will not be granted to alter or extend Listed Buildings where those works will adversely affect its special architectural or historic interest, integrity or setting. Policy DAP8 of the Warwick District Local Plan 1996-2011 requires development to preserve or enhance the special architectural and historic interest of the District's Conservation Areas. Policy DP1 states that development will only be permitted which positively contributes to the character and quality of its environment through good layout and design.

The change of use to residential will return this part of the property back to its original use. The proposed change of use in itself is therefore considered to result in no material harm to the Listed Building. The internal changes shown on the drawing submitted 1611-SK-003J are not covered by this application, however, a separate application for Listed Building Consent will be required.

Impact on the occupiers of neighbouring properties & future occupiers of the property.

Policy DP2 states that development will not be permitted which has an unacceptable adverse impact on the amenity of nearby residents and does not provide acceptable standards of amenity for future occupiers.

The change of use to residential will not harm the occupiers of the adjacent properties and will provide acceptable standards of amenity for future occupiers.

Sustainability

It is not considered that the conversion would result in a material increase in the energy requirement of the building and as such it is not considered that the application triggers the need to require the provision of renewables/ fabric first approach to reduce CO2 emissions. The proposal is acceptable and in accordance with Policy DP13 in the Local Plan and with the adopted Supplementary Planning Document on Sustainable Buildings.

Parking

The property benefits from three off street parking spaces to the rear of the property. The proposal therefore complies with Policy DP8 and the Vehicle Parking Standards SPD.

Open Space

No public open space is provided as part of the proposal. However, a scheme to secure this can be controlled by condition and to ensure the proposal accords with Policy SC13 and the associated SPD,

SUMMARY/CONCLUSION

It is considered that Policy TCP9 is broadly in accordance with the provisions of the NPPF. The marketing information submitted is insufficient and lacking in any great detail. Contradictory information on market demand has also been provided by the Council's Economic Development Team. It is considered that it has not been suitably demonstrated that there is no reasonable prospect of the property being used as offices. The proposal is contrary to the NPPF and Policy TCP9 of the Warwick District Local Plan 1996 - 2011.

REFUSAL REASONS

- 1 Policy TCP9 of the Warwick District Local Plan 1996-2011 states that the redevelopment or change of use of existing employment land and buildings for other uses will be permitted except within the Town Centre Employment Areas. The objective of this policy is to protect designated existing employment areas within the town centres, but otherwise to allow greater flexibility for other existing employment buildings to change to other uses.

Paragraph 22 of the NPPF states that policies should avoid long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses should be treated on their merits having regard to market signals.

In the opinion of the Local Planning Authority, it is considered that Policy TCP9 is broadly in accordance with the provisions of the NPPF and it is considered that it has not been suitably demonstrated that there is no reasonable prospect of the property being used as offices. The proposal is therefore contrary to the NPPF and Policy TCP9 of the Warwick District Local Plan 1996 - 2011.

