

Application No: W 11 / 0512

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

Registration Date: 13/04/11
Expiry Date: 08/06/11

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19 Bath Street, Leamington Spa, CV31 3AF

Change of use of first and second floors to 2 no. apartments in multiple occupation (Use Class C4); change of use of part of ground floor to offices; removal of existing external staircase and erection of 3 storey extension to enclose new staircase; external alterations including the insertion of new and replacement windows and door; alterations to existing shop fronts; changes to car parking layout; and provision of bin and cycle storage. FOR Mr J. S. Mangat

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

SUMMARY OF REPRESENTATIONS

Town Council: Object. Inadequate car parking provision for both residents and the existing shop together with the loss of the current loading bay servicing the shop will adversely impact on traffic movements both in the location and the surrounding streets.

Conservation Area Advisory Forum: There was felt to be insufficient information about the present use of the upper floors. It was recommended that this should be investigated, the use of an external staircase was considered unacceptable. The rear elevation needs improving in such a sensitive location.

WDC Engineering: Initially objected, but following the receipt of amended plans, make the following comments:

Further to all our previous correspondence on the above application, we raised concerns about the proposed change of use from shop to residential of the ground floor. The building has been previously affected by flooding from the River Leam, especially in 1998 and 2007.

The FRA indicates that Environment Agency predictive flood maps show the building is in Flood Zone 2. The Warwick District Council Strategic Flood Risk Assessment (SFRA) shows that the building, when allowing for future climate change, is situated in Zone 3a.

We believe the current floor levels to be 50.35mAOD and the developer has proposed raising these by 400mm to 50.75mAOD. The Environment Agency data for a 1 in 100 year event plus climate change (as stipulated in PPS25) suggests the flood level in the area will be 50.60mAOD and that therefore finished floor levels should be at least 51.20mAOD.

The plans have since been redesigned to remove bedrooms and living accommodation from the ground floor as this is at direct risk of flooding, however, a concern persists about the vulnerability of those evacuating the

property if sufficient information and warnings are not provided. If the Local Planning Authority consider this application is acceptable then various conditions are recommended in relation to flood risk.

WDC Conservation: I had some discussions on site concerning this property and the opening up of windows as sash windows and I consider it is an acceptable way forward. Detailing of the windows would need to be decided as they are shown as multiple pane windows which reflects those already there although this would be difficult if double glazed units are to be introduced. Either a very fine double glazed unit would need to be introduced or it may be better to have two over two sashes for the new windows.

The solar panels on the southern elevation will possibly be visible; these need to be checked out on site as they will make a clear impact on the building from certain angles.

In terms of the internal layout I am concerned that the external staircase is being retained and that no effort is being made to try and tidy the rear/side elevation which currently is particularly unattractive. A more preferable solution would be to have an internal staircase which would mean the loss of some floor space but I do not consider accessing a property from an external staircase is an appropriate way forward in terms of a conversion of the building into habitable units. I understand there are issues in terms of loss of retail space and these will need to be resolved.

Large scale details of a revised shop front also need to be submitted.

RELEVANT POLICIES

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
- UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
- UAP2 - Directing New Employment Development (Warwick District Local Plan 1996 - 2011)
- TCP2 - Directing Retail Development (Warwick District Local Plan 1996 - 2011)
- TCP13 - Design of Shopfronts (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)
- SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Open Space (Supplementary Planning Document - June 2009)
- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- Vehicle Parking Standards (Supplementary Planning Document)
- Planning Policy Statement 25 : Development and Flood Risk

PLANNING HISTORY

There have been a number of previous planning applications relating to the shopfront, signage and the rear car park. None of these are directly relevant to the consideration of the current proposals.

KEY ISSUES

The Site and its Location

The application relates to a 3 storey end of terrace building situated on the eastern side of Bath Street, within the Leamington Spa Conservation Area. The site is also situated within the retail area of Leamington Town Centre, as identified in the Local Plan. The surrounding area is predominantly commercial in character, but the upper floors of some neighbouring properties are in residential use. The site is situated within Flood Zone 2.

The application property occupies a corner position at the junction of Bath Street and Gloucester Street and the building has a frontage to both roads. There is vehicular access from Gloucester Street to a parking area to the rear of the site. The churchyard of All Saints Church adjoins the eastern boundary of the car park. The northern boundary of the car park adjoins the beer garden of the Jug and Jester Public House. The western boundary of the car park adjoins the rear of the Public House and the adjoining retail premises at No. 17 Bath Street.

The application property is currently vacant, but was last used as a shop on the ground floor with ancillary workshop / offices on the upper floors. There is an internal staircase linking the 3 floors, as well as an external fire escape staircase to the rear.

Details of the Development

The application proposes the following development:

- change of use of first and second floors to 2 no. apartments in multiple occupation (Use Class C4);
- change of use of part of ground floor to offices;
- removal of existing external staircase and erection of 3 storey extension to enclose new staircase;
- external alterations including the insertion of new and replacement windows and door;
- alterations to the existing shop fronts;
- changes to car parking layout; and
- provision of bin and cycle storage.

The following amendments have been made to the application:

- proposed ground floor apartment omitted and replaced with offices;
- existing external staircase removed and replaced with 3 storey extension to enclose new staircase;
- revised Flood Risk Assessment submitted;
- solar panels omitted and replaced by air source heat pumps;
- design of new windows changed; and
- agreement to provide £5,024 open space contribution.

Assessment

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

- the principle of permitting office and residential uses in this location;
- retail policy;
- flood risk;
- the impact on the living conditions of neighbouring dwellings;
- the impact on the character and appearance of the Conservation Area; and
- car parking.

The principle of permitting office and residential uses in this location

I am satisfied that this would be an appropriate location for an office use. Local Plan Policy UAP2 directs office development to the town centre.

I am satisfied that the use of the upper floors for residential purposes would be acceptable in principle. The re-use of an existing building within the urban area for residential purposes would be in accordance with Local Plan Policy UAP1.

Retail policy

The proposed offices on the ground floor would occupy part of the existing retail floorspace. Local Plan Policy TCP2 states that, within the retail areas, changes of use from general shops (Use Class A1) to other uses outside of Use Class A will not be permitted. However, I consider that there are material circumstances in this case that indicate that planning permission should be granted. The applicant has submitted a letter from the Surveyors who have been marketing the property. They have advised that the property has been marketed since March 2010 without success. The proposals would involve the loss of a relatively small amount of retail floor space (52 sq m) and would retain a viable retail unit that would be comparable in size to the adjoining retail premises and other premises nearby. Therefore, I do not consider that the proposals would harm the vitality and viability of this part of the town centre and consequently the proposals would not prejudice the objectives of Policy TCP2.

Flood risk

The application property is situated within Flood Zone 2 and is known to have flooded in the past. The application has been amended to omit the residential use from the ground floor following concerns that were raised by the Council's Engineers in relation to flood risk. The Council's Engineers have not objected to the amended proposals, subject to conditions. Therefore, I am satisfied that the amended proposals would be in accordance with PPS25: Development and Flood Risk and would not pose an unacceptable flood risk. I have included most of the conditions recommended by the Council's Engineer's, with the exception of a couple of matters that I consider would be more appropriate to be added as informatives to the decision notice.

Impact on the living conditions of neighbouring dwellings

As amended, I am satisfied that the proposals would have an acceptable impact on the living conditions of neighbouring dwellings. The removal of the existing external staircase would improve the privacy of the flat on the upper floors of No. 17 Bath Street. Taking into account the removal of that existing staircase, I consider that the proposed staircase extension would not cause undue loss of light or loss of outlook for that property. I do not consider that the introduction of a residential use or the installation of new windows in the Gloucester Street elevation would cause undue loss of privacy for the flats on the upper floors of the buildings on the opposite side of that street. The new windows face the dwellings opposite across a public street and there are already a large number of windows in that elevation.

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 removal of the existing external staircase would represent a significant improvement in the appearance of the rear of the application property and has addressed concerns raised by the Council's Conservation Architect. The proposed new windows in the Gloucester Street elevation would be situated within existing blocked-up window openings and would be traditional sliding sash windows. The design of the windows has been amended in accordance with the comments of the Council's Conservation Architect. The proposed alterations to the shopfronts would represent a significant improvement, with the non-traditional tiled pilasters to be covered with timber mouldings. The proposed solar panels have been omitted and replaced with air source heat pumps following the concerns that were raised by the Council's Conservation Architect. With regard to the comments of CAAF, I would agree that there could be further improvements to the existing rear elevation, however, given the significant improvements that are proposed with the removal of the existing external staircase, I do not consider that a requirement for further changes to the existing rear elevation would be justified.

Car parking

I note the concerns of the Town Council regarding car parking. However, the application site includes a car park to the rear that provides parking for 6 cars. This would meet the requirements of the Council's Parking Standards which would require a total of 6 spaces for the proposed apartments, offices and shop. The plans also show a covered cycle store at the rear of the site. With regard to servicing for the shop, most of the shops nearby are serviced from the street and therefore I do not consider that it would be reasonable to insist upon the provision of an off-street service area for the application property.

Other matters

The application proposes the installation of air source heat pumps to meet 10% of the predicted energy requirements of the proposed flats, in accordance with Local Plan Policy DP13. These would be concealed within an enclosure to the rear of the building and therefore I am satisfied that these would not harm the character and appearance of the Conservation Area. I am also satisfied that the heat pumps would have an acceptable relationship with nearby dwellings. A condition is recommended to ensure that noise levels are within acceptable limits.

The plans show a bin store at the rear of the building. I am satisfied that this would be satisfactory to meet the requirements of the proposed flats.

The applicant has agreed to make 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 payment of a contribution of £5,024 towards the provision or enhancement of public open space or the completion of a Section 106 Agreement to secure such a contribution, 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) 1352/02E, 1352/04C & 1352/06A, and specification contained therein, submitted on 7 July 2011, 19 July 2011 & 26 August 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 the shopfront, 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 to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011.
- 4 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.
- 5 Neither of the dwellings hereby permitted shall be occupied until the bin store has been constructed in strict accordance with the approved

plans. **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.

- 6 The cycle provision shown on the approved plans shall be completed before the dwellings 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.
- 7 The area indicated on the plans hereby approved for vehicle parking and manoeuvring space shall at all times be kept free of obstruction and be available for those purposes. **REASON** : To ensure that adequate parking facilities are retained for use in connection with the development, in accordance with the requirements of Policy DP8 of the Warwick District Local Plan 1996-2011.
- 8 All window 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.
- 9 All rainwater goods for the development hereby permitted shall be metal. **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.
- 10 Neither of the dwellings hereby permitted shall be occupied until two flood water sensors have been installed at a level of 50.45mAOD. Each sensor should be wired independently and should have a separate battery back-up supply. Residents should evacuate the building when the sensors are triggered. The sensors shall be retained and kept in working order at all times that the dwellings are occupied. **REASON** : To mitigate flood risk, in accordance with Planning Policy Statement 25: Development and Flood Risk.
- 11 Neither of the dwellings hereby permitted shall be occupied until their residential addresses have been signed up to receive the Environment Agency's Flood Warning Service. When a flood warning is issued for the River Leam in Leamington, all occupants should evacuate the application property until the flood warning has been lifted. The dwellings shall remain signed up to the Flood Warning Service at all times that they are occupied. **REASON** : To mitigate flood risk, in accordance with Planning Policy Statement 25: Development and Flood Risk.
- 12 Neither of the dwellings hereby permitted shall be occupied until flood warning notices have been displayed within the building in accordance with details that shall have been submitted to and approved in writing by the District Planning Authority. The notices shall be retained in accordance with the approved details at all times thereafter. **REASON** :

To mitigate flood risk, in accordance with Planning Policy Statement 25: Development and Flood Risk.

- 13 Neither of the dwellings hereby permitted shall be occupied until a Flood Management Plan has been submitted to and approved by the District Planning Authority. The Flood Management Plan shall include the following information:
- (a) triggers for the response;
 - (b) clear roles and responsibilities for occupants;
 - (c) suitable contact numbers and sources of additional information for occupants;
 - (d) a clear set of actions for each phase of the response;
 - (e) provision for regular updating and testing of the document; and
 - (f) details of the safe means of escape to dry land.

The Flood Management Plan shall be implemented in strict accordance with the approved details at all times that the dwellings hereby permitted are occupied. The Flood Management Plan shall be issued to all prospective purchasers or tenants of the dwellings. **REASON :** To mitigate flood risk, in accordance with Planning Policy Statement 25: Development and Flood Risk.

- 14 The level of noise from the air source heat pumps, measured one metre from facade of any noise sensitive premises, shall not exceed the background level by more than 3dBA. **REASON :** To protect the amenities of surrounding properties, in accordance with Policy DP9 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 development would not cause unacceptable harm to the architectural and historic character of the Conservation Area within which the site is located. Furthermore, the proposal would not adversely affect the amenity of nearby residents and would not pose an unacceptable flood risk. The proposal is therefore considered to comply with the policies listed.
