

Application No: W 11 / 0179

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

Registration Date: 10/02/11

Expiry Date: 07/04/11

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The Commonwealth Club, 3 Church Street, Leamington Spa, CV31 1EG

Change of use of ground and first floors from offices to 3 residential units; alterations to convert existing ancillary second floor flat into a self contained dwelling; demolition of existing single storey rear extension; erection of 2 storey rear extension; and alteration to rear parking layout. FOR Mr Dhesi

This application is being presented to Committee due to the number of objections received.

SUMMARY OF REPRESENTATIONS

ORIGINAL PLANS

Town Council: Object. The extensions are considered insensitive and out of keeping with the proportions of the existing listed building. There is insufficient on site car parking provision

Public response: 7 objections were received, raising the following concerns:

- overdevelopment of the site;
- the scale and mass of the extension is too great and does not respect the Listed Building or surrounding buildings;
- detrimental to the character and appearance of the Conservation Area;
- detrimental to the character and appearance of the Listed Building;
- inadequate car parking;
- detrimental to highway safety;
- loss of on street parking spaces;
- loss of light, outlook and privacy for neighbouring dwellings and the adjacent church;
- unacceptable flood risk;
- increased surface water run off;
- inadequate external amenity space; and
- this is an attempt to circumvent the rules regarding student lets, there are already too many students in the area.

Conservation Area Advisory Forum: Generally the change of use to residential was supported. Subject to appropriate detailing the extension was considered to be acceptable with the exception of the high level rustication around the staircase at the side of the building. It was suggested that this could have been incorporated into the main roof of the extension. Appropriately detailed timber windows would be needed and where possible all internal features should be restored and maintained.

Environment Agency: The proposed development is located in Flood Zone 2 (medium probability) based on our indicative Flood Zone Maps. Planning Policy Statement (PPS) 25 states that a Flood Risk Assessment (FRA) is required for 'development proposals in this zone'. The West Area (Midlands) is operating a

risk based approach to planning consultations. We do not intend to make a bespoke response to any FRA for the proposed development. Standing advice is provided as guidance to you. If this advice is used to refuse a planning application, we would be prepared to support you at any subsequent appeal.

WCC (Ecology): Recommend bat notes.

WDC Engineering: The Strategic Flood Risk Assessment places the building in flood zone 3a, therefore an area with High Probability of flooding. The submissions received take account of the current Environment Agency classification of the site but do not allow for the SFRA's assessment of the future flood risk. Flood zone 3a is defined in PPS25 as a zone liable to High Probability of flooding and being suitable for water compatible and less vulnerable development types; residential dwellings are not listed in these categories and hence are not deemed as suitable for this area.

The design of the basement and ground floor property comprises living accommodation at basement level with bedrooms located on the ground floor. Although this shows an awareness on the part of the developers for the problems at the site it does not prevent future owners from locating a bedroom downstairs. Any living accommodation at basement level is considered to be in contravention of PPS25 and the classification of the area as flood zone 3a in the SFRA. Engineering Services would therefore object to the development as proposed and would not wish to see residential use accepted on the basement level.

Assuming the finished floor levels are acceptable to the Environment Agency, Engineering would be prepared to consider ground floor level accommodation, in line with other existing development in the area, as long as the residual risk is low and supported by the mitigation measures described in FRA. We recommend flood protection measures be installed due to the change of use to the building, the use of flood guards and air brick covers to protect from surface water flooding into the basement level from the rear car park/garden.

AMENDED PLANS

The Town Council and neighbours were renotified following the receipt of amended plans and the following further comments were received.

Town Council: No objection. Comment that the requested changes appear to have been made but the Town Council still queried the overall effect on a Listed Building.

Public response: No further comments received. The original objections have not been withdrawn.

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)
- UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
- TCP9 - Protecting Employment Land and Buildings (Warwick District Local Plan 1996 - 2011)

- TCP10 - Protecting the Residential Role of Town Centres (Warwick District Local Plan 1996 - 2011)
- DAP4 - Protection of Listed Buildings (Warwick District Local Plan 1996 - 2011)
- DAP7 - Restoration of Listed Buildings (Warwick District Local Plan 1996 - 2011)
- DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
- SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)
- Open Space (Supplementary Planning Document - June 2009)
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Vehicle Parking Standards (Supplementary Planning Document)
- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Distance Separation (Supplementary Planning Guidance)

PLANNING HISTORY

There have been a large number of previous applications relating to the application property. The following are relevant to the consideration of the current proposals.

In 1963 planning permission was granted for "Use of residence as Commonwealth Club" (Ref. 9331). This was a temporary permission that was renewed on a number of occasions until a permanent permission was granted in 1976 (Ref. W76/0542).

In 1989 planning permission was granted for "Change of use from a social club to offices" (Ref. W89/1330). This was renewed in 1994 (Re. W94/0803).

The current planning application was submitted with an associated application for listed building consent for "Conversion, extension and alterations for a change of use of ground and first floors from offices to 3 residential units; alterations to convert existing ancillary second floor flat into a self contained dwelling; demolition of existing single storey rear extension; erection of 2 storey rear extension; and internal alterations including the removal of walls and the installation of new walls" (Ref. W11/0180LB). That application for listed building consent is recommended for approval alongside the current planning application.

KEY ISSUES

The Site and its Location

The application relates to a Grade II Listed detached villa dating from c1825. The application property has three storeys of accommodation in addition to a basement and occupies a corner plot at the junction of Church Street and Church Terrace, within the Leamington Spa Conservation Area. The application property faces the churchyard of All Saints Church on the opposite side of Church Street.

The application site is situated within Leamington Town Centre, in an area designated in the Local Plan to be primarily in residential use. The site is situated within Flood Zone 2.

The northern boundary of the application site is adjoined by the rear garden of the dwelling at No. 1 Priory Terrace and the church at No. 2 Priory Terrace. Both of those properties have windows facing the application site. An adopted

passageway runs along the eastern boundary of the site, with the gable end of the dwelling at No. 1 Church Terrace abutting the opposite side of that passageway. There are windows in the side of No. 1 Church Terrace that face the application site. Church Terrace runs along the southern boundary of the site and the properties that face the site from the opposite side of Church Terrace are in commercial use on the ground floor with residential above. These properties have windows facing the application site.

The application property is currently vacant, but was previously used as offices. The property has a car park to the rear, set behind a brick wall along the Church Terrace boundary.

Details of the Development

The application proposes the following development:

- change of use of ground and first floors from offices to 3 residential units;
- alterations to convert existing ancillary second floor flat into a self contained dwelling;
- demolition of existing single storey rear extension;
- erection of 2 storey rear extension; and
- alteration to rear parking layout.

The following amendments have been made to the application:

- basement flat omitted and retained as office;
- three storey rear extension omitted;
- ground floor changed to 2 no. 1 bedroom flats;
- rear parking layout amended;
- access amended so that it would be retained in the existing position;
- cycle store provided at ground floor level;
- solar panels and air source heat pumps added; and
- alterations to internal layout including omission of proposed partitions.

Assessment

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

- the principle of permitting a conversion to residential in this location;
- the impact on the living conditions of neighbouring dwellings;
- the impact on the character and appearance of the Listed Building and the Conservation Area;
- flood risk; and
- car parking and highway safety.

The principle of permitting a conversion to residential in this location

The proposals are for the conversion of an existing building within the urban area into residential use and therefore the proposals would be in accordance with Local Plan Policy UAP1. The application site is not situated within a protected town centre employment area and therefore the conversion of the existing offices would be in accordance with Local Plan Policy TCP9. Therefore, I

am satisfied that a conversion to residential use would be acceptable in principle in this location.

Impact on the living conditions of neighbouring dwellings

I am satisfied that the proposals would have an acceptable impact on the living conditions of neighbouring dwellings. The proposed two storey rear extension would be situated well away from the nearest windows in neighbouring dwellings. The amendments have omitted a new rear wing that was originally proposed and this will significantly reduce the impact of the development.

The proposed two storey rear extension that remains part of the application would bring the windows in the rear of the application property closer to the windows in the side of the adjacent dwelling at No. 1 Church Terrace. However, the main windows in No. 1 Church Terrace are in the front and rear elevations and therefore I do not consider that the impact on the side windows would be such as to cause unacceptable harm to the living conditions of that property. I am also conscious that there has been no planning application for the installation of the side windows.

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

As amended, I am satisfied that the proposals would have an acceptable impact on the character and appearance of the Listed Building and the Conservation Area. The amendments have addressed the concerns of the Council's Conservation Architect. I note the amended comments of the Town Council, but the internal alterations would not now adversely affect the historic proportions of the rooms and the proposals would not result in the loss of any historic features. The proposed extension and external alterations would be in keeping with the historic character of the application property and surrounding development and the removal of the existing rear extension would improve the rear elevation. The proposed air source heat pumps would be screened by a fence and the solar panels would be largely hidden from view behind the parapet.

Flood risk

The scheme as originally submitted was considered to be unacceptable on grounds of flood risk. The construction of a new build dwelling in the proposed rear extension would have been contrary to PPS25 because the site is situated within Flood Zone 2 and there are sequentially preferable sites available for new dwellings in Flood Zone 1. The Council's Engineers raised further concerns about the provision of any residential accommodation in the basement because this is below the flood level. However, the application has now been amended to leave the basement as offices and to omit the new build dwelling. All of the proposed residential accommodation would now be located above the flood level and the proposals do not include any new build dwellings. As amended, I consider that the proposals would be acceptable from a flood risk point of view and would be in accordance with the comments of the Council's Engineers.

The Council's Engineers have recommended the use of flood guards and air brick covers to prevent flooding from the rear car park into the basement. However, these comments relate to the original proposals that included residential accommodation in the basement. As amended, the basement will remain in its current use and consequently there are now no grounds for requiring flood protection measures for that area.

Car parking and highway safety

The amendment to omit the proposed new build dwelling would reduce the impact on parking. However, the amended proposals would still not meet the Council's Parking Standards. The Parking Standards would require 6.6 spaces for the proposed development (5.5 spaces for the proposed dwellings and 1.1 spaces for the offices that are to be retained in the basement). The proposed layout shows 4 spaces in the rear car park and consequently there would be a shortfall of 2.6 spaces in relation to the Council's standards. However, the lawful use of the property as offices would require 5.8 spaces and consequently there is already a shortfall of 1.8 spaces, albeit this shortfall would be increased by the proposals.

In assessing the suitability of the parking provision, I am conscious that the proposals are for the re-use of an existing building and that the lawful use of the site as offices could have a significant impact in terms of parking, as could the majority of potential alternative uses for the site. Furthermore, the applicant has submitted a parking survey to demonstrate that there is sufficient on-street parking capacity to accommodate the shortfall in spaces in relation to the Council's standards and the application has been amended to include more accessible cycle parking at ground floor level. I am also conscious that the proposals would secure the future of an important Listed Building. Therefore, taking into account the sustainable location of the site within 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 the grounds of parking.

I am also satisfied that the proposals would be acceptable in terms of highway safety. The amended proposals would not alter the existing access to the site.

Other matters

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

The proposals include adequate provision for bin storage in the rear car park.

The amended layout includes an area of private amenity space for the proposed flats.

RECOMMENDATION

GRANT, 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) 767-06D, 767-09D, 767-10C & 767-11D, and specification contained therein, submitted on 9 June 2011 & 14 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 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 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 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 The cycle provision shown on the approved plans shall be completed before any of 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.
- 6 The proposed car parking area for the development hereby permitted shall be constructed, surfaced, laid out and available for use prior to the first occupation of the development hereby permitted, in full accordance with the approved plan. **REASON** : To ensure that adequate parking facilities are available, in accordance with the requirements of Policy DP8 of the Warwick District Local Plan 1996-2011.
- 7 All hard surfaces hereby approved shall be made of porous materials. **REASON** : To reduce surface water run-off and to ensure that the development does not increase the risk of flooding elsewhere, in accordance with Policy DP11 of the Warwick District Local Plan.
- 8 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.
- 9 All window and door frames shall be constructed in timber and shall be painted and not stained. **REASON** : 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.

- 10 All rainwater goods for the development hereby permitted shall be metal. **REASON** : 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.
- 11 None of the dwellings hereby permitted shall be occupied unless and until the bin stores have 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.

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 proposals would have an acceptable impact on the living conditions of neighbouring dwellings and would be acceptable in terms of car parking and highway safety. The proposal is therefore considered to comply with the policies listed.
