

Application No: W 11 / 0761

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

Registration Date: 29/07/11

Expiry Date: 23/09/11

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138 Parade, Leamington Spa, CV32 4AG

Change of use from offices to an 8 bedroom house in multiple occupation;
erection of new roof to rear wing; and alteration to roof of rear stair extension
(retrospective application) FOR Mr S Munyal

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

SUMMARY OF REPRESENTATIONS

Town Council: Object on the following grounds:

1. Clarification is required on the number of bedrooms proposed.
2. There are insufficient bathrooms for the number of bedrooms.
3. There is no suitable access to the refuse bins.
4. There is no vehicular access and the District's parking regulations do not appear to have been observed.

Conservation Area Advisory Forum: Concern was expressed at there being no bathroom at the second floor level. Concerns were expressed of the little natural light and the poor room outlook particularly the bedroom facing onto the fire escape corridor. Concern was expressed at the increased number of student rooms in this part of the town. It was felt this would be better as flats.

WDC Conservation Architect: The previous scheme subdivided the first floor room which is currently in an original form with a cornice running round. This would have been the principal room to the property and I am pleased to note that the new application does not sub-divide this room but retains it as a single bedroom, which was previously an objection to this scheme. I note that a new roof is to be provided over the large space/communal lounge; this is now noted as having a slate roof, a sample of which I have already had submitted to me which is natural slate and I consider appropriate in this particular location, given that it is not on the principal part of the building. In terms of the other alterations to the building I am satisfied that the impact on the listed building is satisfactory and that, subject to large scale details of roof lights any new internal and external joinery and restoration of the cornice in the first floor room, this application is acceptable.

Following a change in roofing materials for the rear wing from natural slate to reconstituted / artificial slate, the Council's Conservation Architect made the following further comments:

I understand that a problem has occurred with the pitch of the new roof to the rear of 138 Parade and that the roof as built would not be capable of taking

natural slate to the required pitch. I also understand having discussed the possibility of under boarding to make the roof capable of taking natural slate that this would effectively raise the height of the roof to a level which fouled the existing original window in the rear elevation of the main building. Taking into account these circumstances and the current state of the building works I would in this instance be prepared to accept an artificial / reconstituted slate that would be capable of being laid on the, as built, roof structure, subject to a sample being submitted for approval. I would add that this decision has been made taking account of the particular circumstances of the case and the location of the roof within the building complex and should not set a precedent for the use of similar artificial materials on a listed building.

WDC Private Sector Housing: The property has 8 bedrooms and 3 bathrooms, and the bathrooms are located so that no occupant has to travel more than two floors distance to access a bathroom which is acceptable and meets HMO regulations. The facilities and space standards are all acceptable too. We therefore have no concerns or objections regarding the plan for this property.

WDC Environmental Health: The acoustic report uses estimated data (noise source level and party wall thickness) to conclude that resultant noise levels within habitable rooms of the proposed development should comply with relevant noise criteria when dance activities are taking place in the adjoining dance studio. The use of estimated noise levels in the absence of any real life data is generally accepted as a reasonable approach, however in this particular circumstance it is disappointing that more effort has not been made to take a genuine worst case measurement of the dance hall 'in use' to confirm the suitability of the existing party wall insulation.

Without prejudice to the above, based on the information provided I would not object to the proposed development.

WDC Waste Management: No objection.

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)
- 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)
- DP15 - Accessibility and Inclusion (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)
- SC13 - Open Space and Recreation Improvements (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)

- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Vehicle Parking Standards (Supplementary Planning Document)
- Open Space (Supplementary Planning Document - June 2009)
- Residential Design Guide (Supplementary Planning Guidance - April 2008)

PLANNING HISTORY

In 1958 planning permission was granted for "Additional shop and offices" (Ref. 6610). The only other previous applications relating to the application site were for new shopfronts and signage.

The current planning application was submitted with an associated application for listed building consent that is the subject of another item on this agenda (Ref. W11/0762LB).

KEY ISSUES

The Site and its Location

The application relates to a 4 storey Grade II Listed Building situated on the western side of Parade, within the Leamington Spa Conservation Area. The application site is situated within a predominantly commercial part of Leamington Town Centre.

The application property was vacant until recently. However, since the current application was submitted, the development has been implemented and the upper floors have been occupied as a house in multiple occupation. The previous use of the upper floors was as offices. The ground floor is currently vacant but was previously in retail use.

The adjoining building at Nos. 140-142 Parade is used as a restaurant on the ground floor with a snooker club and dance centre on the upper floors. The adjoining building at No. 136 Parade is used by a financial services company on the ground floor with vacant offices on the upper floors (but with planning permission for a student hall of residence on the upper floors). Rio's nightclub is to the rear of the application site, fronting onto Bedford Street. There is shared pedestrian access to the upper floors of the application property from Bedford Street, alongside the nightclub.

Details of the Development

This application is for planning permission the following development:

- change of use of upper floors from offices to an 8 bedroom house in multiple occupation;
- erection of a new roof to the rear wing; and
- alteration to roof of rear stair extension.

The alterations have already taken place and the residential accommodation is occupied and therefore this is a retrospective application.

The following amendments have been made to the application:

- cycle parking omitted to provide space for enlarged bin store;

- roofing material for rear wing changed to reconstituted / artificial slate due to the pitch being inadequate for natural slate;
- proposals to replace some windows and doors omitted;
- further noise report submitted; and
- secondary glazing, acoustic ventilation and ceiling / roof specification confirmed.

Assessment

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

- the principle of permitting a conversion to a house in multiple occupation in this location;
- the impact on the living conditions of neighbouring dwellings;
- the living conditions of future occupants of the proposed development;
- the impact on the character and appearance of the Listed Building and the Conservation Area; and
- car parking.

The principle of permitting a conversion to a house in multiple occupation in this location

I am satisfied that a conversion to a house in multiple occupation is acceptable in principle in this location. The site is not situated within a protected employment area and therefore the loss of the existing offices is in accordance with Local Plan Policy TCP9. As the proposals are for the conversion of an existing building within the urban area to residential use the proposals are also in accordance with Local Plan Policy UAP1.

Impact on the living conditions of nearby dwellings

As the development has not involved the construction of extensions or the insertion of new windows overlooking neighbouring properties, I do not consider that the development has had a significant impact on the living conditions of nearby dwellings. In any case, the buildings immediately neighbouring the application site are all in commercial use, although planning permission has recently been granted for the adjoining Victoria Chambers premises to be converted into a student hall of residence.

Living conditions of future occupants of the proposed development

I note the concerns of the Town Council and CAAF about the number and location of bathrooms. However, the Council's Private Sector Housing team have confirmed that the proposed layout would meet their standards for houses in multiple occupation. Therefore I am satisfied that the proposals are acceptable in this respect. There are 3 bathrooms for the 8 bedrooms and none of the bedrooms are more than 1 floor away from a bathroom.

I note the concerns of CAAF about natural light and outlook for the rooms, and in particular the bedroom facing onto the fire escape. However, all of the rooms have sufficient windows and rooflights to meet the requirements of Private

Sector Housing in terms of providing natural light. Both the bedroom facing onto the fire escape and the communal lounge and kitchen have a more restricted outlook than the other bedrooms, with the windows to these rooms facing onto the side wall of the adjacent building at Nos. 140-142 Parade at a distance of 1.4m. However, in addition to these windows, these rooms also have rooflights and the Council have accepted rooms lit only by rooflights elsewhere within the town centre, including within the adjacent development at Victoria Chambers. Therefore, I am satisfied that the development provides an acceptable standard of outlook and light for occupants.

The development does not include any outdoor amenity space. However, it is not possible to provide outdoor amenity space in many town centre conversion schemes such as this. Indeed, many residential conversion schemes have been permitted within the town centre without any outdoor amenity space, including the adjacent development at Victoria Chambers. Therefore, particularly considering the nature of the residential accommodation that is proposed in the current case, and the close proximity to substantial areas of public open space, I am satisfied that the proposals are acceptable in this respect.

The residential accommodation is accessed from Bedford Street to the rear, via an alleyway alongside Rio's nightclub. Whilst this is not the most attractive access to a residential property, this is not dissimilar to the access to many residential properties within the town centre. This is the established access to the upper floors of the application property and changing this to a front access off Parade would require significant alterations to the building including the construction of a new staircase, alterations to the shopfront and other internal alterations. These alterations would also reduce the width of the ground floor shop unit, thereby potentially detracting from the viability of that unit, which is already vacant. Furthermore, the development has brought a Listed Building back into use and will make a small contribution to increasing activity and natural surveillance in this part of the town centre, which brings benefits in terms of improved safety and security. The alleyway onto Bedford Street has a lockable gate at the end and I am satisfied that this provides an adequate level of security. Therefore, taking all these factors into account, I am satisfied that the access to the development is satisfactory and in accordance with Local Plan Policies DP14 and DP15.

Noise reports have been submitted to address the issue of noise from Rio's nightclub and the adjacent snooker club and dance hall. These conclude that the existing party wall will provide adequate noise insulation in relation to the snooker club and dance hall. With regard to Rio's nightclub, the reports state that secondary glazing, acoustic ventilation and a minimum ceiling / roof specification to the affected rooms will ensure that noise is limited to an acceptable level. Environmental Health have accepted the conclusions of the noise reports and therefore I am satisfied that the proposals would be acceptable in this respect. The agent has confirmed that there is already secondary glazing, acoustic ventilation and a ceiling / roof treatment in place that meets the requirements of the noise report. A condition is recommended to require this to be retained.

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

I am satisfied that the development has preserved the character and appearance of the Listed Building and the Conservation Area. Following pre-application

discussions with the Council's Conservation Architect, the principal first floor room at the front of the building has been retained to the original proportions.

It has been necessary to roof the rear wing with artificial slates, which would not normally be considered acceptable on a Listed Building. However, in this case the section of roof in question was formerly covered with asbestos sheets which was a very incongruous material for this Listed Building. Given the shallow pitch of the roof it was not possible to replace this with natural slates, and if the pitch was changed or the slates were under-boarded then the roof would have fouled the original second floor window in the rear elevation. Furthermore, this section of roof is hidden between the rear wings of the neighbouring buildings to either side and the taller section of the application property to the rear. Therefore, in the circumstances of this particular case, I do not consider that it would be appropriate to insist upon the use of natural slates and the artificial slate that has been used is the next best option. The Council's Conservation Architect has accepted this approach. The other internal and external alterations that are shown in the application have not adversely affected any historic features of note.

Car parking

I note that the Town Council have raised concerns about the absence of any car parking provision. However, as the building occupies almost all of the application site and the site does not benefit from vehicular access, it is not possible to provide any off-street parking. The Council's Parking Standards would require 4 spaces for a house in multiple occupation. In assessing the suitability of allowing a car free development in this location, I am conscious that the lawful use of the building as offices would have generated a demand for parking. Furthermore, in terms of on-street parking, the impact of the proposals would be limited because parking is either controlled or prohibited on surrounding streets. I am also conscious that the adjacent premises at Victoria Chambers was recently granted planning permission for a conversion to a student hall of residence without any parking. 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, I do not consider that a refusal could be justified on the grounds of parking.

The plans as initially submitted indicated that cycle parking may have been provided to the rear of the site. However, given the very limited amount of external space that is available, it was not possible to provide space for cycle parking as well as suitable bin storage. Therefore, in view of the constraints of this site, it is not possible to provide cycle parking.

Other matters

I note the concerns of the Town Council regarding access to the refuse bins. However, there is suitable access to the bin store via the pedestrian access to the site from Bedford Street. The bin storage arrangements have been accepted by the Council's Waste Management team.

The application proposes the installation of an air source heat pump to meet 10% of the predicted energy requirements of the development, in accordance with Local Plan Policy DP13. This has been discretely located within the courtyard at the rear of the site. In this location it is not visible from public vantage points and it does not impact on nearby dwellings.

With regard to Local Plan Policy SC13 and the issue of contributing towards the provision or enhancement of public open space, such contributions should not be required for changes of use where the new use would not result in a materially greater demand for public open space than the existing use. In the present case the lawful use as offices would accommodate the same or a greater number of occupants than the new use as a house in multiple occupation. Therefore I do not consider that it would be reasonable to require a contribution towards the provision or enhancement of public open space as part of these proposals.

I note the concerns of CAAF about the increased number of student rooms in this part of the town. The application proposes a use as a house in multiple occupation and therefore it would not necessarily be occupied by students. Nevertheless, there is a strong likelihood that it would be occupied by students. However, I have seen no evidence to suggest that the provision of additional student accommodation in this predominantly commercial part of the town centre would result in a harmful over provision of student accommodation in this area.

RECOMMENDATION

GRANT, subject to the conditions listed below.

CONDITIONS

- 1 This permission shall relate strictly to the details shown on the application form and approved drawing(s) AL(BR)02G, AL(BR)03B, AL(BR)04A & AL(BR)05, and specification contained therein, submitted on 14 June 2011, 4 July 2011 & 15 November 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.
- 2 The renewable energy scheme submitted as part of the application shall be retained at all times 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.
- 3 The noise mitigation measures specified in the Noise Impact Assessment no. IEC2360/01/AVH by IEC, submitted on 21 July 2011, shall be retained at all times, unless agreed otherwise in writing by the District Planning Authority. The exterior of the residential accommodation hereby permitted (including the party wall, flanking paths and glazing) shall at all times retain adequate sound insulation to meet the following maximum noise levels for living rooms and bedrooms within the development:
 - (i) within living rooms between 0700 and 2300 hours: 35 dB(A) Leq16 hours; and
 - (ii) within bedrooms between 2300 and 0700 hours: 30 dB(A) Leq8 hours.

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.

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 provide a satisfactory living environment, would not adversely affect the living conditions of nearby dwellings and would have an acceptable impact in terms of car parking. The proposal is therefore considered to comply with the policies listed.
