

**Planning Committee:** 20 March 2012

**Item Number: 5**

**Application No:** W 08 / 1717

**Town/Parish Council:** Leamington Spa

**Registration Date:** 17/12/08

**Case Officer:**

Jo Hogarth

**Expiry Date:** 11/02/09

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**2-24 Kenilworth Street, Leamington Spa, CV32 4QS**

Demolition of 1950's buildings. Restoration of Irwin Hall and its conversion to ten flats with retention of adjoining house as a single dwelling. New build to form twenty flats, four shops and car park FOR Kigass Ltd

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This application was considered by Planning Committee on 11 March 2009. Planning Committee resolved to grant planning permission, subject to the completion of a Section 106 agreement to secure the provision of 12 affordable flats. The Section 106 agreement has not been completed by the applicant and therefore this application is being reported back to Committee to recommend refusal.

The report below is based on that which was originally presented to the Planning Committee.

**SUMMARY OF REPRESENTATIONS**

**Leamington Spa Town Council:** No objection.

**Public Response:** 1 neighbour has expressed support.

**Severn Trent Water:** No objection subject to condition on the disposal of surface water/sewage.

**Head of Environmental Health:** No objection subject to conditions to control installation of external plant/machinery and noise levels.

**CAAF:** This was generally supported, especially if the shops in a smaller form would be viable. Concern was expressed at the size of the flats and it was suggested that possibly these could be revisited to improve the level of accommodation provided. It was pointed out that detailing would be important to make this scheme a high quality development.

**WCC (Fire and Rescue):** No objection subject to condition on fire hydrants/water supply.

**Head of Housing:** No objection subject to the securing of 12 units of affordable housing. Preferred that affordable housing would be for rent.

**WCC (Highways):** No objection subject to conditions on access.

**WCC (Ecology):** Pre-determination bat survey has been carried out which did not reveal the presence of bats. No need for further bat survey work or mitigation.

### **RELEVANT POLICIES**

- DAP4 - Protection of Listed Buildings (Warwick District Local Plan 1996 - 2011)
- DAP5 - Changes of Use of Listed Buildings (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)
- 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)
- TCP9 - Protecting Employment Land and Buildings (Warwick District Local Plan 1996 - 2011)
- SC11 - Affordable Housing (Warwick District Local Plan 1996 - 2011)
- UAP2 - Directing New Employment Development (Warwick District Local Plan 1996 - 2011)
- UAP3 - Directing New Retail Development (Warwick District Local Plan 1996 - 2011)
- TCP1 - Protecting and Enhancing the Town Centres (Warwick District Local Plan 1996 - 2011)
- TCP2 - Directing Retail Development (Warwick District Local Plan 1996 - 2011)

### **PLANNING HISTORY**

A planning application for a similar scheme which incorporated two basement car parking areas with larger shop units and an element of office use (with 26 flats rather than the 30 flats and 1 house now proposed) was supported by the Planning Committee at the meeting on 20th May 2008. That application was withdrawn before the Section 106 Agreement to secure 10 units of social housing had been completed.

### **KEY ISSUES**

#### **The Site and its Location**

The site is located on the western side of Kenilworth Street. It presently comprises a 1950's garage building, The Irwin Memorial Hall and adjoining building 12 Kenilworth Street (both Grade II Listed Buildings), part of a larger warehouse building and two areas of vacant land. To the north of the site is the Prince of Wales public house and the rear of other properties fronting onto Warwick Street; to the west is a service 'alley', Warwick Court, beyond which are the rear of properties fronting Park Street; to the south is a building presently occupied by a decorating business whilst to the east of Kenilworth Road is a flat development, Kinmond Court and retail uses. Kenilworth Street slopes downwards from north to south.

## **Details of the Development**

This is a scheme for the comprehensive redevelopment of this site. Its key features include:-

- The demolition of the existing non-listed garage and warehouse buildings;
- The demolition of 'modern' single storey flat roof extensions to the 'listed' buildings;
- The conversion of the Irwin Memorial Hall to 10 flats and the retention of the 'listed' house as a single dwelling;
- The erection of a new building with 4 shops on the ground floor and 20 flats above; this would have the appearance of a 3 storey building with accommodation also provided in the pitched roofspace.
- Bin storage areas and a cycle store would be created together with two surface car parking areas to the rear of the building (accesses through two archway entrances) providing a total of 31 spaces.
- The mix of flats would be 21 two bed roomed flats and 9 one bed roomed flats; the house has 3 bedrooms
- The new building would have a rendered frontage designed in a traditional 'Leamington style' with the gables and rear of the building being constructed in brick. It would have a slate roof with dormer windows to the front and a mix of dormer windows and conservation style rooflights to the rear. Two lifts would be provided within the building to serve the flats on the upper floors. Traditional design timber shopfronts are proposed.

## **Assessment**

I consider the key issues relating to this proposal to be the principle of the proposal, its design and impact on the listed buildings within the site and the Conservation Area generally, impact on nearby neighbours, access and car parking and other matters raised by consultees together with renewable energy generation.

### The principal of development

This site is located within the town centre but is not shown allocated for any particular purpose on the Proposals Map for Leamington Town Centre. Kenilworth Street itself is in mixed use at present and it does link the retail areas of Warwick Street and Regent Street. In my opinion this site is wholly appropriate for a mixed development of retail and residential use.

As the proposal includes 30 flats and 1 house this does trigger the need for affordable housing and I therefore consider a Legal Section 106 Agreement is needed to secure the provision of 12 units of affordable housing for rent.

### Impact of the scheme on the Listed Buildings and Conservation Area

The site includes two Grade II Listed Buildings which have been extensively altered over time. The proposal entails removing certain modern extensions,

retaining and refurbishing the external appearance of the buildings and providing new uses to secure their future upkeep. The conversion of the upper floors of the Irwin Memorial Hall to residential use will involve some further sub-division of the building but it is considered that this will not unacceptably detract from its historic character and appearance. The demolition of the 1950's buildings and the replacement of them and the open car parking areas by a new building designed to reflect the traditional Regency architecture of Leamington is considered to be a substantial improvement to the character and appearance of this part of the Conservation Area.

#### Impact on the amenity of neighbours

Clearly, the construction of a building of this size and scale with accommodation on 4 floors, will introduce a substantial change to the outlook from existing developments, including residential flats which overlook the site. I am satisfied, however, that in this town centre location, a development of this nature would not cause unacceptable harm. Rather it will secure the removal of existing buildings and uses which in themselves could be unneighbourly and their replacement by a well designed development which in my opinion will be an enhancement to the environment in this part of Leamington. I am aware of some concerns raised by residents in Kinmond Court at the time the previous application W08/0007 for development on this site was considered, regarding the possible adverse impact of building works to implement this proposal, but these are matters which, should they occur, will be dealt with by other legislation (in particular the noise nuisance legislation enforced by the Head of Environmental Health).

#### Car parking/access issues

The submitted scheme includes 31 car parking spaces (i.e. 1 space for each proposed residential unit). The SPG on Vehicle Parking Standards would require 41 spaces for the proposed flats and house and 6 spaces for the shops. The SPG does advise that in mixed use scheme where the various uses may be occupied at different times of the day or week, such that the parking can serve more than one type of development, the overall parking provision can be reduced. In this instance, given the particular site constraints (i.e. the Listed building within the site), its town centre location, the mix of uses proposed and the improvement to on-street car parking due to the closure of existing accesses on the road frontage of this site, I consider an objection on car parking grounds could not be sustained. I note that no objection, subject to conditions, has been raised by WCC/Highways and I consider that the provision of cycle parking (already shown within the scheme) could be conditioned.

#### Other matters

I note that the County Ecologist is satisfied that the submitted bat survey is acceptable. The applicant at this stage has not submitted details of renewable energy proposals and hence a condition to control this could be imposed. Similarly, I consider further conditions would be necessary to secure other matters raised by consultees as set out above.

In conclusion, I consider this proposal would secure an acceptable restoration of two 'listed' buildings and a substantial enhancement to this part of the Conservation Area. However, given the length of time which has lapsed since the Committee's approval of the scheme and in the absence of a signed Section 106

agreement to secure the provision of the affordable housing units, it is now considered that the proposal is unacceptable and should be refused for the following reason.

### **RECOMMENDATION**

REFUSE on the following reason:

### **REFUSAL REASONS**

- 1 Policy SC11 of the Warwick District Local Plan states that residential development on sites of 10 or more dwellings will not be permitted unless provision is made for a minimum of 40% affordable housing to meet local needs. Policy SC11 goes on to state that the accommodation provided will be determined on the basis of local need as identified by the Council in accordance with the Housing Strategy and the Housing Needs Study.

The affordable housing provision required for this proposed development would comprise of 12 flats for affordable housing for rent. In the opinion of the District Planning Authority, in the absence of a Section 106 agreement to secure this provision, the proposals are therefore considered to be contrary to the aforementioned policies.

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