

**Planning Committee:** 17 January 2012

**Item Number:** 18

**Application No:** W 11 / 1362

**Town/Parish Council:** Leamington Spa  
**Case Officer:** Sunita Burke

**Registration Date:** 31/10/11  
**Expiry Date:** 26/12/11

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**122 Warwick Street, Leamington Spa, CV32 4QY**

Change of use of part of the property from offices to HIMO accommodation FOR  
Mr B Jeavons

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This application is being presented to Committee due to an objection from the Town Council having been received and because it is recommended that Planning Permission be granted subject to the completion of a legal agreement.

**SUMMARY OF REPRESENTATIONS**

**Royal Leamington Spa Town Council:** Objection

An objection is raised for the following reasons: The rear part of the property is totally unsuitable for conversion to living accommodation; Two bedrooms are shown without windows; There is no natural light shown in the common areas and there are no car parking facilities in an area where parking is severely restricted.

**Public Response:**

Three letters of objection have been received, the objections are summarised as follows:

- The office building is situated within the Town Centre Employment Area and should be protected for employment. Therefore, the proposal is contrary to policy TCP9;
- No unilateral undertaking has been undertaken to secure open space contribution. Therefore, the proposal would be contrary to policy SC13, and a similar application at 59 Holly Walk was refused on these grounds;
- Additional student accommodation would bring imbalance to the character of the conservation area;
- House (58 Clarendon Street) backs on to this development and it would have an impact on living conditions in terms of noise and disturbance;
- Parking is severely restricted in this area and this will worsen the situation for existing residents;
- Believe that extra rooms would harm the balance of the community by bringing student population to far outweigh the permanent residents.

**CAAF:** No comment

**Conservation:** No objection

Having looked at the photos and revised drawings I consider that the proposals are acceptable with the additional windows, subject to the details of the windows being conditioned. As this is a relatively modern building the windows could be either timber or powder coated aluminium (as both would be in character with the building), but not upvc.

**Waste Policy and Performance:** Comment

Is the alleyway 25metres from highway for the refuse collection and is the alleyway generally clear with enough access for the bins, which alleyway will be utilised for the bin collection. Nothing mentioned on Design and access statement regarding refuse collection.

**Cultural Services (Open Space):** Comment

I recommend to apply the Open Space SPD to this planning application for an off site capital contribution.

The address for the planning application site has several green spaces within a 500m accessibility threshold that could be considered local green spaces and strategic green spaces. These include Jephson Gardens, Mill Gardens, Kennedy Square and Newbold Terrace East. In the most recent quality assessment many of these sites scored average or below the Warwick District average for quality. Each of these green spaces have development plans for enhancements and therefore require further funding.

An off site contribution will support the improvements to any one of these sites.

It is intended that these improvements would be complete within the next 5 years, and therefore when the contribution will be spent.

**Environmental Health: Private Sector Housing:** No Objection in principle, comments as follows:

"Having examined the revised plans, I would confirm no objection in principle to this application for a 7 bed 2 storey student HIMO. Bedroom 4 is however, reliant on roof lights which will need to be easily accessible and openable by the occupier for ventilation.

The kitchen should be fitted with a second sink and second cooker and there must be sufficient work top and dry food storage – the room can accommodate these facilities.

The property will require a fire alarm system and 30 minutes fire separation internally (60 mins to commercial part)".

**RELEVANT POLICIES**

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (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)
- DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
- DAP9 - Unlisted Buildings in Conservation Areas (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)
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Open Space (Supplementary Planning Document - June 2009)
- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- Distance Separation (Supplementary Planning Guidance)
- Vehicle Parking Standards (Supplementary Planning Document)

## **PLANNING HISTORY**

The application site including the retail unit at the front was originally a three storey extension to existing offices approved in 1978.

There have been other previous applications relating to the application site but none of these are relevant to the consideration of the current proposals.

## **KEY ISSUES**

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

The application relates to the building at the rear of 122 Warwick Street. It has a separate access from the side gate adjacent to the shop front. The application site is located within the Royal Leamington Spa Town Centre and within the Leamington Spa Conservation Area. The application property is currently vacant, but was last used as offices. The application property extends through to the rear boundary with 13 to 17 Kenilworth Road; Courtyards for 118 - 120 Warwick Street on its eastern elevation; and 124 Warwick Street on its western elevation.

### **Details of the Development**

The application proposes the following development:

- Change of use from offices to a HIMO comprising of 7 bedrooms;
- Construction of a bin store in access/courtyard;
- Fire safety alarm system and 30 minutes fire separation internally and 60 minutes separation between the shop and HIMO; and
- Blocking up internally for access to the shop in the front.

The following amendments have been made to the application:

- internal layout amended to relocate the bedrooms towards the external wall and inserting windows in this wall;
- internal layout amended to install an additional sink, second cooker, sufficient worktop and dry food storage for the kitchen / dining / sitting rooms and amend the roof light for bedroom 4 to address the concerns of Private Sector Housing;
- insert windows on the western elevation on the ground floor and first floor level for kitchen, living room and bedrooms; and
- Installation of photovoltaic panels on the flat roof and a separate condensing gas-fired boiler.

## **Assessment**

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

- The principle of permitting a conversion to student accommodation;
- 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 Building in the Conservation Area;
- Open Space;
- Renewable Energy;
- Refuse; and
- Car parking.

### The principle of permitting a conversion to student accommodation

The application site comprises previously developed land within the urban area and therefore a development for student residential accommodation would be in accordance with Local Plan Policy UAP1. Three letters of objection have been submitted raising concerns about the amount of student accommodation that has been permitted within the town centre. However, there is 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. Further, concerns have been raised about the loss of business floor space, stating that, "redevelopment or change of use of existing employment land and buildings for other uses will be permitted except within the Town Centre Employment Areas as defined on the Proposals Map. A change of use to a HMO, as proposed, would therefore be contrary to the provisions of the aforementioned policy". However, the site is not situated within a protected town centre employment area and consequently the proposals would be in accordance with Local Plan Policy TCP9.

### Impact on the living conditions of nearby dwellings

The proposals do not involve the construction of extensions, and the insertion of windows on the eastern elevation would overlook onto the courtyard providing rear access and car parking for 118 - 120 Warwick Street. Therefore, the proposal is not considered to have 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.

### Living conditions of future occupants of the proposed development

No objections have been raised by the Council's Private Sector Housing on the internal space standards on the revised plans. However, as Bedroom 4 is reliant on the roof light an amendment was requested to ensure that the roof light

would be easily accessible and open able by the occupier for ventilation. Subsequent revision has incorporated this amendment, which has addressed the concerns and the revised scheme would meet the required standard to ensure that an adequate amount of light and ventilation is provided to the bedroom.

There would be a close relationship between the windows facing onto the internal courtyard. However, the bottom half of the bedroom windows will be obscure glazed. This would be sufficient to provide an adequate level of privacy for future occupants, particular considering the communal nature of the development.

An objection on the impact on the living conditions in terms of noise and disturbance due to development is noted. The objections make reference to the amenity and the lack of it in this application. 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. Further, there have been similar conversions in the area, as the location provides good access to public transport and services. In addition to that, it would occupy a building that has been vacant for over two years. Therefore, particularly considering the nature of the residential accommodation that is proposed, and the close proximity to substantial areas of public open space, this proposal would be acceptable in this respect.

#### Impact on the character and appearance of the Conservation Area

As amended, the proposals would preserve the character and appearance of the building and the Conservation Area. The application site is a modern building with full length glazing for the entrance courtyard and the corridors on both levels. High level windows exist on the flank wall along the entrance staircase, which provides sufficient light into the communal areas despite its location at the rear of the property. Council's Conservation Officer considers the insertion of windows on the eastern wall is acceptable, subject to the details of the windows being conditioned.

#### Open Space

Policy SC13 of the Warwick District Local Plan 1996-2011 states that contributions from residential developments will be sought to provide, improve and maintain appropriate open space, sport or recreational facilities to meet local needs. The Council have also adopted a Supplementary Planning Document on open space provision together with associated guidance on developer contributions for commuted payments for off-site provision and enhancement of public open space. This has been reiterated in Public Response, further stating that this should be a reason for refusal.

The commuted payment guidance dictates that a contribution should be provided for off-site provision and enhancement of public open space for the development that has been proposed. An open space contribution for this proposal would be £4368 for seven bedrooms. The applicant has confirmed that a legal agreement would be entered into to secure payment if the Planning Committee is minded to approve this application. Therefore, the proposal is acceptable.

## Renewable Energy

The proposal to mount Photovoltaic solar panels on the flat part of the roof to provide electrical energy would meet the 10% renewable energy requirement by Policy DP13 and Sustainable Buildings Statement SPD.

## Refuse

An enclosed bin store area is shown within the access/courtyard which would be readily accessible by the collection services off Warwick Street. It is located within 16 metres from the Warwick Street, and would use the same access as the entrance to the property for refuse collection. Therefore, this would meet the requirement of a minimum of 25 metres as required by the Council's Waste Policy and Performance Team.

## Car parking

Leamington Spa Town Council and objectors have raised concerns about the absence of any car parking provision. However, as the existing building occupies almost the entire application site, it is not possible to provide any off-street parking. In assessing the suitability of allowing a car free development in this location, the lawful use of the building as offices would have required three car parking spaces on site for approximately 172.8 sq.metres of internal office space, and the proposed use would require 3.5 spaces, which is rounded up to 4 spaces and is only marginally greater. 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. 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, a refusal could not be justified on grounds of parking.

## **RECOMMENDATION**

GRANT, subject to a legal agreement to secure the open space contribution and the following conditions

## **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 application form, site location plan and approved drawings Location and Block Plan, Proposed Roof and Elevation, Proposed floor plans, and specification contained therein, submitted on 28 December 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 proposed windows,

including 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** :To ensure the proposed windows would be in character with the building.

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 Prior to the occupation of the development hereby permitted, the proposed windows on the ground floor in the elevation to Warwick Street shall be permanently glazed with obscured glass to a degree sufficient to conceal or hide the features of all physical objects from view and shall be non-opening unless the parts of the window that can be opened are more than 1.7 metres above the floor of the room in which the window is installed. The obscured glazed window(s) shall be retained and maintained in that condition at all times. **REASON** : To protect the privacy of users and occupiers of the property and or the privacy of future users and occupiers of the development hereby permitted and to satisfy the requirements 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 development would not cause unacceptable harm to the architectural and historic character of the Conservation Area within which the site is located. The proposal is therefore considered to comply with the policies listed.

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