

**Application No:** [W 19 / 1559](#)

**Town/Parish Council:** Leamington Spa  
**Case Officer:** Helena Obremski

**Registration Date:** 06/11/19  
**Expiry Date:** 01/01/20

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**Victoria Lodge, Park Drive, Leamington Spa, CV31 3PJ**

Refurbishment, change of use and extension of existing C3 dwelling house to B1 office space with associated car parking. FOR Rickett Architects Ltd

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This application is being presented to Committee because the applicant is Warwick District Council.

**RECOMMENDATION**

Planning Committee are recommended to GRANT planning permission, subject to the conditions listed in the report.

**DETAILS OF THE DEVELOPMENT**

The applicant seeks planning permission for the change of use of Victoria Lodge from C3 residential to B1(a) office use. The proposal also includes an extension of the property to the rear of the site, with a two storey element attached to the existing building via a glazed link. The application also seeks to replace the existing single storey side extension with a similar scale extension, with window alterations to the main building. There would be no alterations to the existing access to the site, however, the site would be relandscaped to provide formalised parking for three spaces following demolition of an existing garage and shed, and proposes additional soft landscaping.

Following feedback from the Conservation Officer, the following amendments to the scheme have been made:

- Glass link has been lowered to be subservient to the extension.
- Small increase in the size of the extension (1.5m) to accommodate a second staircase.
- Proposed windows amended to match the existing - painted timber side hung casement frames.
- Contrasting brick panels removed.
- Matching brick and roof tiles to be used for the proposed extension.
- Solar panels removed from the roof of the extension.

**THE SITE AND ITS LOCATION**

The application relates to a vacant residential property known as Victoria Lodge, the former lodge cottage associated with Victoria Park. The site is located within a

Grade II Registered Historic Park, the Royal Leamington Spa Conservation Area and Flood Zone 2.

### **RELEVANT PLANNING HISTORY**

W/18/1864 - planning permission refused for proposed improvements and extension to Victoria Park car park and change of use of Victoria Park Lodge garden to provide improved and extended car parking as part of the Leamington Spa car park displacement programme, including new lighting, CCTV, pay machine and additional parking spaces.

### **RELEVANT POLICIES**

- National Planning Policy Framework

#### The Current Local Plan

- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029)
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
- TR2 - Traffic generation (Warwick Local Plan - 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- HE1 - Protection of Statutory Heritage Assets (Warwick District Local Plan 2011-2029)
- HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029)
- HE4 - Archaeology (Warwick District Local Plan 2011-2029)
- FW2 - Sustainable Urban Drainage (Warwick District Local Plan 2011-2029)
- EC1 - Directing New Employment Development (Warwick District Local Plan 2011-2029)

#### Guidance Documents

- Parking Standards (Supplementary Planning Document)
- FW1 - Development in Areas at Risk of Flooding (Warwick District Local Plan 2011-2029)
- FW2 - Sustainable Urban Drainage (Warwick District Local Plan 2011-2029)

### **SUMMARY OF REPRESENTATIONS**

**Royal Leamington Spa Town Council:** No objection, it is important to note that Victoria Park car park is particularly busy with visitors during school holiday periods and should be kept for visitors rather than employees.

**Conservation Area Forum:** CAF are supportive in principle to the conversion of Victoria Lodge to office use. However, the Forum expressed disappointment in the design of the extension and felt that this should be more appropriate to the setting

of the existing lodge and the Victorian Park. The Forum expressed particular concern in relation to the fenestration of the new building and felt that this should better reflect the existing building which has 3-light casement windows. CAF also raised concern to the height of the glass linking walkway between the two buildings and felt that this should only be single storey.

**Historic England:** No objection.

**WCC Highways:** No objection.

**Tree Officer:** No objection, subject to the development being carried out in accordance with the details submitted.

**WCC Ecology:** No objection, subject to conditions and notes.

### **Public Responses:**

Chairman of the Avenue Road - Adelaide Road Residents Association (AR2RA): No objection, there is little evidence of the car park being at capacity except during the national bowls competition. In general an employment use for the Lodge, especially one consonant with the objectives and amenities of Victoria Park, is welcome in the neighbourhood, and will improve security in this part of the Park, and care for the Park's upkeep. Employment use will not detract from the quality of life of the neighbourhood, and indeed could provide a welcome diversity of interest in maintaining the neighbourhood's distinctive positive qualities.

Friends of Victoria Park: Supports application, appreciates efforts made by Bowls England to engage with local community. The plans for Victoria Lodge seem perfectly acceptable assuming:

- Bowls England staff do not use the Princes Drive car park that can become very congested at peak times.
- The comment in section 3.2 of the Tree Survey Report that "a large part of the garden will be converted to a car park to accommodate up to eight vehicles" is acknowledged to be an error.

In addition, and whilst not a planning issue, Bowls England and/or WDC should be encouraged to be transparent about the nature of the arrangement made for Victoria Lodge e.g. whether the terms (presumably for the sale of the lease to Bowls England) have been subject to a test of market rate or whether WDC have decided to allow Bowls England to acquire the lease on preferential terms?

### **ASSESSMENT**

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

- Principle of the Development
- Design and Impact on Heritage Assets
- Impact on Amenity
- Parking and Highway Safety

- Ecological Impact and Trees
- Flooding and Surface Water Drainage
- Other Matters

### Principle of the Development

Local Plan policy EC1 states that new office development will be permitted within the town centres. Outside of town centres, office development will be permitted in accordance with the following criteria:

- i. Within the employment land allocated in policy DS9;
- ii. Within established and committed employment areas in policy EC3;
- iii. Within town centres, subject to the town centre policies or any subsequent area action plan coming into effect after this plan.

Proposals for office development in locations at the edge of the town centres will also be considered if no suitable sites are available in any of the preferred locations above. Only if no suitable sites are available in an edge-of-centre location will out-of-centre locations be considered.

The policy seeks to support the retention of existing and committed employment areas, to prioritise the reuse of previously developed land and promote sustainable patterns of development. It ensures that employment areas are well distributed within the urban areas, close to existing and future housing development and accessible by public transport.

This application is submitted by Warwick District Council who own the site. The development will provide office space for Bowls England, who are currently located at Riverside House. The National Bowls Championships, International Matches and Test Matches are all held at Victoria Park. A review by Warwick District Council, following the inaugural joint National Championships in 2014, showed that circa 30,000 visitors to the annual event delivered £1.7 million into the local economy during the period – almost double its own initial estimates. The Council also commissioned a number of surveys for park users and households close to Victoria Park during the event, the results of which showed significant levels of support for the National Championships due to the benefits that it brings to the town and wider district.

Bowls England inform that over the last 5 years, attempts have been made to find offices close by to Victoria Park, but they have been unsuccessful. The move from Worthing to the Council offices was only meant as a temporary measure whilst permanent offices were established nearby to Victoria Park. Bowls England need to be located within easy reach of the park because during August when the annual National Bowls Championships take place over 4 weeks, the majority of staff and management are required to spend parts of each working day at the championship and also at their offices.

The applicant has provided a list of premises which have been considered, some of which offers were made on, but were not secured. Others were identified as being too large for their needs, too far away from Victoria Park, or not available.

Whilst it is acknowledged that the application site would create additional office space outside of the town centre, it is clear that special circumstances exist relating to Bowls England which mean that they require a premises nearby to Victoria Park. The application property is ideally placed, being located within Victoria Park, and is in easy walking distance of the bowls greens on the other side of the park. The economic and social benefits which the bowls championships in particular bring to the District are offered significant weight and if Bowls England were unable to secure a suitable premises, they could potentially be forced to look elsewhere outside of the District to host such events. Allowing the office use of the site would protect the investment identified above for the long term future of the District.

Furthermore, it is also noted that the current offices serving Bowls England are located outside of the town centre. Although the application site is located outside of the town centre and is not an employment site as identified on the proposals maps, there is clear justification why this particular office development needs to be in this area, with this site being particularly well-placed, and the application property has been vacant for some time. The applicant has provided options which have been considered (some of which are in the town centre or have existing lawful office use), and these have not been suitable for their requirements, or unavailable. Furthermore, the area within closest reach of Victoria Park within the town centre boundary is predominantly residential and it is unlikely that any of these sites would come forward for office use, and in any event is unlikely to be supported because the Local Plan seeks to protect residential uses within the town centre in such areas. Any town centre sites further away from Victoria Park would be further away than the current offices, thus rendering them unsuitable.

Furthermore, the site is just over 400 metres from the town centre boundary and is therefore not a significant distance from public transport and other services which are in walking distance. Local Plan policy EC1 seeks to prioritise the reuse of previously developed land, which this would constitute. Furthermore, owing to the close proximity of the site to the town centre, the use of sustainable transport could be easily achieved. The site is also in walking distance of existing housing development. Moreover, policy EC1 does not preclude office development from being permitted outside of the town centre and there is clear justification in this instance why office use would be suitable for this site.

It is therefore considered that the change of use would not prejudice the aims of Local Plan policy EC1 and is acceptable under these specific circumstances.

There are no Local Plan policies which limit the loss of residential use in this area.

#### Design and Impact on Heritage Assets

The National Planning Policy Framework (NPPF) places significant weight on ensuring good design which is a key aspect of sustainable development and should positively contribute towards making places better for people. The NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving character, the quality of an area and the way it functions. Furthermore, Warwick District Council's Local Plan 2011 - 2029 policy BE1 reinforces the importance of good design stipulated by the NPPF as it requires

all development to respect surrounding buildings in terms of scale, height, form and massing. The Local Plan calls for development to be constructed using appropriate materials and seeks to ensure that the appearance of the development and its relationship with the surrounding built and natural environment does not detrimentally impact the character of the local area.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a duty when exercising planning functions to pay special attention to the desirability of preserving or enhancing the character of a Conservation Area.

Paragraph 193 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 196 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage assets, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Policy HE1 of the Local Plan states that development will not be permitted if it would lead to substantial harm to the significance of a designated heritage asset. Where the development would lead to less than substantial harm to the significance of a designated heritage asset, this harm will be weighed against the public benefits of the proposal. The explanatory text for HE1 clarifies that in considering applications relating to Conservation Areas, the Council will require that proposals do not have a detrimental effect upon the integrity and character of the building or its setting, or the Conservation Area.

The scheme includes the erection of a two storey extension to the rear, which would be attached to the property via a glazed link. A replacement single storey flat roof side extension is also proposed, with a green roof. There would also be alterations to the existing windows and the site would benefit from additional landscaping. Whilst the site is surrounded by a high hedgerow, the rear extension and glazed link would be visible from the park and other public vantage points owing to its height.

The existing building dates from the early twentieth century, with historical mapping indicating the presence of the lodge here between 1913-1927. This building served as the lodge for Victoria Park, believed to house the park keeper. Initially the height of the glazed link and zinc cladding was considered to be inappropriate and harmful to the Conservation Area. The link has been reduced in height, to be subservient to the main property. The lightweight nature of the glazed link provides a sense of separation between the extension and the lodge, allowing the original form of the property to be easily read against the extension. The modern nature of the glazed link clearly defines the new element from the original building, whilst the brick and tile roof serving the main part of the extension matches the existing property, respecting the historic character of the site, wider Conservation Area and Registered Park and Garden.

The Conservation Officer raised concerns regarding the height of the proposed brick extension at the rear. However, the extension sits well below the height of the existing property and the sense of separation created by the glazed link

ensures that the extension remains subservient to the application property. The brick detailing which would have drawn the eye and detracted from the main property has been removed and the windows are now considered to be appropriate for the setting within the Conservation Area, being timber framed casement windows to match the main building.

The Conservation Officer recommends the inclusion of conditions requiring the provision of sample materials and large scale details which will be added. The Conservation Officer has no objection to the amended scheme. It is noted that Historic England have no objection to the proposal.

It is noted that the Conservation Area Forum expressed concern regarding the design of the extension, particularly in relation to the fenestration of the new building and felt that this should better reflect the existing building. They also raised concern in relation to the height of the glass linking walkway between the two buildings and felt that this should only be single storey in height. However, it should be noted that these comments were made in relation to the original scheme.

The glazed link has been reduced in height as suggested; although it is not single storey, it is lower than the two storey element which is in turn notably lower than the existing two storey property. The windows have also been amended as suggested and the brick detailing has been removed, to provide simple elevations, which better reflect the style of the existing property.

The proposed single storey side extension would replace an existing single storey flat roof extension in nearly the same proportions and location. Although the Council is not generally supportive of flat roof extensions to traditional properties in the Conservation Area, owing to the modest scale of the development and fact that the property already has an existing flat roof extension, this is considered acceptable. It is noted that the extension would however benefit from a green roof, to add visual interest once established. The alterations to the windows serving the existing property are considered acceptable.

Two buildings would be demolished on the site, however, these are a concrete flat roof single garage and lightweight timber lean-to attaching to it. These are not of any architectural merit and in fact incongruous outbuildings which do not enhance the Conservation Area. Their loss would be an improvement to the setting of the Conservation and Registered Park and Garden. The site currently benefits from a large area of hardstanding to the side of the property, where the parking spaces are proposed. There would therefore be no additional hard surfaces proposed as part of the scheme and the areas around the parking and turning area would be installed with soft landscaping, creating an overall visual improvement.

It is therefore considered the development would not cause harm to, and would preserve the setting of the Conservation Area and the Registered Park and Garden. The proposal would also not cause harm to the street scene and is considered to represent an appropriate form of development which harmonises well with the character of the area. The proposal is therefore considered to be in accordance with Local Plan policies BE1 and HE1.

### Impact on Amenity

Warwick District Local Plan policy BE3 requires all development to have an acceptable impact on the amenity of nearby users or residents and to provide acceptable standards of amenity for future users or occupiers of the development. There is a responsibility for development not to cause undue disturbance or intrusion for nearby users in the form of loss of privacy, loss of daylight, or create visual intrusion.

The application site is relatively isolated from other residential properties, being located within Victoria Park. It is not considered that the extensions or change of use would cause harm to amenity.

The proposal is therefore considered to be in accordance with Local Plan policy BE3.

### Parking and Highway Safety

The access arrangements to the site remain unaltered as part of the proposal.

The existing parking requirement for the site is 2 spaces. The proposed office use generates a need for 17 spaces. This requirement includes the area marked out for the storage archives which takes up the first floor of the proposed extension, because although space for storage of this nature would not usually generate staff and therefore a parking requirement, there would be no control over the use of the first floor being used for traditional office space.

There are three proposed parking spaces, leading to a short fall of 14 spaces. However, there is a public car park located immediately adjacent to the site which it would be reasonable to expect employees to utilise. The Town Council notes that the car park is particularly busy with visitors during school holiday periods and should be kept for visitors rather than employees. However, some members of the public state that there is little evidence of the car park being at capacity except during the national bowls competitions. Another member of the public requests that Bowls England staff do not use the Princes Drive car park which can become very congested at peak times.

The car park adjacent to the site is not included within the red line site and therefore cannot be controlled as part of this application, nor could the Princes Drive Car Park. It would be reasonable to expect employees to park within the adjacent public car park and there are public transport links within walking distance to the site. A parking survey of the adjacent car park was carried out over two days (Wednesday and Thursday), which included peak times when employees would be likely to be using the car park (8:00, 11:30, 13:30, 17:30 and 23:00). The survey showed that there is ample available parking to accommodate the increased demand generated by the change of use and extension, with 36 spaces being the minimum available at one of the survey times. The application form details that there would be 12 full time employees, which could easily be accommodated within the adjacent car park.



It is also noted that WCC Highways have no objection to the proposed development. It is considered that adequate parking provision is available for the proposed change of use and that the development would be in accordance with Local Plan policy TR3.

### Ecological Impact and Trees

WCC Ecology have assessed the application and the bat roost assessment provided in support of the application. The assessment confirms the presence of bats within the existing building and WCC Ecology agree with the mitigation measures proposed by the applicant, which can be secured by condition. They also recommend the inclusion of informative notes relating to nesting birds, hedgehogs and general clearance of the site. They recommend retention of the existing hedgerows which is in accordance with the proposed drawings. Finally, WCC Ecology state that there would be some biodiversity loss from the removal of some mature garden. They confirm that this can be addressed through the additional planting of native trees and enhancements of boundary hedging, which can be secured by a condition for a combined ecological and landscaping scheme, which will be added.

There are no trees to be removed as part of the proposal. There are trees surrounding the site and a tree survey was provided in support of the application which has been assessed by the Council's Tree Officer. They have no objection to the proposal, subject to the development being carried out in accordance with the details submitted, which can be secured by condition.

The proposal is therefore considered to be in accordance with Local Plan policy NE2.

### Flooding and Surface Water Drainage

The application site is located within Flood Zone 2, but is not located within 20 metres of a main river and the proposal is classified as 'less vulnerable' development. Therefore, consultation with the Environment Agency (EA) is not required. The proposal would constitute a "minor extension" and therefore the relevant guidance from the EA requires that the finished floor levels should be no lower than the existing floor levels, which the agent has confirmed in the flood risk assessment provided in support of the application. A condition has been added to secure this.

Confirmation is also required regarding to show that the property would not be flooded by surface water. The agent has confirmed that the ground floor will be fixed at 49.5m above ordinance datum and the topographical survey indicates that all ground levels immediately around the extension are lower as they range from 49.13m to 49.39m. It is standard practice to make the external levels nominally 0.15m below the ground floor level and since the surface water drainage will system will be designed for a 1 in 100 year event with 40% allowance for climate change there will be very low risk of flooding from the surface water drainage system.

Given the low level of risk from surface water flooding and fact that the floor levels can be controlled by condition, the proposal is considered to be in accordance with Local Plan policies FW1 and FW2.

### Other Matters

Support for the proposal was received from 2 members of the public, who state that the proposed employment use will not detract from the quality of life of the neighbourhood, and could provide a welcome diversity of interest in maintaining the neighbourhood's distinctive positive qualities.

Members of the public also note that the proposal will improve security in this part of the park and care for its upkeep.

A member of the public acknowledges that whilst not a planning issue, Bowls England and/or Warwick District Council should be encouraged to be transparent about the nature of the arrangement made for Victoria Lodge e.g. whether the terms (presumably for the sale of the lease to Bowls England) have been subject to a test of market rate or whether WDC have decided to allow Bowls England to acquire the lease on preferential terms? As noted by the member of the public, this is not a matter which can be considered as part of the planning application.

### **Conclusion**

The specific circumstances associated with the nature of this application means that the change of use from residential to office accommodation in this location is acceptable in principle. Furthermore, as amended the proposed extensions would have an acceptable impact on the setting of the Conservation Area, Registered Park and Garden and the street scene. The development would not have a harmful impact on ecological species and the development provides adequate parking arrangements. The proposed development is therefore recommended for approval.

### **CONDITIONS**

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings BE 3064 PA 003 B and BE 3064 PA 004 C, and specification contained therein, submitted on 8th January 2020 and 15th January 2020 respectively. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.

- 3 No works to commence on site, including site clearance, until a combined ecological and landscaping scheme has been submitted and agreed between the applicant and the local planning authority (with advice from WCC Ecological Services). The scheme must include all aspects landscaping including details of proposed mixed native species planting and habitat creation including the locations and proposed types of any bat and bird boxes on mature trees and proposed ponds or refuges for amphibians and reptiles and hedgehog highways/homes. The agreed scheme will be fully implemented before/during development of the site as appropriate. **REASON:** To ensure no net loss to biodiversity in accordance with the NPPF and Policy NE2 of the Warwick District Local Plan 2011 - 2029.
  
- 4 No development or other operations (including demolition, site clearance or other preparatory works) shall commence unless the tree protection measures identified in the approved application documentation have been put into place in full accordance with the approved details and thereafter shall remain in place for the full duration of any such construction work. In addition no excavations, site works, trenches or channels shall be cut or pipes or services laid, no fires shall be lit within 10 metres of the nearest point of the canopy of any protected tree(s); no equipment, machinery or structure shall be attached to or supported by a protected tree(s); no mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area or any other works carried out in such a way as to cause damage or injury to the tree(s) by interference with their root structure and that no soil or waste shall be deposited on the land in such a position as to be likely to cause damage or injury to the tree(s). **REASON:** In order to protect and preserve existing trees within the site which are of amenity value in accordance with Policies BE1 and NE1 of the Warwick District Local Plan 2011-2029.
  
- 5 No development shall be carried out above slab level unless and until samples of the external facing materials to be used have been submitted to and approved in writing by the local planning authority. The development shall only be carried out in accordance with the approved details. **REASON:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029.

- 6 No development shall be carried out above slab level unless and until large scale details of doors, windows (including a section showing the window reveal, heads and cill details), and rainwater goods at a scale of 1:5 (including details of materials) have been submitted to and approved by the Local Planning Authority. The development shall not be carried out otherwise than in strict accordance with such approved details. **REASON:** To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy HE2 of the Warwick District Local Plan 2011-2029.
  
  - 7 The development hereby permitted shall be timetabled and carried out to wholly accord with the detailed mitigation measures for the safeguarding of bats within the site as set out in the document 'Roost Characterisation survey report V1A dated 8th January 2020' prepared by Wharton, received by the District Planning Authority on 8th January 2020. **REASON:** To safeguard the presence and population of a protected species in line with UK and European Law, the National Planning Policy Framework and Policy NE2 of the Warwick District Local Plan 2011-2029.
  
  - 8 The development hereby permitted shall not be occupied unless and until the car parking and manoeuvring areas indicated on the approved drawings have been provided and thereafter those areas shall be kept marked out and available for such use at all times. **REASON:** To ensure that a satisfactory provision of off-street car parking and turning facilities are maintained at all times in the interests of the free flow of traffic and highway safety in accordance with Policies TR1 and TR3 of the Warwick District Local Plan 2011-2029.
  
  - 9 The finished ground floor level of the approved extension shall be no lower than the finished floor level of the existing property. **REASON:** To ensure that future occupants are protected in the event of flooding in accordance with Policy FW1 of the Warwick District Local Plan 2011 - 2029.
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