

Application No: [W 22 / 0549](#)

Town/Parish Council: Leamington Spa
Case Officer: Emma Booker

Registration Date: 29/03/22
Expiry Date: 24/05/22

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**The Old Dole Office, Crown Building, Spencer Yard, Leamington Spa,
CV31 3AA**

Demolition and extension of outbuilding with proposal for a rendered second floor wall adjoining the former Dole Office. Omission of proposed balcony and entrance screen as approved under application W/20/2134 (Extensions, alterations and change of use to office space (Use Class E). FOR Complex Development Projects

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

DETAILS OF THE DEVELOPMENT

This application seeks to make amendments to the scheme of works approved to the Old Dole Office building approved within application ref: W/20/2134. This is a fresh application as the previous application also granted approval for works to the United Reformed Church and No.5 Spencer Yard.

In addition to the works already approved, the applicant seeks to demolish a plant room at the rear of the building and erect a three storey extension with a flat roof and part rendered elevation in its place. Further minor changes are proposed to the design of the entrance to the building on its front elevation.

The newly proposed extension to the rear comprises WC facilities at all levels which maximises the space for the office use within the rest of the building. The three storey extension at the rear adds ~60 sqm of floorspace to the building.

W/20/2134 previously approved the following at The Old Dole Office:

- Change of use to office space (Use Class E)
- Extension to create an additional floor at second storey
- New aluminium windows and doors

- New stair and ramp with metal balustrade to Southern elevation
- Paint brickwork to Southern elevation
- Addition of perforated metal panels at various angles to one corner of the building.

As this application is a full planning application and not a variation of condition, it is necessary to access the acceptability of all the elements now proposed and not just the amendments. W/20/2134 is however extant and so must be given sufficient weight in the determination of this application. In circumstances such as this, where there has not been a change in circumstance since the approval of W/20/2134 and no new information has come to light which would lead Officers to come to a different recommendation, it would be unreasonable to come to a differing view in the assessment of those aspects of this application. Officers have taken this approach in this report.

THE SITE AND ITS LOCATION

The application site, known as Spencer Yard, lies within the town centre of Leamington Spa, within the Conservation Area and forms an integral part of “The Creative Quarter”. The site is situated within a predominantly commercial part of Leamington Town Centre. The site lies in Flood Zone 2.

The building the subject of this application is currently painted in a variety of bright colours. The windows are either bricked or boarded up. To the front of the building, cars are regularly parked.

The site is adjoined to the east by the Grade II listed buildings comprising Victoria Colonnade and Victoria Terrace. These contain a variety of residential and commercial uses and include a number of windows overlooking the site.

The Loft Theatre adjoins the site to the north.

Vehicular access to the rear of the site is gained off Spencer Street via Spencer Yard; there is presently no public access into Spencer Yard via Victoria Colonnade.

RELEVANT PLANNING HISTORY

W/20/2134 - Planning permission granted for extensions, alterations and change of use to office space (Use Class E)- For United Reformed Church, Spencer Street, no.5 and Old Dole Office, Spencer Yard, Leamington Spa, CV31 3NE.

W/21/1536 – Planning permission granted for amended plans for works related to the conversion of the upper floors of 1,2, and 3 Victoria Colonnade to residential accommodation.

RELEVANT POLICIES

- National Planning Policy Framework

Warwick District Local Plan 2011-2029

- DS1 - Supporting Prosperity
- DS5 - Presumption in Favour of Sustainable Development
- PC0 - Prosperous Communities
- TCP1 - Protecting and Enhancing the Town Centres (Warwick District Local Plan 2011-2029)
- EC1 - Directing New Employment Development
- SC0 - Sustainable Communities
- HS8 - Protecting Community Facilities
- HE1 - Protection of Statutory Heritage Assets
- HE2 - Protection of Conservation Areas
- BE1 - Layout and Design
- BE3 - Amenity
- TR1 - Access and Choice
- TR2 - Traffic generation
- TR3 - Parking
- HS7 - Crime Prevention
- FW1 - Development in Areas at Risk of Flooding
- FW2 - Sustainable Urban Drainage
- FW3 - Water Conservation
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- NE3 - Biodiversity
- NE4 - Landscape

Royal Leamington Spa Neighbourhood Plan 2019-2029

- RLS3 - Conservation Area
- RLS12 - Air Quality
- RLS6 - Protection of Community Facilities
- RLS13 - Traffic and Transport
- RLS16 - Royal Leamington Spa Town Centre
- RLS17 - Royal Leamington Spa Creative Quarter

Guidance Documents

- Residential Design Guide (Supplementary Planning Document- May 2018)
- Parking Standards (Supplementary Planning Document- June 2018)
- Air Quality & Planning Supplementary Planning Document (January 2019)

SUMMARY OF REPRESENTATIONS

WDC Conservation Officer: No objection. Large scale details not required for this building.

WCC Ecology: Recommend a condition related to bat and advisory notes.

Royal Leamington Spa Town Council: Support, consider the proposal appropriate development and required redevelopment of an important site.

WCC as the Lead Local Flood Authority: Awaiting comment.

ASSESSMENT

Principle of Development

Policy EC1 states that new office development will be permitted within the town centres.

Local Plan Policy HS8 states that the redevelopment or change of use of community facilities that serve local needs will only be permitted where it can be demonstrated that:

- a) There are similar facilities accessible to the local community by means other than the car, and either;
- b) The facility is redundant, and no other user is willing to acquire and manage it, or;
- c) There is an assessment demonstrating a lack of need for the facility within the local community.

The supporting text to Policy HS8 states that for the purposes of these policies, reference to community facilities includes a wide range of uses within Class D1, including places of worship, dental/medical surgeries, halls and educational facilities. However, it adds that other uses in addition to Class D1 such as Public Houses will be considered community facilities where there is no alternative provision within the community.

The Old Dole Office's current lawful Use Class is A2 and B1, or a mixed use of E(c) and E(g) under the recent changes to the Use Classes Order. The site sits within the Town Centre Boundary and is surrounded by other employment uses. It is also in close proximity to a range of alternative community uses which are accessible by foot, bus or train. Therefore, in this location, Officers are satisfied that an E Class use is in accordance with Policies EC1 and HS8.

Design and impact on visual amenity and the character of the conservation 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 199 of the NPPF states that when considering the impact of a proposed development on the significance of a Conservation Area, great weight should be given to its conservation.

Policy HE1 of the Warwick District Local Plan 2011-2029 states that development will not be permitted if it would lead to substantial harm to or total loss of the significance of a designated heritage asset, unless it is demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss.

Further to the above, the National Planning Policy Framework (NPPF) places significant weight on the delivery of good design which positively contributes 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.

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.

The application site has been unused for many years. The theatre complex which shares the Spencer Yard site would benefit from the redevelopment of the surrounding buildings to make the area more welcoming, with improved lighting and safety.

Public views of the site are limited due to its location where it is flanked by existing development. In the determination of W/20/2134, the LPA granted approval for a facade made of perforated metal panels in different patterns. The balcony on the front elevation is no longer proposed and the doors which provided access to it have now been replaced with windows. This minor amendment is not considered detrimental to the overall quality of the scheme.

A single floor extension will be added over the top of the existing two storey-tall section of the Old Dole Office building. This will use glass panels within aluminium frames for the Southerly and Westerly elevations. The Easterly elevation will consist of brickwork with no fenestration. This has not changed since W/20/2134.

Where previously the extension to the rear was faced with brickwork, it is now proposed to be faced with render at third floor level. The new additional rear extension will be comprised of brickwork below the render. New aluminium windows and doors will be fitted into existing openings. A new stair and ramp with balustrade will be fitted to the principal elevation to allow for better access.

The Conservation Officers have expressed no concerns the application from a design and heritage perspective.

It is noted by Officers that the site will be read against the backdrop of existing commercial buildings of varied design and age. The conversion of buildings for office use on this site would not be out of character with the surrounding area. Bringing the disused buildings back to life will have a positive impact on the visual amenity of the area and it is considered that the renovation and modernisation of the building will have positive implications for both the Conservation Area and the setting of nearby listed buildings. It is acknowledged that a bold approach has been applied to the Old Dole Office in terms of its renovation, but this is not considered inappropriate for the context in the Creative Quarter nor the Conservation Area.

The extension added to the rear in replacement of the plant room is appropriate in scale and will not dominate the rear elevation. The use of render and brick is considered appropriate for the context and will add visual interest and texture to what is currently an underused and unsightly building when observed from the rear.

For the above reasons, the design of the scheme is judged to be appropriate for this unique location within the conservation area. Therefore, it has been concluded that the proposals would preserve the character and appearance of the conservation area and the setting of nearby listed buildings.

On this basis, the application accords with Local Plan Policies BE1 and HE1 and Neighbourhood Plan Policy RLS3.

Impact on adjacent properties

Policy BE3 of the Warwick District Local Plan states that new development will not be permitted that has an unacceptable adverse impact on the amenity of nearby uses and residents.

The extensions to the Old Dole Office consist of a single floor extension to create a 3-storey building and a 3-storey extension to the rear. It is noted that the Old Dole Office is currently 3 storeys in places and the extension will effectively join these 3 storey areas to create another useable floor whilst also increasing the footprint at the rear to bring the building closer to the neighbours at the Loft Theatre, Victoria Colonnade and Victoria Terrace.

Privacy

The proposals have the potential to impact on the privacy of the adjacent neighbours as there are dwellings contained with the upper floors of properties along Victoria Terrace and Victoria Colonnade. The amendments to the application proposed are not considered detrimental to neighbour amenity as there are no windows in the rear extension and the roof extension which are considered harmful.

Light and outlook

It is not considered that the proposed extensions to the roof and rear of the building will have a material adverse impact on the neighbouring properties in regard to outlook and loss of light. It should be noted that the impact of the roof extension has already been accepted as part of W/20/2134. The proposed three storey extension at the rear will face the rear of The Loft Theatre and Victoria Colonnade. The latter property is subject to a planning approval which has been granted permission for the conversion of its upper floors to residential accommodation.

The proposed three storey extension brings the three storey bulk and mass of The Old Dole Officer 2.8m closer to Victoria Colonnade and 6.8m closer to Victoria Terrace. Officers have measured the separation distances from the windows serving the residential properties affected by the development. From the upper floors of 1-3 Victoria Colonnade and 8A Victoria Terrace, the proposed extensions will be at least 18m away and Officers also note that the outlook from these windows already comprises dense built form. On this basis, the impact of the development is not considered materially harmful to the outlook and light gained from the residential properties through windows overlooking the proposal.

For the above reasons, it has been concluded that the proposals would have an acceptable impact on the living conditions of neighbouring dwellings. On this basis, the application accords with Policy BE3.

Parking and Highway Safety

Policy TR1 of the Warwick District Local Plan requires all developments to provide safe, suitable and attractive access routes for all users that are not detrimental to highway safety. Policy TR3 requires all development proposals to make adequate provision for parking for all users of a site in accordance with the relevant parking standards.

WDC Parking Standards for the proposed development would require 32 allocated parking spaces and 4 cycle spaces. The whole Spencer Yard development (including the United Reformed Church and no.5 Spencer St) provides for 7 allocated car parking spaces and 18 cycle spaces. There is therefore a significant shortfall in relation to vehicular parking at the site.

Officers noted in the previous application (W/20/2134) that the scheme of works relates to the conversion of existing buildings within the town centre where it is not possible to provide any more parking.

The proposed amendments to the application will not impact on the parking requirement for the office conversion. In assessment of application reference W/20/2134, a thorough assessment of the parking impacts was completed, and the Case Officer recognised that the re-use of the building for any purpose will impact on parking and will not comply with the Parking Standards – a common outcome for conversions within predominantly commercial parts of the town centre. Despite the significant shortfall in parking spaces, planning permission was granted on the basis that the potential negative impacts of increased on street parking are far outweighed by the benefits of the scheme. Officers must have regard for this decision in the determination of this application.

As with the previous application, the lack of parking must be balanced against the benefit of bringing redundant - and listed - town centre buildings back into use. The proposed amendments to the already approved scheme do not impact on the parking requirement for the proposed use, and it is not considered reasonable to refuse permission on parking grounds. Officers therefore attach significant weight to the extant permission (W/20/2134) and in this application, such that it is considered that the parking implications of the scheme are acceptable.

Subject to the imposition of appropriate conditions, the application is considered to comply with Policies TR1 and TR3 of the Local Plan.

Impact on Ecology/Protected Species

Policy NE3 of the Warwick District Local Plan states that development proposals will be expected to protect, enhance and/or restore habitat biodiversity and where this is not possible, mitigation or compensatory measures should be identified accordingly. Policy NE2 deals with the impact on protected species.

The Ecologist has been consulted at Warwickshire County Council and has reviewed the recent submitted protected species reports for the site. They are satisfied that the necessary surveys have been carried out, noting that they identified potential for crevice dwelling species of bat in the building. Given that the survey work was

conducted in May-June 2021, the Ecologist considers that there is potential for the identified roosting features for these bats to be occupied. Due to this risk, as a precautionary measure the condition related to bats has been recommended.

Also recommended are advisory notes related to nesting birds and hedgehogs.

The proposal is considered to comply with Policy NE2 of the Local Plan.

Air Quality

The proposed development is located within an air quality management area (AQMA) that covers Bath Street, High Street, Clemens Street, and Spencer Street in part. Existing air quality monitoring results in the vicinity of Spencer Street have generally been below the national annual mean objective level for nitrogen dioxide (NO₂), however, other nearby locations have continued to exceed this level.

Health and Community Protection – Safer Communities Section were previously consulted on the proposals set out in W/20/2134 and concluded that the development would not be classified as a major development. The additional extension proposed to the rear of the building is not considered to change the classification of the development to a major. To follow the previous assessment and recommendation made by Health and Community Protection, a condition related to the installation of a electric charging point is recommended.

Subject to conditions controlling these aspects of the development, it is considered that the proposals would be acceptable from an air quality point of view and accords with Neighbourhood Plan Policy RLS12.

Contaminated Land

The proposed development is a redevelopment of a brownfield site. Community Protection – Safer Communities Section's current records do not indicate that contamination is present, although the brownfield nature of the site means that some localised contaminants may be present due to previous historical uses or the construction of the existing structures. On this basis they would recommend that a watching brief is maintained throughout the development in the event that any contamination is discovered. Should this occur, the applicant will need to notify

the local planning authority and agree how the contamination will be dealt with. This could be secured by a planning condition.

Odour

The proposed development now falls under Class E use, meaning that the premises could be used for a number of additional purposes if planning permission is granted. One of these uses includes the sale of food and drink for consumption. The Health and Community Protection team at the Council previously advised (on application: W/20/2134) that such uses often require the installation of mechanical extraction systems and emit cooking odours on the building. To mitigate any potential adverse impacts to neighbour amenity, they considered it necessary to recommend that a planning condition be imposed which requires the details of any such extraction system to be agreed with the local planning authority prior to installation. The same approach has been taken by Officers this time due to no material changes in circumstances which would warrant a different approach.

Flooding

The site is located in Flood Zone 2. Warwickshire County Council as the Lead Local Flood Authority (LLFA) have been consulted but comments have not yet been received. These will be included in the Update Report to Committee.

Noise

To ensure that any external plant or equipment installed as part of the proposed development does not result in adverse noise impacts on nearby existing residential dwellings or other noise sensitive premises, Environmental Health have previously recommended that a condition is placed on the equipment.

Leamington Neighbourhood Plan

The Neighbourhood Plan includes a specific policy on the Creative Quarter (RLS17). The proposals comply with all of the requirements of this policy. Indeed, the proposals positively contribute to some specific objectives in relation to re-using empty buildings and in particular redeveloping a key opportunity site which is named in the policy: Spencer Yard.

SUMMARY / CONCLUSION

The proposals would generate significant public benefits, including making a major contribution to the regeneration of the Creative Quarter and securing the long term use of an important building. The proposals are considered to be acceptable in terms of design, the impact on nearby heritage assets, the impact on neighbouring properties, parking / highway safety, ecological impacts, air quality and the other detailed matters assessed above. Therefore, it is recommended that planning permission is granted.

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 drawing(s) 2362.03.1000-RevP, 2362.03.1100-RevP, 2362.03.1101-RevP, 2362.03.1102-RevP, 2362.03.1103-RevP, 2362.03.1200-RevP, 2362.03.1201-RevP, 2362.03.1202-RevP and specification contained therein, submitted on 29th March 2022. **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 Noise arising from any plant or equipment (measured as LAeq,5 minutes), when measured (or calculated to) one metre from the façade of any noise sensitive premises, shall not exceed the background noise level (measured as LA90,T). If the noise in question involves sounds containing a distinguishable, discrete, continuous tone (whine, screech, hiss, hum etc) or if there are discrete impulses (bangs, clicks, clatters, thumps etc.) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level. **Reason:** To protect the living conditions of nearby dwellings, in accordance with Policies BE3 and NE5 of the Warwick District Local Plan.
- 4 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the local planning authority. An investigation and risk assessment must be undertaken, and where remediation is necessary, a remediation scheme must be submitted to and approved in writing by the local planning authority. Following completion of measures identified in the approved remediation scheme

a verification report must be prepared, which is subject to the approval in writing of the local planning authority. **Reason:** To safeguard health, safety and the environment in accordance with Policies BE3 and NE5 of the Warwick District Local Plan 2011-2029.

- 5 Prior to the occupation of the development hereby permitted, one 7kW (minimum) electric vehicle recharging point shall be installed in accordance with details first submitted to and approved in writing by the Local Planning Authority (LPA). Once the electric vehicle recharging point has been installed, the following verification details shall be submitted to and approved in writing by the LPA: (1). Plan(s)/ photograph(s) showing the location of the electric vehicle recharging point; (2). A technical data sheet for the electric vehicle recharging point infrastructure; and (3). Confirmation of the charging speed in kWh. Thereafter the electric vehicle recharging point shall be retained in accordance with the approved details and shall not be removed or altered in any way (unless being upgraded). **Reason:** To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan and the Air Quality and Planning Supplementary Planning Document.
- 6 No development shall be carried out above slab level unless and until samples of the external facing and landscaping 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 HE1 of the Warwick District Local Plan 2011-2029.
- 7 No part of the development hereby permitted shall be used for any purpose falling within Class E (b) of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification), unless and until:
- a) an odour assessment has been undertaken to assess the impact of odour arising from cooking and any proposed fume extraction system that is required to serve the premises;
 - b) the results of the odour assessment carried out to comply with criteria (a), together with details of any necessary mitigation measures, have been submitted to and approved in writing by the local planning authority; and
 - c) any necessary mitigation measures approved under (b) have been implemented in full accordance with the approved details. The mitigation measures shall be retained at all times thereafter and shall not be removed or altered in any way without the prior written approval of the local planning authority.

Reason: To project the living conditions of nearby dwellings, in accordance with Policies BE3 and NE5 of the Warwick District Local Plan.

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 adequate off-street car parking and servicing facilities in the interests of both highway safety and visual / residential amenity in accordance with Policies BE1, BE3 and TR3 of the Warwick District Local Plan 2011-2029.

9 The development hereby permitted shall not be occupied unless and until a scheme for the provision of adequate water supplies and fire hydrants, necessary for fire fighting purposes at the site, has been submitted to and approved in writing by the Local Planning Authority and the approved scheme has been implemented in full in strict accordance with the approved details. **Reason:** In the interest of the fire safety and protection of public safety and to satisfy Policy BE1 of the Warwick District Local Plan 2011-2029.

10 The development hereby permitted shall not be occupied or brought into first use unless and until:

(a) a Green Travel Plan has been submitted to and approved in writing by the local planning authority; and

(b) the Green Travel Plan approved under (a) has been implemented in strict accordance with the approved details.

The Green Travel Plan shall include provision for active travel to and from the site, including cycle parking.

Once implemented the Green Travel Plan shall not be withdrawn or amended.

Reason: In the interest of encouraging the use of alternative modes of transport with the aim of creating a more sustainable development in accordance with Policies TR1 and TR2 of the Warwick District Local Plan 2011-2029.

11 The development hereby permitted shall be undertaken in the presence of a qualified bat worker appointed by the applicant to supervise all destructive works to the roof of the building. All roofing material is to be removed carefully by hand. Appropriate precautions must be taken in case bats are found, such as the erection of at least one bat box on a suitable tree or building. Should evidence of bats be found during this operation, then work must cease immediately while Natural England and WCC Ecological Services are consulted for further advice. Any subsequent survey work, recommendations or remedial works will be implemented

within the timescales agreed between the bat worker and the Local Authority Ecologist/Natural England. Notwithstanding any requirement for remedial work or otherwise, the qualified bat worker's report shall be submitted to the local planning authority within 1 month following completion of the supervised works to summarise the findings. Reason: To ensure that protected species are not harmed by the development and to satisfy the criteria of Local Plan Policy NE2.

In order to discharge the condition above a brief report from the bat worker must be submitted to and approved by the local Planning Authority (with advice from WCC Ecological Services).
