

Planning Committee: 03 March 2015

Item Number: 8

Application No: [W14/1725](#)

Town/Parish Council: Leamington Spa

Case Officer:

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Registration Date: 17/12/14

Expiry Date: 11/02/15

2a Church Terrace, Leamington Spa, CV31 1EN

Change of use from Use Class A2 to create a 4 bedroom dwelling house (Use Class C3). FOR Oxford and Witney Factors

This application is being presented to Committee due to the number of objections having been received.

RECOMMENDATION

Planning Committee are recommended to GRANT planning permission, subject to conditions.

DETAILS OF THE DEVELOPMENT

Planning permission is sought for the change of use of an office within a 'Financial and Professional Services' A2 Use Class to a dwellinghouse within a C3 Use Class. The existing shopfront elevation will be altered to form a new front door and three windows. A further two new windows will be inserted on the elevation adjoining Clifton Street and a glazed rooflight will be located over the internal lightwell. The building is ground floor only and the internal layout will comprise a large lounge/kitchenette, four bedrooms (two with en-suite facilities) and a bathroom. A small storage area accessed from Clifton Street provides a covered bin and recycling store. The scheme provides no off-street parking.

THE SITE AND ITS LOCATION

The application site relates to a former ground floor retail unit, changed to an office (A2 Use Class) in 1996. The site is located on the southern side of the highway and physically adjoins No.5 Church Street. Clifton Street runs to the eastern boundary. The site is set within Leamington Old Town and its conservation area. The surrounding streetscenes are largely residential in character with some sporadic commercial properties.

PLANNING HISTORY

W/96/0709 - Change of use retail to offices (A2) Children's rights service (Unit 3):
Granted 13th August 1996.

W/14/1069 - Prior Approval application: Change of use from office (B1a Use Class) to 5 bedroom HMO: Permission required, 09/09/14

W/14/1350 - Prior Approval application: Change of use from retail/office (A1-A2 Use Class) to a 4 bedroom dwellinghouse: Permission required, 05/11/14.

RELEVANT POLICIES

The Current Local Plan

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (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)
- DAP9 - Unlisted Buildings in Conservation Areas (Warwick District Local Plan 1996 - 2011)
- DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)

The Emerging Local Plan

- BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- FW1 - Development in Areas at Risk of Flooding (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

Guidance Documents

- Vehicle Parking Standards (Supplementary Planning Document)
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Open Space (Supplementary Planning Document - June 2009)
- National Planning Policy Framework

SUMMARY OF REPRESENTATIONS

Royal Leamington Spa Town Council: No objection

Cllr Richard Edwards - Comment. Note that parking on Church Terrace and surrounding streets are already very limited and this application offers no new parking on top of the nil spaces already creating a shortfall of two spaces in the Council's vehicle parking standards.

Environment Agency: Comments awaited on amended plans.

WCC Highways: No objection.

WCC Ecology: No objection, but note suggested.

CAF: The change of use was considered acceptable, although concerns were expressed that this could become a HMO. The external changes were considered acceptable. It was felt that this should be classed as a flat rather than a house as it forms part of a building with other flats which partly pass over it.

Waste Management: Bins should be stored within the proposed area outlined and only presented on the edge of the property on bin collection day.

Public response: There have been seven objections raising the following concerns:

- Lack of rubbish store/cycle store.
- Lack of parking.
- The floor plan is not appropriate for a residential home (concerns that it could lead to a HMO use and associated problems with transient residents, anti-social behaviour, rubbish, vandalism etc.).
- Proposal is clearly a HMO/designed as a HMO.
- Existing noise and nuisance, concerns that this will exacerbate problems.
- Safety and privacy concerns.
- Poor residential environment, no windows to bedroom 4, kitchen and main bathroom.

ASSESSMENT

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

- Principle;
- The impact on the character and appearance of the area;
- Residential amenity;
- Highway safety/parking;
- Renewables;
- Ecology;
- Flood risk;
- Health and Wellbeing

Background

A change of use has been sought under the prior notification procedure on two separate occasions in 2014. The initial scheme (W/14/1069) failed to meet permitted development requirements as it sought a HMO (Use Class C4) rather than a single dwellinghouse (Use Class C3) and also failed to clearly identify the existing use of the building, incorrectly indicating it was a B1(a) office use. The scheme was reassessed under W/14/1350 with the correct use classes, however, an additional caveat of the legislation imposing restrictions on a change of use within a conservation area resulted in the scheme failing to be considered as permitted development and full planning permission being required, hence this application.

The Principle of the Development

Policy UAP1 states residential development will be permitted on previously developed land and buildings within the confines of the urban area. The application site falls within Leamington Town Centre but is not within a primary or secondary retail frontage and is noted as being within an area primarily in residential use. There is no policy objection to the loss of the A1/A2 unit in this location. The proposal is therefore acceptable in principle.

The impact on the Character and Appearance of the Area

The existing frontage has two large reflective glass windows and a glazed door, which reflects the current office use of the unit and is largely unsympathetic to the style and character of the original building. The proposal includes new windows and a front door to the principle elevation fronting Church Terrace, which are much more appropriate and will re-instate the original window proportions/styling. The new side windows to the Clinton Street elevation are also well positioned and well proportioned. The roof light will be largely screened from view at street-level by the existing parapet wall to the front elevation and adjoining buildings.

The change of use is therefore considered to be an improvement to the visual appearance of the building and an enhancement to the character and appearance of the conservation area. In this context it is considered that a condition should be applied to ensure that windows are constructed in timber and painted white.

Residential amenity

The objections raised by local residents are noted and highlight local concerns regarding the concentrations of student and HMO properties, particularly within South Leamington and its associated problems. The current proposal is, however, for a single family dwellinghouse within a C3 Use Class. The site is located within a predominately residential area of the Town Centre and is therefore considered to be wholly compatible with surrounding residential uses. It should also be noted that the site falls within an Article 4 Direction dated 25th March 2011, which requires that planning permission be required for the change of use of a dwellinghouse to a house in multiple occupation.

In terms of the quality of the residential amenity created for future occupiers the conversion is considered to create acceptable residential accommodation. An internal courtyard has been created to provide natural light to bedroom 4 and the hallway. Although only sky will be visible from bedroom 4 this is considered to provide an acceptable level of accommodation for this type of room. The case officer has also requested a new window to be inserted in the bathroom (onto the courtyard), although a non-habitable room this window will add natural light and natural ventilation. A further window has also been added to the front elevation to provide additional natural light to the lounge. The Kitchen is still likely to need some artificial lighting, however, this is not considered so significant as to warrant refusal of an otherwise acceptable scheme, which finds a positive new use for this building.

Car Parking and Highway Safety

The site benefits from no off-street parking, however, in considering the existing lawful use and associated parking requirements the Highway Authority have raised no objection to the change of use and have suggested no planning conditions.

The site is within a sustainable Town Centre location with good links to public transport, shops and services. There is an opportunity for storing cycles to the rear covered way.

The development would not therefore justify a refusal on parking or highway safety grounds.

Renewable Energy

The proposed change of use is unlikely to significantly increase existing energy demands and renewables are not therefore considered necessary in this instance.

Ecology

The Ecologist has viewed the plans and street photography and considers that it is highly unlikely the existing flat roof section of the application building would be used by roosting bats. It is recommended that a note relating to bats, as protected species, is attached to any approval granted.

Flood Risk

The Environment Agency originally objected to the change of use as the site is located in Flood Zone 2. The EA considered that improved resilience to flood protection was necessary, particularly as the proposal is for ground floor sleeping only, with no safe refuge to upper floors. In accordance with EA advice the finished floor level within the property has been raised by 180mm and an emergency door to provide access to a higher level has been installed (the building is within the same ownership).

It is understood that the amended plans have overcome the EA's concerns, however, the LPA are awaiting a written response and Members will be updated at Committee on the EA's comments and any relevant conditions. However, standard conditions for signing to the EA's flood warning register has been suggested.

Health and Wellbeing

The scheme is not considered to raise any health and wellbeing issues.

SUMMARY/CONCLUSION

In the opinion of the Local Planning Authority, the development is acceptable in principle and the conversion will form an acceptable design solution that does not adversely affect the amenity of nearby residents or highway safety. The proposal is therefore considered to comply with the policies listed.

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) 02A, 04A and specification contained therein, submitted on 18/02/15. **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 Before the development hereby permitted is first occupied, the property shall be signed up to receive flood warnings from the Environment Agency's flood warning register. **REASON:** To mitigate against the impacts of flood risk, in accordance with the National Planning Policy Framework.
- 4 The dwelling hereby permitted shall be not occupied unless and until the bin storage area has been provided in strict accordance with the approved plans. The bin storage area shall thereafter be retained in perpetuity. **REASON:** To protect the amenities of occupiers of the site and the character and appearance of the locality, in accordance with Policies DP1, DP2 and DP8 of the Warwick District Local Plan 1996-2011.
- 5 All external facing materials for making good in association with the alterations hereby permitted shall be of the same type, texture and colour as those of the existing building. **REASON:** To ensure that the

visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011.

- 6 All window and door frames shall be constructed in timber and shall be painted and not stained. **REASON:** To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011.



