

Planning Committee: 25 April 2017

Item Number: **6**

Application No: [W 16 / 2282](#)

Town/Parish Council: Leamington Spa

Registration Date: 15/12/16

Case Officer:

Dan Charles

Expiry Date: 09/02/17

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146 Parade, Leamington Spa, CV32 4AG

Proposed change of use of upper floor offices to 10 bedroom house in multi-occupation including alterations to shop front and rear elevation to create new accesses to upper floors FOR Landlord Furniture Ltd

This application is being presented to Committee due to the number of objections and an objection from the Town Council having been received.

RECOMMENDATION

That planning permission be granted subject to the submission and approval of a Unilateral Undertaking.

DETAILS OF THE DEVELOPMENT

The proposed development seeks the conversion of disused offices and storage areas above an existing retail premises on The Parade to a 10 bedroom House in Multiple Occupation.

The proposal includes alterations to the shop front to provide a separate access to the upper floors together with alterations at the rear to provide a secondary access to the upper floors as well as a separate access serving the ground floor retail premises together with ancillary works for cycle racks and bin storage areas.

The proposal seeks the some internal works including the provision of partition walls to create the proposed rooms. The proposal is for the provision of 10 bedrooms together with a combined lounge kitchen area and 3 bathrooms to serve the 10 bedrooms.

THE SITE AND ITS LOCATION

The application relates to a 4 storey Grade II Listed Building situated on the western side of The Parade. The building is situated within the Royal Leamington Spa Conservation Area and within Leamington Town Centre. The building is in retail use on the ground floor with vacant offices and storage on the upper floors.

PLANNING HISTORY

W/16/1134 & W/16/1135/LB - Proposed change of use of first floor offices to house in multi-occupation – Withdrawn 12.08.2016

W/15/2065 & W/16/2066/LB - Installation of railings to rear flat roof – Granted 25.02.2016

W/15/0860/LB – Removal of bridge link between 146 and 148/150 The Parade – Granted 06.08.2015.

W/14/0364/LB – Painting of shop front – Granted 06.05.2014.

RELEVANT POLICIES

- National Planning Policy Framework

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)
- DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)
- DAP4 - Protection of Listed Buildings (Warwick District Local Plan 1996 - 2011)
- DAP5 - Changes of Use of Listed Buildings (Warwick District Local Plan 1996 - 2011)
- DAP6 - Upper Floors within Listed Buildings and Conservation Areas (Warwick District Local Plan 1996 - 2011)
- DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
- TCP1 - Protecting and Enhancing the Town Centres (Warwick District Local Plan 1996 - 2011)
- TCP10 - Protecting the Residential Role of Town Centres (Warwick District Local Plan 1996 - 2011)
- TCP11 - Protecting Residential Uses on Upper Floors (Warwick District Local Plan 1996 - 2011)
- TCP13 - Design of Shopfronts (Warwick District Local Plan 1996 - 2011)

The Emerging Local Plan

- BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- CC2 - Planning for Renewable Energy and Low Carbon Generation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HE1 - Protection of Statutory Heritage Assets (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)
- H6 - Houses in Multiple Occupation and Student Accommodation (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
- HS4 - Improvements to Open Space, Sport and Recreation Facilities (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)

SUMMARY OF REPRESENTATIONS

Councillor Jane Knight: Space is too cramped. Parking situation is limited. I do not support this development unless the cramped accommodation and parking can be resolved.

CCTV: No objection.

WCC Ecology: If roof works proposed, bat survey may be required.

Environment Agency: No objection

Leamington Spa Town Council - Objection due to breach of WDC 10% HMO rule and would impact on neighbouring amenity in terms of increased noise, rubbish and parking issues and the additional front door would be out of keeping with the building's frontage on the Parade and with the Conservation Area

WCC Highways - No objection.

Public Sector Housing - Accommodation meets the appropriate standards. Need to ensure waste management is acceptable.

Public Response

A total of 6 letters of objection received. Comments made;

Applicant has no legal right to store bins and waste on the land, only right to pass and repass for deliveries.

No bins are provided to residential properties on the Parade so intensification of bagged waste to rear may result in increased vermin problems.

Cycle storage inadequate for 10 residents.

No vehicle parking could result in illegal parking in the area.

Over 10% HMO Calculation.

Loss of office space.

Increase anti-social behaviour.

Create extra nuisance.

Loss of character.

Will result in loss of businesses.

ASSESSMENT

Principle of development

Policy H6 of the Emerging Local Plan relates to proposals for Houses in Multiple Occupation. This policy is yet to be formally adopted as part of the Development Plan but is at an advanced stage and has not been subject to modification by the Local Plan

Inspector. As such, the policy is afforded a moderate degree of weight within the decision making process.

The policy states that HMO's will be acceptable where the following circumstances are met;

- a) the proportion of dwelling units in multiple occupation (including the proposal) within a 100 metre radius of the application site does not exceed 10% of total dwelling units;
- b) the application site is within 400 metres walking distance of a bus stop;
- c) the proposal does not result in a non-HMO dwelling being sandwiched between 2 HMO's;
- d) the proposal does not lead to a continuous frontage of 3 or more HMOs; and
- e) adequate provision is made for the storage of refuse containers whereby –

- the containers are not visible from an area accessible by the general public, and
- the containers can be moved to the collection point along an external route only

The calculation carried out under section a) shows that the proposal would result in an increase from 12.63% to 13.54% within a 100 metre radius as drawn from the centre of the front elevation of the building.

However, Policy H6 then states that certain exceptions can be made under section a) where the site is on a main thorough fare in a mixed use area where the proposal would not lead to an increase in activity along nearby residential streets (for example, by way of pedestrian movements between the application site and the town centre or car parking)

In regard to section b), the application premises is located in a highly sustainable location on a main thoroughfare (The Parade) and is within 400 metres walking distance of a bus stop and in close proximity to Leamington Spa Town Centre.

In regard to section c), approval of this proposal will not lead to a continuous frontage of three or more HMOs, nor will it lead to any dwelling being sandwiched between two HMOs.

Sections d) and e) are dealt with later in the report.

It is therefore considered that this proposal meets the exception test under section a) of the Policy as whilst it represents a concentration of HMO's above the 10% threshold, the site is located on The Parade which is a main thoroughfare in a mixed use area where the proposal would not lead to an increase in activity along nearby residential streets.

Loss of Office Use

Saved Policy SC2 of the Warwick District Local Plan 1996-2011 is concerned with protecting employment land and buildings, stating that the redevelopment or change

of use of existing and committed employment land and buildings for other uses will not be permitted unless:-

- The location and/or nature of the present employment activity has an unacceptable adverse impact upon adjacent residential uses, and an applicant can demonstrate that it would not be desirable to seek to replace this with any other employment use, or
- The applicant can demonstrate that there are valid reasons why the use of the site for the existing or another employment use is not economically viable, or
- The proposal is for affordable housing provided in accordance with the definition contained in policy SC11, or
- the application is for a non-housing use, accords with all other relevant policies of the Plan and the applicant can demonstrate that the proposals would not have the effect of limiting the level of provision and quality of land available for employment in accordance with the Plan.

The application site relates to the upper floors of an existing building located within the town centre and is adjacent to a number of existing, established commercial uses including other B1 office uses, which fall within the definition of employment uses as contained within the Local Plan.

The application seeks to change the use of the building from B1a use (Office) to a House in Multiple Occupation (Use Class C4).

In making this assessment, it is noted that the site forms part of a row of buildings sub-divided into separate units above, some of which also appear vacant. During my site visit, I also noted that there appeared to be other vacant units within the wider block being advertised for rental together with other B1 offices being advertised for rental opposite the application site.

The area above the ground floor shop is currently vacant office space and has been so for some time. In Officers opinion, whilst the loss of commercial office space in the town centre is regrettable, the fact that it has been vacant for some time weighs against resisting the development. Officers are also satisfied that there is a sufficient supply of available office space within town centre locations to ensure that the loss of this space would not undermine the ability to provide appropriate office space in town centre locations.

I am satisfied that in this location, the loss of the vacant office use would not prejudice the aim and objective of Policy SC2.

In view of the above the proposal is considered to be acceptable in principle.

Impact on character of surrounding area and the Royal Leamington Spa Conservation Area

Warwick District Local Plan Policy DAP8 states that development will be required to preserve or enhance the special architectural and historic interest and appearance of Conservation areas.

Warwick District emerging Local Plan Policy HE2 (protection of conservation areas) states development will be expected to respect the setting of conservation areas and important views both in and out of them. This policy is yet to be formally adopted as part of the Development Plan but is at an advanced stage and has not been subject to modification by the Local Plan Inspector. As such, the policy is afforded a moderate degree of weight within the decision making process.

Externally, the proposal seeks the alteration of the existing shop front to provide a new entrance together with alterations at the rear to provide a second entrance.

The replacement shop front is of good quality appearance and meets with the requirements of the Shopfront SPD for Leamington Spa. The resulting design retains the shop access to the ground floor with a separate door accessing the accommodation above. The shop front has a symmetrical appearance that relates well to the local street scene. Overall, Officers are satisfied that the new shop front will result in an enhancement to the Conservation Area by providing a more visually attractive and sympathetic shop front compared to the existing shop front.

To the rear, a number of minor alterations are proposed including the removal of a timber, triangular canopy over the rear access door serving the ground floor retain premises. Public views of these elements are minimal, however, in Officers opinion, the works result in an improvement to the existing external features at the rear of the premises.

The works to the external appearance of the building are considered to enhance the character of the local area and Conservation Area in this location.

Impact on the character and setting of Listed Building

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a duty to have special regard to the desirability of preserving a listed building or its setting when considering whether to grant a planning permission which affects a listed building or its setting.

Paragraph 132 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.

Warwick District Local Plan Policy DAP4 states that consent will not be granted to alter or extend a Listed Building where those works will adversely affect its special architectural or historic interest, integrity, or setting.

Warwick District emerging Local Plan Policy HE1 (protection of statutory heritage assets) states that permission will not be granted to alter or extend a listed building where those works will adversely affect its special architectural or historic interest, integrity, or setting. This policy is yet to be formally adopted as part of the Development Plan but is at an advanced stage and has not been subject to modification by the Local Plan Inspector. As such, the policy is afforded a moderate degree of weight within the decision making process.

The new shop front has been the subject of consultation with the Conservation Officer and following revisions to the design, the replacement shop is of a high quality appearance and meets with the requirements of the Shopfront SPD for Leamington

Spa. The new shop front is an enhancement to the shop frontage on this Heritage Asset and improves the overall appearance of the Heritage Asset.

The resulting design retains the shop access to the ground floor with a separate door accessing the accommodation above. The shop front has a symmetrical appearance that relates well to the local street scene.

To the rear, a number of minor alterations are proposed including the removal of a timber, triangular canopy over the rear access door serving the ground floor retain premises.

Internally the works are minor and result in the provision of partition walls within the existing structure. No elements of historic fabric are affected by the proposed alterations and the changes are considered to respect the character of the Heritage Asset.

Overall, the new shop front is considered to enhance the appearance of the Listed Building whilst the remaining alterations are considered to preserve the character of the Listed Building.

Impact on adjacent properties

The proposals would not have any impact on light, outlook or privacy for any residential windows. Furthermore, there would be an acceptable relationship between the proposals and neighbouring commercial premises.

Access and Parking

The property has direct frontage access onto The Parade and would appear to have rear access from Bedford Street. Access from Bedford Street would be via an enclosed access which could accommodate vehicles (single width). However vehicles parked within this area could only park in a tandem formation which would not operate effectively for a HMO where any related parking would require to operate independently.

The Design & Access Statement refers to the site having minimal outside space with no parking facilities. From the submitted Block Plan (1:500), this area has not been indicated as being either part of the development area or land that is within the applicants control (blue lined) although it is assumed there must at least be a right of access through this area.

Neither The Parade or Bedford Street are within a Residents Parking Zone (RPZ). The site is within close proximity of on-street parking (which is subject to waiting restrictions) and off street public car parks (St Peters Multi-Storey and Bedford Street surface car park respectively).

The adopted Parking Standards require 1 space per two rooms when considering applications for HMO's. This 10 bedroom HMO would therefore require a total of 5 parking spaces. No spaces are provided as part of this development.

Whilst no parking is provided, the site, being sited within the town centre has very good links to public transport with the site being in close proximity of local bus stops and walking distance of the nearby Leamington Spa railway station, offering

potential occupiers of the site a choice of sustainable transport modes to the private car.

Notwithstanding the above, a Unilateral Undertaking is being prepared to remove the ability for future residents to apply for on-street permits in the local area to prevent the exacerbation of parking stress within the town centre and on the periphery of the town centre. The Unilateral Undertaking must be signed before the decision can be issued and the recommendation on the application reflects this.

Energy Efficiency / CO2 reduction

The application has been submitted with a sustainable energy statement that advises that the use of sustainable energy technologies is limited due to the Listed Building status of the property. However, the statement advises that the use of high efficiency heating and electrical appliances will provide significant energy savings. Officers are satisfied with the level of details submitted and recommend that this can be secured by condition.

Other Matters

Open Space Contribution

The open space team have requested a contribution of £6,280 based upon a net gain of 10 bedrooms @ £628 per room.

The contribution will be put toward the development objectives of local open spaces within approximately 500m (10 minute walk) of the development where these open spaces have development plans and projects in need of funding. At the time of responding, development contributions are required at Spa Gardens and Elephant Walk. This contribution can be secured by condition.

Ecology

The County Ecologist has assessed the plans and in general raised no objection. The only concern raised is if there are any proposed roof works as part of the proposal, then a bat survey may be required. There are no works affecting the roof of the building and Officers are therefore satisfied that there would be no harm to protected species.

Waste Management

The applicants have indicated an area for external waste storage at the rear of the building together with space internally for waste collection. Officers are satisfied that the waste storage is acceptable in this location.

Conclusion

Whilst the proposed conversion of the upper floors of the building to a House in Multiple Occupation would exceed the 10% rule as defined in emerging policy H6, the property is located on a main thoroughfare in the town centre which is an identified exception to the 10% Policy. In reaching this conclusion, it is also noted that the provision of the HMO would result in a less than 1% increase in the concentration of HMO's in this area.

The proposed development is acceptable in regard to the impact on the character of the area and Royal Leamington Spa Conservation Area, the impact on the Heritage Asset, the impact on neighbouring properties, Highway Safety and feature of Ecological importance. On this basis, Officers recommendation is that planning permission be granted.

- 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) 02B, and specification contained therein. **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 Unless the Local Planning Authority certifies that suitable alternative provision has been made for the provision or improvement of open space within the catchment area of the application site in accordance with Policy SC13 of the Warwick District Local Plan 1996-2011:

(i) no development shall commence unless or until a scheme for such provision or improvement (identifying the size/extent, location and specification of the space and works) has been submitted to and approved in writing by the Local Planning Authority; and

(ii) the dwellings hereby permitted shall not be occupied until the scheme so approved has been implemented.

REASON: To ensure the necessary infrastructure and facilities are provided in accordance with Policy SC13 of the Warwick District Plan 1996 – 2011.

- 4 The development hereby permitted shall not be occupied unless and until the external refuse storage areas for the development have been constructed or laid out, and made available for use by the occupants of the development in accordance with the approved details and thereafter those areas shall be kept free of obstruction and be available at all times for the storage of refuse associated with the development. No bins shall be left or stored in any other location other than on collection day. **REASON:** To ensure the satisfactory provision of refuse storage facilities in the interests of amenity and the satisfactory development of the site in accordance with Policy DP1 of the Warwick District Local Plan 1996-2011.