

Planning Committee: 12 March 2024

Item Number: 7

Application No: [W 23 / 1121](#)

Town/Parish Council: Leamington Spa
Case Officer: Erin Weatherstone
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Registration Date: 23/10/23
Expiry Date: 18/12/23

South Lodge (West Lodge), Jephson Gardens, Leamington Spa, CV32 4AB

Change of use from tourist information office to Safe Space and support centre
(Part Retrospective) FOR Warwick District Council

This application has been triggered to be considered by Members at Planning Committee because the application has been submitted by Warwick District Council and is not for a routine minor development.

RECOMMENDATION

Planning Committee are recommended to Grant planning permission.

DETAILS OF THE DEVELOPMENT

Planning permission is sought for the material change of use of the tourist information office to a Safe Space and support centre. The proposal does not include any internal or external changes.

THE SITE AND ITS LOCATION

The application site lies to the south of the Parade within the Urban Area Boundary, Town Centre Boundary and Creative Quarter of Royal Leamington Spa.

The host building comprises of 1 of a pair of two Grade II Listed Buildings known as West Lodge which form the west Gate Houses to the Spa Gardens which form part of a Grade II Registered Park and Garden. Within the immediate vicinity lie a number of Grade II listed structures including Willes Obelisk, the Hitchman Fountain, the Pump Rooms and Victoria Bridge which are Grade II Listed. The site also falls within the Conservation Area.

The application site lies in Flood Zone 3 and the River Leam lies approximately 25m to the south of the site at its closest point.

RECENT RELEVANT PLANNING HISTORY

-W/13/0487/LB- Construction of two new internal stud walls (including new timber skirting boards and architraves) to form office and protected corridor adjacent to existing kitchen. Granted 07/06/2013.

-W/05/0291 Conversion to exhibition space, retail area and reception/office with new public access from the rear and landscaping. Granted 17/05/2005.

-W/05/0929/LB- Construction of two new internal stud walls (including new timber skirting boards and architraves) to form office and protected corridor adjacent to existing kitchen. Granted 15/05/2005.

RELEVANT POLICIES

- National Planning Policy Framework

Warwick District Local Plan 2011-2029

- TCP1 - Protecting and Enhancing the Town Centres
- CT1 - Directing New Meeting Places, Tourism, Leisure, Cultural and Sports Development
- HS8 - Protecting Community Facilities
- HS6 - Creating Healthy Communities
- HS1 - Healthy, Safe and Inclusive Communities
- BE1 - Layout and Design
- HE1 - Protection of Statutory Heritage Assets
- HE2 - Protection of Conservation Areas
- BE3 - Amenity
- TR1 - Access and Choice
- TR3 - Parking
- NE1 - Green Infrastructure
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- NE3 - Biodiversity
- SC0 - Sustainable Communities
- NE5 - Protection of Natural Resources
- CC1 - Planning for Climate Change Adaptation
- HS7 - Crime Prevention

Royal Leamington Spa Neighbourhood Plan 2019-2029

- RLS16 - Royal Leamington Spa Town Centre
- RLS6 - Protection of Community Facilities
- RLS17 - Royal Leamington Spa Creative Quarter
- RLS3 - Conservation Area
- RLS8 - Protecting Local Green Space
- RLS15 - Canal and Riverside Development
- RLS13 - Traffic and Transport
- RLS15 - Canal and Riverside Development

Guidance Documents

- Parking Standards (Supplementary Planning Document- June 2018)
- Air Quality & Planning Supplementary Planning Document (January 2019)

SUMMARY OF REPRESENTATIONS

Royal Leamington Spa Town Council: No comments (01/12/2023)

Environment Agency- The proposal appears to be a lower risk planning consultation and therefore the standard advice is recommended (20/02/2024).

The Gardens Trust- No comments (17/11/2024).

Warwickshire Police- No objection in relation to Crime and Community Safety matters. It is recommended that a full CCTV system be installed within the building and around its exterior (13/11/2023).

WCC Highways Authority- No objection (13/11/2023).

WDC Environmental Health- No objection (09/11/2023).

WDC Conservation Officer-No objection (14/11/2023)

Public Response- No response received.

ASSESSMENT

Principle of development

Planning Permission is sought for the change of use of the existing building to a new Suis Generis use. No external changes are proposed as part of the development.

In 2005 Planning Permission was granted to use the building as an Exhibition Centre for art. This use was not subject to any limitations via planning condition in terms of hours of operation however there is no evidence that this use was implemented.

The existing lawful use is considered by officers to be a Tourist Information centre. The application form advises that the application site has been used as an office space for a ranger service and meeting point for a local groups, with the rooms hired out. This application is therefore part retrospective and has been considered on this basis. The description of development has been updated to reflect this.

With respect to the proposed use, the Applicant advises that Safe Spaces are operational across the UK's big towns and cities as part of the Night Time Economy safety initiatives. The supporting information advises that the use will enable the

space to be a communications hub for the night time economy that can provide help and support to those in the town who may find themselves in vulnerable situations.

The proposed Space use is part retrospective, and the supporting statement advises that this use is currently operating Friday 10pm-4am as part of a Pilot project. However, the long term intention of the Applicant is to open the Safe Space use Tuesday-Saturday 10pm-4am. The application has therefore been considered on this basis and the description of the development reflects the permanent change of use sought.

The supporting information advises that the Main Room will be occupied by the Safe Space supervisor and representatives from the police, marshals, pastors, other support services, personnel and first aider. At full capacity the proposed Safe Space use will be expected to have between 3-8 members of staff on site at any one time. In addition, it is expected that partnership meetings will take place within the building on an occasional basis.

Outside of the Safe Space Use the building is proposed to be used as one of the bases for the Community Team to operate from with the main room proposed to be used for meetings for community safety partners and other groups such as public bookings. The supporting information states that the main reception space can be utilised by local groups and it can be used as a training centre to for small events.

The Community Wardens Team currently use the main reception of the building and access the building between 8 am and 10pm and it is proposed that the office is secured for the Community Warden Supervisor and Community Safety Team.

The new use will be mixed use in nature. The use is considered to comprise of an office space, meeting place for the use of the local community and support centre.

Town Centre

Policy TC1 seeks to protect and enhance Town Centres states that proposals for any of the main town centre uses will be permitted where they are appropriate in scale in relation to the role and function of the town and that non-shopping proposals will not compromise the shopping function. Policy CT1 states that new meeting places, tourism, leisure and cultural and supports development will be permitted within the town centre in accordance with the Policies.

Officers are satisfied that the proposal will be of an appropriate scale in relation to the role and function of the town and will not compromise the Town's shopping function. The proposal will introduce a use where the public can book the rooms for events/meetings and training. The proposal is therefore considered to accord with Policies TC1 and CT1 in this regard. The use is Suis Generis and officers therefore consider any future change will require planning permission.

Due to the scale and nature of the use, it is not considered appropriate for the proposal to contribute to the improvements set out in NDP Policy RLS16.

Community Use

The Lodges at Jephson Gardens, which includes the application building, are identified as a Community Facility within the NDP. Policy RLS6 is therefore applicable to the principle of the development and seeks to protect any facilities identified in line with Policy HS8 of the Local Plan. The supporting text for Policy RLS6 states that community facilities such as halls, community centres, local shops and pubs are the essential glue and help bring community together.

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 there are similar facilities accessible to the local community by means other than the car, the facility is redundant and no other user is willing to manage or acquire it or there is an assessment demonstrating a lack of need for the facility within the local community.

Policy HS6 relates to Creating Healthy Communities and part c) state that proposals should consider community cohesion by the provision of accessible services and community facilities. Furthermore, Policy HS1 states that the potential for Healthy, Safe and Inclusive Communities will be taken into account when considering all development proposals and support will be given to proposals that do not result in the loss of essential community buildings and social infrastructure.

The proposal seeks planning permission to another use which is considered to serve the local community. Officers are therefore satisfied that the proposal will not result in the loss of the existing community facility but will provide an alternative use and will accord with the spirit of Policy HS8 and NDP Policy RLS6 in this regard.

Creative Quarter

The site lies within the Royal Leamington Spa Creative Quarter. As such, in line with NDP Policy RLS17 proposals will be supported when they address, as appropriate, various improvements. Due to the scale and nature of the development it is not considered appropriate for the proposal to deliver any of these requirements.

NDP Policy RLS17 further continues to advise that community/event spaces will be supported where they meet the requirements of the Local Plan.

Conclusion of Principle

Having regard to the above and subject to a condition officers consider that the principle of the development is supported by Policies TC1, CT1, the spirit of Policy HS8 and NDP Policy RLS6 and NDP Policy RLS17.

Other material considerations are addressed below.

Character, Design, Distinctiveness and Landscape

The application site lies to the west of Jephson Gardens and comprises of an existing gate house which is finished in an Italianate Style constructed in brick with painted stucco facades under a Welsh Slate roof with pitched roofs and chimneys.

The application building is visible from the southern end of the Parade and Jephson Gardens. Jephson Gardens are identified as a protected local green space by NDP Policy RLS8.

The development relates to the change of use of the existing building and no external changes are proposed to facilitate the use. No external lighting is proposed as part of this development and the proposal has been considered on this basis.

In light of this the development is considered to have a neutral impact on the existing character and streetscene having regard to Policy BE1 and NDP Policies RLS3 and RLS8.

Heritage Matters

The host building forms a pair of two buildings known as West Lodge which are gate lodges dating from approximately 1846, finished in an Italianate style. The buildings form part of an almost symmetrical pair and are Grade II Listed. The lodges are set at the western entrance of Jephson Gardens which forms part of a Grade II Spa Gardens Registered Park and Gardens.

The Spa Gardens comprise of a series of gardens and parks running from east to west alongside the River Leam through the centre of Leamington Spa and continue to open land to the east and west.

The application building is at the gate of Jephson Gardens and lies close to a number of listed structures within the Spa Gardens including Willes Obelisk, the Hitchman Fountain and Pump rooms which are Grade II listed. To the south of the site includes Victoria Bridge which is Grade II Listed.

The site also lies within the Leamington Spa Conservation Area and falls within Area 13a which is the interface between the Old Town and New Town. The area is considered to include important open space and views including the views looking north from the Victoria Bridge.

The proposal does not seek to make any external changes to the building but will be looking to introduce a use which operates through the night.

In response to the development the Conservation Officer has raised no objection to the development. In addition, the Gardens Trust has made no comments to the application.

In light of the above the proposal is considered to preserve the character of the conservation area and not result in harm to the setting or special interest of the designated heritage assets identified. The proposal is therefore considered to accord with Policies HE1 and HE2 and NDP Policies RLS3 and RLS15 in this regard and the policies set out in Chapter 16 of the NPPF.

In coming to this decision officers have had regard to the duty set out in the Planning (Listed Buildings and Conservation Areas) Act 1990 which states that special regard will be given to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Residential Amenity

The application site lies within the Town Centre and by reason of its siting to the west of Jephson Gardens does not lie close to any neighbouring dwellings.

No external changes are proposed to the building, and as such the proposal is not considered to give rise to any impacts on the amenity of neighbouring properties through adverse overlooking, overshadowing or overbearing impacts over and above the existing arrangement.

The proposed use will operate through the night and this is proposed to be from Monday to Saturday. In response to the development Environmental Health has raised no objection. Furthermore, officers consider the waste arrangements likely to be similar for the proposed use to the existing operations.

With respect to Air Quality the development does not lie within the Air Quality Management Area for Leamington Spa and by reason of the type of development is not considered to result in a negative impact in terms of air quality.

Having regard to the above officers do not consider that the development will result in an unacceptable adverse impact on the amenity of neighbouring dwelling's amenity through adverse overlooking, overshadowing or overbearing or adverse surroundings in line with Policy BE3 and paragraph 135 of the NPPF in this regard.

Highways Matters (including access and parking)

The application site lies within the Town Centre within close proximity to existing public transport modes. The application building is not currently served by any existing parking.

As the proposed use is Sui Generis there is no parking requirement outlined within the Council's Parking Standards SPD. No changes are proposed to pedestrian or vehicular access and no parking spaces are proposed to be associated with the development. In response to the development no objection has been received from WCC Highways Authority who have referred to the parking control within the vicinity, close bus route and car park on Newbold Terrace. Therefore it is not considered that the proposed change of use will have a material impact on parking.

Having regard to the above, the development is not considered to give rise to an adverse impact on highway safety or parking due to the location of the building and existing use in line with Policies TR1 and TR3 of the Local Plan, NDP Policies RLS13 and RLS15 and paragraph of the NPPF.

Flood Risk and Water Environment

The application site lies in Flood Zone 3 which has the highest probability of flooding and the River Leam lies approximately 25m to the south of the site at its closest point.

The application has been submitted with a Flood Risk Assessment (FRA) which identifies the flood level as 49.8m AOB across the whole site which is the same as the existing floor levels. The FRA references the flood defences in the area which are protecting this area to a 1 in 20 year standard. The proposal does not seek to change the floor levels as part of the development.

The FRA advises that means of escape are available via two exit routes. During the course of the application the Applicant advised that all uses associated with the building will cease during a flood event which impacts or was predicted to impact the building. The application form advises that the existing foul drainage will stay connected to the mains sewer.

In response to the application and, based on the cease of any uses during a flooding event outlined by the Applicant, the Environment Agency consider that the vulnerability classification of the proposed development will not change. As such, the Environment Agency consider that the proposal appears to be a lower risk planning consultation and they have recommended that the flood risk standing advice should be applied. The Environment Agency has also recommended that the applicant should contact the Flood line to register for flood warnings and officers consider it reasonable to add a note to this effect.

The site lies in flood zone 3 however as the proposal is for a change of use to a Less Vulnerable category having regard to Annex 3 of the NPPF, in line with the Applicant advising the use will cease during a flooding event, the sequential test is not applicable. Furthermore, the exception test is not applicable having regard to paragraph 174 of the NPPF and guidance within the NPPG.

The proposal does not seek to introduce additional flood resilience having regard to Policy FW1 however officers give weight to the existing use. As such, having

regard to the above the development is not considered to give rise to an increase in flooding elsewhere or introduce harm to flooding based on the proposal and site specifics having regard to Policies BE1, SC0 and FW1 and NDP Policy RLS15 in this regard.

Climate change and mitigation

In line with Policy CC1 all development should be designed to and adapt to future impact of climate change be resilient to climate change including through layout, building orientation, construction techniques, materials/ natural ventilation, optimising multi-functional green infrastructure and minimising vulnerability to flood risk. This is echoed in Policy SC0 and BE1. No change is proposed to the building and therefore neutral impact in this regard.

Other matters

Community safety

In line with Policies HS1 and SC0 consideration will be given to the how proposals seeks to minimise the potential for crime and anti-social behaviour to improve community safety. Furthermore, Policy HS7 seeks to encourage development to minimise the potential for crime and anti-social behaviour through considering options such as natural surveillance and including appropriate security measures.

In response to the application Warwickshire Police has raised no objection to the development and consider the change of use a positive move. Warwickshire Police has recommended that a full CCTV system be installed around the building. Officers consider it reasonable to add a note to this effect and advise the applicant that this will require other consents.

CONCLUSION AND PLANNING BALANCE

Planning permission is sought for the change of use of the existing building to a new Sui Generis use within the Urban Area Boundary, Town Centre and Creative Quarter of Royal Leamington Spa. Based on the information provided and subject to a condition the principle of the development is considered to be supported by Policies TC1 and CT1 and NDP Policy RLS17. Furthermore, the proposal is considered to be in line with the spirit of Policy HS8 and NDP Policy RLS6.

Furthermore, officers are satisfied that the development will not give rise to any adverse with respect to impacts on the character of the area, heritage, residential amenity, highways and parking, flood risk matters, biodiversity and ecology, climate mitigation and adaption or community safety.

The development is therefore considered to represent a sustainable form of development and it is recommended that planning permission be granted.

Conditions

- 1 The building hereby permitted shall be used as a Safe Space and Support centre, office use and community use as outlined in the Supporting Information and E-mail from the Applicant received on 15th December 2023 only.

Reason: In order that the local planning authority have the opportunity of reviewing the impact of any variation to the use on the amenities of occupants of other properties in the vicinity, highways and parking and flood risk having regard to Policies BE3, FW1, TR1 and TR3 of the Warwick District Local Plan 2011-2029.

