

**Planning Committee:** 13 December 2022

**Item Number:** 6

**Application No:** [W 22 / 1509](#)

**Town/Parish Council:** Leamington Spa  
**Case Officer:** Jonathan Gentry

**Registration Date:** 30/09/22

**Expiry Date:** 25/11/22

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**5A Spencer Street, Leamington Spa, CV31 3NE**

Proposed change of use from Nursery (Use Class E) to Learning Institution (Use Class F1) for provision of private education and associated external alterations.  
FOR CDP

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The application has been deferred to Planning Committee as the application relates to Spencer Yard, a WDC owned site.

**RECOMMENDATION**

Members are recommended to grant permission, subject to the conditions listed at the end of this report.

**DETAILS OF THE DEVELOPMENT**

The application seeks planning consent for the change of use from a Nursery (Use Class E) to a Learning Institution (Use Class F1) for provision of private education and associated external alterations.

**THE SITE AND ITS LOCATION**

The application site contains a unit located on the north side of Spencer Street within the Leamington Spa Town Centre. The unit forms part of the wider Spencer Yard development site and redevelopment works to the property and its surrounds are already underway in accordance with previously consented schemes. The site is surrounded by various commercial uses typical of a Town Centre location.

**PLANNING HISTORY**

W/20/2134 - Extensions, alterations and change of use to office space (Use Class E) - Granted

W/21/1705 - Prior notification for a proposed change of use from Use Class E (Office) to Use Class F1a (Education) – Prior Approval Not Required

**RELEVANT POLICIES**

- National Planning Policy Framework
- [Warwick District Local Plan 2011-2029](#)
- PC0 - Prosperous Communities

- TCP1 - Protecting and Enhancing the Town Centres
- SC0 - Sustainable Communities
- HE1 - Protection of Statutory Heritage Assets
- BE1 - Layout and Design
- BE3 - Amenity
- TR1 - Access and Choice
- TR2 - Traffic generation
- TR3 - Parking
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- NE3 - Biodiversity
- NE4 - Landscape
- Guidance Documents
- Parking Standards (Supplementary Planning Document- June 2018)
- Air Quality & Planning Supplementary Planning Document (January 2019)
- Royal Leamington Spa Neighbourhood Plan 2019-2029
- RLS3 - Conservation Area
- RLS12 - Air Quality
- RLS13 - Traffic and Transport
- RLS16 - Royal Leamington Spa Town Centre
- RLS17 - Royal Leamington Spa Creative Quarter

## **SUMMARY OF REPRESENTATIONS**

**Royal Leamington Spa Town Council** - Members raise no objection

**WDC Conservation & Design** - No comments

**WDC Environmental Health** - No objection on air quality grounds provided vehicle movements comparable to consented Class E/F1(a) uses.

**WCC Ecological Services** - Recommend advisory notes in relation to bats and nesting birds attached to any grant of consent.

## **ASSESSMENT**

### Principle of Development

In determining the principle of development at this site, both the loss of existing use and creation of proposed use are considered. Initially, the principle of the loss of the existing use will be assessed.

Application W/20/2134 granted consent for a wider site area encompassing the application site to adopt a Class E office use. Noting the previous use of No.5a as a nursery which also falls within Class E, no material change of use to this part of the site was generated. Subsequent Prior Approval submission W/21/1705 was given for conversion of the application site to a public school, Class F1.

The site does not fall within the designated Town Centre Employment Areas designated under Policy TC12, and as such the existing established Class E use is not specifically protected in this location.

Policy TC1 of the Warwick District Local Plan states that proposals for any of the main town centre uses will be permitted within town centres where they are of an appropriate scale in relation to the role and function of the town centre and provided that non-shopping proposals would not compromise its shopping function. Policy RLS17 of the Royal Leamington Spa Neighbourhood Plan outlines that proposals for development within the Royal Leamington Spa Creative Quarter, within which the application site falls, will be supported where they address set requirements and meet a list of prescribed uses.

Noting that the proposed development would not impact the shopping function of the town centre area, and would not result in the loss of a protected use within the site, the proposed educational use is considered acceptable with regards to Policy TC1. While the proposed use is not cited within Policy RLS17 of the Neighbourhood Plan, the character of the development would not notably differ from several of the specified uses, and would generally accord with the wider objective and purpose of this policy. Alongside this, it is noted that a highly comparable (albeit public as opposed to private) educational use may be lawfully established within the application site, a material consideration that should be attributed significant weight.

In principle therefore the proposed use is viewed acceptable in this location, subject to compliance with other relevant Local Plan policies.

#### Design and Impact on the Listed Building and 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 designated heritage asset, great weight should be given to the asset's conservation. Paragraph 202 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 Warwick District Local Plan 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 the harm or loss, or if criteria listed within the policy have been satisfied. Where 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, including securing its optimum viable use.

The physical works proposed under this application are limited to very minor alterations to the fenestration layout and detailing of the scheme of extensions and alterations granted at the site under W/20/2134.

As a result, the proposed development is not viewed to result in any material impact upon the setting of the wider Conservation Area, suitably preserving its

special architectural and historic significance. The WDC Conservation Officer has raised no comments in respect of the proposed works accordingly. The proposed alterations to window layout and detailing are similarly considered acceptable in general design terms.

As a result, the proposal is considered to lie in accordance with the aforementioned policy considerations.

Impact of the proposal on the living conditions of neighbouring occupiers and whether the proposal would provide adequate living conditions for future occupiers

Policy BE3 of the Warwick District Local Plan seeks to ensure development proposals do not result in an adverse impact on the amenity of neighbouring residential dwellings or significantly impact the amenity of existing and future occupiers of the development site. This is also reflected in supplementary planning guidance with the 45 Degree Guideline SPD and the Residential Design Guide SPD. The requirements for private amenity space and separation distances are also outlined within the Residential Design Guide SPD.

*Neighbouring Properties*

The proposals do not propose any additional extensions to the property beyond those granted under W/20/2134, nor the creation of any new windows facing neighbouring dwellings. As a result, the scheme is not considered to result in any material amenity implications in terms of loss of light, loss of outlook or loss of privacy for neighbouring uses. No additional noise or other disturbance as a result of the proposed educational use is identified above the established use of the site as a nursery, or the previously consented use as an office space. In addition, the proposed use, given the context of the application site, is not considered to be of a type that would generate unacceptable noise levels to surrounding units.

*Future Occupiers*

The site is located within a Town Centre location, though it is noted it is towards the edge of the Town Centre. Surrounding uses are of a mix of residential, commercial and office uses. As such, it is considered that the surrounding units are unlikely to generate a level of noise unacceptable to an educational use.

All habitable spaces within the converted building are assessed by Officers to present appropriate provision of natural light and outlook for future users.

With consideration to the above the development is considered to comply with Policy BE3 of the Local Plan.

Parking and Highway Safety

Policy TR3 of the Warwick Local Plan seeks to ensure parking provision associated with development proposals is reflective of the local area, and is in accordance with the Parking Standards SPD. 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.

While there are a small number of parking spaces associated with the wider development site, the application property does not benefit from a separate, private parking provision. It is however noted that this is unchanged from the established nursery use, and the consented Class E office use of the site. Furthermore a prior approval submission for use of the site as a public school was found acceptable in regards of accessibility and transport and resultantly granted. Noting that the proposed education use would generate similar user levels as the previous and consented uses, it is viewed unreasonable to resist the proposed change of use for this reason. High levels of accessibility to public transport and other infrastructure are also noted, given the central location of the site. The Highway Authority have raised no objection to the proposed scheme, noting that it is not considered the revised proposals will result in an adverse effect on the surrounding Highway Network.

Access arrangements to the site would be unchanged from its previous and consented uses and are thus considered acceptable.

In view of this assessment, the proposed scheme is considered to appropriately accord with Local Plan Policy TR1 and TR3.

#### Air Quality

Policy TR2 of the Development Plan and Policy RLS12 of the Royal Leamington Spa Neighbourhood Plan state that any development that results in significant negative impacts, including cumulative impacts, on air quality within the Old Town Leamington Spa Air Quality Management Area should be supported by an air quality assessment and, where necessary, a mitigation plan.

The WDC Environmental Health Officer commented on the proposed development, highlighting that the site lies within an existing Air Quality Management Area, that covers Bath Street, High Street, Clemens Street, and Spencer Street in part. This means that any development should be carefully considered with regards to potential air quality implications. It was noted that the proposed educational use is likely to be comparable to the established nursery use of the site under Class E, and highly similar to the educational use (for a Public School) granted under prior approval submission W/21/1705. As such it is viewed that the proposed change of use in this instance will not result in any material change to traffic movement levels associated with other lawful uses of the application site. As such the proposed development is considered acceptable in this regard.

#### Ecology

Policy NE2 of the Local Plan seeks to protect designated biodiversity assets and protected species, ensuring they are not adversely impacted by development proposals.

The consultee County Ecologist commented on the application submission, noting that previously approved wider works to the site have secured necessary ecological interventions. As a result, their recommendation was limited to advisory notes in relation to bats and nesting birds. Noting that the only physical changes proposed under this submission relate to minor revisions to fenestration layout and detailing, this approach is considered reasonable and proportionate.

In view of this, the development is considered to lie in accordance with Policy NE2 of the Local Plan.

### Climate Change

Local Plan Policy CC1 states that all development is required to be designed to be resilient to, and adapt to the future impacts of, climate change through the inclusion of adaptation measures where appropriate.

As per the previous approval under W/20/2134, the converted nursery would feature the installation of photovoltaic panels to its roof in order to provide localised and sustainable on-site power generation. The inclusion of this measure, alongside previously approved wider works to refurbish and convert the building that would enhance its sustainable characteristics are supported in accordance with Policy CC1. The development is considered acceptable in this regard.

### **SUMMARY/CONCLUSION**

For the reasons outlined above, Members are recommended to grant permission for the proposed works, subject to noted conditions.

### **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 approved site location plan '2362.00.05-P' and drawings '2362.02.1100-T2', '2362.02.1101-C', '2362.02.1102-C', '2362.02.1200-C', '2362.02.1201-C' submitted on the 15th September 2022, and specification contained therein.  
**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.

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