

Application No: W 10 / 0878

Town/Parish Council: Radford Semele
Case Officer: Jo Hogarth

Registration Date: 08/07/10
Expiry Date: 02/09/10

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**Ashley House, 1 School Lane, Radford Semele, Leamington Spa, CV31
1TQ**

Conversion and external alterations of existing nursery to 7 no. flats, including 9 parking spaces FOR Ms M Ryan

This report is being presented to Members of the Planning Committee as the proposal is contrary to the provisions of the Development Plan.

SUMMARY OF REPRESENTATIONS

Radford Semele Parish Council: "We have concerns regarding the number of parking spaces available. We feel there are not enough and this would result in cars parking on the road. We would also like to see the condition imposed of double yellow lines at the junction of School Lane and Southam Road, in School Lane running down beyond the entrance to this development."

WCC Highways: (Original plans): Objection as inadequate width of car parking spaces, no objection in principle.

(Amended plans): No objection subject to conditions on remodelling of access, kerb and footway reinstated and notes to applicant.

WCC Ecology: Recommend notes relating to bats and nesting birds.

Housing and Property Services: "Policy SC11 requires developments in rural areas of 3 or more dwellings to provide a minimum of 40% affordable housing. The Council's priority is for on-site provision however, where this cannot be delivered consideration will be given to off-site provision or payment of a commuted sum. Having considered the proposals, to comply with policy SC11, 3 of the 7 proposed dwellings would need to be affordable. However, Housing Strategy do not consider that the development would be suitable for on-site provision. The building will be a conversion which means that the standard required for affordable housing would not be met due to the physical constraints of the building, and the small scale of the proposals would make the management difficult. Service charges for the communal areas and external areas would also be likely to make the cost unaffordable and Registered Providers would not be willing to acquire and manage the units due to these issues. Overall the dwellings would not be capable of meeting the Council's definition of affordable housing. The applicant does not have any alternative sites to consider for off-site provision and therefore consideration was given to the payment of a commuted sum.

In line with the Council's policies the applicant has disclosed the full financial appraisal to Housing Strategy which has been assessed and verified. Housing

Strategy are satisfied that it would render the scheme unviable if a commuted sum was to be required from the scheme.

The building has been vacant for a number of years with no real prospect of redevelopment. Whilst the local plan policies for affordable housing apply it has been demonstrated that for financial viability reasons this is not feasible.

Housing Strategy therefore do not object to the proposals.

It is a matter for the planning committee to consider Local Plan Policy RAP1 Directing New Housing which allows for the development of new housing on previously developed land within Radford Semele where any market housing meets a specific need as identified by the community in an appraisal or assessment. There is no evidence of market housing need (or affordable) as there is no up to date housing needs assessment for the Parish."

Public response(s): 2 letters of objection on grounds of parking capacity, loss of privacy, concern regarding trees which afford privacy; air extraction which will be directly into our garden; assurance that the building works will be carried out during social hours and not weekends and no damage to garden or property.

RELEVANT POLICIES

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- SC8 - Protecting Community Facilities (Warwick District Local Plan 1996 - 2011)
- SC11 - Affordable Housing (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- RAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- Vehicle Parking Standards (Supplementary Planning Document)
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- The Reuse of Land and Buildings for Housing (Regional Planning Guidance 11 - June 2004)
- Open Space (Supplementary Planning Document - June 2009)

PLANNING HISTORY

Originally a dwelling, planning permission was granted to convert the building into a 'elderly persons rest home' in the 1980's. Following this, in 1998 (ref: W98/0708) planning permission was granted for conversion into 7 flats; In 2000 (ref: W00/1286) planning permission was granted for a change of use into a children's day nursery for a temporary basis. In 2001, a permanent consent was granted for this use (ref: W/01/0438). In 2008 the nursery moved out of the premises and since then the building has remained vacant.

KEY ISSUES

The Site and its Location

The site relates to a two storey building located on the corner of Southam Road and School Lane. It is within a Limited Growth Village as identified within the Local Plan, outside of the Conservation Area within a predominantly residential area. There is a mix of styles of property in the immediate vicinity and this property has a limited curtilage area. There are currently three integral garages with a parking area to the front of the building.

Details of the Development

The application is for the conversion of the building into 7 flats (6no 2 bedroom and 1no 1 bedroom) together with 9 parking spaces. The conversion would involve the removal of a conservatory style structure to the front of the property together with the bricking up of the garage openings and insertion of 3 windows in the front elevation.

Assessment

I consider the key issues relating to this application to be:

- Principle of development;
- Parking and access;
- Impact on neighbours;
- Refuse storage,
- Renewables

Principle of development

As the building was last used within a Class D1 use (nursery), the applicant is required by Local Plan Policy SC8 'Protecting Community Facilities' to demonstrate that no other user is willing to take on the Class D1 use. The building has been vacant for three years and the applicant states that there is another nursery nearby in Radford School and therefore an additional nursery use would not be viable. They state that they have actively marketed the site through their contacts with local property developers with the only user showing interest being Radford Semele Baptist Church, to use the site temporarily whilst St. Nicholas Church was refurbished after the fire; however the Church considered the building too small for their needs. Furthermore, a letter from Evans Hardy Bromwich estate agents has been submitted who "*deem the property to have limited commercial use giving particular consideration to its residential location.*" Therefore the applicant is arguing that the D1 use is redundant and no other user is willing to acquire and manage it, thereby complying with the requirements of Policy SC8.

Radford Semele has been identified as a Limited Growth Village whereby residential development will be permitted where it is on previously developed land and where any market housing meets a specific local need. The proposal is for the conversion of an existing building; however no specific local need has been identified and the Parish Council is unwilling to carry out a local needs survey. I consider it would be unreasonable to request that the applicant carries out their own survey and they have stated that their concern would be liability should third parties rely on that information. Whilst a specific local need has not

been identified, and little possibility of a survey being undertaken, there is a housing need within the District and I consider that this is a material planning consideration.

In a rural location, sites of 3 or more dwellings are required to provide 40% affordable housing on site. In some cases a commuted sum for off-site provision may be agreed where individual sites are not compatible with delivering the type of affordable housing required by Housing Strategy. In this instance, the Council's Housing Strategy Manager considers that due to the physical constraints of the site and the difficulties with managing the site, Registered Providers would be unwilling to acquire and manage the units. The applicant has sought to demonstrate that a commuted sum for off-site provision would not be viable and has submitted a full financial appraisal to Housing Strategy who have commented that they are satisfied that it would render the scheme unviable if a commuted sum was to be required from the scheme and therefore do not raise objection.

Given that the building has been vacant for a considerable period of time and that the applicant has sought to find alternative community uses, I am of the opinion that whilst the proposal does not fulfil all of the policy criteria of RAP1, the benefits of converting the building and bringing it back into use which would protect it from vandalism and falling into disrepair outweigh the conflict with Policy RAP1 and the creation of new dwelling units in the rural area without a local need.

Parking and access

As originally submitted, the County Council Highways raised objection to the layout of the parking area; however the scheme was amended and as such their objection was withdrawn. I note the Parish Council's comments and the need for double yellow lines, Warwickshire County Council do not consider this necessary as part of this proposal. The proposal attracts the requirement to provide 10 parking spaces of which this scheme can provide 9 off street parking spaces. As a previous nursery use whereby 56 children attended up to the age of 4 years, the parking requirements varied between 7 spaces and 19 spaces, depending on the ratio of children under the age of 4 years. As such it is likely that a nursery use would be more problematic in relation to parking than the proposed development. School Lane is not restricted, except outside Radford School, and I am satisfied that there is sufficient capacity for on-street parking without detrimentally affecting the safety and convenience of other residents and occupiers. Although the proposal is deficient by one parking space against the standards, I consider that this would not be so unacceptable in highway terms and therefore in accordance with Policy DP8 of the Local Plan.

Impact on neighbours

The proposal is for conversion and the only external alterations are the removal of a conservatory style structure on the front elevation and creation of four window openings in lieu of the three garage doors, again on the front elevation. I am satisfied that there would be no increase in harm to nearby residents caused by disturbance compared to the previous use. I note the objection from the neighbour with regard to overlooking from first floor windows; however given that the building used to be in residential use and these are existing windows overlooking the front of the property, I consider a refusal on these grounds would be difficult to sustain. In terms of impact on neighbours I

consider the proposal to be acceptable and in accordance with Policy DP2 of the Local Plan.

Whilst I note that there are concerns regarding disruption during the conversion and hours/days of work, this is a short term issue that is outside of the remit for any planning conditions; however an informative is to be added to ensure minimal impact.

Refuse storage

Bin storage for wheelie bins would be provided at the southern end of the site which is discretely located in the streetscene. I consider a condition to require details of the bin store enclosure to be appropriate to ensure that the proposed fencing or wall is in keeping with the surrounding area.

Renewables

As part of the proposal, two solar panels are proposed, one on the south roof slope with the other on the west roof slope. The energy statement submitted with the application demonstrates that each flat will have over 10% of their predicted energy requirement obtained through renewables thereby complying with the Council's Local Plan Policy DP13.

Other matters

As this is a rural location and no improvements for open space as a result of this proposal have been identified by the Parish Council, in this instance it is not considered appropriate to require off-site contributions to open space in accordance with Policy SC13 of the Local Plan. No trees will be affected by the proposed conversion.

RECOMMENDATION

GRANT, subject to the conditions listed below.

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years from the date of this permission. **REASON** : To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the application form, site location plan and approved drawing numbers 002 Rev B and 003, and specification contained therein, submitted on 8 July 2010 and 2 November 2010 unless first agreed otherwise in writing by the District Planning Authority. **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 Notwithstanding the details shown on the plans in respect of the bin storage, details of their enclosure shall be submitted to and approved in

writing by the District Planning Authority and the flats hereby permitted shall not be occupied until the bin store has been constructed in strict accordance with the approved plans. **REASON:** To protect the amenities of occupiers of the site and the character and appearance of the locality, in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.

- 4 No more than one access for vehicles shall be made or maintained to the site from School Lane. **REASON:** In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011.
- 5 The development shall not be occupied until the existing vehicular access to the site has been widened/remodelled so as to provide an access of not less than 5 metres or greater than 5.5 metres, as measured from the near edge of the public highway carriageway. **REASON:** In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011.
- 6 The development shall not be occupied until all parts of the existing southernmost access within the public highway not included in the permitted means of access has been closed and the kerb and footway has been reinstated in accordance with the standard specification of the Highway Authority. **REASON:** In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011.
- 7 The development hereby permitted shall not be first occupied unless and until the renewable energy scheme submitted as part of the application has been wholly implemented in strict accordance with the approved details. The works within this scheme shall be retained at all times thereafter and shall be maintained strictly in accordance with manufacturers specifications. **REASON :** To ensure that adequate provision is made for the generation of energy from renewable energy resources in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011.
- 8 The proposed car parking area for the development hereby permitted shall be constructed, surfaced with an impervious material, laid out and available for use prior to the first occupation of the development hereby permitted, in full accordance with the approved plan. The car parking area shall be kept free of obstruction and be available for those purposes at all times thereafter. **REASON :** To ensure that adequate parking facilities are provided and retained for use in connection with the development, in accordance with the requirements of Policy DP8 of the Warwick District Local Plan 1996-2011.

INFORMATIVES

For the purposes of Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, the following reason(s) for the Council's decision are summarised below:

In the opinion of the District Planning Authority, the proposed conversion is acceptable which would harmonise with the surroundings and does not result in an unacceptable adverse impact on the amenity of nearby residents or cause harm to the streetscene. The proposal is therefore considered to comply with the policies listed.
