

Planning Committee: 10 January 2017

Item Number: 6

Application No: [W/16/1314](#)

Town/Parish Council: Warwick
Case Officer: Ian Lunn

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Registration Date: 18/07/16

Expiry Date: 12/09/16

16 Old Square, Warwick, CV34 4RA

Change of use of former government offices to public house with letting rooms (Class A4 and Class C1); internal and external alterations to building including demolition of ancillary store and outbuildings; single storey rear extension and erection of pergola. FOR The City Pub Company PLC

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

RECOMMENDATION

Planning Committee is recommended to grant planning permission, subject to the condition listed at the end of the report.

DETAILS OF THE DEVELOPMENT

Planning permission is sought to convert the basement and ground floor of the premises to a Public House and the first and second floors to a 10 bedroomed hotel. The conversion works involve both internal and external alterations which include the demolition of a shed, toilet, shelter and store located within the rear yard, their replacement with a new single storey extension and a pergola, and alterations to the gated opening onto Old Square.

A parallel Listed Building Application (W/16/1315 LB) has also been submitted in respect of the proposed conversion works. This will be considered separately.

THE SITE AND ITS LOCATION

16 Old Square is a three storey Grade II listed building. It lies due north of the junction of Old Square and New Street within Warwick Town Centre and the Warwick Conservation Area. The building is currently vacant but was last used as offices by Warwickshire County Council (Use Class B1).

PLANNING HISTORY

None relevant

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)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
- TCP1 - Protecting and Enhancing the Town Centres (Warwick District Local Plan 1996 - 2011)
- TCP6 - Cafe Quarters (Warwick District Local Plan 1996 - 2011)
- TCP9 - Protecting Employment Land and Buildings (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)
- DAP7 - Restoration of Listed Buildings (Warwick District Local Plan 1996 - 2011)
- DAP8 - Protection of Conservation Areas (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)
- TR1 - Access and Choice (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)
- TC1 - Protecting and Enhancing the Town Centres (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TC12 - Protecting Town Centre Employment Land and Buildings (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- CT1 - Directing New Tourism, Leisure and Cultural Development (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- CT2 - Directing New or Extended Visitor Accommodation (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)

SUMMARY OF REPRESENTATIONS

Warwick Town Council: Support the proposal

WCC Ecology: Have requested photographs of the roof of the building in order to be able to comment further on the proposals.

WCC Highways: No objection, subject to conditions

WCC Archaeological Services: No objection, subject to conditions

WDC Health and Community Protection - Environmental Sustainability Section: No objection, subject to conditions.

Public Response: Seven letters of objection have been received on the following grounds:

a) that the proposals would give rise to highway safety concerns. The building lacks any dedicated 'off-street' parking facilities and a dedicated delivery point. Consequently, customers, delivery vehicles, and taxis picking up and dropping off people, would be forced to park on Market Place, a 'one way' street. This would inhibit the safe and free flow of other vehicles using that highway.

b) that the proposals would cause undue disturbance, by reason of noise, odour and cigarette smoke for the occupiers of neighbouring residential properties. Suitable mitigation measures could not reasonably be put in place to prevent such problems occurring as this is a listed building,

c) that despite the applicants' claim it is likely that alterations will ultimately need to be made to the facade of the building, for example in the form of new signage,

d) that an approval of these proposals would lead to an increase in crime in the area,

e) that some of the information submitted with this application is incorrect as the building has not previously been used as a pub,

f) that there is no need for additional food and drink establishments in the town, and an approval of this proposal will change the dynamic of the area,

g) that there was interest in continuing to use this building as offices and in converting it to residential use both of which would have been more appropriate,

h) that the Warwick Mop Fair would be unable to set up as it normally does if this building was to be used as now proposed.

The applicants' agent has also submitted a letter in support of their proposals in which they state:-

a) that pubs and hotels are appropriate uses to locate in the Town Centre,

b) that the proposals will retain the character of this listed building,

c) that the proposed uses will generate fewer vehicular movements to and from the premises than the former offices,

d) that parking for the hotel can be reasonably accommodated within nearby car parks since the demand will be at night. Other hotels in the Town Centre also lack any associated 'off street' parking facilities,

e) that the development will not adversely affect local residents as the building is predominantly surrounded by other commercial uses and suitable odour control measures are to be undertaken as part of the proposals,

f) that the presence of other A4 drinking establishments in the Town Centre is not a reason for opposing the creation of a further similar use.

The main issues to consider when deciding this application are:-

- Principle
- Design/Scale/Effect on Listed Building/Conservation Area
- Impact on amenity of occupiers of neighbouring premises
- Parking/ Highway Safety
- Renewables
- Other Issues

Assessment

Principle

Given the nature of the proposals and the location of this site it is considered that the scheme needs to be considered initially against the requirements of Policies TCP1, TCP6 and TCP9 of the Local Plan, Policies TC1, TC12, CT1 and CT2 of the emerging Local Plan and Section 2 of the National Planning Policy Framework. It is considered that it will meet the requirements of these for the reasons given below:-

a) the proposals are considered to be sustainable involving the re-use of an existing building that is located within Warwick Town Centre,

b) the building is located within the Town Centre and within an identified 'Cafe Quarter' where drinking establishments and hotels are normally viewed as acceptable, and

c) Policy CT2 of the emerging Local Plan seeks to direct new visitor accommodation to town centre locations.

The building is also located within an identified 'Town Centre Employment Area' where there is a presumption against proposals that would lead to the loss of existing B1, B2, B8 employment uses. However, it is considered that a refusal of these proposals on these grounds could not reasonably be sustained in this instance because:-

a) the site is identified as falling within the 'Cafe Quarter' in the adopted Local Plan which carries greater weight than the emerging plan,

b) the building appears to be no longer suitable for use for offices, and

c) an approval would enable an attractive listed building, which significantly contributes to the appearance of the Town Centre, to be brought back into productive use.

In view of the above it is considered that the proposed uses are acceptable in planning policy terms.

Design/Scale/Effect on Listed Building and surrounding Conservation Area

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. Paragraph 134 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

The proposed works are largely considered to be acceptable preserving and enhancing the character and appearance of the host listed building and that of the surrounding Conservation Area. The buildings to be demolished occupy secluded positions to the rear of the building and are not considered to be of any particular architectural merit in themselves; the new pergola will also occupy a secluded position and will be an 'open' structure sited away from the main body of the building; a condition can reasonably be imposed requiring that suitably designed gates are installed within the newly widened gated access. The 'Customer Seating' extension will be a single storey structure that will also occupy a secluded position within the rear yard; the flat roof will be hidden by a parapet and a lantern is to be introduced to give it some interest; the external walls are to be constructed of matching brick; and a condition can reasonably be imposed requiring that a more appropriate treatment than bi-folding doors is used. In view of this it is considered that, subject to the imposition of appropriate conditions, this element of the proposal should also be accepted.

The proposals will lead to a slight net increase in the size of the building. Nevertheless the development is considered to be acceptable in terms of scale.

Amenity

It is considered that the converted building will not unduly affect the level of light currently received by neighbouring properties. This is because of the relatively limited scale of the conversion works and their proposed location within the rear yard of the premises. It is not envisaged that the proposals will give rise to unacceptable overlooking of neighbouring premises either over and above any that may have previously been occurring.

The proposed Public House use has the potential to generate undue noise and/or odour and this has led to concerns from other occupiers/residents nearby. However, whilst accepting that people do reside within the Town Centre this is, by its very nature, an area where commercial uses predominate and it is also an area where residents could reasonably expect to experience a degree of late night noise. Furthermore, it is considered that, despite being a listed building, a suitable means of extracting fumes and odour from the premises could reasonably be achieved and a condition to secure this is therefore recommended. In view of the above, and as the Council's Health and Community Protection - Environmental Sustainability Section raise no objections to the proposals subject to conditions, it is considered that a refusal of the

development on noise nuisance or odour grounds could not reasonably be sustained in this instance despite concerns to the contrary.

Parking/Highway Safety

A development of this nature would normally require the provision of seventeen 'off street' car parking spaces in order to meet the Council's adopted parking standards. This building does not, however, currently benefit from any 'off street' parking facilities and none could reasonably be provided in this instance. However, the building occupies a sustainable location within the Town Centre. Furthermore there are public car parks nearby (the nearest being on New Street) which are likely to have spare capacity in the evenings where visitors to the pub and/or hotel could reasonably park. The proposals have been fully assessed by the Highway Authority who consider that they should not give rise to any undue highway safety concerns provided that suitable controls are put in place whilst the conversion works are underway, and deliveries are controlled once the business is in operation. Subject to the imposition of conditions to this nature it is considered that the proposals should not give rise to any undue highway safety issues despite concerns to the contrary.

Renewables

The proposal will result in a material increase in the energy requirement of the building which would normally require the provision of renewables. However, given the Listed Building status of the proposal and the site specific constraints it is considered that a sensitive scheme would not be possible. Therefore to protect the character and appearance of the Listed Building it is considered appropriate not to require the provision of renewables in accordance with Policy DP13 and the associated SPD in this case.

Other Issues

The concerns expressed by the objectors to these proposals have been carefully considered. However, they are not considered to raise issues that are sufficient to justify a reason for refusal in this case:-

a) it is not proposed to alter the attractive facade of this building as part of this proposal. Any subsequent applications for signage should they be received would be considered in the usual way and the Local Planning Authority would be able to refuse them if it considered that the proposals would be harmful to the character of the building.

b) it is not envisaged that this proposal will lead to any significant crime issues. Access to the building will be from Old Square which is a well lit public highway.

c) it is considered that sufficient accurate information has been submitted with this application to enable the implications of the proposals to be properly judged. Concerns about the premises having not previously been used as a pub are not relevant to the consideration of the scheme.

d) the applicants do not need to demonstrate a need for this development in this instance.

e) it is not envisaged that a pub and hotel in this location will significantly change the dynamic of the Town Centre.

f) a planning application cannot be refused on the grounds that there may be other more suitable uses for the building or that the development may affect the future layout of Warwick Mop Fair.

Summary/Conclusion

The proposals are considered to be in accordance with the requirements of Policies DP1, DP2, DP3, DP6, DP8, DP9, DAP4, DAP5, DAP7, DAP8, TCP1, TCP6 and TCP9 of the Warwick District Local Plan 1996-2011; Policies BE1, BE3, TR1, TR4, HE1, HE2, TC1, TC12, CT1 and CT2 of the emerging Warwick District Local Plan 2011 - 2029 and the provisions of the National Planning Policy Framework. The proposed uses are considered to be in accordance with the requirements of adopted National and Local planning policy and it is contended that the proposed conversion works will reasonably preserve and enhance the appearance of this listed building and the Conservation Area in which it is located. In addition the proposals should not adversely impact upon the amenities of neighbouring premises or give rise to any undue highway safety concerns.

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 Location Plan and drawing numbers 2977-P-01; 2977-P-02; 2977-P-05 and 2977-20, received by the Local Planning Authority on 18th July 2016; drawing number 2977-P-11 Rev C, received on 10th October 2016; and drawing numbers 2977-10 and 2977-21, received on 27th October 2016, except as required by other conditions below. This approval shall not relate to any of the details shown on drawing numbers CPF8208-01 and CPF8202-02. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1, DP2, DP3, DP6, DP8, DP9, DAP4, DAP5, DAP7, DAP8, TCP1 and TCP6 of the Warwick District Local Plan 1996-2011.
- 3 Full details of the design and position of any new doors and windows to be installed within the building (including cross-sections at a scale of 1:5) shall be submitted to, and approved in writing by, the Local Planning Authority before they are first installed. The details shall show them constructed of timber with a painted finish. The approved windows and doors shall be installed in the approved positions and shall thereafter be satisfactorily retained at all times. **REASON:** To preserve the character of the host listed building and the surrounding Conservation Area in accordance with Policies DP1, DAP4, DAP5, DAP7 and DAP8 of the Warwick District Local Plan 1996-2011 and Sections 7, 11 and 12 of the National Planning Policy Framework.

- 4 Notwithstanding the details shown on the approved plans this approval shall not extend to the bi-folding doors proposed for the northern facing elevation of the 'Customer Seating' extension. Details of an alternative means of treating this elevation shall be submitted to, and approved in writing by, the Local Planning Authority before development commences. This elevation shall be constructed in accordance with the approved details and shall thereafter be satisfactorily retained as such at all times. **REASON:** To preserve the character of the host listed building and the surrounding Conservation Area in accordance with Policies DP1, DAP4, DAP5, DAP7 and DAP8 of the Warwick District Local Plan 1996-2011 and Sections 7, 11 and 12 of the National Planning Policy Framework.
- 5 Details of the design of the proposed new gates shall be submitted to and approved in writing by the Local Planning Authority before development commences. The approved gates shall open inwards only, shall be located in the position shown on the approved plan and shall thereafter be satisfactorily retained at all times. **REASON:** In the interests of highway safety and to preserve the character and setting of the host listed building and the surrounding Conservation Area in accordance with Policies DP1, DP6, DAP4, DAP5, DAP7 and DAP8 of the Warwick District Local Plan 1996-2011 and Sections 7, 11 and 12 of the National Planning Policy Framework.
- 6 The development hereby permitted shall incorporate measures for extracting cooking odours from the premises. Details of the measures proposed shall be submitted to, and approved in writing by, the Local Planning Authority before development commences. The approved measures shall be completed in accordance with the approved details before the uses hereby approved are commenced and shall thereafter be satisfactorily retained at all times. **REASON:** To ensure the satisfactory dispersal of odour and fumes, and to ensure that the works safeguard the character and appearance of the host listed building and the surrounding Conservation Area in accordance with Policies DP1, DP3, DP9, DAP4, DAP5, DAP7 and DAP8 of the Warwick District Local Plan 1996-2011.
- 7 The development hereby permitted shall not commence until details of the proposed measures for storing refuse from the development have been submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until the approved measures have been implemented. Those measures shall thereafter be retained at all times that the development is in operation. **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 Policies DP1, DP3 DP9, DAP4, DAP5, DAP7 and DAP8 of the Warwick District Local Plan 1996-2011.
- 8 A programme of archaeological recording shall be secured and initiated in accordance with a written scheme of investigation and this shall be

submitted to the Local Planning Authority for its written approval before development commences. The approved scheme shall thereafter be implemented in accordance with the approved details. **REASON:** In order to ensure that anything of archaeological importance which helps to increase our understanding of the Districts historical development is recorded, preserved and protected in accordance with Policy DP4 of the Warwick District Local Plan 1996-2011.

- 9 The development hereby permitted shall not commence until construction and delivery management plans have been submitted to and approved in writing by the Local Planning Authority. The approved construction management plan shall be implemented in full during the construction of the development, and the delivery management plan shall be implemented in full at all times that the development is in operation. **REASON:** In the interests of highway safety in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011.
- 10 The bricks to be used in the construction of the external walls of the approved 'Customer Seating' extension shall match in type, colour, texture, and shall be laid in a manner to match, those used in the construction of the external walls of the host building. **REASON:** To preserve the character of the host listed building and the surrounding Conservation Area in accordance with Policies DP1, DP3, DAP4, DAP5, DAP7 and DAP8 of the Warwick District Local Plan 1996-2011 and Sections 7, 11 and 12 of the National Planning Policy Framework.
- 11 All new rainwater goods shall be constructed of cast iron and painted black. **REASON:** To preserve the character of the host listed building and the surrounding Conservation Area in accordance with Policies DP1, DAP4, DAP5, DAP7 and DAP8 of the Warwick District Local Plan 1996-2011 and Sections 7, 11 and 12 of the National Planning Policy Framework.
- 12 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015, or any legislation subsequently superseding that Order, the premises shall not be used for any purpose within Classes A1 or A2 as defined by the Town and Country Planning (Used Classes) Order 1987 (as amended). **REASON:** To ensure that the development complies with the requirements of Policy TCP6 of the Warwick District Local Plan 1996-2011.