

Planning Committee: 15 November 2022

Item Number: 8

Application No: [W 22 / 1203](#)

Town/Parish Council: Leamington Spa
Case Officer: Lucy Hammond

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Registration Date: 05/09/22

Expiry Date: 31/10/22

Stoneleigh Arms, 31 Clemens Street, Royal Leamington Spa, CV31 2DP
Demolition of the rear of the Stoneleigh Arms and erection of temporary building supports as required. FOR Complex Development Projects Ltd

This application is being presented to Committee due to the site being owned by the District Council and the applicant being CDP; the development partner of Warwick District Council.

RECOMMENDATION

That planning permission be approved subject to the conditions listed at the end of the report.

DETAILS OF THE DEVELOPMENT

Planning permission is sought for the partial demolition of the Stoneleigh Arms public house which has been vacant for a long period and which is now structurally unsafe. Demolition of the rear wing together with the rear wall and roof is proposed while the application seeks to retain the front facade (facing onto Clemens Street) together with the side returns and the boundary wall running alongside the southern (side) boundary. This application seeks permission solely for the proposed extent of demolition and does not seek permission for any redevelopment proposals at this time.

THE SITE AND ITS LOCATION

The Stoneleigh Arms, No.31 Clemens Street, is a 19th century unlisted, brick built, two storey detached building situated in the Royal Leamington Spa Conservation Area. The site is within the defined Town Centre boundary and the wider Urban Area of Leamington Spa. The site backs onto Court Street car park which lies to the east and north, while to the south is residential development in Tower Street that faces towards the rear elevations of the three storey buildings fronting Clemens Street.

Clemens Street is a mixed use area comprising a number of retail, office and other commercial uses, with some residential on upper floors of buildings. Directly opposite the site is a retail food store with its own car park to the side (south). The street scene is characterised predominantly by two and three storey terraced buildings; stucco or rendered facades intermingled with the use of some red brick.

The site of the Stoneleigh Arms makes up part of a wider allocation in the Local Plan; site H16 is the Court Street Area and a residential allocation for approximately 75 dwellings as set out in Policy DS11. The area of land covered by the allocation extends east of the building itself, as well as to the north and south (behind the buildings fronting Clemens Street) and includes Court Street car park.

The building the subject of this application is a disused public house. Having closed in the 1990's it has been vacant ever since which has led to the deterioration of the building. Internally some of the floors have collapsed and it is no longer deemed safe to enter.

PLANNING HISTORY

W/16/0511 - Hybrid planning application comprising 1) application for outline planning permission for the erection of up to 40 dwellings with a pocket park and landscaping (matters of appearance and landscaping to be reserved) 2) Full application to part demolish the former Stoneleigh Arms public house and change the use of the Stoneleigh Arms public house to create 2no dwellings (Use Class C3) - Withdrawn

W/10/0469 - Part demolition of a non listed public house (Stoneleigh Arms) within a conservation area - Planning permission deemed not to be required

W/10/0470/CA - Part demolition of a non listed public house (Stoneleigh Arms) within a conservation area - CA consent deemed not to be required

W/08/1728 - Demolition of a non listed public house (Stoneleigh Arms) within a conservation area - Planning permission deemed not to be required

W/08/1729/CA - Demolition of a non listed public house (Stoneleigh Arms) within a conservation area - Withdrawn

W/01/0789/CA - Demolition of the Stoneleigh Arms - Refused

The historic applications outlined above each proposed varying degrees of demolition. Those which were deemed not to require planning permission proposed a smaller scale and extent of demolition than is proposed in this current application. The earliest refused application proposed the demolition of the building in its entirety.

RELEVANT POLICIES

- National Planning Policy Framework
- Warwick District Local Plan 2011-2029
- DS5 - Presumption in Favour of Sustainable Development
- DS11 - Allocated Housing Sites
- TCP1 - Protecting and Enhancing the Town Centres
- SC0 - Sustainable Communities
- BE1 - Layout and Design
- BE3 - Amenity
- TR1 - Access and Choice

- HE1 - Protection of Statutory Heritage Assets
- HE2 - Protection of Conservation Areas
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- Royal Leamington Spa Neighbourhood Plan 2019-2029
- RLS3 - Conservation Area
- RLS16 - Royal Leamington Spa Town Centre

SUMMARY OF REPRESENTATIONS

Royal Leamington Spa Town Council: Support; the plan to keep the street-facing facade of the property is supported as is the wholesale redevelopment of the rear of the building. Comments from the Conservation Officer are supported.

WDC Conservation: Unlikely to raise objection to the principle of some demolition to the rear; initial request for additional information (plans, surveys) to be submitted. Final response advises there is no objection

Historic England: No comments to make

Health & Community Protection - Environmental Sustainability: No objection subject to condition

WCC Ecology: No objection subject to advisory notes

ASSESSMENT

Principle of development

Policy HE2 of the Warwick District Local Plan 2011-2029 sets out a presumption in favour of the retention of unlisted buildings that make a positive contribution to the character and appearance of a Conservation Area. Consent for total demolition of unlisted buildings will only be granted where the detailed design of the replacement can demonstrate that it will preserve or enhance the character or appearance of the conservation area. The policy also states that measures will be taken to restore or bring back into use areas that presently make a negative contribution to conservation areas.

This application does not propose the total demolition of the building; however it does involve demolition of a substantial element of the building such that only the front façade (fronting Clemens Street) and the side returns would remain. The rear wall, the roof and the projecting rear extension would all be demolished. The primary purpose of the demolition works is to make the building safe enough to re-enter and undertake the additional survey works necessary to inform whatever re-development proposals may come forward. At this time therefore, there is no proposal to redevelop the site and planning permission is therefore sought solely for the extent of demolition indicated on the submitted plans and supporting information.

Accepting this amount of proposed demolition is neither intrinsically linked nor is it dependent on whether or not there is a proposal in place for the site's

redevelopment. Since there is no such proposal at this time it falls to consider the specific impact on the relevant heritage asset(s) and the wider character of the area and whether or not the proposed scale of demolition would result in harm for which there are no public benefits to outweigh.

The building itself is clearly dilapidated and in a state of disrepair. Nevertheless, its façade does contribute towards the character of the Conservation Area and the street scene. Based on the evidence presented (which is considered further in this report) the Conservation Officer has raised no objection to the principle of the demolition works shown in the submission. To that end, officers consider the principle of development is acceptable in accordance with Policy HE2 subject to an assessment being made of the other relevant material considerations which are set out below.

Impact on heritage assets

Considerable importance and weight should be given to the duties set out in the Planning (Listed Buildings and Conservation Areas) Act 1990, when making decisions that affect listed buildings and conservation areas respectively. These duties affect the weight to be given to the factors involved.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, "In the exercise, with respect to any buildings or other land in a conservation area...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."

Policy HE1 of the Local Plan expects development proposals to have appropriate regard to the significance of designated heritage assets. Where any potential harm may be caused, the degree of harm must be weighed against any public benefits of the proposal.

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 asset, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

At this time, only the proposed extent of demolition of the building is being considered, while any future plans to redevelop the site would form the basis of a separate planning application.

The site subject to this application was originally a public house, dating from the 19th century. While the building is dilapidated and in a state of disrepair, its façade with Flemish bond brickwork does contribute towards the character of the Royal Leamington Spa Conservation Area as well as the street scene. There is some documentary evidence suggesting that an earlier building once occupied the site, which may have been used as taproom for the neighbouring Blenheim Hotel.

The building has been derelict for a number of years and a recent structural report submitted with this application highlights that the façade has "undergone some concerning movement" with cracks forming to the right-hand side. The rear of the

building is clearly in a very poor state of repair and does not contribute towards the special interest of the Conservation Area. An earlier structural survey further outlines the poor condition of the building. Having reviewed the evidence presented together with the visible state of the building, it is clear that some demolition is required to secure the future of the building, particularly to retain its front façade. No objections are raised therefore, from a heritage point of view to the areas subject to demolition. The front and side elevations are to be retained, enabling the historic form of this traditional former public house to be used in any forthcoming reuse of the site.

Having consulted the IHBC (Institute of Historic Building Conservation) guidance on conditions relating to the demolition of buildings in conservation areas it is recommended that a condition be attached to any forthcoming permission which requires the submission of details setting out the method of ensuring the safety and stability of the building fabric identified to be retained through the demolition works (and reconstruction). A Demolition Method Statement has subsequently been submitted with the application which the conservation officer is content to refer to through a compliance condition requiring the works to be carried out in accordance with the content of the document.

In light of the above advice from the Conservation Officer it is considered that the proposed amount of demolition would not have a detrimental impact on the character and appearance of the Conservation Area and the application can be recommended for approval, subject to there being no objection received from Historic England. It is further noted that the reason for consulting Historic England on this application is not because of the status of the building (it is not listed) but due to a legislative requirement to do so where "any application is made by an interested planning authority". In this instance, while the Council is not itself the applicant, the Council does own the site and the applicant is the Council's development partner. Historic England has since responded to the application confirming they have no comments to make.

In making this assessment, officers have had regard to the weight that should be given to the desirability of preserving the special interest and setting of the heritage assets.

Visual impact / character of the area

Policy BE1 requires new development to positively contribute to the character and quality of its environment through good layout and design. While this particular application proposes no new development; rather just the demolition of part of the building, the overarching principles of the policy are still applicable, i.e. the impacts the partial loss of the building would have on the appearance of the street scene and the wider character of the area.

The building is visible not only from the front (Clemens Street) but also to the rear as viewed in Tower Street as well as from Court Street Car Park which is to the north/east of the building. Since the front facade and side returns would be retained, the impact on the primary road from which the building is viewed would not significantly change. The loss of the rear would inevitably result in a visual impact when viewed from Tower Street and the car park however, the purpose of this application is to enable further survey work to be carried out which will ultimately inform future redevelopment proposals.

In view of the heritage considerations outlined above officers are of the opinion that while the demolition proposed would inevitably have some visual impact on the street scene and character of the area, this would not be so harmful as to warrant a recommendation of refusal against Policy BE1.

Impact on neighbouring/residential amenity

There are some residential uses in close proximity of the site, for example properties in Tower Street and upper floor flats in Clemens Street. The proposed method of demolition can be conditioned to ensure it does not result in unacceptable noise impacts on residential amenity. It is therefore proposed to attach such a condition to any forthcoming planning permission.

Subject to this condition officers are satisfied that the proposed demolition works would not result in adverse impacts on residential amenity and as such the development accords with Policy BE3 of the Local Plan.

Impact on ecology

Policy NE2 of the Local Plan requires development to have regard to protected species. A bat survey was submitted with the application which has been considered by the County Council Ecologist. The survey records that although there are occasional foraging bats crossing the site, the building is not identified as being used as a bat roost. The report concludes that no further survey work is required at this time and recommends works proceed with caution with the expectation that bats may still be found.

The County Council Ecologist agrees with the findings and recommendations set out within the survey, noting that in the event works were not carried out within 12 months of any permission it is likely an updated bat survey would be required.

Subject to advisory notes as recommended being attached to any forthcoming permission officers are satisfied that the proposed demolition works would not result in any adverse impacts on protected species and accordingly the development complies with Policy NE2 of the Local Plan.

Other matters

Access and demolition method

Since no physical construction works are proposed at this time and the application proposes only the amount of demolition shown on the plans, officers do not consider there would be any access and highway safety issues resulting from the development. That being said, it is most likely any vehicles associated with the demolition works would access the site from the rear, where the presence of residential properties in close proximity is noted. A Demolition Method Statement has been submitted with the application in any case to address some of the heritage impacts and officers note this covers access and traffic management. A compliance condition is considered reasonable and appropriate to ensure that the works are carried out in accordance with this Demolition Method Statement which not only responds to the heritage points raised by the conservation officer but also seeks to ensure there would be minimal disruption to the amenity of neighbouring properties having regard to access.

Future considerations with respect to access and highway safety would be a matter for any future planning application for redevelopment of the site.

Summary/Conclusion

The principle of development is considered acceptable in accordance with Policy HE2 of the Local Plan. Given the evidence presented, the physical condition of the building, the reason for the proposed amount of demolition works and the heritage considerations set out above, no objections are raised to the works and it is noted that any plans for the further redevelopment of the site would form the subject of a separate application for planning permission.

The works are not considered to have any adverse impact on the general character of the area, neighbouring amenity or ecology and a suitable condition is recommended that would mitigate any potential impacts arising from noise and general disturbance.

For the reasons set out above it is recommended that planning permission be granted.

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 site location plan and approved drawings 2400-A-DR-220720-1005 and specification contained therein, submitted on 21 July 2022 and DEM-S-0001 Rev.P01 and 'Existing Plans - Demolition Plan' : Figs. 06 and 07 and specification contained therein, submitted on 10 October 2022. **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.
- 3 The development hereby permitted shall be carried out in full accordance with the Method Statement & Risk Assessment (Doc Ref: DEMO/1018/JM_1-2 Version 2) submitted on 25 October 2022. The safety and stability of the building fabric identified to be retained throughout the phases of demolition and reconstruction shall be ensured at all times. **Reason:** To ensure that special regard is paid to specific architectural features and to ensure the fabric is protected from damage during the course of works in accordance with Policies HE1 and HE2 of the Warwick District Local Plan 2011-2029 and in the interests of access and residential amenity in accordance with Policies BE3 and TR1 of the Warwick District Local Plan 2011-2029.

- 4 The demolition works hereby permitted shall be carried out strictly in accordance with the District Council's construction guidelines, 'Warwick District Council Construction Site Working: Guidance following the granting of planning permission'. **Reason:** In the interests of the amenities of the occupiers of nearby properties in accordance with Policies BE3 and NE5 of the Warwick District Local Plan 2011-2029.
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