

Application No: [W 17 / 0527 LB](#)

Town/Parish Council: Warwick
Case Officer: Lucy Hammond
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Registration Date: 26/04/17
Expiry Date: 21/06/17

7 and 9 Old Square, Warwick, CV34 4RA

Change of use of ground floor of No.9 from A1 (retail) to A3 (restaurant) for use as lounge area in association with adjacent premises (No.7). Creation of new internal archway to interlink Nos. 7 and 9 internally. FOR Rayhill Propoerty Ltd

RECOMMENDATION

That listed building consent be approved subject to the conditions and notes listed at the end of this report.

DETAILS OF THE DEVELOPMENT

Listed building consent is sought to change the use of the vacant unit (No.9) from A1 retail into A3 restaurant which would create an extension to the adjacent unit (No.7). To facilitate the change of use a new opening is proposed to be cut into the wall between Nos. 7 and 9 which would form an archway and passage from one unit into the other. This is the key aspect of the works for which listed building consent is required and since it relates to internal works does not also require planning permission. The overarching changes of use proposed at No.9 are the subject of the separate application for planning permission which is on this same agenda for consideration by Members. Since no physical alterations internally or externally are proposed to facilitate the other elements of the developmnt for which planning permission is sought, there are no other aspects for consideration as part of this listed building consent application.

THE SITE AND ITS LOCATION

Nos. 7 and 9 are Grade II listed buildings located in the cafe quarter of Warwick's Conservation Area. These properties are in a very heritage-rich and sensitive location, within the immediate setting of the church and the medieval centre. Dating from the early 19th century they have architectural merit as intact surviving examples of Georgian design and are illustrative of the boom in formal, neo-classical, architecture in Warwick that replaced or refaced earlier timber-framed medieval structures after the great fire in the late 17th century (the greatest examples are nearby on Northgate Street). Numbers 5-7 are listed jointly and is likely one building, but 9 is a separate historic structure, though evidently forms part of the group.

PLANNING HISTORY

W/17/0752/LB - Repairs and repainting to front of building, including walls, windows and doors - Approved 28.06.2017

W/15/1901 - Notification for Prior Approval (under Class C, Schedule 2, Part 3 of the GPDO) for a Change of Use from Shops (Class A1) to Restaurants and Cafes (Class A3) - Refused (planning permission required) 14.01.2016

RELEVANT POLICIES

- National Planning Policy Framework

The Current Local Plan

- DAP4 - Protection of Listed Buildings (Warwick District Local Plan 1996 - 2011)
- DAP7 - Restoration of Listed Buildings (Warwick District Local Plan 1996 - 2011)

The Emerging Local Plan

- HE1 - Protection of Statutory Heritage Assets (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

SUMMARY OF REPRESENTATIONS

Warwick Town Council: No objection

WCC Ecology: No objection; notes recommended

CCTV: No objections

Public Response: 7 letters of objection received raising the following concerns:-

- the proposal is an area in need of more A1 retail use
- this will lead to more noise and disturbance
- the occupants of the flat above No.9 will be affected by increased noise from the unit below
- the archway between Nos.7 and 9 is out of character and any doorway would destroy their integrity
- a mix of businesses should be retained in this part of the town

ASSESSMENT

The main issues relevant to the consideration of this application are as follows:

- the principle of development
- the impact on heritage assets

The Principle of the Development

Saved policy DAP4 seeks to protect listed buildings by not granting consent to alter or extend a listed building where those works would adversely affect its special architectural or historic interest, integrity or setting. The proposed works affect the fabric of the listed building by reason of the internal works proposed to facilitate the change of use. However, such works are considered acceptable in

principle subject to their impact on the listed building being acceptable and not arising in any material harm. This is considered in the following section of this report.

The 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. These duties affect the weight to be given to the factors involved.

Listed Buildings

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, "In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

Furthermore, saved Local Plan policies DAP4, 5, 6 and 7 are all concerned with the general protection, preservation and restoration of listed buildings, including upper floors, access to which should not be prevented through development proposals, and overall seek to ensure that proposals are sympathetic to the special architectural or historic interest, integrity or setting of the listed building.

Emerging Local Plan policy HE1 carries forward all of the same over-arching principles set out within DAP4-7 stating that development will not be permitted that would adversely affect the special architectural or historic interest, integrity or setting of the listed building.

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

Overall, very little change is proposed to the fabric of the listed buildings to facilitate the proposed changes of use; the key element is the internal work, which involves the creation of a new opening in the walls between Nos. 7 and 9 which would interlink the two premises and provide a walk-way/passage between the two for patrons of the restaurant.

Officers initially expressed some concern about the type of opening/archway proposed. Creating a link between two separate historic structures is contentious, through the removal of historic fabric, impact on historic plan-form, and impact on the overall integrity of the building and in order to retain historic integrity, the default position should not normally be one of support. However, in certain circumstances, if there is an economic imperative, this could be justified and in this instance, there is some justification for creating an interlinking connection between the two premises.

By facilitating the use of the ground floor at No. 9 as an extension to the restaurant at No. 7, it will bring this part of the building back into use as it has been vacant for some time and has led to an evident visual and physical deterioration both inside and outside the building. The link would need to be as small and discrete as possible, as well as easily reversible, thus retaining the distinct and separate identities of the historic buildings.

Following advice from officers and subsequent site meetings with the applicant, amended plans were submitted that showed an internal opening far less ostentatious, much more discreet and therefore akin to the original advice given. The plans now illustrate a simple traditional doorway, as opposed to a large archway feature and this is considered to adequately retain the visual and physical separation between the two buildings as far as possible.

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

Overall, the proposal is considered to comply with saved Local Plan policies DAP4, DAP5, DAP6 and DAP7 as well as emerging Local Plan policy HE1 and the works would not adversely affect the special architectural or historic interest, integrity or setting of the listed buildings.

SUMMARY/CONCLUSION

The principle of the proposed works, which would create an internal opening linking Nos. 7 and 9 to facilitate the change of use of No.9 from a vacant shop into an extension to the adjacent restaurant, is considered acceptable in heritage terms. The specific detail of the new opening has been amended through the course of the application and the latest plans now illustrate a form of works which are considered acceptable and which would not be deleterious to the special architectural or historic interest, integrity or setting of the listed buildings. For these reasons it is recommended that listed building consent be approved subject to the conditions set out below.

CONDITIONS

- 1 The works hereby permitted shall begin not later than three years from the date of this consent. **REASON:** To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).
- 2 The works hereby approved shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing RJW 13/03/2 and specification contained therein, submitted on 10 April 2017, approved drawing SG/01 and specification contained therein, submitted on 19 April 2017 and approved drawings SG/0 and Attachment D - Revised Dimensions 28 July 17, and specification contained therein, submitted on 28 July 2017. **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.