

Planning Committee: 23 May 2006

Item Number: 22

Application No: W 06 / 0578

Registration Date: 06/04/06

Town/Parish Council: Leamington Spa

Expiry Date: 01/06/06

Case Officer: Rob Young

01926 456535 planning_east@warwickdc.gov.uk

Rear of 37 Warwick Street, Leamington Spa, CV32 5JX

Erection of two storey restaurant and bar with basement for class A3 and A4 use and enlarged lightwell FOR Mr B S Bahi

This application is being presented to Committee due to an objection from the Town Council having been received.

SUMMARY OF REPRESENTATIONS

Town Council: *"The Council considers that there is already an over-concentration of A4 units in the immediate vicinity. The Council would be favourably disposed to a proposal for A3 usage only".*

Severn Trent Water: No objection subject to drainage condition.

WCC (Ecology): Please see previous comments relating to W05/0156 - i.e. no objection.

WDC (Environmental Health): No objection, subject to condition on extraction system.

RELEVANT POLICIES

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 Revised Deposit Version)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011 Revised Deposit Version).
- DP6 - Access (Warwick District Local Plan 1996 - 2011 Revised Deposit Version)
- DP13 - Crime Prevention (Warwick District Local Plan 1996 - 2011 Revised Deposit Version)
- TCP1 - Protecting and Enhancing the Town Centres (Warwick District 1996 - 2011 Revised Deposit Version)
- TCP13 - Design of Shopfronts (Warwick District 1996 - 2011 Revised Deposit Version)
- DAP6 - Protection of Listed Buildings (Warwick District 1996 - 2011 Revised Deposit Version)
- DAP9 - Restoration of Listed Buildings (Warwick District 1996 - 2011 Revised Deposit Version)
- DAP10 - Protection of Conservation Areas (Warwick District 1996 - 2011 Revised Deposit Version)

- (DW) ENV3 - Development Principles (Warwick District Local Plan 1995)
- (DW) ENV6 - Protection and Enhancement of Conservation Areas (Warwick District Local Plan 1995)
- (DW) ENV8 - New Development within Conservation Areas (Warwick District Local Plan 1995)
- (DW) ENV11 - Retention of Listed Buildings (Warwick District Local Plan 1995)
- (DW) ENV19 - Retention and Restoration of Original Shopfronts (Warwick District Local Plan 1995)

PLANNING HISTORY

Planning permission and listed building consent were granted under delegated powers in April 2005 for conversion of basement of No. 37 to form self-contained flat and erection of a single and two-storey linked detached building to rear to form 3 no. ground floor retail shop units and a self-contained upper floor flat (WDC. Refs. 05/0156 & 05/0157LB). The current application is an amendment to those proposals.

Planning permission and listed building consent were granted under delegated powers in April 2005 for the conversion of the upper floors of No. 37 to form 2 flats (WDC Refs. 05/0158 & 05/0159LB).

There is an associated application for listed building consent that it the subject of a separate item on this agenda (WDC Ref. 06/0577LB).

KEY ISSUES

The Site and its Location

The site comprises the rear yard area of No. 37 Warwick Street, a Grade II Listed Building situated on the northern side of Warwick Street, within the Leamington Spa Conservation Area. The site is within Leamington Town Centre and has a frontage to a rear service road alongside Covent Garden car park to the north. A pedestrian walkway through to Warwick Street runs along the eastern boundary of the site.

The site is currently subdivided by a close-boarded fence, with the front (southern) half used as a patio garden and the rear (northern) half used for car parking. The side boundaries are defined by 2m high boundary walls, but there is no boundary treatment to the rear boundary.

The surrounding area is predominantly commercial in character, although there are dwellings on the upper floors of some adjacent buildings, including Nos. 35 and 37 Warwick Street, and the adjacent coach house building at No. 39a Warwick Street.

In policy terms, the existing building on the Warwick Street frontage is within the Retail Area of the Town Centre, as defined in the Local Plan, whereas the existing open yard area is not within any particular defined area.

Details of the Development

The proposed building is to the same dimensions as the building previously approved. The main difference with the approved scheme is that the building is now proposed to be used as a restaurant and bar. There have also been changes to the design, including:

- the addition of a basement;
- the addition of vents to the front and rear roofslopes of the building;
- the addition of a flue enclosed by brick;
- alterations to the fenestration on the rear (northern) elevation; and
- provision of modern shopfronts in place of traditional design previously negotiated.

A number of these changes were considered to result in a poorer design, and therefore the following amendments have been negotiated with the applicant:

- omission of roof vents;
- revision of fenestration on rear elevation; and
- reinstatement of traditional shopfront design.

The proposed restaurant and bar would be over three floors, including the basement. This would comprise customer seating areas and bars at ground and first floor, with a kitchen and store rooms in the basement.

The applicant proposes to implement a basement flat in the existing building at No. 37 under the existing permission.

Assessment

I consider the principal issues for consideration of the application are:

- the impact of the revised proposals on the character and appearance of the Conservation Area and Listed Building;
- the impact of the proposed restaurant and bar on the living conditions of neighbouring dwellings;

Impact on character and appearance of the Conservation Area and Listed Building

I am of the opinion that the proposals would have an acceptable impact on the character and appearance of the Conservation Area and the Listed Building. The overall form and design of the proposed building is the same as the building that was approved in April 2005. Elements of the revised design that were of concern have been amended. I am of the opinion that the revised proposals would be of an appropriate design.

Impact on living conditions of neighbouring dwellings

The physical impact of the proposed building is no different to that of the proposals approved in April 2005. Therefore I am satisfied that the proposals remain acceptable in this respect. The restaurant and bar now proposed could have a greater impact on neighbouring residents than the shops and flat previously approved, and therefore this aspect of the proposals requires careful consideration.

Whilst the site is within a commercial part of the Town Centre, it is in close proximity to a number of dwellings. From a Licensing point of view, the site lies within an area of the Town Centre that is identified as a 'hotspot' where there are problems associated with the concentration of licensed premises. Licensing is a separate regulatory regime to Planning and it may be that, even if planning permission is granted, a License application may be refused. Nevertheless, there is some overlap between Licensing and Planning controls and the Licensing policy does identify that the concentration of Licensed premises in this area is an issue that requires careful consideration. Furthermore it should be noted that an extension of the nearby Yates premises into the first floor space was refused planning permission last year (WDC Ref. 04/1982).

It is notable that the proposals for the application site are considerably smaller than the Yates proposals. The Yates proposals would have provided a total gross floor area of 832 sq m (including the existing ground floor), whereas the building proposed in this case would have a gross floor area of only 375 sq m. I am of the opinion that the potential for noise and disturbance to be caused to neighbouring residents would be limited by the size of the proposals, and the fact that it appears to be a mixed use as a restaurant and bar. Furthermore, Environmental Health have not objected to the current proposals, whereas they did object to the Yates application. Therefore, on balance, I do not consider that the proposals would cause an unacceptable increase in noise and disturbance for neighbouring residents.

RECOMMENDATION

GRANT, subject to the following conditions :

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 approved drawing(s), and specification contained therein, 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 Local Plan

Policy ENV3.

- 3 Large scale details of doors, windows (including a section showing the window reveal, heads and cill details), shopfront joinery items, rooflights, eaves, verges and rainwater goods at a scale of 1:5 shall be submitted to and approved by the District Planning Authority before these items are installed. The development shall not be carried out otherwise than in full accordance with such approved details. **REASON** : To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy (DW) ENV8 of the Warwick District Local Plan 1995.
- 4 All doors, window frames and shopfront joinery items shall be constructed in timber, painted and not stained, in accordance with a schedule of finishes to be submitted to and approved by the District Planning Authority. **REASON** : To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy (DW) ENV8 of the Warwick District Local Plan 1995.
- 5 Samples of all external facing bricks to be used for the construction of the development hereby permitted, shall be submitted to and approved by the District Planning Authority before any constructional works are commenced. Development shall be carried out in accordance with the approved details. **REASON** : To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy (DW) ENV8 of the Warwick District Local Plan 1995.
- 6 The roofing material for the development shall be natural slate, a sample of which has been submitted to and approved in writing by the District Planning Authority. The development shall be carried out in accordance with the approved samples. **REASON** : To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy (DW) ENV8 of the Warwick District Local Plan 1995.
- 7 All rainwater goods for the development hereby permitted shall be metal and shall not be installed until a samples have been submitted to and approved by the District Planning Authority. The development shall be carried out in accordance with the approved samples. **REASON** : To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy (DW) ENV8 of the Warwick District Local Plan 1995.
- 8 The restaurant and bar hereby permitted shall not be used until details of air conditioning, ventilation and/or flue extraction systems (including particulars of noise levels) have been submitted to and approved by the Local Planning Authority. The development shall not be used otherwise than in full accordance with such approved details. **REASON** : To protect the amenities of surrounding properties, in accordance with Policy (DW) ENV3 of the Warwick District Local Plan 1995.

- 9 No development shall be carried out on the site which is the subject of this permission, until satisfactory details of a noise insulation scheme to minimise transmission of airborne noise between the bin store and bedroom of the basement flat have been submitted to and approved by the District Planning Authority and the development shall not be carried out otherwise than in full accordance with such approved details. **REASON** : In the interests of the amenities of future occupiers of the basement flat.

INFORMATIVES

For the purposes of Article 22 of the Town and Country Planning (General Development Procedure) (England) (Amendment) Order 2003, the following reason(s) for the Council's decision are summarised below:

In the opinion of the District Planning Authority, the proposed development does not adversely affect the historic integrity, character or setting of the listed building, is of an acceptable standard of design and detailing and preserves the character and appearance of the Conservation Area within which the property is situated. Furthermore, it is considered that the proposal would have an acceptable impact on the living conditions of neighbouring dwellings. The proposal is therefore considered to comply with the policies listed.
