

**Planning Committee:** 26 July 2011

**Item Number:**

**Application No:** W 11 / 0212

**Town/Parish Council:** Warwick

**Registration Date:** 14/04/11

**Case Officer:**

Steven Wallsgrove

**Expiry Date:** 09/06/11

01926 456527 planning\_west@warwickdc.gov.uk

**Avon Tavern, Pickard Street, Warwick, CV34 4PT**

Conversion and extensions to former Public House to provide three dwellings  
FOR Mrs Sohal

-----

This application was reported to the Committee on 14 June, when the Committee resolved to grant permission. The decision notice was not issued because a legal agreement/obligation needed to be completed.

After the Committee meeting a number of residents contacted the Planning Department to point out that they had not been invited to speak at the meeting, even though they had made written comments. Further investigations revealed that, due to human error, a number of residents had not been notified of the Committee meeting and had not had the opportunity to speak.

Planning permission is not formally granted until the decision notice has been sent out and this had not yet happened, due to the legal work. Where an error has occurred, if there is a opportunity to correct it, this course of action should be followed.

The application is therefore reported back to the Committee and all objectors and supporters will be invited to speak. Changes to procedures have been made to lessen the chances of this happening again.

The report that follows is an amended version of that presented previously. It now includes comments and alterations reported in the additional observations report.

**SUMMARY OF REPRESENTATIONS**

**Warwick Town Council:** No objection.

**The Warwick Society:** The Society welcomes the proposed change of use and the sensitive proposed design of the scheme. The Society would like to draw the Planning Officer's attention to the irregularity of the eaves line of the side elevation to Pickard Street and the fenestration detail. The Society welcomes the retention of the original doorway and original window to the public house.

**WCC (Ecology):** Advice that they have confidence in the initial bat survey but agree that a further activity survey should be carried out before work commences.

**Cultural Services:** Confirm that there is a 5 year plan for an open space payment for St. Nicholas Park improvements and that the draft Undertaking has the correct figure.

**Public Comment:** Three letters of support has been received and eight letters of objection. These are on the basis of affecting the access to existing garages, possible noise from the proposed air source heat pump, loss of a community meeting place, inadequate parking, on-street parking hazards and flood lighting problems.

A 102 signature petition against the proposal has been received, the covering letter for which refers to the loss of two other public houses in the last 50 years, that the public house only closed because of the tenants, and that there is no other community facility.

**Cllr. Linda Bromley** has commented on parking problems in the area. (Sent to Planning Committee members from her private email, not her Councillor email.)

### **RELEVANT POLICIES**

- 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)
- DP5 - Density (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- DP15 - Accessibility and Inclusion (Warwick District Local Plan 1996 - 2011)
- SC1 - Securing a Greater Choice of Housing (Warwick District Local Plan 1996 - 2011)
- SC8 - Protecting Community Facilities (Warwick District Local Plan 1996 - 2011)
- UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)

### **PLANNING HISTORY**

The only previous planning applications have been for a car park (1970, renewed in 1977 and 1981) and for an extension in 1984.

### **KEY ISSUES**

#### **The Site and its Location**

The property has been a public house for very many years and lies at the north end of Pickard Street. It has a private car park to the rear which is separated from a lock-up garage forecourt by a 1.8m close boarded fence. The property is finished in white painted render to the rear and to the north end, with the Pickard Street elevation being in the original brick.

#### **Details of the Development**

The proposal is to convert the existing building into three houses, the work including the demolition of some outbuildings and the erection of two extensions. The original plan included three garages but these were amended to provide for 5 parking spaces instead. Access to these spaces was to have been through the adjoining forecourt to some lock-up garages. The applicants have now submitted an amended layout which results in the access over the garage court not being required.

The application was accompanied by a Sustainable Building Statement, a Bat Assessment Report, a Design and Access Statement and a draft Unilateral Undertaking on a Public Open Space Financial Contribution. Bin stores are shown for each property.

## **Assessment**

The principal issues in this case are the loss of the public house, and the provision of parking, as the objections by residents on grounds of potential noise from an air source heat pump, and problems of floodlighting are unfounded. The proposal is to provide renewable energy from solar thermal panels not for an air source heat pump, and there is no indication of proposed floodlights on the proposed three houses.

The objections refer to the loss of the public house as a community facility but the relevant Local Plan policy defines such facilities as generally being uses within Use Class D1, although "in exceptional circumstances" other facilities may also be considered "where the grant of permission would result in a demonstrable shortfall in the locality." In the present case, the public house closed about a year ago and there are other public houses nearby, in Emscote Road and Coten End. It is considered, therefore, that the application could not be refused on these grounds.

The other main issue is parking which can be divided into three elements in this case, namely compliance with parking standards, access to the proposed parking spaces and implications for existing on-street parking problems.

In the first case the adopted parking standards require 1.5 spaces for two-bedroom units and 2 spaces for three-bedroom dwellings. The layout shows two two-bedroom units and one three-bedroom unit which means that 5 parking spaces are required in total. The amended plans show these spaces instead of the originally proposed three garages.

Access to the spaces is now proposed directly from Pickard Street, and although tight, is considered acceptable.

The remaining parking concern of local residents is the existing problem with on-street parking. However, since the amended layout plan now complies with the parking requirements, it is considered that there should be no additional on-street problems.

The remaining issues are relatively minor in that they are related to a corrected amount of renewable energy which should still be by way of a solar panels, (now included in an amended statement) and the need for a contribution towards off-site public open space for which the correct figure is mentioned in the (signed) S106 obligation.

## **RECOMMENDATION**

GRANT, after the S106 obligation has been checked by Legal Services, 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 approved drawing(s) 759-A1-010-C, and specification contained therein, submitted on 8 June 2011 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 Before any works for demolition are first commenced, a survey of the premises by a qualified bat surveyor shall be undertaken to demonstrate the presence, absence or usage of the premises by bats. In the event that the survey demonstrates the presence or usage of the premises by bats, a report recommending mitigation measures to ensure any bats will be protected during the demolition works shall be submitted to and approved in writing by the District Planning Authority before the demolition works are commenced. The approved mitigation measures shall be wholly implemented strictly as approved. **REASON**: To ensure the protection of bats and compliance with Policy DP3 of the Warwick District Local Plan 1996-2011.
- 4 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.
- 5 All external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **REASON** : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011.
- 6 All hard surfaces hereby approved shall be made of porous materials. **REASON** : To reduce surface water run-off and to ensure that the development does not increase the risk of flooding elsewhere, in accordance with Policy DP11 of the Warwick District Local Plan.

## **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 development achieves acceptable standards of layout and design and does not give rise to any harmful effects in terms of parking or other impact on the amenities of local residents which would justify a refusal of permission. The proposal is therefore considered to comply with the policies listed.

-----