Planning Committee: 12 March 2025 **Item Number:** 5

Application No: W 23 / 1789

Registration Date: 15/01/24
Town/Parish Council: Warwick **Expiry Date:** 11/03/24
Case Officer: Erin Weatherstone
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The Punch Bowl Hotel, 1 The Butts, Warwick, CV34 4SS
Change of use and conversion of Public House (sui-generis) to a single dwellinghouse (Use Class C3), including partial demolition of the building and external alterations. FOR Secret Properties Ltd

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The application has been triggered to be considered at Planning Committee in line with the Council's constitution due to the number of objections received and an objection from the Town Council.

RECOMMENDATION

Planning permission is recommended to be granted subject to conditions and notes.

DETAILS OF THE DEVELOPMENT

Planning permission is sought for the change of use and conversion of the existing Public House (sui-generis Use Class) to a single dwellinghouse (Use Class C3), including partial demolition of the building and external alterations (including works to the access).

THE SITE AND ITS LOCATION

The application site lies to the north of the Town Centre of Warwick and comprises of a Grade II Listed Public House with external parking set in a prominent location at the junction of The Butts and Northgate. The site lies within the Conservation Area and in close proximity to several Listed Buildings which line The Butts to the southern part of the site. The site lies within an area primarily in residential use (as identified by Policy TC13 of the Local Plan) however it is noted that a new medical centre lies to the north of the site and adjacent to the south the site adjoins a children's nursery. The site lies in an Air Quality Management Area, Flood Zone 1 and Coventry Airfield Safeguarding Area. The building is not identified as an Asset of Community Value within the Council's records.

RECENT RELEVANT PLANNING HISTORY

W/21/0408- Change of use and conversion of Public House (sui-generis) to a single dwellinghouse (Use Class C3), including partial demolition of the building and external alterations. Refused 17/06/2022.

W/21/0409/LB- Partial demolition of existing building and internal and external alterations to facilitate a conversion from Public House to a single dwellinghouse. Withdrawn 22/06/2022.

Background

This application is a re-submission of the proposal considered as part of planning application W/21/0408. This application was refused under delegated powers for the following reasons:

1. Policy CT3 of the Local Plan states that redevelopment or change of use from visitor accommodation at within the town centres will only be permitted where it can be demonstrated that:
b) there is evidence of adequate capacity to meet need within alternative accommodation within the same town centre; or
c) the accommodation is no longer viable and no other parties are willing to acquire it for that use.

In the opinion of the Local Planning Authority, it has not been suitably demonstrated that the change of use to a dwellinghouse would not be detrimental to the town centre through the loss of visitor accommodation. Policy CT3 expects applicants to either undertake a capacity study of similar provision within the town centre to satisfy criteria b), or, for c), applicants are expected to provide evidence of the property being marketed for a period of 12 months at a price reflective of the current market conditions and demonstrate no other operators have been willing to acquire it for continued use as visitor accommodation.

Whilst it has been implied in communications by the agent that the business was unviable, no substantive evidence has been provided to demonstrate compliance with Policy CT3. The LPA cannot therefore reasonably conclude that the loss of the visitor accommodation would not have a detrimental impact on the sustainability and vibrancy of Warwick town centre.

2. Policy BE3 of the Warwick District Local Plan seeks to ensure development proposals do not result in poor or unsatisfactory living conditions for future occupiers of the development site.

In the opinion of the Local Planning Authority, the proposed development is considered to provide an inadequate living environment for the future occupiers of the dwelling, by virtue of unacceptable noise impacts from road noise. This would lead to the occupiers of the site relying on alternative forms of ventilation such as trickle ventilators. This is not considered to provide an acceptable level of amenity as where windows are kept closed on average, it removes the occupier's psychological connection with the outside world and also increases the risk of overheating and poor indoor air quality.

The Noise Report submitted proposes the installation of an acoustic wall or fence at 1.8 metres in height so that average noise levels in the garden and amenity areas are acceptable. Although elevations have not been provided, this is not considered acceptable as it would likely have negative implications on the character and significance of the heritage assets, namely the Listed Building and the Conservation Area.

The proposal would therefore be contrary to Policy BE3.

3. Policy TR1 of the Warwick District Local Plan 2011-2029 states that development will only be permitted that provides safe, suitable and attractive access routes for pedestrians, cyclists, public transport users, emergency vehicles, delivery vehicles, refuse vehicles and other users of motor vehicles, as appropriate. Development proposals will not be permitted if considered to be detrimental to highway safety.

The Highway's Authority object to the scheme on highway safety grounds. The proposals seek to close the access along The Butts and narrow the westernmost access so that it would become the only point of access/egress to the site. The westernmost access to be retained is not considered to provide adequate visibility for vehicles exiting the site and would there pose a significant risk to highway safety.

The development is thereby considered to be contrary to the aforementioned policy.

This previous decision is material consideration to which officers afford significant weight within the assessment due to the similarities between the two proposals and age of the decision.

As part of this submission the Planning Statement identifies that the key differences since the earlier scheme include:

- The acoustic wall in front of the west elevation has been omitted;
- A new boundary treatment is proposed adjacent to the north elevation;
- The south boundary of the car park is to be blocked and the access removed; and
- A revised parking layout is proposed.

During the course of the application revised information, plans and clarity were provided in response to queries from officers.

Since the publication of the previous Planning Committee report in October 2024, further clarification has been received regarding the proposed window works as the acoustic report appeared to include double glazing. An updated glazing scheme by Walnut Acoustics, Heritage Statement in relation to windows and joinery details have been received since the October 2024 Committee Date. The details confirm that single glazing will be proposed throughout the property with secondary glazing behind. These changes have been subject to a re-consultation with Environmental Health and the Council's Conservation Officer.

This report has been updated in line with the changes to the NPPF in December 2024 and to reflect the changes outlined as part of the paragraph above.

RELEVANT POLICIES

- National Planning Policy Framework

- Warwick District Local Plan 2011-2029
- DS5 - Presumption in Favour of Sustainable Development
- H1 - Directing New Housing
- TC1 - Protecting and Enhancing the Town Centres
- HS8 - Protecting Community Facilities
- CT3 - Protecting Existing Visitor Accommodation in Town Centre
- BE1 - Layout and Design
- HE1 - Protection of Statutory Heritage Assets
- HE2 - Protection of Conservation Areas
- HE4 - Archaeology
- BE3 - Amenity
- TR1 - Access and Choice
- TR3 - Parking
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- NE3 - Biodiversity
- FW1 - Development in Areas at Risk of Flooding
- FW2 - Sustainable Urban Drainage
- FW4 - Water Supply
- SC0 - Sustainable Communities
- CC1 - Planning for Climate Change Adaptation
- Net Zero Carbon Development Plan Document
- NZC4 - Existing Buildings
- Guidance Documents
- Parking Standards (Supplementary Planning Document- June 2018)
- Air Quality & Planning Supplementary Planning Document (January 2019)
- Residential Design Guide (Supplementary Planning Document- May 2018)
- Net Zero Carbon Supplementary Planning Document (SPD)

SUMMARY OF REPRESENTATIONS

Warwick Town Council: Minor amendments do not overcome our objection and concerns include:

-increased traffic and congestion

-narrow section of road located and in a busy area

-poor air quality from circulating traffic will have a negative impact

- needs conservation and support conservation comments (05/07/2024).

Historic England: No comments (12/04/2024 and 20/06/2024).

WCC Ecology: Recommend conditions and notes (15/07/2024).

WCC Highways Authority: No objection subject to note (24/06/2023).

WCC Archaeology: Recommend WSI condition (29/01/2023)

WDC Environmental Health: No concerns regarding the proposed revised details (30/01/2025).

WDC Conservation Officer: No objection in principle but concerns regarding the high blockwork wall with the planting. The height is considered to be out of proportion with other boundary treatments within the streetscene, is considered

to be overbearing in scale and will have an adverse impact on the character and appearance of the conservation area and setting of the Listed Building. The green wall is considered to a departure from the character of the area.

All new doors and windows should comprise of timber, I would recommend this is shown on the plans along with the thickness of glazing or alternatively a compliance condition imposed to ensure timber if approval is forthcoming. Further details can then be secured via large scale details condition (16/02/2024).

The proposed amendments have addressed my previous concerns however I would request that details of indicative window and door details, I would expect timber openings and all new doors and windows on historic elevations and use of single glazing (15/04/2024).

I have no further comments to make, however note that no further details have been provided for materials or windows (09/07/2024).

Details of mechanical ventilation system can be secured via planning condition (12/08/2024).

No objection to the revised details. Single glazing is now proposed throughout with secondary glazed units behind (23/01/2025).

Confirm satisfied with all replacements showed in the proposed scheduled (03/02/2025).

WDC Strategic Economic Development Officer: The accommodation assessment has met the criteria and does evidence that the accommodation that would be lost in the change of use can be absorbed in the present accommodation that exists in the town currently. The accommodation audit for the town is currently overdue but it is noted there is a need for hotel premises in the area not for self-catering or B and B accommodation (03/05/2024).

WDC Waste: No objection (24/06/2024 and 18/01/2024).

Public response: 227 letters of objection has been received which raise the following material planning considerations (summarised by the case officer):

- Concerns regarding lack of evidence to demonstrate premises is unviable, clarity on offers and approach taken in relation to the marketing of the property, including reference to offers being rejected and the approach being taken to find tenants;
- Concerns with the lack of investment into the premises;
- Loss of a landmark public house business in Town Centre which contributes to town's economy and is independently operated, including impact on visitors/tourism and cumulative impacts on Town Centre with reference to other public houses which have been lost in locality;
- Reference to other building having been converted to residential within the town and existing housing delivery and choice;
- Concerns regarding the scale of the new dwelling;

- Loss of community facility including specifics to this venue including live music, live sports, area for families, outside space, function rooms and support for community;

- Reference to Pubs and Places 2nd Edition IPPR January 2012 including benefits including hub for community, contribution to the local economy, help with social cohesion, space for recreational facilities, may promote public services and culturally important;

- Research from CAMRA, notes that pubs play a role in culture including social and community events;

- Need for more accommodation for visitors of the town and need to expand pubs and residential accommodation in Warwick;

- The public house is in a prime location for rooms, proximity to Warwick Castle and access to race track;

- Conflict with Councils change of use to residential and need to 'protect and enhance town', conflict with Policy CT3 and policy HS8 community facility. Conflict with paragraph 92 of the NPPF, unnecessary loss of valued facility;

- References to paragraphs 70,14,21,69 and 155 of the NPPF and appeals and caselaw;

- The public house's cultural contribution will be lost and concerns regarding harm to heritage assets including the historic fabric of the Grade II listed coaching inn including significant and irreparable effect on conservation area and town, loss of public house will change the unique fabric of conservation area;

- Loss of building of historical significance, reference to tunnels to Warwick Castle reference to negative impact and the need to retain properties of interest as public spaces to support the tourist industry;

- Need to retain character of town as the site lies in a prominent location, concerns regarding the visual impact of the green wall and concerns regarding the external works on host building and streetscene;

- Concerns regarding the impact on future occupier's amenity, through road noise due to the proximity of the site to a busy junction, limited outside space, air quality, lack of parking and access and waste provision (which could block the pavement);

- Reference to previous planning application where it identified the site was not suitable for residential;

- Impact on highways safety, with reference to access onto The Butts and the development contributing towards congestion and impacting the existing road network. Reference also to the structural changes which are likely to disrupt traffic; and

- Reference to WCC Strategic Plan 2022-2027 and conflict and access to the building being limited.

2 general comments raising the following material planning considerations:

- Query over bedroom numbering;
- Reference to other properties available within the District and suggestion to split into two affordable houses; and
- Reference to experience of current venue and that another pub is not needed

5 letters of support received raising the following material planning considerations:

- The majority of pubs are struggling to maintain a profitable position with reduced footfall and financial crises and reference to not being able to lease current pub;
- The pub is not a viable business, it has not been busy or a popular choice for a number of years
- Issues when pubs are open and less noise for surrounding residents if approved;
- If the application is not supported the pub may fall into further disrepair and reference to the pub being closed for a considerable time period and existing visual impact;
- The proposal will look less visually harmful once the later additions have been demolished;
- Reference to effect on privacy, sunlight and daylight; and
- Residential use will have reduced impact on highways and traffic impacts.

Other non-material considerations were also raised.

ASSESSMENT

Principle of development

Planning permission is sought for the change of use and conversion of Public House (sui-generis) to a single dwellinghouse (Use Class C3), including the partial demolition of the building and external alterations.

The application site lies within the Town Centre for Warwick and within an area primarily in residential use as identified by the Local Plan.

Section 38 (6) of the Planning and Compulsory Purchase Act (2004) requires that proposals should be determined in accordance with the development plan unless material considerations indicate otherwise.

At the time of writing this report the Council is not considered to have a five year housing land supply. As such, the housing policies within the Local Plan are not considered to be up to date and do not carry full weight for the purposes of decision-taking.

In line with paragraph 11d) of the NPPF where there are no relevant development plan policies, or policies which are most important for determining the application are out of date, planning permission should be granted unless:

'i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination'.

Policy DS5 states that the Council will take a positive approach when considering development proposals that reflects a presumption in favour of sustainable development similar to the NPPF. Furthermore, Policy SC0 (Sustainable Communities) states that new development should be of a high quality and should be brought forward in a way which enables strong communities to be formed and sustained. The key considerations are discussed below.

Location for new housing

The proposal seeks to provide new residential development within the Town Centre in an area identified as primarily in residential use and within the Urban Area Boundary. In light of this new residential development is supported in principle by Policy H1.

Officers consider that the proposal is an appropriate scale in relation to the Town Centre, character and form having regard to Policy TC1 and will not compromise the town's shopping function. Regard has been given to Policies TC2-TC16 and no conflict has been identified by reason of the use, location and nature of development proposed.

Loss of Community Facility

Paragraph 90 of the NPPF states that Planning Policies and decisions should support the role that town centres play at the heart of local communities and continues to state that planning policies should allow them to diversify in a way that can respond to rapid changes and allow a suitable mix of uses including housing.

The public house use is identified as a community facility having regard to the supporting text for Policy HS8. Policy HS8 states that the re-development or a change of use of a community facility which serves local needs will only be permitted where it can be demonstrated that one of criteria a), b) or c) are met.

As part of the consultation response, concerns have been raised that similar facilities will not be accessible to the local community having regard to part a) of this policy with reference made to the live music, live sport, outside space and function rooms which the host building provides. Concerns have also been raised regarding loss of other public houses in the locality and the benefits of public houses in general including social benefits, cultural contribution and recreational offering.

The Explanatory text for Policy HS8 states that uses such as Public Houses will only be considered as community facilities where there is no alternative provision within the community. When considering this proposal, officers have had regard to the Public Sector Equality Duty (PSED) as outlined within the Equalities Act 2010 section 149 (1) which places a duty on decision takers to have regard to the impact of proposals.

With respect to the live music and sporting events officers note that this has been raised during the consultation however there are no mechanisms which would ensure that this would continue should the existing public house re-open. The application site lies within the Town Centre and a number of public houses lie within close proximity to the application site and are accessible by a short walking distance. These include public houses which provide outside seating and private function room options and venues which could host entertainment such as live sport/music in a similar way to the current proposal.

Regard has also been given to the viability and economic impacts of the proposal and whilst the loss of public houses is regrettable Policy HS8 only requires development to meet one of the relevant criteria.

The proposal is therefore considered to meet policy HS8 in this regard as it is considered that alternative community facilities lie within close proximity to the site. This is the same approach taken by officers considering application W/21/0408 which is a material consideration which officers afford significant weight.

Loss of Visitor Accommodation

The public house has five rooms which are understood to have been offered on a bed and breakfast basis and one room with a self-contained kitchen.

Policy CT3 states that the redevelopment or change of use from visitor accommodation at above ground floor level, such as the rooms within the existing premises, will need to meet two different criteria. Criteria b) of Policy CT3 requires applicants to demonstrate that there is evidence of adequate capacity to meet the need within alternative accommodation within the same town centre or c) the accommodation is no longer viable and no parties are willing to acquire it for that use.

The Explanatory text recognises the importance of visitor accommodation in supporting town centres and the tole of the town centre as the primary locations for visitor accommodation.

Planning application W/21/0408 was refused as it was considered that no substantive evidence was provided to demonstrate compliance with Policy CT3.

The Planning Statement advises that the property has been marketed from September 2022 to date without success. In response to this application concerns have been raised that no evidence has been provided to demonstrate that the current business is unviable. Further, concerns have been raised regarding the marketing and approach taken to find new tenants. Concerns have also been raised during the consultation regarding the loss to the economy, need to protect and enhance the town and the need for more visitor accommodation within the

town with specific reference to the lack of investment in the building, prominence and proximity to tourist attractions.

The Application has been submitted with an Alternative Accommodation Assessment which identifies that the Punch Bowl has been closed for approximately 3 years. The Alternative Accommodation Assessment has reviewed accommodation available within the Town Centre and identified 99 units of accommodation. Reference is also made to self-catering accommodation adjacent to the boundaries. Consideration is also given to occupancy including providing details from Visit Britain which showed occupancy rates for visitor accommodation in the West Midlands at approximately 77% in 2023.

In response to the additional information, the Council's Strategic Economic Development Officer was consulted. The Strategic Economic Development Officer considers that the relevant criteria for Policy CT3 are met and that there is evidence that identifies that the lost accommodation as part of this application can be absorbed in the present accommodation within the town. It is noted by the Economic Officer that the accommodation audit for the town and County is overdue but it is cited there is a need for more hotel provision within the area and not necessarily self-catering/B&B but larger hotels that might accommodate tours, conferences and business use.

In light of the above officers consider that the information provided with this application will meet the criteria of Policy CT3.

Conclusion of Principle
Having regard to the above the principle of the development is accepted when considering the Local Plan Policies and all other material considerations, including the application of the titled balance, are addressed below.

Impact on Character of the Area and Heritage Matters (including Conservation Area, Listed Buildings and Archaeology)

The application site lies within the Warwick Conservation Area and falls within Area 8 as identified by the Conservation Area Appraisal. The area falls within part of the historic core and is considered to comprise of largely residential use with a mixture of some commercial, retail and office. Plots are considered to be characterised by narrow plot widths with later infill and redevelopment. The area is considered to generally be a hard urban landscape area. A number of key landmark buildings are identified. The application building is not identified as a landmark building.

The building is a Grade II listed building dating from the 18th Century. The building is finished in whitewash brick under a tile roof with modern flat roof extensions. The building is understood to originally have been a coaching inn. The Butts contains several Listed Buildings which front the road on both sites within close proximity of the site.

The application building lies in a prominent location at the top of The Butts and is visible from the public realm on three sides. The building fronts the junction of Northgate and The Butts with an area of external parking set forward of the

building enclosed by existing boundary treatment. The site is therefore viewed within the context of surrounding built form and open space.

To the north of Northgate lies a single dwelling and pedestrian connections into Priory Park which is enclosed by an existing stone wall within the streetscene. A modern healthcare building is located adjacent to Cape Road which is simple in form and larger in scale. The side elevation of the building is read along the Southern boundary of Northgate. Stone walls and brick walls are a feature along this section of the streetscene.

The Butts is more enclosed in character with predominantly two and three storey properties fronting the road with largely flat elevations with materials including brick, stone and render.

Policy HE1 relates to designated Heritage Assets and states where a development would lead to 'less than substantial harm' to the significance of a designated heritage asset, this harm will be weighed against the public benefits of the proposal. Furthermore, paragraph 212 of the NPPF states that great weight should be given to the asset's conservation and sets out criteria depending on the level of harm. In addition, Policy HE2 relates to Conservation Area development.

Paragraph 131 of the NPPF recognises that good design is key to sustainable development and that proposals should add to the overall quality of the area. Furthermore, paragraph 135 of the NPPF states that planning decisions should ensure development function well to the overall quality of the area and are visually attractive through good design, layout and appropriate and effective landscaping. Paragraph 139 of the NPPF states that development should be refused where if fails to reflect local design policies and government guidance with respect to design.

Local Plan Policy BE1 reinforces the importance of good design stipulated by the NPPF subject to detailed criteria to ensure that new development is permitted where it will positively contribute to the character and quality of its environment through good layout and design. Policy BE1 further seeks to ensure that proposals harmonise with the existing settlement in terms of form, have regard to landscape features and reflects, respects and reinforces the local architectural and historical distinctiveness. BE1 states that proposals should adopt appropriate materials and respect the surrounding buildings in terms of scale, height, form and massing. This is further echoed within the Council's Residential Design Guide SPD, the National Design Guide, NPPG.

The proposal has been submitted with a Heritage Statement and subsequently revised Glazing Heritage statement, which outlines the change to the building over time and considers the impact of the proposed works on the identified heritage assets. In response to the application the Council's Conservation Officer has raised no objection in principle or to the revised glazing details. Concerns have been raised during the consultation regarding the impact of the development on heritage assets and the character of the area.

The proposal includes the demolition of the existing side and front projection on the host building which comprises of later modern additions. The loss of the area proposed is therefore not considered to result in harm to the significance of the host building, conservation area or streetscene and no objection has been raised from the Council's Conservation Officer in relation to this aspect of the proposal.

Officers consider it reasonable to attach a materials condition to ensure a satisfactory finish of the remaining elevations.

The proposal seeks to make changes to the fenestration on all elevations of the building. Joinery details have been provided for these changes and a separate glazing schedule. These works include replacement windows and new windows on the north facing elevation including a new clear glazed sash window at first floor level. A new door and window are proposed on the front elevation following the demolition works and within the single storey front projection. The Council's Conservation Officer has raised no objection to the window changes, which include the large scale details and timber construction. Officers consider it reasonable to recommend a a condition which ensures that any replacements are timber and single glazed in line with the large scale details submitted.

The Council's Conservation Officer has also raised no objection to the internal mechanical ventilation system proposed subject to a condition to secure the final details. This will be assessed as part of the accompanying Listed Building Consent.

The proposal seeks to enclose a garden area to the north of the site with a new brick wall which will measure approximately 1.8m in height. As part of application W/21/0408 officers considered that a likely 1.8 metre wall or fence would likely give rise to negative implications on the character and significance of the heritage assets, namely the Listed Building and the Conservation Area however elevations were not provided at this stage.

The extent of the new enclosure to the north of the site has been reduced during the course of the application and the boundary treatment has been reduced in height and changed from a green wall to a red brick wall in response to concerns initially raised by the Conservation Officer. Within the streetscene the wall will sit behind the existing brick wall which fronts Northgate by approximately 1.2 meters and measure approximately 8.3 meters in depth set behind the front elevation of the building. By reason of the siting, height and materials officers do not consider that this feature will cause harm to the character experienced within this part of the Conservation Area or to the setting or special interest of the host listed building as the open character to the front of the building will be retained. Officers consider it reasonable to secure details of the materials via planning condition to ensure a satisfactory finish.

Externally the existing car park will be retained with its associated hardstanding and the wall heights of the existing painted brick wall will be reduced around the access onto The Butts to less than 0.6m. The western-most access will also be closed with the plans identifying the height as 0.6m. Subject to a satisfactory finish officers do not consider these enclosure works will result in harm to the character of the Conservation Area or setting of the host building.

By reason of the scale, position and design of the proposals the works are not considered to result in harm to the setting or special interest of the listed buildings which line The Butts.

Archaeology

The application site lies within an area of significant archaeological potential within the likely extent of the medieval town of Warwick and on the suggested line of the

Warwick Town defences. As such there is a potential for any ground works to impact on the subsurface archaeological deposits which may be present. In light of this, WCC Archaeology has raised no objection to the development subject to a WSI condition. Subject to a condition officers consider that the development will protect the archaeological interest of the site having regard to Policy HE4 of the Local Plan and Chapter 16 of the NPPF.

In light of the above and subject to conditions the proposal is considered to be sympathetic to the character of the area, preserve the character of the conservation area and protect the setting and special interest of the identified listed buildings and archaeology having regard to Policies BE1, HE1, HE2, HE4, the policies set out in Chapter 16 of the NPPF and the duty set out in the Planning (Listed Buildings and Conservation Areas) Act 1990 which states that special regard will be given to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Residential Amenity

The application site lies within close proximity to a number of neighbouring buildings including properties which front The Butts. To the south east, the site adjoins an existing nursery building. To the north there are no close neighbouring properties as opposite Northgate lies Priory Park.

Policy BE3 states that development will not be permitted which has an unacceptable adverse impact on the amenity of nearby uses and residents or which does not provide an acceptable standard of amenity for future users or occupiers. The Explanatory text states regard should be given to loss of privacy, loss of sun/daylight, visual intrusion, noise disturbance and light pollution. Furthermore, guidance is set out in the Council's Residential Design SPD and The 45 Degree Guideline (SPG) (March 2005).

Paragraph 124 of the NPPF states that planning decisions should promote an effective use of land in meeting the need for homes and other uses while safeguarding and improving the environment and ensuring safe and healthy living conditions. Paragraph 135 of the NPPF further states that planning decisions should create places that have a high standard of amenity for existing and future users.

During the course of the consultation a number of objections have been received which raise concerns regarding the amenity for future occupiers through road noise due to the proximity of the site to a busy junction, limited outside space, air quality and lack of parking.

Impact on neighbouring properties' amenity
The proposal seeks to largely retain the openings within the existing building as existing and therefore when considering the existing use of the rooms, officers do not consider that the use will result in a materially adverse overlooking impact when considering the overlooking relationship with neighbouring dwellings.

A larger opening is proposed at first floor on the north facing elevation however by reason of the position of this window which looks towards Priory Park officers

do not consider that the proposal will give rise to an unacceptable overlooking impact.

The proposal does not seek to extend the existing building and the new walls proposed by reason of the height, siting and design are not considered to result in an adverse overbearing or overshadowing impact on the amenity of neighbouring dwellings. Furthermore, the use as a single dwelling is not considered to give rise to unacceptable noise or disturbance impact on neighbouring dwellings' amenity.

Future occupier's amenity

Overlooking, internal amenity and outlook

Officers are satisfied that the proposal would provide sufficient internal space for future occupiers and sufficient light and outlook to all habitable rooms.

Noise

The application lies at the junction of The Butts and Northgate within the Town Centre.

As part of application W/21/0408 Environmental Health raised concerns in relation to noise. The previous arrangement resulted in the need to keep windows closed to provide a satisfactory internal living environment. A conflict was therefore identified with Policy BE3 and this formed a reason for refusal.

This application has been submitted with a Noise Assessment which was updated during the course of the application to the June 2024 version in response to queries from Environmental Health and design changes. The revisions take into account the re-modelling of the garden area with a 1.8m brick screen wall, a review of the original glazing specifications and the façade noise levels. The proposal has also been subject to a revised Acoustic Report which sets out the glazing amendments.

The proposal includes the installation of mechanical ventilation with heat recovery. The Noise Assessment has considered noise impacts, internally and externally for future occupiers including those associated with the adjacent Nursery.

In response to this proposal, Environmental Health has acknowledged that the Noise Assessment identifies that the sound levels are highest on the south-west and southern façade (The Butts) and that other windows can be opened whilst achieving reasonable indoor noise conditions. It is recognised that some windows will likely require to be closed to achieve a good internal noise environment. An alternative means of cooling is therefore required through mechanical ventilation.

Environmental Health has advised the mechanical ventilation needs to be addressed before the application is determined and queried the conservation officer's comments in relation to this part of the proposal. The Council's Conservation Officer has raised no objection to the mechanical ventilation proposed subject to the final details being secured via planning condition.

Whilst requiring windows to habitable rooms to be kept shut to achieve a suitable noise environment is a negative aspect of the proposals, it is considered to be appropriate in the current case when balanced against the benefits of securing the

future use of this listed building. Environmental Health has advised that they are satisfied that the revised Glazing Schedule will achieve the required sound performance and therefore raise no concerns regarding the revised details.

The Noise Assessment was updated to consider the outside amenity space with the reduced brick wall. Environmental Health considers that sound levels will remain below the upper guideline level recommended by BS8233:2014 and the WHO guidelines for community noise (1999) with this design change.

Having regard to the above and subject to suitable mechanical ventilation details, the proposal being in line with the revised glazing schedule and the wall proposed being installed in accordance with the plans officers do not consider the development will result in an unacceptable noise environment for future occupiers.

Waste

In response to the proposal WDC Waste has raised no objection and officers consider that there is sufficient space within the site for bin storage which can be secured via planning condition.

Amenity space

The application will provide a new garden area to the side of the property. Officers consider that sufficient usable garden area will be provided for future occupiers in line with the Council's Residential Design Guide.

Air Quality

The site falls within the Warwick Air Quality Mitigation Area. As such, officers consider it reasonable to secure an EVCP via planning condition as mitigation for the minor development proposed.

Having regard to the above and subject to conditions officers are satisfied that the proposal will not result in harm to residential amenity and will have sufficient amenity for future occupiers having regard to Policy BE3, paragraph 135 of the NPPF and the guidance set out in the Council's Residential Design SPD and The Council's 45 Degree Guideline (SPG) (March 2005).

Highway Safety (including access and parking)

The proposal seeks to gain access to the site from The Butts through a single vehicular access point. This access is proposed to be widened and the surrounding walls reduced to 0.6m high as shown on the submitted plans. It is proposed to close the vehicular access point which connects to The Butts and Northgate junction.

Policy TR1 seeks to ensure that development provides safe, suitable and attractive routes for all users and does not result in a detrimental impact to highway safety. In addition, paragraph 115 of the NPPF seeks to ensure that development provides safe and suitable access for all users. Furthermore, paragraph 116 of the NPPF states that development should only be refused on highways grounds if there would be an unacceptable impact on highway safety.

During the course of the consultation concerns have been raised in relation to highways safety due to the access onto The Butts and contribution of the development to congestion.

Planning permission W/21/0408 was refused in response to an objection from WCC Highways Authority. This related to the access point which connects to The Butts and Northgate junction. In response to this application with The Butts access only WCC Highways Authority has raise no objection to the development subject to a note. Officers consider it reasonable to secure the closing of the access at The Butts and Northgate junction via planning condition prior to the occupation of the new dwelling.

Policy TR3 relates to parking requirements for new development. The Council's Parking Standards SPD sets out the minimum vehicle and cycle parking standards required for developments. Concerns have also been raised in relation to lack of parking during the consultation process. Officers are satisfied that three off-street parking spaces will be provided within the application site, with sufficient turning/manoeuvring areas which meets the Council's adopted Parking Standards. Officers consider it reasonable to secure the provision of this parking via planning condition. Officers further consider that secure bicycle parking can be provided within the site.

Having regard to the above the proposal is not considered to give rise to highways safety harm or parking issues when considering the requirements of Local Plan Policies TR1 and TR3, and the guidance set out within the Council's Parking Standards SPD.

Impacts on Ecology and Biodiversity

The application has been submitted with a Phase 1 Bat and Nesting Bird Survey (which was updated in June 2024) which concluded that there was no evidence of bats or nesting birds within the building. However, recommendations were made including notes in case bats or nesting birds are found and the installation of a bat box.

In response to the updated report WCC Ecology has raised no objection to the development subject to a condition (for a bat roosting feature which is an enhancement to the scheme) and notes in line with the recommendation of the report relating to bats and nesting birds.

The application was submitted prior to the requirement of 10% Biodiversity Net Gain and therefore officers have not sought this information during the course of the application.

Having regard to the above officers are satisfied that the proposal will not result in any net loss in biodiversity and would not result in an adverse impact on protected or notable species having regard to Policies SC0, NE1, NE2 and NE3 of the Local Plan and the duties set in the Natural Environment and Rural Communities Act 2006.

Flood Risk and Water Environment

The site lies within flood zone 1 which has the lowest probability of flooding. The Planning Statement advises that the foul and surface water will be handled as existing which is considered to be acceptable.

Officers further consider it reasonable to secure water efficiency measures via planning condition in line with Policy FW3.

Having regard to the above and subject to a suitable condition, the proposal is not considered to result in an increase in flooding elsewhere and is considered to accord with Policies BE1, SC0, FW1, FW2, FW3 and FW4 of the Warwick District Council Local Plan and paragraph 165 of the NPPF in this regard.

Climate change and mitigation

Policy NZC4 of the Council's Net Zero Carbon DPD is considered to be applicable to the development and requires all development to demonstrate a consideration to sustainable construction and design in accordance with Local Plan Policy CC1 and it further states that all developments should consider alternatives to conventional fossil fuel boilers.

Policy CC1 states that all development should be designed to and adapt to future impact of climate change, be resilient to climate change including through layout, building orientation, construction techniques, materials/ natural ventilation, optimising multi-functional green infrastructure and minimising vulnerability to flood risk.

The application has been submitted with an Energy Statement which refers to solar gain, natural ventilation, creation of a garden area and water butts. Officers are therefore satisfied that the requirements of Policy CC1 and NZC4 are met in this regard.

Other matters

Listed Building Consent
There is a Listed Building Consent for the works which is being considered separately by application W/23/1790/LB which includes the internal works.

HMO use
Concerns have been raised through the consultation regarding the use of the building as a HMO. Officers have considered the application on its own merit as a single dwelling.

The site does not lie within the Article 4 Direction which restricts the change of use of a dwellinghouse to a HMO however due to the number of bedrooms, if the property used all bedrooms as a HMO this would require planning permission. A HMO licence would also be required for any HMO use.

Caselaw/Appeals
Reference is made within the representation to appeals however insufficient details have been provided.

Officers have had regard to the case law cited within the representation which is Danning, R (On the Application Of) v Sedgemoor District Council [2021] EWHC 1649 (Admin) which related to a public house conversion to residential use. Two key concerns were raised in this case law including the consideration of the local plan policies and equalities matters.

Warwick Local Plan policies are materially different from those referenced in this case, which required evidence of community consultation and consideration of alternative ways of delivering the service. As part of this assessment a full consultation has been carried out and all relevant material planning considerations have been fully considered and weighed by officers.

With respect to the equalities matters raised in this case, this has been addressed within the principle section of the report.

CONCLUSION/PLANNING BALANCE

At the time of writing this report, the Council is not able to demonstrate a Five Year Housing Land Supply. As such, paragraph 11d) of the NPPF is engaged for the purpose of decision taking.

It is recognised that the site lies within a protected area, having regard to footnote 7 of paragraph 11d of the NPPF as the site lies within the Conservation Area, the works are to a Listed Building and the site lies within the setting of Listed Buildings. Parts 11 d) i) and ii) are therefore applicable to the planning assessment.

Having regard to the above within the officer assessment, paragraph 11d) i) will not be conflicted with as the proposal is considered to be sympathetic to the character of the area, preserve the character of the conservation area and protect the setting and special interest of the identified listed buildings and archaeology.

Paragraph 11d) ii) requires a test to determine if any adverse impacts of granting planning permission will significantly and demonstrably outweigh the benefits of the scheme, when assessed against the policies in the NPPF taken as a whole, having particular regard to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes (where applicable).

Planning permission is sought for the change of use of the existing public house to a new dwellinghouse including associated external works to facilitate the development. The principle of the development is considered to be supported by Policies H1, TC1, ET3 and HS8 based on the information provided.

The proposal will result in a new dwelling within a sustainable location within the Urban Area Boundary.

Subject to conditions and notes, the proposal will preserve the character of the conservation area, special interest and significance of the host building and on-site archaeology and the setting of neighbouring listed buildings and is not considered to result in harm to the character of the area, residential amenity, highways safety and parking, flood risk, ecology/biodiversity or climate change

and adaption. These are considered to be neutral within the planning balance and no adverse impacts have been identified.

The proposal will introduce benefits in the form of the creation of a new dwelling in a sustainable location.

When considering the scheme as a whole within the titled balance, officers consider that the proposal will represent a sustainable form of development and no adverse impacts will significantly or demonstrably outweigh the benefits associated with the proposal. The development is considered to represent a sustainable form of development and 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 drawing(s):

- Proposed Plan AD01M
-Proposed Elevation AD02M

and specification contained therein unless otherwise required by a planning condition, submitted on 27/02/2025.

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 No development shall be carried out above slab level unless and until samples of the external facing materials to be used in the proposed enclosures and on the building have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details.

Reason: To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 and HE1 of the Warwick District Local Plan 2011-2029.

4 The new windows shall be timber and shall be painted and not stained and installed in accordance with the Proposed Glazing Details AD05A and Proposed Door details AD06A and specification set out in Section 2 contained within the Glazing Scheme by Walnut Acoustics dated 14/01/2025 . The development shall not be carried out otherwise than in

strict accordance with such approved details and no changes to the glazing specification shall take place without express planning permission

Reason: To ensure an appropriate standard of design and appearance within the Conservation Area and to ensure a high standard of design and appearance for this Listed Building and to ensure a suitable level of noise environment amenity for future occupiers to satisfy Policies HE1 and BE3 of the Warwick District Local Plan 2011-2029.

5 The development hereby permitted shall not commence until a scheme detailing low energy mechanical ventilation (to relevant facades) to protect residents of the development from excessive traffic noise entering habitable rooms has been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the scheme approved under this condition has been implemented in strict accordance with the approved details and shall be retained at all times thereafter.

Reason: To protect the amenity of the future occupiers in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.

6 No development shall commence including demolition until:

(a) a scheme for the provision of a bat box/bat roosting feature to be erected on a building within the site, has been submitted and approved by the Local Planning Authority. The scheme must include box type, location, and timing of works; and
(b) the box/feature has been installed in strict accordance with the approved details.

The box/feature shall be retained at all times thereafter.

Reason: To enhance the biodiversity of the site in accordance the NPPF, ODPM Circular 2005/06 and NERC Act (2006, as amended) and Policies NE2 and NE3 of the Warwick District Local Plan 2011-2029.

7 No development shall take place until:

a) a Written Scheme of Investigation (WSI) for a programme of archaeological evaluative work has been submitted to and approved in writing by the Local Planning Authority.
b) the programme of archaeological evaluative fieldwork and associated post-excavation analysis and report production detailed within the approved WSI has been undertaken. A report detailing the results of this fieldwork, and confirmation of the arrangements for the deposition of the archaeological archive, has been submitted to the planning authority.
c) An Archaeological Mitigation Strategy document (including a Written Scheme of Investigation for any archaeological fieldwork proposed) has been submitted to and approved in writing by the Local Planning Authority. This should detail a strategy to mitigate the archaeological

impact of the proposed development and should be informed by the results of the archaeological evaluation.

The development, and any archaeological fieldwork post-excavation analysis, publication of results and archive deposition detailed in the Mitigation Strategy document, shall be undertaken in accordance with the approved Mitigation Strategy document.

Reason: In order to ensure any remains of archaeological importance, which help to increase our understanding of the Districts historical development are recorded, preserved and protected were applicable, before development commences in accordance with Policy HE4 of the Warwick District Local Plan 2011-2029.

8 The westernmost existing means of vehicular and pedestrian access to the site which connects to The Butts and Northgate as identified on drawing AD01L shall be closed prior to occupation of the new dwellinghouse here by permitted in line with the details shown on the approved drawings. The widened access hereby permitted connecting to The Butts as identified on drawing AD01L shall be created in accordance with the approved details prior to the first occupation of the dwellinghouse hereby permitted and no other vehicular access to the site shall be created.

Reason: In the interests of highway safety and the free flow of traffic in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.

9 The development hereby permitted shall not be occupied unless and until the car parking and manoeuvring areas indicated on the approved drawings have been provided and thereafter those areas shall be kept marked out and available for such use at all times.

Reason: To ensure adequate off-street car parking and servicing facilities in the interests of both highway safety and visual / residential amenity in accordance with Policies BE1, BE3 and TR3 of the Warwick District Local Plan 2011-2029.

10 Prior to the occupation of the dwelling(s) hereby permitted, one 16amp (minimum) electric vehicle recharging point (per dwelling) shall be installed in accordance with details first submitted to and approved in writing by the Local Planning Authority (LPA). Once the electric vehicle recharging point(s) has been installed, the following verification details shall be submitted to and approved in writing by the LPA: (1). Plan(s)/ photograph(s) showing the location of the electric vehicle recharging point(s); (2). A technical data sheet for the electric vehicle recharging point infrastructure; and (3). Confirmation of the charging speed in kWh. Thereafter the electric vehicle recharging point(s) shall be retained in accordance with the approved details and shall not be removed or altered in any way (unless being upgraded). **Reason:** To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick

District Local Plan and the Air Quality and Planning Supplementary Planning Document.

11 The development hereby permitted shall not be occupied unless and until the refuse and recycling storage areas for the development have been constructed or laid out in strict accordance with the approved plans and made available for use by the occupants of the development. Thereafter those areas shall be kept free of obstruction and be available at all times for the storage of refuse and recycling associated with the development.

No dwelling shall be occupied unless and until it has been provided with the appropriate refuse containers necessary for the purposes of refuse, recycling and green waste, in accordance with the Council's specifications.

Refuse and recycling storage containers must be stored within the refuse and recycling storage area shown on the approved plans, unless when being presented on street for collection facilities.

Reason: To ensure the satisfactory provision of refuse and recycling storage facilities in the interests of amenity and the satisfactory development of the site in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029.

12 The development hereby permitted shall not be occupied unless and until a scheme showing how a water efficiency standard of 110 litres per person per day based on an assumed occupancy rate of 2.4 people per household (or higher where appropriate) will be achieved has been submitted to and approved in writing by the Local Planning Authority. No dwelling/ unit shall be first occupied until the works within the approved scheme have been completed for that particular dwelling / unit in strict accordance with the approved details and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications. **Reason:** To ensure the creation of well-designed and sustainable buildings and to satisfy the requirements of Policy FW3 of the Warwick District Local Plan 2011-2029.

13 Prior to the occupation of the dwellinghouse hereby permitted, the northern 1.8m brick boundary wall shall be erected in accordance with the approved plans in full. Once erected the wall shall be retained in perpetuity in accordance with the approved details.

Reason: To protect the outside amenity space of the future occupiers from noise in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.
