

**Planning Committee:** 20 February 2007

**Item Number:** 6

**Application No:** W 06 / 1719

**Registration Date:** 27/10/06

**Town/Parish Council:** Leamington Spa

**Expiry Date:** 22/12/06

**Case Officer:** John Beaumont

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**Reformed Church, Spencer Street, Leamington Spa, CV31 3NE**

Part demolition, conversion, refurbishment and extension of existing building for use as theatre and associated facilities FOR Leamington & Warwick Dramatic Study Club

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This application is being presented to Committee as 5 objections have been received.

**SUMMARY OF REPRESENTATIONS**

**Town Council :** No objection.

**Neighbours :** One letter has been received stating the scheme would appear to be an excellent way of preserving the former church for community benefit. Five letters have been received raising objection to the proposal on the grounds that the new extensions would encroach into the newly paved square in Spencer Yard and will consequently adversely affect its quality as an area of open space whilst taking daylight/sunlight from the adjacent dance studio in the West Hall; its massing would be overdominant to the architecture of Spencer Yard.

**CAAF :** "The idea of turning the building into a theatre was welcomed as this was thought to be a very appropriate use. It was suggested the legal position concerning the burials in the basement and burials to the rear of the building needed to be checked out.

In terms of the basement, it was felt that a full structural appraisal was needed to ensure that the amount of structure proposed could be properly removed and the barrel vaulted ceiling retained. It was felt that possibly more brickwork should be retained if possible. The ventilation from the basement was also considered as there did not appear to be any form of ventilation equipment shown. It was felt that there should be some access from the basement in the bar to Spencers Yard for audiences to use on a summer evening.

It was felt that there would need to be a lot of items of detail such as internal lighting, air conditioning, window curtaining, for which further details needed to be requested.

There was significant concern about the style of the new extension to the building. Although the roof is described as a mansard, it is not a true mansard but just vertical cladding to the building. It was felt that this had far too horizontal an emphasis whilst the main building has a strong vertical emphasis. It was felt that a brick extension with stronger vertical emphasis reflecting the existing style would be more appropriate. It was also suggested that possibly some of the cast iron window frames could be reused in the new building. There was a strong feeling that the external element of the new building needed to be reconsidered in architectural terms as it would have a strong influence on the character of Spencers Yard which is essentially a brick area with strong detailing, maintaining traditional Victorian windows. Details such as external lighting still needed to be resolved."

**WCC (Ecology)** : No objection subject to a bat survey/bird notes. (NB. The applicant has undertaken a bat survey which found no evidence of bat roosts in the building).

**Environment Agency** : No objections in principle. Ground levels of the building are shown as being at an acceptable level of more than 600mm above the 1:100 year flood level. However, the existing basement is below that level and could be at risk in a major flood event.

**English Heritage** : This application should be determined in accordance with national and local policy guidance and on the basis of your specialist conservation advice.

**Head of Environmental Health** : No objection subject to noise control condition and restriction of performance to finish by 11.00 p.m. with no deliveries/removal of equipment from building outside hours of 8.00 a.m. to 10.00 p.m.

### **RELEVANT POLICIES**

- (DW) ENV12 - Protection of the Setting of Listed Buildings (Warwick District Local Plan 1995)
- (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)
- TCP7 - Opportunity Sites in Old Town, Leamington Spa (Warwick District 1996 - 2011 Revised Deposit Version)
- DAP1 - Protecting the Green Belt (Warwick District 1996 - 2011 Revised Deposit Version)

- DAP2 - Protecting the Areas of Restraint (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)
- DP6 - Access (Warwick District Local Plan 1996 - 2011 Revised Deposit Version)
- DP10 - Flooding (Warwick District Local Plan 1996 - 2011 Revised Deposit Version)

## **PLANNING HISTORY**

Planning permission was granted in 1996 for the change of use and alterations to the basement to form a restaurant and non-food retail at ground floor (reference W06/0532). Subsequently, permission was granted for the removal of an existing access ramp to the front of the building, construction of new slope, ramp and railings (reference W2003/062LB).

## **KEY ISSUES**

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

The United Reform Church building is a Grade 2 Listed Building located within the Conservation Area. It fronts onto Spencer Street and is adjoined on that frontage by residential buildings. To the rear is Spencer Yard where buildings have recently been restored and reoccupied for arts related activities; access to the Yard is obtained from a service road which links onto Spencer Street close to its junction with Victoria Terrace/Bath Street. Adjacent to the north-east boundary of the site is the Rainbow Nursery which has its access onto Spencer Street. The existing Loft Theatre with its rear vehicular access is served off Spencer Yard and is located in its north-east corner of Spencer Yard; the main pedestrian access to the existing Loft Theatre is obtained via the Victoria Colonnade which fronts onto the River Leam adjacent to Victoria Bridge.

### **Details of the Development**

This is an amended application which now contains the following principal elements:-

- The conversion of the existing building to a theatre with a basement bar and toilets.
- The demolition of existing single storey elements to the rear of the building and their replacement by a larger structure which will extend into Spencer Yard beyond the footprint of the existing building. This structure would

contain basement changing and storage facilities, ground floor workshop, storage, meeting rooms and first floor rehearsal rooms; a rear access staircase is proposed. The design of the rear new extensions has been amended to be a predominantly brick building with the upper storey being expressed as a vertical mansard style roof with dormer windows. The rear staircase would be largely glazed with a full height 'feature' render panel alongside.

- To the front of the building , it is proposed to construct a new replacement access ramp with a front wall and railings incorporating sign boards. A position for the name 'Loft Theatre' and sign boards is shown on the frontage of the building.
- On the rear of the building is shown a roller shutter door to serve the theatre workshop and storage areas.

### **Assessment**

I consider the key issues to be considered in the determination of this application are the principle of the proposed change of use, the impact of the proposed changes on the listed building itself, its setting and the character and appearance of the Conservation Area, the impact of the proposal on the amenity of the surrounding land uses, highways and access issues and flooding.

#### The principle of the proposed use

The site lies within an 'opportunity site' as defined in the Warwick District Local Plan 1996-2011 (Revised Deposit Version) 1996-2011. This identifies the site as falling within the Leamington Spa Cultural Quarter where uses for community and arts facilities and environmental improvement would be encouraged. The explanation to the policy states this area has been proposed as the 'hub' of a 'cultural quarter' for Leamington Spa since 1995; it is envisaged this area will include a rehearsal area for performing arts, office space for local arts/cultural companies, a community arts facility, environmental improvement to the yard and car parking. I consider the proposal will be wholly in accordance with this strategy; it would therefore be an acceptable use on this site which will contribute to the aims of securing the regeneration of this area.

#### The impact of the proposed changes on the 'listed' building and Conservation Area

I consider the internal changes to the listed building would secure the protection of the sense of space within this former church whilst introducing sensitive changes to enable the new use to be undertaken. The alterations to the front of the building would achieve a new means of disabled access whilst reintroducing a sense of enclosure to the front of the building which originally had a wall and

railings to Spencer Street. The proposals for advertising the new use are modest and I consider they would be acceptable. At the rear of the building, I am of the opinion that the elements of the building to be demolished would not threaten the historic integrity of the building and are essential to enable the new use within the building to function. The design of the new extensions has been amended to be predominantly brick to reflect the character of both this listed building and that of others fronting Spencer Yard and whilst they will be larger and more extensive than the existing outbuildings, I do not consider this would unacceptably detract either from the setting of the existing Listed Building or Spencer Yard. The design does incorporate a glazed staircase and render panel which will be a prominent feature on this rear elevation but, in my opinion, this new elevation will not detract from the Listed Building itself and will add to the contribution this development will make to the 'life' of Spencer Yard. I note the concerns of CAAF with regard to the roof design of the new rear extension but subject to the choice of materials, I consider this will help to 'break' up the massing of this building; furthermore, I consider the reuse of the basement to be acceptable subject to appropriate conditions to ensure the existing features of the building are properly maintained.

#### Impact on neighbours

This issue has to be addressed taking into account firstly, the proposed change of use, and secondly, the proposed extension and alterations to the building. Looking at the proposed change of use, the existing lawful use of this building is as a church, falling within Class D1 of the Town and Country Planning (Use Classes) Order 1987; the proposed use as a Theatre is a 'sui generis' use, i.e. one falling outside the Use Classes Order. Given the 'fall back' position of the use of this building as a church, I do not consider that the proposed use as a Theatre would give rise to additional nuisance or disturbance such as would justify a refusal of planning permission; rather there is an opportunity to secure improvements to sound proofing in the building. It should also be noted planning permission has previously been granted for the use of the basement as a restaurant. With regard to the hours of use of the building and the use of the rear service door, again I am conscious of the fact that there are presently no restrictions on the hours of use of the building and that the existing Loft Theatre is presently served off Spencer Yard with no planning restrictions on its use; given this situation I consider that any restriction on use and servicing should be limited to 12 midnight to 8.00 a.m., thereby allowing any touring company a period of time to vacate the property after a performance.

With regard to the physical impact of the proposed works on the neighbours, I consider the alteration to the forecourt would in fact be beneficial, creating a greater sense of enclosure and hence improving security. The extensions to the rear will inevitably have a greater impact on the adjacent buildings in Spencer Yard and the Rainbow Nursery than the present building. The Western Hall is used as a dance rehearsal/performance space and relies on its east facing

windows onto Spencer Yard for its main natural light. The new extension would directly affect one window to the hall, being some 2m off it, with a further two windows being affected by the staircase to the extension which at that point is some 9m off the hall. The Western Hall will therefore suffer some loss of daylight and sunlight as a result of the proposal but I am not convinced that this will cause such harm to the amenity enjoyed by the occupants of that building or prejudice its continued operation as a dance rehearsal/performance space as to justify refusal. Similarly, whilst the proposed extension will reduce light to the rear south-west facing, first floor window to the adjacent Rainbow Nursery, I do not consider that would harm that property such as to justify refusal.

#### Highway, access and flooding issues

There are no car parking facilities available for either the existing Loft Theatre or the former church use within this building. Parking is available within the public car park at St. Peters and Bath Place and I do not consider this proposal will result in unacceptable additional car parking pressure on this town centre location. Similarly the Loft Theatre is served off Spencer Yard and whilst acknowledging the limited width and awkward configuration of Spencer Yard as an access onto Spencer Street, I do not consider the likely level of vehicular access to the theatre store and workshop would be unacceptable. I have noted the views of the Environment Agency regarding the possibility of flooding to the basement, but this already has planning permission for use as a restaurant and is not proposed for residential use; in these circumstances I do not consider that possible flood risk to this basement would justify refusal.

In conclusion, I consider the proposed change of use to a theatre would be in accordance with the aspirations of the District Council to secure the use of this area as a cultural quarter, whilst being wholly compatible with the protection of the historic character and appearance of this Listed Building and that of the Conservation Area. Whilst noting the concerns regarding the extension of the building into Spencer Yard, I do not consider that this would either adversely affect the layout of Spencer Yard or the amenity of neighbours such as to justify refusal.

#### **RECOMMENDATION**

GRANT, 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) 2266-13 and 2266-12 deposited with the District Council on 27th October 2006 and Drawing nos. 2266-05D, 2266-06C, 2266-07D, 2266-08C, 2266-09B and 2266-10D deposited with the District Planning Authority on 23rd January 2007 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 Samples of all external facing materials 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 that the visual amenities of the area are protected, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan.
- 4 All rainwater goods for the development hereby permitted shall be metal and no development on site shall take place until a sample of the rainwater goods has been submitted to and approved by the District Planning Authority. **REASON** : To ensure a high standard of design and appearance for this Listed Building, and to satisfy Policy ENV11 of the Warwick District Local Plan 1995.
- 5 No materials, plant or equipment of any description including skips or containers, shall be stacked, stored or deposited on any open area of the site. **REASON** : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan.
- 6 A 'hard' landscaping scheme shall be submitted to and be approved by the District Planning Authority before the development hereby permitted is commenced. Such approval scheme shall be completed in all respects before the use hereby permitted is first commenced. **REASON** : To protect and enhance the amenities of the area and to satisfy the requirements of Policy ENV3 in the Warwick District Local Plan.
- 7 No external lighting or sound amplification or tannoy system shall be installed on any external wall or roof of any building or within the open land comprised in the application site other than in accordance with details first submitted to and approved in writing by the District Planning Authority. **REASON** : To protect the amenity of the occupiers of nearby properties, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan.

- 8 No development shall be carried out on the site which is the subject of this permission, until details of provision for storage of refuse 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** : To protect the amenities of occupiers of the site and the character and appearance of the locality, in accordance with Policy ENV3 of the Warwick District Local Plan.
- 9 Details of the air conditioning, ventilation and flue extraction systems including particulars of noise levels shall be submitted to and approved by the Local Planning Authority before any works commence on site. The development shall not be carried out otherwise than in full accordance with such approved details. **REASON** : To protect the amenities of surrounding properties, in accordance with Policy ENV3 of the Warwick District Local Plan.
- 10 A scheme of noise attenuation shall be submitted and agreed by the Planning Authority prior to the commencement of any works of alteration so that noise arising from activities at these premises, when measured one metre from the facade of any noise sensitive premises, shall not exceed the agreed background noise level by more than 3dB(A) (measured as LAeq (5 minutes)). [If the noise in question involves sounds containing a distinguishable, discrete, continuous tone (whine, screech, hiss, hum etc) or if there are discrete impulses (bangs, clicks, clatters, thumps etc.) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level.] **REASON** : To protect the amenities of nearby properties and to satisfy the requirement of Policy ENV3 of the Warwick District Local Plan.
- 11 The use of the premises for the purposes hereby permitted and for any purpose ancillary thereto shall be restricted to between the hours of 8.00 a.m. to 12 midnight and outside these hours the premises shall be closed and the rear service door onto Spencer Yard shall be shut. **REASON** : To protect the amenity of nearby residents in accordance with the requirements of policy ENV3 of the Warwick District Local Plan.
- 12 No development shall be carried out on the site which is the subject of this permission until large scale details at a scale of 1:5 of the following items have all been submitted to and approved in writing by the District Planning Authority:-
- a. All brickwork details on the rear extension hereby approved (including eaves, recessed brick panels, string courses and plinth);
  - b. New dormers and louvered panels;
  - c. Glazed screen and all new windows and doors;

- d. Roof construction in the new extension hereby approved;
- e. New rainwater goods;
- f. Rendered panel and lettering thereon;
- g. Rear roller shutter door;
- h. External staircases, ramps and hand rails thereto;
- i. New gates, boundary walls, piers and railings, including details of how railings would be set into a plinth;
- j. New sign boxes set into railings, sign boards on front of building and lettering to read 'Loft Theatre' on front of building.

The development shall be carried out strictly in accordance with the approved details.

**REASON** : To protect the character and appearance of both the Conservation Area and this Listed Building to meet the requirements of Policies ENV6, 8, 11 and 12 of the Warwick District Local Plan.

### **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. The proposal is therefore considered to comply with the policies listed.