

Planning Committee: 23 May 2006

Item Number: 21

Application No: W 06 / 0577 LB

Registration Date: 06/04/06

Town/Parish Council: Leamington Spa

Expiry Date: 01/06/06

Case Officer: Rob Young

01926 456535 planning_east@warwickdc.gov.uk

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

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

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

SUMMARY OF REPRESENTATIONS

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

RELEVANT POLICIES

- DAP6 - Protection of Listed Buildings (Warwick District 1996 - 2011 Revised Deposit Version)
- DAP9 - Restoration of Listed Buildings (Warwick District 1996 - 2011 Revised Deposit Version)
- DAP10 - Protection of Conservation Areas (Warwick District 1996 - 2011 Revised Deposit Version)
- (DW) 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)

PLANNING HISTORY

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

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

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

KEY ISSUES

The Site and its Location

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

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

Details of the Development

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

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

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

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

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

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

Assessment

I consider the principal issue for consideration of the application is:

- the impact of the revised proposals on the character and appearance of the Listed Building and Conservation Area;

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

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

RECOMMENDATION

GRANT, subject to the following conditions :

CONDITIONS

- 1 The works hereby permitted must be begun not later than the expiration of three years from the date of this consent. **REASON** : To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing(s), and specification contained therein, unless first agreed otherwise in writing by the District Planning Authority. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Local Plan Policy ENV11.
- 3 Large scale details of doors, windows (including a section showing the window reveal, heads and cill details), shopfront joinery items, rooflights, eaves, verges and rainwater goods at a scale of 1:5 shall be submitted to and approved by the District Planning Authority before these items are installed. The development shall not be carried out otherwise than in full accordance with such approved details. **REASON** : To ensure a high standard of design and appearance for this Listed Building, and to satisfy Policy ENV11 of the Warwick District Local Plan 1995.
- 4 All doors, window frames and shopfront joinery items shall be constructed in timber, painted and not stained, in accordance with a schedule of finishes to be submitted to and approved by the District Planning Authority. **REASON** : To ensure a high standard of design and appearance for this Listed Building, and to satisfy Policy ENV11 of the Warwick District Local Plan 1995.
- 5 Samples of all external facing bricks to be used for the construction of the development hereby permitted, shall be submitted to and approved by the District Planning Authority before any constructional works are commenced.

Development shall be carried out in accordance with the approved details.
REASON : To ensure a high standard of design and appearance for this Listed Building, and to satisfy Policy ENV11 of the Warwick District Local Plan 1995.

- 6 The roofing material for the development shall be natural slate, a sample of which has been submitted to and approved in writing by the District Planning Authority. The development shall be carried out in accordance with the approved samples. **REASON** : To ensure a high standard of design and appearance for this Listed Building, and to satisfy Policy ENV11 of the Warwick District Local Plan 1995.
- 7 All rainwater goods for the development hereby permitted shall be metal and shall not be installed until a samples have been submitted to and approved by the District Planning Authority. The development shall be carried out in accordance with the approved samples. **REASON** : To ensure a high standard of design and appearance for this Listed Building, and to satisfy Policy ENV11 of the Warwick District Local Plan 1995.
- 8 Details of air conditioning, ventilation and/or 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 works shall not be carried out otherwise than in full accordance with the approved details. **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.

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.
