

Planning Committee: 06 November 2019

Item Number: 4

Application No: [W 18 / 2200 LB](#)

Town/Parish Council: Leamington Spa

Registration Date: 16/11/18

Case Officer: Rebecca Compton

Expiry Date: 11/01/19

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Bandstand, Pump Room Gardens, Dormer Place, Leamington Spa

Restoration/repair of the Bandstand - Amendment to Application Ref. W/15/0928/LB. Replacement floor deck, new access hatch to undercroft to be installed in floor deck, installation of a metal grille over external access to undercroft, additional stonework to the decking edge and revision to main steps design (part-retrospective). FOR Warwick District Council

The application has been brought before the Planning Committee as the applicant is Warwick District Council. A number of objections have also been received, including one from the Town Council.

RECOMMENDATION

Members are requested to approve the application subject to the recommended conditions and the details outlined in the report.

DETAILS OF THE DEVELOPMENT

Planning and listed building applications were approved for the bandstand to be dismantled, repaired and restored and rebuilt to its original pattern. A 0.8 metre wide planting area was also to be provided around the perimeter of the bandstand, with a raised stone kerb edge lined up with the bottom tread of the stone steps. A 60cm high double hoop fence was also approved to be set inside the kerb edging.

Following the original submission under this application the proposals have been amended to address concerns raised by residents and the Council's Conservation Officer. The original proposal sought retrospective consent for the blocking up of the access to the undercroft including a new access hatch to be installed within the replacement floor deck.

The works that are the subject of the revised scheme application involve reinstating the access steps to the undercroft with a metal grille over the access steps to avoid trip hazards. The new door to the undercroft has been approved under application ref: W/15/0928/LB. The original proposal for a new access hatch is also included. The works also include a new design to the main steps and additional stone coping to the decking edge.

Works are ongoing on site and therefore this application is part-retrospective.

THE SITE AND ITS LOCATION

- The bandstand is located to the west of Parade, within the Royal Pump Room Gardens, part of the Spa Gardens, registered as Grade II in the list of registered parks and gardens of special interest in England.

- The late nineteenth century Grade II listed building is located within the Leamington Spa Conservation Area.
- The bandstand has recently been removed for restoration under the previous planning and listed building consent. It is an octagonal structure with decorative cast iron balustrade and a timber and lead roof.
- The structure is surrounded by tarmac surfacing.

PLANNING HISTORY

W/15/0927 – Restoration/repair of the bandstand in pump room gardens, Leamington Spa. Bandstand structure to be dismantled and rebuilt to its original pattern – Approve

W/15/0928/LB - Restoration/repair of the bandstand in pump room gardens, Leamington Spa. Bandstand structure to be dismantled and rebuilt to its original pattern - Approve

RELEVANT POLICIES

- National Planning Policy Framework
- The Current Local Plan
- HE1 - Protection of Statutory Heritage Assets (Warwick District Local Plan 2011-2029)

SUMMARY OF REPRESENTATIONS

Town Council – Initial comments: The works are contrary to Policy HE1 of the Local Plan and paragraph 194 of the NPPF. The application does not specify why these works are necessary other than to state that the use of the undercroft for storage purposes is impractical - why is this the case? Surely access to the undercroft via the original entrance is more viable than descending a ladder accessed through the floor of the bandstand. These works have already been begun without consultation with any relevant partners and without the necessary permissions. The Local Plan states in 5.152 that "the Council is committed to ensuring that listed buildings are given a high level of protection and enforcement action will be taken against unauthorized...works to them." How then does this fit with what has already taken place at the bandstand? The town council is deeply concerned about the lack of consultation or communication around these works.

Comments on revised scheme: No objection but supports the request for further information regarding the grille. Will it be permanently fixed? Can the undercroft still be accessed via the door?

The Gardens Trust - Do not wish to comment on the proposals at this stage. This does not in any way signify either approval or disapproval of the proposals.

Town Cllr Janet Alty - There are errors in the Design and Access statement. It is stated that "The Bandstand has been unused for many years". The Peace Festival has used the Band stand every year for a great many years. "The

undercroft will not be bought back into use (it had originally been intended to use the undercroft for storage purposes but this proved impractical)." The undercroft forms part of the original bandstand and it was always envisaged that it would be retained and refurbished. There has been no consultation about the proposal to leave it in an unusable state. "Electrical distribution boards will be housed in the undercroft and access will be via a new hatch set into the floor deck with a vertical access ladder anchored to the deck and undercroft floor." This is totally impractical. When the bandstand is in use it will be impossible to access the distribution boards. It is essential that the access to the distribution boards in the undercroft is via the steps as was always the case. Octagonal planting beds will be created around the Bandstand hardstand area with dwarf hoop fencing to its perimeter." This may be a charming idea, but given the number of people who will wish to sit on the ground and watch the performances the flower beds will undoubtedly be trampled. This is a completely impractical idea. And finally it is clear that there have been many misunderstandings and it is essential that the Heritage Bandstand is restored to its original Heritage status.

Historic England - we do not wish to offer any comments.

Friends of the Pump Room Gardens: Objects as follows:

- The bandstand. The present bandstand (manufactured by Walter MacFarlane of Glasgow, model 224) is one of only four of this model remaining in the UK and was installed by Leamington Borough Surveyor William Louis de Normanville in 1889.

The Grade II listed Victorian bandstand is highly unusual in that it was constructed with an undercroft which remains intact; of 600+ remaining original bandstands in UK, only 1% or fewer, have an undercroft.

The bandstand is the focal point of the gardens. It is central to many annual events held there like the Peace Festival, the Food and Drink event, the Mela, the Leamington Lantern Parade. The Activity Plan envisages more events involving the bandstand.

- Partnership. The Friends of the Pump Room Gardens and Warwick District Council are partners in a £1.4 million project to restore the Pump Room Gardens, funded in part by an almost £1.0 million grant from the Heritage Lottery Fund. The partnership is recognised in a document signed by the Chief Executive of the Council and the Chairman of the Friends.

- Space in undercroft. The headroom in the bandstand (standing between the two RSJs) is about 1690mm (5' 6½"), so not full height but sufficient to provide valuable storage space. The entrance to the undercroft remained unchanged until at least the 1970s.

- The bandstand restoration plans. These were approved by WDC and Heritage Lottery Fund, and formed part of the tender documents for the works. These plans specified a *faithful* restoration of the original structure and these

specifications were accepted by the chosen contractor. The plans were subject to listed building consent W/15/0928/LB granted in July 2015.

- Closing of undercroft. The entrance to the undercroft was bricked up in September 2018 in contravention of W/15/0928/LB.
- W/18/2200/LB. This retrospective application is for approval of the bricking up the entrance to the undercroft. It would be in contravention of section HE1 of the Local Plan and of NPPF (Para 194) both of which relate to the protection of heritage structures.

This is also in contravention of sections HS2 and HS8 of the Local Plan that promote recreation in Healthy, Safe and Inclusive Communities.

- Loss of storage space. The bricking up results in a loss of valuable storage space that could be used for modern plastic folding seating, protective grass matting, events equipment, A-boards and signage boards all used at events, and so on. Dampness in the undercroft would not significantly affect these items.
- Alternative storage facility. It has been suggested that one of the lodges in Jephson Gardens would be a suitable alternative; however this would then displace a valuable community facility currently used for exhibitions.
- Violation of partnership agreement. The bricking up of the entrance to the undercroft was done without any consultation or knowledge of the Friends; the first they learnt of the decision was after the entrance had been blocked. The Friends are partners with WDC and both parties agreed to work together.
- Size of the treads and risers of the main steps not shown, they should be equal.
- Details of the grille have not been provided.
- Installation of a mosquito device is unacceptable.

Local Interested Parties - 11 objections received on the following grounds:

- It has not been made clear that the work has already been carried out.
- Details provided in the application are inaccurate and misleading. Address of application site and applicant are not correct.
- The reason for blocking off the existing entrance given is that it was found necessary - this is incorrect. The work is described as repair/ restoration and it is actually modification.
- Undercroft has constraints for use because of headroom. I don't understand why it can't be used at least for storage.
- Why does equipment have to be stored at North Lodge? It will not work to store equipment here – what if it's raining?
- Why not store the equipment under the bandstand. Chairs and tables could be stored there too. This will really help the community to make full use of the new bandstand.
- Using a ladder as access will compromise it's use.

- Bricking up the Undercroft permanently could render some components of the building inaccessible.
- This was not part of the original restoration agreement, the specifications of which should be followed.
- Not clear that it was at all necessary and indeed may compromise possible access to the undercroft and location of electrical services.
- This is a substantial modification altering the original planning application, and indeed being a partly retrospective application with some work already done.
- Do not believe there are substantial public benefits to blocking off the original doorway to the undercroft which is substantial harm to this heritage asset.
- The undercroft was an integral part of the design of the bandstand.
- Work has already in part been undertaken without any reference to the Planning Committee, or more importantly to those jointly funding the project with Warwick District Council, namely the Friends of the Pump Room Gardens and The Heritage Lottery Fund.
- The HLF grant and the public funding was given for the conservation of the bandstand and a specification was signed by WDC that the original features would be restored and repaired. Blocking up the entrance and steps to the undercroft was never discussed by the donors (HLF) and the partner (Friends of the Pump Room Garden) and was done without planning permission and therefore without proper authority. This construction contravenes the heritage principles of the grant and the contract and should be undone.
- The earlier permission granted for the project included the restoration of the original entrance to the undercroft. Presumably, this was to make the use of the undercroft a practical proposition once more.

ASSESSMENT

Impact on the Character, Appearance and Significance of the Listed Building

The application is to be considered under Policy HE1 of the Warwick District Local Plan (2011-2029) and section 66 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 which requires Local Planning Authorities, when considering alterations to a listed building, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Paragraph 196 of the NPPF requires Local Planning Authorities to make an assessment of the impact of the development on the significance of the building and the level of harm that any development proposal may have on the building and for that harm to be weighed against any public benefits.

Access to undercroft

This application as originally submitted proposed to block up the original access to the undercroft and this had been implemented on site at the time of the officer's site visit. A number of objections were received on the application due to the alterations proposed, the loss of the undercroft storage area and the lack of consultation before the work had been carried out. There were also concerns that

the works would have a harmful impact on the character, significance and appearance of the listed building.

Following these concerns the proposal has been amended to re-instate the access steps to the undercroft leading to a timber door with a metal grille over the access steps to avoid trip hazards. Following further consultation, additional concerns have been raised by residents as to whether the undercroft can be easily accessed as the plans show the grille to be bolted along 3 sides. However, the matter of whether the undercroft can be used for storage is not a material planning consideration. The proposal re-instates the original opening to the undercroft and therefore preserves the building's historic character.

In any case, the applicant has advised that the access to the undercroft will be infrequent due to concerns from Western Power Distribution over health and safety issues regarding the electrics stored in this area. The steep and awkward access also raises concerns about the safe use of the undercroft for storage. Furthermore, the bolts securing the grille in place can be removed in the event that access is required.

In addition, a new access hatch has been incorporated into the new floor of the Bandstand to satisfy the future need for inspections. The proposed access hatch is not considered to have a harmful impact on the historic significance of the listed building. It is considered appropriate to request large scale details of the access door and metal safety grille via condition.

Main steps

Application ref W/15/0928/LB granted consent for a new design of the main steps which comprised of 3 steps. Subsequently the height of these steps have been found to be too steep and this application seeks to amend the design to include an additional fourth step. Concerns have been raised by residents as to whether the steps would be of equal height. However, the proposed plans indicate the rises and treads of each step to be of equal size. It should also be noted that the original Bandstand benefited from 4 steps and this proposal is therefore considered to reflect the building's original historic character and appearance.

Additional works

The revised scheme also includes additional stone coping to the decking edge. The stone will match the existing stonework on the building. These works are considered to be in keeping with the external appearance of the building.

The proposals have been amended to omit the mosquito anti-loitering unit and weathering strip over the safety grille following concerns that these elements were not in keeping with the building's historic character.

For the above reasons it has been concluded that the proposed development accords with Policy HE1 of the Warwick District Local Plan (2011-2029).

Conclusion

Due to the nature of the proposed works the proposal is not considered to cause harm to the character, appearance and significance of the listed building. The development accords with Policy HE1 of the Warwick District Local Plan (2011-2029), Section 66 of the Town and Country Planning (Listed Buildings and Conservation Areas Act) 1990 and paragraph 196 of the NPPF.

CONDITIONS

- 1 The consent hereby granted relates to the details shown on the site location plan and approved drawing(s) 3032-203 A, 3022-201 G, 3032-101 G, 3032-106 C, 3032-102 G, 3032-202 G, and specification contained therein, submitted on 22nd October 2019. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policy HE1 of the Warwick District Local Plan 2011-2029.
 - 2 Large scale details of the undercroft door (including a section showing the reveal, heads and cill details), at a scale of 1:5 (including details of materials) shall be submitted to the Local Planning Authority for approval within 1 month of the date of this consent. The development shall not be carried out otherwise than in strict accordance with the details approved under this condition. **REASON**:To ensure a high standard of design and appearance for this Listed Building, and to satisfy Policy HE1 of the Warwick District Local Plan 2011-2029.
 - 3 Details of the proposed metal grille shall be submitted to the Local Planning Authority for approval within 1 month of the date of this consent. The development shall not be carried out otherwise than in strict accordance with the details approved under this condition. **REASON**: To ensure a high standard of design and appearance for this Listed Building, and to satisfy Policy HE1 of the Warwick District Local Plan 2011-2029.
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