Planning Committee: **Item Number:13**

Application No:W13 / 0337

Registration Date:18/03/13
Town/Parish Council: Leamington Spa **Expiry Date:**13/05/13
Case Officer: Liam D'Onofrio
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Red House, 113 Radford Road, Leamington Spa, CV31 1JZ
Proposed Change of Use from former public house (ground floor) to residential unit FOR MrBallinger

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This application is being presented to Committee due to the number of objections received.

RECOMMENDATION

Planning Committee are recommended to grant planning permission, subject to conditions.

DETAILS OF THE DEVELOPMENT

Planning permission is sought to change the use of a public house (A4 Use Class) at ground floor to a two-bedroomed flat (C3 Use Class). There is an existing self-contained flat at first floor (previously the Landlord's flat) which will be retained and accessed from the rear of the building. The change of use does not include the ancillary kitchen, toilet block and store located to the rear of the main building or the walled garden. The scheme will provide no car parking.

The application is accompanied by a Design and Access Statement, Flood Risk Assessment and supporting information regarding how the public house has been marketed.

The Design and Access Statement notes that the surrounding area is predominantly residential and the external appearance of the property will remain extensively the same as existing. Although no vehicle parking is available on the site, there should be no increase in parking levels above that required for the previous use.

THE SITE AND ITS LOCATION

The application site related to The Red House, a Public House (currently vacant) located on the northern side of Radford Road. The building is an end terrace, set forward of neighbouring buildings, adding to its prominence within the streetscene. The building is not listed but is located within a conservation area.

PLANNING HISTORY

W/12/1530 Proposed change of use from public house to residential. Demolition of two outbuildings and conversion of building to create three new dwelling units.Erection of two further dwelling units at rear of site: Withdrawn 8th March 2013.

RELEVANT POLICIES

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- SC8 - Protecting Community Facilities (Warwick District Local Plan 1996 - 2011)
- SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)
- UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
- DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
- DAP9 - Unlisted Buildings in Conservation Areas (Warwick District Local Plan 1996 - 2011)
- Open Space (Supplementary Planning Document - June 2009)
- Vehicle Parking Standards (Supplementary Planning Document)
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- National Planning Policy Framework

SUMMARY OF REPRESENTATIONS

Leamington Town Council: No Objection

Environment Agency: No objection

WCC Highways: No objection

WCC Ecology: No objection

Public response: There have been 12 letters of objection primarily concerned with the loss of the public house/community facility, which had its own particular merits, such as Good Beer Guide/Cask Marque awards and notably a walled garden. Local residents are critical to how the pub was run, at reduced hours, before its closure and consider that it could be made a success free of a brewery tie and properly managed. It is noted that the Campaign for Real Ale - CAMRA feasibility test has not been carried out on the business. Furthermore locals question the amount of advertisement for the sale/let of the public house and the fact that no opportunity was given to the local residents to keep the business open or to purchase it as a community venture.

One further letter has been received commenting on the applicant's supporting statement and noting the huge rents that the pub company was charging, up to £41,000pa. Rents in previous objections rents of that amount cannot be sustained by any business and publicans can only make 30% gross profit (G.P.) per barrel of beer in comparison to no rent and 60/70% G.P per barrel of beer as a Freehouse. The letter advises that this information was provided by a local Beer supply company who are in support of the Red House re-opening. The Red House is now a Freehouse with no more big rents or beer charges that have to be paid to a pub company, a higher gross profit can be achieved and there is a unique beer garden that can be used as open space by local residents. There are locals from across Leamington and surrounding areas that have and will support the pub in the future.

Residents consider that the loss of the community use and walled garden will have an adverse impact upon the conservation area. Questions are raised as to why the whole public house site is not included within the change of use.

A petition stating: "Please accept this as my objection to change of use at the Red House Pub in Leamington Spa as it is loss of a community facility and a place of employment. As a community we will also lose use of the pub garden which has always been open to the public therefore making this loss of amenity" has been received with 94 signatures, some adding further individual comments.

ASSESSMENT

The main considerations in assessing this application are as follows:
- The Principle for Development;
- Design/streetscene;
- Neighbours' Amenity;
- Highway Safety;
- Other Matters of ecology, renewables flood risk and contributions.

Background

The previous scheme submitted under W/12/1530 sought to change the use of the public house to residential (including the rear kitchen/toilet block wing)with the erection of two further dwelling units to the rear of the site. There were a number of issues with the scheme, primarily that the vehicular access into the site was unacceptable and the application was subsequently withdrawn so that an alternative scheme could be considered with zero parking. The rear wing and walled garden remain in the applicant's ownership but are not included within the proposed development. While it is generally undesirable to consider the piecemeal development of a single site it is considered reasonable to assess this scheme on its own merits. Any future applications coming forward for the remaining land to the rear would have to be assessed accordingly.

Principle

The proposed residential element would accord with Policy UAP1, which seeks to direct residential development on previously developed land and buildings within the confines of urban areas.

In terms of the loss of the public house Policy SC8 'Protecting Community Facilities' states that redevelopment or change of use of community facilities that serve local needs will not be permitted unless: a) there are other similar facilities accessible to the local community by means other than the car; and either b) the facility is redundant and no other user is willing to acquire and manage it; or c) there is an assessment demonstrating a lack of need for the facility within the local community.

The applicant has submitted a supporting statement to address this policy and notes in terms of point (a) that there is a public house The New Inn in Leam Terrace some 130 yards (118 metres) away. With regard to point (b) the applicant has provided some background to the decline of the public house business which states:

"From October 2002 the then landlord sold his interest and a new 15 year lease was created with new landlords at a rent of £35150pa. In January 2007 this rent was increased to £41000 pa, despite the fact that the pub sales were in decline. In July 2008 a signboard was noticed on the property offering the lease for sale but there were no offers either from local people or from the licensed trade.

In January 2010 the landlord had to enter into a business recovery plan with Punch Taverns because the business was failing. This included reducing the rent to £25000 pa, and a number of other initiatives. It clearly did not work because the landlord walked away from the lease and the property was put up for sale or lease by Punch Taverns own Property arm. It would appear there were no long term takers and whilst they were trying to sell/lease the pub Punch Taverns used short term lets as follows:

25 March 2011 a Tenancy at Will Agreement was entered into with a new landlord at a rent of £200 per week. This failed.

14 October 2011 a Tenancy at Will Agreement was entered into with KCT Pub Co at a rent of £100 per week. This also failed.

18 November 2011 a Tenancy at Will Agreement was entered into with a new landlord at a rent of NIL per week. This also failed.

A Tenancy at Will Agreement is used by pubs groups when they cannot find a full time tenant or cannot sell as a going concern. It is a means of caretaking the business and assessing the viability of the pub, and it can be terminated by either party with no notice.

Clearly several different parties tried to make a go of it but could not, even at significantly reduced rents, and Punch Taverns attempts to sell or re-lease had at that point proved unsuccessful. They therefore took the decision to appoint an

outside selling agent to dispose of the property rather than use their own internal property division.

January 2012 a temporary caretaker was installed in the pub by Punch Taverns to open it on an ad hoc basis until a purchaser could be found. This person was not in attendance often because he was, and still is, the landlord of another pub in the town, Needless to say trade virtually dried up. At the same time an outside selling agent, Urbanside Property, were appointed to take over the marketing role from Punch Taverns Property.

Urbansideproperty have provided the following comments:

"We are specialist licensed property agents and were asked to market the above premises in January 2012 on behalf of Punch Taverns PLC. Following an extensive marketing campaign to sell the property as a public house we received no offers from licensed users and in fact received offers only for residential redevelopment of the site.

The property was advertised on our own website, as well as Rightmove and specialist commercial property websites and details were circulated to agents in the region, It was also advertised in the local press and a For Sale board was erected on the building. One regional brewery did express interest, however after assessing the property and the required investment to extend the trading area and catering facilities they declined to offer at any level.

In today's market the size and scope of the property doesn't fit with the needs of many pub operators, with the limited parking, small trading area and small kitchen the property could not viably be developed to meet the present need for suburban pubs to offer food Whilst one feature this property had in its favour was its large beer garden, the separation between the pub and the garden makes this a difficult trade area to supervise, particularly with the side access directly to the highway. Should the garden be busy, with the proximity to the surrounding neighbours, who over look this land, there would doubtless be significant grounds for complaints.

We were asked to market the Red House, as our client was unable to secure a long term tenant and had to have a temporary tenant operating the business on a caretaker basis just to keep the property open and trading. This generated minimal income for both them and the tenant. As specialist agents in the market we can confirm that we do not consider that this property has any future use as a public house and it would be unable to generate sufficient return, for any new owner, upon their capital or time".

Objectors note that the applicant has not carried out a CAMRA Public House Viability Test, however this is not a requirement of Policy SC8 and it is considered that thorough information sought by Policy SC8 (b) has been provided detailing the decline of the business and efforts to market the property. Evidence that a community facility has been actively marketed for a community use for at least a period of 12 months relates to Policy SC8 (c), where

demonstrating need, and is not directly required where SC8 (b) is considered to have been met.

It is considered that the loss of any public house is unfortunate, particularly one that (according to newspaper clippings provided by local residents) has operated since at least 1856. The use of buildings can evolve and change however, and it is also considered important to secure an appropriate new use for this building, which contributes to the character and setting of the conservation area. Based on the supporting information it is considered reasonable to agree that a) there are other similar facilities accessible to the local community by means other than the car; and b) the facility is redundant and no other user is willing to acquire and manage it. The development is therefore considered to be acceptable in principle.

Design/streetscene

The change of use will not have any significant impact upon the external character or appearance of the building. Alterations have been made following the previous scheme to retain the front door as an access into the ground floor flat. It is understood that the existing windows will be retained and re-painted, however a condition is suggested to ensure that should the windows be replaced it is with like-for-like timber replacements. The change of use is not considered to harm the visual amenity of the streetscene and will have a neutral impact upon the character and setting of the conservation area.

Neighbours' Amenity

Locals point to the fact that there have not been any significant noise complaints from the public house. The proposed residential use will be compatible with surrounding residential uses and, compared to the public house, is unlikely to give rise to any greater noise/disturbance or comings and goings.

Highway safety

The Highway Engineer has commented that there is no existing vehicular access to the site and therefore no on-site parking for the existing residential element of the building (the landlords flat). The proposed change of use will result in a further demand for additional on street parking and many of the residencies within the streets adjacent to the site and within the surrounding area do not have on-site parking resulting in a high demand for on-street parking in the locality. However, consideration has to be given to the lawful public house (A4) use and whilst the business may have provided a local service, it would still have had traffic movements associated with it in terms of deliveries, visitors, staff and customers. The demand as a consequence of the proposed development would offset those previously generated by the public house. Therefore the Highway Engineer raises no objection.

Other Matters

In terms of the Council's Sustainable Buildings SPD it is noted that the likely energy use for the public house compared with the proposed residential flat is likely to be negligible and the new use is not therefore considered to require renewables.

The northern part of the original site is within Flood Zone 2, however the public house, including the rear access route, actually falls within Flood Zone 1 on the edge of Flood Zone 2. The Environment Agency have raised no objection to the proposed scheme.

No ecology issues are raised with the change of use.

Open Space contributions in line with Policy SC13 and the Council's adopted Open Space SPD are required. This can be secured by condition.

Summary/Conclusion

In the opinion of the Local Planning Authority, the development would not cause unacceptable harm to the amenities of surrounding occupiers or the architectural and historic character of the Conservation Area within which the site is located. The proposal is therefore considered to comply with the policies listed.

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) 896-A1-100 and specification contained therein, submitted on 14th March 2013. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.

3 Unless the Local Planning Authority certifies that suitable alternative provision has been made for the provision or improvement of open space within the catchment area of the application site in accordance with Policy SC13 of the Warwick District Local Plan 1996-2011:

(i) no development shall commence unless or until a scheme for such provision or improvement (identifying the size/extent, location and specification of the space and works) has been submitted to and approved in writing by the Local Planning Authority; and

(ii) the dwellings hereby permitted shall not be occupied until the

scheme so approved has been implemented.

REASON: To ensure the necessary infrastructure and facilities are provided in accordance with Policy SC13 of the Warwick District Plan 1996 – 2011.

4 Any replacement window frames on the principle and west elevations shall be constructed like-for-like in timber and shall be painted and not stained. **REASON**: To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011.

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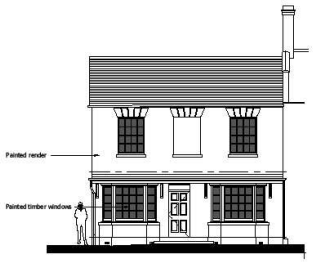
Metres

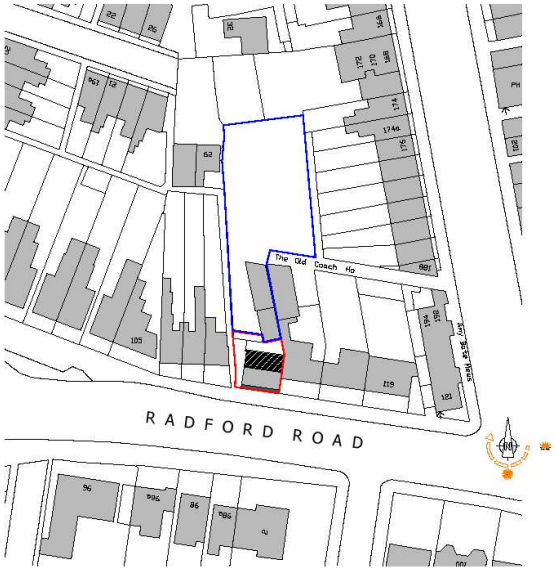
	Residential Development The Redhouse P[illegible], 1[illegible] Radford Road Leamington Spa [illegible]	Location Plan	Richmond Development [illegible]	Information 896-A4-001



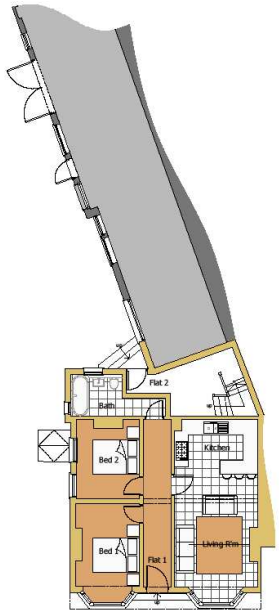
South Elevation facing Radford Road (1:100)

North Elevation - Rear Inset (1:100)

West Elevation - Side (1:100)

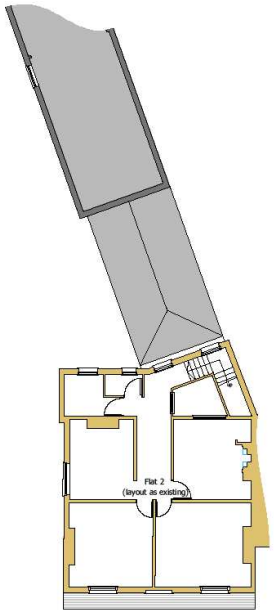


Site Block Plan (1:500)

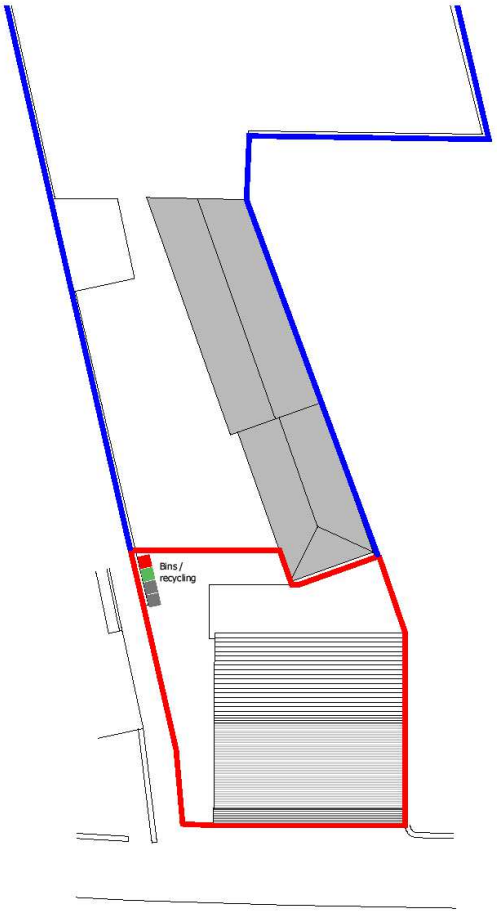


Ground Floor Plan (1:100)

0 1 2 3 4 5
Metres

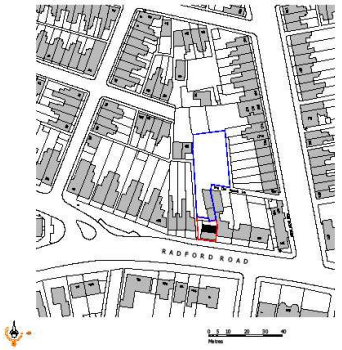


First Floor Plan (1:100)



Site Plan (1:200)

RADFORD ROAD



Site Location Plan (1:1250)

Residential Development
The Roothouse PH, 113 Radford Road
Leamington Spa CV31 1JZ

Richmond Development

A1 BCH 1:100

Planning

896-A1-100

Plans & Elevations
Conversion of Former Public House

11/03/13 Initial version BCH

architects