Planning Committee: 16 June 2026 **Item Number:** 6

Application No: W 26 / 0091 LB

Registration Date: 23/01/26
Town/Parish Council: Leamington Spa **Expiry Date:** 20/03/26
Case Officer: Millie Flynn
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5-9 Tavistock Street, Leamington Spa, CV32 5PJ
Retention of existing facade and construction of a new building containing seven purpose-built student accommodation apartments (to provide a total of 32no. bedrooms) and associated works. FOR Ni Ann Ltd

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This application is being presented to Planning Committee as it is recommended for refusal, and more than 5 support comments have been received.

RECOMMENDATION

Planning Committee is recommended to refuse Listed Building Consent for the reasons set out at the end of this report.

DETAILS OF THE DEVELOPMENT

Listed building consent is sought to partially demolish the existing two storey building at Nos. 5-9 Tavistock Street (otherwise known as 'Smack Nightclub') whilst retaining the existing façade and redevelop the site through the construction of a new four storey building containing 7no. purpose built student apartments, totalling 32no. bedrooms.

THE SITE AND ITS LOCATION

The application site comprises Nos. 5-9 Tavistock Street; a row of Grade II* curtilage listed red brick built two storey former coach houses, dating from the early-mid 19th century, which originally served the grander and more prominent buildings on Parade at Nos. 12-42, which are also Grade II* listed.

PLANNING HISTORY

The most relevant planning history to this latest application for listed building consent is summarised below.

W/25/0266/LB - Retention of existing façade and construction of new building containing nine purpose-built student apartments, to provide a total of 47no. bedrooms (re-submission of W/24/0377/LB) -***Refused and dismissed at appeal.***

W/24/0377/LB - Demolition of existing two storey nightclub building - ***Refused and dismissed at appeal.***

W/98/1068/LB - Re-instatement of roof and first floor structure, including air-conditioning and acoustic works, and installation of steel portal frame - **Granted**

W/98/0433/LB - Change of use and conversion of premises to a night club comprising demolition of internal walls, installation of windows into existing door openings; closure of doorways and windows; installation of new door and window openings and new external staircases - **Granted**

W/92/0970/LB - Demolition of existing buildings fronting Tavistock Street; erection of a two storey office building with courtyard and car parking - **Refused**

W/91/1065/LB - Demolition of existing buildings fronting Tavistock Street; erection of a two storey office building with courtyard and car parking area - **Refused.** Appeal submitted (Public Inquiry) but subsequently withdrawn.

RELEVANT POLICIES

- National Planning Policy Framework

Warwick District Local Plan 2011-2029

- HE1 - Protection of Statutory Heritage Assets

SUMMARY OF REPRESENTATIONS

Royal Leamington Spa Town Council: No objection.

WDC Conservation: No objection in principle to some form of additions to the existing building but note that there is a degree of harm associated with the proposals, this is due to the loss of historic fabric. It is noted that as a result of the reduced scale of the scheme combined with the extent of demolition, the harm is clearly set within the lower level of less than substantial harm category, whilst public benefits are needed to be demonstrated to outweigh this and a clear and convincing justification is required.

Historic England: There are concerns regarding the application on heritage grounds which should be taken into account.

Public Responses: 5 support comments received, on the following grounds;

- Works are considered an improvement to the streetscene.
- There is little historic merit left of the building and bears no resemblance to its original form.
- Proposals would be a catalyst for change in Tavistock Street.

- The removal of the current use would be a benefit to those living close by.
- The Council don't have a 5 year housing land supply, therefore should support such schemes.
- The proposals will free up traditional family housing.
- The proposals will support local business.

ASSESSMENT

The main issues relevant to the consideration of this application are as follows:

- Principle of development - *partial demolition and redevelopment of curtilage listed buildings*;
- Impact on heritage assets - *background, legislative framework, matter of curtilage listing and its significance, evidence to justify demolition, impact of the proposed development, assessment of public benefits and Historic England's assessment of the proposals*;

Principle of development

The principle of development is concerned not only with the extent of demolition proposed of a curtilage listed building but also the proposed redevelopment, which involves the erection of a new building within the existing façade essentially comprising a metal frame structure sitting inside the external walls.

Policy HE1 of the Local Plan expects development proposals to have appropriate regard to the significance of designated heritage assets. Where any potential harm may be caused, the degree of harm must be weighed against any public benefits of the proposal.

The principle of development is, in part at least, intrinsically linked to the impact on the relevant heritage assets insofar as partial demolition of a curtilage listed building is concerned. The proposed extent of redevelopment and new build is also relevant to the principle of development, not only because it would be attached to the remaining fabric of a curtilage listed building, but also because it is the proposed redevelopment that necessitates any element of demolition of the original building.

For the purposes of considering the principle of development, it is considered that, subject to sufficient justification together with a suitable scheme for the redevelopment being presented, the extent of demolition proposed and redevelopment of the site may be considered acceptable in principle in accordance with Policy HE1, subject to a detailed assessment being made of the relevant considerations set out below.

Impact on heritage assets

Relevant background

The site comprises a range of Grade II* curtilage-listed former coach houses to No. 12-14 Parade, which fall behind the application site. These properties were historically used as houses, hotels and lodging houses, however by 1850 many had become shops. These original mews-type buildings provide an important contribution towards the character of the Royal Leamington Spa Conservation Area and, due to their increasing rarity, it is considered that these assets should be retained and adapted wherever possible. One of the key issues for consideration therefore is the extent of demolition of the curtilage listed buildings ; the reasoning behind this; and the impact of this upon the Listed Buildings and the Conservation Area.

The buildings in question historically contributed towards the original function and operation of the Regency properties along Parade. These former coach houses are the sole remaining reflection of the historic service road character of this section of Tavistock Street. It is noted however, that these buildings have been subject to substantial alterations and amendments that have impacted both their significance and character.

It has been demonstrated that the interior of the building has been stripped of all historic fabric, including walls, floors, fittings and features, with external fabric also having been subject to change. The roof structure has been altered, new apertures have been created in the elevations and windows have been replaced, and the parts of the building that remain are in poor condition, requiring extensive repair or rebuilding. During the course of the previous applications, there was broad agreement between the applicants, their heritage representatives and Officers including relevant heritage experts that, internally, the building was devoid of any remaining heritage significance. The appeal Inspector also noted these alterations and loss of historic plan form and fabric.

In spite of these alterations, it is crucial to note that both the Inspector and the Council continue to afford significance and value to this curtilage-listed heritage asset.

As opposed to the previously dismissed scheme one which proposed full demolition, this application proposes to retain the front façade and south elevation as original features of the building. It is still noted however that a large amount of demolition is required and as such, this element of the scheme must be carefully weighed due to the resulting harm from this loss of fabric.

In contrast to the lack of internal significance, the external elements of the building are considered to contribute to the historic architectural grammar of the former service road, being an important element of the setting of the Grade II*-listed buildings to Parade and the wider Leamington Urban Conservation Area.

The structure highlights Tavistock Street's original usage whilst also preserving a historic relationship with the Grade II*-listed buildings on Parade and as such, total demolition is not considered to be acceptable nor justified, a stance supported at appeal. In light of the internal condition, it is considered however that some demolition could potentially be acceptable, subject to an acceptable scheme of redevelopment coming forward, provided there is sufficient substantial justification to outweigh the harm and retention of fabric where possible.

To that end, the considerable degree of demolition necessary to facilitate the proposed redevelopment, resulting in the retention of the building façade will cause less than substantial harm to the character and appearance of the Listed Buildings and Conservation Area. In overall terms, that harm is potentially capable of being outweighed by the other aspects of the proposals subject to the proposed redevelopment proposals being of sufficient design quality within this highly sensitive location, and attracting sufficient public benefits to do so.

The remainder of this section of the report considers the proposals in that context.

Legislative and policy framework

Considerable importance and weight should be given to the duties set out in the Planning (Listed Buildings and Conservation Areas) Act 1990, when making decisions that affect listed buildings and conservation areas, respectively. These duties affect the weight to be given to the factors involved.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, "In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall 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."

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, "In the exercise, with respect to any buildings or other land in a conservation area…special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."

Policy HE1 of the Local Plan, as set out earlier in this report, expects development proposals to have appropriate regard to the significance of designated heritage assets and where any potential harm may be caused, the degree of harm must be weighed against any public benefits of the proposal.

Policy RLS3 of the RLSNDP requires development proposals that are within or directly affecting a Conservation Area to assess and address their impact on their heritage significance. Proposals must demonstrate attention to particular criteria (as specified in the policy) where relevant.

Paragraph 212 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation, while para.213 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting) should require clear and convincing justification.

Paragraph 215 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, the harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

The matter of curtilage listing and its significance

The appeal Inspector, in their decision letter established within the aforementioned appeals that the building at 5-9 Tavistock Street is to be considered as curtilage listed and as such, is offered the same protection and consideration as a listed building.

12-14 Parade - to the rear of the application site - were first listed on 19 November 1953, prior to 1 January 1969, when the law relating to curtilages first came into effect. The Inspector stated that the former stables and coach houses, with associated servants' accommodation, at 5 to 9 Tavistock Street originally served the large family homes located at 12 to 16 Parade (all even). However, societal changes meant the homes quickly changed to commercial uses at ground floor with flats above. Due to there no longer being a requirement for horsedrawn coaches, Nos 5 to 9 changed to separate unrelated commercial uses, including stabling. The original intimate physical and functional relationship between both sets of buildings therefore ceased in the early part of the 20th century.

The 1885 Ordnance Survey (OS) and Town Maps both indicate that the buildings at 5 to 11 Tavistock Street and the gardens between them and the properties at Parade were largely intact. However, following the sale of 12 Parade, a later map and aerial photograph from 1920 showed a larger area to the rear of No 5 to be subdivided. These also show outbuildings between the rear of 14 Parade and No 7, the configuration of which later changed to those in situ. While later OS Maps show the dividing walls between 14 and 16 Parade and Nos 5 to 9 to be in place until at least 1966, the walls were later removed to provide a service yard/car park between the uses in Parade and Tavistock Street. Indeed, the appellant's ownership is confined to the footprint of the appeal building.

Accordingly, while Nos 5 to 9 were not always in use ancillary to the listed buildings on Parade, they were ancillary to 14 Parade when it was listed as part of 12 to 42 Parade. There is no evidence to demonstrate that this did not continue, and that the layout changed considerably between them, on 1 January 1969. In conclusion,

even though Nos 5 to 9 were sold separately to 14 Parade in 1973, the Inspector concluded that they should still be treated as part of the listed building, because they were ancillary in 1969 and formed part of the listed building curtilage protection thereafter. On this basis, the Inspector reasonably concluded that Nos 5 to 9 form part of the listed buildings fronting Parade.

To summarise the background and context relating to the issue of curtilage listed buildings, , such buildings are treated as part of the listed building itself and accordingly any demolition and/or redevelopment of the coach house requires substantial justification and a demonstration of public benefits. This is considered in the remaining sections of this report.

Evidence submitted to justify demolition

The submitted Heritage Impact Assessment (HIA) is the same document submitted as part of the previous planning applications which were refused and dismissed on appeal. The assessment considers that the buildings hold very little heritage significance and that their demolition and replacement are justified and that any harm that would result is outweighed by the heritage benefits (and other public benefits) that would be delivered. To explain this further, the HIA states that any interest the buildings once held has been significantly depleted by subsequent alterations and use and they sit in an entirely changed context, such that the setting further depletes any significance the buildings may hold.

With regard to more recent planning history at the site, following a refusal of demolition and replacement in 1991, the roof has been replaced in its entirety, floors have been replaced, internal features and partitions removed and a steel structure inserted to support new floors and the walls. Windows have been blocked to facilitate the current use as a nightclub and changes made to the front elevation such that all that remains as evidence of the use as stables/coach houses are the entry points for wheeled vehicles.

The buildings represent, by their location, size and use of materials, one of the last surviving buildings of the former mews stables and ancillary accommodation of Tavistock Street however this historic character of the street as a service road has been lost. The Inspector noted the large-scale surrounding development and that the mews character had been subsequently overtaken, resulting in a location far removed from the traditional characteristics referred to in the Council's Royal Leamington Spa Conservation Area Appraisal (referenced by the applicant as 'A Guide to Conservation Areas' (AGCA) Document). The submitted HIA also states that the building is in poor condition, with signs of cracking and bowing.

It is therefore asserted in the HIA that any interest the buildings still hold can be preserved by record, with demolition providing the catalyst to regenerate this part of the conservation area, claiming that the point has been reached where

replacement would deliver significantly greater benefits than any form of retention. In this manner, demolition would be justified, with the subsequent level of harm referred to within the HIA as "very limited".

This loss of character in regard to elements of the building is recognised however it is not agreed that the building holds very little heritage significance and that the subsequent level of harm from demolition would be very limited. The Inspector noted the arguments proposed by the applicant and acknowledged that recording could be undertaken however also firmly stated that 'this does not mean a carte blanch approach to its alteration and/or demolition and replacement would be appropriate'. It was also noted that this did not means that 'the status quo should be preserved in aspic' but rather than any harm to the significance of the heritage assets will require clear and convincing justification.

This scheme now proposes a reduced amount of demolition which retains the principal elevation intact, with the façade often recognised as the most important and sensitive of elevations. The retention of the façade is welcomed however this scheme would still result in the loss of the roof, rear, interior and overall form. Whilst the rear-to-rear relationship of the ancillary building and the Grade II*-listed Parade townhouse has been severed by a carpark, the existing mews building still incorporates brickwork and slate roofing, which are synonymous with secondary streets behind Parade and as such, a legible relationship remains. As such, the proposed demolition is considered to sever this relationship and result in a level of harm, albeit at the lower end of less than substantial, which requires substantial justification. As set out earlier in this report, any extent of demolition can only be found to be potentially acceptable where it is necessary to facilitate a redevelopment proposal for which in overall terms, the public benefits outweigh the demolition's identified harm.

The impact of the proposed redevelopment

Support comments note that there is little historic merit left of the building which bears no resemblance to its original form.

Previously, whilst there were fundamental concerns founded in the total loss of the curtilage listed building, there were also issues regarding the design, height and scale of the proposed redevelopment and it was considered that the initial scheme would have an unacceptable impact on designated heritage assets, including their setting, contrary to the relevant provisions of the development plan.

In relation to one of the previous schemes, the Inspector observed that the building 'should not be preserved in aspic' and concluded that the loss and alteration of the structure would amount to less than substantial harm. That harm was weighed against a range of public benefits, including the provision of student accommodation, the closure of the existing nightclub as a potential 'bad neighbour'

use, improvements to the wider streetscene, and the prospect of acting as a catalyst for wider regeneration. However, whether assessed as total or partial demolition, the scheme was ultimately found wanting because it undermined and eroded the relationship with the Grade II*-listed buildings on Parade, and the scale and form of the proposed development failed to retain the site's historic character or any sense of subservience.

The applicant as part of this submission notes that the Inspector confirmed that there is scope to preserve significance by record prior to demolition, provided that the new proposals are sensitive to the buildings hierarchy i.e. the relationships established between Parade and Tavistock Street. The applicant further highlights that if this can be achieved, the level of harm would be reduced and that in their view, the currently proposed amendments achieve the right balance when considered against the less than substantial harm arising from the proposals. The applicant's statement also reiterates the Council's stance that the proposed changes must address the concerns raised by the Inspector.

The Council considers that the Inspector agreed that preservation by record is a potential avenue albeit one that must be carefully considered and which does not automatically negate the harm or impact arising from a proposal.

The applicant notes that the application property is not the only mews within this part of the Conservation Area, with other better-preserved examples locally, however Officers note this is now the only mews property on Tavistock Street, and therefore that attention should be paid to its significance in regard to the Grade II*-listed buildings to Parade, as well as within the wider street scene and Conservation Area.

The applicant states that the proposals are now lower in height than approved redevelopment at Covent Garden Car Park ref: W/17/1700, however Officers are mindful that this permission has since lapsed. Notwithstanding this, that site was located on the opposite side of the street to the application site and whilst within close proximity to nearby listed buildings, wasn't within the direct curtilage of any such buildings' such that the context of the site is not considered comparable. The applicant also compares the application site with the more modern bulkier development situated either side and whilst this is noted by Officers, the circumstances of those developments is not considered comparable.

Officers note that similarly to the appeal, the proposal will result in the loss of historic fabric. The applicants statement adds that the proposed development will establish a 'narrative' with the existing brick outriggers to the rear of Parade and is of an appropriate scale, responding to the functional hierarchy as addressed by the Inspector and at the same time responding to the changed and changing character and appearance of Tavistock Street.

They therefore conclude that to reduce the height further would result in the proposals appearing an oddity in scale, much like the existing building currently does. Officers note that whilst the proposals appear to have been slightly reduced in scale and altered in design, the proposal remains as a substantial four storey building. It is not considered that the height and scale of the building is appropriate as it is not reflective of the character of the street scene and would present an overbearing sense of scale in relation to this very specific and sensitive site.

The existing building on the junction of Tavistock Street/Clarendon Avenue is an exception in terms of height, with the majority of buildings on Tavistock Street being limited to two storeys. At four stories, the proposed height will be greater than that of the outriggers to Parade and as such, there is a lack of subservience, with the historic relationship of the curtilage and listed buildings being lost. This proposal is considered to continue to fail to achieve the retention of this relationship, balance and deference to the historic buildings on Parade or retain aspects of the sole remaining coach houses to this mews street, due to the proposed mass and form.

The Inspector gave weight and importance to the proportions of the existing building and its relationship with the conservation area, a stance with which the Council agrees. The harm from the previous scheme in terms of size, form and loss of relationship was considered to outweigh the public benefits that were identified in the previous scheme.

The form and mass of the scheme has now been reduced, due to the reduction in height by 2.6m, however consequently, one of the public benefits has also reduced, due to the reduced provision of 15no bedrooms. It is considered that notwithstanding that change to the form of the proposals, they continue to fail to preserve the relationship between the curtilage listed building and the listed building to Parade, as well as failing to preserve the mews style historic character of this area. This is because of the competing nature of the buildings which the proposals introduce.

The proposed use of materials is considered to result in development which reads as too heavy when compared with the original brick two storey facade. Thus, the proposal adds further bulk and mass to the redevelopment and is considered to be at odds with the ancillary nature of the original building.

Whilst the Council's Conservation Officer raises no objection to the principle of a form of development at the site, they do note that there is a degree of harm associated with the proposals due to the loss of historic fabric. It is noted that the now reduced scale of the scheme combined with partial retention, rather than full demolition, sets the harm within the lower level of less than substantial harm category. However, public benefits are required to outweigh this harm and clear

and convincing justification is required for any demolition. The Conservation Officer also raises some concerns regarding the proposed materials given the perceived bulk and mass this adds to the building.

Overall, whilst the retention of the façade is welcomed, it is considered that significant, less than substantial harm, , would be caused to the significance of designated heritage assets arising from the remaining extent of demolition proposed along with the form, bulk, design and materials of the new building. These assets include Grade II* listed buildings on Parade, the application site as a curtilage listed building, and also the Royal Leamington Spa Conservation Area. The NPPF makes it clear that less than substantial harm must be attributed significant weight and for a proposal to be considered acceptable, be clearly outweighed by public benefits.

Following the identification of the harm to the aforementioned heritage assets, an assessment of the public benefits is now necessary to establish whether or not such benefits could outweigh the level of harm. This is considered below.

Assessment of public benefits

Within the supporting information provided with the application, public benefits have been identified which the applicant considers would outweigh any identified harm to heritage assets. The applicant considers the level of harm to be at "the very lowest point of less than substantial".

These benefits are summarised below and considered in line with the previous submissions at the site and the relevant comments made by the Inspector.

1) Housing supply

Support comments state that the proposals will free up traditional family housing and that the lack of a 5 year housing land supply should result in such schemes being supported.

As part of the previous appeal the Inspector noted that the development would provide accommodation for multiple individuals and therefore, afforded this considerable weight as a social benefit of the scheme. The Inspector also noted that while the proposal could result in some existing housing stock in the district becoming available for family housing, the absence of any controls to ensure that, meant that this benefit could only be afforded very limited weight.

Further, as noted above the revisions to the proposals have reduced the number of students units from 9 to 7 and reduces the number of bedrooms from 47 to 32 which, if built, is asserted to free up 7 family dwellings elsewhere within the district which could be returned to open market dwellings. As indicated above, in

accordance with the appeal Inspector's reasoning, this potential benefit can only be afforded very limited weight.

The applicant has commissioned a report which investigates the demand for student housing in Leamington Spa. The key conclusions of that report are that there is a demand for student accommodation within the district, to which Officers can agree, to which weight can be attached. However, whilst the report takes into consideration recently approved purpose-built student accommodation (PBSA) schemes within Leamington, consideration has not been given to recently approved private PBSA schemes close to the University of Warwick approved by Coventry City Council, which are yet to be constructed and account for some 2,000 student beds.

2) The closure of the existing nightclub and removal of a potential 'bad neighbour' use.

As was the case with the previous application, it is asserted that the potential closure of a 600 persons capacity nightclub will remove a potential bad neighbour from the locality and provide a public benefit in terms of its proximity to neighbouring residential uses and disturbance by patrons on Tavistock Street. Support comments also consider the removal of the current use would be a benefit to those living close by.

In considering this, Officers have had regard to the fact that a nightclub has operated from this site since 1999. Supporting information submitted notes the number of complaints raised to Environmental Health with regard to noise from the permitted use.

The applicant has also submitted video evidence to support their case. Having liaised with the Environmental Health team, Officers have been able to establish that over the last seven years a total of fourteen noise complaints have been received, citing loud music, raised voices and noise from the nightclub. At appeal, the Inspector noted that the appellant confirmed that most stem from noise attenuation not being installed correctly where the Council had required it. Given this, none of those complaints are understood to have been subsequently continued or been substantiated. The Inspector further adds that the proposals would remove such use and the proposed accommodation would be managed to avoid student occupants causing similar problems. However, the Inspector afforded this matter limited weight, as a social and environmental benefit which is a material consideration in this case and to which Officers have no grounds to disagree.

3) Improvements to the streetscene

Support comments note that the proposals are considered to be an improvement to the streetscene.

Much of the applicant's case for demolition centres around the current character and appearance of Tavistock Street; its place within the Royal Leamington Spa Conservation Area, the site's contribution to the character of the conservation area and more fundamentally the fact that the historic significance of this street and its context has been depleted over the years. It follows that in the applicant's view, the proposal would serve as an improvement to the area and in this revised scheme it is asserted that the existing building is not attractive whereas the proposed replacement building, incorporating the retained façade, has been well designed by an award winning Architectural practice. Moreover, it is asserted that the new building will also mask the unattractive and unkempt elevation of the imposing blank southern façade of The Space, however Officers note it would do so with a scheme which is considered to be harmful. .

As will be explained further below, the proposed redevelopment scheme is not considered to be of a suitable design, scale, mass and bulk, within this sensitive context and therefore do not consider this to be a benefit of the scheme to which weight can be attached.

4) A catalyst for wider improvements

Support comments note that the proposals would be a catalyst for change in Tavistock Street.

Reference is made to the Council's own proposals for the redevelopment of a nearby site which, with the inclusion of replacement buildings up to 5 storeys in height, provided the catalyst for rethinking the character of Tavistock Street. It is asserted that this proposal will add to that approach.

Officers afford this limited weight. This is because, whilst a grant of planning permission for the current proposals may stimulate further development proposals, the planning permission referred to has expired without implementation and the current proposals are not considered to be an appropriate starting point for any such regeneration.

5) Securing a use for the Listed Building

In determining planning applications, the NPPF requires that local planning authorities take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation.

Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against

the public benefits of the proposal including, where appropriate, securing its optimum viable use (NPPF, paragraph 215).

Paragraph 221 of the NPPF states that local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disadvantages of departing from those policies.

As part of the submission of the application, the applicant states that the scheme involves the retention of the existing facade onto Tavistock Street and would secure the optimum viable use for the building, which is student accommodation.

Limited information relating to this has been submitted to support the applicant's case, in order to demonstrate that other uses have been explored and it is noted that the building currently remains in use as a nightclub.

Guidance on the optimum viable use for a heritage asset and how this is considered in planning decisions is provided within National Planning Practice Guidance. This states:

If there is only one viable use, that use is the optimum viable use. If there is a range of alternative economically viable uses, the optimum viable use is the one likely to cause the least harm to the significance of the asset, not just through necessary initial changes, but also as a result of subsequent wear and tear and likely future changes. The optimum viable use may not necessarily be the most economically viable one. Nor need it be the original use. However, if from a conservation point of view there is no real difference between alternative economically viable uses, then the choice of use is a decision for the owner, subject of course to obtaining any necessary consents.

It is not disputed that a residential use would secure a viable use for the Listed Building. However, no information has been submitted to demonstrate that this is the only viable use and that the proposed redevelopment of the site is necessary to that end, particularly considering that the building remains in active use. Officers consider that

Given that the building continues in active use, it is not therefore considered that any significant weight can be given to this matter as a public benefit of the proposals.

Historic England assessment of the proposals

The views expressed by Historic England (HE) are material considerations and are summarised here for the avoidance of doubt.

The significance of the existing building is once more noted in some detail, as well as its contribution to the significance of the Grade II* listed buildings on Parade and the conservation area. The submission of amended plans which include the retention of the front elevation of the building and re-designed proposal is noted, however concerns are still raised with regard to the overall scale of the building. The upwards extension of two storeys would be a change from the subservient character of the existing building and would dilute the association of the former mews to numbers 12-42, as noted by the Inspector.

Furthermore, the height of four-storeys would be a sizable change from the predominantly two-storey street scene that currently exists on Tavistock Street. It is HE's view that this would amount to a lower level of less than substantial harm to the significance of the grade II* buildings and the Leamington Spa Conservation Area. It is further stated that the success of this scheme, and its ultimate contribution to this significant streetscene would depend greatly upon the use of high quality materials, finishes and close attention to design detail. Should the Council consider that public benefits of the proposal outweigh the harm to the heritage assets, then advice should be sought from the Council's expert heritage advisors in considering matters of detail, such as materials, glazing finishes, and fixtures to ensure the detail, quality and execution of the intended approach is achieved.

Conclusion on Impact on Heritage Assets

It is Officers' opinion that the proposed extent of demolition of the curtilage listed building in this revised scheme represents an improvement overall to the initially refused scheme, supplemented, importantly, by the retention of the façade of the building. However, the need for any demolition works at all is founded in the proposed redevelopment of the site and based on the comprehensive assessment above of the revised scheme, by reason of its height, scale, bulk and overall materiality, the proposals are not considered to read as a subservient addition to the form host buildings fronting Parade. Therefore, there are still concerns about the appropriateness of the new building works proposed at this site and their resulting impacts on designated heritage assets and their setting.

As note above, whilst the level of harm identified is now considered to amount to the less than substantial harm, to which the Inspector confirms this is now at the lower level of less than substantial harm, an assessment of the submitted public benefits. Officers conclude that the public benefits considered as part of this application are considered to carry limited or no weight, which are the same conclusions drawn by the Inspector at appeal. In the opinion of the Local Planning Authority, it is not considered there are any such public benefits demonstrated which would outweigh the harm.

SUMMARY/CONCLUSION

It is Officers' opinion that the proposal will result in harm to the curtilage listed building, at a level which is not outweighed by the potential public benefits. It is noted that the proposed extent of demolition of the curtilage listed building in this revised scheme represents an improvement overall to the previously refused scheme. It is however considered that the proposed demolition works will result in a loss of significance, form and character, severing the connection to the Grade II*-listed buildings on Parade, and that the proposed redevelopment, by reason of its height, scale, mass, bulk and design, will culminate in an unacceptable level of harm to the heritage assets. Whilst it is acknowledged that the level of harm in comparison to the previous scheme has been reduced, it is also important to note that any identified potential public benefits have also been reduced.

Whilst the level of harm identified from the extent of demolition is now considered to amount to a lower level of less than substantial, a recognised improvement when compared to the previous degree of harm identified as substantial, an assessment of the submitted public benefits has resulted in the same conclusions as previously drawn; that in the opinion of the Local Planning Authority, it is not considered there are any such public benefits demonstrated which would outweigh the harm and it is therefore recommended that listed building consent be refused.

REFUSAL REASONS

1 Policy HE1 of the Warwick District Local Plan 2011-2029 expects development proposals to have appropriate regard to the significance of designated heritage assets, stating that where any potential harm may be caused, the degree of harm must be weighed against any public benefits of the proposal. These same requirements are echoed in the NPPF at paragraphs 212 and 215.

Policy RLS3 of the Royal Leamington Spa Neighbourhood Development Plan (RLSNDP) requires development proposals that are either within or directly affecting a conservation area to assess and address their impact on their heritage significance paying particular regard to specified considerations as set out within the policy.

The proposal seeks to partially demolish but retain the façade of a Grade II* curtilage listed row of former coach houses within the Royal Leamington Spa Conservation Area, dating from the early-mid 19th century, which represent the sole survivor of the mews function that characterised the street. The proposal also seeks to redevelop the site with a four storey building, partially within the existing façade.

In the opinion of the Local Planning Authority, the proposed redevelopment, by reason of its height, scale and design, would cause less than substantial harm to the significance of the aforementioned designated heritage assets and no public benefits sufficient to outweigh this harm have been identified.

For these reasons the development is therefore considered to be contrary to the aforementioned policies.