Planning Committee: 26 April 2017 **Item Number:** **10**

Application No: W 17 / 0269

Registration Date: 13/02/17
Town/Parish Council: Warwick **Expiry Date:** 10/04/17
Case Officer: Lucy Hammond
01926 456534 lucy.hammond@warwickdc.gov.uk

8 Church Street, Warwick, CV34 4AB
Change of use from shop & flat above to single dwellinghouse (Use Class C3); Demolition of existing two storey rear extension and erection of new two storey and single storey rear extensions. FOR Mr & Mrs Hawking

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This application is being presented to Committee as the Town Council supports the application and it is recommended for refusal.

RECOMMENDATION

Planning Committee are recommended to refused planning permission for this development for the reason set out at the end of this report.

DETAILS OF THE DEVELOPMENT

Planning permission is sought to change the use of the premises from a vacant shop (Class A1) at ground floor with flat above into a single dwellinghouse (Class C3). The proposals also include the demolition of an existing two storey rear extension, which is a later addition to the building from c.1960's. A new two storey rear extension is proposed together with a single storey rear extension. All these works, together with the internal works proposed to facilitate the building's use as a dwelling, are subject to a separate listed building consent application (W/17/0270/LB) which is also to be considered on this same agenda.

THE SITE AND ITS LOCATION

The application site is in Church Street in Warwick, within the designated mixed use area of the town as defined on the Proposals Map. No.8 is a two storey terraced building with accommodation in the loft space; it is white painted render and adjoins No.6 which is the same architectural form and design but cream painted render. The other side (No.10) is a larger and more imposing double fronted stone building currently in use as offices. The site is within the Warwick Conservation Area and the application building is Grade II listed.

PLANNING HISTORY

There is no recent planning history relevant to this application.

RELEVANT POLICIES

- National Planning Policy Framework

- The Current Local Plan
- 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)
- DP4 - Archaeology (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
- TCP8 - Warwick Town Centre Mixed Use Area (Warwick District Local Plan 1996 - 2011)
- DAP4 - Protection of Listed Buildings (Warwick District Local Plan 1996 - 2011)
- DAP5 - Changes of Use of Listed Buildings (Warwick District Local Plan 1996 - 2011)
- DAP7 - Restoration of Listed Buildings (Warwick District Local Plan 1996 - 2011)
- DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
- SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)
- The Emerging Local Plan
- TC11 - Warwick Town Centre Mixed Use Area (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- H1 - Directing New Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HE1 - Protection of Statutory Heritage Assets (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- Guidance Documents
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Vehicle Parking Standards (Supplementary Planning Document)
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Open Space (Supplementary Planning Document - June 2009)

SUMMARY OF REPRESENTATIONS

Warwick Town Council - Support

WCC Archaeology - No objection, recommend condition

WCC Highways - No objection
WCC Ecology - Recommend bat survey is carried out

Public Response - 1 letter of comment received acknowledging the benefits in removing the modern two storey extension from the rear which would improve the amenity of the rear garden/windows of No.6.

ASSESSMENT

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

- the principle of development
- visual impact on character of the area
- impact on Heritage Assets
- impact on neighbouring amenity
- access and highway safety

The Principle of the Development

Saved Policy TCP8 of the Warwick District Local Plan 1996-2011 states that within the mixed use area of Warwick town centre as defined on the Proposals Map, development of residential, A-class uses (shops, financial/professional services, restaurants/cafes, drinking establishments and hot food takeaways) and B1 uses will be permitted unless it results in the loss of a residential use. In this instance the application building was last in use as a shop (Class A1) at ground floor with a residential flat above, across the first and second floors. The shop has been vacant for approximately a year and the building is not currently in use. The proposal to convert the building into a single dwelling is acceptable in principle in accordance with Policy TCP8, subject to an assessment being made of the other relevant planning considerations which are set out below.

Visual impact on the character of the area

The removal of the modern two storey rear extension would improve the overall character and appearance of the building in its context. The provision of new extensions, *in principle*, could also lead to an enhancement of the general character of the area although the impacts on the relevant heritage assets, principally the listed building and the conservation area are fundamental. THese are considered in the following section of this report.

Notwithstanding the heritage considerations, the change of use of the building into a single dwelling would not result in any material harm to the street scene since the front elevation of the building as viewed in Church Street would remain largely unchanged, save for the addition of pitched roofs above the two existing dormers. In this respect, the proposals are considered to be in accordance with saved Policy DP2 in terms of the general character, appearance and visual amenity of the site and immediate surroundings.

Impact on Heritage Assets (Listed building and conservation area)

Officers have had in-depth involvement in these proposals to date and note that the *principle* of reverting the building back to a single family dwelling is fully supported in heritage terms. This building, is a historic property in a very prominent location in one of the main medieval streets in the town, and is within the immediate context of highly-graded heritage assets. The building is also within an evident state of disrepair which is why the principle of bringing this building back into use, as a single dwelling, is supported.

However, with regard to the specific impacts that would arise to the listed building itself, there are a number of objections raised to aspects of the proposals both internally and externally. The external works have been fully considered as part of the planning application, while the internal works form part of the assessment for the application for listed building consent only.

The removal of the modern 1960's extension is fully supported as it is both visually detrimental to the architectural merit of the property, and causing physical damage through disrepair. The main historic gable is also in need of repair due to clear structural cracking, which seems to be part of this work. Restoration of the historic gable is supported with sash windows and brickwork although the details of the brick and design of the window would need to be secured by condition in the event permission were to be approved.

However, while the removal of the modern extension is supported, the extent of the new extensions is not acceptable as submitted. Building a second gable would involve the removal of a large part of a principle elevation of the property, including the removal of architectural features such as windows. Whilst this elevation is in need of repair, it remains a key part of the historic form of the property. Furthermore, with regard to the proposed single storey lean-to extension, general conservation principles applied to development of this scale and nature mean that extensions running the full width of a property are generally resisted since this damages the terrace aesthetic, and does not work with the architectural lines of the property. While the removal of the 1960's extension and restoration of the historic gable are supported, the proposed scale of development would be preferable if it were to involve a subsidiary single storey extension to the courtyard area as has been done at the adjoining property (No.6), providing more useable space but retaining historic fabric to the rear and protecting the natural terrace rhythm.

Overall, whilst it is acknowledged that there would be an enhancement through the re-use and regeneration of the building, this needs to be balanced with an acceptable level of impact on the heritage significance of the property including both its historic and architectural merit.

It is acknowledged that the applicant has referred, in their submission, to examples of development elsewhere in the surrounding vicinity for rear extensions on listed buildings. These other cases have not been considered in detail because each development proposal must be considered on its own individual merits. Therefore, what may be considered acceptable on one particular application site may not be acceptable on another site. In particular reference to sites such as Northgate Street, it is accepted that while these have full gables to the back, it could be that the rear elevations had already been substantially damaged and removed before the regeneration scheme. Whether this is the case or not however, it is not considered to be appropriate to use other examples of development as a comparison against current development proposals because the site specific circumstances will differ from site to site, as will the special architectural and historic interest, integrity and setting of each listed building.

Having regard to the above considerations, the development is considered to be contrary to the provisions of saved policy DAP4 which states that permission will not be granted to alter or extend a listed building where those works will adversely affect its special architectural or historic interest, integrity or setting.

The proposal is considered to result in less than substantial harm to the heritage asset but this is not outweighed by any public benefits and therefore the proposal is contrary to the para 134 of the NPPF.

Impact on neighbouring amenity

The removal of the 1960's two storey extension would improve the amenity of the adjoining neighbour at No.6 through the removal of additional depth at the rear of the building. The proposed new two storey extension would be on the side of the building in closest proximity to No.10 the other side, which is a commercial premises. Having regard to the non-residential use of this adjoining building and the presence of the existing boundary wall between Nos.8 and 10 which measures approximately 3m in height it is not considered that the proposals would impact on existing amenity by reason of overbearing, overshadowing or overlooking and overall, the proposals are considered to be acceptable in accordance with saved Policy DP2.

Access and highway safety

No parking is proposed with the development; however, given the established flat on the upper floors, there would be no net gain in residential units, only an increase in the number of bedrooms. The Vehicle Parking Standards SPD requires two parking spaces to be provided for a dwelling of the proposed size. While this is not provided as part of the development the dwelling would be entitled to parking permits for the surrounding residential parking zones, including on Church Street. There is no identified parking problem in this area and there is no need to seek a Unilateral Undertaking to remove the ability to apply for permits for future occupiers. The Highways Authority has concluded that the proposal would have no detrimental impact on the surrounding highway network and for this reason officers are satisfied that the development is acceptable having regard to saved Policies DP6 and DP8.

Other Matters

Ecology

It is noted that the County Ecologist recommended a bat survey be carried out because an element of the existing building is being demolished which could have potential implications on bats. However, in a town centre location standard practice would not normally require the submission of a bat survey for householder development or proposals of this scale. In any case, protected species are covered by separate legislation, outside of the planning process and under normal circumstances, an advisory note in this regard would normally suffice. Notwithstanding the recommendation of refusal on this application, in the event Members were minded to approve the application it is recommended that a suitable note is attached to any forthcoming permission, drawing the applicant's attention to the importance of having suitable regard to the need to observe the presence of any protected species in any building proposed for demolition and/or substantial works.

Archaeology

The County Archaeologist has advised that since the site lies close to the medieval Church of St Mary's and there is evidence for a medieval cobbled road previously identified to the front of the building, there is a potential for the proposed development to disturb archaeological deposits, including structural remains of buildings, pits etc associated with the occupation of this area from at least the medieval period onwards. No objection is raised to the principle of development but in the event permission was to be forthcoming it is recommended that a condition requiring the implementation of a programme of archaeological work in accordance with a written scheme of investigation is imposed.

Open space

The proposal intensifies the residential use of the property. In accordance with Policy SC13 and the associated SPD there is a requirement to provide enhancement of existing public open spaces. This could be secured by condition if planning permission were to be granted.

SUMMARY/CONCLUSION

The principle of the change of use of the building from vacant shop and flat above into a single dwelling is considered acceptable in accordance with saved Policy TCP8 of the Warwick District Local Plan 1996-2011. There would be no harm to the amenity of the neighbouring property and no harm caused to highway safety as a result of the proposals. It is accepted that the removal of the modern two storey extension would improve the overall character of the building in its context, however, the proposed replacement extensions are not considered to be acceptable on the basis of the resulting impacts these would have on the special architectural and historic interest of the heritage asset. Accordingly it is recommended that planning permission be refused for the development for the reason set out below.

REFUSAL REASONS

1 Policy DAP4 of the Warwick District Local Plan 1996-2011 states that consent will not be granted to alter or extend a listed building where those works will adversely affect its special character or historic interest, integrity or setting.

The application building is a markedly historic property in a very prominent location in one of the main medieval streets in the town, and is within the immediate context of highly-graded heritage assets. Notwithstanding the principle of development to revert the building to a single family home being acceptable, objection is raised to the specific detail of the proposed works.

Externally, building a second gable at the rear would involve the removal of a large part of a principle elevation of the property, including the removal of architectural features such as windows. Although this elevation is in need of repair, it remains a key part of the historic form of the property. Furthermore, the proposed single storey lean-to extension would run the full width of the property which would damage the terrace aesthetic, would not work with the architectural lines of the property and would not accord with general conservation principles and good design practice.

Overall, in the opinion of the Local Planning Authority, the proposals would result in unacceptable harm to the special architectural and historic interest of the listed building and are thereby considered to be contrary to the aforementioned policy.

The proposal is considered to result in less than substantial harm to the heritage asset but this is not outweighed by any public benefits and therefore the proposal is contrary to the para 134 of the NPPF.