Planning Committee: 14 October 2015 **Item Number:** 6

Application No: W 15 / 1121

Registration Date: 23/07/15
Town/Parish Council: Leamington Spa **Expiry Date:** 17/09/15
Case Officer: Rob Young
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Talbot Inn, 34 Rushmore Street, Leamington Spa, CV31 1JA
Change of use from a Public House (Use Class A4) and flat (Use Class C3) to 2no. flats (Use Class C3) FOR Mr A Phelps

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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

The application proposes the change of use of the public house (Use Class A4) to a flat (Use Class C3). The existing first floor flat will remain in its current use (Use Class C3).

THE SITE AND ITS LOCATION

The application relates to the Talbot Inn Public House which is situated on the western side of Rushmore Street. The public house takes up the ground floor of the building, with a separate flat on the first floor. The public house is not currently trading. The surrounding area is predominantly residential and the site adjoins dwellings to the north. The site is situated within the Royal Leamington Spa Conservation Area.

PLANNING HISTORY

There have been previous applications relating to the application property but none of these are relevant to the consideration of the current proposals.

RELEVANT POLICIES

The Current Local Plan

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (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)
- DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
- DAP9 - Unlisted Buildings in Conservation Areas (Warwick District Local Plan 1996 - 2011)
- UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)

The Emerging Local Plan

- DS3 - Supporting Sustainable Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS5 - Presumption in Favour of Sustainable Development (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- H0 - Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
- H1 - Directing New Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
- SC0 - Sustainable Communities (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)
- TR1 - Access and Choice (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HS1 - Healthy, Safe and Inclusive Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HS4 - Improvements to Open Space, Sport and Recreation Facilities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HS7 - Crime Prevention (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HS8 - Protecting Community Facilities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- CC1 - Planning for Climate Change Adaptation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- CC3 - Buildings Standards Requirements (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)
- DP14 - Crime Prevention (Warwick District Local Plan 1996 - 2011)

Guidance Documents

- Open Space (Supplementary Planning Document - June 2009)
- Residential Design Guide (Supplementary Planning Guidance - April 2008)

- Sustainable Buildings (Supplementary Planning Document - December 2008)

SUMMARY OF REPRESENTATIONS

Leamington Town Council: No objection.

Public Response: 5 neighbours have objected on the following grounds:

- loss of a community asset;
- the marketing evidence is flawed;
- the pub could be run as a viable business;
- other nearby pubs differ significantly in character and do not therefore represent direct alternatives to The Talbot;
- harm to the character of the Conservation Area;
- the mural on the side wall of the pub is a defining feature of the Conservation Area and the loss of this would harm the character of the Conservation Area;
- impact on parking on surrounding streets;
- the alleyway between 26 and 28 Rushmore Street is not a suitable access for the first floor flat;
- increased use of the alleyway would lead to increased noise, disruption and loss of privacy for adjacent dwellings;
- refuse and recycling from the upper floor flat would be left for collection in front of the houses adjoining the alleyway; and
- the doors in the front of the pub should be used to provide the access to both of the flats.

ASSESSMENT

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

- the loss of a community facility;
- the impact on the living conditions of neighbouring dwellings;
- the impact on the character and appearance of the Conservation Area;
- car parking and highway safety; and
- health and well-being.

Loss of a community facility

Local Plan Policy SC8 seeks to protect existing community facilities from changes of use or redevelopment. The supporting text to the policy states that the reference to "community facilities" includes a wide range of uses within Use Class D1, such as places of worship, dental and medical surgeries, community halls, local education facilities, crèches and nurseries. Public houses do not fall within Use Class D1. However, the supporting text to Policy SC8 goes on to state that the Council may apply the policy to other facilities that meet a community need where the grant of permission would result in a demonstrable shortfall in the locality. Public houses are considered to be community facilities in this respect and therefore it is considered that Policy SC8 is applicable.

Policy SC8 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 Planning Statement which seeks to demonstrate compliance with Policy SC8. This identifies five alternative public house facilities within a comfortable walking distance of 500m (Fusilier, New Inn, Pig and Fiddle, Hope Tavern and Railway Inn). Therefore the proposals clearly comply with criterion (a). Policy SC8 is worded such that the applicant must also demonstrate compliance with either criterion (b) or (c).

The applicant advises that the public house generated a very poor level of profit over the last seven years of its operation, typically less than £7,000 per annum. Factors cited by the applicant that contributed to this lack of success are the limited seating space available to compete in the pub-food market, limited parking and competition from five alternative public houses in close proximity. The applicant also advises that the property was actively marketed for a period of six months, during which time there were 12 viewings. None of the viewings elicited any interest in taking the pub business forward.

The evidence submitted by the applicant demonstrates that the proposals are in compliance with criterion (b) of Policy SC8. The public house is clearly not a viable business proposition and there is no evidence that any other user is willing to acquire and continue to operate the premises as a public house. This is perhaps not surprising given the fact that the public house is situated in an out of the way location where it cannot benefit from passing trade.

Therefore the proposals are considered to be in accordance with Local Plan Policy SC8 and there are no legitimate grounds for insisting on the premises remaining as a public house.

Impact on the living conditions of neighbouring dwellings

The proposals do not propose any extensions to the property or any new windows facing neighbouring dwellings. Therefore the proposals do not have any significant implications in terms of loss of light, loss of outlook or loss of privacy for neighbouring dwellings. Furthermore, the creation of one additional residential unit is considered to be compatible with surrounding uses, which are all residential.

Neighbours have raised concerns about the use of the alleyway between Nos. 26 and 28 Rushmore Street to provide access to the upper floor flat. However, the applicant advises that they intend to use land in their ownership on the opposite side of the site to provide access to the upper floor flat (alongside the park). In any case, as the alleyway in question is already shared between the 6 adjacent

houses in Rushmore Street and the Public House, it is not considered that a refusal of planning permission could be justified on the grounds of this being used by one additional dwelling. This must also be considered in the context of the alleyway ceasing to be used for deliveries to the Public House, which would be a benefit for neighbouring residents. It is also important to note that the first floor flat already exists and is accessed via this alleyway.

In terms of the suggestion that the first floor flat should be accessed via the door in the front elevation, this is not practical because the stairs to the first floor are located at the rear of the premises. In any case, as stated previously, the first floor flat already exists and consequently the Council cannot require its access arrangements to be changed as part of this application.

Both flats may use the alleyway to access the bin and cycle stores in the rear yard. However, this is not significantly different from the current situation where 7 dwellings and a public house use the alleyway for similar purposes. The difference will be that it will be 8 dwellings and no Public House using the alleyway.

Impact on the character and appearance of the Conservation Area

The proposed change of use only requires one minor change to the external appearance of the building. The existing rooflight in the rear flat roof needs to be increased in size to provide light to the second bedroom in the proposed ground floor flat. This would not be readily visible from public vantage points and therefore would not have a significant impact on the character and appearance of the Conservation Area.

The Public House use may be considered to contribute something to the character of the Conservation Area. However, it has been demonstrated that the Public House is not a viable business proposition (see first section of this assessment). Consequently there is no reasonable prospect that the premises will be brought back into use as a Public House. Therefore the consequence of a refusal would be that the premises will likely remain vacant, which would cause more harm to the character and appearance of the Conservation Area.

An objector has raised concerns about the loss of the mural from the side elevation of the public house. However, the painting of this wall does not require planning permission and does not form part of this planning application. Therefore the Council have no control over this.

All things considered, it has been concluded that the proposals would preserve the character and appearance of the Conservation Area.

Car parking and highway safety

Objectors have raised concerns about the impact on parking on surrounding streets. However, the Council's Parking Standards SPD would require more parking for the existing Public House (4 spaces) than the proposed flat (1.5 spaces). Furthermore, an existing outhouse in the rear yard is proposed to be used for cycle parking. Therefore the proposals would have an acceptable impact on parking on surrounding streets.

As the proposals would comply with the Council's Parking Standards SPD, the proposals also have no significant implications for highway safety.

Health and well-being

The proposals would not have any significant implications for health and well-being.

Other matters

The applicant has suggested that solar photovoltaic panels could be installed to meet 10% of the predicted energy requirements of the development. This would meet the requirements of Local Plan Policy DP13. A condition is recommended to require full details.

An existing outhouse in the rear yard is proposed to be used for refuse and recycling storage. This makes adequate provision for refuse and recycling storage for the proposed ground floor flat and the existing first floor flat.

The applicant has agreed in principle to make a contribution of £1,256 towards the provision or enhancement of public open space. This would meet the requirements of Local Plan Policy SC13 and the associated SPD. A condition is recommended to secure this.

SUMMARY / CONCLUSION

The applicant has demonstrated compliance with Local Plan Policy SC8 and consequently there are no grounds for insisting upon the retention of the public house. The proposals would have an acceptable impact on the living conditions of neighbouring dwellings and on the character and appearance of the Conservation Area. Furthermore, the proposals are considered to be acceptable in terms of car parking and highway safety. Therefore it is recommended that planning permission is granted.

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) 1642-SK-002B & 1642-SP-003, and specification contained therein, submitted on 23 July 2015 & 10 September 2015. **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 The development hereby permitted shall not be commenced unless and

until a scheme showing how either a). at least 10% of the predicted energy requirement of the development will be produced on or near to the site from renewable energy resources, or b). a scheme showing how at least 10% of the energy demand of the development and its CO^2 emissions would be reduced through the initial construction methods and materials has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until all the works within the approved scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications. **REASON**: To ensure that adequate provision is made for the generation of energy from renewable energy resources or to achieve carbon savings in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011.

4 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.

5 The ground floor flat hereby permitted shall not be occupied until the bin and cycle stores have been provided in strict accordance with the approved plans. The bin and stores shall be retained for those purposes at all times thereafter. **REASON** : To protect the amenities of occupiers of the site and the character and appearance of the locality and to ensure that there are adequate cycle parking facilities to serve the development, in accordance with Policies DP1, DP2 and DP8 of the Warwick District Local Plan 1996-2011.

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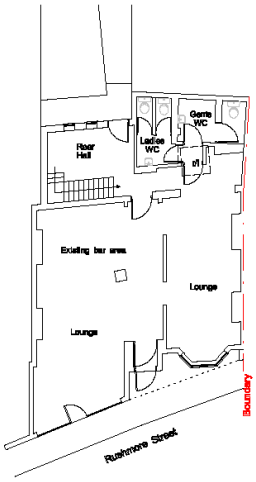
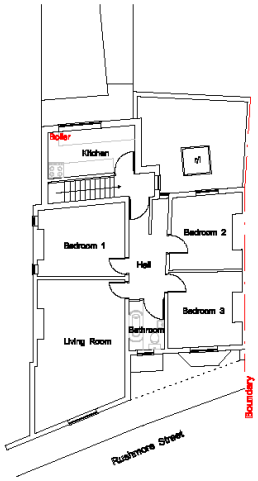


EXISTING GROUND FLOOR PLAN



EXISTING FIRST FLOOR PLAN

ALL DIMENSIONS ARE TO BE VERIFIED ON SITE, BEFORE CONSTRUCTION AND ORDERING OF MATERIALS. PLEASE CONTACT THE ARCHITECT FOR CLARIFICATION ON DISCREPANCIES - DO NOT ASSUME.

REVISIONS

Rev	Date	Description	Sig

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Project: Change of Use for Talbot Inn, St Pushmore Street Leamington Spa CV31 1JA

Client: Ash Gardens

Title: Existing Floor Plans

Date: June 2016
Drawn by: GS
Checked by: DV
Scale: 1:100 @ A2

Drawing Number
1642-SI-001

For: PROVISIONAL

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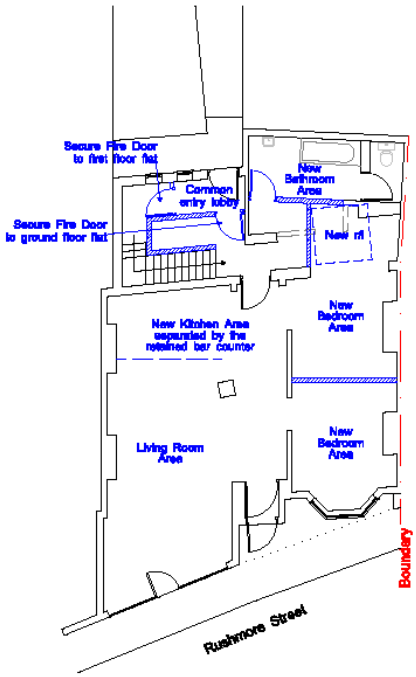
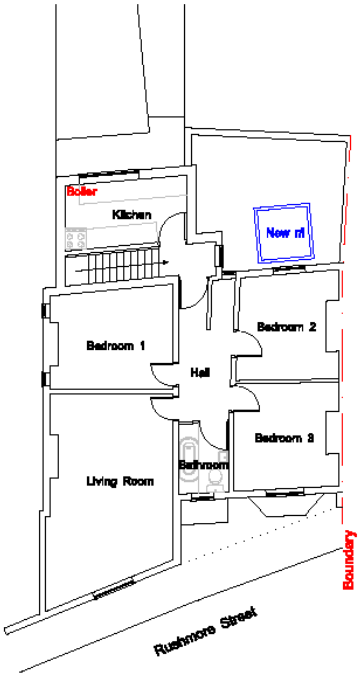


PROPOSED GROUND FLOOR PLAN



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REVISIONS

REV	DATE	DESCRIPTION	BY
A	[illegible]	Changes to Ground Floor Plan	[illegible]
B	[illegible]	Changes to per Planning officials comments	[illegible]

Vagdia and Holmes

CHARTERED ARCHITECTS

The Architects Studio,
[illegible]
[illegible]
[illegible]

Project: Change of Use for
[illegible]
[illegible]
[illegible]

Client: Ash Services

Title: Proposed Floor Plans

Date: July 2016
Drawn by: [illegible]
Checked by: [illegible]
Scale: 1:100 @ A3

Drawing Number

1642-SK-002B

For: PROVISIONAL

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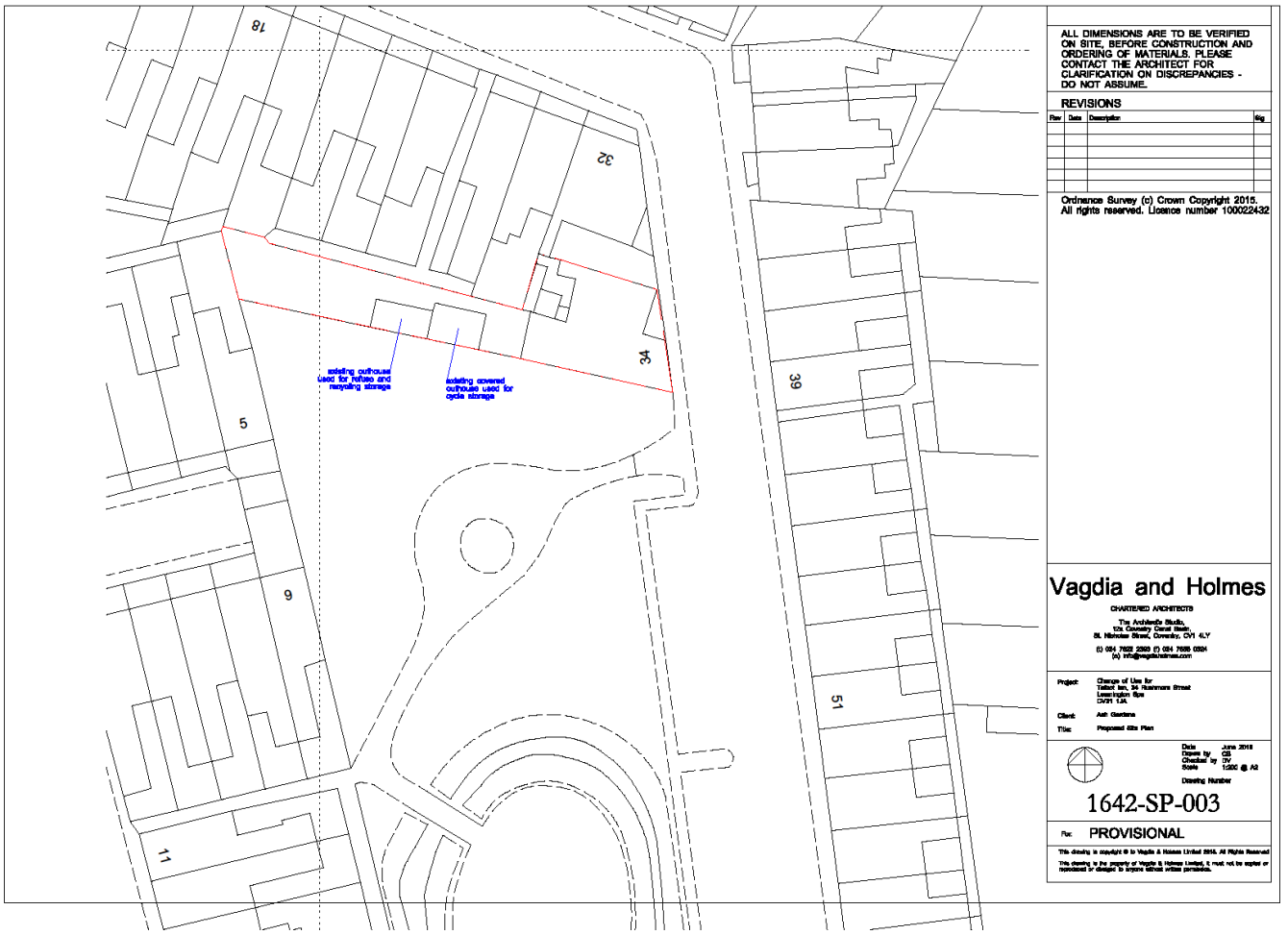
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existing outhouse used for refuse and recycling storage
existing covered outhouse used for cycle storage
ALL DIMENSIONS ARE TO BE VERIFIED ON SITE, BEFORE CONSTRUCTION AND ORDERING OF MATERIALS. PLEASE CONTACT THE ARCHITECT FOR CLARIFICATION ON DISCREPANCIES - DO NOT ASSUME.
REVISIONS
Rev
Date
Description
Dig
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Client:
Ash Gardens
Title:
Proposed Site Plan
Date
June 2016
Drawn by
GS
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DH
Scale
1:200 @ A2
Drawing Number
1642-SP-003
For:
PROVISIONAL
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