

**Planning Committee:** 06 December 2004  
**Application No:** W 04 / 0814 & W 04 / 0927CA

**Principal Item Number:** 06

**Town/Parish Council:** Leamington Spa  
**Case Officer:** Joanne Fitzsimons  
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**Registration Date:** 04/05/2004  
**Expiry Date:** 29/06/2004

**40 Kenilworth Road, Leamington Spa, CV32 6JF**

Erection of 14 No. apartments and associated parking (after demolition of existing hotel).  
FOR Court (Warwickshire) Ltd

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**SUMMARY OF REPRESENTATIONS**

*The applicants have appealed against the Council's failure to determine this application. This report is made so as to seek the Committee's view of the proposals so that the Council's written statement for the appeal can be prepared.*

Town Council:

Comment – "Concern is raised at the "unadoptable" status of Woodcote Road which would serve the site. In addition it is considered that the status of the stream traversing the site with an underground culvert be investigated to assess the impact on ground conditions."

Neighbours

9 letters of objection (including one on behalf of 8 residents from Ambassador Court) on the basis of insufficient parking leading to an overspill onto Woodcote Road. Request that Woodcote Road is upgraded to an adoptable standard, together with street lights. Concern about the risk of flooding if the stream is interrupted. Consider the proposal is over-development and not in accordance with PPG3.  
2 letters of support for the scheme.

Head of Amenities

"The loss of a mature horse chestnut in the interior of the site will be a shame, but its contribution to the amenity of areas outside the site is limited. Special surface treatment will be needed around the large Wellingtonia to the front of the site. Could be an opportunity to require additional planting along Kenilworth Road if approved".

W.C.C. Highways:

Holding objection until the following is resolved: Although the hotel currently has two accesses there are still safety concerns over control of the entry and exit of such arrangements. Therefore the Highway Authority recommend the access onto Kenilworth Road is permanently closed and the other access widened to 5.5 metres to provide a two way access. Subject to a revised layout, no objections subject to standard conditions relating to access and verge crossing.

W.C.C Ecology: No objection, add Bird and Bat Notes.

W.C.C Fire Safety: No objection subject to condition on adequate water supplies.

C. A. A. F: (Original Plans) Some members considered the proposal to be a pastiche replacement. A vote was taken and 2 members were in favour and four members were

against the proposals as an acceptable replacement if the building were to be demolished.

English Heritage: The application should be considered in light of the relevant development plan proposals and in light of PPG advice, particularly the advice contained in PPG15. In this case, English Heritage, whilst considering that there is some merit in the proposed scheme, takes the view that the case for demolition of the existing building has not been made and recommends that the application be refused.

(Amended Plans: In considering this information, I am mindful of the advice in paragraph 3.17 of PPG15 that consent for demolition should not be given simply because demolition is an economically more attractive option than repair and reuse. In conclusion our advice would be that we would prefer the retention of the existing building to the re-development.)

## **RELEVANT POLICIES**

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)

(DW) ENV6 - Protection and Enhancement of Conservation Areas (Warwick District Local Plan 1995)

(DW) ENV8 - New Development within Conservation Areas (Warwick District Local Plan 1995)

(DW) ENV7 - Demolition of Non-Listed Buildings within Conservation Areas (Warwick District Local Plan 1995)

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 First Deposit Version)

DP2 - Amenity (Warwick District Local Plan 1996 - 2011 First Deposit Version)

UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011 First Deposit Version)

DAP10 - Protection of Conservation Areas (Warwick District 1996 - 2011 First Deposit Version)

DAP11 - Unlisted Buildings in Conservation Areas (Warwick District 1996 - 2011 First Deposit Version)

PPG1 – General Principles (Government Guidance)

PPG3 – Housing (Government Guidance)

PPG15 – Planning and the Historic Environment (Government Guidance)

GD1 – Overriding Purpose (Warwickshire Structure Plan 1996-2011)

GD3 – Overall Development Strategy (Warwickshire County Structure Plan 1996-2011)

## **PLANNING HISTORY**

Previous planning applications relate mainly to signage and conversion of loft space for additional bedrooms to serve the hotel use. There have been no applications since 2000.

## **KEY ISSUES**

### **The Site and its Location**

The site lies within a Conservation Area and is a non-listed building. It is located in a prominent corner location on Kenilworth Road and Woodcote Road. This part of Woodcote Road is a 'dead end' as it meets the edge of the sports ground and is unadopted. The properties further along Kenilworth Road are 'listed' as being of special architectural or historic interest. The site comprises a two storey early 19<sup>th</sup> Century building which has some of its accommodation in the roof space, lit by dormer windows and rooflights. It has two accesses into the site, one from Kenilworth Road and the other

from Woodcote Road. To the rear of the hotel is Bell Tower Mews which gains access from Woodcote Road and serves three properties. There is a large Wellingtonia in the front, which although is not protected by a Tree Preservation Order it is protected from being felled as it is a Conservation Area. The current hotel has 23 guest rooms and is also used for meetings, wedding receptions and other events.

### **Details of the Development**

As amended, the scheme seeks to demolish the existing Abbacourt Hotel and replace it with two 'Villa-style' buildings with a glazed link to provide 14 apartments. It is proposed that there would be 20 car parking spaces together with cycle and bin storage (on the Woodcote Road side). The access from Kenilworth Road would be used as an entrance whilst the access onto Woodcote Road would be for egress. The Wellingtonia is to be retained as part of the application.

### **Assessment**

It is considered that the application raises the following issues:-

#### Demolition of a non-listed building within the Conservation Area

PPG 15 'Planning and the Historic Environment' states in paragraph 4.27 that there is a general presumption in favour of the retention of buildings which make a positive contribution to the character or appearance of a conservation area and that the Secretary of State expects proposals to demolish buildings should be assessed against the same broad criteria as proposals to demolish listed buildings. This is reflected through current and emerging local plan policies. The applicant, as part of the submission, submitted a report assessing the contribution of the Abbacourt Hotel within the conservation area, however, the Council's Conservation Architect does not agree with their assessment of the relative merits of the existing building in relation to the proposed replacement. In conjunction with the advice received from English Heritage, he considers the building provides a positive contribution to the character of the Conservation Area as an early 20th century building by reason of its simple and attractive design with a particularly prominent doorcase and with distinctive well handled detailing. It is only one of a few examples of substantial houses of this period in this part of Leamington Spa and sits well alongside the rather more typical mid nineteenth century houses in Kenilworth Road.

#### Merits of the proposed replacement building

The design of the proposal has been amended; however in the opinion of English Heritage and the Council's Conservation Architect, whilst the merits of an alternative proposal are a material consideration, this in itself does not justify demolition. English Heritage state (on the amended design):

*"As far as the design of the proposed replacement building is concerned I consider that your revised proposal offers a more convincing urban design solution than the 'terraced' idea previously proposed. The 'two villa plus mews' solution echoes the overall scale and rhythm of buildings in Kenilworth Road as distinct from the more continuous frontages of buildings more prevalent in and close to the town centre. I would, however, have reservations about the glazed link which, as shown on your drawings, could read as a dominant element drawing the eye from the two 'pavilions'.*

*In conclusion our advice would be that we would prefer the retention of the existing building to redevelopment ..."*

In the opinion of the Council's Conservation Architect, the proposed replacement building does not offer the same contribution to this part of Kenilworth Road as the existing building. The use of pastiche architecture linked by a contemporary glazed building does not provide an appropriate architectural statement and, therefore, it is concluded that a convincing case for demolition has not been made.

### Highway matters

These were not yet resolved between the County Council and applicant at the time the appeal was lodged.

### **RECOMMENDATION**

That the Council's appeal statement be based on the following deemed refusal reasons:-

- 1** District-Wide Policy ENV7 of the Warwick District Local Plan 1995 states that permission will not normally be granted for the demolition of non-listed buildings which contribute to the overall character or appearance of a Conservation Area. This is reflected in Policy DAP11 of the emerging Warwick District Local Plan 1996-2011 (first deposit version) which states that applications for total demolition of unlisted buildings will only be permitted where the detailed design of the replacement can demonstrate that it will bring about a genuine qualitative improvement to the Conservation Area and to the setting of adjacent buildings. These policies support Government Advice contained in PPG15 Planning and the Historic Environment which sets out criteria against which applications for demolition are tested.

The application site relates to an early nineteenth Century building in a prominent corner location on Kenilworth Road and Woodcote Road. As an early example of substantial houses of this period it is considered that it provides a positive contribution to the character and appearance of the Conservation Area by reason of its general character, with a particularly prominent doorcase with distinctive well handled detailing. In the opinion of the District Planning Authority, this building sits well alongside the rather more typical mid-nineteenth century houses in Kenilworth Road and positively adds to the character of the Conservation Area and it is not considered that the applicant has successfully provided any special circumstances to override the advice contained in PPG15 or local plan policies.

- 2** Policy (DW) ENV6 of Warwick District Local Plan 1995 states that Conservation Areas in the District will be protected from development which would have a detrimental effect upon their character or appearance. In addition, Policy (DW) ENV8 requires that within Conservation Areas, development proposals will be required to achieve a high standard of design appropriate to the historic and special architectural character of the area. In the opinion of the District Planning Authority, the proposed replacement building does not contribute to the character or appearance of the Conservation Area to a sufficient extent to justify the demolition of the existing building on the site. As such the replacement building fails to meet the requirements of the aforementioned local plan policies.

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