

Planning Committee: 09 December 2009

Item Number:

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Registration Date: 22/04/09

Town/Parish Council: Warwick

Expiry Date: 17/06/09

Case Officer: Martin Haslett

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Land Adj IBM Site, Haywood Road, Warwick, CV34 5YA

Proposed erection of 5 storey hotel comprising 122 bedrooms, restaurant and associated facilities, formation of car parking area, landscaping and associated works including erection of bridge and sub station. FOR Whitbread Group Plc and Opus 40 Land

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

SUMMARY OF REPRESENTATIONS

Warwick Town Council: No objection.

Public response: 6 letters of objection- three concerned about impact on existing local hotels and restaurants, which are not necessarily trading well and the proposal could lead to closures. One residential neighbour has no objection to a hotel, but is concerned that the proposal is too high and that there is insufficient parking. IBM as neighbouring owner, objects on grounds of scale, 5 storeys considered excessive, parking is insufficient, noise from IBM air conditioning could disturb visitors. In event that permission is granted, conditions are recommended. The landlord of Durr, as neighbouring owner, objects on grounds of loss of amenity land, sequentially preferable sites, building too close to their offices, overdevelopment, building design unsuitable, insufficient car parking, impact on ecology and biodiversity, loss of trees, impact on watercourse.

Agents acting for Racecourse Investments (who have made an application for a hotel in Hampton street) have written to say that evidence indicates that their site is sequentially preferable. Furthermore, they point out that the hotels are not necessarily aimed at different markets.

The owners of Warwick Castle have written to support the application

Representatives of Opus 40 (the owners of the application site) have written to say that the objection submitted by Durr Ltd is aired on a 'false perspective' and that little weight should be attached to it.

A resident of Hampton Street objects to the proposal and grounds of the sequential test, but nevertheless considers the siting to be preferable to the Hampton Street proposal.

1 local resident and employee has written to support the proposal.

WCC (Fire & Rescue): no objection, subject to condition on water supply.

WCC (Tourism Development Officer): supports proposal.

STW: no objection.

WCC (Ecology): the findings of the applicants' ecological surveys are confirmed, habitats of low-moderate ecological value will be affected. Although a bat survey has been carried out, further work will be required. No objection subject to conditions of additional bat survey, submission of an ecological/landscaping scheme, protection of existing trees, no contamination of water course. Notes on water voles, birds, use of indigenous planting, watercourse contamination.

WDC Environmental Health: no objection.

WDC Green Infrastructure Manager: objection-proposals too close to boundary, leaving insufficient space for proper landscaping; regrets loss of landscaping along the brook and visual impact on cemetery. If granted, proposal should be subject to conditions on protection of trees during development, planting arrangements for new trees.

Since these comments were first made, the applicants have submitted amended plans which have attempted to address some of the objections raised. Nevertheless, the objection stands.

WDC Bereavement Service Manager: objection: the building would have a visual impact on the adjoining cemetery, other adjoining buildings are masked by planting.

Warwickshire Police: no objection, recommend *Secured by Design* principles.

Warwick Society: no objection in principle, but concerned that the siting is not sustainable in terms of transport. Object to the loss of mature trees. Design 'intensely disappointing'. Recommend refusal.

RELEVANT POLICIES

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)
- DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP15 - Accessibility and Inclusion (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- RAP16 - Directing New Visitor Accommodation (Warwick District Local Plan 1996 - 2011)
- UAP8 - Directing New Visitor Accommodation (Warwick District Local Plan 1996 - 2011)
- Vehicle Parking Standards (Supplementary Planning Document)
- SC2 - Protecting Employment Land and Buildings (Warwick District Local Plan 1996 - 2011)
- PPS6 - Town Centres

PLANNING HISTORY

The site has not been the subject of previous applications. It forms part of the landscaped area for the original IBM application, which goes back to the 1970s.

A blanket Tree Preservation Order was recently served on the whole site.

KEY ISSUES

The Site and its Location

The site lies on the south side of the IBM access road (Haywood Road), approximately mid-way between Wedgnock Land and Birmingham Road. To the north lie the modern office facilities of the IBM headquarters, which are three storey buildings, with additional plant on the flat roof.

To the east and south east are further modern offices (accessed from Broxell Close) occupied by Durr Ltd, who have a car park adjoining the boundary, which is screened by trees. To the south, and south west is Warwick Cemetery, a large area of open space, which has trees and hedges to the boundaries. This boundary is the least well-screened, with a hedge and occasional trees.

The site itself falls into two parts. The north east part is currently a grassed mound reaching 4 or 5 metres above the height of the access road, with tree screening to the boundaries. The boundary to Haywood Road is screened by plane trees. The south western part of the site is presently grassed with occasional trees. The two parts of the site are divided by a brook, which is marked by a strong line of mature trees and shrubs.

Details of the Development

It is proposed to build a hotel on the north east part of the site, with car parking on the south west part, the two linked by a new bridge over the brook. The hotel would be five storeys high, with 122 bedrooms. The mound would be largely removed with the ground floor slab of the hotel set about half a metre above the height of the road. Access would be taken from Haywood Road, near to the brook and, apart from a dropping off and disabled parking area, all traffic would proceed across the new vehicular and pedestrian bridge into the new car park. Within that area levels would remain much as they are, with some minor regrading to allow for car park layout and drainage.

The hotel building would be of 5 storeys, with a maximum height of 17m. The walls would be of red brick and smooth white render, with some areas of black/grey polished concrete block. The roof would be part flat and part pitched and would be 'pre-patinated' zinc coloured metal.

The car parking area, almost entirely on the other side of the brook from the hotel, would have 73 standard car spaces, 3 motor cycle spaces, 6 disability spaces and 10 cycle spaces. It would be lit, in accordance with a lighting scheme submitted.

The development would involve the removal of a considerable number of trees, particularly along the line of the brook. The plane trees along the road frontage would remain and would form an important feature of the landscaping of the site. Trees within the car park area would largely be removed, although to the east and north east there is a substantial tree belt on adjoining land.

The application is supported by reports on planning aspects (and the sequential test required by PPS6 and local plan policy), sustainable development, a travel plan, a drainage statement and plan, a flood risk assessment, a tree report and survey a waste management statement, a ground conditions report and a public consultation statement, a visual impact statement and a low and renewable energy statement.

Assessment

The issues to be considered are the suitability of the [location this proposed use](#), the impact of development of this size on adjoining land, the design and layout of the site itself (including the landscaping) and the car parking provision.

Policy issues

Warwick District Local Plan policy UAP8 says that new visitor accommodation will be permitted where:

- a) it is within or adjacent to town centres; or
- b) it is adjacent to a public transport interchange or otherwise genuinely accessible and well-served by a choice of means of transport, especially public transport, walking and cycling.

The site clearly does not fall within or adjacent to the town centre and therefore consideration must be given to whether the site is genuinely accessible by public transport, walking and cycling. The site is served (at Wedgnoek Lane, about 150m away) by the G1 bus route, which provides a high level of service to town centres. Additionally, the applicants have indicated that they intend to operate a green travel plan for their staff and provide transport to local railway stations. It is intended to provide an 'on demand' taxi service, whereby client(s) of the hotel will have a dedicated telephone number to call for a taxi or larger vehicle, depending on number, to collect or take them to the local stations. This will be done as a formal contract between the hotel and a local taxi/coach company and would form part of the legal agreement. In all these circumstances, I consider that the proposed location accords with the Local Plan, in that it would be accessible by a choice of transport means, especially public transport.

Government statements of planning policy are also material considerations and in this case national policy on town centre uses, including hotels, is contained in Planning Policy Statement 6 'Planning for Town Centres'. This requires a demonstration of need for hotels in out of centre locations, and a demonstration that there are no more central sites for the development. In response, the applicant has submitted a PPS6 assessment which has been considered by officers. The

applicant has demonstrated a need for the development in so far as it is possible, making reference to the significant lack of budget accommodation in Warwick. The evidence from the Warwick District Retail and Leisure Study (May 2009) supports the view that the budget hotel product has experienced the fastest rate of expansion in recent years. In relation to whether there are more central sites, it is clear from the evidence submitted that there are more sequentially preferable sites currently available for development within Warwick and Leamington, for example, the former printing works on Theatre Street, land at Warwick Racecourse, land at Bedford Street car park, and the land at the Former Ford Foundry. There is, however, clearly a degree of uncertainty on all sites at the current time as to their suitability and/or viability for hotel development. On balance, therefore, it is concluded that the applicant has demonstrated a need for the development and that there are no more central sites available, suitable and viable for development at this current time.

Protection of employment land through Policy SC2 which seeks to prevent loss of committed employment land and buildings to other uses also needs to be considered. Although this would be a non-employment (B1, B2 or B8) use on an existing employment site, it is not on land used or proposed for employment development. The land forms part of the landscaping scheme for the rest of the site and therefore employment uses will not be lost or prejudiced as a consequence of the proposed use. Since the hotel would complement the existing uses by providing overnight accommodation for business clients, as well as providing service jobs, the proposed hotel would provide a suitable use in this location.

The impact of the development on adjoining land

There are objections from IBM, Durr and the cemetery management on grounds of visual intrusion onto adjoining sites. In response to these comments, the applicants have produced a Visual Impact Statement which illustrates the impact on adjoining premises. This document shows that sight lines from adjoining properties will mean that the visual impact will be lessened by the remaining landscaping, and the lowering of the site levels. Viewed from the main part of the cemetery, the hotel building would be seen end-on, at a distance of nearly 40 metres. On the boundary to Durr, a considerable band of trees would remain, although again the building would be visible. The nearest point of the proposed hotel to the Durr building would be 20m. With regard to the view from the IBM building, the building will, indeed, be clearly visible, but the main roof of the new building would be at about the same height as the service units on the top of the IBM building. So, whilst of an extra storey, the new building would not be of a height totally out of character with the adjoining structures. The nearest point of the new hotel would be 42m from the IBM building.

The layout of the site

The division of the site into two halves, with the brook across the middle, helps to maintain some of the present character of the land, although it must be noted that the proposals represent a very full use of the available land. Nevertheless, the appearance of the site, especially when the landscaping has matured, would not be out of character with adjoining developments. The heavy landscaping along the cemetery boundary, which includes heavy standard trees and native thicket planting (of indigenous species) will help to mask the building from that direction. Landscaping for the brook would consist of wild flowers and some trees, of species

suited to a wetland habitat. The design of the building, whilst not exhibiting "local distinctiveness" is within a business park environment with varying styles of buildings and, in my opinion, is satisfactory for its context.

Car parking provision

The provision of 73 standard parking spaces, plus 6 disabled spaces is within the Council's published vehicle parking standards. The *maximum* standard for a hotel in a low accessibility zone (outside of a town centre) is 1 space per bedroom and for one in a high accessibility zone (a town centre) is 0.5 spaces per bedroom. At 73 spaces, the present development equates to 0.6 spaces per bedroom. Being outside of a town centre, the current site is clearly in a low accessibility zone as defined in the Vehicle Parking Standards SPD, but there are various factors which suggest that accessibility here is nevertheless quite high. As already set out, the site is quite well-served by buses and the applicants intend to operate a green travel plan and run taxis to local stations. They have also indicated that, having extensive experience of running hotels, they consider that the level of provision they have catered for is sufficient. Government advice is that applicants should not be forced to provide more parking spaces than they consider necessary, and given the reasonably sustainable position of the site and the green travel plan, I consider the provision reasonable.

Conclusions

Finally, I think it is possible to come to the following conclusions. The proposed development is for a large building on a site which originally formed a part of the landscaping for the IBM site. Whilst its loss as landscaping may be regretted, the aspirations set out in the 1970s cannot necessarily remain for ever. There is now a much greater need to find development sites within our towns and to protect the countryside from development. The use of landscaping areas must help with these aspirations and their loss must be balanced with the gain. In this case, the landscaping is of benefit to the occupiers of the adjoining buildings, but is of little public benefit. Part of the existing tree screen, especially along the Brook would be lost, but must be weighed against the additional tree planting along the cemetery boundary. The trees on this site, and the whole of the wider IBM site, have recently been protected by the service of a TPO. This was served so as to give the opportunity to consider whether individual trees should remain or should be removed as part of any development proposal. The service of a TPO does not mean that all trees on a site must be protected for all time. In all these circumstances, I do not consider that a refusal of permission on grounds of loss of trees could be defended.

There is clearly also some impact upon adjoining buildings, which will be somewhat affected by the development. but these are not residential buildings and the test of amenity is rather different from the normal residential one. I therefore conclude that the impact on adjoining uses and buildings will not be sufficiently serious as to merit a refusal of permission.

RECOMMENDATION

After the signing of a legal agreement to secure the Green Travel Plan and provision of transport to local stations, GRANT, subject to the conditions listed below.

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years from the date of this permission. **REASON** : To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawings:
 - AV01 - Rev Y – Block Plan of Site
 - AV02- Rev P – Proposed Elevations
 - AL02 – Rev J – Floor Plans
 - AL03 – Rev C –Roof Plans
 - AX01 –Rev A – Proposed Sections
 - AX02 – Proposed Site Layout Plan and Longitudinal Section
 - 10461:SK1 Rev C – Proposed Levels
 - 10461:SK5 – Drainage Schematic
 - 10461: SK8 – Surface Water Outfall Details
 - PL01A – Grd fl
 - PL02A –Upper fl
 - PL03A – Roof
 - PL04A – Elev A
 - PL05A – Elev B
 - PL06A – Elev C,D
 - L1078/08 -04O – Landscape Masterplan
 - L1078/08 05 – Tree Retention, protection and removal
 - 06 Rev B – Landscape Sections
 - EL01 – Rev C – Car Park and Lighting
 - PL 258 AD01 Rev O – Substation details
 - STND – 001- 037and specification contained therein, submitted on 17 June 2009, unless first agreed otherwise in writing by the District Planning Authority.
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.

- 4 The development hereby permitted shall not be commenced until a scheme for the provision of adequate water supplies and fire hydrants, necessary for fire fighting purposes at the site, has been submitted to and approved in writing by the District Planning Authority. The development shall not then be occupied until the scheme has been implemented to the satisfaction of the District Planning Authority. **REASON** : In the interests of fire safety.

- 5 The development hereby permitted shall not be commenced unless and until a scheme showing how 10% of the predicted energy requirement of this development will be produced on site, or in the locality, from renewable energy resources, has been submitted to and approved in writing by the District Planning Authority. The development shall not be first occupied until all the works within this scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in

accordance with manufacturers specifications. **REASON** : To ensure that adequate provision is made for the generation of energy from renewable energy resources in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011.

- 6 Samples of all external facing materials to be used for the construction of the development hereby permitted, shall be submitted to and approved by the District Planning Authority before any constructional works are commenced. Development shall be carried out in accordance with the approved details. **REASON** : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011.
- 7 The development hereby permitted (including tree felling) shall not commence until at least one further nocturnal bat survey of the site at the appropriate time of year (preferably during May to August), has been carried out and a detailed mitigation plan including a schedule of works and timings has been submitted to and approved in writing by the District Planning Authority if bats are found to be roosting within the site. Such approved mitigation plan shall thereafter be implemented in full. **REASON** :to protect bats, in accordance with policy DP3 of the Warwick District Local Plan 1996-2011.
- 8 No work of any kind shall be begun on the site until the protective fence(s) around the trees identified as being retained on the approved plans, have been erected and the fencing has been confirmed in writing to be acceptable by the District Planning Authority. Within the approved fenced area(s) there shall be no scaffolding, no stockpiling of any materials or soil, no machinery or other equipment parked or operated, no traffic over the root system, no changes to the soil level, no site huts, no fires lit and no excavation of trenches for drains, service runs or for any other reason. **REASON** : To protect and enhance the amenities of the area, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011.
- 9 No development shall be carried out on the site which is the subject of this permission, until details of the lighting columns and fittings have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. **REASON** :In the interests of the amenities of the area, in accordance with policy DP2 of the Warwick District Local Plan 1996-2011.
- 10 Details of the means of disposal of storm water and foul sewage from the development , including provision for sustainable drainage systems for surface water, shall be submitted to and approved by the District Planning Authority before the development hereby permitted is commenced and the development shall not be carried out other than in strict accordance with

such approved details. **REASON** : To ensure satisfactory provision is made for the disposal of storm water and foul sewage and to satisfy Policy DP11 of the Warwick District Local Plan 1996-2011.

- 11 No development shall be carried out on the site which is the subject of this permission, until details of the design of tree pits for new planting and their interaction with any surrounding hard surfaces has been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. **REASON** : To protect and enhance the amenities of the area, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011.
- 12 The development hereby permitted (including tree felling) shall not commence until at least one further nocturnal bat survey of the site at the appropriate time of year (preferably during May to August), has been carried out and a detailed mitigation plan including a schedule of works and timings has been submitted to and approved in writing by the District Planning Authority if bats are found to be roosting within the site. Such approved mitigation plan shall thereafter be implemented in full. **REASON** : To ensure that protected species are not harmed by the development, in accordance with policy DP3 of the Warwick District Local Plan 1996-2011 and because the surveys conducted before the application was submitted were carried out at a sub-optimal time of year.
- 13 The development hereby permitted shall not be commenced until a scheme for the provision of adequate water supplies and fire hydrants, necessary for fire fighting purposes at the site, has been submitted to and approved in writing by the District Planning Authority. The development shall not then be occupied until the scheme has been implemented to the satisfaction of the District Planning Authority. **REASON** : In the interests of fire safety.
- 14 Notwithstanding the landscaping details submitted with the application, no works shall commence on site, including site clearance, until a combined ecological and landscaping scheme has been submitted to and approved by the local planning authority (in consultation with Warwickshire Museum Ecology Unit). The scheme shall include all aspects of landscaping including details of new tree/shrub/hedgerow/scrub/woodland edge planting, creation of wildflower-rich swards and enhancement of existing stream as well as management of the whole site for wildlife through maximising opportunities for biodiversity enhancement. Such approved scheme shall be completed, in all respects, not later than the first planting season following the completion of the development hereby permitted, and any trees removed, dying, being severely damaged or becoming seriously diseased within five years of planting, shall be replaced by trees of similar size and species to those originally required to be planted. **REASON** : To protect and enhance the amenities of the area, to protect its ecology and to satisfy the requirements of Policies DP1 and DP3 of the Warwick District Local Plan 1996-2011.

- 15 It should be ensured that there is no contamination of the watercourse either during or after development. No work shall commence until measures have been put in place to ensure that the pollution prevention guidelines produced by the Environment Agency regarding prevention of pollution during working and operation are adhered to. The Environment Agency can provide further details if required. There should be a buffer zone of at least 8 metres between the edge of the watercourse, (i.e. the top of the bank), and the development. **REASON:** To ensure protection of the watercourse, in accordance with policy DP3 of the Warwick District Local Plan 1996-2011.
- 16 The existing trees and shrubs shall be retained in accordance with BS 5837:2005 and shall not be felled, lopped, topped or pruned without the previous written consent of the District Planning Authority. Any trees removed without consent, or dying or being severely damaged or becoming seriously diseased within five years of planting, shall be replaced with trees of such size and species as may be agreed with the District Planning Authority. Before any materials are brought on the site or any demolition or development commenced, stout protective fencing should be erected to enclose the perimeter of the branch spread of each tree or shrub to be retained, together with the branch spread of any tree growing on adjoining land which overhangs the site. Such fencing shall be satisfactorily maintained until all development has been completed. **REASON :** To protect and enhance the amenities of the area, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011.

INFORMATIVES

For the purposes of Article 22 of the Town and Country Planning (General Development Procedure) (England) (Amendment) Order 2003, the following reason(s) for the Council's decision are summarised below:

In the opinion of the District Planning Authority, the development achieves acceptable standards of layout and design and does not give rise to any harmful effects which would justify a refusal of permission. Furthermore, the applicants have demonstrated that there are no sequentially preferable sites which are available. The proposal is therefore considered to comply with the policies listed.
