

Planning Committee: 11 December 2018

Item Number: **14**

Application No: [W 18 / 1846](#)

Town/Parish Council: Leamington Spa
Case Officer: Helena Obremski

Registration Date: 25/09/18
Expiry Date: 20/11/18

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Victoria Park Car Park, Princes Drive, Leamington Spa

Proposed improvements and extension to Victoria Park car park and change of use of Victoria Park Lodge garden to provide improved and extended car parking as part of the Leamington Spa car park displacement programme, including new lighting, CCTV, pay machine and additional parking spaces. FOR Warwick District Council

This application is being presented to Committee because Warwick District Council is the applicant, the Town Council has objected and more than 5 letters of objection have been received.

RECOMMENDATION

Planning Committee are recommended to grant planning permission, subject to the conditions listed in the report.

DETAILS OF THE DEVELOPMENT

The application seeks planning permission for improvements to and extension of an existing municipal car park, including the installation of lighting, CCTV and parking metres. The application would result in a change of use of part of Victoria Park and garden land currently serving Victoria Lodge which would extend the current car park.

The application form states that the existing car park contains 64 spaces and the proposed layout would accommodate 94 spaces. A new asphalt surface would be laid.

Lighting is proposed in the car park and along an existing pathway which runs along the north of the park to provide security for people using the car park to access the town centre. The lighting scheme has been amended to 4 metre lighting columns within the car parking area, and low level bollards within the main part of Victoria Park.

The proposal has also been amended to remove the proposed bund which was to separate the car park and Victoria Park which is replaced with an extension to the existing hedgerow, which was considered to be more appropriate. The existing hedgerow between the garden serving Victoria Lodge and the car park will now be retained, but reduced in height. There would be some loss of

hedgerow to the west boundary of the existing garden serving Victoria Lodge, however a detailed landscaping scheme is proposed to offset any such loss and increase planting and biodiversity.

It should be noted that the formalisation and resurfacing of the existing car park, along with the installation of the parking meters does not require planning permission.

The extended car park is intended provide additional parking capacity to meet the needs of users and potential users of the car park in the short and long-term. The extension of the car park will provide additional parking capacity for visitors to Victoria Park and Leamington town centre whilst the lighting enhancements will improve the usability of the park and car park by providing an illuminated walking route through the park from one side of the park to the other.

THE SITE AND ITS LOCATION

The application site relates to an existing formal parking area and part of Victoria Park, a Grade II Registered Historic Park situated within the Royal Leamington Spa Conservation Area. The site also includes part of the garden serving Victoria Lodge.

Victoria Lodge, whilst currently vacant and formerly in residential use is not intended to be brought back into any such use.

RELEVANT PLANNING HISTORY

There is no relevant planning history relating to this site.

RELEVANT POLICIES

- National Planning Policy Framework

The Current Local Plan

- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029)
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
- TR2 - Traffic generation (Warwick Local Plan - 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- HE1 - Protection of Statutory Heritage Assets (Warwick District Local Plan 2011-2029)
- HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029)
- HE4 - Archaeology (Warwick District Local Plan 2011-2029)
- FW2 - Sustainable Urban Drainage (Warwick District Local Plan 2011-2029)

SUMMARY OF REPRESENTATIONS

Royal Leamington Spa Town Council: Objection:

- insufficient information provided regarding flood risk;
- loss of green space from the Grade II listed park which would detract from the character of this valuable townscape.

Councillor Naimo: Comments that the addition of cycle racks are improvements. Councillor Naimo is in favour of lighting through the park for cyclists - as long as that is through the central path in the park, not alongside the river as it could affect wildlife. Councillor Naimo expresses concern regarding the lack of clarity on the introduction of parking charges.

Councillor Knight: Supports the comments made by Councillor Naimo.

Councillor Gifford: Objection, the proposal is contrary to Local Plan policy HS2 as no equivalent open space is provided. There is no case made for the lack of need for the lost open space. There is no evidence presented that this proposal would benefit Victoria Park and its users. Councillor Gifford raises concerns regarding the impact on the residential property in terms of loss of amenity space and extension of the car park.

Historic England: No objection.

Warwickshire Gardens Trust: Objection, concern regarding loss of trees and impact of proposed lighting, particularly along the northern perimeter which is an alien concept in the park. Concern regarding intended users of car park and impact on access to Victoria Park.

WCC Highways: No objection.

WCC LLFA: No objection, subject to conditions.

WCC Ecology: No objection, subject to the inclusion of conditions and notes.

Tree Officer: No objection.

Public Responses: 18 Objections:

- difference in layout in the lighting and tree reports;
- removal of garden from Victoria Lodge would harm the setting of the building and reduce the value of the building;
- loss of public open space;
- impact on the character and appearance of the area;
- proposed lighting is harmful;
- detrimental impact on trees;
- grass bund is incongruous in this setting;
- the addition of 20-30 spaces will not help towards the Council's displacement strategy & will be used by rail commuters;
- introducing parking fees could put people off using Victoria Park;
- increase in pollution;

- the parking is required for the relocation of the Council offices which is not supported;
- the proposal does not support the health and wellbeing of local residents;
- procedural concerns;
- there is no evidence that the additional parking is required;
- the location and purpose of the car park would create a harmful social dynamic;
- cycle storage is welcomed.

ASSESSMENT

The main considerations in assessing this application are as follows:

- Principle of the Development
- Design
- Impact on Heritage Assets
- Impact on Residential Amenity
- Parking and Highway Safety
- Ecological Impact and Trees
- Drainage
- Health and Wellbeing
- Other Matters

Principle of the Development

With regard to the principle of the development proposed, there are 2 aspects to be considered, as follows:-

Loss of Public Open Space

Concern has been expressed regarding the loss of public open space arising from this proposal.

Local Plan policy HS2 states that development on, or the change of use of open spaces and sport and recreation facilities will not be permitted unless:

- a) an alternative can be provided which is at least equivalent in terms of size, quality, accessibility, usefulness and attractiveness, and a management plan is submitted to ensure the future viability of the provision, or
- b) there is a robust assessment demonstrating a lack of need for the asset currently or in the future.

The proposed development would result in the loss of a small area of public open space within Victoria Park, representing a loss of 0.45% of the park.

However, considerable investment in the Park in the order of £200,000 is coming forward to provide upgraded play facilities in 2019 which will improve those facilities and increase the attractiveness of the Park to potential users. The improvements and additions to the car park the subject of this application will improve accessibility and support those improvements thereby increasing the likelihood of increased footfall within, and use of the park in a manner which

might reasonably be considered to outweigh any potential impacts arising from the loss of the small area of open space on the margins of the park.

Furthermore, the lighting and CCTV would also increase public security for year round use of the park, thus again encouraging increased use of the park.

The proposal also allows for the opportunity to improve landscaping between the car park and the open space of the park itself which is considered to enhance this area of the park and increase its attractiveness to visitors.

With regard to the planning balance, whilst there would be a very small loss of public open space, improvements to the park are proposed which are considered to offset that loss. The development and associated improvements would also assist in enabling the greater use of the improved park and facilities by visitors by reason of the increased number of car parking spaces and public safety benefits, along with the enhanced landscaping at the edge of the park.

Local Plan policy HS2 seeks to protect public open spaces so that visitors can enjoy the benefits from sport and recreation. The proposed development would contribute to increased benefits to public health and wellbeing through increased capacity for parking adjacent to the park and potentially therefore increased the use of the park itself. Therefore, on balance, the proposal is considered to meet the wider aims of Local Plan policy HS2 and is not considered to cause harm.

Loss of Garden Land Serving Victoria Lodge

Members of the public have raised concerns regarding the loss of garden land, querying why the garden land is "surplus to requirements" according to the Planning Statement. There are no local or national planning policies which specifically restrict the principle of the potential change of use of garden land as in the circumstances here. Therefore, subject to the proposal meeting other relevant Local Plan policies which are assessed below, there is no objection in principle to the proposed change of use of garden land serving Victoria Lodge.

Design

The National Planning Policy Framework (NPPF) places significant weight on ensuring good design which is a key aspect of sustainable development and should positively contribute towards making places better for people. The NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving character, the quality of an area and the way it functions. Furthermore, Warwick District Council's Local Plan 2011 - 2029 policy BE1 reinforces the importance of good design stipulated by the NPPF as it requires all development to respect surrounding buildings in terms of scale, height, form and massing. The Local Plan calls for development to be constructed using appropriate materials and seeks to ensure that the appearance of the development and its relationship with the surrounding built and natural environment does not detrimentally impact the character of the local area.

There have been objections that the proposal would be harmful to the character of the area.

Currently, the car park is visible from within the park itself whilst the Park Lodge garden is bounded by hedging and fencing.

Whilst extending the car park itself, this proposal offers the opportunity to introduce additional hedging and further planting so as to enhance the visual amenities of the park and ensure that views of the car park area itself are reduced. Whilst the proposal includes enclosing a small area of the existing park immediately adjacent to the Park Lodge garden and edge of the Park, it is considered that the appropriate use of a detailed landscaping scheme will improve the views within this part of the park and enhance its appearance.

The associated infrastructure within the car park such as lighting columns and parking metres are not considered to appear out of keeping or harmful within this context. The design of the proposed lighting within the park itself has been amended to sensitively considered bollard lighting, which would not be visually intrusive.

The existing hedgerow along the existing boundary between the garden serving Victoria Lodge and the car park will be retained (although reduced in height). This is considered to soften the proposed hard surfacing and the proposed hedgerow along the rear of the car park will also provide additional soft landscaping.

The proposal is therefore considered to be in accordance with the NPPF and Local Plan policy BE1.

Impact on Heritage Assets

Section 72 of the Planning (Listed Buildings and Conservation Areas) 1990 imposes a duty when exercising planning functions to pay special attention to the desirability of preserving or enhancing the character of a Conservation Area.

Paragraph 193 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. Paragraph 196 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage assets, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Policy HE1 of the Local Plan states that development will not be permitted if it would lead to substantial harm to the significance of a designated heritage asset. Where the development would lead to less than substantial harm to the significance of a designated heritage asset, this harm will be weighed against the public benefits of the proposal. The explanatory text for HE1 clarifies that in considering applications relating to Conservation Areas, the Council will require that proposals do not have a detrimental effect upon the integrity and character of the building or its setting, or the Conservation Area. Local Plan policy HE2 states that Historic Parks and Gardens are an important cultural, historical and environmental asset within the District and the Council wishes to ensure they are

protected, maintained and restored. The Plan aims to protect them from development that would harm their character.

There have been a number of objections to the proposal owing to the perceived detrimental impact on the setting of the adjacent Registered Park and Garden which is Grade II listed and the wider Conservation Area.

Historic England (Registered Parks and Gardens) have been consulted and have no objection to the proposal advising that advice is taken from the Council's Conservation officer.

The Conservation Officer has commented on the application and requested that the lighting columns were reduced in height and that bollard lighting only was used in the park. Revised drawings have been provided which reflect these amendments. The Conservation Officer has requested that additional details of the landscaping are provided.

It is recognised that the development would result in the loss of a small part of a Registered Park and Garden, which might be considered to be marginally harmful to the Park and Garden itself and the Conservation Area. However, any such harm identified is considered to be less than substantial particularly when considering the extent of the current park area which is affected; its location towards the edge of the park; and the additional visual benefits which are proposed to offset that loss. Nevertheless, in accordance with Local Plan policy HE1 and the NPPF, it is necessary to consider whether there would be any further public benefits which would outweigh any such harm.

The increased capacity of the car park, as previously stated would allow increased numbers of visitors to enjoy the Park, and the proposed lighting and CCTV would increase security for members of the public. Improvements to the lighting scheme will support the year round use of the Princes Drive car park. The proposed scheme will facilitate evening use of the footpath that adjoins the Princes Drive car park with Archery Road during the autumn/winter months and will extend the hours of use of the footpath for park users by providing a walking route that is illuminated with ambient light.

Furthermore, the proposal also includes the inclusion of 8no. cycle parking stands which would allow visitors wishing to travel to the park by bike to safely secure their bikes.

Importantly, it is considered that the harm identified is mitigated as identified by the Conservation Officer by a high quality landscaping scheme. Views of the existing car park from the park are not particularly high quality or sensitive to the site context, with no formal separation between the park and car park, other than the hedgerows serving Victoria Lodge. The proposal would extend the existing high hedgerow to the northern boundary of the site and provide further landscaping thus improving views from the park towards the car park and road junction behind.

It is therefore considered that whilst there may be marginal less than substantial harm to the Registered Park and Garden from the loss of a small area of park,

this is mitigated and overcome through improvements to the visual amenity and setting of the park including a high quality landscaping scheme. It is considered that any harm identified is outweighed by the significant public benefits derived from the scheme, including increased visitor access to the park, improvements to public safety and usability of the park along with the visual benefits of the proposal.

The development is therefore considered to be in accordance with Local Plan policies HE1 and HE2, and the NPPF.

Impact on Neighbouring Residential Amenity

Warwick District Local Plan policy BE3 requires all development to have an acceptable impact on the amenity of nearby users or residents and to provide acceptable standards of amenity for future users or occupiers of the development. There is a responsibility for development not to cause undue disturbance or intrusion for nearby users in the form of loss of privacy, loss of daylight, or create visual intrusion.

Whilst the proposed development would result in the reduction of the size of the garden serving Victoria Lodge and there would however still be ample outdoor private amenity space associated with that building, it is not proposed that the property be brought back into use for residential purposes.

There are no other nearby residential properties which would be impacted as a result of the proposed development.

The proposal is therefore considered to be in accordance with Local Plan policy BE3.

Parking and Highway Safety

WCC Highways have assessed the application and have no objection to the proposal. WCC Highways also have no concerns regarding the parking spaces or layout. The proposal is therefore not considered to cause harm to highway safety.

It is therefore considered that the proposal would provide adequate access arrangements and parking, and is in accordance with Local Plan policies TR1, TR2 and TR3.

Ecological Impact and Trees

Objections have expressed concern regarding the impact of the proposal on protected species such as nesting birds and bats.

WCC Ecology have assessed the application and requested a number of conditions which are included. WCC Ecology welcome the use of bollards within the park, and have requested amended lighting details which have been provided.

The proposal would result in the loss of an area of hedgerow, however further hedge planting and landscaping is proposed.

The Council's Tree Consultant has confirmed that subject to the development being carried out in accordance with the details provided, he has no objection to the proposed development. A condition is attached to ensure this.

The development is considered to be in accordance with Local Plan policy NE2 and the NPPF.

Drainage

There have been objections from the Town Council that insufficient information is provided regarding flood risk.

The application site is located within Flood Zone 2, and the development includes the installation of a large area of hardstanding. Drainage channels are proposed in order to deal with any additional surface water run-off as a result of the increase in hardstanding.

The Local Lead Flood Authority have been consulted on the proposal and initially objected to the development on the basis of a lack of information. This has been submitted by the applicant and WCC LLFA now have no objection to the proposal, subject to conditions which are included and the development is therefore considered to be in accordance with Local Plan policy FW1 and FW2.

Health and Wellbeing

Objectors have stated that the proposal does not support the health and wellbeing of local residents. However, the proposed extension of the car park is likely to increase the opportunities for people to be able to visit the park, along with providing cycle racks which promote greener, healthier transport options. Therefore, it is considered that the proposal would have health and wellbeing benefits.

Other Matters

Queries have been raised regarding discrepancies between the drawings. However, these have been checked and all correspond with each other.

Concern has been raised regarding the loss of garden from Victoria Lodge, which is considered to harm the setting of the building and reduce the value of the building. As detailed above, the proposal is not considered to cause harm to Victoria Lodge. Any change in value of Victoria Lodge is not a material planning consideration and cannot be assessed as part of this application.

Queries have been raised regarding procedural concerns, the wording of the submitted documents and requests have been made to amend the documents. However, officers have reviewed the documents in question and are satisfied that no further information or clarification is required.

Conclusion

The proposed car park improvements are considered to be acceptable in principle and would not have a harmful impact on the street scene, Conservation Area, or Registered Park and Garden to any extent that would warrant the refusal of the application, The proposal would provide increased security to an existing car park and provide additional parking for a range of potential users.

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 drawings 006-PE-00-BG-DR-C-0502 Rev P01 (drainage details ONLY) submitted on 25th September 2018, and drawings 006-PE-00-BG-DR-C-0102 Rev P04 and 006-PE-00-BG-DR-C-0109 Rev P02, submitted on 26th November 2018 and specification contained therein. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
- 3 The development hereby permitted shall not commence unless and until a hard and soft landscaping scheme has been submitted to and approved in writing by the local planning authority. Details of hard landscaping works shall include boundary treatment, including full details of the proposed boundary walls, railings and gates to be erected, specifying the colour of the railings and gates; footpaths; and hard surfacing, which shall be made of porous materials or provision shall be made for direct run-off of water from the hard surface to a permeable or porous area. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of the development hereby permitted; and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of the same size and species as that originally planted. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 - Transplanting Root-balled Trees and BS4428 - Code of Practice for General Landscape Operations. **REASON:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1, BE3 and NE4 of the Warwick District Local Plan 2011-2029.

- 4 The development hereby permitted shall not commence until a detailed Landscape and Ecological Management Plan has been submitted to and approved in writing by the District Planning Authority. The plan should include details of planting and maintenance of all new planting. Details of species used and sourcing of plants should be included. The plan should also include details of habitat enhancement/creation measures and management, such as native hedgerow and provision of habitat for protected and notable species (including location, number and type of bat and bird boxes, location of log piles). Such approved measures shall thereafter be implemented in full. **REASON:** To ensure a net biodiversity gain in accordance with NPPF and in the interests of the protection of endangered species in accordance with Policy NE2 of the Warwick District Local Plan 2011 - 2029.
- 5 The development hereby permitted shall not commence until details of all external light fittings and external light columns 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:** To ensure the protection of endangered species in accordance with the NPPF and policy NE2 of the Warwick District Local Plan 2011 - 2029.
- 6 No development and subsequent use of the development shall take place until plans and details showing the allowance for exceedance flow and overland flow routing has been submitted to and approved in writing by the Local Planning Authority in consultation with the LLFA. Any overland flow routing should look to reduce the impact of an exceedance event and surface water flooding. The approved details shall be implemented and maintained thereafter at all times. **REASON:** To prevent the increased risk of surface water flooding and overland flow routes in accordance with policy FW2 of the Warwick District Local Plan 2011 - 2029.
- 7 No occupation and subsequent use of the development shall take place until a detailed maintenance plan is submitted to the LPA providing details on how surface water systems shall be maintained and managed for the life time of the development. The name of the party responsible for maintaining and managing the surface water systems, including their contact details shall be provided to the LPA within the maintenance plan. The approved plan shall be implemented and maintained thereafter at all times. **REASON:** To ensure the future maintenance of the sustainable drainage structures in accordance with policy FW2 of the Warwick District Local Plan 2011 - 2029.
- 8 The development hereby permitted, including site clearance work, shall not commence until a Construction and Environmental Management Plan has been submitted to and approved in writing by the District Planning Authority. In discharging this condition the LPA expect to see details concerning pollution control measures during construction works. The agreed Construction and Environmental Management Plan shall

thereafter be implemented in full. **REASON:** To ensure protection of important habitats during development in accordance with Policy NE2 of Warwick District Local Plan 2011 - 2029.

- 9 No development or other operations (including demolition, site clearance or other preparatory works) shall commence unless the tree protection measures identified (in relation to the development at Victoria Park only) in the approved document, Victoria Park and Archery Road Car Parks Arboricultural Impact Assessment and Method Statement, submitted on 25th September 2018, have been put into place in full accordance with the approved details and thereafter shall remain in place for the full duration of any such construction work. In addition no excavations, site works, trenches or channels shall be cut or pipes or services laid, no fires shall be lit within 10 metres of the nearest point of the canopy of any protected tree(s); no equipment, machinery or structure shall be attached to or supported by a protected tree(s); no mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area or any other works carried out in such a way as to cause damage or injury to the tree(s) by interference with their root structure and that no soil or waste shall be deposited on the land in such a position as to be likely to cause damage or injury to the tree(s). **REASON:** In order to protect and preserve existing trees within the site which are of amenity value in accordance with Policies BE1 and NE1 of the Warwick District Local Plan 2011-2029.
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