

Planning Committee: 29 January 2019

Item Number: **13**

Application No: [W 18 / 2388](#)

Town/Parish Council: Leamington Spa
Case Officer: Dan Charles

Registration Date: 14/12/18

Expiry Date: 08/02/19

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Riverside House, Milverton Hill, Leamington Spa, CV32 5HZ

Temporary change of use for a period of 2 years for the use of up to 80no. parking spaces in the existing car park from parking ancillary to the office use to general public car parking not ancillary to the office use. FOR Mr Paul Garrison

This application is being presented to Planning Committee because Warwick District Council is the applicant and the proposal relates to Warwick District Council land.

RECOMMENDATION

Planning Committee is recommended to grant planning permission, subject to the conditions listed at the end of this report.

DETAILS OF THE DEVELOPMENT

This application seeks the change of use of 80 spaces within the existing Riverside House car park from ancillary staff parking to public car parking Monday to Friday for a period of two years to coincide with the closure of the Covent Garden car park as part of the Council's displacement strategy to mitigate for the loss of the town centre parking availability.

No physical alterations are required to facilitate this development.

The proposal as originally submitted requested a temporary period of 18 months, however, in consideration of an earlier application for the use of the site for parking at weekends (ref: W/18/1817) which was granted by Planning Committee for two years, a period of two years is requested.

THE SITE AND ITS LOCATION

The application relates to the site of the existing Warwick District Council offices. The site is situated within a predominantly residential area to the west of Leamington Town Centre. The site is bounded by Milverton Hill to the north, with the rear elevations of dwellings in Church Hill and the front elevation of a house in Portland Place West facing the site from the opposite side of that street. To the east the site is bounded by a terrace of Grade II listed buildings in Portland Place West (in residential use) and the Adelaide Road car park and adjacent club premises. The Riverside Walk and associated woodland alongside the River Leam adjoins the site to the south. A further public footpath runs along the western

boundary of the site, and on the opposite side of this are the flats in Milverton Court and a house in Wilhelmina Close.

The car park is ancillary to the existing office building which is situated in the north-western quadrant of the site, fronting onto Milverton Hill. This ranges between 2 and 4 storeys in height. There are two vehicular accesses into the site from Milverton Hill and a further access from the Adelaide Road car park.

The southern part of the site is situated within Flood Zones 2 and 3, which cover between a third and half of the site. A culverted watercourse runs under the existing car park, from Milverton Hill down to the River Leam. There are a large number of protected trees on the site.

The south-eastern corner of the site is situated within the Leamington Spa Conservation Area. This takes in a triangular section of the site that measures approximately 20m x 30m x 35m. The conservation area boundary then runs along the northern, eastern and southern boundaries of the site, such that much of the rest of the site immediately abuts the conservation area.

Victoria Park is situated to the south of the site, on the opposite side of the River Leam. This forms part of a Grade II Registered Park and Garden (Spa Gardens). The boundary of the Registered Park and Garden runs along the northern bank of the river, which is approximately 25m to the south of the site.

PLANNING HISTORY

W/18/1817 - Full planning application for the temporary change of use of the existing surface car park at weekends, from a private car park to a public car park – Committee resolution on 11 December 2018 to grant planning permission, subject to a Section 106 Agreement for pedestrian safety improvements.

W/18/1701 - Outline planning application including access and landscape, with all other matters reserved, for the demolition of Riverside House and the redevelopment of the site to provide new buildings ranging from 2.5 to 6 storeys for up to 170 residential dwellings (use class C3) – Granted 17.04.2018.

There have also been a number of previous planning applications relating to the application site, mostly for minor developments associated with the offices. However, none of these are relevant to the consideration of the current proposal.

RELEVANT POLICIES

- National Planning Policy Framework
- DS1 - Supporting Prosperity (Warwick District Local Plan 2011-2029)
- DS3 - Supporting Sustainable Communities (Warwick District Local Plan 2011-2029)
- DS4 - Spatial Strategy (Warwick District Local Plan 2011-2029)
- DS5 - Presumption in Favour of Sustainable Development (Warwick District Local Plan 2011-2029)
- PC0 - Prosperous Communities (Warwick District Local Plan 2011-2029)

- SC0 - Sustainable Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (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)
- HS1 - Healthy, Safe and Inclusive Communities (Warwick District Local Plan 2011-2029)
- HS6 - Creating Healthy Communities (Warwick District Local Plan 2011-2029)
- HS7 - Crime Prevention (Warwick District Local Plan 2011-2029)
- FW1 - Development in Areas at Risk of Flooding (Warwick District Local Plan 2011-2029)
- FW2 - Sustainable Urban Drainage (Warwick District Local Plan 2011-2029)
- FW3 - Water Conservation (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)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029)
- NE3 - Biodiversity (Warwick District Local Plan 2011-2029)
- NE4 - Landscape (Warwick District Local Plan 2011-2029)
- NE5 - Protection of Natural Resources (Warwick District Local Plan 2011-2029)
- Parking Standards (Supplementary Planning Document)

SUMMARY OF REPRESENTATIONS

Royal Leamington Spa Town Council: No objection.

WDC Health & Community Protection (Safer Communities Section): No objection.

WCC Ecology: No objection.

WCC Highways: No objection.

ASSESSMENT

Design and impact on visual amenity and the character of surrounding area

Section 12 of 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.

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.

The proposal forms part of the Council's wider car parking displacement strategy to mitigate for the loss of parking spaces during redevelopment works of the existing Covent Garden multi-storey car park in the town centre. The current use of the application site is for staff and visitor car parking ancillary to the existing operation of Riverside House as offices by Warwick District Council.

Currently, the car park is only available to staff and visitors to Riverside House during the week. A resolution to grant planning permission for the use of the car park for public parking at weekends for a temporary period of 24 months was agreed at the 11 December Planning Committee, subject to the signing of a Section 106 Agreement to secure localised highway improvements.

Works have been carried out within the grounds of Riverside House under permitted development rights to increase the level of parking available on-site from 246 to 269 spaces.

This proposal does not require any alteration to the existing layout in terms of hard and soft landscaping and the existing parking spaces will be utilised across the site.

In design terms, the car park would operate in a similar manner to the existing use of the car park during the week and the function and appearance would be of vehicles parking and associated entry and exit of the site utilising the existing access and egress points.

The visual amenity would remain as per the existing situation during the week where the site is used for car parking. The use of 80 of the existing bays would not result in an intensification of the use as the level of parking would remain as existing.

Visually, the site is predominantly screened from the public highway by the substantial brick boundary wall that runs along Milverton Hill with the existing vehicular and pedestrian access points affording views into the site. Throughout the site, landscaped areas break up the parking bays and these will be retained which provide further visual screening.

Officers consider that the visual amenity and character of the area would not be substantially harmed by using the land for car parking at weekends for a period of 24 months.

Overall, Officers are satisfied that the proposal would not raise any significant concerns in terms of the design of the proposal.

Impact on the character and setting of Heritage Assets including the adjacent Royal Leamington Spa Conservation Area and nearby Listed Buildings

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a duty to have special regard to the desirability of preserving a listed building or its setting when considering whether to grant a planning permission which affects a listed building or its setting.

Paragraph 132 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.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

Warwick District Local Plan Policy HE1 (protection of statutory heritage assets) 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.

A rear corner of the site is situated within the Royal Leamington Spa Conservation Area. Perhaps more importantly, much of the remainder of the site adjoins the boundary of the Conservation Area and therefore any development on the site has the potential to impact on the setting of the Conservation Area. There are other significant heritage assets close to the site, including the Grade II listed terrace to the east and the Grade II Registered Park and Garden (Spa Gardens) to the south.

The car park is currently used Monday to Friday for purposes ancillary to the office use of the building and permission has also been granted for use by the public at weekends.

This proposal is to utilise 80 spaces for public use during the week only and would not result in any material difference in terms of the impact on Heritage Assets as no physical works are proposed and this proposal would not intensify the existing use.

Impact on adjacent properties

Policy BE3 of the Warwick District Local Plan states that new development will not be permitted that has an unacceptable adverse impact on the amenity of nearby uses and residents.

The proposal would not affect the current use of the car park during the working week and is not considered to raise any concern in terms of noise disturbance, land contamination or air pollution as a result of the development.

Highway Safety

Policy TR1 of the Warwick District Local Plan requires all development to provide safe, suitable and attractive access routes for all users that are not detrimental to highway safety. Policy TR3 requires all development proposals to make adequate provision for parking for all users of a site in accordance with the relevant parking standards.

There are no changes proposed to the access points as part of this scheme and the separate in/out arrangement will be maintained for the operation of the car park as per the existing use of the car park for staff parking purposes.

The existing car park contains a total of 269 car parking spaces. Based upon the gross floor space of the building, the existing use as offices requires the provision of 231 car parking spaces. The utilisation of 80 spaces for public use would therefore reduce the level of parking for the office use to 189 spaces, which would result in a shortfall of 42 spaces.

In considering this shortfall, it is noted that the staff parking permits allow for staff parking within the Adelaide Road public car park which is directly adjacent to the office site and which has a capacity of 44 spaces. In addition, Council staff also have the ability to work flexibly with the utilisation of remote working away from the main office. Taking into account the availability of alternative parking as well as flexible working procedures, Officers are satisfied that the proposal would not result in a shortfall of available parking at the site that would result in harm to highway safety.

As part of the consideration for the use of the car park at weekends for public use, the County Highway Authority sought a financial contribution to be secured through a Section 106 Agreement to upgrade the crossing point connecting Portland Place East and Portland Place West to take account of the likely increase in pedestrian movements along this route, as a result of the development proposals together with the provision of pedestrian directional signage to be provided along an agreed route from the application site, to the town centre via the existing Regent Street / Dale Street signalised junction. As such, no further contributions are necessary as part of the current application.

The proposal is considered to comply with Policies TR1 and TR3.

Impact on Ecology/Protected Species

Policy NE3 of the Warwick District Local Plan states that development proposals will be expected to protect, enhance and/or restore habitat biodiversity and where this is not possible, mitigation or compensatory measures should be identified accordingly.

The development utilises the same layout and no alterations to any trees or landscaped areas is necessary to bring the use into operation. The proposed development relates solely to the use of the existing car park area and does not result in any change to the existing situation with regards to any features that may affect protected species.

Trees/ Hedgerows

The development utilises the same layout and no alterations to any trees or landscaped areas is necessary to bring the use into operation and does not result in any change to the existing situation with regards to existing trees or hedgerows.

Conclusion

The proposal will facilitate the provision of an additional 80 car parking spaces for public use within the existing car park during the working week without resulting in any material harm to the visual amenity and the character of surrounding area, the impact on the character and setting of heritage assets including the adjacent Royal Leamington Spa Conservation Area and nearby listed buildings, the impact on adjacent properties, the impact on highway safety and the impact on ecology/trees and hedgerows.

CONDITIONS

- 1 The temporary change of use of the existing surface car park for public parking for up to 80 spaces shall operate only for a period of 24 Months from 1st March 2019. Thereafter, the use of the car park for public parking shall cease and the land shall revert to ancillary parking to the existing office use only. **REASON:** To define the terms of the planning permission and to ensure that the parking provision does not prejudice the implementation of the approved planning permission granted under W/17/1701.
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