

Planning Committee: 11 January 2006

Item Number: 07

Application No: W 05 / 1779

Registration Date: 26/10/05

Town/Parish Council: Leamington Spa

Expiry Date: 21/12/05

Case Officer: John Beaumont
01926 456533 planning_east@warwickdc.gov.uk

64 Upper Holly Walk, Leamington Spa, CV32 4JL

Proposed new rear extension and front conservatory (conservatory would be amended design to that previously approved, W9800069) FOR Leamington Hotel Ltd

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

SUMMARY OF REPRESENTATIONS

Town Council: No objections.

Neighbours: 10 letters from neighbours have been received to state they object to this proposal on grounds of adverse effect on Conservation Area; use of the extension to enable larger functions to take place would be likely to result in unacceptable noise/general disturbance to local residents in the primarily residential area; lack of on-site car parking with likely increased use of site likely to result in unacceptable increased levels of parking by visitors in neighbouring residential streets; a previously proposed extension refused by Planning Committee (W981009) and in allowing the appeal the Inspector restricted the use of the proposed room to a dining room only, differentiating between a dining room and a function room which he considered would have a wider affect.

Head of Environmental Health: "I have no comment regarding the conservatory on the Willes Road Elevation.

There is potential for noise nuisance from the conservatory extension to the existing syndicate room if used from entertainment as part of functions.

Although the proposed conservatory has no opening windows, has double glazing throughout and has air conditioning, there are doors which open towards the rear garden of the adjoining domestic premises.

There are existing doors opening onto the same garden from the existing adjoining conference room.

Given the close proximity of the neighbouring premises, I would recommend refusal of the existing application.

The proposal could be acceptable if:-

- The applicant replaced the doors in the proposed conservatory with fixed, double glazed windows.
- No music is permitted in the new conservatory or
- An acoustics expert confirm the attenuation of noise by the proposed structure to avoid nuisance to the adjoining premises including enjoyment of the garden (or

submit a sound insulation scheme if suitable attenuation will not be achieved by the proposed structure).

- Any external air conditioning plant does not increase the background noise level, measured one metre from the nearest noise sensitive facade."

NB: The applicants agent has confirmed:-

"We are willing to omit the double doors to the proposed new extension and to provide an acoustic scheme detailing noise attenuation proposals to prevent any sound disturbance to neighbouring properties.

I can also confirm that any additional air conditioning plant will be positioned and sound insulated as necessary to not increase the background noise levels as measured one metre from noise sensitive facades."

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) TO5 - Extension of Existing Hotels and Guest Houses (Warwick District Local Plan 1995)
- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 Revised Deposit Version)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011 Revised Deposit Version).
- DP8 - Parking (Warwick District Local Plan 1996 - 2011 Revised Deposit Version)
- DP9 - Pollution Control (Warwick District 1996 - 2011 Revised Deposit Version)
- UAP8 - Directing New Visitor Accommodation (Warwick District 1996 - 2011 Revised Deposit Version)
- DAP10 - Protection of Conservation Areas (Warwick District 1996 - 2011 Revised Deposit Version)
- DAP11 - Unlisted Buildings in Conservation Areas (Warwick District 1996 - 2011 Revised Deposit Version)

PLANNING HISTORY

Planning permission for the change of use of this building from offices and residential use was granted in 1985 (ref W850528). Subsequently permission for the demolition of outbuildings, the erection of a residents lounge with additional bedrooms, managers flat and parking area was granted in 1985 (ref W850889).

A further permission for extensions to provide a larger kitchen, conservatory (bistro), disabled persons room, stores, office and a "syndicate" room to an existing conference room with bedrooms at the upper floors was granted in 1998. This permission did not restrict the use of the "syndicate" room or the existing conference room albeit Condition 11 did limit the use of reception area, lounge and bar to those uses when the new conservatory bistro was opened; the reason for this condition was to limit the need for car parking.

A later application, W981009, for a private dining room some 10.5 m by 4.5 m was refused planning permission by the Planning Committee in October 1998 for the following reasons:-

1. In the opinion of the District Planning Authority, the proposal would constitute an unacceptable overdevelopment of the site by reason of the loss of a significant part
2. In the opinion of the District Planning Authority, the proposed dining room extension woul

Subsequently an appeal against the refusal was allowed. The Inspector concluded the scheme would not constitute an overdevelopment of the site and would harmonise with its surroundings. He considered it could not harm the Conservation Area and that the loss of the small area of garden will not materially intensify the use of the site and there would be no significant impact on the living conditions of immediate neighbours and will comply with Policy T05 in the Local Plan. He considered the proposal could support tourism and hence would be in line with PPG21, Tourism.

Finally with regard to car parking he recognised there was a considerable amount of on-street parking available in nearby streets in the evenings and he did not consider the proposal would have a material impact on parking facilities in the area. He did comment, however, that "There was discussion on the difference between the function room, included in a previously refused application, and the proposed dining room. These uses have different car parking requirements arising from the likely inclusion of bar facilities in a function room. In my opinion, it is necessary to avoid undue pressure on parking facilities, to control the use of the room and to ensure that its nature, and hence the implication for car parking, is not altered by any internal demolition which may encourage its use for different purposes." He therefore imposed a Planning Condition 3 which stated "the extension hereby permitted shall only be used as a private dining room and no bar facilities shall be provided within it. Apart from the doorway shown on the approved plan, no access shall be formed from within the extension into the remainder of the hotel building."

(NB This Planning Permission was not implemented and has now expired).

KEY ISSUES

The Site and its Location

The application site is located in the Conservation Area; the building is not "listed". It is a detached, rendered early Victorian dwelling converted into a hotel in the late 1980's. A rear extension to the hotel was built in the late 1990's; a conservatory, which formed part of that approved scheme, fronting onto Willes Road, has not been constructed. The site does have a car park, accessed off Upper Holly Walk, for some 22 vehicles.

Details of the Development

The application proposes two elements:-

- A painted timber conservatory with a brick plinth and aluminium framed roof on the Willes Road frontage; this would have the same footprint (some 5.8 by 6.5 m) as that previously approved by Planning Permission W980069 but would be of a simpler design, not incorporating a roof "lantern" as previously proposed. The

plans show the conservatory would contain a bar and lounge whilst the existing lounge and bar would form a restaurant area.

- An extension on the rear of the building to the previously approved "syndicate" room, shown on the application plan as a "function" room. This would have a solid roof, with a brick plinth and window above; the submitted plans show side facing opening doors albeit the applicant has now confirmed the doors will be deleted from the scheme. The extension would be some 1.5 m by 10.7 m (maximum dimensions, measured externally) creating some 15sq metres of internal floorspace; the proposed enlarged function room would be accessed off the existing conference room through an existing doorway and a new 1m wide opening from that conference room direct into the proposed extension.

The applicants agent has stated that the applicants have purchased the premises and is keen to upgrade and refurbish the premises. It is considered that there is a considerable local demand for wedding receptions and functions but the current "function" room (formerly known as the "syndicate" room) is impractical, being only 3m wide; the proposed extension "transforms the ability of the hotel to cater for guests. To minimise the impact on neighbours, the function room will be air conditioned with fixed windows and a solid roof to prevent disturbance.

Assessment

Planning Permission has previously been granted for the erection of a conservatory in the position of the conservatory now proposed and albeit of a different design, I consider that the design now proposed is equally acceptable and would not harm either the amenity of neighbours, the character or appearance of this building or that of the Conservation Area generally. Indeed, the building as it presently stands does have an "unfinished" appearance and the construction of this conservatory would in my opinion complete the design of the built extensions as originally envisaged.

Similarly in design terms, I am of the opinion that the rear extension would be equally acceptable; I am mindful that it would occupy part of the space of the proposed dining room, granted on appeal by an Inspector in 1999 who was satisfied that development on the site was acceptable.

With regard to the issue of potential noise disturbance, I note that the Head of Environmental Health has not raised objection subject to an amended design (omitting doors) and to planning conditions on sound proofing and air conditioning equipment; the applicant has agreed to these requests.

I consider, therefore, that the key issue to be considered in the determination of the application is that of likely traffic generation and its impact on car parking in local streets. It must be noted that the use of the existing "conference" and "syndicate" rooms are not restricted and can be used as function rooms without planning permission. Whilst the proposed rear extension will clearly enable these rooms to be used more effectively for that purpose (as identified by the applicant in his supporting statement) nevertheless given the limited floor area of the extension (some 15 sq m of internal floorspace) I am not convinced that this size of extension will be such as to result in additional car parking to a level which would cause demonstrable harm to congestion and road safety in the surrounding streets.

The District Council does not have minimum car parking standards and Government Guidance in PPG13, Transport, has reduced the emphasis on making provision for the private car. I note that it is now proposed to use the conservatory as a

bar/lounge and the existing bar and lounge as a restaurant (the reverse of that previously granted planning permission by W987009) but again I do not consider that in this edge of town centre location these uses within an existing hotel would be unreasonable.

Whilst noting the level of local opposition to these proposals, I therefore conclude that subject to appropriate planning conditions, planning permission should be granted.

RECOMMENDATION

GRANT, as amended, 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 Notwithstanding the details shown on the approved plans, amended plans replacing the external doors on the rear elevation of the new extension with a rendered plinth and windows above shall be submitted to and approved in writing by the District Planning Authority before the erection of the rear extension is first commenced. The development shall be carried out strictly in accordance with the approval details. **REASON:** To protect neighbour amenity and to secure a satisfactory form of development in accordance with Policy ENV3 of the Warwick District Local Plan 1995.
- 3 Subject to Condition 2 above, the development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing Nos. 5073/1 and /2, and specification contained therein, submitted on 26th October 2005, 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 Local Plan Policy ENV3.
- 4 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 ENV3 of the Warwick District Local Plan.
- 5 No development shall be carried out on the site which is the subject of this permission, until satisfactory details of a noise insulation scheme to minimise transmission of airborne noise have been submitted to and approved by the District Planning Authority and the development shall not be carried out otherwise than in full accordance with such approved details. **REASON** : In the interests of the amenities of future occupiers of the building.
- 6 Details of the air conditioning, ventilation and flue extraction systems including particulars of noise levels shall be submitted to and approved by the Local

Planning Authority before any works commence on site. These shall be designed, installed and subsequently maintained such that at no time does the operation of any such plant increase the background noise level as measured one metre from the nearest noise sensitive facade. The development shall not be carried out otherwise than in full accordance with such approved details. **REASON** : To protect the amenities of surrounding properties, in accordance with Policy ENV3 of the Warwick District Local Plan.

- 7 All rainwater goods for the development hereby permitted shall be metal and no development on site shall take place until a sample of the rainwater goods has been submitted to and approved by the District Planning Authority. **REASON** : To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy ENV8 of the Warwick District Local Plan.
- 8 No development shall be carried out on the site which is the subject of this permission, until large scale details of the conservatory and extension hereby permitted, including all details of roof construction, windows (including a section showing the window reveal, heads and cill details), eaves, verges and rainwater goods at a scale of 1:5 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 an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy ENV8 of the Warwick District Local Plan.

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 in terms of neighbours amenity, traffic generation or the character and appearance of the Conservation Area which would justify a refusal of permission. The proposal is therefore considered to comply with the policies listed.
