

**Planning Committee:** 03 May 2005

**Principal Item Number:** 09

**Application No:** W 05 / 0329

**Registration Date:** 28/02/2005

**Town/Parish Council:** Leamington Spa

**Expiry Date:** 25/04/2005

**Case Officer:** Joanne Fitzsimons

01926 456534 [planning\\_east@warwickdc.gov.uk](mailto:planning_east@warwickdc.gov.uk)

**Abbacourt Hotel, 40 Kenilworth Road, Leamington Spa, CV32 6JF**  
Part demolition of existing hotel. Extension and conversion to form 14 no.  
apartments. FOR Court (Warwickshire) Limited

-----

## **SUMMARY OF REPRESENTATIONS**

### Town Council:

Comment that they have concerns regarding the access arrangements and in the interests of Highway safety suggest that access is via Woodcote Road.

### English Heritage:

Do not wish to make any representations on this occasion.

### The Leamington Society:

While we regret the loss of the hotel we recognise that this is a good design with adequate car parking, garden and trees.

### Conservation Area Advisory Forum (CAAF):

This was welcomed as a better approach than the original complete demolition. The doors should be the same rather than a variety of styles and the lift towers would be better addressed in a different way. The Road should be adopted. Landscaping would be needed and care would be needed when tarmacing around the existing trees.

### WDC Environmental Health:

No comments.

### WDC Leisure & Amenities:

The location of the access is certainly an improvement on the previous scheme from a tree point of view. Protection must be provided around the redwood in the front, at a distance of not less than 5 metres from the stem. Details should be provided of the means of breaking out the existing hard surface and the construction of the proposed parking spaces in proximity to this tree.

### W.C.C Highways:

No objection subject to no more than 1 access for vehicles, which should be maintained from Woodcote Road, access width, access not be constructed so as to reduce effective capacity of any drain, highway verge, closure of existing accesses, turning area and spaces being marked out.

### W.C.C Ecology:

Recommend a bat survey is carried out.

### Neighbours:

8 residents from Ambassador Court object to the proposal on the following grounds:

Proximity to Ambassador Court – the line of the development has increased significantly and is now nearer to Ambassador Court, almost to the boundary line and will as a result seriously interfere with both light and privacy; car parking – the number of spaces are inadequate and will result in an overspill onto Woodcote Road and possibly Kenilworth Road - the new development will cause traffic congestion; concern regarding light restriction to the apartments as there are mature tree and hedge line along the southern boundary of Ambassador Court.

1 local resident has submitted 3 letters of objection on grounds that the access from Woodcote Road would be out of keeping with the rhythm of the properties along Kenilworth Road which have accesses onto Kenilworth Road; increased use of Woodcote Road which is in a frail condition and should be resurfaced in its entirety; proposed density is very high; not on good transport link.

1 neighbour letter raises objection on grounds of potential flooding and implications for surface water drainage as to part resurface Woodcote Road would result in a build up of water at the eastern end, increasing flood to Bell Tower Cottage, Bell Tower Mews and Killock Cottage.

2 neighbour letters raise no objection; however considers the whole of Woodcote Road should be upgraded and the bin storage would be better relocated as there is often a bad odour emanating in the summer.

### **RELEVANT POLICIES**

(DW) ENV3 - Development Principles (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)  
DP5 - Density (Warwick District Local Plan 1996 - 2011 First Deposit Version)  
DP6 - Access (Warwick District Local Plan 1996 - 2011 First Deposit Version)  
SPG - Distance Separations

(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)  
 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)  
 (DW) ENV7 - Demolition of Non-Listed Buildings within Conservation Areas (Warwick District Local Plan 1995)  
 PPS1 - Planning Sustainable Development (Government Guidance)  
 PPG3 - Housing (Government Guidance)  
 PPG15 - Planning and the Historic Environment (Government Guidance)  
 GD1 - Overriding Purpose (Warwickshire County Structure Plan 1996-2011)  
 GD3 - Overall Development Strategy (Warwickshire County Structure Plan 1996-2011)  
 H1 - Provision of Housing Land (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. A previous application, reference W04/0814 has been lodged with the Planning Inspectorate against the Council's failure to determine the application. A report in December 2004 was presented to Members of the Planning Committee to seek views on the proposal. The result of that meeting determined to base the Council's appeal statement on the following deemed refusal reasons:

*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 is not considered that the applicant has successfully provided any special circumstances to override the advice contained in PPG15 or local plan policies.*

*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.*

## **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 20<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**

The proposal seeks to convert part of the hotel and re-build part to provide 14 apartments. Following negotiations with the applicant, the corner element of the building is to be retained as this is considered to be the significant portion of the building, which as a villa, adds to the rhythm of properties to this part of Kenilworth Road. The scheme proposes to close the vehicular access onto Kenilworth Road and replace this with a pedestrian access, resulting in the vehicular access for cars both entering and leaving the site from Woodcote Road. The overall size of the completed development will be larger than the footprint of the existing hotel, introducing a two and a half storey building nearer to the boundary of Ambassador Court, to the north.

The height of the new building measures 10.2 metres, whilst the original, retained element measures 10.7 metres, which allows a 0.5 metre break between the ridgelines. Currently, the building nearest to Ambassador Court is set back 7 metres from the boundary fence and it is proposed to reduce this gap to 2 metres.

The proposal would provide 21 car parking spaces which equates to 1.5 spaces per unit and separate cycle stands together with refuse disposal.

## Assessment

It is considered that the application raises the following issues:

### Demolition of part of the hotel and the principle of the residential development 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. This application has sought to address the objections to the previous scheme through the retention of the main part of the hotel, and through the introduction of a new wing which reflects the character and quality of design within this part of Kenilworth Road and therefore, in my opinion makes a positive contribution to the character and appearance of the Conservation Area,

The principle of residential development in this location is acceptable in my opinion as the area is generally characterised by residential properties; the scheme also meets criteria set out in PPG3 Housing as it falls within the definition of previously developed land.

### Design and density of the development

The density of the proposal equates to 64 units per hectare. PPG 3 Housing advises that land is a finite resource and urban land can often be underused; it advises in paragraph 58 that local authorities should therefore encourage housing development which makes more efficient use of land between 30 and 50 dwellings per hectare; no upper limit is placed on an acceptable level of density. The question of appropriate site density, however, has to take into account the aims of good design and layout. Paragraph 58 of PPG3 states that local authorities should seek greater intensity of development at places with good public transport accessibility such as city, town, district and local centres or around major nodes along good quality public transport corridors. I am satisfied that in this particular instance, the number of units proposed is acceptable.

The design of the development utilises the roofspace to provide accommodation at a second floor level. It is proposed to incorporate a basement which would be lit through the use of lightwells and would serve flats 1 - 4. Whilst I accept the building as proposed would be nearer to the flats within Ambassador Court, the distance separation between them would measure 19 metres, and given that there are no windows on this elevation of the proposed building, I am satisfied that there would be no unacceptable overlooking or loss of privacy into these flats or indeed future residents' of the apartments.

The proposal has been amended to address concerns received from the Council's Conservation Architect with regard to the design of doors within the new building, and to incorporate a different roof design to the lift towers. In this respect, I am satisfied that these concerns have been satisfactorily addressed.

### Car Parking and Highway Safety

Residents have expressed concern regarding a possible increase in pressure for parking on Woodcote Road and possibly Kenilworth Road from future residents' of the development. The proposal seeks to provide 1.5 spaces per unit, Paragraph 62 of PPG3 Housing advises that:

*“street parking spaces per dwelling are unlikely to reflect the Government’s emphasis on securing sustainable residential environments. Policies which result in higher levels of off-street parking, especially in urban areas, should not be adopted.”*

In this respect, the site is located on Kenilworth Road which in the Local Plan is identified as a transport corridor. In my opinion, I consider the parking provision, together with cycle stands, to respect and meet the Government’s targets and advice.

The Highways Authority have requested that the existing access onto Kenilworth Road is closed as the Road Research Laboratory which is part of the Highways Agency have shown that where there are more accesses there are more accidents. As such this proposal has sought to recognise this and improve highway safety through the introduction of one access to serve vehicles entering and leaving the site. The location of the access solely onto Woodcote Road, which is a condition by the Highway Authority, has been included in this submission and therefore utilises the junction of Woodcote Road and Kenilworth Road, in line with their advice. As such, I am satisfied that previous highway concerns have been resolved.

Whilst I note the objections to the resurfacing of only part of Woodcote Road, this is proposed to meet the requirements of the Highway Authority in order to prevent loose material being deposited onto the main Kenilworth Road. With regards to flooding and a reduced capacity for surface drainage, the resurfacing would still allow water to drain into the drainage channel along the eastern side, as shown on the submitted drawings.

### Impact on trees

Following advice received from the Council's Leisure & Amenities department, I consider it to be necessary to attach a condition to ensure that the large Redwood situated to the front of the site is protected during the construction works. Clearly I am aware that neighbours have raised concerns with regards to the potential loss of trees, however I am satisfied that further landscaping can be achieved on site.

### **REASON FOR RECOMMENDATION**

The proposal is considered to comply with the policies listed above.

## RECOMMENDATION

GRANT subject to the following conditions :

- 1 The development hereby permitted must be begun not later than the expiration of five years from the date of this permission. **REASON** : To comply with Section 91 of the Town and Country Planning Act 1990.
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawings and specification contained therein, 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.
- 3 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.
- 4 No development shall be carried out on the site which is the subject of this permission, until large scale details of doors, 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.
- 5 No more than one access for vehicles shall be made or maintained to the site from the highway Woodcote Road. **REASON**: In the interests of highway safety and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan 1995.
- 6 Access for vehicles to the site shall not be made or maintained from any highway other than Woodcote Road. **REASON**: In the interests of highway safety and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan 1995.
- 7 The development hereby permitted shall not be occupied until an access for vehicles has been proved to the site not less than 5.0 metres or greater than 6.0 metres in width at any point. **REASON**: In the interests of highway safety and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan 1995.

- 8 The access to the site shall not be constructed in such a manner as to reduce effective capacity of any drain within the limits of the public highway. **REASON:** In the interests of highway safety and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan 1995.
- 9 The access to the site for vehicles shall not be used unless the highway verge crossing has been laid out and constructed in accordance with the standard specification of the Highway Authority. **REASON:** In the interests of highway safety and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan 1995.
- 10 The development hereby permitted shall not be occupied until all parts of the existing accesses within the public highway Kenilworth Road and highway Woodcote Road have been closed and the kerbline, footway and verge have been reinstated in accordance with the standard specification of the Highway Authority. **REASON:** In the interests of highway safety and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan 1995.
- 11 The development hereby permitted shall not be occupied until turning areas have been provided and demarcated within the site so as to enable cars to leave and enter in a forward gear. **REASON:** In the interests of highway safety and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan 1995.
- 12 The development hereby permitted shall not be occupied until space has been laid out and demarcated within the site for the parking of cars in accordance with details submitted and approved in writing by the District Planning Authority. **REASON:** In the interests of highway safety and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan 1995.
- 13 A landscaping scheme, incorporating existing trees and shrubs to be retained and new tree and shrub planting for the whole of those parts of the site not to be covered by buildings shall be submitted to and approved by the District Planning Authority before the development hereby permitted is commenced. 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. Existing trees, in particular the Wellingtonia located at the front of the site and those which are shown as being retained shall be dealt with in accordance with BS 5837:1991. In particular, 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 ENV3 of the Warwick District Local Plan.

- 14 Before any works for demolition are first commenced, a survey of the premises by a qualified bat surveyor shall be undertaken to demonstrate the presence, absence or usage of the premises by bats. In the event that the survey demonstrates the presence or usage of the premises by bats, a report recommending mitigation measures to ensure any bats will be protected during the demolition works shall be submitted to and approved in writing by the District Planning Authority before the demolition works are commenced. The approved mitigation measures shall be wholly implemented strictly as approved. **REASON**: To ensure the protection of bats and compliance with Policy ENV27 of the Warwick District Local Plan 1995.
-