

Planning Committee: 11 December 2018

Item Number: **13**

Application No: [W 18 / 1817](#)

Town/Parish Council: Leamington Spa

Case Officer: Dan Charles

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Registration Date: 10/10/18

Expiry Date: 05/12/18

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

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 at Riverside House, Milverton Hill, Leamington Spa, Warwick FOR PSP Warwick LLP

This application is being presented to Committee because the proposal relates to Warwick District Council owned Land.

RECOMMENDATION

Planning Committee are recommended to GRANT planning permission, subject to the conditions listed at the end of this report and a Section 106 Agreement to secure the necessary financial contributions/obligations towards the improvement of pedestrian crossings and provision of directional signage as identified in the report.

Should a satisfactory Section 106 Agreement not have been completed by 31 January 2019, Planning Committee are recommended to delegate authority to the Head of Development Services to REFUSE planning permission on the grounds that the proposal makes inadequate provision in respect of the issues the subject of that agreement.

DETAILS OF THE DEVELOPMENT

This application seeks the change of use of the existing Riverside House car park from ancillary staff parking to a public car park at weekends for a period of 18 months to coincide with the closure of the Covent Garden car park as part of the displacement strategy to mitigate for the loss of the town centre parking availability.

No physical alterations are required to facilitate this development.

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 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/18/1701 - 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)
- Vehicle Parking Standards (Supplementary Planning Document)

SUMMARY OF REPRESENTATIONS

Royal Leamington Spa Town Council: No objection.

WDC Conservation: No comments to make.

WDC Environmental Health: No objection.

WCC Ecology: No objection.

WCC Highways: Request contributions towards improved pedestrian crossings and signage.

Public Response: 1 letter of objection received making the following comments;

- Provision of parking is not fit for purpose.
- Likely to put additional pressure on nearby on-street parking.
- Will increase traffic at weekends.
- Disruption and noise will be felt by local residents.
- Site access and vision splays are insufficient.
- No footpath at access.
- Site is poorly designed and in need of maintenance.
- Does not detail the location, style and positioning of any proposed signage.

- Will increase crime, which is already notable within the local area including vandalism, theft from vehicles and theft of vehicles.
- Increase in noise emissions affecting local residents.
- No assessment of increased risk of air pollution due to increase in traffic.
- Will give rise to increased light pollution.
- Site at risk of flooding and there is no plan to mitigate damage to property or risk to life.
- No consideration on the effects on ecology.

ASSESSMENT

Design

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. 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. Finally, the Residential Design Guide sets out steps which must be followed in order to achieve good design in terms of the impact on the local area; the importance of respecting existing important features; respecting the surrounding buildings and using the right materials.

The proposal forms part of the 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. The current use of the site is for staff and visitor car parking ancillary to the existing operation of Riverside House by Warwick District Council.

Currently, the car park is only available to staff and visitors to Riverside House during the week and is not used at weekends. The proposal would result in the car park being available for public parking at weekends for a temporary period of 18 months only.

The 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. This would provide approximately 246 car parking spaces for weekend use.

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.

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

Impact on visual amenity and the character of surrounding area

Policy BE1 of the Warwick District Local Plan states that new development should positively contribute to the character and quality of its environment. The policy requires the provision of high quality layout and design in all developments that relates well to the character of the area.

The visual amenity would remain as per the existing situation during the week where the site is used for car parking. There would be some change in character on the basis that the current car park is not used at weekends. By opening the car park at the weekend, this would result in vehicle parking where previously the car park has been historically empty, save for Council owned vehicles.

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 18 months.

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 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. The proposal would seek to increase the use of the car park to weekend use as well but for public use rather than a purpose ancillary to the office use (in this case, staff and visitor car parking). In considering this aspect, Officers consider that whilst the development will introduce car parking at weekends where currently the site is unused, there would be no material difference in terms of the impact on Heritage Assets as no physical works are proposed.

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.

Officers note that the use of the site at weekends would introduce vehicle movements that are not currently associated with the site in its current form. This has been assessed by the Environmental Protection Officer who has raised no objection to the scheme 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 developments 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 weekend operation of the car park.

The Highway Authority previously provided advice to Warwick District Council with regards to the development proposals for the residential development of the site. In this response, the principle of the proposals were considered to be acceptable however, further information regarding pedestrian movements was requested, which could require improvements to existing pedestrian crossings within the vicinity of the application site.

As part of the current planning application, the County Highways Officer has considered the content of the letter prepared by Peter Brett Associates (PBA) that indicates that the car park will be available for public use at weekends (07:00-19:00) during the 18-month construction period of the proposed Covent

Garden development. In this letter, PBA indicate that temporary signage is proposed to indicate the optimum pedestrian route to the town centre however, details of the proposed signage have not been provided.

The Highway Authority has raised concerns that the proposed pedestrian route does not take account of the route pedestrians could take along Portland Place West, across Dale Street (A452) onto Portland Place East, to access the south of the town centre which includes shops, restaurants and a cinema. In this direction, uncontrolled pedestrian crossings are currently provided however, the Highway Authority would require the crossings to be upgraded to take account of the likely increase in pedestrian movements along this route, as a result of the development proposals.

The Highway Authority would also require 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.

Subject to a section 106 agreement securing contributions to a scheme of works to upgrade the existing crossing facilities together with appropriate signage, the proposal is considered acceptable in highway safety terms.

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 car park area and weekends and does not result in any change to the existing situation with regards to any features that may affect protected species.

Other Matters

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 246 car parking spaces for public use at weekends without resulting in any significant 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.

Subject to the completion of a Section 106 Agreement and the imposition of conditions regarding to the temporary use and to secure pedestrian improvements, no objection is raised to the proposal and it is therefore recommended by Officers that planning permission is granted.

CONDITIONS

- 1 The temporary change of use of the existing surface car park for public parking shall operate only at weekends and bank holidays 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.
