Planning Committee: 06 November 2018 **Item Number:** 10

Application No: W / 18 / 1763

Registration Date: 19/09/18
Town/Parish Council: Leamington Spa **Expiry Date:** 14/11/18
Case Officer: Helena Obremski
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Surface Car Park, Court Street, Leamington Spa, CV31 2BB
Proposed improvements to existing municipal car park to include additional parking bays, extended asphalt surfacing, change of use of existing disused area to form enlarged car park, lighting, CCTV and an additional pay machine. FOR Warwick District Council

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This application is being presented to Committee because Warwick District Council is the applicant.

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

The proposal seeks planning permission for improvements to the existing municipal car park to include additional parking bays, extended asphalt surfacing, lighting columns, CCTV and an additional pay machines. The application form states that the existing car park contains 65 spaces and the proposed layout would accommodate 107 spaces. A new asphalt surface would be laid, which would increase the parking area.

The car park is proposed as part of the Council's car parking displacement strategy to provide additional parking when Covent Garden car park is closed for replacement. The applicant (Warwick District Council) has provided the following details which explain the context of the proposal:

In January 2019 a decision is to be made regarding the proposal to close and redevelop Covent Garden car park in Leamington Spa as part of a wider mixed use development on the site. If the approval is given for the redevelopment to progress the result will be a temporary loss of 468 car parking spaces from the town centre which will affect short and long-stay 'Pay-as-you-Go' users as well as season ticket holders and a displacement plan has been developed that seeks to address the potential matters arising from the redevelopment.

The displacement plan is being devised with consideration to the recently approved 'Leamington Vision Strategy' which sets out the priorities for developing and enhancing Leamington Town Centre in the short, medium and long-term. A draft version of the displacement plan is currently being reviewed

and commented on by an independent consultant. The current plan considers a number of ways in which the impact of the car park closure could be mitigated.

Developments to create additional parking capacity to help accommodate displaced long-stay 'Pay-As-You-Go' users and season ticket holders from Covent Garden car park are proposed for Archery Road, Princes Drive, Court Street and Station Approach (subject to planning permission). The sites at Archery Road, Princes Drive, Court Street and Station Approach are considered to be within an acceptable walking distance for those working in the town centre and visiting the town for a longer period of time based on IHT Guidelines for Providing Journeys by Foot.

The identified sites would be used for displacement parking whilst the new Covent Garden car park is redeveloped. However, in line with the objectives of the Leamington Vision Strategy, they would also offer long-term legacy benefits to the town as enhancements to the existing parking facilities at Victoria Park and in the Old Town.

An extensive options appraisal of alternative potential parking options was undertaken prior to agreeing on the preferred sites for development. Full details of this are attached to the Executive report considered by Warwick District Council's Executive in February 2018.

In order to encourage commuter use of the peripheral car parks in the short-term it is proposed that Off-street car parks outside of the immediate Town Centre will be promoted as 'Park and Stride' locations. Cheaper parking fees and health and wellbeing messages will be used to incentivise the use of these car parks with long-stay car park users the primary target of the promotions.

THE SITE AND ITS LOCATION

The application site relates to an existing municipal car park area situated within the 'Old Town' area of Leamington Spa town centre, and an area of disused land to the south of the existing car park. The application site is accessed from Court Street, which is a mixed use area within the Conservation Area.

RELEVANT PLANNING HISTORY

There are various previous permissions relating to this site, however, none are relevant to the assessment of this application.

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)

- 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)
- HE1 - Protection of Statutory Heritage Assets (Warwick District Local Plan 2011-2029)

SUMMARY OF REPRESENTATIONS

Royal Leamington Spa Town Council: No objection, comments that the car park is difficult to find due to poor signage; query how the proposal would affect the fact that the site is listed for 75 dwellings in the Local Plan; query whether there are there any archaeological investigation works proposed.

Councillor Naimo: No objection, however, doubtful that the car park will assist with the displacement from Covent Garden. Signage is inadequate.

Local Lead Flood Authority: Objection, inadequate information has been provided in order to assess the application.

WCC Highways: No objection.

Public Responses: 1 Objection: increase in traffic along High Street / Bath Street, worsening air pollution; the site is allocated for housing in the Local Plan and the development does not propose another area for this housing; plans for the Cultural Quarter should be made public before any approval; the car park is too far from the town centre; signage is inadequate.

ASSESSMENT

The main considerations in assessing this application are as follows:

- Design
- Impact on Heritage Assets
- Impact on Residential Amenity
- Parking and Highway Safety
- Ecological Impact and Trees
- Archaeological Impact
- Drainage
- Other Matters

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.

The proposed development would result in the formalisation and increase in size of an existing car park. The associated infrastructure such as lighting columns and parking metres are not considered to appear out of keeping or harmful within this context. 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 supports this and states that it is important that development both within and outside a conservation area, should not adversely affect its setting by impacting on important views and groups of buildings within and beyond the boundary.

The proposal would formalise and increase the number of parking spaces within an existing car park. The Conservation Officer has no objection to the proposed development, and suggests that there could be an opportunity for a landscaping plan to include tree planting to soften the impact of the hard surfacing. However, the existing trees within the site boundaries will be retained and the existing disused area at the rear of the site is currently overgrown and does not add value to the Conservation Area. The proposal will improve the appearance of this area. The application seeks to maximise the number of spaces to provide parking as part of the car parking displacement plan, and introducing landscaping is likely to reduce the number of spaces. Therefore, on balance, owing to the need to maximise the number of parking spaces available, and the current overgrown nature of part of the site, which would be improved as part of the proposals, it is not considered necessary to require any additional landscaping in this particular location. The Conservation Officer has requested

that the lighting columns are no more than 4 metres high which the applicant is prepared to accept and an amended drawing is expected shortly.

It is therefore considered that there would be no harm caused to the Conservation Area as a result 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.

It is not considered that the addition of 42 spaces in this mixed use area would have a detrimental impact on neighbouring residential amenity. It is noted that the majority of the site is already in use as a car park and therefore, whilst there would be a potential intensification of the use, it is not considered that the intensification would generate significant additional noise or disturbance. Furthermore, whilst the change of use of the disused area to the rear of the Stoneleigh Arms would extend the car park up to the boundary with the dwellings in Tower Street, in this busy town centre location it is not considered that this would cause unacceptable noise and disturbance for those properties.

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

Parking and Highway Safety

There has been an objection from a member of the public that the proposal would increase the traffic along High Street and Bath Street. However, 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

There are no ecological issues identified as part of the proposal.

The existing trees within the site boundaries are to be retained and the Council's Tree Officer has assessed the updated Tree Mitigation Measures provided by the applicant. The Tree Officer 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 will be attached to ensure this.

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

Archaeological Impact

The Town Council has queried whether any archaeological investigation works are required. However, there have been no comments received from WCC Archaeology in reference to the application, who would have requested these details if they were considered necessary.

The development is therefore considered to be in accordance with Local Plan policy HE4.

Drainage

The application site is located within Flood Zone 1, however, the development does include 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. Objections raise concerns regarding the potential for increased surface water run-off.

The Local Lead Flood Authority have been consulted on the proposal and have objected to the development on the basis of a lack of information. Officers are awaiting additional information from the applicant. Planning Committee will be updated on this matter prior to the meeting.

Other Matters

Queries have been raised regarding the effectiveness of the proposal and inadequate signage which makes the car park difficult to find. The applicant has confirmed that the Council is undertaking a review of the signage as part of the displacement plan and will be improving highway signage along Court Street.

There has been an objection from a member of the public regarding the potential for an increase in pollution as a result of the additional traffic. However, the increase in 42 spaces is not considered to generate a significant amount of additional pollution which would warrant reason for refusal of the application, and it is noted that the parking spaces are a displacement from elsewhere within the town centre, rather than a net increase in spaces.

Queries have been raised in reference to the fact that the site is allocated for housing in the Local Plan. This is noted, however, there is no change of use of the site proposed, and the formalisation of the car park and increase in size does not prejudice an application coming forward or being approved for housing on this site.

An objection from a member of the public queries the effectiveness of the site to act as displacement parking as the car park is located too far from the town centre. This does not represent a material planning consideration as part of this application, however, it is considered that the car park is within walking distance of the town centre.

The objection from the member of the public also requests that the plans for the Creative Quarter should be made public before a decision is made on the application. However, as there is no change of use of the site, this would not affect the Council's plans for the Creative Quarter.

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, ecology or neighbouring residential amenity. The proposal would provide increased security to an existing car park and provide additional parking to contribute towards the Council's car parking displacement strategy, and for commuters to the town centre. The development should therefore be approved.

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 drawing(s) 006-PE-00-BG-DR-C-0107 Rev P04 submitted on 14th September 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 No development or other operations (including demolition, site clearance or other preparatory works) shall commence unless the tree protection measures identified in the approved document, Victoria Park and Archery Road Car Parks Arboricultural Impact Assessment and Method Statement, submitted on 16th October 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.