

**Planning Committee:** 29 January 2019

**Item Number: 8**

**Application No:** [W 18 / 1929](#)

**Town/Parish Council:** Leamington Spa  
**Case Officer:** Andrew Thompson  
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**Registration Date:** 13/11/18  
**Expiry Date:** 08/01/19

**49 High Street, Leamington Spa, CV31 1LN**

Alterations and extension to form a hostel (Use Class Sui Generis) FOR Warwick District Council

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The application is brought to Planning Committee as the application is submitted on behalf of the Council.

**RECOMMENDATION**

That planning permission be GRANTED subject to conditions

**DETAILS OF THE DEVELOPMENT**

The application seeks conversion of an existing two storey building from a club to a hostel for the homeless which fronts onto Packington Place Car Park. The proposal also includes the rebuilding of an existing side extension and replacement of a walled area with a two storey extension. There would be a reformatting of the existing frontage service area (currently under yellow boxed paint) and pay and display car parking.

The facility would include management and consulting rooms, sleeping accommodation on the first floor and dining facilities aimed at assisting homeless people.

The application is supported by a Heritage Statement, Design and Access Statement and Flood Risk Assessment.

**THE SITE AND ITS LOCATION**

The application property is a white painted brick building and is located within the Packington Place Car Park and is accessed from the car park. There is a walk thru to the High Street.

Properties surrounding the building and the car park are a mix of residential and commercial properties with a range of heights, styles and ages. Many properties are taller than the application property, being three and four storeys in height. Tall brick walls surround the car park as boundary treatment.

The application site is located within Flood Zone 2 and in Leamington Conservation Area. The property is not listed.

## **PLANNING HISTORY**

There has been no recent or relevant planning history associated with the building which appears to have been vacant for a period of time.

## **RELEVANT POLICIES**

- National Planning Policy Framework
- The Current Local Plan
- DS5 - Presumption in Favour of Sustainable Development (Warwick District Local Plan 2011-2029)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (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)
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- Guidance Documents
- Parking Standards (Supplementary Planning Document)
- Residential Design Guide (Supplementary Planning Document- May 2018)

## **SUMMARY OF REPRESENTATIONS**

Leamington Town Council - Support the proposal and welcomes the provision of the hostel.

Warwickshire County Council - Object to the loss of car parking.

Environmental Health - This application would create a 5 bed dormitory style HMO. If this were to be operated other than by WDC or a registered social landlord, potentially it could fall under HMO licensing. The Council's space and amenity standards do not specifically set space standards for dormitory style accommodation. However, the 5 bed dormitory appears to offer reasonable space given the purpose of the accommodation for short term stays.

Lead Local Flood Authority - No objection subject to a condition.

WM Police - The development must incorporate security measures in accordance with Approved Document Q and BS 5489:2013.

Local residents - 2 letters of objection and 1 letter of support have been received to the consultation. In objection the following grounds were highlighted:

- insufficient information on the plans and documentation about the development and management
- loss of light from the proposed extension
- fear of crime and anti-social behaviour.
- There is no feasibility study or any evidence to support that the change of use and the extension will add to the overall quality of the area for the lifetime of the development or meet its intended purpose.

In support the following comments were received:

- it will address one of the most pressing problems confronting our town (that of rough sleeping) and
- it will bring a long standing derelict building back into use.

## **ASSESSMENT**

The key determining issues are:

- The Principle of Development
- Heritage and the Character of the Area
- The impact on neighbouring properties
- Flood Risk
- Highways and the loss of car parking.

### The Principle of Development

Policy DS5 of the Warwick District Local Plan and the National Planning Policy Framework requires consideration of the principles of sustainable development and the application site is located in a sustainable location within the town centre and well located to take advantage of public transport and the services in the vicinity. The proposal would bring an empty building back into active use and provide a social benefit from the services it offers to the homeless community.

### Heritage and the Character of the Area

Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act requires Local Authorities to preserve and enhance the character of Conservation Areas. Policies HE1 and HE2 of the Warwick District Local Plan have similar aims and Policy BE1 of the Local Plan also requires assessment of the impact on the character of the area in relation to a number of criteria, including the street scene, existing buildings and architectural detail. The policies are supported by the Residential Design Guide which supports Policy BE1. The National Planning Policy Framework also sets out to achieve high quality design, maximise the use of land and assess the impacts of development on heritage assets.

The application property forms an important role to the character of the Conservation Area with the remaining properties backing on to Packington Place Car Park. The Conservation Area however is large and this part of the Conservation Area is defined by the back of house aspect of many of the properties. Its value to the significance of the wider Conservation Area therefore is moderate.

The proposed two storey extension to the side of the property would be set slightly down from the existing ridge line and the proposed frontage single storey extension would replace existing enclosures and brick walls. The extension on to the car parking area would not alter the character of the building and the extensions would appear to be in keeping with the scale and character of the building. The harm to the asset is therefore considered to be less than substantial.

The comments of the Police are noted however their suggestions are covered through Building Regulations regime.

The proposed benefits of bringing the vacant building back into use and the social benefits of the proposed use are therefore considered to outweigh the identified harm to the character of the area.

Overall, the proposals are considered to be in accordance with Policies HE1, HE2 and BE1 of the Local Plan and the aims and objectives of national planning policy and the legislative framework.

#### The impact on the amenity of neighbouring residents

Policy BE3 of the Local Plan and the supporting Residential Design Guide require developments to have regard to the amenities of local residents and this is supported by the National Planning Policy Framework which states that the level of detail and degree of prescription in a Supplementary Planning Document should be tailored to the circumstances in each place, and should allow a suitable degree of variety where this would be justified. The comments of the local residents have been fully and carefully considered. The plans are to scale and clearly show the relationship to neighbouring residential properties.

The existing building on the site has a close relationship to a number of residents with new development also noted in the area. The existing brick wall to the boundary with George Street to the rear is approximately 2.2m high and there are taller walls and boundary treatment in the area. The proposed single storey extension would have a height of 3m to the eaves with a low pitch roof raising this to 3.4m but this would be set away from the boundary. There are no windows in the rear boundary.

With regard to the proposed two storey extension the proposals would replace an existing 1.5 storey extension. The proposals are considered against the bulk and mass of the existing building and the existing extensions. In this context the proposals would not cause significant detriment to the amenities of neighbours. There are no windows in the rear elevation.

Overall having considered the proposed extensions against the existing boundary treatment and the relationship to neighbours it is considered that the proposals would not impact on the amenity of residents.

Whilst a fear of crime is a material planning consideration, it is difficult to quantify and needs to be considered in the context of the proposal and issues specifically arising from the proposal. The proposals are as part of service to be run and managed by LWS Night Shelter as part of the wider homelessness management of the Council particularly in the town centre. There is nothing to suggest that the proposals would increase the level of anti-social behaviour and the proposals would be capable of being effectively managed. Whilst the application states that there are two people at the premises, the operation of LWS Night Shelter relies on a much greater number of volunteers than this and will provide opportunities to both the local community and to students at nearby universities to get involved. The management of the unit will therefore be regulated and managed by other legislative frameworks (e.g. Police, Housing and Environmental Health).

Overall, whilst given careful and full consideration, it is the view of officers that the proposals would not result in a material loss of amenity and the impacts of

the proposals would be in accordance with Policy BE3 of the Local Plan and the aims and objectives of the National Planning Policy Framework.

#### Flood Risk

Policy FW1 of the Local Plan and the aims and objectives of the National Planning Policy Framework set out to ensure that development proposals do not result in an increase in flooding elsewhere. The comments of the LLFA have been noted.

The proposals are for the reuse of an existing building and the extensions would be constructed on tarmaced areas of the existing car park which are impermeable. The proposals would not result in or exacerbate flood risk and existing drainage would be utilised. The proposed condition by the LLFA is added.

The proposals would be in accordance with Policy FW1 of the Local Plan and the aims and objectives of the National Planning Policy Framework.

#### Highways and the loss of car parking

Policy TR1 of the Local Plan requires development to cater for appropriate choice in terms of alternatives to the private car whilst Policy TR3 of the Local Plan requires development proposals to provide appropriate car parking for their own needs. The objection of Highways Officers are noted.

Highways Officers consider that the proposals would result in the loss of 7 car parking spaces. It is disagreed that the development proposals would result in the loss of a 5 spaces as the proposals for the single storey extension as these would be built partially on the footprint of the existing single storey enclosures. The proposals would therefore impact on a maximum of 5 spaces.

Taking this into account and the location of the development proposals and other car parks in the area (e.g. Court Street), the proposed development would not cause a material loss of car parking that would be substantiated as a reason for refusal and would be in accordance with Policies TR1 and TR3 of the Local Plan.

### **CONCLUSION**

The proposals have been carefully considered against the material planning considerations and the matters raised by consultees and local residents. The proposed benefits of bringing the building back into use and the social benefits of the use are considered to be significant benefits that outweigh the limited conservation harm associated with the development. For the reasons set out above, the proposals are considered to be in accordance with the aims and objectives of the Development Plan and associated guidance and the aims and objectives of the National Planning Policy Framework as a material consideration.

### **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 drawings AT/HS/01, AT/HS/02A, AT/HS/03, AT/HS/04A, AT/HS/05A, AT/HS/06A, AT/HS/07A, and specification contained therein, submitted on 12 October and 6 November 2018 as amended by plans submitted on 15 January 2019. **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 All external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **REASON**: To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy BE1 of the Warwick District Local Plan 2011-2029.
- 4 All window and door frames shall be constructed in timber and shall be painted and not stained. **REASON**: To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy HE2 of the Warwick District Local Plan 2011-2029.
- 5 No development and subsequent use of the development shall take place until plans and details showing the allowance for exceedance flow and overland flow routing have been submitted to and approved in writing by the Local Planning Authority in consultation with the LLFA. Any overland flow routing should look to reduce the impact of an exceedance event and surface water flooding. **REASON** : To prevent the increased risk of surface water flooding from overland flow routes.

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