

A meeting of the above Committee will be held in the Town Hall, Royal Leamington Spa, on Wednesday 9 October 2019 at 6.00pm.

Councillor Boad (Chairman)

Councillor Morris (Vice Chairman)

Councillor M Ashford

Councillor R Dickson

Councillor T Heath

Councillor J Kennedy

Councillor V Leigh-Hunt

Councillor N Murphy

Councillor W Roberts

Councillor S Sanghera

Councillor J Weber

Emergency Procedure

At the commencement of the meeting, the emergency procedure for the Town Hall will be announced.

Agenda

Part A – General

1. Apologies & Substitutes

- (a) to receive apologies for absence from any Councillor who is unable to attend; and
- (b) to receive the name of any Councillor who is to act as a substitute, notice of which has been given to the Chief Executive, together with the name of the Councillor for whom they are acting.

2. Declarations of Interest

Members to declare the existence and nature of interests in items on the agenda in accordance with the adopted Code of Conduct.

Declarations should be entered on the form to be circulated with the attendance sheet and declared during this item. However, the existence and nature of any interest that subsequently becomes apparent during the course of the meeting must be disclosed immediately. If the interest is not registered, Members must notify the Monitoring Officer of the interest within 28 days.

Members are also reminded of the need to declare predetermination on any matter.

If Members are unsure about whether or not they have an interest, or about its nature, they are strongly advised to seek advice from officers prior to the meeting.

3. Site Visits

The Chairman to report the location of the planning application sites visited and the names of the Committee Members who attended.

Part B – Planning Applications

To consider the following reports from the Head of Development Services:

4. **W/18/2387 – 73 Warwick Street, Royal Leamington Spa** (Pages 1 to 16)
Major Application
5. **W/19/0067 – Former Tamlea Building, Nelson Lane, Warwick** (Pages 1 to 17)
Major Application
6. **W/19/0818 – 66 Market Place, Warwick** (Pages 1 to 6)
7. **W/19/1310 – William Wallsgrove House, 26 Lillington Road, Royal Leamington Spa** (Pages 1 to 8)

Please note:

- (a) the background papers relating to reports on planning applications are open to public inspection under Section 100D of the Local Government Act 1972 and consist of all written responses to consultations made by the Local Planning Authority in connection with the planning applications referred to in the reports, the County Structure Plan Local Plans and Warwick District Council approved policy documents.
- (b) all items have a designated Case Officer and any queries concerning those items should be directed to that Officer.
- (c) in accordance with Council's Public Speaking Procedure, members of the public can address the Planning Committee on any of the planning applications or Tree Preservation Order reports being put before the Committee. If you wish to do so, please call 01926 456114 (Monday to Thursday 8.45am to 5.15pm and Friday 8.45am to 4.45pm) or email committee@warwickdc.gov.uk any time after the publication of this agenda, but before 12 noon on the working day before the day of the meeting and you will be advised of the procedure.
- (d) please note that the running order for the meeting may be different to that published above, in order to accommodate items where members of the public have registered to address the Committee.
- (e) occasionally, items are withdrawn from the agenda after it has been published. In this instance, it is not always possible to notify all parties interested in the application. However, if this does occur, a note will be placed on the agenda via the Council's website, and where possible, the applicant and all registered speakers (where applicable) will be notified.

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General Enquiries: Please contact Warwick District Council, Riverside House, Milverton Hill, Royal Leamington Spa, Warwickshire, CV32 5HZ.

Telephone: 01926 456114
E-Mail: committee@warwickdc.gov.uk

For enquiries about specific reports, please contact the officers named in the reports.
You can e-mail the members of the Committee at
planningcommittee@warwickdc.gov.uk

Details of all the Council's committees, councillors and agenda papers are available via our website www.warwickdc.gov.uk/committees

Please note that the majority of the meetings are held on the first floor of the Town Hall. If you feel that this may restrict you attending this meeting, please telephone (01926) 456114 prior to the meeting, so that we can assist you and make any necessary arrangements to help you to attend the meeting.

The agenda is available in large print on request,
prior to the meeting, by telephoning (01926)
456114

Application No: [W 18 / 2387](#)

Town/Parish Council: Leamington Spa
Case Officer: Dan Charles

Registration Date: 14/12/18

Expiry Date: 15/03/19

01926 456527 dan.charles@warwickdc.gov.uk

73 Warwick Street, Leamington Spa, CV32 4RQ

Demolition of the existing building (currently Peacocks) and the construction of a new building comprising retail space and servicing area on the ground floor with residential accommodation above on five floors creating 26 apartments consisting of 9 x one beds; 16 x two beds and 1 x three bed. FOR TAG Exclusive Properties Urban Ltd; Mr David J Tucker; Mrs Barbara L Tucker and

This application is being presented to Committee due to an objection from the Town Council having been received.

RECOMMENDATION

That subject to the completion of a Unilateral Undertaking to remove the site from the parking permit scheme, planning permission is GRANTED with conditions.

Should a satisfactory Unilateral Undertaking not have been completed by 5 November 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 for vehicle parking.

DETAILS OF THE DEVELOPMENT

The proposal seeks the demolition of the existing retail building currently occupied on the ground floor by Peacocks and the erection of a 4 and 5 storey building to contain retail at ground floor with a total of 26 flats above.

At ground floor level, the retail use would be retained with a total floor space of 500 square metres. Access to the flats and bin/cycle storage would be gained from Oxford Row via separate entrances. A total of 45 cycle spaces would be provided within a secure area.

The first floor would contain 7 apartments (3 x one-bedroom and 4 x two-bedroom). There would also be residential courtyards provided on this level.

The second floor would contain 7 apartments (3 x one-bedroom and 4 x two-bedroom).

The third floor would contain 7 apartments (2 x one-bedroom and 5 x two-bedroom).

The fourth would contain 1 x one-bedroom apartment. Also on the 4th floor would be the ground floor of duplex apartments that span onto the fifth floor. The fourth floor also contains external terrace areas together with a retail plant area.

There are a total of 4 duplex apartments consisting of 3 x two-bedroom apartments and 1 x three-bedroom apartment.

The fifth floor would also contain external terrace areas for the duplex apartments.

THE SITE AND ITS LOCATION

The application occupies a prominent corner of Warwick Street and Guy Street and also backs onto Oxford Row. The main frontage lies opposite to the Warwick Street entrance of the Royal Priors shopping centre.

The existing building is a tall, predominantly flat roofed structure set over 4 floors. The exterior is made up of a single retail unit at ground floor with entrances onto Warwick Street and the corner of Guy Street/Oxford Row.

The site occupies a prominent corner location in the Royal Leamington Spa Conservation Area at the junction of Warwick Street, Oxford Street and Oxford Row. It has a frontage to each of these streets and 'wraps around' listed buildings fronting onto Warwick Street.

The building comprises an 'L' shaped modern building on the street frontages with an older lower building behind. This modern building has arches on the ground floor with shop windows and a largely blank, tiled elevation above to Warwick Street and Guy Street, with windows to Oxford Row; it presently has a flat roof.

The building currently has a basement storage area with retail on ground floor; the first, second floor and third floors are not in use but have been used for storage and staff facilities. To the north of the site is the Chandos Street public car park.

The existing building flanks onto a row of Listed, Regency Terraces and the appearance of the existing building in terms of the facing materials jars with the existing character of these Heritage Assets.

PLANNING HISTORY

W/11/0320 – Application for an extension of the time limit for the implementation of planning permission W/04/1111 for the part demolition of the existing building and the construction of alterations to provide retail storage and a fire escape in the basement, retail on the ground floor and 18no. flats above – GRANTED 28.06.2013

W/04/1111 – Part demolition of existing building. Construction of alterations and extensions to provide retail storage and a fire escape in the basement, retail on the ground floor with 18 flats above – GRANTED 05.04.2006.

W/03/1574 - Part demolition of existing building. Construction of alterations and extensions to provide retail storage and fire escape in the basement, retail on the ground floor with 22 flats above – WITHDRAWN – 16.03.2004.

RELEVANT POLICIES

- National Planning Policy Framework

The Current Local Plan

- DS1 - Supporting Prosperity (Warwick District Local Plan 2011-2029)
- PC0 - Prosperous Communities (Warwick District Local Plan 2011-2029)
- TCP1 - Protecting and Enhancing the Town Centres (Warwick District Local Plan 2011-2029)
- TC3 - Providing for Shopping Growth in Leamington Town Centre (Warwick District Local Plan 2011-2029)
- H0 - Housing (Warwick District Local Plan 2011-2029)
- H1 - Directing New Housing (Warwick District Local Plan 2011-2029)
- H4 - Securing a Mix of Housing (Warwick District Local Plan 2011-2029)
- SC0 - Sustainable Communities (Warwick District Local Plan 2011-2029)
- 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)
- CC1 - Planning for Climate Change Adaptation (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)
- 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)
- DM1 - Infrastructure Contributions (Warwick District Local Plan 2011-2029)

Guidance Documents

- Residential Design Guide (Supplementary Planning Document- May 2018)
- Parking Standards (Supplementary Planning Document)
- Air Quality & Planning Supplementary Planning Document (January 2019)

SUMMARY OF REPRESENTATIONS

Royal Leamington Spa Town Council: Maintain objection on the following grounds;

1. The height, mass and bulk of the proposed building has still not been amended following comments from CAF and our previous objection - it is out of keeping with this area and within the Conservation Area
2. Policy H2 of the Local Plan requires 40% affordable housing provision on sites of 11 or more dwellings. The developer argues the case for the viability of the scheme depending upon having no affordable element. We would like to see the provision of at least some affordable units, if not 40%.
3. Negative impact on the neighbours' amenity in terms of noise and potential overlooking.

4. Flooding information required by the LLFA is still outstanding.

The Town Council notes that WCC Highways now has no objection following the submission of the unilateral undertaking for the removal of parking permits for future residents. This will mean all residents of this development parking in surrounding residential areas and in Covent Garden (until its demolition) thus adding to existing parking pressures. A reduction in the size of the development would help ease this, particularly as there is now no onsite parking provision proposed.

WDC Environmental Health: No objection subject to conditions on noise, insulation, opening hours and construction management.

WDC CCTV: No objection.

WDC Sport and Leisure: No objection.

WDC Open Space: Recommend contribution of £108,252 towards open space improvements.

WDC Waste Management: Would expect the scheme to provide appropriate waste facilities for refuse and recycling which is easily accessed from the public highway.

Historic England: No objection.

WCC Highways: No objection subject to a TRO to remove on-street parking permits.

WCC Flood Risk Management: Require further details of surface water drainage works to reduce runoff levels.

Public Response: 2 letters have been received making the following comments;

- The development could have serious financial impact for adjacent tenants as there will be major disruption to the traffic flow in Oxford Row and access to the entrance to the businesses which would restrict clients entering the premises
- The business interruption will need to be addressed financially.
- The fire escape currently shown MUST NOT be used as a means of regular access to this development
- Subterranean activities whilst the underground car park/basement is excavated and potential damage to the adjacent properties with the digging and potential water course disruption
- Whilst the concept of the development may not be unreasonable, it is felt that the scale of the proposed development will unreasonably put the physical structure of 75 Warwick St at risk, destroy the quiet enjoyment of the premises with consequent damage to the Hairdressing business and the ability to let the flats above and restrict the enjoyment of natural light at the rear due to the height of the proposed new building.

ASSESSMENT

Principle of Development

The principle of development in this case is twofold; the creation of residential units and the replacement of the existing ground floor retail use.

The site lies within the Town Centre of Royal Leamington Spa. The town is identified as an Urban Area within Policy H1 of the Local Plan where the principle of new development is considered to be acceptable.

The proposal retains the existing ground floor retail use and Officers are satisfied that the proposal would also accord with Policy TC3 that seeks to protect retail uses within Town Centres. The proposal retains approximately 500 sq metres of retail floor space compared to the existing 530 square metres. This marginal loss of floor space is considered acceptable as the modern design of the structure allows for the provision of the floor space in an open plan form without the need for pillars and other structural elements throughout the ground floor area.

The existing building has retail space on upper floors. However, this has not been used for a significant period and is unlikely to be reinstated for retail purposes. Therefore, the loss of this floorspace on the upper floors would not result in any harm to the vitality or viability of the Town Centre. It is also noted that planning permission was granted for the loss of the upper retail floors with the previous applications granted on the site.

Subject to an assessment of site specific criteria, the proposal is considered to be acceptable in principle.

Impact on character of the Conservation Area, design and the impact on the visual amenity and character of the surrounding area

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.

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.

Section 16 of the NPPF sets out a framework for the assessment of applications that affect Heritage Assets and requires great weight to be afforded to the assets conservation. Development must have regard to the Heritage Asset and proposals that result in harm to the asset must be assessed against any public benefits that outweigh the harm.

Warwick District Local Plan Policy HE1 (protection of Heritage Assets) states that development will be expected to respect the setting of conservation areas and important views both in and out of them.

Warwick District Council Local Plan 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.

In addition, 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 existing building is a tall, three/four storey flat roof building consisting of a retail unit at ground floor with ancillary, vacant space on the upper floors. The building is clad with an offset limestone tile effect to the external walls with minimal fenestration above ground floor on the Warwick Street elevation. The side elevation facing onto Guy Street is also predominantly solid above ground floor level with some glazing for the stairwells breaking up the otherwise solid side elevation. The elevation facing Chandos Street car park has some glazing at first and third floor level but the predominant façade is solid without any features other than the offsite tiled finish that characterises the overall building.

The Conservation Officer has considered the proposal and has raised no objection to the demolition of the existing building as the current 1960's structure contrasts starkly with the adjacent and prevailing Regency Character of this part of the Royal Leamington Spa Conservation Area. The current building is considered to have a detrimental impact on the character and appearance of the Conservation Area.

Officers also note that the earlier scheme granted permission under reference W/04/1111 (and renewed under reference W/11/0320) allowed for the demolition of the building and the erection of new building containing multiple flats above a ground floor retail premises. It was acknowledged in this earlier permission that the building was deleterious to the character of the Royal Leamington Spa Conservation Area.

The proposed scheme has been designed to reinstate the traditional Regency Architectural style for this prominent building. The primary elevation fronting onto Warwick Street will formally reinstate the Regency Architecture and the fenestration detailing will follow that used in the adjacent buildings to reinstate the corner property. The side elevation of the premises where visible from Warwick Street views will also reinstate the uniform Regency architectural style. As the side elevation travels along Guy Street, the fenestration begins to move away from the traditional Regency style and becomes less formal giving the building a modern appearance whilst still retaining the window hierarchy and scale of a Regency Building. The rear elevation on Oxford Row and facing Chandos Street car park retains the proportion of the buildings but the fenestration is set out in a less formal arrangement that gives the building a clean and crisp, modern appearance whilst maintaining the Regency proportions of scale.

The upper levels of the building have a significant setback from the Warwick Street frontage to ensure that when viewed from this area, the proportions maintain the visual scale of the adjacent properties. The increased areas of height will be set along the Guy Street and Oxford Row elevations to give the building a more commanding appearance that is considered to enhance the existing elevations of the building and give the building more presence within the street scene when viewed from these areas.

The proposed building has been the subject of pre-application advice in order to get to this position where the development is considered to enhance the character of the Conservation Area and make a positive improvement to the character and appearance of the area by providing a building that has a high standard or architectural quality that enhances the amenity of the area whilst carefully balancing the architectural integrity of the area with the new development.

Officers acknowledge that the scheme would replace the existing building with a larger, taller structure. Following substantial pre-application advice with the applicants, the scheme has been designed to have the additional storeys set in from the primary frontage onto Warwick Street. The resultant scheme provides a significant setback from this frontage where the property abuts the Listed Regency terrace. The stepped appearance ensures that the scale on this frontage is complementary to the adjacent buildings and seeks a continuation of the character of this frontage compared to the current situation where the existing building bookends the site with a building of very limited architectural merit or character.

In addition, the building is stepped in from the boundary for part of the Guy Street elevation which assists in reducing the bulk in this location where the site is visible from the main Parade. This set back and the change in character of the design at this level ensures that the Regency style of the building is the predominant character when read in the streetscene.

Moving to the rear of the Guy Street elevation and the Oxford Row elevation, the height increases to 5 stories. The fifth storey is again set in from the main perimeter of the building to provide a stepped appearance so that the additional height does not appear domineering over the local area. The use of a modern, lightweight style of building at this level also aids to reduce the visual bulk of the structure when viewed from the public domain.

Overall, Officers are satisfied that the proposed development would represent a significant improvement to this area of the Royal Leamington Spa Conservation Area and would be an asset to the overall character of the Town Centre.

The proposal is therefore considered acceptable having regard to Policies BE1 and HE1 of the Local Plan.

Impact on the character and setting of the Listed Building

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.

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.

The building lies adjacent to a range of Listed Buildings fronting onto Warwick Street. These buildings are Regency architecture and the current building on the application site is at odds with the intrinsic character of these properties with the monolithic front façade with its 4 storey blank frontage. The provision of the building constructed in the Regency architectural style will provide a new development that respects and complements the Listed Buildings and will result in a positive contribution to their setting.

Officers acknowledge that the scheme would replace the existing building with a larger, taller structure. Following substantial pre-application advice with the applicants, the scheme has been designed to have the additional storeys set in from the primary frontage onto Warwick Street where the building is read in the context of the adjacent Listed Buildings. The scheme provides a significant setback from this frontage where the property abuts the Listed Regency terrace. The stepped appearance ensures that the scale on this frontage is complementary to the Listed Buildings and does not attempt to smother or diminish the character or setting of these buildings.

The proposed site provides a mixture of character, with a typically Regency arrangement with proper alignment of windows on the Warwick St elevation and first block of Guy St. The scheme submitted represents an excellent regeneration opportunity that results in the reinstatement of the listed terrace and would be a welcome addition to Leamington Spa. Overall the scheme is considered to have a positive impact on the character and setting of the adjacent Listed Buildings.

A condition to secure large scale details for all windows proposed and rainwater goods is proposed to ensure that the building is properly detailed to enhance its surrounding.

Subject to the conditions to ensure appropriate detailing, the scheme is considered to accord with Policy HE1 of the Local Plan.

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.

There are a number of residential properties on the upper floors of adjacent buildings. The scheme has been designed to ensure that there is no detrimental impact on the amenity of these properties. Officers are satisfied that the proposal would not result in the loss of amenity to neighbouring properties either through overlooking, overshadowing or overbearing impact.

The property adjacent to the site fronting onto Oxford Row is a single storey building that, as a result of the scheme would be flanked by a significantly increased building. It is noted that this is a commercial unit and not residential accommodation. The building has its frontage onto Oxford Row and the new building adjacent would not have a greater impact than the existing situation as the bulk of the building would be located to the side of the building only.

The proposal is therefore considered to accord with Policy BE3 of the Local Plan.

Amenity of future occupiers

Policy BE3 of the Warwick District Local Plan seeks to ensure that new development provides acceptable standards of amenity for future users and occupiers of the development.

All primary rooms within the new development have appropriate levels of amenity and are provided with adequate outlook and light. The scheme has been designed to ensure that the predominant fenestration is located on external areas where there is adequate light and outlook. Where located on the internal elevations, the windows overlook into external terrace areas to provide appropriate light and outlook for all occupiers.

The proposal would retain the retail premises at ground floor level. This would necessitate deliveries etc that have the potential to harm the residential amenity of the occupiers of the flats. This element has been assessed by the District Council Environmental Health Officer who has recommended a scheme of noise insulation to be provided internally together with measure to protect the amenity of future residents from general external noise sources. These details can be secured by condition. Additional protection is afforded by a restriction on delivery hours.

Overall, Officers are satisfied that the scheme provides acceptable living conditions for future occupiers having regard to Policy BE3 of the Local Plan.

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.

The original scheme sought to provide a limited number of parking spaces within a proposed basement area of the building. Following an analysis of the associated costs of creating the basement together with the practical considerations of being adjacent to Listed Buildings, the basement car parking has been omitted from the scheme. Therefore, the scheme does not propose any on-site, off-street car parking.

Officers have considered the potential impact of this proposal having a nil provision of car parking on site and note that the site is located in the very heart of Royal Leamington Spa town centre which has a full range of facilities within easy walking distance of the site. In addition, the main bus routes are also located a short distance from the site on The Parade providing regular and comprehensive access to the surrounding area.

The Parking Standards SPD does acknowledge that lower parking requirements can be accepted where a site is located within an area which is highly accessible and the example given is a town centre location. This scheme would accord with that proviso and future occupants would not be reliant on a car for day to day living.

The applicants have also provided additional justification for the non-provision of car parking that makes reference to the declaration of a 'climate emergency by Warwick District Council at the full Council meeting in June 2019. The short

message from such a declaration is 'the need for responsive action to the threat of climate change' and the need to change the way we live our lives across a wide spectrum of actions to address the threat of climate change. A key aspect of this aim is to reduce travelling distances, and where travel occurs, ensure that there are genuine opportunities to travel other than by the motor car.

These principles can be applied to this development, where it is, by reasoning of the easy access to shops, services and public transport, counter-productive to provide the level of car parking sought within WDC Parking Standards SPD.

The applicants note that the SPD dated June 2019 does not make reference to 'climate change'. The SPD does refer to 'lower provision maybe justified where the application site is located within an area which is highly accessible (for example within the town centres as defined the Local Plan)'.

In the applicant's submission they state that a lead can be taken by the Local Planning Authority in welcoming this scheme in not providing off street car parking, so as to encourage occupiers not to be reliant upon car ownership and hence a lower propensity for car usage as they believe that we are at a transitional stage in the recognition of the need to change patterns of travel.

In order to cater for some car ownership, the applicants have been in discussions with the Parking Services Team of the District Council to seek the provision of parking permits at Covent Garden for a 2-year period which would provide an appropriate opportunity for occupiers to be 'weaned off' car ownership. Thereafter, there are alternative cost efficient measures for accessing a car when needed e.g. through car clubs etc which can be explored. Technology will increasingly encourage such use and the greater efficiency in car movement.

Officers note that there is a Car Club that offers use of a motor car for a small subscription fee and hourly charge already available within Leamington Spa and this would be an option open to the future occupiers of the development.

In considering the proposal, the County Highways Officer has acknowledged the central location of the site and is satisfied with no provision of off-street parking. In order to prevent additional pressure being put onto on-street parking provision in the area, a Unilateral Undertaking is proposed to omit the proposed flats from the ability to apply for on-street Parking Permits. This has been accepted by the applicants and would prevent additional pressures to on-street parking within the Town Centre.

Officers have considered the proposal with nil-provision of on-site, off-street parking and have considered the justification put forwards by the applicant and the response of the County Highways Officer. In this regard, Officers raise no objection to the scheme from a parking point of view and note that whilst parking permits would be available to occupants, the location of the site is highly sustainable, being located in the very core of the town centre allowing future occupants to access all facilities for day to day living without a reliance on the private car. Officers also acknowledge that there is the potential for future occupants to sign up to a car club if a private vehicle is needed on an ad-hoc basis.

Officers note that the scheme would be marketed without access to car parking for vehicles and this would be a decision for any potential occupier when considering the potential purchase of a property in this town centre location.

The development would retain the existing ground floor use as retail. This would remain largely unchanged and any deliveries to the ground floor would be carried out in the same method as existing. The site is flanked by short term bays together with delivery bays within the vicinity of the site. Officers are therefore satisfied that this development would not result in any harm to highway safety as a result of delivery vehicles servicing the site.

For the above reasons and subject to the completion of a Unilateral Undertaking to prevent the ability to apply for on-street permits, Officers are satisfied that the development has demonstrated that the nil-provision of parking on site would not result in harm to highway safety and would represent an appropriate, sustainable form of development.

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.

As the proposal seeks the demolition of the existing building, the County Ecologist requested the submission of a bat survey. The applicants engaged the services of a chartered ecologist to carry out an internal and external survey of the building. The resulting survey identified that the building had negligible access and negligible roosting potential for bats. On the basis of the survey work, no further ecological surveys have been recommended. Conditions have been recommended to provide bat and bird boxes to improve the ecological potential of the building moving forwards.

It is also pertinent to add explanatory notes to the decision regarding bats as well as nesting birds in order to protect any species that may be present on the site at the time of the works.

Subject to a condition securing the recommended bat and bird boxes together with notes regarding protected species, Officers are satisfied that the development accords with Policy NE3 of the Local Plan.

Drainage/Flood Risk

The site lies within Flood Zone 1 which is the area at lowest risk of flooding. A flood risk assessment was submitted as part of the submission as the proposal is for a major application. This demonstrates that the site is not in an area that is susceptible to flooding. As such, no remedial action is required.

The Lead Local Flood Authority (LLFA) has sought further information regarding the reduction in surface water runoff from the development as a 50% betterment is generally required for the redevelopment of brownfield sites. In this case, the site is heavily constrained insofar as the existing building occupies 100% of the site and the replacement building will also be built on the same footprint. As such, there is no potential for any external attenuation ponds etc to reduce surface water run off.

Officers also note that there would be no net gain in surface area that would result in any additional surface water run off compared to the existing situation. However, as the requirement of the LLFA is to reduce surface water run-off from the development, Officers consider it appropriate to condition a scheme for attenuation of surface water run off through rainwater harvesting to re-use surface water from the development for uses such as toilet flushing etc. This would then reduce the level of run-off as well as reducing the overall water consumption requirements of the development resulting in a more sustainable form of development.

Affordable Housing/Contributions

Due to the complexities of the site, the applicants have put forward a detailed viability assessment that demonstrates that the build costs of the development would not be viable if the requirement for affordable housing or any other contributions are required.

The viability assessment has been rigorously interrogated by an independent, qualified assessor instructed by the Local Planning Authority.

The assessor has reviewed the information provided by the Applicant, and their viability advisors, on development viability issues to support their full planning application and the scheme has been assessed utilising the layouts, plans and accommodation schedules that have been researched and assessed from the planning portal.

A critical review of the viability analysis has been undertaken and the assumptions that the applicants have adopted which have been compared to the average prices provided by the BCIS to inform the assessment of viability. The Development Viability Appraisal has been carried out using specialist Developer software.

The viability testing is undertaken by comparing a 'residual land value' derived from a deduction of development costs from the end value of a development with a 'threshold' or 'benchmark' land value.

The assessor has determined that the site has a Benchmark Land Value (BLV) of £1.9 million which is the threshold or benchmark for the scheme being viable for the provision of affordable housing and contributions.

As the areas were revised by the Applicant to reduce the basement in the scheme during the negotiation of the planning application, a sensitivity test of the emerging revised areas of the scheme that have been provided by the Applicant has been carried out. The Residual Land Value (RLV) generated equates to £1.68 million. Whilst this indicates that the changes to the scheme have improved viability, the RLV does not exceed the BLV we have assessed (£1.9 million) and hence there is no scope for affordable housing or planning contributions.

The report has been provided by a highly qualified assessor instructed by the Local Planning Authority and Officers are satisfied that the assessment carried out is robust. The conclusion of the assessment is that the scheme would not be viable with a requirement to provide for affordable housing or contributions.

The scheme would still have a requirement to contribute to CIL and so the development would contribute to local infrastructure projects.

Assessment of Housing Mix

The proposal seeks a mixture of sizes of property with a total of 9 x one bedroom apartments, 16 x two bedroom apartments and 1 x three bedroom apartments.

The focus is on smaller accommodation which is a common feature within a town centre location. Officers are satisfied that the mix of accommodation within this development is acceptable.

Conclusion

The principle of development for a replacement retail unit with 26 flats above is considered acceptable having regards to Policies TC3 and H1 of the Local Plan.

The scheme is considered to enhance the character of the Royal Leamington Spa Conservation Area and the setting of the adjacent Listed Buildings by replacing a poor quality building with a new building that reflects and respects the Regency character of the Town Centre location.

The scheme is also considered acceptable in terms of the impact on the amenity of neighbouring properties and provides acceptable amenity for the future occupiers of the new development.

Whilst no car parking is provided on site, Officers are satisfied that the highly sustainable location of the site would reduce the need for access to the private car. A range of alternative provisions are available should occupiers need access to a vehicle from off-street parking provision or access to a car club within Royal Leamington Spa. Additional on-street parking pressures can be adequately mitigated for through the completion of a Unilateral Undertaking to restrict the occupiers of the properties from acquiring on-street permits.

Ecological Matters and Drainage Matters can be mitigated through conditions and notes.

For the above reasons, the application is recommended for approval subject to conditions.

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) 15087-A-PL-(03)-101_01, 15087-A-PL-(03)-102_01, 15087-A-PL-(03)-103_01, 15087-A-PL-(03)-105_01 and 15087-A-PL-(03)-106_01, 15087-A-PL-(05)-101_01, 15087-A-PL-(05)-102_01 and 15087-A-PL-(05)-103_01, and specification contained therein, submitted on 15 May 2019 and approved drawing(s) 15087-A-PL-(03)-100_02, 15087-A-PL-(04)-100_02, 15087-A-PL-(04)-101_02, 15087-A-PL-(04)-

102_02, 15087-A-PL-(04)-103_02 and 15087-A-PL-(05)-100_02, and specification contained therein, submitted on 15 May 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 The development hereby permitted (including any works of demolition) shall not commence unless and until a construction method statement has been submitted to and approved in writing by the local planning authority and the development shall only proceed in strict accordance with the approved details. The statement shall provide for: details of any temporary measures required to manage traffic during construction, the parking of vehicles of site operatives and visitors; the loading and unloading of plant and materials; the storage of plant and materials used in constructing the development; the erection and maintenance of a security hoarding including decorative displays and facilities for public viewing where appropriate; wheel washing facilities and other measures to ensure that any vehicle, plant or equipment leaving the application site does not carry mud or deposit other materials onto the public highway; measures to control the emission of dust, noise and vibration; demolition or clearance works, site working hours and delivery times, restrictions on burning, and details of all temporary contractors buildings, plant and storage of materials associated with the development process and a scheme for recycling / disposing of waste resulting from demolition and construction works. **REASON:** In the interests of highway safety and the amenities of the occupiers of nearby properties, the free flow of traffic and the visual amenities of the locality in accordance with Policies BE3, TR1 and NE5 of the Warwick District Local Plan 2011-2029.
- 4 No development shall commence unless and until details of surface water drainage works to include a scheme for surface water runoff reduction methods have been submitted to and approved in writing by the local planning authority. The development shall be carried out in strict accordance with the approved details. **REASON:** To ensure that adequate drainage facilities are available for the satisfactory and proper development of the site in accordance with Policies BE1 and FW2 of the Warwick District Local Plan 2011-2029.
- 5 No development shall be carried out above slab level unless and until large scale details of parapets, external fire escape and covered fire escape route leading thereto, render detailing, 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 Local 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 BE1 and HE1 of the Warwick District Local Plan 2011-2029.

- 6 No development shall be carried out above slab level unless and until samples of the external facing materials including details of render and colour thereof to be used have been submitted to and approved in writing by the local planning authority. The development shall only be carried out in accordance with the approved details. **REASON:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029.
- 7 Noise arising from any plant or equipment (measured as LAeq,5 minutes), when measured one metre from the façade of any noise sensitive premises, shall not exceed the background noise level (measured as LA90,T). If the noise in question involves sounds containing a distinguishable, discrete, continuous tone (whine, screech, hiss, hum etc) or if there are discrete impulses (bangs, clicks, clatters, thumps etc.) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level. **REASON:** To ensure that future occupants and neighbouring residential uses do not experience unacceptable levels of noise, in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029
- 8 The ground floor commercial unit hereby permitted shall not be occupied unless and until:
 - a) a noise assessment has been undertaken to assess the impact of noise arising from any plant, fume extraction, air conditioning or refrigeration equipment that is required to serve that premises;
 - b) the results of the noise assessments carried out to comply with criteria (a), together with details of any necessary mitigation measures together with a timescale for implementation, have been submitted to and approved in writing by the local planning authority; and
 - c) any necessary mitigation measures approved under (b) have been implemented in full accordance with the approved details.

The mitigation measures shall be retained at all times thereafter and shall not be removed or altered in any way without the prior written approval of the local planning authority.

REASON: To ensure that future occupants and neighbouring residential uses do not experience unacceptable levels of noise, in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.

- 9 The ground floor commercial unit hereby permitted shall not be occupied unless:
 - a) a noise insulation scheme together with a timescale for implementation has been submitted to and agreed in writing by

- the local authority to ensure that noise levels from the proposed ground floor unit do not cause detriment to the amenity of the occupiers in the proposed first floor residential premises; and
- b) the noise insulation scheme approved under (a) has been implemented in full accordance with the approved details.
 - c) A noise report demonstrating that the scheme has been satisfactorily implemented shall be submitted to and agreed in writing by the Local Authority.

Thereafter, the mitigation measures shall be retained at all times and shall not be removed or altered in any way without the prior written approval of the Local Planning Authority.

REASON: To ensure that future occupants and neighbouring residential uses do not experience unacceptable levels of noise, in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.

- 10 No development above slab level shall commence until a noise assessment has been undertaken and a scheme of works to protect residents of the development from elevated environmental noise entering habitable rooms and the provision of quiet external amenity spaces has been submitted to and approved in writing by the local planning authority. **REASON:** To ensure that future occupants do not experience unacceptable levels of noise, in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.
- 11 No deliveries, waste collections or other noisy external activities likely to cause nuisance to nearby residents shall take place before 0730 hours or after 2000 hours on Monday to Saturday or before 0900 hours or after 1800 hours on Sundays. **REASON:** To ensure that the level of noise emanating from the building is confined to levels which would not cause unacceptable disturbance to the detriment of the amenities of the occupiers of nearby properties in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.
- 12 No customers shall be permitted to be on the ground floor retail premises other than between 0730 and 2330 hours on any day. **REASON:** To ensure that future occupants do not experience unacceptable levels of noise, in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.
- 13 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.

Application No: [W 19 / 0067](#)

Town/Parish Council: Warwick
Case Officer: Helena Obremski

Registration Date: 08/02/19

Expiry Date: 10/05/19

01926 456531 Helena.Obremski@warwickdc.gov.uk

Former Tamlea Building, Nelson Lane, Warwick, CV34 5JB

Redevelopment of the former Tamlea Building for residential purposes, (including the demolition of all existing buildings) and creation of associated access, parking, landscaping and associated infrastructure, to provide 31 affordable residential units. FOR Orbit Group Limited

This application is being presented to Committee as there have been 5 letters of support for the application and it is recommended for refusal.

RECOMMENDATION

Planning Committee are recommended to REFUSE planning permission for the reasons set out in the report.

DETAILS OF THE DEVELOPMENT

The proposal seeks full planning permission for the redevelopment of the former Tamlea Building for residential purposes, (including the demolition of all existing buildings) and creation of associated access, parking, landscaping and associated infrastructure, to provide 31 residential units. The scheme would be 100% affordable housing.

THE SITE AND ITS LOCATION

The application relates to industrial premises situated on the northern side of Nelson Lane. This part of Nelson Lane contains a mixture of commercial and residential properties, with predominantly commercial uses on the northern side and predominantly residential uses on the southern side. However, the adjacent premises to the west have recently been converted to residential use.

The site is bounded by Nelson Lane to the south and by the Grand Union Canal to the north. The site is located immediately adjacent to the recently adopted Canal Conservation Area. There is a boatyard on the canalside adjoining the northern boundary of the site and the vehicular access to this runs along the western boundary of the site. The building on the opposite side of this access has recently been converted into residential use. Further industrial premises adjoin the site to the east. There are dwellings on the opposite side of Nelson Lane.

Industrial buildings cover much of the western half of the site, with an open yard area to the eastern half. There is a parking area to the front of the buildings on the Nelson Lane frontage. There are two lines of trees on the site, one on the eastern boundary and one on part of the Nelson Lane frontage. There are further trees between the site and the canal.

PLANNING HISTORY

There have been a number of previous planning applications relating to the existing industrial premises on the application site. However, most of these are not relevant to the consideration of the current proposals.

W/17/0701 - Development of 47no. residential units to include houses and apartments (outline application including details of access, layout and scale) - planning permission refused for: loss of employment land; harmful design; loss of important natural features; substandard cycle parking; inadequate information relating to drainage and flood risk; unacceptable impact on neighbouring residential amenity; unacceptable living conditions for the future occupiers of the dwellings; highway safety concerns; inadequate access for refuse vehicles to enter the manoeuvre around the site.

W/15/0765 - Change of use from engineering units to a two year temporary use for vehicle storage - planning permission approved.

W/11/1173 - Construction of five industrial units and car parking - planning permission approved.

RELEVANT POLICIES

- National Planning Policy Framework
- DS1 - Supporting Prosperity (Warwick District Local Plan 2011-2029)
- DS2 - Providing the Homes the District Needs (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)
- EC3 - Protecting Employment Land and Buildings (Warwick District Local Plan 2011-2029)
- H0 - Housing (Warwick District Local Plan 2011-2029)
- H1 - Directing New Housing (Warwick District Local Plan 2011-2029)
- H2 - Affordable Housing (Warwick District Local Plan 2011-2029)
- H4 - Securing a Mix of Housing (Warwick District Local Plan 2011-2029)
- SC0 - Sustainable Communities (Warwick District Local Plan 2011-2029)
- 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)
- HS4 - Improvements to Open Space, Sport and Recreation Facilities (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)

- CC1 - Planning for Climate Change Adaptation (Warwick District Local Plan 2011-2029)
- CC3 - Buildings Standards Requirements (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)
- FW4 - Water Supply (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)
- DM1 - Infrastructure Contributions (Warwick District Local Plan 2011-2029)
- DM2 - Assessing Viability (Warwick District Local Plan 2011-2029)
- HS8 - Protecting Community Facilities (Warwick District Local Plan 2011-2029)
- Open Space (Supplementary Planning Document - June 2009)
- Affordable Housing (Supplementary Planning Document - January 2008)
- Residential Design Guide (Supplementary Planning Document- May 2018)
- Distance Separation (Supplementary Planning Guidance)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Parking Standards (Supplementary Planning Document)
- Air Quality & Planning Supplementary Planning Document (January 2019)

SUMMARY OF REPRESENTATIONS

Warwick Town Council: Neutral, concerned that the developer has not allowed any green space, the nearest green space is over 700m away which contradicts what is said on Orbit's website.

Inland Waterways: No objection in principle, however, concern expressed regarding additional traffic. The changes to the waterside boundary now allow some vistas of the canal corridor, albeit of a limited nature.

Sports and Leisure: No objection subject to contributions of £25,697 towards the improvement of indoor sports facilities, £2,203 towards the improvement of outdoor artificial sports facilities and £9,559 towards the improvement of grass pitches.

Environmental Protection: Objection, the proposals provide an inadequate noise environment for the future occupiers of the proposed development, which could lead to complaints against an existing business.

Tree Officer: No objection, subject to a condition.

Open Space: No objection, subject to a contribution of £160,704 towards the improvement of local open spaces.

Waste Management: No objection.

WDC Housing: Supports the application for 100% affordable housing.

WCC LLFA: No objection, subject to conditions.

WCC Ecology: No objection, subject to conditions and an informative note relating to protected species.

WCC Rights of Way: No objection, subject to the provision of £936 towards improvements to public rights of way.

WCC Highways: No objection, subject to conditions and the provision of £15,000 towards a sustainable cycle scheme on Coventry Road.

Warwickshire Police: No objection.

South Warwickshire Foundation Trust: No objection.

WCC Landscape: Objection, there needs to be a strong landscaped road frontage that includes additional replacement tree planting to soften the impact of the new development; all trees removed should be replaced. The applicant should consider reducing the overall number of units to increase the areas of soft landscaping.

Environment Agency: No objection, subject to conditions.

Infrastructure: No objection, subject to the provision of £3,004 towards the improvement of library facilities and the provision of sustainable travel packs.

Conservation Area Forum (CAF): Whilst supportive of the principle of the development, CAF considers that the proposal does not contribute towards the Canal Conservation Area and fails to preserve or enhance its appearance and character. The proposal is not reminiscent of canal side industrial architecture and greater connectivity is required between the proposed elevations and the canal, with more landscaping and larger gardens to reduce the sense of condensed urbanisation.

Canal and River Trust: Concern expressed regarding the impact on future of Kate's Boatyard if noise complaints were made regarding their operations; a greater degree of engagement between the canal and residential properties would allow residents to take advantage of the views of the canal; tree protection measures are welcome and queries whether there may be pressure to remove some of the trees to be retained in the future from residents; requests conditions for method statement and relating to land contamination and information relating to drainage.

Public Responses:

11 Objections: the impact on nearby residential parking areas; disputes the findings of the traffic report (vehicles queuing to access Coventry Road from Nelson Lane and the number of bus routes); pedestrian safety; additional traffic generated by the proposal; Nelson Lane is for business use; no outdoor space provided for children to play in.

5 Support: this is a great way to regenerate a redundant area, creating benefit and enhancement; enhancement of the Canal Conservation Area; it would reduce traffic and HGV movements on Nelson Lane, providing a benefit to local residents and road users; it would open up many jobs and homes to local residents, with economic benefits.

Chairman of the Lillington Free Church Development Committee: Supports application. The applicant recently built the new church and community hall to a very high standard and in return provided land for 100% affordable housing which is much needed for the community.

ASSESSMENT

The main issues relevant to the consideration of this application are as follows:

- the principle of the development;
- residential amenity and impact on adjacent industrial use;
- the impact on the character of the area and the Conservation Area;
- car parking and highway safety;
- waste;
- housing mix;
- affordable housing and section 106 contributions;
- the impact on trees;
- drainage and flood risk;
- ecological impact; and
- other matters.

Principle of Development

The site currently comprises employment land. Local Plan policy EC3 states that outside of town centres, the redevelopment or change of use of existing employment land for other uses will not be permitted unless one (or more) of five criteria are met. One of these criteria (point e) is if the proposal is solely for affordable housing as defined in national guidance.

The proposed development is for 100% affordable housing as defined in national guidance. Therefore, the proposal would be in accordance with the requirements of Local Plan policy EC3 and the principle of the development would be acceptable.

Residential Amenity and Impact on the adjacent Industrial Use

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 visual intrusion. The Residential Design Guide provides a framework for policy BE3, which stipulates the minimum requirements for distance separation between properties

and that extensions should not breach a 45 degree line taken from a window of the nearest front or rear facing habitable room of a neighbouring property.

Relationship to existing residential properties

Under the previous scheme refused in 2017 there was concern about the relationship of the proposed development and the existing flats to the west of the site. There was a substandard distance separation between the existing building and the proposed development, detrimentally impacting on the living conditions of the occupiers of the neighbouring property.

The current proposal has reduced the number of units from the previous scheme. There would be no 45 degree conflict from any existing residential property and there is a distance separation of 12 metres from windows serving the neighbouring residential property to a two storey gable. Although there would be windows in the gable, these can be conditioned to be permanently obscure glazed and non-opening without hindering the living conditions of the future occupiers, thus essentially providing a blank gable. This would therefore meet the Council's distance separation guidance for this relationship.

Other existing residential properties along Cliffe Way are over 28 metres away from the proposed development and have a side to front facing relationship, meaning that there is ample distance separation between the properties.

Environmental Health recommend a condition for the provision of a construction management plan to control the impact of construction works on existing properties which could be added if the application were being approved.

The development is therefore considered to have an acceptable impact on neighbouring residential amenity.

Proposed Living Conditions for the Future Occupiers

The applicant has provided a noise assessment in support of the application and subsequent technical notes relating to the likely impacts of noise on the future occupiers of the development at the request of Environmental Health Officers. Environmental Health Officers have expressed concerns relating to the impact of road noise on the future occupiers, the neighbouring industrial site run by Kate's Boats and the internal layout of the proposed development.

There is a boatyard which operates next to the application site, with a "boat building" which is located immediately in front of the application site on the canal, which is used for boat repairs. Environmental Health classify the activities associated with this use as "industrial noise sources", which include mechanical grinding, reversing alarms, clatter and bangs, and manoeuvring vehicles. These types of incidents are more likely to create noise disturbance and complaint as opposed to the noise from a passing canal boat. The NPPF states that planning policies and decisions should ensure that new development can be integrated effectively with existing businesses. Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed.

The applicant carried out a noise assessment of the likely impact of the activities associated with the boat building on the future occupiers of the proposed development. Environmental Health note that according to the noise report, the boat grinding was 51dB $L_{Aeq,5}$ mins at a distance of 40 metres from the source. The proposed gardens and dwellings are closer to the boat yard than 40 metres, therefore Environmental Health anticipate that these noise levels would increase further as you get closer to the noise source. Environmental Health consider that the boatyard not operating at night or weekends does not provide sufficient justification for the development as future residents should be entitled and expected to use their gardens during the day time without disturbance. They state that a 20 minute sample obtained from a single week of measurement cannot be used as an indicator for the business's working pattern. There are no restrictions on the business to prevent evening or weekend working, or to prevent them from increasing their working hours during the day time. Environmental Health therefore stated that a comprehensive noise report to demonstrate to the contrary was required in order to remove their objection.

The applicant carried out additional noise surveys which Environmental Health assessed. They concluded that the noise assessment appears to have made various amendments to the BS4142:2014 calculations to make the results more favourable. For example, the assessment appears to have utilised an 'on time' of five minutes over a one hour period for the grinding/sanding activities. Environmental Health consider that it seems unrealistic that the adjacent boat yard will typically use grinding equipment for only five minutes before stopping entirely within a one hour period. Narrow boats are large structures and Environmental Health anticipate that grinding could occur for much longer periods of time. There are no restrictions on the boat yard in terms of working hours and therefore this equipment could run for prolonged lengths of time. By increasing the 'on time' of the grinding plant to a full hour as per the BS4142:2014 method, the calculated noise impacts are likely to be even more significant than stated.

The assessment also seems to have utilised Plot 14, however, the gardens of Plots 16, 20, and 21 appear to be much closer to the rear of the boat building where the boat maintenance plant is currently operated. Whilst the differences in distances are unlikely to significantly affect the results, it will still have some impact on the final calculations. Similarly the distance of the attended measurement position from the boat yard to the sound level meter also seems to have increased by an additional five metres since the previous noise assessment. Even with these disagreed adjustments, the noise assessment identifies that the noise levels would be +4dB above the background level. The BS4142:2014 standard says that a difference of around +5 dB is likely to be an indication of an adverse impact, depending on the context.

Given that Environmental Health do not agree with the adjustments made to the latest BS4142:2014 calculations and the likelihood that the resultant sound levels will be even higher than those already calculated, they maintain their objection to the proposed development. Environmental Health confirm that significant noise impacts are likely. The applicant has not amended the noise assessment in accordance with Environmental Health's comments who anticipate that this is not being done as it would confirm their concerns. The noise would impact on the use of the proposed residential gardens as there is no way to readily mitigate this.

The applicant has amended the development to include a 2.2 metre high brick wall adjacent to the properties which would be most affected (behind plots 11 - 22), to separate the rear gardens and the boat building. However, there has been no assessment to indicate what impact the wall would have on the noise environment within the gardens of the other nearby properties. Also, there has been no evaluation on whether plots 1 - 10 would experience acceptable noise conditions.

The applicant contends that they have demonstrated there will be at worse case an 'adverse effect' on residents in their gardens. The applicant considers that the Environmental Health Officer's view that there would be a significant adverse impact is based upon there being an intensification of the existing Kates Boats use to a frequency of grinding/sanding of the boats at 20 minutes in every hour during the day. The applicant considers that based upon the noise surveys undertaken (30 minutes during a period of one week this summer, and 2 minutes and 20 seconds over a period of one day last September), this is a significant increase from the current operations. The applicant states that were such an intensification to occur, it could amount to a material change of use of the property from its existing use. The applicant notes that Kates Boats support the application.

However, Officers disagree with this view. A change of use of this nature would be determined on a judgement basis, depending on the extent of the intensification and whether this fell outside of the lawful use of the site. The established activities are a lawful historic use and Officers would need to understand the occupier's current business model and how the site is used, then take a view on what the established use is and if further activity fell outside of this. Officers do not therefore agree that this would therefore prevent any intensification of the site to an extent which would be harmful which could not be controlled. Furthermore, just because the current owner supports the proposal, this doesn't limit the impact, or provide any control over any future activity at the site, either by them, or another occupier.

The applicant concludes that there is no further mitigation that can be undertaken, other than turning the properties to face the canal and have gardens to the rear which would result in the loss of frontage onto Nelson Lane which would be unacceptable in design terms and also raise highway considerations.

These substandard living conditions are further exacerbated by the lack of adequate private amenity space provided for the proposed development; all of the proposed gardens are substandard in terms of the requirements of the Residential Design Guide for private amenity areas, however, those positioned most closely to the boat building are the smallest of the development. The required minimum garden size for 3 bedroom properties is 50sqm. However, the gardens serving plots 11 - 16 range between 14sqm and 25sqm, which in the majority of cases is less than half the required size. Plots 17 - 22 have gardens between 17sqm and 32sqm. Again, many of these are immediately adjacent to the boat building. Plots 1 - 4 range between 31sqm and 50sqm, however, these gardens are overlooked from the canal towpath because of the open boundary treatment, so are not 'private'. Furthermore, none of the flats have access to any areas of private amenity space.

Officers recognise that the Residential Design Guide states that "provision of amenity space and gardens must be set within the context of ensuring that the inefficient use of land is avoided. Therefore in situations where the standards cannot be achieved e.g. high density housing developments the Council will seek

to work jointly in agreement with developers to provide an upgrade to nearby off site amenity space which will be available to the general public."

The applicant considers that reducing the number of units to accommodate the required sizes would therefore represent an inefficient use of land. Officers disagree with this conclusion. Officers are not seeking to reduce the number of units to reduce the density of the development, but are more importantly seeking adequate living conditions for the future occupiers of the development. A garden size of 14sqm for the use of a 3 bedroom property is considered to provide seriously substandard living conditions.

In many of the cases with the properties closes to the boat building who would be most affected in their garden areas, there is no relief from the potentially noisy neighbouring site, other than a high level brick wall, which further oppresses the already inadequate gardens. Furthermore, for plots 11 - 16, the high level brick wall which is positioned at the rear of these properties would also provide little outlook for the ground floor rear facing habitable rooms serving these properties. For these dwellings, there would be an outlook of between 3.6m and 5.9m from the windows to the brick wall, which is very constrained and likely to be oppressive. Whilst Officers recognise that there are opportunities to compromise from the standards set out in the Residential Design Guide, the proposed gardens and their likely noise environments simply provide a poor quality living environment which cannot be mitigated.

Environmental Health Officers also note that the layout of the proposed dwellings has been designed in such a way that the habitable rooms would all face towards the main noise sources i.e. the bedrooms and living rooms of the properties on Nelson Lane all look out onto the road at the south of the site, and the bedrooms and livings rooms look out onto the canal/boat yard at the north of the site. In the view of Environmental Health Officers, this does not represent good acoustic design.

Therefore, the proposed development is considered to provide substandard living conditions for the future occupiers of the dwellings.

Impact on an existing industrial use

The proposal could also likely lead to complaints being made against an existing lawful neighbouring business and whilst the current occupiers do not object to the proposal, this does not maintain any control over their future activities, or from another occupier taking over the site and increasing their operations. This would adversely impact on the continuing operation of the business (or any future business) and could ultimately lead to the business closing or residents having to endure excessive levels of commercial noise if the business demonstrated best practicable means. These concerns have also expressed by the Canal and River Trust who own the site occupied by Kate's Boats.

The proposal is therefore considered to be contrary to the NPPF and Local Plan policy BE3.

Impact on the Character of the Area and the Conservation Area

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 site is located immediately adjacent to the Canal Conservation Area. 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.

The explanatory text for policy 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, including to unlisted buildings, should not adversely affect its setting by impacting on important views and groups of buildings within and beyond the boundary.

Supporters of the proposal consider that the development would lead to an enhancement of the Conservation Area.

The existing site consists of a traditional industrial building, with little architectural merit, with the main building being a fairly long rectangular structure, and a smaller detached section towards the west. The property is however of its time and sits comfortably within the industrial context of the canal setting, thus causing no harm to the setting of the Conservation Area. The Conservation Officer notes that this particular length, as explained in character length 3 in the Canal Conservation Area appraisal, is predominantly characterised by a mixture of late twentieth-century buildings and industrial structures dating from between the late eighteenth to late nineteenth-century, the earliest of which (the Bridge House) is Grade II Listed dating from 1781 to the west. The most notable structure near to the site however is the wharf building and its industrial character and form contributes towards the overall appearance and character of the Conservation Area. Its setting should therefore be preserved as much as possible. Industrial architecture is characterised by prominent built form with consistent, horizontally running frontages and well-proportioned symmetrical window and door apertures, with features including arches, chimneys and wide gables.

The wider area to the south is characterised by residential properties of varied design, with a mixed palette of materials and residential properties to the west. To the east is further industrial development and to the north (across the canal) is the WCC depot and Ridgeway School, where planning permission was recently refused for the residential development of the site.

Initially, the Conservation Officer had concerns regarding the proposed design, he noted that the development appeared very residential and domesticated, with pitched half dormers and sloping roof, and not reflecting the typical industrial characteristics associated with the canal side and waterways. Greater horizontal emphasis was recommended across the Grand Union canal elevation as a whole, with more infilling between residential blocks and proper alignment and better consistency of window and door openings. The pitched dormers were considered to be incongruous and the Conservation Officer recommended that divergence from townhouse characteristics was needed.

The Conservation Officer also stated that the proposed boundary treatments were too solid (brick and timber) and it is important for this area to retain openness and achieve greater connectivity with blocks of development, which can be achieved via boundaries of a less solid nature with a greater degree of landscaping. Concern was also raised in relation to the materials proposed, in that the use of uPVC for windows and rain water goods is not supported in Conservation Areas, nor is concrete for roofing material. Cladding was also not considered appropriate for the location, not being characteristic with the canalside.

The applicant has worked with the Conservation Officer to establish an acceptable form of design. The scheme has been amended to take on board the Conservation Officers recommendations above and he now has no objection to the proposal, noting that the boundary treatments to blocks 1-10 (railings and planting) retain a degree of openness and interconnectivity with the canal side. The Conservation Officer however does have concerns in relation to the impact of the 2.2m high brick wall of plots 11-19 on the canal side and Conservation Area, although the reasons for this following the Environmental Health Officer's comments are noted. He concludes that when considering the scheme as a whole, any harm arising from this element is considered to be less than substantial; the combination of the design proposed and boundary treatments for blocks 1-10 facing the canal suitably mitigates the impact of a hard boundary to blocks 11-19, particularly with the input of blue brick detailing and coping, to an extent that he consider that the proposal preserves the appearance and character of the Conservation Area.

The Conservation Officer recommends that in the event of an approval, conditions are attached which secure the provision of sample materials for all boundary treatments, in addition to all facing materials and large scale details of doors and windows. These could be added if the application were recommended for approval.

WCC Landscape consider that there should be a strong landscaped road frontage that includes additional replacement tree planting to soften the impact of the new development along Nelson Lane and that all trees removed should be replaced. However, Nelson Lane is generally characterised by much hard landscaping, with built form sitting nearby or adjacent to the road frontage. It is not considered that additional tree planting adjacent to Nelson Lane would be characteristic or necessary in this particular location. The trees of highest importance which add value to the Conservation Area next to the canal are retained.

Therefore, although use of hard boundary treatments would cause a low level of harm, there would also be benefits to the scheme, through provision of appropriately designed built form and layout which outweighs the harm. The provision of affordable housing would also represent a significant material public benefit of the scheme. Therefore, the low level of harm is balanced by the high

quality design of the scheme as a whole which responds well to the Canal Conservation Area and Nelson Lane, thus leading to the development being considered to preserve the character and appearance of the Conservation Area.

The scheme is considered to accord with the NPPF and Local Plan Policies, BE1, HE1 and HE2.

Car parking and highway safety

Members of the public have objected to the proposed development for the following reasons: impact on nearby residential parking areas; disputes findings of the traffic report (vehicles queuing to access Coventry Road from Nelson Lane and number of bus routes); pedestrian safety; and, the additional traffic generated by the proposal.

Initially, WCC Highways objected to the proposal owing to a lack of assessment on the wider traffic network and lack of clarity regarding tracking information of refuse vehicles. The applicant submitted an additional technical note and entered into discussion with WCC Highways. It was agreed that £15,000 could be provided towards a sustainable cycle scheme on Coventry Road. Further information on the tracking for large refuse vehicles was also provided. This information has satisfied the concerns of WCC Highways who now have no objection to the proposed development, subject to conditions and the aforementioned financial contribution, which could be secured by a Section 106 agreement.

The proposed development provides sufficient parking in accordance with the Council's Vehicle Parking Standards guidance. It should be noted that some of the parking is accommodated within car ports which are located underneath flats fronting onto Nelson Lane. These meet the Council's size requirements and are not counted as garages in this instance. Separate secure cycle storage is provided for residents.

The proposals is therefore considered to be in accordance with Local Plan policies TR1 and TR3.

Waste

Sufficient waste storage has been provided within the site boundaries and waste management have no objection to the proposed development.

Housing mix

The NPPF states that local planning authorities should plan for a mix of housing, based on current and demographic trends, market trends and the needs of different groups in the community. It goes on to state that local planning authorities should identify the size, type, tenure and range of housing that is required in different locations. In accordance with these requirements, the Council has adopted development management policy guidance on "Provision of a Mix of Housing (June 2018)".

The housing proposed in the current planning application comprises: 19% 1 bedroom apartments, 39% 2 bedroom apartments and 42% 3 bedroom houses. The housing mix requirements are: 30-35% 1 bedroom properties, 25-30% two

bedroom properties, 30 - 35% three bedroom properties and 5-10% four bedroom properties.

Given the constraints of the site, it is considered that this represents a reasonable mix of dwellings when compared against the Council's guidance. Furthermore, this is for a solely affordable housing scheme which the Council's Housing Team support including in respect of that mix. The Housing Team note that as the current scheme is going to be 100% affordable and will be funded in part by Homes England grant, they recognise that there will be a need for flexibility around our standard requirements, particularly given the constraints on the site.

Therefore the proposals are considered to be in accordance with the NPPF and Local Plan policy H4.

Affordable housing and section 106 contributions

The proposed development of 31 dwellings would create additional demand for local services and to mitigate this, contributions towards community facilities would be required.

This is a proposal for 100% affordable housing. If the application were being recommended for approval, all of the affordable housing would need to be secured in perpetuity as such through a planning condition.

Having considered the available evidence, the contributions are considered to be in accordance with Regulation 122 of the Community Infrastructure Levy Regulations 2010. A development of 31 dwellings on this site would have a material impact on or need for affordable housing, education, open space, health care, sports facilities, monitoring costs, and rights of way, employment/training for locals and highway matters.

This is a particular issue given the cumulative impact that is expected from the substantial level of housing growth proposed across the District. It is reasonable to expect a development of this size to contribute towards the additional costs associated with meeting these increased demands. The relevant consultees are currently seeking to identify specific projects and locations where this money would be spent. Therefore it is considered that appropriate contributions are necessary to make the development acceptable in planning terms and subject to being directly related to the development, are fairly and reasonably related in scale and kind to the development (as required by Regulation 122).

The necessary contributions identified could be secured through an appropriate Section 106 Legal Agreement. At the time of writing, the following requests have been received;

- Outdoor sports facilities – £2,203 towards the improvement of outdoor artificial sports facilities and £9,559 towards the improvement of grass pitches.
- Indoor sports facilities – £25,697
- Highway infrastructure – £15,000 towards a sustainable cycle scheme on Coventry Road.
- Libraries – £3,004
- Sustainable travel packs – £2,325
- Public open space – £160,704 towards the improvement of local open spaces.

- Public rights of way – £936
- Affordable housing – 100%
- Monitoring fee - £3,171

Whilst the applicant has verbally agreed to the above costs, there has been no Section 106 agreement drawn up to secure these matters (at the request of the applicant). Therefore, as the contributions have not been secured, the development could lead to an unacceptable impact on local services. This is considered to be contrary to Local Plan policies DM1 and HS4.

Open Space

The additional residents brought into the area by this application will put more pressure upon existing open space, both in the locality and the wider district in relation to destination parks. There is no open space provided within the site boundaries and owing to the constrained nature of the site, this would not be possible. As set out in HS4 of the Local Plan, a contribution is therefore required in order to mitigate the impact of this additional use. The contribution rates are set out in the subsequent 'Open Space Supplementary Planning Document'.

The Council's Open Space team identify that the required contribution would be £160,704. This would be put toward the development objectives of Priory Park in Warwick, relating specifically to path improvements.

Priory Park scored only 'average' in a number of aspects in the latest Parks Audit (2016). The Green Space Strategy sets out the objective of having our public open spaces rated as 'good' or better. At the time of responding, there are only two S106 agreements assigned to various projects within the park.

As stated above, as a Section 106 agreement has not been agreed, this means that the financial contribution requested by Open Space is not secured. The development is therefore contrary to Local Plan policy HS4.

Impact on trees

There are no existing trees of value within the site as evidenced within the Arboricultural Report. However, the majority of the street trees on Nelsons Lane are to be protected, and there are opportunities within the proposed layout to incorporate some new planting to mitigate for the loss of trees.

The Canal and River Trust welcome the fact that the trees to the north east boundary will be protected, but request that Officers consider whether there would be increased pressure for their removal as a result of the proposed development. The Tree Officer has been consulted and has no objection to the proposal, subject to the tree protection measures being implemented in accordance with the tree report submitted. He raises no concern in relation to pressure to remove the trees from new residential properties.

It is therefore considered that adequate tree protection measures could be secured by condition.

Drainage and flood risk

The application site is located within Flood Zone 1. Initially, the Local Lead Flood Authority (LLFA) objected to the proposed development because the Flood Risk Assessment which was provided in support of the application did not comply with the requirements set out in the NPPF. This was then updated by the applicant. The LLFA now have no objection to the proposed development, subject to conditions. These could be added if the application were being approved.

The Environment Agency also have no objection to the proposal.

The proposal is considered to be in accordance with Local Plan policies FW1 and FW2.

Ecological impact

A Preliminary Ecological Appraisal and Bat Survey were submitted with the application. The County Ecologist has accepted the findings of the Ecological Appraisal and Bat Survey and has advised that any ecological issues can be dealt with by conditions and advisory notes. Therefore it has been concluded that the proposals would have an acceptable ecological impact.

The development is considered to be in accordance with Local Plan policy NE2.

Other matters

Environmental Health Officers advise that a condition should be attached for the provision of a contaminated land survey. This is considered to be reasonable and necessary, and could be added if the application were being approved.

Warwick District Council has adopted an Air Quality Supplementary Planning Document (SPD). The SPD establishes the principle of Warwick District as an emission reduction area and requires developers to use reasonable endeavours to minimise emissions and, where necessary, offset the impact of development on the environment. The guidance sets out a range of locally specific measures to be used to minimise and/or offset the emissions from new development, however these are suggestions and other innovative ideas are encouraged. This mitigation could be secured by condition if the application were being approved.

The Canal and River Trust also request that if the development were allowed, that a condition was attached for the provision of a method statement for the construction of plots 1 - 22 inclusive, to ensure that the works did not have a detrimental impact on the stability and structural integrity of the canal. This is considered to be reasonable and could be added if the application were being approved.

CONCLUSION

There are material planning benefits identified as a result of the proposed development, including the provision of 31 affordable housing units, and provision of economic benefits such as employment opportunities and increased spending from future residents within the District.

Conversely, Officers identify that the level of amenity for the future occupiers is extremely poor and would cause a substantial level of harm. The proposed garden sizes alone are sufficiently substandard which would warrant reason for refusal.

However, this combined with the fact that the occupiers would then be subject to unacceptable noise disruption, further emphasises the harm caused. Moreover, the layout of the proposed dwellings also further compounds the substandard living conditions. This also could preclude a lawful business from operating through noise complaints to the Council. Officers consider that the delivery of affordable housing should not be at the cost of acceptable living conditions. Officers also have concerns that approving such substandard living conditions could set a harmful precedent for future housing development more widely.

Therefore, on balance, it is not considered that the provision of 31 affordable housing units outweighs the substandard living conditions provided by the proposed development. It is recommended that planning permission is refused on this basis.

REFUSAL REASONS

- 1 Policy BE3 of the Warwick District Local Plan 2011-2029 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 visual intrusion.

It has not been demonstrated that the proposed development would provide an acceptable noise environment for the future occupiers of the dwellings. It is likely that an existing neighbouring industrial use would cause undue noise disturbance for the future occupiers of the properties. Furthermore, this is exacerbated by the substandard private amenity spaces provided across the site, none of which meet the requirements of the Council's adopted Residential Design Guide and in many cases are not provided at all. In relation to plots 11 - 16, a high level brick wall which is positioned at the rear of these properties would also provide a very constrained outlook for the ground floor rear facing habitable rooms serving these properties. Finally, the layout of the proposed dwellings represents poor acoustic design, with the habitable rooms being located closest to potential noise sources, including traffic from Nelson Lane and industrial activities from the adjacent boat yard.

The proposal is thereby considered to be contrary to the aforementioned policy.

- 2 Paragraph 182 of the NPPF states that planning policies and decisions should ensure that new development can be integrated effectively with existing businesses. Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed.

It has not been demonstrated that the proposal would not lead to unreasonable restrictions being placed on an existing business adjacent to the application site as a result of legitimate noise complaints which would likely be generated by the future occupiers of the development owing to the proximity of the proposed dwellings to industrial activity.

The proposal is therefore considered to be contrary to the aforementioned policy.

- 3 The application proposes the erection of a significant number of new dwellings and this would place significant pressure on local services. A development of this size would require significant additional capacity in terms of highways improvements, need for sustainable travel packs, public rights of way improvements, library facilities, open space and indoor and outdoor sports facilities. No Unilateral Undertaking or Section 106 agreement has been submitted to secure contributions towards these facilities. Therefore, in the opinion of the Local Planning Authority, the application makes insufficient provision for the increased capacity in local services that will be required to serve the proposed development.

The proposal is therefore considered to be contrary to the Policies HS4 and DM1 of the Warwick District Local Plan 2011 - 2029.

Planning Committee: 09 October 2019

Item Number: 6

Application No: [W 19 / 0818](#)

Town/Parish Council: Warwick

Case Officer: Emma Booker

01926 456521 Emma.Booker@warwickdc.gov.uk

Registration Date: 17/05/19

Expiry Date: 12/07/19

66 Market Place, Warwick, CV34 4SD

Variation of Condition 3 of planning permission ref: W/17/1033 to extend previously approved opening hours from 08:00 to 23:00 on any day to 09:00 to 23:30 Sunday to Wednesday, 09:00 to 24:00 Thursdays and 09:00 to 01:00 Fridays and Saturdays FOR The Table Ltd

This application is being presented to Planning Committee due to the number of support responses received from the public and it is recommended for refusal.

RECOMMENDATION

It is recommended that Members refuse planning permission for the reason set out at the end of this report.

DETAILS OF THE DEVELOPMENT

The applicant seeks to vary Condition 3 of planning permission ref: W/17/1033 ("Change of use from Retail (Class A1) to a mixed use of Retail (Class A1), Restaurant and Cafe (Class A3), Drinking Establishment (Class A4) and the sale of food and drink for consumption on or off the premises"). Condition 3 limits the hours that customers are allowed on the premises to between 0800 and 2300 on any day. The reason cited for Condition 3 is "The premises are closely adjoined by residential properties and the local planning authority considers it necessary to strictly control the nature and intensity of use of the premises in the interests of the amenities of the area in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011."

The opening times proposed are:

- 09:00 to 23:30 Sunday to Wednesday
- 09:00 to 24:00 Thursdays
- 09:00 to 01:00 Fridays and Saturdays

THE SITE AND ITS LOCATION

The application site is a Grade II Listed Building situated within Warwick Town Centre and the Warwick Conservation Area.

PLANNING HISTORY

W/17/1033 - Change of use from Retail (Class A1) to a mixed use of Retail (Class A1), Restaurant and Cafe (Class A3), Drinking Establishment (Class A4) and the sale of food and drink for consumption on or off the premises. - Granted 20.08.2017.

W/16/0330 - Change of use from A1 retail to mixed use A1 retail and A3 restaurant (Sui Generis) – Withdrawn 28.04.2016

W/15/1496 - Change of Use from A1 Retail to a Mixed Use of A1 Retail and A3 Café – Withdrawn 13.11.2015

RELEVANT POLICIES

- National Planning Policy Framework
- The Current Local Plan
- BE3 - Amenity (Warwick District Local Plan 2011-2029)

SUMMARY OF REPRESENTATIONS

Warwick Town Council - Objection. Residents' objections raise concern and current licensing needs to be reviewed.

Environmental Health - Objection.

- Environmental Health received reports from local residents of unacceptable noise, disturbance and antisocial behaviour late into the night.
- When investigating the complaints, Environmental Health Officers observed that the premises were open until 1am, well beyond the 11.30 closing time stipulated in condition 3 of planning permission ref: W/17/1033. Antisocial behaviour by the establishment's customers was also observed.
- The bar has provided door staff to attempt to manage the customers outside the door, but this has failed to alleviate disturbance to an acceptable level.
- The planning permission granted in 2017 envisaged a mixed use with eating and drinking until 11.30pm. Collective observations confirm that it has become a bar. The premises' current opening times (in breach of Condition 3) attracts antisocial behaviour, impacting on the well-being of close neighbours. We have no confidence that the applicant can manage customers to be unobtrusive.
- The way to remove the noise problem from the street drinkers / smokers associated with this bar late at night is to enforce the existing planning condition not to accommodate it by removing or weakening the condition.

CCTV - No objection.

Warwickshire Police, Designing Out Crime Officer - No objection.

Public Response -

19 separate responses of objection from 10 addresses have been received on the following grounds:

- Residents raise concerns over the level of noise and antisocial behaviour generated from the bar late into the night.
- The opening of the Iron Works has changed the character of the area. What was a brilliant place to live has become stressful and noisy.
- Neighbours do not feel safe parking our cars at Market Place due to antisocial behaviour outside the bar.
- Neighbours are unable to tolerate the bar. Most of the support comments are coming from those who do not live close to the pub.
- Neighbours understand that some noise is part and parcel of living in the town centre, but the issue now is that the bar is disturbing people.
- Despite the efforts from the owner to enforce rules to limit noise and disturbance, the situation has not improved. The staff do not follow the rules.
- The bar is now beginning to affect resident's health due to lack of sleep.
- It has become intimidating to walk past the bar due to drunken people outside. The street is dirty from vomit, alcohol, urine, cigarette ash and butt ends etc associated with the bar.
- Drinking places belong in Market Square, where the businesses manage their customers better.
- It is almost certainly the case that the future of the area designated for retail use will depend upon the encouragement of residents to live in those areas. Therefore, everything possible should be done to encourage residencies, rather than the reverse.
- Warwick Relief in Need Charity raise concerns that demand for their rented accommodation will likely reduce due to the negative impacts of the bar on the resident's quality of life.
- The increase in taxis passing by the venue looking for business, slowing down and speeding off and running engines has added to the late night noise in the street which used to be minimum.
- The venue applied for a food venue/cafe licence and it has never served food or made any visible attempt to.
- Nearby businesses have been negatively effected by the customer's antisocial behaviour.

14 separate responses of support have been received from 12 addresses on the following grounds:

- The bar makes a positive contribution to the town by providing a late night place for drinking and socialising. The bar has brought diversity to the town. In order to thrive as a town it is important to have a nightlife.
- Some neighbours consider the noise and disturbance from the premises to be acceptable.
- The bar makes Warwick Town Centre better as it is different to the other bars.
- Restrict the opening hours would make customers travel into Leamington for a later evening drink.
- The Iron Works is a local asset, generating revenue and good-will.
- Allowing the premises to remain open for longer will bring it in line with several other licensed premises around the Market Square such as the Rose

and Crown, The Globe, The Tilted Wig - all of which are open beyond 11pm on Saturdays. Noise can and should be addressed through positive engagement with Ironworks and, whilst this is a serious issue and should be dealt with, it does not provide sufficient grounds not to grant an extension to the opening hours of the premises.

ASSESSMENT

It is considered that the key issue to be assessed in the determination of this application is the impact of the increased opening hours on the amenity of the occupiers of nearby properties.

Impact on the amenity of neighbouring properties

Warwick District Local Plan Policy BE3 requires all development to have an acceptable impact on the amenity of nearby users or residents.

In recent months the premises has been operating in breach of Condition 3 (restricting opening hours from 0800 to 2300 on all days), remaining open until late into the night. Environmental Health have received complaints from neighbours and subsequently carried out an investigation. Environmental Health Officers have confirmed that the neighbours' complaints are genuine and have submitted a strong objection to the proposed variation of Condition 3 to extend the business's opening hours.

The Environmental Health Officer considers that an extension to the opening hours which would enable the business to operate later into the night, would cause an acceptable level of harm to the amenity of the neighbours by virtue of increased noise, disturbance and antisocial behaviour. Environmental Health and neighbours acknowledge that efforts have been made to reduce the noise generated by employing a doorman, but it is considered that this has failed to curtail disturbance to an acceptable level.

Consequently, Environmental Health Officers have no confidence that the applicant can manage customers to be unobtrusive. It is therefore considered that the way to remove the noise problem from the street drinkers/smokers associated with this bar late at night is to enforce the existing planning condition not to accommodate it by removing or weakening the condition.

Warwick Town Council and residents of 10 nearby addresses have submitted objections to the application. Neighbours consider the location of the premises to be inappropriate for a mixed use business on the basis that there are many residential properties in close proximity to the site whom are subject a level of disturbance beyond what is reasonably expected from living within a town centre location. A number of local residents have expressed that the character of the area has been changed and the street now feels less safe at night due to customers regularly drinking out on the street. Increased demand for taxis has also increased the noise from traffic late at night. Residents do not consider it safe to park their vehicles outside the premises due to customers' regular antisocial behaviour. It is also considered that the business's operations will discourage residents from moving into the area, having a direct impact on the future of the area designated for residential use.

The Town Council considers that the concerns of the neighbours needs to be addressed and the licensing of the premises needs to be reviewed.

Warwickshire Police and WDC CCTV have raised no objection to the scheme.

14 support comments from 12 local addresses have also been received. Local residents consider The Iron Works to have had a positive impact on the local area, providing a unique late night place for drinking and socialising. It is considered that bar has brought diversity to the town and in order to thrive, it is important to have a nightlife. A number of local residents consider the level of noise and disturbance from the business to be acceptable. One supporter of the scheme suggests that positive engagement with the business is a better way to deal with the noise issue, they consider that the issue of noise does not provide sufficient grounds not to grant an extension to the opening hours of the premises.

Taking all of the comments into consideration, it is considered that an extension to the opening hours of The Iron Works would cause unacceptable harm to the amenity of the neighbours. Market Place accommodates a high number of residential properties, many in very close proximity to the site. Given that The Iron Works is located within a mixed use retail and residential area, it is considered an unsuitable space to accommodate a drinking establishment that is open late into the night beyond 11pm. It was acknowledged within the assessment of planning application ref: W/17/1033 that use of the premises as a mixed A1, A3 and A4 use could potentially impact on the amenity of the neighbours. Therefore, the imposition of Condition 3 to prevent closing time beyond 11pm was considered necessary in order to protect neighbour amenity.

To vary this condition to extend the opening hours would result in an unacceptable form of development which would have a negative impact on the amenity of the neighbours by virtue of increased noise and disturbance for prolonged period of time. The proposal therefore fails to satisfy the criteria of Local Plan Policy BE3 and is recommended for refusal.

REFUSAL REASONS

- 1 Warwick District Local Plan Policy BE3 requires all development to have an acceptable impact on the amenity of nearby users or residents.

In the opinion of the Local Planning Authority it is considered that the proposed extension to the opening hours would result in material harm to the living conditions of neighbouring residents by reason of noise, disturbance and anti-social behaviour derived from customers leaving and congregating outside the premises late into the night.

The permitted hours, 0800 - 2300, are considered appropriate for the location of the site in a mixed commercial and residential part of the town centre in order to strike an acceptable balance between the commercial and residential role of this part of the town centre. To permit the business to open later into the night, on all days of the

week, would result in an unacceptable form of development which would fail to comply with Local Plan Policy BE3.

The proposal is thereby considered to be unneighbourly and contrary to the aforementioned policy.

Application No: [W 19 / 1310](#)

Town/Parish Council: Leamington Spa
Case Officer: Rebecca Compton

Registration Date: 01/08/19

Expiry Date: 26/09/19

01926 456544 rebecca.compton@warwickdc.gov.uk

William Wallsgrove House, 26 Lillington Road, Leamington Spa

Change of use from an 11 bed hostel (sui generis) to a hostel for up to 30 people (sui generis)(retrospective). FOR Housing Services

This application is being presented to Committee due to the number of objections and an objection from the Town Council having been received.

RECOMMENDATION

Committee is recommended to grant planning permission subject to the conditions set out at the end of this report.

DETAILS OF THE DEVELOPMENT

This application seeks retrospective permission for a change of use from a hostel that accommodates up to 11 people to a hostel that will accommodate up to 30 people. The hostel seeks to provide accommodation for homeless people and particularly rough sleepers. The applicant has indicated that the hostel is intended to be used for up to 22 people at any one time and shall only accommodate up to 30 people during severe weather conditions. The application is accompanied by a management plan which sets out the house rules and protocols associated with the operation of the hostel. This application also includes other retrospective works associated with the change of use that includes a rear smoking shelter and extension to the existing parking area.

THE SITE AND ITS LOCATION

The application relates to a large detached hostel that accommodates members of the homeless community. The site is situated within a predominantly residential area along Lillington Road between the junctions with Wathen Road and Champion Road, the rear of the site backs onto Waller Street. The site is situated in the Royal Leamington Spa Conservation Area.

PLANNING HISTORY

No relevant planning history.

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)
- HE1 - Protection of Statutory Heritage Assets (Warwick District Local Plan 2011-2029)
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- DS5 - Presumption in Favour of Sustainable Development (Warwick District Local Plan 2011-2029)
- HS7 - Crime Prevention (Warwick District Local Plan 2011-2029)

Guidance Documents

- Parking Standards (Supplementary Planning Document)

SUMMARY OF REPRESENTATIONS

Royal Leamington Spa Town Council: Object on the grounds of impact on neighbouring amenity and detrimental effect on the Conservation Area.

WDC Environmental Health: No objection subject to the management plan being conditioned.

WDC Waste Management: Recommend the existing waste storage provision is increased.

Warwickshire Police: No objection subject to conditions requiring CCTV cameras, strict no drugs/alcohol policy and a register to be kept of people who attend and stay at the premises.

Public response: 43 objection letters have been received from local residents raising the following concerns:

- The hostel is situated in an inappropriate location close to houses, pubs, off licenses, late opening shops
- The hostel was opened without consultation from the neighbouring residents.
- Following the opening of the hostel in 2018 there has been an increase in anti-social behaviour, threatening behaviour, breakings in to homes and cars in the locality.
- There has been an increase in crime since the opening of the hostel in 2018 including an increase in the reported number of incidents to the police.
- Proposal does not comply with the Council's Housing and Homelessness Strategy 2017 being situated in a residential area.
- The hostel's strict no drink and drugs policy has led to the residents of the hostel occupying the surrounding streets.

- Increase level of disturbance to local residents regarding noise and traffic
- The size of the hostel is unmanageable for the staff and concerns from residents are not addressed.
- Whether the hostel should be considered a HMO.
- Detrimental to the character and appearance of the Conservation from the installation of additional parking to the rear, bin store located to the front of the premises, bars on windows and overall deteriorated state of property and surroundings.
- Increased litter in surrounding area including drink and drugs paraphernalia.

ASSESSMENT

The key issues considered in assessing this application are:

- The Principle of Development
- Design and impact on the character of the area and street scene, including the character and appearance of the Conservation Area
- Impact on the amenity of neighbouring residents
- Refuse
- Highways and parking
- Other matters

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 provide a social benefit from the services it offers to the homeless community. Given that there are no policies that would in principle prevent this use in this location, the Presumption in Favour of Sustainable Development set out in Policy DS5 should apply. Therefore, subject to meeting other policy requirements, the principle of the proposal in this location accords with the development plan

Section 254 of the Housing Act 2004 defines the meaning of a House in Multiple Occupation (HMO) and provides a list of buildings that should not be considered as a HMO, this includes buildings that are managed by a Local Housing Authority. The application site is managed by Warwick District Council and therefore meets this exception. There is therefore no requirement to assess this application against the Council's adopted Local Plan policy H6 which seeks to determine the acceptability of new HMO's.

Design and impact on the character of the area and street scene, including the character and appearance of the Conservation Area

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 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 195 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 Warwick District Local Plan states that development will not be permitted if it would lead to substantial harm to or total loss of the significance of a designated heritage asset, unless it is demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh the harm or loss, or if criteria listed within the policy have been satisfied. Where 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, including securing its optimum viable use.

No external changes are proposed to the building. The application includes retrospective works to the rear garden that includes an extension to the parking area and the erection of a smoking shelter. Concerns have been raised that these works are detrimental to the character and appearance of the Conservation Area. The rear parking area has replaced an existing paved area, the replacement of this to a parking area is not considered to detract from the historic significance of the Conservation Area. In addition, there is an existing parking area to the rear of the building and therefore is in keeping with the character and appearance of the existing building. The smoking shelter is situated fully to the rear of the building and there would be minimal views of the structure from the street scene. The smoking shelter is considered appropriate in the context of the use of the existing building and would encourage residents to utilise the hostel grounds rather than occupy the surrounding streets, which has been a concern raised by local residents.

The smoking shelter and parking area are not considered to have a harmful impact on the character and appearance of the street scene or the Conservation Area.

The proposal is considered to comply with policy HE1.

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.

Policy HS7 requires developments to minimise the potential for crime and anti-social behaviour and improve community safety.

The proposals are part of service to be run and managed by Warwick District Council as part of the Council's commitment to reduce the level of rough sleeping in the District. A management plan has been submitted with the application that clearly outlines how staff, residents and visitors have to adhere to rules and regulations to ensure a safe and respectful environment is maintained in and around the premises. There are procedures put in place to manage behaviours that do not adhere to the rules and procedures.

Noise and disturbance

Concerns have been raised by neighbouring residents regarding the increase in noise and disturbance, resulting from groups of people loitering in the surrounding streets. The Environmental Health Officer has stated in his response that "we are aware that there have been complaints from local residents since the increase of occupancy in August 2018. We are mindful of the potential noise impacts that may arise from patrons using the premises and the immediate surrounding streets" An updated management plan has been submitted to address concerns from residents regarding noise. The management plan includes measures to minimise noise disturbance such as restrictions on the playing of music and the use of audio devices, last entry times, limits on the number of people allowed to exit the property at night and for how long and occupancy conditions prohibiting nuisance behaviour in the local vicinity. Environmental Health are satisfied that the management plan provides sufficient measures to address noise concerns and as a result they have raised no objection subject to the development operating in accordance with the management plan.

Crime and anti-social behaviour

Concerns have been raised by neighbouring residents regarding the increase in break-ins in the area, criminal damage to properties and threatening and intimidating behaviour towards local residents.

Warwickshire Police have been consulted as part of this application. Their response notes their role as a statutory partner agency under the Crime and Disorder Act to support Warwick District Council's Housing and Homelessness Strategy 2017-2020. The role of the Police in supporting the Council's strategy recognises the importance of tackling homelessness (and in particular rough sleeping) in addressing crime and anti-social behaviour in general across the District.

According to data provided by the Police, the total number of incidents relating to anti-social behaviour since the opening of the hostel in 2018 has risen by 72%. Of the 41 incidents reported in that time 14 have been directly related to the application site. However, Warwickshire Police have raised no objection to this application subject to conditions requiring additional measures to reduce opportunities for anti-social behaviour. These measures include CCTV, a register

of persons who attend and stay at the premises and a strict no alcohol and drugs policy. The management plan submitted states these measures are in place at the premises to reduce opportunities for crime. It should also be noted that Warwickshire Police work closely with the Housing Team to reduce opportunities for crime and anti-social behaviour at William Wallsgrove House. Therefore, whilst there are concerns from local residents that the additional number of people at the hostel will lead to an increase in anti-social behaviour in this area, it is considered that there are sufficient procedures in place as detailed in the management plan to reduce opportunities for such behaviours and that with ongoing cooperation between the applicants and the police, instances can be effectively addressed.

With regard to on site security, several security measures have been put in place which include electronically controlled doors to the front entrance, alarmed external doors and regular patrols of the internal and external spaces by staff members. A minimum of two staff members are on site at all times. The property benefits from CCTV cameras that cover the internal and external areas of the building so staff members can monitor residents and visitors for their safety but to also ensure they comply with the hostel rules. These security measures are considered appropriate to minimise the potential for anti-social behaviour and crime prevention in accordance with Policy HS7.

Litter

Several objections have been received regarding the increase in litter in the surrounding areas following the opening of the hostel in 2018. The management plan states that staff patrol the surrounding streets 3 times a week and remove litter on these patrols.

The management plan submitted will be conditioned to ensure the procedures and measures put in place will be implemented in full.

Overall, it is the view of officers that the management plan will provide an effective means of ensuring that impacts on local amenity can be effectively managed and minimised and that therefore the proposals would be in accordance with Policies BE3 and HS7 of the Local Plan and the aims and objectives of the National Planning Policy Framework.

Refuse

The existing building benefits from four bins comprising of two 1100L bins and two 240L bins that are situated to the front of the property. Waste Management have been consulted who have recommended that the existing provision is doubled to accommodate the additional residents. Discussions are ongoing with the applicant regarding refuse and committee members will be updated on this matter prior to the committee meeting.

Concerns have been raised by local residents regarding the location of the bin store to the front of property and becoming an eyesore in the Conservation Area. These concerns have been considered and it is considered appropriate to request

a screen in this location to limit the views from the street of the refuse storage area. Details of the screening will be secured by condition.

Highways and 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.

Residents have raised concerns regarding the potential increase in traffic associated with the increase in residents. In consideration of the nature of the use of the building as a hostel for the homeless community, the residents would not typically benefit from private vehicles.

The application seeks to provide an additional 4 spaces to the rear of the building for the benefit of staff and visitors and would result in a total of 8 spaces. Based on the number of staff that will be on site at any time detailed in the management plan, the number of spaces is considered adequate to accommodate staff and visitors. It should also be noted that being in a town centre location, visitors will have links to public transport and public car parks.

The development is considered to be in accordance with Policies TR1 and TR3 of the Local Plan.

Other matters

Concerns have been raised from residents regarding the hostel being located in a residential area and in close proximity to drinking establishments and late opening shops. The applicant has assessed other alternative sites that could meet the need. These were found to be either not suitably located or not of a sufficient size. The application site is situated within a short distance of the town centre so current rough sleepers can easily access support and is situated within close proximity of services required for rehabilitation of the current residents. Therefore, it is considered that the location of the hostel is appropriate in this case.

Conclusion

In considering this application, it is necessary to balance the risk of increased anti-social behaviour in the vicinity of the hostel against the significant social benefits that the hostel brings to the District and in particular to homeless, rough sleepers. As set out above, there has been an increase in anti-social behaviour and noise complaints since the opening of the hostel in 2018. Whilst this has had a negative impact on the amenity of local residents, it is considered that the management plan that has been submitted with the application, provides clear, effective and enforceable measures which will significantly reduce the risk of ongoing impacts on amenity.

Noting that the applicants have undertaken an assessment of alternative sites which has shown that this is the only available, suitable site that can meet the need for a hostel of this type, it is the view of officers that the wider benefits that the proposal will bring by providing 22 bedspaces for rough sleepers, significantly outweighs the risk of future impacts on amenity, particularly as there are

mechanisms proposed to enable the management of those impacts. The planning statement submitted by the applicants explains the benefits, noting that the facility “plays a major part of Warwick District Council’s (WDC) proactive approach to tackling rough sleeping and operates in line with the government’s Rough Sleeping Strategy agenda of eradicating homelessness”. The Planning Statement further explains that rough sleepers are often amongst the most vulnerable in our society and that hostel facilities are an important part of the approach to reducing rough sleeping in the District’s towns and thereby providing an opportunity to support vulnerable people to improve their wellbeing and quality of life. This includes those who may need relief from rough sleeping in harsh weather conditions, or those who have experience mental health issues, forced marriage or domestic violence.

Taking all these factors in to account, and noting that neither the police nor environmental health object to the application, officers are of the view that the planning balance clearly weighs in favour of granting planning permission subject to the conditions.

CONDITIONS

- 1 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) AT/WWH/03 - Proposed basement & ground floors, AT/WWH/03 - Proposed first & second floors, AT/WWH/05, and specification contained therein, submitted on 01st August 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.
- 2 The development hereby permitted shall be implemented in full accordance with the approved Management Plan submitted on 5th September 2019. **REASON :** To secure a satisfactory form of development in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.
- 3 The development hereby permitted shall not be occupied unless and until details of a screen to the bin storage area to the front of the building have been submitted to and approved in writing by the Local Planning Authority and shall be fully installed in accordance with the approved details. The screening shall remain in situ at all times thereafter. **REASON:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029.
