

## **Planning Committee: 28 February 2023**

### **Observations received following the publication of the Agenda**

#### **Item 05: W/22/0860 – Land At Althorpe Street, Leamington Spa**

##### Points of Clarification

In the recommendation section on Page 1, reference has been made to the Head of Development Services. This post is now titled Head of Place, Arts and Economy.

On Page 11, the report refers to WDC adopting the Canalside DPD. That is not correct. WDC have approved a pre-submission DPD for submission to the Secretary of State but have not submitted it.

##### Additional Consultation Responses

WCC Infrastructure: Request for a Section 106 Contribution towards bus service improvements totalling £145,600 over 5 years.

WDC Open Space: Request for a Section 106 Contributions towards Open Space Improvements of £712.416.

##### Public Response

At the time of completion of this report, an additional 617 objection comments have been received. The comments raised reflect those made in the original list of comments detailed within the Committee Report.

##### Leamington Society additional comment

This regards the viability of a " car free" development with respect to parking for the proposed creative hub office workers and the impact on residential amenity policy BE3.

The developer's Transport statement makes no mention of how the "car-free" offices will be policed for the creative workers at the site.

At other creative hub locations in town, there is evidence that parking is an issue.

At 1 Mill St creative co-working space, a submitted parking survey for a neighbouring property shows parking stress has recently increased to unprecedented levels (144%) on an unrestricted nearby street.

At The Fold on Spencer St (the old United Reform Church, currently under construction). There are just 7 parking spaces, when the Parking SPD specifies 88.

According to the Cabinet report a year ago, in order to conclude lease negotiations, WDC agreed to give The Fold's developer (CDP) and other Spencer Yard tenants 5y of free parking permits worth £128k.

These creative hubs are in sustainable town centre locations yet still exhibit signs of parking issues, so there seems little hope for a "car-free" creative hub, at the far end of the town centre boundary.

### Questions from Councillors

Questions (in black) raised by a Member of Planning Committee regarding the application in advance of the meeting and answers provided (in blue) from the Case Officer:

1. Parking Survey. Could you confirm if the survey submitted and on which the report is based does conform to WDC's required methodology? I was struck by Robin Richmond's serious concerns on this issue and not sure they have been dealt with in the report.

The parking survey was undertaken at times outside of those required by Appendix A of the adopted parking standards. However, given that the proposal is located in an employment area where the parking demand is highest within the business day, the Highway Authority has considered that the survey is appropriate and provides the necessary information in order for an assessment to be made.

A parking survey carried out overnight in this location wouldn't have highlighted the parking issues that we are concerned about, therefore would have been pointless. The car-free nature of the scheme would also negate the issues of parking stress.

2. Student Parking. Has any assessment been made of how successful the Unilateral Undertaking approach at the Union has actually been in limiting student car ownership ? A recent Inspector's report threw considerable doubt on the credibility of this tool.

This is a car free development supported by a management plan to ensure that students occupying the accommodation do not bring them to site. If the occupiers chose to park in unrestricted areas, that is within their right as is any other road user. I nor WCC are aware of any studies having been undertaken, but WCC have advised that they are unaware of any continuing complaints being made in respect of student parking in other areas of the County including the Union.

There was a WDC planning enforcement investigation concerning this issue in 2017 however there are no known reports of non-compliance since that time.

3. As I understand it the proposal is for 18 new HMOs and 230 self-contained student flats. Will all these be strictly reserved for students or open to non-students? Will all be subject to the Unilateral Undertaking (which would seem to debar most potential non-student tenants - see next point)?

The proposal is put forward as student accommodation and will be managed by specialist student accommodation operators. It is my understanding that this would be for occupation by students only.

4. General Parking in Althorpe Street. If mainly daytime business parking today for businesses employing 75 is already at full capacity, or worse, as Mr Richmond suggests, how is parking for the employment of up to 135 employees plus visitors in the new development going to be absorbed?

The site will be subject to parking restriction in the same way as the student accommodation and this will be managed by the site operators for the commercial element. The Management Plan for the commercial parking will be secured through the Section 106 Agreement.

The parking restrictions proposed through the Highways contribution are to protect the footways and crossing areas. Currently there are several illegally parked vehicles obstructing these areas which ideally should be the subject of enforcement. It should be noted that the parking survey indicates that around 10 vehicles would be displaced by the proposed parking restrictions, not 135 as suggested. The daytime parking survey again proves to be correct as it has identified that there is sufficient capacity in neighbouring streets and carparks to accommodate this small number of displaced vehicles.

5. What alternative provisions have been made to relocate existing commercial tenants to suitable premises?

This is an important matter which isn't a material consideration in the assessment of the application. However, I understand from the applicants that the landlords are seeking to relocate as many of their tenants as possible.

6. George Street, Mill Street, Priory Terrace and Church Street are all mixed residential areas and most obvious and direct routes to and from central Leamington from Althorpe Street, risking the sort of nuisances which policy H6 is in place to minimise. Is there any evidence locally or from other student towns that the suggested route-signing solution will work?

I am not aware of other sign-posting that has been used for this specific purpose. There are way-post signs installed within the Town Centre for identifying locations within the Town Centre and these appear to have been successful in guiding members of the public to different areas.

It may be possible to incorporate approved routes into the Management Plan/Student Contracts so that potential disruption can be actively managed.

7. If the ground floor commercial spaces prove hard to let, would there be any measure which could stop their conversion to more student accommodation in due course?

Any proposal to change the ground floor use would be subject to assessment against the requirements of Policy TC12.

8. Are there any special circumstances which we need to be aware of and weigh in the balance, against the clear breach of local Plan Policies being breached, such as H6 (Student concentration) and T12 (Employment land allocation)? Such as strong demand for student accommodation in South

Leamington which cannot be met elsewhere? Or likewise for creative businesses or offices? Or are properties in Althorpe Street standing empty?

The assessment of the policy is set out within the report. Members should consider the assessment and consider whether they feel there are other circumstances within the Policy that outweigh the approach taken by Officers.

**Item 06: W/22/1036 - Kenilworth Lodge, Leamington Road**

Condition 4 which refers to the submission of a hard and soft landscaping scheme has been amended to include specific reference to the south-west boundary with Leamington Road as well as wider hard and soft landscaping works.

An additional condition requiring the submission of a Sustainability Statement has been attached.

**Item 07: W/22/1202 - Telent, Point 3, Haywood Road, Warwick, CV34 5AH**

Questions from Councillors

Questions (in black) raised by a Member of Planning Committee regarding the application in advance of the meeting and answers provided (in blue) from the Case Officer:

1. CC1 b) in the Local Plan talks about the objective of "the inclusion of the following adaptation measures where appropriate.....optimising the use of multi-functional green infrastructure (including water features, green roofs and planting)" and in 5.106 of the important ecological role of green infrastructure. The brief indication of climbing plants on the west wall is to be welcomed. Could this 'green wall' proposal be defined and strengthened by extended along the full length of the long side of the car park visible from the road, even replacing if appropriate the 'contemporary' but non biodiverse aluminium cladding?

*The applicant originally intended to utilise climbing plants along the more sensitive elevations as requested. However, the applicant was advised during the course of the application that the plants pose a fire risk as the plants could die during summer months and catch fire in periods of extreme heat. As a result, they were removed from the majority of the proposal. In addition, Officers had concerns from a visual perspective as the planting could take several years to mature and provide suitable screening, whilst the cladding system proposed provides immediate screening.*

2. Is there scope to add any more trees than the six replacements proposed to the site for the same reasons?

*Whilst it is considered that the trees proposed would provide adequate visual screening of the proposal and replace biodiversity lost on the site as part of the proposal, the applicant has stated that they would be willing to plant further trees. This can be secured by condition 7.*

3. What is the planned provision for EV charging points and will infrastructure be built in to support more as demand rises?

*The proposal will provide EV charging points for 10% of parking spaces, (with at least one for every 10 disabled bays), plus one rapid charging unit (43kW/50kW) per 50 spaces, in compliance with Warwick District Council's Air Quality SPD. The applicant has stated that, in reality, the infrastructure will be installed from inception to allow for a maximum provision of EV charging to suit demand.*

4. What is the provision for renewable energy generation such as solar panels across the carpark, to support EV charging, offset embedded carbon and reflect the provisions of our emerging Climate Change DPD? Have any discussions been held with the applicant/user regarding the financial as well as general emission benefits of such a feature? Could that also make possible a partly 'green roof' incorporating panels?

*Whilst the Climate Change DPD is emerging, there is unfortunately no policy grounds for requiring that provision at this point and no discussions have taken place. However, it should be noted that the building proposed would use very little energy as it would be an open sided structure, with no heating. Furthermore, under planning permission W/22/0602, granted on 14th October 2022, TELENT have agreed a substantial refurbishment of their adjacent office to greatly improve the energy sustainability of that building to become fossil free and improve the wellbeing resources for all employees with a new reception and café area.*

5. Could condition 7 be adjusted to make the carpark user responsible for maintaining all approved green infrastructure in perpetuity not just the first five years?

*A 5 year period is the maximum period which can be used for this form of condition. The site is private land and the responsibility for maintaining the approved planting will be the landlord or the occupier of the building.*

## **Item 08: W/22/1365 – Kenilworth Service Station**

### Questions from Councillors

Questions (in black) raised by a Member of Planning Committee regarding the application in advance of the meeting and answers provided (in blue) from the Case Officer:

1. The precise current and planned locations of the air/water services on the site together with access routes?

*Currently the air/water services are located to the north-east of the site. The proposal re-locates the air/water services adjacent to the last EV charging bay to the north of the site. Please note this can be seen on drawing KENWTH-WPS-MFG-540-P-03C alongside the unchanged access arrangements.*

2. The rationale for having any canopy over the planned EV charging points compared with other points in the District?

*The canopy has been omitted throughout the course of the application. As per revised drawing KENWTH-WPS-MFG-540-P-04A*

3. The rationale for the canopy being 3m high and illuminated, given the adjacent mini-shop and the mainly daylight operating hours?

*The scheme has been amended to omit the canopy originally proposed over the EV charging points, the canopy has been replaced with a 2.0m screen which would be permitted development under Schedule 2, Part 2, Class A of the GPDO and would not require planning permission.*

4. How many spaces will be available, if this plan is approved, on site for cars visiting the mini-shop compared with the current parking provision for these customers?

*As per the report, for the purposes of this assessment, the Council's Parking SPD states that for a shop of this size, 8 parking spaces are required. However, it should be noted that this is the requirement for a standard shop, whilst the application site relates to a retail kiosk at a fuel station. It is considered that a pragmatic approach would be to provide some flexibility on this requirement since many of the trips to the kiosk will be combined with the purchase of fuel whereby the car will be parked at the pump rather than in the car parking spaces.*

*Officers note that whilst the existing parking provisions are proposed to be replaced with EV charging points, 3 'general' parking bays are provided elsewhere within the application site. Officers are mindful that this does not replace the 4 parking spaces that currently exist, however, it is noted that the parking requirement for the shop should be relaxed with more customers to the kiosk likely to be purchasing fuel and parking next to the pump. In this scenario it is considered that 3 spaces is sufficient.*

5. How many public EV charging points are already provided or planned elsewhere within the Kenilworth Town central area?

*Unfortunately, this information is unknown, nor has it been provided as it's not felt to be relevant to the assessment of this application.*

### Points of Clarification

Officers are mindful that the boundary of the application site clips the adjacent Conservation Area, however it is considered that the proposed works would not cause material harm to the surrounding area.

### **Items 9&10 – W/22/1762 and W/22/1763/LB – 41 Portland Street**

These items have been withdrawn from the agenda.

### **Item 11: W/22/1889 – Green Acres, 34 Bridge Street, Barford**

No updates to report.

